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# THE ARITHMETIC OF WAR

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## THE ARITHMETIC OF WAR

### I.

**I**N itself, arithmetic is not a very fascinating study, except to the few who love mathematics for its own sake. And, at first sight, the arithmetic of war is not likely to appeal to the average person as of supreme interest. Yet, arithmetic may be made very absorbing, when applied to certain great human interests. Mere counting, mere adding and subtracting and multiplying, is not of itself a highly diverting pastime; but suppose you are counting things that are vital to your life and the realization of its ideals,—then counting becomes a highly engrossing occupation. If we are interested in collecting coins or stamps, the counting of coins or stamps becomes a pleasurable hobby. If we are building a house, especially if we are sufficiently interested to help plan the house ourselves, the arithmetic of house-building is likely to become a passion for the time being. The business man does not find the counting of his profits a dull occupation, particularly if the profits are worth counting. Indeed, many are willing to spend their lives over the arithmetic of business. Thus it is with all human vocations: each one has its arithmetic, without the knowledge of which these vocations would be unintelligent and impossible.

Many of us are more interested in the economic aspects of civilization than we think. Truly, a large part of what we call human progress is the story of the increase of the

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race's wealth and its distribution among men. Much of the business of government has to do with ensuring and encouraging the material prosperity of its citizens. Much of the business of the great movements of reform, which are so prominent at the present day, have to do with the economic problems that confront society and only in terms of which other reforms, seemingly more idealistic, are possible. Yes, it may as well be understood at the very outset that the moral, religious and intellectual ideals of mankind are impossible unless men are properly clothed and fed and housed and surrounded with those manifold opportunities for development which only money can bring. Thus, the economic problem is, in a sense, the fundamental problem of civilization. Money may not involve ideals; but any large realization of ideals in this world certainly involves money.

So, it ought to be of even thrilling interest to every citizen of the world to know precisely the great currents of contemporary history which greatly help or impede the material prosperity of mankind. Especially, here in the United States, where the masses of the people are more and more controlling and guiding those social forces that make for material welfare, it is the duty and the privilege of every citizen, man or woman, to be thoroughly conversant with the arithmetic side of social progress.

The bookkeeping of the human race has thus far been a rather haphazard affair. Often the accounts have not been kept by experts. Often those in charge of the books have betrayed the people's trust. Often the figures have been juggled for the sake of the private ambitions of those in power, or to make the figures tell a story that might fool mankind into a feeling of security. But the

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worst part of history's ledger, by far the largest part, is the part devoted to the expenditures for wars, the part whose entries are written with human blood. Let us look at some of these entries for a while and consider just what they mean to us.

Remember that first of all we are to study the arithmetic of war for its own sake. After we have done that, it will be time enough to interpret its significance.

## II

At the great Fourth American Peace Congress, held in St. Louis in 1913, a most eloquent address was given by Dr. Thomas Edward Green on "The Burden of the Nations." One could not better introduce the subject of the arithmetic of war than to quote a few of the amazing facts brought out in that address. After pointing out that, during 1912, the nations spent two billions, two hundred and fifty millions of dollars in the creation of military and naval armament, Dr. Green reviews the military expenditures of England, Germany, France, Russia, and Japan, as follows:

"In England to-night there are 1,086,707 absolute paupers. Mr. Lloyd George, has stated that under the old age pension bill it has been discovered that there are in Great Britain 12,000,000 people actually entitled under the terms of the act to public charity, to enable them to end their lives decently, to die comfortably and be buried respectably. Twelve million people so poor that they need public aid to get out of the world in a respectable fashion. And yet with her army of 735,000 men, with her navy of 633 war vessels of all sorts and kinds, Great Britain is spending this year thirty-five per cent of her entire income, above the interest on her stupendous debt, in creating and maintaining her naval and military armament.

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Take Germany. There are 65,000,000 people in Germany, so congested that they average three hundred and ten (310) to the square mile the empire over. You can scarcely conceive of such congestion, and that, too, has created strange and unnatural economic problems.

Germany has a debt of three and a half billion dollars gold, every cent of it war debt. Upon the backs of her people rests an enormous rate of taxation, a taxation that restricts her progress, for she spends over forty-five per cent of her entire income in order that she may maintain her standing army of 1,763,000 soldiers, and build and keep in working order a navy commensurate with that of her great arch-enemy across the channel.

France, ever mindful of her lost provinces, still decorating with pathetic mourning the little statue in the Place de la Concorde, that bears the name of Strasbourg; France, impoverished still by the millions of her men, strong in their manhood, who went to death following the Corsican; France carries a war debt of over six billion dollars and spends thirty-seven per cent of her entire income in preparation for war. . . .

Russia covers one-seventh of the land surface of the globe. Out of her stupendous population of millions, seventy-two per cent can neither read nor write, and in the sense that we know it, there is not a public school in the whole empire. And yet Russia carries a crushing debt of four and three-quarter billion dollars. She borrows money every spring to pay the interest on it and yet she has provided this year four hundred and ninety-seven million dollars as a military budget; and at the knout's end she is taking by increased taxation from her peasant and poor people the money with which to build and equip a navy to replace the one that Togo sent to the bottom of the Sea of Japan.

Well, there is Japan. . . . Fifty millions of industrious, economical, patriotic people wresting a living from a soil impoverished by centuries, without national resource, figuring income and expense to the last penny; halving each pitiful coin in willingly borne taxation — eighty-

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five per cent of Japan's income is derived from taxation — she has nothing else. It means that her people must give each year an average of twenty-five per cent of all they have and earn to pay Japan's penalty for following her 'Great Ally' in the race of mad militarism.

Only fifteen per cent of the land of Japan is arable and that only under forced intensive farming; all the rest of it is waste sand, rock and lava, which would not grow even a blade of grass, and even the fifteen per cent of arable soil must be artificially fertilized before it will bring forth anything at all.

Japan has a national debt of \$1,378,000,000, an average of \$21.75 for every man, woman and child in the whole empire."

We do not think of our own United States as a militaristic nation; and when we think of "the burden of armaments" it never occurs to us to class our country with countries like Germany and England and Russia. Yet, the arithmetic of American military expenditures is startling to one who has not studied it. Dr. Green gives us a few introductory figures in the following language:

"It is marvelous: this supreme America of ours. We have a national debt of a round billion dollars, every penny of it war debt, too. During the past thirty years our population has increased eighty-five per cent, our wealth one hundred and eighty-five per cent and our expenditures four hundred per cent. For the ten years before the Spanish War, we appropriated yearly \$24,000,000 for our army and \$27,000,000 for our navy. Since the Spanish War each year, \$83,000,000 at least has gone to the War Department, an average of \$108,000,000 to the navy. In the ten years we have spent \$1,975,000,000, enough to have paid the entire national debt and to have built three Panama Canals.

During 1912, our entire income was \$702,000,000. Of this we expended \$654,000,000, and of that expenditure \$444,000,000 went to war, navy and pension departments.

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Seventy-two per cent, that is, of the entire income on war, past, present and to come; and twenty-eight per cent, or what was left, for all a great nation should do—deserts to be irrigated, swamps to be drained, rivers to be deepened, harbors to be dredged, forests to be guarded, tuberculosis to be fought, cancer to be investigated, ten million negroes to be cared for — all, all the mighty problems of a free Republic to be met, and we kept twenty-eight per cent of our income, and gave the rest to a cheap imitation of European insanity.

The whole public school system of America cost in 1912 the sum of \$426,250,434, and we lavished \$444,000,000 on our pet delusion.

A single battleship costs at least \$10,000,000; its upkeep at least \$750,000 a year. Our big guns cost \$75,000 apiece. Every time a gun is fired it burns \$1,000 to ashes, and all this while people starve in our slums, children die like flies for lack of pure milk and half-famished girls sell their virtue for the price of life."

The facts which Dr. Green here gives us are mingled with his obviously implied opinion that these expenditures are not justified. Just now we can well reserve judgment on this point. First of all, we want the facts themselves. Remember then, that every year, not in times of war but in times of peace, the world spends over two and a quarter billion dollars for war preparations alone. In her "Outline of Lessons on War and Peace," Lucia Ames Mead reminds us that this sum equals \$2.25 spent every minute during the entire Christian era, or a pile of dollar bills arranged like leaves in a book 116 miles high; that loss of earnings of non-productive soldiers doubles this amount; and that the total annual income for the peace cause in the whole world equals less than the cost of one single torpedo-boat destroyer. And, since we are interested particularly in our own country's part in this world

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expenditure, remember that the United States has spent during its existence \$21,500,000,000 and that of this sum \$16,000,000,000 was sunk in the expenses incident to wars that actually occurred and to the conjectural wars of the future. In her book "Swords and Ploughshares," Mrs. Mead points out that while our population increased thirty-five per cent in sixteen years, our naval expenditures increased six hundred per cent.

These figures of the money spent in preparation for war are stupendous enough to make one think. But they tell only a part of the story: for this great expenditure means a vast system of taxation by which the common man has to lower his standard of living. Nor do these taxes represent governmental expenditures upon constructive projects for the common welfare: they are spent upon the agencies that tear down instead of building up, for war always destroys and never builds. Of course, if war is inevitable, all this cannot be helped; but the facts remain the same,—and it is the facts that we are after now. These figures, then, represent the support by the government of millions of men who are withdrawn from life's useful occupations together with hundreds of thousands of men who are likewise withdrawn from the constructive work of the world to build warships and forts and guns. Thus, even in times of peace, expenditures for war have not only a direct but an indirect effect upon the fortunes of every man, woman and child in the world.

If this is true in times of peace, how much more dire and far-reaching are both the direct and indirect effects of the war system in times of war. No one knows more thoroughly than the business man what a disturbing and revolutionary effect war has upon the business of the

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world, upon which the material fortunes of the individual absolutely depend. Perhaps the easiest way to prove the anarchic effects upon business interests of war is not to quote a great many bewildering figures, which could very readily be done; but to cite the fact that the commercial bodies of the world are more and more protesting against the war system. Not long ago, the World Peace Foundation published a pamphlet entitled "Chambers of Commerce for Arbitration." In this pamphlet, 180 of the leading boards of trade and chambers of commerce in the United States are recorded as having drawn up strong resolutions in favor of arbitration as the true method of settling international disputes. When, in President Taft's administration, the arbitration treaties with Great Britain and France were before the Senate, such resolutions were passed by these organizations of business men all over the country. The representative resolution is that passed by the Directors of the Board of Trade of Worcester, Massachusetts. It reads as follows:

*"Resolved*, that it is the opinion of this organization, numbering in its membership more than 1,000 of the manufacturers, merchants, professional and business men of this city, that the progress of civilization, the safety and security of the business world, the happiness and prosperity of humanity and the best interests of our beloved country demand the ratification of the pending general arbitration treaties with Great Britain and France, as proposed by the President of the United States and negotiated by the Department of State; that the principle be retained of the joint high commission of inquiry to determine whether or not an international difference is subject to arbitration, as provided therein, and that said pending treaties be ratified without amendment."

Perhaps the bankers are more in touch with the pulse



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of the world's business than any other class of men. They are thoroughly well aware of how closely interrelated are the financial interests of all nations and of how war disturbs vitally the financial equilibrium of the world, affecting not only themselves as bankers, but also the welfare of the people everywhere. At the meeting of the New York State Bankers' Association, at Ottawa, Canada, in 1913, Mr. George E. Roberts, Director of the United States Mint, said:

"It seems to me to be very appropriate that of all people the bankers should be foremost in a celebration of Peace. The banker knows better than anyone else how many are the ties of interest that bind the modern nations together. He knows better than anyone else that war is not only barbarous in its cruelties but barbarous in its ignorance of common interests. . . .

