

the jurisdiction for administration in favor of those residing beyond their borders. (*Disconto Gesellschaft v. Umbreit*, 208 U. S. 570, at 582.)

It is interesting to consider whether this decision would have been rendered had the new Italian treaty been in force at the time and had the German bank taken advantage of it by virtue of a most favored nation treaty between Germany and the United States. If the State of Wisconsin applies the rule of the *Terlinden* case also to non-resident citizens of sister States, it may be a question whether the German bank could complain even under Article I of the new Italian treaty, which retains the principle of equality of treatment with nationals.

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IN MEMORIAM

On October 6, 1912, the distinguished Belgian statesman and publicist, Mr. Auguste Beernaert, died at Lucerne, Switzerland. He was born in 1828 and was thus at the time of his death eighty-four years of age. Educated at the Universities of Louvain, Paris, Berlin and Heidelberg, he was a lawyer by profession and found the law the highway to political success. He was elected a deputy in 1873 and after filling various cabinet posts he was Prime Minister from 1884 to 1895, and from this year to 1900 he was President of the Chamber. With his career as a statesman this comment is not concerned, but it is important to bear in mind his training at the bar and his experience in office, in order to understand the influence which his advocacy of peaceful settlement of international disputes exerted upon the cause of arbitration. Delegate of Belgium to the First Peace Conference which met at The Hague in 1899, he was president of the commission to which the question of the limitation of armaments was referred. It is well known that the Powers generally took very little interest in this subject and that it was difficult to bring about a discussion of it. Mr. Beernaert had the happy thought of calling upon each member of the commission in alphabetical order and by this device, as simple as it was effective, provoked a discussion. A convention dealing with the subject was impossible, but it was something of a triumph to have had the question discussed, especially in view of the ill-disguised contempt with which it was regarded by many, if not most, of the delegates. Mr. Beernaert was heartily in favor of establishing the so-called Permanent Court, which is in reality merely

a list of judges from which a temporary tribunal can be formed for the trial of a case. As Belgian delegate to the Second Conference held in 1907, he was bitterly opposed to the American project to constitute a truly permanent court composed of judges, as he believed the essence of arbitration to consist in the free choice of arbiters. He was honest in his belief and out-spoken in his advocacy, and the course that he pursued was, as he believed, in the interest of, not opposed to, arbitration. When his government directed the Belgian delegation, of which he was the head, to oppose the negotiation of a general treaty of arbitration, he refused to be the spokesman of his delegation. The writer of this comment recalls Mr. Beernaert's genuine grief at the failure of the general treaty of arbitration. Mr. Beernaert was a prominent member of the Interparliamentary Union, of which he had been president, and devoted a considerable portion of his share of the Nobel Peace Prize, with which he was honored in 1902, to entertaining the Union. He had had experience as a lawyer before arbitration tribunals, notably in 1902, when in the first case tried before the Permanent Court of Arbitration he appeared in behalf of Mexico against the contention of the United States in the so-called Pious Fund case. Leaving out of consideration the numerous smaller disputes in which he acted as arbiter, he was in 1910, a member of the temporary tribunal of the Permanent Court of The Hague which passed upon the Orinoco Steamship case submitted to the tribunal by Venezuela and the United States, and more recently, president of the temporary tribunal of the Permanent Court of The Hague, which, in 1911, decided the Savarkar case between France and Great Britain.

Mr. Albert K. Smiley died at his winter home in Redlands, California, on December 2, 1912. His life was prolonged beyond the three score years and ten (he was born on March 7, 1828) and he was mercifully enabled to carry out in his old age the plans and hopes of his youth and to rejoice in their fruition. He graduated from Haverford College, taught school for many years, and acquired large and beautiful property at Lake Mohonk in the State of New York. Here he welcomed as his house guests in May or June of each year from 1894 upwards of three hundred people interested in the peaceful settlement of international disputes, principally by means of arbitration. These meetings — called the Lake Mohonk Conferences on International Arbitration — have brought together leaders of thought not only in the United States but from foreign countries, and the annual reports, of which eighteen were

published during Mr. Smiley's lifetime, contained not merely interesting information, but suggestions and discussions of permanent value. The conferences have been regularly reported in the press, and the statement of principles, resolutions or platform adopted at each conference is widely circulated. The reported proceedings have indeed made their way into the literature of the subject with which the conferences deal. It is gratifying to the friends of arbitration to know that the conferences so auspiciously begun by Mr. Albert K. Smiley will be continued by his brother, Mr. Daniel Smiley, who has been long associated in the good work.

In the death of Count Leonidas Kamarowsky in December, 1912, at the age of sixty-six, international law lost a student and thinker likely long to be remembered. Besides numerous writings in Russian, which have not been translated, and various articles in the *Revue de Droit International et de Législation Comparée*, the distinguished publicist, who was many years professor of international law at the University of Moscow and was a member of the Permanent Court of Arbitration of The Hague at the time of his death, published in the eighties a work on an international tribunal, which, translated and published in French in the year 1887 under the title of *Le Tribunal International*, has had a very great influence in popularizing the idea and the feasibility of a permanent international tribunal. This work, translated into French by Serge de Westman, is the first scientific treatment and discussion of the problem which had been made, and is still the standard statement of the reasons for and the feasibility of such a tribunal. Professor Kamarowsky's work is at once analytical, historical and constructive. Thus, in the first part he discusses the different methods of settling conflicts between nations, dividing them into (1) methods of coercion, such as retorsion, reprisals, embargo, pacific blockade, and war; (2) diplomatic methods, such as lot and single combat, direct negotiations, intervention of third states, good offices, mediation, congresses and conferences; and, finally, judicial methods. He next takes up the genesis of the idea of an international tribunal and, after a careful historical survey of the subject, discusses national tribunals destined to become international, and the forms of arbitral sentence. In the third book he outlines the theoretical development of the idea of an international tribunal; and in the fourth and concluding book of this admirable work, which, as a distinguished publicist has said, subsequent authors have reproduced and slavishly copied, Kamarowsky lays down what he con-

siders to be the fundamental principles involved in the organization of an international tribunal. It is not the purpose of this comment to enter into a detailed analysis of this admirable work. Its purpose is merely to commend it to the careful consideration of the reader and to call attention to the great services which the late publicist rendered to the judicial settlement of international disputes.

The distinguished Dutch publicist, Lieutenant General den Beer Poortugael, died at The Hague on January 30, 1913. Born on the first of February, 1832, he was eighty-one years of age. The General was long a member of the Institute of International Law in whose proceedings he took a prominent part, was the author of various works dealing with certain phases of international law — particularly war — among which may be mentioned: *The Law of War* (1872), *International Maritime Law* (1888), *The Law of War and Neutrality* (1900), *The Principles of the Geneva Conference* (1906), and an interesting and valuable monograph entitled *The Two Hague Peace Conferences* which appeared shortly after the adjournment of the Second Conference in 1907. The General was a delegate of his country to the First and Second Peace Conferences, and in all matters concerning the usages and customs of war, whether on land or sea, he invariably took an advanced and humanitarian attitude. He was a partisan of arbitration and a believer in the peaceful settlement of international disputes. His rank as a Lieutenant General in the army and his position as a former Minister of War gave weight to his advocacy of peaceable settlement. His connection with the Institute of International Law and his scientific attainments would have procured for his writings on international law a wider circulation if, instead of being written in Dutch, they had been written in a language more generally understood.