

cargoes were attempting to enter blockaded ports.

"Our commissioners might well, and it is presumed they did, challenge attention to the arbitrations entered into by their home country at every period of its history. Sixty-five treaties of arbitration successfully and in dignified and honorable fashion carried to a result avoiding war; many of them with powers on the American continent, but among them seventeen with Great Britain, seven with Spain, three with France and three with Portugal. Involving questions of magnitude usually settled by resort to arms: with England the St. Croix river, the Lake of the Woods, the river St. Lawrence, the bay of Fundy boundary questions; losses to subjects for vessels and slaves captured and property destroyed; the Alabama claims; the Northeastern and Bering Sea Fisheries contentions.

"Were an object lesson close at hand needed, they could point to Paris, where now sits an august arbitral tribunal, presided over by the celebrated Russian statesman, Professor Martens, dividing his time between his duty at Paris and that at The Hague as a member of the peace conference, and of which High Court Chief Justice Fuller and Justice Brewer, of our own supreme court, and Lord Russell of Killowen are members, trying the grave question of the Venezuela British-Guiana boundary, and before which Ex-president Benjamin Harrison and ex-secretary of the navy, Benjamin F. Tracy, as leading counsel for Venezuela, are being heard.

"The labors of the conference at The Hague are over. The differences that arose during the two months of deliberation have been reconciled. There remains now the action of the nations upon the work that has come from the suggestion of the Czar. All was not gained that was desired, but unexpected and most gratifying success was had where it was least expected. While disarmament has not been definitely agreed to, 'the conference considers that the limitation of military charges, which at present oppress the world, is greatly to be desired for the increase of the material and moral welfare of mankind.' As Ambassador White has well expressed it, 'it is quite natural that arbitration should be accepted in principle before disarmament, for which, in fact, it paves the way.'

"But the first great step has been taken. 'The Convention for the Pacific Settlement of International Conflicts' has been adopted and the American bar association can congratulate itself that it is to very large extent the international code of arbitration prepared by it and issued to the world. The convention prepared for the signatory powers agrees to mediation and good offices by friendly powers. The mediators have the right to interpose their good offices at any time, even during the course of

hostilities. Special mediation shall be had in the event of serious dispute threatening peace, by each contending nation selecting a power, that those two may use all their efforts to settle the dispute, and in the event of an effective rupture of pacific relations that these powers may take advantage of every opportunity of restoring peace.

"Where there are divergences of opinion regarding local circumstances, which cannot be settled by diplomacy, the parties may have recourse to the 'Institution of International Commissions of Inquiry,' the members of which are to be selected by the disagreeing powers. The report of this commission leaves the contestants to an amicable arrangement or to have recourse to arbitration.

"The convention then provides for international arbitration which it declares to be the 'most efficacious and at the same time the most equitable means of settling disputes.' The signatory powers agree to organize a permanent court of arbitration, accessible at all times and working under a code of procedure which is inserted in the convention. An international bureau is established at The Hague under the direction of a permanent secretary general. Each power shall appoint not more than four persons of recognized competence in international law. These persons thus nominated will be entered as members of the court and are appointed for six years. From these members the powers having disputes may select the arbitrators in such number as they may agree upon. A permanent council of the diplomatic representatives at The Hague will be charged with the establishment of the international bureau.

"The convention then provides the rules of procedure. This code consists of many articles and did time permit it would be interesting to review them. Suffice it to say that they are admirably adapted to the great work to be performed.

"The criticism will be made, by those who are impatient and would rush to results with a precipitation, that would delay if not defeat the desirable ultimate, that this submission to an arbitral tribunal and obedience to its rulings is optional and not compulsory. There need be no fear on this account. With this great court established woe betide the state that would not, in cases not affecting its political integrity or its autonomy, appeal to it and abide the result. Public opinion, in this day of telegraphic swiftness, that binds the nations of the world together, making them, with the easy means of communication and supply interdependent upon each other and practically one great social system, where the disturbance of one is the confusion of all, is a mighty power. It lies back of kings and emperors and will bring irresistible pressure to bear upon governments not to fight when they can save treasure wrung from

their people and the shedding of blood by their sons, by recourse to a fair, deliberate and disinterested court of their own choosing.

"Article 27 of the arbitration convention provides: 'The signatory powers consider it their duty, in the event of an acute conflict threatening to break out between two or more of them, to remind these latter that the permanent court is open to them.' It then provides that such reminder 'and the advice tendered in the superior interests of peace to apply to the permanent court, can only be considered as an offer of good offices.' The American delegates, from what would seem to be an overabundance of caution, took exceptions to this article and insisted that the language be so modified that the United States may in no case be obliged to interfere in European affairs, or Europe in American disputes. Presumably this was because of the actual or supposed rights belonging to this republic and to the western continent under the Monroe doctrine. It is understood at our state department that in signing the protocol our representatives succeeded in reserving our rights in this behalf.

"In the matter of humanizing warfare but little was done except in the way of suggestions for future conferences. The throwing of explosives from balloons seems to have received interdiction, and the provisions of the Geneva conference were recommended for adaption to naval warfare. The inhibition of new firearms and explosives, of submarine torpedo boats, plungers and rams upon war vessels hereafter constructed, like the non-increase of war budgets, reduction of effectives in armies and navies and the inviolability of private property on the high seas, which latter our representatives had near at heart, received no action at the hands of the conference, except the recommendation that all receive consideration in the future; although each and every proposition had strong and able advocacy. The United States and Great Britain declined to accept the prohibition of asphyxiating projectiles or expanding bullets.

"With a permanent court of arbitration, even one to be optionally used, established by the action of the powers, these failures to act favorably are of but little account. In fact the more terrible and destructive warfare is made the less likely is its precipitation. M. Jules Simon in 1894 writes: 'it is horrible to think that one is journeying every day towards the universal war which will be the cataclysm of history,' and Lord Salisbury in 1897, speaking of the ever-increasing competition of European nations in armaments, said this competition might end 'in a terrible effort of mutual destruction, fatal to Christian civilization.' All recognize it, the leaders and the led and those who hold the power to declare the conflict of arms, viewing its horrible enginery, with its