Men have learned that as a plain commercial proposition there is more to gain by trading with a neighbor than by killing him, or even by governing him; and for proof of the last proposition, see the experience of England with her North American colonies."

Suppose we consider an entirely different class of business men: the farmers of America. The National Grange, representing a million American farmers, has put itself on record as against war and as for some more rational means of deciding questions of international right. Here are the closing words of the report of its Committee on International Peace:

"Our Order has become a power throughout the land. The time has come when the patron is heard and his words and counsel considered in legislative halls. Let us, an unbroken band of brothers and sisters, lend our aid in this great and noble cause of peace, than which none greater can claim our labor and our prayers. Let us join

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the ranks of those in other walks of life who are strong for this great end; let us add this one more bright jewel to the crown of our Order; and then coming generations will bless the name of the Grange, not only as giving freedom to the workers of the soil, but as being among the foremost to usher in the blessed day when peace, indeed, shall reign upon the earth."

This report shows that the farmers of this country thoroughly appreciate how the system of war interferes with what is, after all, the most important business of the world,— the providing of the world's inhabitants with their food.

We hear a great deal about the high cost of living in these days. How many of us have thought how far the highness of this cost is occasioned by war? In this connection, it is interesting to read the opening paragraph of the Report for 1910 of the Massachusetts Commission on the Cost of Living. Here it is:

"In weighing the causes that have contributed to increase the cost of living, this commission is convinced that a most far-reaching influence in creating, fostering and perpetuating high prices is militarism, with its incidents of war and waste and its consequences in taxation. The three great wars of the last decade and a half — the British-Boer, the Spanish-American and the Russo-Japanese — took millions of men out of the productive activities of our civilization into the wasteful activities of warfare, diverted the energies of other millions from useful industry in shop and mill and farm, and transferred their skill and labor to the production of war equipment, material, food and supplies for the armies in the field. This diversion of labor and capital from productive industry to waste and destruction, with the accompanying diminution of the necessaries of life and an inability to supply the world's demands, inevitably resulted in an advance of the prices of the commodities of common consumption."

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Usually, when writers discuss the general subject which we are now considering, they put it under some such head as "The Economics of War." Our own study has been put under the more striking title, "The Arithmetic of War." This title is borrowed from the fascinating book for young people, "The Friendship of Nations," by Lucille Gulliver. Since we owe our title to her, we may well consult a paragraph or two which she gives us under this heading. She says:

"A war affects not only the people of the countries fighting, but it destroys also much property and business belonging to foreigners, and raises prices the world over. Every day we hear some one say: 'What shall we have to eat by and by if prices continue to go up? Everything costs so much!' This increased cost of living is partly due to wars and war expenditures. When goods and workmen become scarce in two warring countries, tradesmen in other countries are unable to obtain as great quantities of wares as they could before the war. So the prices of things which they are able to purchase, rise. The three great wars of the last fifteen years took millions of men in Africa, Europe, and North America away from their business of making useful and necessary things, and either set them fighting or to making arms and ammunition and other articles which were destined to be destroyed. In consequence the necessaries of life were lessened and made expensive for people all around the globe. If one country feels a calamity, another feels it also. As Carlyle said, 'There is not a red Indian on the shores of Lake Winnipeg can quarrel with his squaw but the whole world must smart for it; will not the price of beaver rise?' If the 5,560,000 men who at present make up the armies and navies of the nations were busy at useful occupations instead of doing little which makes business for their countries, the cost of living might decrease. That number of laborers, farmers, or manufacturers could

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produce much, and from year to year make the world richer in many goods."

We have already seen, through the protests of chambers of commerce, how war affects the average business man; and, through the protests of bankers, how war affects those who are most directly in touch with the world's financial system. We have seen, furthermore, how the agriculturalists of America consider the war system in its relation to their own prosperity and progress. We have seen how war inevitably influences the cost of living of every man, woman and child within the sphere of its influence. Is it any wonder, then, that the great mass of wage-earners, too, have begun to wake up to the disastrous effects of the war system upon their own welfare? That these effects are disastrous is not merely a conviction of the plain laboring man, but it is also the conviction of those experts who are supremely qualified to judge with regard to the interests of labor. Let us consult one or two of these great experts on the arithmetic of war as applied to the great army of the wage-earners of the world.

Professor Alvin S. Johnson, of the Department of Economics, Cornell University, contributed a most significant article on "War and the Interests of Labor" to *The Atlantic Monthly* of March, 1914. In this article he contends that to-day, more than ever, the burden of war rests upon labor. He says:

"War, to the modern industrial laborer, is stark calamity and nothing more. It is a trade in which the price he pays may include pain of body and anguish of spirit, wounds, disease, and death, distress to his family and perhaps its dispersal and utter ruin. And the things thus dearly bought, national victory and national aggrandize-

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ment, are of no profit to the industrial worker. His private possessions are not increased; his toil is not lightened, his life is not made brighter. War may increase his country's dominions, but the extension of boundaries offers no wider prospect to the worker or to his children. Grant that they participate in the feeling of enlarged personal significance which accompanies national greatness: it is a feeling that does not often kindle a consciousness dulled by toil. The luxury of the large map,— what a thing for a wage-worker to die for!”

Professor Johnson calls attention to the fact that the population of all civilized countries is more and more converging to the cities and towns and adds that “an urban state is less fitted than a rural state to bear the strain of war.” For, as Professor Johnson urges:

“As a consequence of the concentration of population in the cities the economic life of a nation has come to be very delicately balanced. Food, fuel, and materials must be supplied to the cities with the utmost regularity; the products of the city must find an unobstructed outlet; otherwise a crisis is inevitable, with its attendant unemployment and distress. Even were a nation practically self-sufficing, it could hardly engage in a great war without a serious disturbance of its economic balance.”

What is the relation of all this to the effects of war upon labor? Professor Johnson shows us when he says:

“Accordingly, the great war of the future, if such a war ever occurs, will be fought largely by city industrial workers, drawn to the standards under some form of universal military service law. Not merely those who are without dependents, but those who have wives and children, parents and sisters, relying upon them for support, will be required for national defense.”

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Professor Johnson further calls attention to the fact that the solution of the great labor problems which confront us is postponed indefinitely by the occurrence of a war: particularly, since "A war in progress distracts the public attention; its influence is inevitably reactionary."

Such is the testimony of a specialist in one of our great universities. He is not alone in his conviction. At the Lake Mohonk Conference on International Arbitration, held in May, 1912, Mr. Charles Patrick Neill, United States Commissioner of Labor, delivered an address on "The Interest of the Wage-Earner in the Present Status of the Peace Movement." In this address, Mr. Neill pointed out that the wage-earners form the bulk of armies: that, to use his own words:

"In every armed struggle between nations it is from their ranks that is drawn a large proportion of the victims who are offered up as a sacrifice to the insatiable God of War; who go down in droves into unnamed graves; who endure all the grimness and the horror of war and reap little of its rewards or its glories."

But it is not only that the wage-earners are those who make up the majority of the soldiers, but that wage-earners pay disproportionate taxes. Mr. Neill says:

"So, too, it is upon the manual workers, the majority of whose incomes are small and barely suffice for the fuller needs of life, that the regular taxes levied to maintain a military equipment in time of peace, and the exceptional taxes levied to meet the drains of war fall most heavily. Not that they necessarily pay the largest share, but because every dollar drawn from the resources of the man with little income represents in reality a heavier burden, is a more real sacrifice, than perhaps ten or twenty times as much taken from the income of one who is better off."

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Even this is not all: for, according to Mr. Neill, war greatly accentuates the problem of unemployment — one of the greatest problems which America has to face at the present time, even while at peace. Mr. Neill says:

“When a war ends that has drawn heavily from the ranks of the wage-earners, there is always a period required for industry to readjust itself to a normal basis. In the defeated country, especially, the recovery of industry is slow; and along with this a large number of troops is suddenly released from military service and added to the ranks of those seeking employment, and the struggle for work then takes on one of its saddest and most tragic aspects.”

Is it any wonder, then, that the wage-earners of the country, both Socialist and anti-Socialist, favor the peace movement? They are sometimes bitter enemies with regard to other questions of economic policy; but they are united in their conviction that the war system is one of the worst enemies which they have to face. Thus it is that when, in last November, the American Federation of Labor held its annual convention in Philadelphia,— a convention representing 2,027,761 members, the Executive Council declared in its annual report that:

“The working people, the masses of the world’s population, can end all wars if they but have the independence to think and to give their convictions reality by daring to do. Wars will cease only when society is convinced that human life is really sacred and when society establishes agencies, international as well as national, for protecting lives.”

Nothing so far has been said with regard to the arith-

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metic of the present European war. Up to this point our interest has been to state in fairly comprehensible terms what the war system costs and how the whole system reacts vitally upon the welfare of every class of people. Nothing at all has yet been said to prove that this cost, together with its effects, is not entirely legitimate and necessary. Before one can discuss this further question, one must be fully acquainted with the facts in the case. Before proceeding to an interpretation of these facts, it is well now to turn our attention to the present European war, in order that we may discover in a general way how it is affecting the economic prosperity and progress of mankind.

One of the best of the articles that have appeared on the cost of the present war in dollars and cents is by Yves Guyot, President of the Society of Political Economy of Paris, who writes in a recent number of *Everybody's Magazine*. First of all, he points out that "The cost of past wars will be of little use to us in estimating the cost of the present European war, for each of the important factors of cost has universally increased even since the last great conflict was waged." His estimate is based on the assumption that the war will last six months. The fulfillment of this assumption is already a matter of history. M. Guyot also assumes that the number of soldiers in the field is 12,000,000,— a very conservative estimate. Basing his calculations upon the figures of experts of various countries, he concludes that the direct cost of military operations during the first six months amounts to \$5,400,000,000. But this is but a small part of the cost of the war. The largest item of all is the loss resulting from the fact that "for the entire length of the conflict, 12,000,000 men are taken away from their usual



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occupations." Furthermore, "it is the strongest who are taken, and their presence in the army means an empty place in the fields and factories" of the best workers of the nations. Leaving out Servia and Japan, M. Guyot estimates that the value of lost production for the first six months of the war amounts to \$7,986,000,000. Even this is not all: for, as M. Guyot tells us, "Man is a capital whose value has been most variously estimated." Taking the estimates of a celebrated actuary, M. Barriol, the conclusion is reached by M. Guyot, that the value of lost human capital for the six months is \$3,578,000,000. Adding these three items together we get a grand total of \$16,964,000,000 as the cost of the European war for the first six months. Think of it! Let us get these figures thoroughly in mind. From the standpoint of economics alone, Europe has already spent nearly seventeen thousand millions of dollars for the privilege of settling her international differences by the method of murder; and the end of the war is not in sight yet. And, when the war does end, what after all, will be settled? Any rational question of justice and right? Can machine guns argue and get at the eternal truth of great questions, upon whose solution European progress depends? Is it not true that the only thing that will be settled at all is that one side can kill and destroy more expertly than the other?

Strange to say, the figures just given represent but a part of the real cost of this war to civilization: for the financial effects of the war reach far beyond the countries that are engaged in it. All peoples are affected more or less disastrously by the conflict. For instance, during the first four months of the war the exports from the United States to Europe fell off over \$382,000,000, as

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compared with the corresponding months of the previous year. The decrease of imports into the United States from Europe was likewise great. This is but one instance out of many that might be cited to show the indirect effects of the war upon the welfare of the world.

