

6. The president of this conference is hereby requested and empowered to appoint an executive committee of twenty-five, with power to add to, and to fill vacancies in, its own number. It shall be the duty of the said executive committee to act as the representative of this conference for the continuance of its work and the promotion of its objects, and for those purposes it is authorized in its discretion to confer and cooperate with other bodies or committees or individuals from any part of the United States or other countries. It is also empowered to call another meeting of this conference, or to organize a State association for similar purposes, if it shall at any time find that such action will be advisable.

THE FOURTEENTH LAKE MOHONK CONFERENCE

It will be remembered that it was at the Mohonk conference of 1905 that the first steps were taken toward the organization of the American Society of International Law and the publication of this JOURNAL. It is, therefore, an especial pleasure to the AMERICAN JOURNAL OF INTERNATIONAL LAW to notice the meeting of the Fourteenth Lake Mohonk Conference on International Arbitration, which met at Mohonk Lake, N. Y., on May 20, 21, and 22, 1908, in response to the generous hospitality and under the wise leadership of Hon. Albert K. Smiley. The conference was large and enthusiastic. For the fourth time the Hon. John W. Foster presided over the conference with his accustomed courtesy and ability.

Among those in attendance were Justice Brewer, of the United States Supreme Court; Chief Justice Moore, of Michigan; ex-Chief Justices Stiness and Matteson, of Rhode Island; Baron Takahira, the Japanese ambassador; Hon. James Brown Scott, Solicitor for the Department of State; Hon. John Barrett, Director of the Bureau of American Republics; Dr. Benjamin F. Trueblood, secretary of the American Peace Society; Mr. Clinton Rodgers Woodruff, secretary of the National Municipal League; Mr. Rollo Ogden, of the New York Evening Post; Mr. Hamilton Holt, of the Independent; Hon. Charles F. Manderson, of Nebraska; Hon. Thomas M. Osborne, mayor of Auburn, Public Service Commissioner of New York State; Hon. Samuel J. Barrows; Hon. Robert Lansing; Gen. Horatio C. King; Hon. W. F. Frear, Governor of Hawaii; Hon. Everett P. Wheeler; Hon. William J. Coombs; and Prof. George G. Wilson, who has been recently designated as one of the representatives of the United States at the International Maritime Conference to be held in London this fall.

The Mohonk conferences have of late years given special attention to

arousing the interest of the educators and the business men in the cause of international arbitration, and a large number of these gentlemen were present. Many of the business men were especially designated as representatives by leading commercial bodies of the country, while among the educators — besides the Hon. Elmer E. Brown, United States Commissioner of Education, and Dr. Andrew S. Draper, New York Commissioner of Education — Columbia University, Johns Hopkins University, New York University, Cincinnati University, Brown University, University of Georgia, George Washington University, and Smith, Bryn Mawr, Lafayette, Swarthmore, and Vassar colleges were represented by one or more members of their respective faculties.

The first session of the Mohonk conference is always devoted to a recounting of the achievements of the past year along the line of international arbitration, and this year the conference had much to recount. Mr. Smiley, in his brief opening address, struck the keynote of the conference when he referred to the work of the Second Hague Conference as worthy of high praise even when tested by the standard of the expectations which had been entertained by the members of the last Mohonk conference which met just prior to the meeting at The Hague, as expressed in the platform then adopted.

General Foster and Dr. Trueblood gave interesting and inspiring addresses devoted to a general survey of the progress of arbitration during the past year, and the session was closed with an address by the Hon. James Brown Scott, a member of the American delegation to the Second Hague Conference, who rendered an account of his stewardship by giving a careful analysis of the results of the Hague Conference. Altogether it was a notable session.

Space forbids even a mention of the many other excellent addresses delivered at other sessions of the conference. No account of the conference would be complete, however, without reference to the address of Dean Kirchwey, of Columbia University, on "International Law and the World's Peace," in which he drew the parallel between private and public war, the court for the individual and the international tribunal for the nation; and the address of Rollo Ogden, editor of the New York Evening Post, on the relations of the press to the cause of international arbitration. The conference was also honored by communications from Ambassador Bryce and Minister Calvo, of Costa Rica, which were read to the conference.

It has always been the aim of Mr. Smiley that the Mohonk conferences

should be practical as well as prophetic, or, in the language of one of the members of the present conference, "should be as a man who, while looking above the clouds, still keeps his feet upon the ground."

It is as inevitable as it is desirable in a gathering of this character that there should be differences of opinion, and it has always been Mr. Smiley's desire that these divergent views should be freely expressed in the conference. It has, however, been the policy of the conference only to embody those principles in the platform upon which a unanimous agreement could be reached, inasmuch as it has been believed that in this way the influence of the conference would be greatest and it would be best able to maintain the continued interest and adhesion of a large number of valuable and practical members.

