

ing of the Swedish provision on this point. If the negotiators, knowing the present conflict of authority, had desired to give the courts a discretionary power in appointing administrators, they could easily have used the words "may have the right" instead of "shall have the right." That they did not use the former phrase under the circumstances should, it is believed, be decisive of the intention of the parties to the convention. Moreover, the latter phrase is comparable to the words "shall be *ex officio* the executors or administrators" used in the treaties of 1851 and 1870 between the United States and Peru, both now obsolete. These words were given their plain meaning by Attorney-General Black and an international court of arbitration (9 Op. Atty.-Gen. 383; 4 Moore Arb. 390). If the evident meaning of the Swedish convention be that finally given to it by the courts, it will set at rest the present doubt as to the meaning of the Argentine treaty in regard to decedents' estates, for by means of the most-favored-nation clause most countries may claim the provision in the new Swedish convention.

It is observed that the convention contains no superseding clause, so that consular articles in preceding treaties stand for what they are worth. It is questioned whether articles defining the application of customs duties to consular importations, declaring the inviolability of correspondence in *transitu*, and obtaining the right to visit vessels of the consul's country without special permits from the local authorities, might not have been added with advantage to this already excellent convention.

THE THIRD NATIONAL PEACE CONFERENCE

On May 3-6, 1911, the Third National Peace Congress, representing all the leading societies of the United States devoted to the settlement of international disputes by means other than war, held an important and interesting meeting at Baltimore. The attendance was large, including the President of the United States, Cardinal Gibbons and many distinguished partisans of the cause of peace. Its proceedings were valuable and will form a goodly volume full of instruction to those interested and who might not be interested in the settlement of international disputes by means other than war.

Where the addresses were all of such a high order, it would be an invidious task to mention some without referring to others, but the spirit which pervaded the meeting and, it is to be hoped, the American people,

is so admirably set forth by the address of Cardinal Gibbons on arbitration between Great Britain and the United States that it is given here in full:

I was asked to open these exercises with prayer, but I thought that a formal invocation was unnecessary on the present occasion, for every discourse uttered to-day will be a prayer in the sacred cause of peace.

I presume that the principal object of this distinguished assemblage is to advocate closer and more amicable relations between England and this country. I am persuaded that the signing of a treaty of arbitration between Great Britain and the United States would not only be a source of incalculable blessings to these two great powers, but would go far towards the maintenance of permanent international peace throughout the civilized world.

Both of these great nations have many things in common. We speak the same noble tongue and the English language is more universally used to-day than any other language on the face of the earth. The classic writers of England from Chaucer to Newman are also ours, and the classic authors of America are also claimed by Great Britain. The literature of both countries is a common heritage to both nations.

We also live under practically the same form of government. The head of one nation is a king, the head of the other nation is a president. England is governed by a constitutional monarchy, the United States is ruled by a constitutional republic. And I believe that both of these nations have been more successful in adjusting and reconciling legitimate authority with personal liberty than any other country of the world.

England is mistress of the ocean. Her ships ply through every sea on our globe. Her flag floats over every harbor of the world. Her empire embraces a territory comprising ten millions of square miles, or about one-fifth of the whole globe. Great was the Roman Empire in the days of imperial splendor. It extended into Europe as far as the River Danube, into Asia as far as the Tigris and Euphrates, and into Africa as far as Mauritania. And yet the Roman Empire was scarcely one-sixth of the extent of the British Empire of to-day. Daniel Webster, in a speech delivered in the American Senate some seventy years ago, thus describes the extent of the British possessions: "A power," he says, "which has dotted the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

The United States rules nearly one hundred millions of happy and contented people. Our government exercises a dominant and salutary influence over the American Continent. Our influence is not to destroy but to save, not to dismember but to preserve the peace and autonomy of our sister republics.

If England and America were to enter into an alliance of permanent arbitration with each other, such a bond of friendship and amity would be a blessing not only to these two great Powers, but to all the nations of the civilized world.

When the waters receded from the earth after the Deluge, Almighty God made

a solemn covenant with Noah and his posterity, that the earth would never again be destroyed by water, and as a sign of this covenant, He placed a bow in the heavens. Let Britannia and Columbia join hands across the Atlantic, and their outstretched arms will form a sacred arch of peace, a rainbow of hope, which will excite the admiration of the nations and will proclaim to the world that, with God's help, the earth shall never more be deluged with blood shed in fratricidal war.