### III

We are sufficiently acquainted with the arithmetic of war to ask a further question for the consideration of which all these figures have been given. The question is, Does it pay civilization to try to settle its problems by war? Are we getting value received? Is it a good business proposition? If not, is there something else so worth while which civilization gets through these international slaughters, that wars are worth all the vast sums of dollars and lives that are paid for them?

During the nineteenth century the world spent forty thousand millions of dollars on wars. Is that the best investment that the nineteenth century could make with forty thousand million dollars? Some think that the investment was worth while because wars develop courage and bravery as no other human institution. We are told that war glorifies the human will; that it breeds firmness and tenacity of conviction; that it teaches self-sacrifice and a noble disdain of death. But is the courage that kills other men of courage the right kind of courage to develop in a sané civilization? Or, is the self-sacrifice bent upon the destruction of others with the same noble trait, a self-sacrifice that civilization can afford even as a luxury? Does not modern civilization afford much better fields for the exercise of courage and of daring,—and for the self-sacrifice that does not mean destruction, but constructive social service?

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The world calls for a new kind of heroes: heroes to combat quietly and manfully with the wants and struggles of a race which confronts social problems of a magnitude to try the bravest hearts; intellectual heroes, moral heroes, heroes of philosophy, heroes of science; heroes who shall have no brass bands and drums and flags and cheers to lead them on, and so greater heroes than the days of war ever knew. The combative instinct will not die out: it is the palladium of personal dignity; but it will not be a combat of swords, but of principles; not on the field of Mars, but on the field of the moral majesties. It might be worth forty thousand million dollars for some century to develop this sort of heroes: but it has never been tried.

Some think the investment is worth while because war develops great traits of national character. We are told that many a nation has been awakened only by war out of a degraded lethargy that meant slow death. When war came, the place of venal self-seeking has been usurped by a generous loyalty and an exalted patriotism. We are told that nothing cements national unity like warfare against the common foe. We are told that nearly all great national movements have been launched by international war; that by the names of great wars we mark the epochs of the race. We are assured that Assyria, Persia, Rome, the Moslems grew great through war and declined when peace came at last. Even our own peaceful John Burroughs says: "Men who settle their differences by blows and blood are always the worse for it, but nations are often the better for it."

There is no doubt that war arouses a certain sort of national consciousness and that it does tend to unify a nation. But the great question is, What sort of a

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national consciousness does war stimulate, and what sort of a national unity does it achieve? Is it the right kind of national self-consciousness and unity,— the kind that it achieves only by the denial and destruction of world consciousness and world unity? Are the projects of an individual nation, its ambitions, to be set up against the welfare of the world? At any rate, have we not come to a time in the world's history when the best sort of national consciousness is the sort that reaches out and embraces within its conception of social progress the constructive progress of all mankind? Is not the international mind and the world-outlook the real evidence of the sort of national consciousness that rightfully belongs to this twentieth century civilization? The self-consciousness that war breeds is a selfish consciousness: furthermore, a self-consciousness whose chief attribute is faith in the right of might rather than the might of right. Which would be the better investment for a century: to spend forty thousand million dollars in developing conflicting and mutually destroying national unities, strong as these may be: or to spend forty thousand million dollars in educating the peoples of the earth to the point where they would rather be right than mighty, and where they would forever afterwards never conceive that the progress of one nation is of more importance than the progress of mankind?

The fact is that the question, Does war pay? resolves itself into the following questions: First, are the causes which war attempts to decide of such value that it is worth while to pay the price of war to decide them? Second, granting that these causes are worth deciding at any price necessary, is war the cheapest, the best and the most rational way of deciding them?

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If one had time, it would be instructive to review the hundreds of wars of the past and show that the causes of many of them were so trivial that they were not really causes at all: or, if they were, they were not worth any considerable price to settle by war or by any other means. However, it will conduce to fairness and get us to the real issue more quickly, if we assume that all the wars of the past were concerning great causes, upon the settlement of which vital human interests depended. In other words, let us grant that which is no doubt the truth, that nations do have genuine international differences which present problems that imperatively call for solution by some means or other. Then, the only thing we have to consider is the simple question: Is war the cheapest, best and most reasonable way of solving the world's great problems?

Surely it is not the most *reasonable* way: indeed, one can scarcely see how the settlement of an argument by force has any reason in it at all. The most reasonable way to enact international law is by world conference and co-operation: not by a refusal to conduct rational negotiations through experts in international relations. One of the persistent causes of war is to be found in the fact that international law in the past has been enacted by force and not by reason, so that it never reached any degree of adequacy or stability. Many of the greatest minds of the last century have shown to us what an international legislature and international court would mean to civilization.

No one has shown that this method of settling international disputes is impossible. Indeed, so many international disputes of great moment have already been settled by arbitration that the practicability of a rational

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substitute for war is now fully proved. So the answer is, that war is not the most reasonable way of solving the world's great problems: blind force does not reason at all. International law ought not to be dictated by nations whose only right to dictate such law is that they can destroy more and kill more than the nations pitted against them.

And, since war is not the most reasonable way of deciding international differences, it is not the *best* way,—that is, the righteous way. Reasonableness and righteousness go together. Anything that is unreasonable is wrong: just as anything that is wrong is also unreasonable.

And surely war is not the *cheapest* way of arriving at conclusions with regard to international rights and obligations. It would not have cost the nineteenth century forty thousand millions of dollars to have settled her international quarrels through an international court; and even if it did, the nineteenth century would have been getting infinitely more value for the money, and instead of destroying civilization, would have been building it up. It is said that the European war is costing approximately fifty million dollars a day, apart from the greatest item of all, the loss of production due to the withdrawal of workers into the fighting armies. It surely would not cost fifty million dollars a day to hold sessions of a world's court; even if it did cost this much, stupendous as this sum is, Europe would be saving billions of dollars and would also have the advantage of settling its questions as nearly rightly as the reason of the experts of the world could settle them.

Thus, civilization has no reasonable defence at all for appealing to war as the supreme arbiter of humanity's great problems. It is neither the best, nor the cheapest,

## THE ARITHMETIC OF WAR

nor the most reasonable way of coming to decisions with regard to those vital questions upon which the welfare of every man, woman and child in the world depends.

### IV

It is high time to revise the world's bookkeeping. It is high time to cease spending the great majority of the world's wealth in the paradoxical business of destroying the world's wealth. Let us do some transferring of accounts and let us do it as soon as possible. Let us transfer the millions spent on the armaments of the world to such constructive purposes as the promotion of agriculture; the promotion of forestry; the promotion of the welfare of the laboring classes and the regulation of labor; the promotion of education and recreation; provision for defectives and dependents; the reclamation of the waste lands of the world; the encouragement of art and literature in all their forms; the increase of the economic prosperity of the average citizen so that his standard of life may be raised to that point where he can achieve some of the human ideals which he has been denied so long. The twentieth century has already spent seventeen thousand million dollars on this one European war: how would it be to dedicate seventeen thousand million dollars to be spent during the rest of the century in cultivating the good-will of nations toward each other: in creating a better international understanding, in putting civilization on such a basis that never again will it resort to the stupidity and the revolting folly of supposing that the great truths of the world are attained by slaughter, or that the order of the world is achieved through the riotous anarchy of bloody strife?

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It depends upon us whether this revision shall take place. But we may be hopeful: for the business men of the world are beginning to demand a new order of things. The wage-earners of the world are insisting that it shall come. The statesmen of the world are gradually attaining the international vision. And the women of the world are joining their brothers in demanding that the new internationalism shall no longer be considered a mere vision, but shall be achieved speedily as the only rational basis of the civilization of the to-morrows.



**WAR SYSTEM OF THE  
COMMONWEALTH  
OF NATIONS**

**REPRINTED FROM "ADDRESSES ON WAR"**

**BY  
CHARLES SUMNER**

**PUBLISHED FOR THE WORLD PEACE FOUNDATION  
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# WAR SYSTEM OF THE COMMONWEALTH OF NATIONS.

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ADDRESS BEFORE THE AMERICAN PEACE SOCIETY, AT ITS ANNIVERSARY  
MEETING IN THE PARK STREET CHURCH,  
BOSTON, MAY 28, 1849.

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That it may please Thee to give to all nations unity, peace, and concord. — THE LITANY.

What angel shall descend to reconcile  
The Christian states, and end their guilty toil ?  
WALLER.

Quæ harmonia a musicis dicitur in cantu, ea est in civitate concordia. — CICERO, *De Republica*, Lib. II. Cap. 42.

Una dies Fabios ad bellum miserat omnes,  
Ad bellum missos perdidit una dies.

· OVID, *Fasti*, Lib. II. 235, 236.

Cum hac persuasione vivendum est: Non sum uni angulo natus; patria mea totus hic mundus est. — SENECA, *Epistola XXVIII*.

Illi enim exorsi sunt non ab observandis telis aut armis aut tubis; id enim invisum illis est propter Deum quem in conscientia sua gestant. — MARCUS AURELIUS, *Epistola ad Senatum*: S. Justinii *Apologia I. pro Christianis*, Cap. 71.

War is one of the greatest plagues that can afflict humanity: it destroys religion, it destroys states, it destroys families. Any scourge, in fact, is preferable to it. Famine and pestilence become as nothing in comparison with it. . . . Cannons and fire-arms are cruel and damnable machines. I believe them to have been the direct suggestion of the Devil. . . . If Adam had seen in a vision the horrible instruments his children were to invent, he would have died of grief. — MARTIN LUTHER, *Table-Talk*, tr. Hazlitt, pp. 331 – 332.

Mulei Abdelummi, assaulted by his brother and wounded in the church, 1577, would not stirre till *sala*, or prayer, was done. — PURCHAS, *Pilgrims*, Part II. Book IX. Chap. 12, § 6, p. 1564.

A duel may still be granted in some cases by the law of England, and only there. That the Church allowed it anciently appears by this: In their public liturgies there were prayers appointed for the duellists to say; the judge used to bid them go to such a church and pray, etc. But whether is this lawful? If you grant any war lawful, I make no doubt but to convince it. — SELDEN, *Table-Talk*: *Duel*.

I look upon the way of Treaties as a retiring from fighting like beasts to arguing like men, whose strength should be more in their understandings than in their limbs. — *Eikon Basilike*, XVIII.

Se peut-il rien de plus plaisant qu'un homme ait droit de me tuer parce qu'il demeure au delà de l'eau, et que son prince a querelle avec le mien, quoique je n'en aie aucune avec lui? — PASCAL, *Pensées*, Part. I. Art. VI. 9.

Pourquoi me tuez-vous? Eh quoi! ne demeurez-vous pas de l'autre côté de l'eau? Mon ami, si vous demeurez de ce côté, je serais un assassin; cela serait injuste de vous tuer de la sorte: mais puisque vous demeurez de l'autre côté, je suis un brave, et cela est juste. — *Ibid.*, Part. I. Art. IX. 3.

De tout temps les hommes, pour quelque morceau de terre de plus ou de moins, *sont convenus* entre eux de se dépouiller, se brûler, se tuer, s'égorger les uns les autres; et pour le faire plus ingénieusement et avec plus de sûreté,

ils ont inventé de belles règles qu'on appelle l'art militaire: ils ont attaché à la pratique de ces règles *la gloire*, ou la plus solide réputation; et ils ont depuis enchéri de siècle en siècle sur la manière de se détruire réciproquement. — LA BRUYÈRE, *Du Souverain ou de la République*.

La calamita esser innamorata del ferro. — VICO, *Scienza Nuova*, Lib. I, *Degli Elementi*, XXXII.

Unlistening, barbarous Force, to whom the sword  
Is reason, honor, law.

THOMSON, *Liberty*, Part IV. 45, 46.

