

entreprise ils restent étrangers les uns aux autres et ne forment pas de société entre eux, comme les différents associés d'une société en commandite.

Cet aperçu rapide sur la société en commandite n'est que trop incomplet, mais l'espace dont nous disposons ne nous permet pas de signaler tous les points intéressants de cette matière, beaucoup moins encore de nous y étendre longuement.—*Félix M. Bing, Genève, in Law Journal.*

IS A 'DECLARATION OF WAR' NECESSARY?

Like many other problems which are unsettled in the domain of international law, the final rules which shall govern the inception and maintenance of war have never been satisfactorily stated. Thus Phillimore says there is no declaration required, a point which Calvo disputes. Both are reinforced in their opinions by noted publicists, and both are clearly logical and convincing.

Reviewing the positions of each, it is wise to follow the queries which the English writer suggests as a gauge or test of the truth.

1. What was the practice of antiquity?
2. What is the expression of the books?
3. What is the practice of moderns?
4. What is the reason of the thing?

The answers to the first two propositions will not be conclusive. Undoubtedly with less enlightened peoples a declaration was unknown; just as certain it is that the Greeks and Romans recognised its utility. 'Hear, Jupiter! and thou, Juno, and ye also, Gods of the Sky, of the earth and of hell,' cried the *pater patratus*, as he hurled his javelin across the border of the enemy's territory. 'I swear before you that this people is unjust and refuses to fulfil its obligations.'

Such was the wonted challenge of the fecial priests at the frontier, and hostilities continued without this introduction were not characterised as 'war.'

The custom has its weight as practised by a nation which rose to a high degree of culture along the lines of ancient civilisation, but is far from rendering important assistance in settling the practicability or rightness of similar formalities at the present day. As for the books, it has been suggested already that they are widely divergent, the authority of Phillimore and his justly revered Lord Stowell, together with Bynkershoeck, Heineccius,