The time seems to be most auspicious for the consummation of this alliance. It meets with the approval of the President of the United States, who honors this meeting by his presence. I earnestly hope it will have the sanction of Congress now in session. It meets with the approval of Sir Edward Grey, English Minister of Foreign Affairs. It has the cordial sympathy of the distinguished gentlemen assembled here to-day, the President of the United States, Mr. Andrew Carnegie and many others too numerous to mention, and I pray that these gentlemen may receive the title promised by the Prince of Peace to all who walk in His footsteps: "Blessed are the peacemakers, for they shall be called the children of God."

The aims and desires of the congress as a whole are set forth in the following resolutions which are printed in full:

1

WHEREAS, there is a great and growing sentiment between English-speaking peoples in favor of the settlement of all disputes by means other than war, a sentiment which has found memorable expression in the utterances of President William Howard Taft and of Sir Edward Grey, therefore be it

Resolved, that the Congress records its profound appreciation of the attitude and action of President Taft and Sir Edward Grey on this important subject and expresses its firm conviction that, if the proposed treaty is made, the example thus set by Great Britain and the United States will be followed by other nations.

2

Resolved, that this Congress notes with satisfaction the zeal and ability with which the Honorable Philander C. Knox, Secretary of State, has been carrying forward the work initiated by his predecessor looking to the establishment of the International Prize Court and of the International Court of Arbitral Justice. It regards both these institutions as of the highest importance in themselves and urges the earliest possible establishment of the Court of Arbitral Justice by such of the powers as are willing to organize it, leaving it open to the adherence of other powers later on and free of access to them in the meantime.

3

WHEREAS, the practice of not including within the scope of so-called general arbitration treaties questions which affect the vital interests or the honor of the contracting states and the interests of third parties greatly diminishes the value of such treaties, be it

Resolved, that this Congress urges upon the United States Government the importance of formulating an all-inclusive arbitration treaty on the lines of the proposed treaty with Great Britain with a view to its adoption jointly by the leading powers.

4

WHEREAS, the treaty relating to pecuniary claims originally adopted by the Second International American Conference, and renewed by the Third and Fourth Conferences, not only definitively binds the High Contracting Parties to submit to arbitration a certain and very large and important class of cases but does this without making qualifications or exceptions that nullify or tend to nullify the force of the engagement, therefore be it

Resolved, that this Congress, following the practical precedent here set, recommends the more general adoption by governments of treaties whereby all claims for pecuniary loss or damage which may be presented by their respective citizens or subjects and which cannot be amicably adjusted through diplomatic channels shall be submitted to the Hague Court.

5

Resolved, that the proposed celebration in 1915 of the one hundredth anniversary of peace among English-speaking peoples is viewed by the Congress with satisfaction, the more especially as attention will thus be directed to the happy results of the enlightened statesmanship which has refrained from erecting fortifications along the 3,700 miles of frontier between Canada and the United States and has excluded war vessels from the boundary waters.

6

Resolved, that the Third National Peace Congress records its satisfaction at the resolution passed by the Congress of the United States calling upon the President of the United States to appoint a commission to investigate and report back to the government the possibilities of an international understanding with regard to armaments, international cooperation and new institutions calculated to preserve peace, thereby carrying out the wish of the Second National Peace Congress expressed by resolution. The Congress understands this commission to be a purely American Commission, not endowed with diplomatic functions, and entertains the conviction that the commission should be appointed at an early day and should begin its labors without regard to the opinion which other powers may entertain as to possible results.

7

Resolved, that this Congress urges the Government of the United States to enter upon negotiations with other powers looking to the formation of a league of peace planned simply to settle by amicable means all questions of whatever nature which may arise between the contracting powers, with no idea of the employment of force to impose the will of the league on any of its members, nor to force any outside power to join the league, nor to force any outside power to

arbitrate a dispute, nor to enforce the decision of an international tribunal of any character, nor to use force in any other way. The successful conduct of such a league would be greatly promoted by annual conventions which would serve the double purpose of resolving difficulties that may have arisen between members of the league during the year and of formulating international practice.

8

Resolved, that this Congress congratulates the governments of Great Britain and the United States on the successful settlement by arbitration of the Newfoundland Fisheries dispute, a case which diplomacy had vainly attempted to settle for the greater part of a century; and that the Congress points to this case as a striking example of the usefulness of the Permanent Court of Arbitration at the Hague.

9

WHEREAS, this Congress views with concern the heavy burden imposed on civilized nations by armaments and especially their continued increase despite the growing sentiment in favor of the amicable settlement of international disputes; be it

Resolved, that this Congress favors, not a spasmodic, but a continuous study of the limitation of armaments by official commissions of the various governments interested.