Enfin, tandis que les deux rois faisaient chanter des *Te Deum*, chacun dans son camp, il prit le parti d'aller raisonner ailleurs des effets et des causes. Il passa par-dessus des tas de morts et de mourants, et gagna d'abord un village voisin; il était en cendres: c'était un village Abare, que les Bulgares avaient brûlé, *selon les lois du droit public*. — VOLTAIRE, *Candide ou l'Optimiste*, Chap. III.

The rage and violence of public war, what is it but a suspension of justice among the warring parties? — HUME, *Essays: Inquiry concerning the Principles of Morals*, Section III., *Of Justice*, Part I.

A single robber or a few associates are branded with their genuine name; but the exploits of a numerous band assume the character of lawful and honorable war. — GIBBON, *Decline and Fall of the Roman Empire*, Chap. 50.

The glory of a warrior prince can only be written in letters of blood, and he can only be immortalized by the remembrance of the devastation of provinces and the desolation of nations. A warrior king depends for his reputation on the vulgar crowd, and must address himself to prejudice and ignorance to obtain the applause of a day, which the pen of the philosopher, the page of the historian, often annul, even before death comes to enshroud the mortal faculties in the nothingness from which they came. Consult, Sire, the laws of the King of Kings, and acknowledge that the God of the Universe is a God of Peace. — RIGHT HON HUGH ELLIOT, *British Minister in Sweden, to Gustavus III.*, November 10, 1788: *Memoir*, by the Countess of Minto, p. 324.

C'est un usage reçu en Europe, qu'un gentilhomme vende, à une querelle étrangère, le sang qui appartient à sa patrie; qu'il s'engage à assassiner, en bataille rangée, qui il plaira au prince qui le soudoie; et ce métier est regardé comme honorable. — CONDORCET, *Note 109 aux Pensées de Pascal*.

C'était un affreux spectacle que cette déroute. Les blessés, qui ne pouvaient se traîner, se couchaient sur le chemin; on les foulait aux pieds; les femmes poussaient des cris, les enfans pleuraient, les officiers frappaient les fuyards. Au milieu de tout ce désordre, ma mère avait passé sans que je la reconnusse. Un enfant avait voulu l'arrêter et la tuer, parce qu'elle fuyait. — MADAME DE LA ROCHEJAQUELEIN, *Mémoires*, Chap. XVII. p. 301.

Let the soldier be abroad, if he will; he can do nothing in this age. There is another personage, a personage less imposing in the eyes of some, perhaps insignificant. The schoolmaster is abroad, and I trust to him, armed

with his primer, against the soldier in full military array.—BROUGHAM, *Speech in the House of Commons, January 29, 1828.*

Was it possible for me to avoid the reflections which crowded into my mind, . . . when I reflected that this peaceful and guiltless and useful triumph over the elements and over Nature herself had cost a million only of money, whilst fifteen hundred millions had been squandered on cruelty and crime, in naturalizing barbarism over the world, shrouding the nations in darkness, making bloodshed tinge the earth of every country under the sun, — in one horrid and comprehensive word, squandered on WAR, the greatest curse of the human race, and the greatest crime, because it involves every other crime within its execrable name? . . . I look backwards with shame, with regret unspeakable, with indignation to which I should in vain attempt to give utterance, . . . when I think, that, if one hundred, and but one hundred, of those fifteen hundred millions, had been employed in promoting the arts of peace and the progress of civilization and of wealth and prosperity amongst us, instead of that other employment which is too hateful to think of, and almost nowadays too disgusting to speak of (and I hope to live to see the day when such things will be incredible, when, looking back, we shall find it impossible to believe they ever happened), instead of being burdened with eight hundred millions of debt, borrowed after spending seven hundred millions, borrowed when we had no more to spend, we should have seen the whole country covered with such works as now unite Manchester and Liverpool, and should have enjoyed peace uninterrupted during the last forty years, with all the blessings which an industrious and a virtuous people deserve, and which peace profusely sheds upon their lot. — *IBID., Speech at Liverpool, July 20, 1835.*

Who can read these, and such passages as these [from Plato], without wishing that some who call themselves Christians, some Christian Principalities and Powers, had taken a lesson from the Heathen sage, and, if their nature forbade them to abstain from massacres and injustice, at least had not committed the scandalous impiety, as he calls it, of singing in places of Christian worship, and for the accomplishment of their enormous crimes, *Te Deums*, which in Plato's Republic would have been punished as blasphemy? Who, indeed, can refrain from lamenting another pernicious kind of sacrilege, an anthropomorphism, yet more frequent, — that of making Christian temples resound with prayers for victory over our enemies, and thanksgiving for their defeat? Assuredly such a ritual as this is not taken from the New Testament. — *IBID., Discourse of Natural Theology, Note VIII.*

War is on its last legs; and a universal peace is as sure as is the prevalence of civilization over barbarism, of liberal governments over feudal forms. The question for us is only, *How soon!* — EMERSON, *War: Aesthetic Papers*, ed. E. P. Peabody, p. 42.

A day will come when the only battle-field will be the market open to commerce and the mind opening to new ideas. A day will come when bullets and bomb-shells will be replaced by votes, by the universal suffrage of nations, by the venerable arbitration of a great Sovereign Senate, which

will be to Europe what the Parliament is to England, what the Diet is to Germany, what the Legislative Assembly is to France. A day will come when a cannon will be exhibited in public museums, just as an instrument of torture is now, and people will be astonished how such a thing could have been. A day will come when those two immense groups, the United States of America and the United States of Europe, shall be seen placed in presence of each other, extending the hand of fellowship across the ocean. — VICTOR HUGO, *Inaugural Address at the Peace Congress of Paris, August 22, 1849.*

Clearly, beyond question, whatsoever be our theories about human nature and its capabilities and outcomes, the less war and cutting of throats we have among us, it will be better for us all. One rejoices much to see that immeasurable tendencies of this time are already pointing towards the results you aim at, — that, to all appearance, as men no longer wear swords in the streets, so neither by-and-by will nations. — CARLYLE, *Letter to the Peace Congress at London, July, 1851.*

The longer I live, the more I am convinced of the necessity of a powerful association to plead the cause of Universal Peace and International Arbitration; and I feel confident that the time is not far distant when war will be as impossible among civilized nations as duelling is among civilized men. — SIR DAVID BREWSTER, *Letter to the Peace Conference at Edinburgh, October, 1853.*

Aujourd'hui encore on bénit les drapeaux qui conduisent les hommes à de mutuels égorgements. En donnant à un Dieu de paix le nom de *Dieu des Armées*, on fait de l'Être infini en bonté le complice de ceux qui s'abreuvent des larmes de leurs semblables. Aujourd'hui encore on chante d'impies *Te Deum* pour le remercier de ces victoires obtenues au prix d'épouvantables massacres, victoires qu'il faudrait ou expier comme des crimes lorsqu'elles ont été remportées dans des guerres offensives ou déplorer comme la plus triste des nécessités quand elles ont été obtenues dans des guerres défensives. — LARROQUE, *De la Guerre et des Armées Permanentes*, Part. III. § 4.

La monarchie, sous les formes mêmes les plus tempérées, tiendra toujours à avoir à sa dévotion des armées permanentes. Or avec les armées en permanence l'abolition de la guerre est impossible. Par conséquent la grande fédération des peuples, au moins de tous les peuples Européens, dans le but d'arriver à l'abolition de la guerre par l'institution d'un droit international et d'un tribunal supérieur chargé de le faire observer, ne sera réalisable que le jour où ces peuples seront organisés sous la forme républicaine. Quand luira ce jour? — *IBID.*, Avant-propos, p. 6.

Sir J. Lubbock quotes the case of a tribe in Baffin's Bay who "could not be made to understand what was meant by war, nor had they any warlike weapons." No wonder, poor people! They had been driven into regions where no stronger race could desire to follow them. — DUKE OF ARGYLL, *Primeval Man*, p. 177.

## ADDRESS.

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**M**R. PRESIDENT AND GENTLEMEN, — We are assembled in what may be called the Holy Week of our community, — not occupied by pomps of a complex ceremonial, swelling in tides of music, beneath time-honored arches, but set apart, with the unadorned simplicity of early custom, to anniversary meetings of those charitable and religious associations from whose good works our country derives such true honor. Each association is distinct. Gathered within the folds of each are its own members, devoted to its chosen objects: and yet all are harmonious together; for all are inspired by one sentiment, — the welfare of the united Human Family. Each has its own separate orbit, a pathway of light; while all together constitute a system which moves in a still grander orbit.

Among all these associations, none is so truly comprehensive as ours. The prisoner in his cell, the slave in his chains, the sailor on ocean wanderings, the Pagan on far off continent or island, and the ignorant here at home, will all be commended by eloquent voices. I need not say that you should listen to these voices, and answer to their appeal. But, while mindful of these interests, justly claiming your care, it is my present and



most grateful duty to commend that other cause, the great cause of Peace, which in its wider embrace enfolds prisoner, slave, sailor, the ignorant, all mankind, — which to each of these charities is the source of strength and light, I may say of life itself, as the sun in the heavens.

Peace is the grand Christian charity, fountain and parent of all other charities. Let Peace be removed, and all other charities sicken and die. Let Peace exert her gladsome sway, and all other charities quicken into life. Peace is the distinctive promise and possession of Christianity, — so much so, that, where Peace is not, Christianity cannot be. It is also the promise of Heaven, being the beautiful consummation of that rest and felicity which the saints above are said to enjoy. There is nothing elevated which is not exalted by Peace. There is nothing valuable which does not gain from Peace. Of Wisdom herself it is said, that all her ways are pleasantness, and all her paths are Peace. And these golden words are refined by the saying of the Christian Father, that the perfection of joy is Peace. Naturally Peace is the longing and aspiration of the noblest souls, whether for themselves or for country. In the bitterness of exile, away from the Florence immortalized by his divine poem, and pacing the cloisters of a convent, where a sympathetic monk inquired, "What do you seek?" Dante answered, in accents distilled from the heart, "*Peace!*"<sup>1</sup> In the memorable English struggles, while King and Parliament were rending the land, a gallant supporter of monarchy, the chivalrous Falkland, touched by the intolerable woes of

<sup>1</sup> Longfellow's *Poets and Poetry of Europe*, p. 513.

War, cried, in words which consecrate his memory more than any feat of arms, "*Peace! peace!*"<sup>1</sup> Not in aspiration only, but in benediction, is this word uttered. As the Apostle went forth on his errand, as the son forsook his father's roof, the choicest blessing was, "*Peace be with you!*" When the Saviour was born, angels from heaven, amidst choiring melodies, let fall that supreme benediction, never before vouchsafed to the children of the Human Family, "*Peace on earth, and good-will towards men!*"

To maintain this charity, to promote these aspirations, to welcome these benedictions, is the object of our Society. To fill men in private with all those sentiments which make for Peace, to lead men in public to the recognition of those paramount principles which are the safeguard of Peace, above all, to teach the True Grandeur of Peace, and to unfold the folly and wickedness of the Institution of War and of the War System, now recognized and established by the Commonwealth of Nations as the mode of determining international controversies, — such is the object of our Society.

There are persons who allow themselves sometimes to speak of associations like ours, if not with disapprobation, at least with levity and distrust. A writer so humane and genial as Robert Southey left on record a gibe at the "Society for the Abolition of War," saying that it had "not obtained sufficient notice even to be in disrepute."<sup>2</sup> It is not uncommon to hear our aims characterized as visionary, impracticable, Utopian. Sometimes it is hastily said that they are contrary to

<sup>1</sup> Clarendon, History of the Rebellion, Book VII. Vol. IV. p. 255.

