

the "teoria" of law. It is not a question of how violators care to interpret the law; it is a question of how we professional students of jurisprudence understand those principles of law which do apply eternally, as Dr. Kunz has reminded us, in every and all situations. I venture, therefore, to say a word here of solemn consecration to our task and faith that law in the long run will triumph. Those of us who have attended these sessions should be grateful for the interest manifested here in these discussions. This interest clearly discloses the fact that there is an army of people yet who believe in the inherent sacredness of law and have faith that in the long run it will triumph.

The Chair now declares the discussions closed.

#### BUSINESS MEETING

**Chairman BROWN.** We will now proceed with the business session. This is not an executive session, and those who care to remain are privileged to do so. But the transaction of business, of course, will be limited strictly to the members of the Society.

May I make this suggestion, that it would be fitting, that our business session would be presided over with sufficient dignity and prestige if Senator Thomas would resume his function as Chairman.

(Vice-President Elbert D. Thomas now presiding.)

**Chairman THOMAS.** We will carry on as usual, of course, with promptings by our Secretary.

**Secretary FINCH.** Mr. Chairman, the first business which we transact at this session of the Society is a sad one—the recalling of members who have passed away since our last meeting. In this year the number amounts to twenty members. I shall read their names and addresses and the year they joined the Society. The dates of their passing I shall not read.

The first, in alphabetical order, and probably in prominence and affection and regard, is one of our Honorary Vice-Presidents, the Honorable **NEWTON D. BAKER**, of Cleveland, Ohio, who had been a member of our Society since 1920.

**WILLIAM BROSMITH**, of Hartford, Connecticut, who had been a member of the Society since 1930.

**MARKLEY FRANKHAM**, of New York City, who joined the Society in 1934.

**THOMAS E. FRENCH**, of Camden, New Jersey, a member since 1920.

**S. PARKER GILBERT**, of New York City, who joined the Society in 1930.

**ÅKE HAMMARSKJÖLD**, The Hague, Holland, who joined the Society in 1923, and who died a few months after having been elected to the Permanent Court of International Justice.

**OLIVER G. JENNINGS**, of New York City, one of the original members of the Society.

Honorable **FRANK B. KELLOGG**, of St. Paul, Minnesota, a former Honor-

ary Vice-President of the Society, who, during his term of office as Secretary of State, honored us with his presence and with his addresses at our banquets. Mr. Kellogg had been a member of the Society since 1909.

HOWARD THAYER KINGSBURY, of New York City, a former member of the Executive Council. Colonel Kingsbury was very active in the work of the Society and was seldom absent from these annual meetings. He had been a member since 1909.

VÍCTOR M. MAÚRTUA, Peruvian Ambassador to Brazil, who joined the Society in 1935.

H. MELLISH, Halifax, Nova Scotia, who joined the Society in 1927.

GEORGE R. NUTTER, Boston, Massachusetts, who joined the Society in 1907.

MORGAN J. O'BRIEN, of New York City, a distinguished member of the Foreign Service of the United States. He had been a member since 1920.

THOMAS N. PERKINS, Boston, Massachusetts, a member since 1915.

HENRY M. ROBINSON, Pasadena, California, who had been a member since 1907.

W. A. SCULLY, Washington, D. C., a member since 1928.

Dr. WALTER SIMONS, of Berlin, Germany, who was not only a member of the Society since 1929, but at the time of his death was one of our few honorary members; a man who had been president of his country and Chief Justice of its Supreme Court.

OSCAR TERAN, Panama City, Panama, a member since 1920.

ROYAL BRUNSON WAY, Beloit, Wisconsin, a member of the Society since 1916.

H. L. WYMAN, Washington, D. C., who joined the Society in 1932.

Mr. Chairman, I suggest that the names of these deceased members be inscribed upon the minutes of this meeting and that the Society express its very great regret at the passing of these valued members of the Society.

(The suggestion was put as a motion, duly seconded, and carried unanimously.)

Chairman THOMAS. I deem it proper here to suggest, in keeping with the custom of the Society, that we all stand for a moment of memory in thoughtfulness of our departed brothers.

(The members rose and stood in memory of deceased members.)

Mr. FRED K. NIELSEN. Mr. Chairman, it has been customary in the past to refer in a few words to the passing of well-known, active members of the Society. I think it might be appropriate for me to mention the death of an honorary member, who before his selection as such was an active member. I have in mind Dr. Walter Simons of Germany.

I first met Dr. Simons in Christiania at an international conference, which was interrupted by the World War. Our official and personal relations there were always very cordial.

Dr. Simons and I were neighbors for a considerable period in 1919, when he was stationed in the vicinity of Versailles, and I was in Paris. International law and practice did not require us to hate each other as enemy nationals, so-called, but we were precluded from communication in any way.

Under much happier conditions, I again met Dr. Simons at Briar Cliff, at that interesting meeting of the Institute of International Law held under the auspices of the Carnegie Endowment for International Peace.

My final meeting with Dr. Simons was in Vienna in 1931, when he and I acted as arbitrators in an arbitration between the United States and Egypt. That was a remarkable proceeding, the like of which I hope and confidently believe I shall not participate in again. Yet it revealed some interesting features. One was the dignified, scholarly, just presentation of a case by the Egyptian agent, M. de Bellefonds, in itself a worthy contribution to the cause of international arbitration. I was a little surprised then to learn from Dr. Simons that, in spite of his wide experience in international affairs, he had never participated in the arbitration of an international reclamation. But, as I observed his fair and courteous manner of presiding over the proceedings, and as I studied a detailed, written analysis which he conscientiously made for the convenience of the arbitrators, the pleasant anticipations I had entertained of coöperating with an able judge in the disposition of a case on the basis of law were agreeably realized. Two long legal dissertations appearing in the record of the disposition of the case may perhaps suggest some fundamental differences of views with regard to the merits of the case which did not exist.

At that time, Dr. Simons's personal fortune had been wrecked, and he was a reporter for the court of which he had been the Chief Justice. I do not recall the occurrences which prompted him to resign his position as the head of the court of last resort. He discussed them at a meeting of the American Bar Association in this country. But whatever may have been the merits of the controversy which he had with other authorities of his Government, I have no doubt that he conscientiously felt that the unbending standards of an independent judge compelled the sacrifice of renouncing his judicial career.

The position of a government's judiciary is brought home in a peculiar, broad way to one concerned with the practical application of international law. The courts, if they maintain reasonably well standards prescribed by a nation for itself, through enlightened legislation and constitutional provisions, greatly contribute to the maintenance of standards of civilization, prescribed by the law of nations.

Dr. Simons made many friends during his long official career, as legal adviser to the Imperial German Chancellor, Minister for Foreign Affairs under the new régime, Chief Justice, Acting President, an active worker under the auspices of the German Red Cross.