10

Resolved, that this Congress calls attention to the importance of an early determination of the measures to be brought before the Third Hague Conference in order that opportunity may be given for such thorough preliminary study by the governments interested that the delegates to the Conference may come with full knowledge of the subjects to be discussed.

11

Resolved, that this Congress expresses to Mr. Edwin Ginn its profound gratitude for his munificent contributions to the cause of peace.

12

Resolved, that this Congress expresses to Mr. Andrew Carnegie its profound gratitude for his munificent contributions to the cause of peace.

13

WHEREAS, there has been a manifest need for a central representative body which shall serve to coordinate the efforts of all the societies in America devoted to the settlement of international disputes by methods other than war, as emphasized by the President of the United States at the opening session of this Congress; therefore be it

Resolved, that this body of delegates declare that this National Peace Congress shall hereafter be known as the American Peace Congress, that it shall be a per-

manent institution which shall meet once in two years, and that while the Congress is not in session its Executive Committee shall be charged with all the powers of the Congress, provided that said Executive Committee shall have power to reorganize by enlarging its numbers so as to become representative and after its reorganization shall elect its own chairman. And be it further

Resolved, that said Committee shall adopt a form of organization which will enable it to act as a clearing house for all the societies represented at this Congress.

14

WHEREAS, the demand that our own citizens abroad receive the equal protection of the laws, and that persons guilty of violating their personal or property rights be punished, is weakened by the inability of the Federal Government of the United States, under the law, to punish similar offenses against foreigners within its borders; and

WHEREAS, the absence of such power has been a cause of friction in the past and is likely to give rise to difficulties in future; therefore be it

Resolved, that the Third National Peace Congress urges upon the United States Congress early attention to the recommendation of President Taft for the enactment of laws which will confer upon the Federal Government the power to fulfill its treaty obligations in this respect.

15

Resolved, that this Congress favors the suggestion that nations should prevent, as far as possible, loans being raised by their subjects or citizens in order to enable foreign nations to carry on war. And be it further

Resolved, that the Government of the United States be requested to include this question in the program of the Third Hague Conference.

16

WHEREAS, international controversies have frequently arisen out of disputed boundaries; and

WHEREAS, precise geographic delimitation would remove from the field of controversy a very disturbing element, this Congress is of the opinion that the precise delimitation of the boundaries of American states would be in the interest of international peace; and

WHEREAS, the North and Baltic Seas Conventions establishing the territorial status quo of those regions have proved the practicability of insuring territorial integrity by such means; therefore be it

Resolved, that this Congress calls to the attention of the United States Government the advisability of including within the program of the Fifth International American Conference proposals to establish an international commission for the delimitation of the boundaries of the states of the two Americas and for the conclusion of a convention which shall maintain the integrity of the boundaries so delimited.

17

Resolved, that in order to enable the Executive and Judicial departments of our government fully to discharge the international duties of the United States a thorough revision of the neutrality laws of the United States should be made.

18

Resolved, that the hearty thanks of this Congress be extended to the Johns Hopkins University for its very great hospitality.

THE SEVENTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

No former Mohonk Conference brought together as many prominent men as the seventeenth meeting, held May 24th, 25th and 26th; and certainly none has more clearly demonstrated the wisdom of the conference in consistently promoting arbitration as a means to an international court of justice. Attempts to divert the conference from this course to the general phases of the peace movement were this year conspicuously absent; and while recent hopeful events naturally gave rise to a spirit of gratification and confidence which was evident throughout the meeting, at no time was the fact lost sight of that those events only open new fields for renewed and enlarged effort. The personnel of the conference gives hope of widespread and practical support for the measures recommended. Among more than two hundred eminent men present there were twenty editors, twenty clergymen, fifteen college presidents and thirteen other educators; fifty business men, delegates of leading chambers of commerce and like bodies; twenty officers of arbitration and peace societies; and thirty other Americans prominent in different callings, many of whom have held high offices under the United States. Among lawmakers were Congressmen Utter of Rhode Island, Knowland of California and Plumley of Vermont and Speaker Frisbie of the New York State Assembly; and the Army and Navy had worthy representatives in Lieutenant-General Nelson A. Miles and Rear Admirals Stockton and Merrell. From other countries came twenty-four distinguished men, including Baron d'Estournelles de Constant of France; the Ministers to this country from Bolivia and Switzerland; the Chargé d'Affaires of the Persian Legation; J. Allen Baker, M. P., of London; the Dean of Worcester, England; Dr. John Clifford of London; Lic. F. Siegmund-Schultze of Potsdam, Germany; the Canadian Minister of Labor; and the Mayor of Halifax.