<sup>2</sup> Colloquies on the Progress and Prospects of Society, Vol. I. p. 224.

the nature of man, that they require for success a complete reconstruction of human character, and that they necessarily assume in man qualities, capacities, and virtues which do not belong to his nature. This mistaken idea was once strongly expressed in the taunt, that "an Anti-War Society is as little practicable as an Anti-Thunder-and-Lightning Society."<sup>1</sup>

Never a moment when this beautiful cause was not the occasion of jest, varying with the character of the objector. More than a century ago there was something of this kind, which arrested the attention of no less a person than Leibnitz, and afterwards of Fontenelle. It was where an elegant Dutch trifter, as described by Leibnitz, following the custom of his country, placed as a sign over his door the motto, *To Perpetual Peace*, with the picture of a cemetery, — meaning to suggest that only with the dead could this desire of good men be fulfilled. Not with the living, so the elegant Dutch trifter proclaimed over his door. A different person, also of Holland, who was both diplomatist and historian, the scholarly Aitzema, caught the jest, and illustrated it by a Latin couplet: —

"Qui pacem quæris libertatêmque, viator,  
Aut nusquam aut isto sub tumulo invenies"; —

which, being translated, means, "Traveller, who seekest Peace and Liberty, either nowhere or under that mound thou wilt find them."<sup>2</sup> Do not fail to observe that Liberty is here doomed to the same grave as Peace. Alas, that there should be such despair! At length Liberty is rising. May not Peace rise also?

<sup>1</sup> Hon. Jeremiah Mason, of Boston, to Mr. Sumner.

<sup>2</sup> Leibnitz, *Codex Juris Gentium Diplomaticus*, Dissert. I. § 1: Opera (ed. Dutens), Tom. IV. Pars 3, pp. 287, 288. Fontenelle, *Eloge de Leibnitz: Œuvres*, Tom. V. p. 456.

Doubtless objections, to say nothing of jests, striking at the heart of our cause, exert a certain influence over the public mind. They often proceed from persons of sincerity and goodness, who would rejoice to see the truth as we see it. But, plausible as they appear to those who have not properly meditated this subject, I cannot but regard them — I believe that all who candidly listen to me must hereafter regard them — as prejudices, without foundation in sense or reason, which must yield to a plain and careful examination of the precise objects proposed.

Let me not content myself, in response to these critics, with the easy answer, that, if our aims are visionary, impracticable, Utopian, then the unfulfilled promises of the Scriptures are vain, — then the Lord's Prayer, in which we ask that God's kingdom may come on earth, is a mockery, — then Christianity is no better than the statutes of Utopia. Let me not content myself with reminding you that all the great reforms by which mankind have been advanced encountered similar objections, — that the abolition of the punishment of death for theft, so long delayed, was first suggested in the "Utopia" of Sir Thomas More, — that the efforts to abolish the slave-trade were opposed, almost in our day, as visionary, — in short, that all endeavors for human improvement, for knowledge, for freedom, for virtue, all the great causes which dignify human history, and save it from being a mere protracted War Bulletin, a common sewer, a *Cloaca Maxima*, flooded with perpetual uncleanness, have been pronounced Utopian, — while, in spite of distrust, prejudice, and enmity, all these causes gradually found acceptance, as they gradually came to be understood, and the aspirations of one age became the acquisitions of the next.

Satisfactory to some as this answer might be, I cannot content myself with leaving our cause in this way. I shall meet all assaults, and show, by careful exposition, that our objects are in no respect visionary, — that the cause of Peace does not depend upon any reconstruction of the human character, or upon holding in check the general laws of man's being, — but that it deals with man as he is, according to the experience of history, — and, above all, that our immediate and particular aim, the abolition of the Institution of War, and of the whole War System, as *established* Arbitrer of Right in the Commonwealth of Nations, is as practicable as it would be beneficent.

I begin by putting aside questions, often pushed forward, which an accurate analysis shows to be independent of the true issue. Their introduction has perplexed the discussion, by transferring to the great cause of International Peace doubts which do not belong to it.

One of these is the declared right, inherent in each individual, to take the life of an assailant in order to save his own life, — compendiously called the *Right of Self-Defence*, usually recognized by philosophers and publicists as founded in Nature and the instincts of men. The exercise of this right is carefully restricted to cases where life itself is in actual jeopardy. No defence of property, no vindication of what is called *personal honor*, justifies this extreme resort. Nor does this right imply the right of attack; for, instead of attacking one another, on account of injuries past or impending, men need only resort to the proper tribunals of justice. There are, however, many most respectable persons,

particularly of the denomination of Friends, some of whom I may now have the honor of addressing, who believe that the exercise of this right, even thus limited, is in direct contravention of Christian precepts. Their views find faithful utterance in the writings of Jonathan Dymond, of which at least this may be said, that they strengthen and elevate, even if they do not always satisfy, the understanding. "We shall be asked," says Dymond, "'Suppose a ruffian breaks into your house, and rushes into your room with his arm lifted to murder you; do you not believe that Christianity allows you to kill him?' This is the last refuge of the cause. Our answer to it is explicit, — *We do not believe it.*"<sup>1</sup> While thus candidly and openly avowing an extreme sentiment of non-resistance, this excellent person is careful to remind the reader that the case of the ruffian does not practically illustrate the true character of War, unless it appears that war is undertaken simply for the preservation of life, when no other alternative remains to a people than to kill or be killed. According to this view, the robber on land who places his pistol at the breast of the traveller, the pirate who threatens life on the high seas, and the riotous disturber of the public peace who puts life in jeopardy at home, cannot be opposed by the sacrifice of life. Of course all who subscribe to this renunciation of self-defence must join in efforts to abolish the Arbitrament of War. Our appeal is to the larger number who make no such application of Christian precepts, who recognize the right of self-defence as belonging to each individual, and who believe in the necessity at times of

<sup>1</sup> On the Applicability of the Pacific Principles of the New Testament to the Conduct of States, p. 10.

exercising this right, whether against a robber, a pirate, or a mob.

Another question, closely connected with that of self-defence, is the asserted *Right of Revolt or Revolution*. Shall a people endure political oppression, or the denial of freedom, without resistance? The answer to this question will necessarily affect the rights of three million fellow-citizens held in slavery among us. If such a right unqualifiedly exists, — and sympathy with our fathers, and with the struggles for freedom now agitating Europe, must make us hesitate to question its existence, — then these three millions of fellow-men, into whose souls we thrust the iron of the deadliest bondage the world has yet witnessed, must be justified in resisting to death the power that holds them. A popular writer on ethics, Dr. Paley, has said: "It may be as much a duty at one time to resist Government as it is at another to obey it, — to wit, whenever more advantage will in our opinion accrue to the community from resistance than mischief. The lawfulness of resistance, or the lawfulness of a revolt, does not depend alone upon the grievance which is sustained or feared, but also upon the probable expense and event of the contest."<sup>1</sup> This view distinctly recognizes the right of resistance, but limits it by the chance of success, founding it on no higher ground than expediency. A right thus vaguely defined and bounded must be invoked with reluctance and distrust. The lover of Peace, while admitting, that, unhappily, in the present state of the world, an exigency for its exercise may arise, must confess the inherent barbarism of such an agency, and admire, even

<sup>1</sup> Principles of Moral and Political Philosophy, Book VI. ch. 3.

if he cannot entirely adopt, the sentiment of Daniel O'Connell: "Remember that no political change is worth a single crime, or, above all, a single drop of human blood."

These questions I put aside, not as unimportant, not as unworthy of careful consideration, but as unessential to the cause which I now present. If I am asked — as advocates of Peace are often asked — whether a robber, a pirate, a mob, may be resisted by the sacrifice of life, I answer, that they may be so resisted, — mournfully, necessarily. If I am asked to sympathize with the efforts for freedom now finding vent in rebellion and revolution, I cannot hesitate to say, that, wherever Freedom struggles, wherever Right is, there my sympathies must be. And I believe I speak not only for myself, but for our Society, when I add, that, while it is our constant aim to diffuse those sentiments which promote good-will in all the relations of life, which exhibit the beauty of Peace everywhere, in *national* affairs as well as *international*, and while especially recognizing that central truth, the Brotherhood of Man, in whose noonday light all violence among men is dismal and abhorred as among brothers, it is nevertheless no part of our purpose to impeach the right to take life in self-defence or when the public necessity requires, nor to question the justifiableness of resistance to outrage and oppression. On these points there are diversities of opinion among the friends of Peace, which this Society, confining itself to efforts for the overthrow of War, is not constrained to determine.

Waiving, then, these matters, with their perplexities and difficulties, which do not in any respect belong to



the cause, I come now to the precise object we hope to accomplish,—*The Abolition of the Institution of War, and of the whole War System, as an established Arbitrer of Justice in the Commonwealth of Nations.* In the accurate statement of our aims you will at once perceive the strength of our position. Much is always gained by a clear understanding of the question in issue; and the cause of Peace unquestionably suffers often because it is misrepresented or not fully comprehended. In the hope of removing this difficulty, I shall *first* unfold the true character of War and the War System, involving the question of Preparations for War, and the question of a Militia. The way will then be open, in the *second* branch of this Address, for a consideration of the means by which this system can be overthrown. Here I shall exhibit the examples of nations, and the efforts of individuals, constituting the Peace Movement, with the auguries of its triumph, briefly touching, at the close, on our duties to this great cause, and the vanity of Military Glory. In all that I say I cannot forget that I am addressing a Christian association, for a Christian charity, in a Christian church.

## I.

AND, first, of *War and the War System in the Commonwealth of Nations.* By the Commonwealth of Nations I understand the Fraternity of Christian Nations recognizing a Common Law in their relations with each other, usually called the Law of Nations. This law, being established by the consent of nations, is not necessarily the law of all nations, but only of such as recognize it. The Europeans and the Orientals often

differ with regard to its provisions; nor would it be proper to say, that, at this time, the Ottomans, or the Mahometans in general, or the Chinese, have become parties to it.<sup>1</sup> The prevailing elements of this law are the Law of Nature, the truths of Christianity, the usages of nations, the opinions of publicists, and the written texts or enactments found in diplomatic acts or treaties. In origin and growth it is not unlike the various systems of municipal jurisprudence, all of which are referred to kindred sources.

It is often said, in excuse for the allowance of War, that nations are independent, and acknowledge no *common superior*. True, indeed, they are politically independent, and acknowledge no common political sovereign, with power to enforce the law. But they do acknowledge a common superior, of unquestioned influence and authority, whose rules they are bound to obey. This common superior, acknowledged by all, is none other than the Law of Nations, with the Law of Nature as a controlling element. It were superfluous to dwell at length upon opinions of publicists and jurists declaring this supremacy. "The Law of Nature," says Vattel, a classic in this department, "is not less *obligatory* with respect to states, or to men united in political society, than to individuals."<sup>2</sup> An eminent English authority, Lord Stowell, so famous as Sir William Scott, says, "The *Conventional Law of Mankind*, which is evidenced in their practice, *allows* some and *prohibits* other modes of destruction."<sup>3</sup> A recent German jurist says, "A nation associating itself with the general so-

<sup>1</sup> Since the delivery of this Address, Turkey and China have accepted our Law of Nations.

<sup>2</sup> Law of Nations, Preface.