This policy was followed at this year's conference, and occasioned the only criticism of the conference which we have seen expressed, to the effect that the platform adopted "was too retrospective. It dealt almost exclusively with what has been accomplished and gave no real lead, except by implication, as to what should be further done." This criticism arises out of the treatment of the subject of the limitation of armaments in the platform.

As is well known, it was found impossible to accomplish any practical result at the Hague Conference as regards the limitation of armaments, the conference being forced to content itself with remitting the matter to the powers for further study. Under these circumstances it seemed to many, although probably a minority, of those in attendance at Mohonk that it would be not only useless but undesirable for the conference to express any opinion in favor of the limitation of armaments in its platform at the present time. And to this opinion others, like Justice Brewer, who moved the adoption of the platform, although he would have preferred to see it contain some expression in regard to the limitation of armaments, yielded their wishes in order that the platform might be adopted unanimously. Still others, however, felt so strongly that the platform should contain some indorsement of the gradual and progressive limitation of armament that it was moved on the floor of the conference to recommit the platform to the committee which had prepared it in order that a declaration in this sense might be inserted. This motion would have undoubtedly precipitated a lively debate and the result of any vote which might have been taken would have been in doubt but for the fact that the motion was withdrawn in deference to Mr. Smiley's wish that no action might be taken in regard to a matter

as to which unanimity could not be obtained. It is believed that Mr. Smiley's wisdom, which has made possible the great usefulness that the Mohonk conference has had in the past, was never more clearly exemplified than by his suggestion in this case, which was immediately and cheerfully accepted by all the members of the conference.

The Mohonk conference owes its peculiar and fortunate position in relation to the arbitration movement to the fact that it has constantly refused to become a "peace conference," but has persisted in remaining a forum for the scientific discussion of arbitration as a practical substitute for war. The conference has always believed that peace between nations can only come through the judicial settlement of disputes, just as peace between men has come through the ordinary courts of justice.

Even a brief review of the history of the conference and of the platforms which have been adopted during the fourteen years which have elapsed since the first meeting in 1895 will show how closely the conference has adhered to the ideal of its founder, as expressed in the remarks with which Mr. Smiley opened the first conference in 1895, in which he asked that the discussion might be confined to the subject of arbitration as distinguished from the broader subjects of peace and war, and have special reference to obtaining practical results. The review of the various platforms adopted shows that with the exception of a few unimportant expressions in one or two platforms each conference has not only confined itself to arbitration, but has endeavored as much as possible to concentrate its attention on, and to reflect in its platform, the most pressing and practical phases of the general topic of arbitration. Space forbids a detailed examination of the various platforms adopted. The following excerpt from an article written by the permanent secretary of the conference in 1901 may, however, suffice by way of summary as showing the emphasis of the platforms adopted during the early years of the conference:

In '95 and '96 the efforts of the conference were directed especially toward securing an arbitration treaty with England. In '97 the causes of the defeat of the Olney-Pauncefote treaty, which had meanwhile been negotiated and defeated in the Senate, were carefully considered, and an expression of the year before in favor of a permanent tribunal open to all nations was emphasized. In '98 the conference, in the platform which is already adopted summarizing the conclusion of the meeting, declared in favor of the United States taking the lead in calling an international conference to set up such a tribunal. In '99 the conference met simultaneously with the Peace Conference at The Hague, and devoted its attention especially to preparing the way for the favorable acceptance in the United States of the results of that conference. In 1900 the con-

ference declared in favor of the United States entering into treaties with the other powers of Europe agreeing to submit all controversies that threaten war to the Hague Tribunal. At the conference in 1901 especial attention was devoted to the desirability of having the United States break the international ice by submitting some questions to the new tribunal.

It may be pertinent to add that the conference of 1901 also pointed out that the natural and ultimate result of the triumph of international arbitration would be "the reduction of armaments and the lessening of the burdens and the temptations they entail," thus clearly indicating the recognition by the conference at that time that the limitation of armaments would be a product, rather than a cause or even an accompaniment, of the general adoption of arbitration as a recognized means for the settlement of international disputes.

Although the conference of 1906 expressed the hope that the Second Hague Conference would consider favorably the general restriction of armaments by concurrent international action, it was apparent at the time of the meeting of the conference in 1907 that such a restriction at present is not practicable, and accordingly, at its meeting on the immediate eve of the *Second Hague Conference*, the Mohonk conference "urged as the most immediate and important action to be taken by the Second Hague Conference" the following measures, among which it will be noted the limitation of armaments is not mentioned:

1. A provision for stated meetings of the Hague Conference.
2. Such changes in the Hague Court as may be necessary to establish a definite judicial tribunal always open for the adjudication of international questions.
3. A general arbitration treaty for the settlement of international disputes.
4. The establishment of the principle of the inviolability of innocent private property at sea in time of war.
5. A declaration to the effect that there would be no armed intervention for the collection of private claims when the debtor nation is willing to submit such claims to arbitration.

