man who fills it. Thus it is one thing at one time and something very different at another time, depending on the man and on the circumstances under which he is called upon to govern. Some Presidents have deliberately refrained from exercising the full power which they might legally have done, either from conscientious scruples or because they were theorists, holding to the "literary theory" of the Constitution and acting as if they thought Pennsylvania Avenue should have been even longer than it really is, rather than practical statesmen conscious of power and fearless of responsibility. He estimates the importance of the office in its true light, when he concludes that henceforth it must be regarded as one of the greatest in the world, and that the incumbent must be one of the leading rulers of the earth, and not merely a domestic officer as was once the case. He must stand always, says Mr. Wilson, at the front of our affairs; and the office will be as big and as influential as the man who occupies it.

Following English analogies further, Mr. Wilson characterizes Congress as a "reformed and properly regulated Parliament." He discusses, somewhat in the manner of his earlier work on Congressional Government, the legislative methods of Congress as compared with those of the British Parliament, showing how Congress has nothing to do with the making or unmaking of "governments," yet how it takes a leading part in the conduct of government without assuming the responsibility of putting its leaders in charge of it. Evidently Dr. Wilson considers the English method by which the government (the ministry) — a body of experts on the practicability and necessity of legislation — are associated with the legislature in the work of legislation, a distinct improvement upon the American method according to which the separation of legislative and executive functions is strictly maintained. In its effort to make itself an instrument of business, to perform its function of legislation without assistance or suggestion, to formulate its own bills, digest its own measures, originate its own policies, Mr. Wilson declares the House of Representatives has in effect silenced itself (p. 109). In his estimate of the Senate, the author shows a spirit of fairness and insight too often lacking in treatises on American government. The Senate, in his opinion, has been too much misunderstood and traduced and too little appreciated. Those who criticize this body because in some cases it represents "rotten boroughs" instead of population, fail to grasp the real

COURTS, CONGRESS, AND EXECUTIVE.*

President Woodrow Wilson's volume on the important subject of Constitutional Government in the United States is made up of a series of eight lectures delivered by him at Columbia University last year. In his usual masterful style, President Wilson discusses some of the more salient features of the American political system from a "fresh point of view and in the light of a fresh analysis of the character and operation of constitutional government." From a consideration of the meaning, essential elements, and distinctive institutions of a constitutional system, he passes in review the constitutional development and present character of the United States government. In a chapter on the Presidency he analyzes in a searching and logical manner the office of President of our Republic, the incumbent of which he says was intended to be a "reformed and standardized king, after the Whig model." He points out that it is easier to write of the President than of the presidency, since the office varies in character and importance with the strength and personality of the

* CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES. By Woodrow Wilson. Columbia University Lectures, George Blumenthal Foundation, 1907. New York: The Macmillan Co.

situation. The element of population is duly represented in the Lower House; while the Senate is intended to represent regions of country, or rather the political units of which the nation is composed. It is no argument to say that because these units are sparsely settled they should be less represented than the older and more populous regions. They have the same economic interest in the general policy of the government that the older regions have. Sections therefore, irrespective of population, especially in a country with such physical variety as ours, and consequently possessing such widely different social, economic, and even political conditions, must be represented as well as masses of population. As a body, moreover, the Senate, in virtue of its peculiar construction, fills a place and subserves a purpose unique and indispensable.

The discussion of the Senate and House of Representatives is followed by a consideration of the Courts, which constitute the "balance-wheel of the whole constitutional system." The distinctive functions and methods of procedure peculiar to the American judicial system are contrasted with those of England, and the merits and demerits of each are analyzed. In discussing the efficiency of the American system, Mr. Wilson raises the question whether our courts are as available to the poor as to the rich, or whether, in fact, the poor are not excluded by the cost and length of judicial processes. Thus, he says:

> "The rich man can afford the cost of litigation; what is of more consequence, he can afford the delays of trial and appeal; he has a margin of resources which makes it possible for him to wait the months, it may be the years, during which the process of adjudication will drag on and during which the rights he is contesting will be suspended, the interests involved tied up. But the poor man can afford neither the one nor the other. He might afford the initial expense, if he could be secure against delays; but delays he cannot abide without ruin. I fear that it must be admitted that our present processes of adjudication lack both simplicity and promptness, that they are unnecessarily expensive, and that a rich litigant can almost always tire a poor one out and readily cheat him of his rights by simply leading him through an endless maze of appeals and technical delays" (page 153).

Most of us will agree with him that it is a shame and a reproach that we have not brought our courts nearer to the needs of the poor man than they are, and that the most pressing reform of our system lies in this direction.

In two final chapters, President Wilson considers the relation of the States to the Federal Government and the subject of Party Government. Apparently he does not sympathize with some of the recent tendencies toward Centralization. Of the Federal Child-Labor bill which was before the last Congress, he observes that if the power to regulate commerce between the States can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and activities of the country. Doubtless it could; and it might be better for the people, for whose welfare government is created, if it did embrace some of them. But as to this, there is a wide difference of opinion.

JAMES WILFORD GARNER.