<sup>3</sup> Robinson's, Chr., Admiralty Reports, Vol. I. p. 140.

ciety of nations *thereby recognizes a law common to all nations*, by which its international relations are to be regulated.”<sup>1</sup> Lastly, a popular English moralist, whom I have already quoted, and to whom I refer because his name is so familiar, Dr. Paley, says, that the principal part of what is called the Law of Nations derives its obligatory character “*simply from the fact of its being established, and the general duty of conforming to established rules* upon questions and between parties where nothing but *positive regulations* can prevent disputes, and where disputes are followed by such destructive consequences.”<sup>2</sup>

The Law of Nations is, then, the Supreme Law of the Commonwealth of Nations, governing their relations with each other, determining their reciprocal rights, and sanctioning all remedies for the violation of these rights. To the Commonwealth of Nations this law is what the Constitution and Municipal Law of Massachusetts are to the associate towns and counties composing the State, or what, by apter illustration, the National Constitution of our Union is to the thirty several States which now recognize it as the supreme law.

But the Law of Nations, — and here is a point of infinite importance to the clear understanding of the subject, — while anticipating and providing for controversies between nations, recognizes and establishes War as final Arbiter. It distinctly says to nations, “If you cannot agree together, then stake your cause upon *Trial by Battle*.” The mode of trial thus recognized and established has its own procedure, with rules and regulations,

<sup>1</sup> Heffter, Das Europäische Völkerrecht der Gegenwart, § 2.

<sup>2</sup> Principles of Moral and Political Philosophy, Book VI. ch. 12.

under the name of Laws of War, constituting a branch of International Law. "The Laws of War," says Dr. Paley, "are part of the Law of Nations, and founded, as to their authority, upon the same principle with the rest of that code, namely, upon the fact of their being *established*, no matter when or by whom."<sup>1</sup> Nobody doubts that the Laws of War are established by nations.

It is not uncommon to speak of the *practice* of War, or the *custom* of War,—a term adopted by that devoted friend of Peace, the late Noah Worcester. Its apologists and expounders have called it "a judicial trial,"—"one of the highest trials of right,"—"a process of justice,"—"an appeal for justice,"—"a mode of obtaining rights,"—"a prosecution of rights by force,"—"a mode of condign punishment." I prefer to characterize it as an INSTITUTION, established by the Commonwealth of Nations as Arbiter of Justice. As Slavery is an Institution, growing out of local custom, sanctioned, defined, and established by Municipal Law, so War is an Institution, growing out of general custom, sanctioned, defined, and established by the Law of Nations.

Only when we contemplate War in this light can we fully perceive its combined folly and wickedness. Let me bring this home to your minds. Boston and Cambridge are adjoining towns, separated by the River Charles. In the event of controversy between these different jurisdictions, the Municipal Law establishes a judicial tribunal, and not War, as arbiter. Ascending higher, in the event of controversy between two different counties, as between Essex and Middlesex, the same Municipal Law establishes a judicial tribunal,

<sup>1</sup> Principles of Moral and Political Philosophy, Book VI. ch. 12.

and not War, as arbiter. Ascending yet higher, in the event of controversy between two different States of our Union, the Constitution establishes a judicial tribunal, the Supreme Court of the United States, and not War, as arbiter. But now mark: at the next stage there is a change of arbiter. In the event of controversy between two different States of the Commonwealth of Nations, the supreme law establishes, not a judicial tribunal, but War, as arbiter. War is the institution *established* for the determination of justice between nations.

Provisions of the Municipal Law of Massachusetts, and of the National Constitution, are not vain words. To all familiar with our courts it is well known that suits between towns, and likewise between counties, are often entertained and satisfactorily adjudicated. The records of the Supreme Court of the United States show also that States of the Union habitually refer important controversies to this tribunal. Before this high court is now pending an action of the State of Missouri against the State of Iowa, founded on a question of boundary, where the former claims a section of territory — larger than many German principalities — extending along the whole northern border of Missouri, with several miles of breadth, and comprising more than two thousand square miles. Within a short period this same tribunal has decided a similar question between our own State of Massachusetts and our neighbor, Rhode Island, — the latter pertinaciously claiming a section of territory, about three miles broad, on a portion of our southern frontier.

Suppose that in these different cases between towns, counties, states, War had been *established* by the su-

preme law as arbiter; imagine the disastrous consequences; picture the imperfect justice which must have been the end and fruit of such a contest; and while rejoicing that in these cases we are happily relieved from an alternative so wretched and deplorable, reflect that on a larger theatre, where grander interests are staked, in the relations between nations, under the solemn sanction of the Law of Nations, War is *established* as Arbiter of Justice. Reflect also that a complex and subtle code, known as Laws of War, is established to regulate the resort to this arbiter.

Recognizing the irrational and unchristian character of War as established arbiter between towns, counties, and states, we learn to condemn it as established arbiter between nations. If wrong in one case, it must be wrong in the other. But there is another parallel supplied by history, from which we may form a yet clearer idea: I refer to the system of *Private Wars*, or, more properly, *Petty Wars*, which darkened even the Dark Ages. This must not be confounded with the *Trial by Battle*, although the two were alike in recognizing the sword as Arbiter of Justice. The *right to wage war* (*le droit de guerroyer*) was accorded by the early Municipal Law of European States, particularly of the Continent, to all independent chiefs, however petty, but not to vassals; precisely as the *right to wage war* is now accorded by International Law to all independent states and principalities, however petty, but not to subjects. It was mentioned often among the "liberties" to which independent chiefs were entitled; as it is still recognized by International Law among the "liberties" of independent nations. In proportion as any sovereignty was

absorbed in some larger lordship, this offensive *right* or "liberty" gradually disappeared. In France it prevailed extensively, till at last King John, by an ordinance dated 1361, expressly forbade Petty Wars throughout his kingdom, saying, in excellent words, "We by these presents ordain that all challenges and wars, and all acts of violence against all persons, in all parts whatsoever of our kingdom, shall henceforth cease; and all assemblies, musters, and raids of men-at-arms or archers; and also all pillages, seizures of goods and persons illegally, *vengeances and counter-vengeances*, surprisals and ambuscades. . . . All which things we will to be kept and observed everywhere without infringement, on pain of incurring our indignation, and of being reputed and held disobedient and rebellious towards us and the crown, and at our mercy in body and goods."<sup>1</sup> It was reserved for that indefatigable king, Louis the Eleventh, while Dauphin, as late as 1451, to make another effort in the same direction, by expressly abrogating one of the "liberties" of Dauphiné, being none other than the *right of war*, immemorially secured to the inhabitants of this province.<sup>2</sup> From these royal ordinances the Commonwealth of Nations might borrow appropriate words, in abrogating forever the Public Wars, or, more properly, the Grand Wars, with their *vengeances and counter-vengeances*, which are yet sanctioned by International Law among the "liberties" of Christian nations.

At a later day, in Germany, effective measures were taken against the same prevailing evil. Contests there

<sup>1</sup> Cauchy, *Du Duel considéré dans ses Origines*, Liv. I. Seconde Époque, Ch. V. Tom. I. pp. 91, 92.

<sup>2</sup> Du Cange, *Dissertations sur l'Histoire de St. Louis*, Diss. XXVII. (XXXIX.): *Des Guerres Privées*.

were not confined to feudal lords. Associations of tradesmen, and even of domestics, sent defiance to each other, and even to whole cities, on pretences trivial as those sometimes the occasion of the Grand Wars between nations. There are still extant *Declarations of War* by a Lord of Frauenstein against the free city of Frankfort, because a young lady of the city refused to dance with the uncle of the belligerent, — by the baker and other domestics of the Margrave of Baden against Esslingen, Reutlingen, and other imperial cities, — by the baker of the Count Palatine Louis against the cities of Augsburg, Ulm, and Rottweil, — by the shoeblacks of the University of Leipsic against the provost and other members, — and, in 1477, by the cook of Epenstein, with his scullions, dairy-maids, and dish-washers, against Otho, Count of Solms. Finally, in 1495, at the Diet of Worms, so memorable in German annals, the Emperor Maximilian sanctioned an ordinance which proclaimed a permanent Peace throughout Germany, abolished the *right* or “liberty” of Private War, and instituted a Supreme Tribunal, under the ancient name of Imperial Chamber, to which recourse might be had, even by nobles, princes, and states, for the determination of disputes without appeal to the sword.<sup>1</sup>

*Trial by Battle*, or “judicial combat,” furnishes the most vivid picture of the Arbitrament of War, beyond even what is found in the system of *Petty Wars*. It was at one period, particularly in France, the universal umpire between private individuals. All causes, criminal and civil, with all the questions incident thereto, were referred to this senseless trial. Not bodily in-

<sup>1</sup> Coxe, History of the House of Austria, Ch. XIX. and XXI.



firmity or old age could exempt a litigant from the hazard of the Battle, even to determine differences of the most trivial import. At last substitutes were allowed, and, as in War, bravoos or champions were hired for wages to enter the lists. The proceedings were conducted gravely according to prescribed forms, which were digested into a system of peculiar subtilty and minuteness, — as War in our day is according to an established code, the Laws of War. Thus do violence, lawlessness, and absurdity shelter themselves beneath the Rule of Law! Religion also lent her sanctions. With presence and prayer the priest cheered the insensate combatant, and appealed for aid to Jesus Christ, the Prince of Peace.

The Church, to its honor, early perceived the wickedness of this system. By voices of pious bishops, by ordinances of solemn councils, by anathemas of popes, it condemned whosoever should slay another in a battle so impious and inimical to Christian peace, as “a most wicked homicide and bloody robber”<sup>1</sup>; while it treated the unhappy victim as a volunteer, guilty of his own death, and handed his remains to unhonored burial without psalm or prayer. With sacerdotal supplication it vainly sought the withdrawal of all countenance from this great evil, and the support of the civil power in ecclesiastical censures. To these just efforts let praise and gratitude be offered! But, alas! authentic incidents, and the forms still on record in ancient missals, attest the unhappy sanction which Trial by

<sup>1</sup> “Statuimus, juxta antiquum ecclesiasticæ observationis morem, ut quicumque tam impia et Christianæ paci inimica pugna alterum occiderit seu vulneribus debilem reddiderit, *velut homicida nequissimus et latro cruentus*, ab Ecclesiæ et omnium fidelium costu reddatur separatus,” etc. — Canon XII. Concil. Valent., — quoted by Cauchy, Du Duel, Liv. I. Première Époque, Ch. III., Tom. I. p. 48, note.

Battle succeeded in obtaining even from the Church, — as in our day the English Liturgy, and the conduct of the Christian clergy in all countries, attest the unhappy sanction which the Institution of War yet enjoys. Admonitions of the Church and labors of good men slowly prevailed. Proofs by witnesses and by titles were gradually adopted, though opposed by the selfishness of camp-followers, subaltern officers, and even of lords, greedy for the fees or wages of combat. In England Trial by Battle was attacked by Henry the Second, striving to substitute Trial by Jury. In France it was expressly forbidden by that illustrious monarch, St. Louis, in an immortal ordinance. At last, this system, so wasteful of life, so barbarous in character, so vain and inefficient as Arbitrator of Justice, yielded to judicial tribunals.

The Trial by Battle is not Roman in origin. It may be traced to the forests of Germany, where the rule prevailed of referring to the sword what at Rome was referred to the prætor; so that a judicial tribunal, when urged upon these barbarians, was regarded as an innovation.<sup>1</sup> The very words of surprise at the German custom are yet applicable to the Arbitrament of War.

The absurdity of Trial by Battle may be learned from the instances where it was invoked. Though originally permitted to determine questions of personal character, it was extended so as to embrace criminal cases, and even questions of property. In 961 the title to a church was submitted to this ordeal.<sup>2</sup> Some time later a grave point of law was submitted. The question was, "Whether the sons of a son ought to be reckoned

<sup>1</sup> "Nunc agentes gratias, quod ea Romana justitia finiret, feritasque sua novitate incognitæ disciplinæ mitesceret, et solita armis decerni jure terminarentur." — Velleius Paterculus, Lib. II. c. 118.