It will thus be seen that the constant effort of the conference has been to devote itself, not to the past or to the distant future, but to the problems of the immediate present. It has tried not to waste energy in spying out the enemy's country or in guarding the baggage, but has employed all its available forces at the immediate point of contact. Naturally, the platforms have varied more or less in character from year to year as the membership of the platform committee has varied, but they have varied still more in accordance with the situation which they were intended to meet. Always they have looked toward the stimulation

of public sentiment, and in these later years especial attention has been given to the educational and business world. But when there were any steps which appeared to be of immediate practical value to the cause of international arbitration the conference has endeavored to concentrate its attention on these steps. Especially when the conference has met before international gatherings like the Hague or the Pan-American conferences, it has endeavored to suggest measures which it believed to be possible and practicable for those conferences to consider. When a meeting of the Mohonk conference has followed an international conference, the former has recounted the ground gained and sought to secure the fruits of whatever victories may have been won. The present conference met after the meeting of the Second Hague Conference at which the Mohonk conference believed notable results had been achieved. The conference believed that our Government is doing everything in its power to render effective all that was agreed upon or proposed at the Second Hague Conference. The immediate limitation of armaments appeared to many of the members present totally impracticable. Under these circumstances it is believed that the immense progress which the cause of international arbitration has made and is making renders it impossible for the platform of any arbitration conference to be other than largely retrospective and complacent, while the adoption of a plank declaring for the limitation of armaments, which, as was pointed out in the platform of 1901, will be a natural result and consequence of the triumph of international arbitration, appeared to many members of the conference likely to have no other practical effect than the alienation of many who are heartily in favor of and efficiently working for international arbitration, and therefore ultimate disarmament. It is believed that the platform adopted, which follows, was a proper reflection of the conditions which produced it:

The Fourteenth Lake Mohonk Conference on International Arbitration recognizes with profound gratitude the continuous and conscious development of the forces which make for international peace through international justice.

It especially approves and commends the work of the Second Hague Conference, which revised and perfected the various conventions of the conference of 1899, as follows:

Restricting the use of force in the collection of contract debts; proclaiming unanimously the principle of obligatory arbitration; establishing an International Court of Prize, and declaring in favor of the establishment of a Permanent Court of Arbitral Justice.

These measures are a great and welcome advance towards the regulation of international relations upon the basis of justice, reason, and respect for law.

The Fourteenth Lake Mohonk Conference on International Arbitration notes with pleasure the existence of fifty and more treaties of arbitration concluded within the past five years, and more especially the arbitration treaties concluded between the United States and France, Great Britain, Italy, Japan, Mexico, Switzerland, Holland, Norway, Sweden, Portugal, and Spain. The conference, therefore, expresses the hope that the peaceful and judicial settlement of international difficulties by resort to courts of arbitration and of justice bids fair to become the rule of the future, as it has been in a measure the enlightened practice of the immediate past.

The Fourteenth Lake Mohonk Conference on International Arbitration further commends the activities of our schools, colleges, universities, and the various professional, business, and labor organizations of the country by which and through which popular sentiment is created, trained, and directed, not merely to the maintenance of peace, but also, by the elimination of the ostensible causes of war by peaceful settlement, to the prevention of war itself.

Finally, the Fourteenth Lake Mohonk Conference on International Arbitration rejoices in the fact that the representation of all the civilized nations of the world in the Second Hague Conference, and the recommendation in its final act for a future conference, guarantee, for the future, a conference of an international and permanent character, capable of correcting the inequalities of international practice and of enacting a code of international law based upon justice and equity.

THE NEW BUILDING OF THE INTERNATIONAL BUREAU OF THE AMERICAN REPUBLICS

On the 11th day of May, 1908, in the presence of representatives of Latin America and of the United States, the corner stone of the new building of the International Bureau of American Republics was laid in the capital of our country. The occasion was a notable one, not merely from the presence of and addresses by President Roosevelt, Secretary Root, Ambassador Nabuco, and Andrew Carnegie, but as visible evidence of the fact that the Western Hemisphere is little by little being drawn into closer, more intimate, and sympathetic connection, and that Pan-America is cooperating to secure not merely commercial development but, by a closer understanding, the maintenance of peace at home and abroad.

It was entirely appropriate that Mr. Root should be the conspicuous figure on the occasion; for it is not too much to say that his secretaryship has witnessed the culmination of the various movements to bring Anglo-Saxon and Latin America together, nor is it too much to hope that the spirit of good fellowship generated by his policy and by his personal visit to the various countries of Latin America will result in removing