<sup>2</sup> Robertson, History of Charles V., Vol. I. Note 22.

among the children of the family, and succeed equally with their uncles, if their father happened to die while their grandfather was alive." The general opinion at first was for reference of the question to the adjudication of arbiters; but we are informed by a contemporary ecclesiastic, who reports the case, that the Emperor, Otho the First, "taking better counsel, and unwilling that nobles and elders of the people should be treated *dishonorably*, ordered the matter to be decided by champions with the sword." The champion of the grandchildren prevailed, and they were enabled to share with their uncles in the inheritance.<sup>1</sup> Human folly did not end here. A question of theology was surrendered to the same arbitrament, being nothing less than whether the Musarabic Liturgy, used in the churches of Spain, or the Liturgy approved at Rome, contained the form of worship most acceptable to the Deity. The Spaniards contended zealously for the liturgy of their ancestors. The Pope urged the liturgy having his own infallible sanction. The controversy was submitted to Trial by Battle. Two knights in complete armor entered the lists. The champion of the Musarabic Liturgy was victorious. But there was an appeal to the ordeal of fire. A copy of each liturgy was cast into the flames. The Musarabic Liturgy remained unhurt, while the other vanished into ashes. And yet this judgment, first by battle and then by fire, was eluded or overthrown, showing how, as with War, the final conclusion is uncertain, and testifying against any appeal, except to human reason.<sup>2</sup>

<sup>1</sup> Widukindii, Res Gestæ Saxonice, Lib. II. c. 10 : Monumenta Germaniæ Historica, ed. Pertz, Scriptorum Tom. III. p. 440.

<sup>2</sup> Robertson, History of Charles V., Vol. I. Note 22. — The Duel has a liter-

An early king of the Lombards, in a formal decree, condemned the Trial by Battle as "impious"<sup>1</sup>; Montesquieu, at a later time, branded it as "monstrous"<sup>2</sup>; and Sir William Blackstone characterized it as "clearly an unchristian, as well as most uncertain, method of trial."<sup>3</sup> In the light of our day all unite in this condemnation. No man hesitates. No man undertakes its apology; nor does any man count as "glory" the feats of arms which it prompted and displayed. But the laws of morals are general, and not special. They apply to communities and to nations, as well as to individuals; nor is it possible, by any cunning of logic, or any device of human wit, to distinguish between that domestic institution, the Trial by Battle, established by Municipal Law as arbiter between individuals, and that international institution, the grander Trial by Battle, established by the Christian Commonwealth as arbiter between nations. If the judicial combat was impious, monstrous, and unchristian, then is War impious, monstrous, and unchristian.

It has been pointedly said in England, that the whole object of king, lords, and commons, and of the complex British Constitution, is "to get twelve men into

ature of its own, which is not neglected by Brunet in his *Manuel du Libraire*, where, under the head of *Les Combats Singuliers*, Tom. VI. col. 1636 - 1638, *Table Méthodique*, 28717 - 28749, will be found titles in various languages, from which I select the following: Joan. de Lignano, *Tractatus de Bello, de Repressaliis, et de Duello*, Papiæ, 1487; *Tractatus de Duello*, en Lat. y en Castellano, por D. Castillo, Taurini, 1525; Alciat, *De Singulari Certamine*, Lugd., 1543. In the development of civilization how can the literature of War expect more honor than that of the Duel?

<sup>1</sup> Liutprandi Leges, Lib. VI. cap. 65: Muratori, *Rerum Italic. Script.*, Tom. I. Pars 2, p. 74

<sup>2</sup> *Esprit des Lois*, Liv. XXVIII. ch. 23.

<sup>3</sup> *Commentaries*, Book IV. ch. 33, Vol. IV. p. 418.

a jury-box"; and Mr. Hume repeats the idea, when he declares that the *administration of justice* is the grand aim of government. If this be true of individual nations in municipal affairs, it is equally true of the Commonwealth of Nations. The whole complex system of the Law of Nations, overarching all the Christian nations, has but one distinct object,—*the administration of justice* between nations. Would that with tongue or pen I could adequately expose the enormity of this system, involving, as it does, the precepts of religion, the dictates of common sense, the suggestions of economy, and the most precious sympathies of humanity! Would that now I could impart to all who hear me something of my own conviction!

I need not dwell on the waste and cruelty thus authorized. Travelling the page of history, these stare us wildly in the face at every turn. We see the desolation and death keeping step with the bloody track; we look upon sacked towns, ravaged territories, violated homes; we behold all the sweet charities of life changed to wormwood and gall. The soul is penetrated by the sharp moan of mothers, sisters, and daughters, of fathers, brothers, and sons, who, in the bitterness of bereavement, refuse to be comforted. The eye rests at last upon one of those fair fields, where Nature, in her abundance, spreads her cloth of gold, spacious and apt for the entertainment of mighty multitudes,—or, perhaps, from curious subtilty of position, like the carpet in Arabian tale, contracting for the accommodation of a few only, or dilating for an innumerable host. Here, under a bright sun, such as shone at Austerlitz or Buena Vista, amidst the peaceful harmonies of Nature, on the Sabbath of Peace, are bands of brothers, children of

a common Father, heirs to a common happiness, struggling together in deadly fight, — with madness of fallen spirits, murderously seeking the lives of brothers who never injured them or their kindred. The havoc rages; the ground is soaked with commingling blood; the air is rent by commingling cries; horse and rider are stretched together on the earth. More revolting than mangled victims, gashed limbs, lifeless trunks, spattering brains, are the lawless passions which sweep, tempest-like, through the fiendish tumult.

“ Nearer comes the storm and nearer, rolling fast and frightful on.  
 Speak, Ximena, speak, and tell us, who has lost and who has won? ”  
 ‘ Alas! alas! I know not, sister; friend and foe together fall;  
 O'er the dying rush the living; pray, my sister, for them all! ’ ”

Horror-struck, we ask, wherefore this hateful contest? The melancholy, but truthful, answer comes, that this is the *established* method of determining justice between nations!

The scene changes. Far away on some distant pathway of the ocean, two ships approach each other, with white canvas broadly spread to receive the flying gale. They are proudly built. All of human art has been lavished in their graceful proportions and compacted sides, while in dimensions they look like floating happy islands of the sea. A numerous crew, with costly appliances of comfort, hives in their secure shelter. Surely these two travellers must meet in joy and friendship; the flag at mast-head will give the signal of fellowship; the delighted sailors will cluster in rigging and on yard-arms to look each other in the face, while exhilarating voices mingle in accents of gladness uncontrollable. Alas! alas! it is not so. Not as brothers, not as friends, not as wayfarers of the common ocean, do they come to-

gether, but as enemies. The closing vessels now bristle fiercely with death-dealing implements. On their spacious decks, aloft on all their masts, flashes the deadly musketry. From their sides spout cataracts of flame, amidst the pealing thunders of a fatal artillery. They who had escaped "the dreadful touch of merchant-marring rocks," who on their long and solitary way had sped unharmed by wind or wave, whom the hurricane had spared, in whose favor storms and seas had intermitted their immitigable war, now at last fall by the hand of each other. From both ships the same spectacle of horror greets us. On decks reddened with blood, the murders of the Sicilian Vespers and of St. Bartholomew, with the fires of Smithfield, break forth anew, and concentrate their rage. Each is a swimming Golgotha. At length these vessels — such pageants of the sea, such marvels of art, once so stately, but now rudely shattered by cannon-ball, with shivered masts and ragged sails — exist only as unmanageable wrecks, weltering on the uncertain wave, whose transient lull of peace is their sole safety. In amazement at this strange, unnatural contest, away from country and home, where there is no country or home to defend, we ask again, Wherefore this dismal scene? Again the melancholy, but truthful, answer promptly comes, that this is the *established* method of determining justice between nations.

Yes! the barbarous, brutal relations which once prevailed between individuals, which prevailed still longer between communities composing nations, are not yet banished from the great Christian Commonwealth. Religion, reason, humanity, first penetrate the individual, next larger bodies, and, widening in influence, slowly leaven nations. Thus, while condemning the bloody

contests of individuals, also of towns, counties, principalities, provinces, and denying to all these the right of *waging war*, or of appeal to *Trial by Battle*, we continue to uphold an atrocious *System* of folly and crime, which is to nations what the *System of Petty Wars* was to towns, counties, principalities, provinces, also what the *Duel* was to individuals: for *War is the Duel of Nations*.<sup>1</sup> As from Pluto's throne flowed those terrible rivers, Styx, Acheron, Cocytus, and Phlegethon, with lamenting waters and currents of flame, so from this established *System* flow the direful tides of War. "Give them Hell," was the language written on a slate by an American officer, speechless from approaching death. "Ours is a damnable profession," was the confession of a veteran British general. "War is the trade of barbarians," exclaimed Napoleon, in a moment of truthful remorse, prompted by his bloodiest field. Alas! these words are not too strong. The business of War cannot be other than the trade of barbarians, cannot be other than a damnable profession; and War itself is certainly Hell on earth. But forget not, bear always in mind, and let the idea sink deep into your souls, animating you to constant endeavor, that this trade of barbarians, this damnable profession, is part of the War System, sanctioned by International Law,— and that War itself is Hell, recognized, legalized, established, organized, by

<sup>1</sup> Plautus speaks in the *Epidicus* (Act III. Sc. iv. 14, 15) of one who obtained great riches by the *Duelling Art*, meaning the Art of War:—

"*Arte duellica*

*Divitias magnas indeptum."*

And Horace, in his Odes (Lib. IV. Carm. xv. 4-9), hails the age of Augustus, as at peace, or *free from Duels*, and with the Temple of Janus closed:—

"*Tua, Cæsar, ætas*

*. . . . . vacuum duellis*

*Janum Quirini clausit."*



the Commonwealth of Nations, for the determination of international questions !

“Put together,” says Voltaire, “all the vices of all ages and places, and they will not come up to the mischiefs of one campaign.”<sup>1</sup> This strong speech is supported by the story of ancient mythology, that Juno confided the infant Mars to Priapus. Another of nearer truth might be made. Put together all the ills and calamities from the visitations of God, whether in convulsions of Nature, or in pestilence and famine, and they will not equal the ills and calamities inflicted by man upon his brother-man, through the visitation of War, — while, alas ! the sufferings of War are too often without the alleviation of those gentle virtues which ever attend the involuntary misfortunes of the race. Where the horse of Attila had been a blade of grass would not grow ; but in the footprints of pestilence, famine, and earthquake the kindly charities spring into life.

The last hundred years have witnessed three peculiar visitations of God : first, the earthquake at Lisbon ; next, the Asiatic cholera, as it moved slow and ghastly, with scythe of death, from the Delta of the Ganges over Bengal, Persia, Arabia, Syria, Russia, till Europe and America shuddered before the spectral reaper ; and, lastly, the recent famine in Ireland, consuming with remorseless rage the population of that ill-starred land. It is impossible to estimate precisely the deadly work of cholera or famine, nor can we picture the miseries which they entailed ; but the single brief event of the earthquake may be portrayed in authentic colors.

Lisbon, whose ancient origin is referred by fable to

<sup>1</sup> Dictionnaire Philosophique, Art. *Guerre*.

the wanderings of Ulysses, was one of the fairest cities of Europe. From the summit of seven hills it looked down upon the sea, and the bay bordered with cheerful villages,—upon the broad Tagus, expanding into a harbor ample for all the navies of Europe,—and upon a country of rare beauty, smiling with the olive and the orange, amidst grateful shadows of the cypress and the elm. A climate offering flowers in winter enhanced the peculiar advantages of position; and a numerous population thronged its narrow and irregular streets. Its forty churches, its palaces, its public edifices, its warehouses, its convents, its fortresses, its citadel, had become a boast. Not by War, not by the hand of man, were these solid structures levelled, and all these delights changed to desolation.

Lisbon, on the morning of November 1, 1755, was taken and sacked by an earthquake. The spacious warehouses were destroyed; the lordly palaces, the massive convents, the impregnable fortresses, with the lofty citadel, were toppled to the ground; and as the affrighted people sought shelter in the churches, they were crushed beneath the falling masses. Twenty thousand persons perished. Fire and robbery mingled with earthquake, and the beautiful city seemed to be obliterated. The nations of Europe were touched by this terrible catastrophe, and succor from all sides was soon offered. Within three months, English vessels appeared in the Tagus, loaded with generous contributions,—twenty thousand pounds in gold, a similar sum in silver, six thousand barrels of salted meat, four thousand barrels of butter, one thousand bags of biscuit, twelve hundred barrels of rice, ten thousand quintals of corn, besides hats, stockings, and shoes.

Such was the desolation, and such the charity, sown by the earthquake at Lisbon, — an event which, after the lapse of nearly a century, still stands without a parallel. But War shakes from its terrible folds all this desolation, without its attendant charity. Nay, more; the Commonwealth of Nations *voluntarily agrees, each with the others*, under the grave sanctions of International Law, to invoke this desolation, in the settlement of controversies among its members, while it expressly declares that all nations, not already parties to the controversy, must abstain from any succor to the unhappy victim. High tribunals are established expressly to uphold this arbitrament, and, with unrelenting severity, to enforce its ancillary injunctions, to the end that no aid, no charity, shall come to revive the sufferer or alleviate the calamity. Vera Cruz has been bombarded and wasted by American arms. Its citadel, churches, houses, were shattered, and peaceful families at the fireside torn in mutilated fragments by the murderous bursting shell; but the English, the universal charities, which helped to restore Lisbon, were not offered to the ruined Mexican city. They could not have been offered, without offending against the *Laws of War!*

It is because men see War, in the darkness of prejudice, only as an agency of attack or defence, or as a desperate sally of wickedness, that they fail to recognize it as a form of judgment, sanctioned and *legalized* by Public Authority. Regarding it in its true character, as an *establishment* of the Commonwealth of Nations, and one of the "liberties" accorded to independent nations, it is no longer the expression merely

of lawless or hasty passion, no longer the necessary incident of imperfect human nature, no longer an unavoidable, uncontrollable volcanic eruption of rage, of *vengeances and counter-vengeances*, knowing no bound; but it becomes a gigantic and monstrous Institution for the adjudication of international rights,—as if an earthquake, or other visitation of God, with its uncounted woes, and without its attendant charities, were legally invoked as Arbiter of Justice.

Surely all must unite in condemning the Arbitrament of War. The simplest may read and comprehend its enormity. Can we yet hesitate? But if War be thus odious, if it be the Duel of Nations, if it be the old surviving Trial by Battle, then must its unquestionable barbarism affect all its incidents, all its machinery, all its enginery, together with all who sanction it, and all who have any part or lot in it,—in fine, the whole vast System. It is impossible, by any discrimination, to separate the component parts. We must regard it as a whole, in its entirety. But half our work is done, if we confine ourselves to a condemnation of the Institution merely. There are all its instruments and agencies, all its adjuncts and accessaries, all its furniture and equipage, all its armaments and operations, the whole apparatus of forts, navies, armies, military display, military chaplains, and military sermons,—all together constituting, in connection with the Institution of War, what may be called the WAR SYSTEM. This System we would abolish, believing that religion, humanity, and policy require the establishment of some peaceful means for the administration of international justice, and also *the general disarming of the Christian nations*, to the end that the prodigious expenditures now ab-

sorbed by the War System may be applied to purposes of usefulness and beneficence, and that the *business* of the soldier may cease forever.

While earnestly professing this object, I desire again to exclude all question of self-defence, and to affirm the duty of upholding government, and maintaining the supremacy of the law, whether on land or sea. Admitting the necessity of Force for such purpose, *Christianity revolts at Force as the substitute for a judicial tribunal.* The example of the Great Teacher, the practice of the early disciples, the injunctions of self-denial, love, non-resistance to evil, — sometimes supposed to forbid Force in any exigency, even of self-defence, — all these must apply with unquestionable certainty to the established System of War. *Here, at least, there can be no doubt.* If the sword, in the hand of an assaulted individual, may become the instrument of sincere self-defence, if, under the sanction of a judicial tribunal, it may become the instrument of Justice also, *surely it can never be the Arbiter of Justice.* Here is a distinction vital to the cause of Peace, and never to be forgotten in presenting its claims. The cautious sword of the magistrate is unlike — oh, how unlike! — the ruthless sword of War.

The component parts of the War System may all be resolved into PREPARATIONS FOR WAR, — as court-house, jail, judges, sheriffs, constables, and *posse comitatus* are *preparations* for the administration of municipal justice. If justice were not to be administered, these would not exist. If War were not sanctioned by the Commonwealth of Nations, as the means of determining international controversies, then forts, navies, armies, military

display, military chaplains, and military sermons would not exist. They would be useless and irrational, except for the rare occasions of a police,—as similar preparations would now be in Boston, for defence against our learned neighbor, Cambridge,—or in the County of Essex, for defence against its populous neighbor, the County of Middlesex,—or in the State of Massachusetts, for defence against its conterminous States, Rhode Island and New York. Only recently have men learned to question these preparations; for it is only recently that they have opened their eyes to the true character of the system, in which they are a part. *It will yet be seen, that, sustaining these, we sustain the system.* Still further, it will yet be seen, that, sustaining these, we wastefully offend against economy, and violate also the most precious sentiments of Human Brotherhood,—taking counsel of distrust, instead of love, and provoking to rivalry and enmity, instead of association and peace.

Time does not allow me to discuss the nature of these preparations; and I am the more willing to abridge what I am tempted to say, because, on another occasion, I have treated this part of the subject. But I cannot forbear to expose their inconsistency with the spirit of Christianity. From a general comprehension of the War System, we perceive the unchristian character of the preparations it encourages and requires, nay, which are the synonyms of the system, or at least its representatives. I might exhibit this character by an examination of the Laws of War, drawn from no celestial fount, but from a dark profound of Heathenism. This is unnecessary. The Constitution of our own country furnishes an illustration remarkable as a touch-

stone of the whole system. No town, county, or state has the "liberty" to "declare War." The exercise of any proper self-defence, arising from actual necessity, requires no such "liberty." Congress is expressly authorized to "declare War," — that is, to invoke the Arbitrament of Arms. And the Constitution proceeds to state, that all "giving aid and comfort" to the enemy shall be deemed traitors. Mark now what is said by a higher authority. "Love your enemies"; "If thine enemy hunger, feed him; if he thirst, give him drink." Under the War System, obedience to these positive injunctions may expose a person to the penalty of the highest crime known to the law. Can this be a Christian system? But so long as War exists as an Institution this terrible inconsistency must appear.

The character of these preparations is distinctly, though unconsciously, attested by the names of vessels in the British Navy. From the latest official list I select an illustrative catalogue. Most are steam-ships of recent construction. Therefore they represent the spirit of the British Navy in our day, — nay, of those War Preparations in which they play so conspicuous a part. Here are the champions: Acheron, Adder, Alecto, Avenger, Basilisk, Bloodhound, Bulldog, Crocodile, Erebus, Firebrand, Fury, Gladiator, Goliah, Gorgon, Harpy, Hecate, Hound, Jackal, Mastiff, Pluto, Rattlesnake, Revenge, Salamander, Savage, Scorpion, Scourge, Serpent, Spider, Spiteful, Spitfire, Styx, Sulphur, Tartar, Tartarus, Teazer, Terrible, Terror, Vengeance, Viper, Vixen, Virago, Volcano, Vulture, Warspite, Wildfire, Wolf, Wolverine!

Such is the Christian array of Victoria, Defender of the Faith! It may remind us of the companions of

King John, at another period of English history, — “Falkes the Merciless,” “Mauleon the Bloody,” “Walter Buck, the Assassin,”<sup>1</sup> — or of that Pagan swarm, the savage warriors of our own continent, with the names of Black-Hawk, Man-Killer, and Wild-Boar. Well might they seem to be

“all the grisly legions that troop  
Under the sooty flag of Acheron!”

As a people is known by its laws, as a man is known by the company he keeps, as a tree is known by its fruits, so is the War System fully and unequivocally known by the Laws of War, by its diabolical ministers, typical of its preparations, and by all the accursed fruits of War. Controlled by such a code, employing such representatives, sustained by such agencies, animated by such Furies, and producing such fruits of tears and bitterness, it must be open to question. Tell me not that it is sanctioned by any religion except of Mars; do not enroll the Saviour and his disciples in its Satanic squadron; do not invoke the Gospel of Peace, in profane vindication of an *Institution*, which, by its own too palpable confession, exists in defiance of the most cherished Christian sentiments; do not dishonor the Divine Spirit of gentleness, forbearance, love, by supposing that it can ever enter into this System, except to change its whole nature and name, to cast out the devils which possess it, and fill its gigantic energies with the inspiration of Beneficence.

I need say little of military chaplains or military sermons. Like the steamships of the Navy, they come under the head of Preparations. They are part of the War System. They belong to the same school with priests of former times, who held the picture of the

<sup>1</sup> Matthew Paris, *Historia Major*, p. 274.



Prince of Peace before the barbarous champion of the Duel, saying, "Sir Knight, behold here the remembrance of our Lord and Redeemer, Jesus Christ, who willingly gave his most precious body to death in order to save us. Now ask of him mercy, and pray that on this day he may be willing to aid you, if you have right, for he is the sovereign judge."<sup>1</sup> They belong to the same school with English prelates, who, in the name of the Prince of Peace, consecrate banners to flaunt in remote war, saying, "Be thou in the midst of our hosts, as thou wast in the plains of India and in the field of Waterloo; and may these banners, which we bless and consecrate this day, lead them ever on to glorious victory." No judgment of such appeals can be more severe than that of Plato, who called men "most impious," who by prayer and sacrifice thought to propitiate the Gods towards slaughter and outrages upon justice, — thus, says the heathen philosopher, making those pure beings the accomplices of their crimes by sharing with them the spoil, as the wolves leave something to the dogs, that these may allow them to ravage the sheepfold.<sup>2</sup> Consenting to degrade the "blessedness" of the Gospel to the "impiety" of the War System, our clergy follow long established custom, without considering the true character of the system whose ministers they become. Their apology will be, that "they know not what they do."

Again I repeat, so long as the War System prevails under the sanction of International Law, these painful incongruities will be apparent. They belong to a system so essentially irrational, that all the admitted virtues of many of its agents cannot save it from judgment.

<sup>1</sup> Cauchy, Du Duel, Liv. I. Seconde Époque, Ch. III. Tom. I. p. 74.

<sup>2</sup> Plato, Laws, Book X. ch. 13, 14.

Here the question occurs, Is the *Militia* obnoxious to the same condemnation? So far as the militia constitutes part of the War System, it is impossible to distinguish it from the rest of the system. It is a portion of the extensive apparatus provided for the determination of international disputes. From this character it borrows the unwholesome attractions of War, while disporting itself, like the North American Indian, in finery and parade. Of the latter feature I shall speak only incidentally. If War be a Christian institution, those who act as its agents should shroud themselves in colors congenial with their dreadful trade. With sorrow and solemnity, not with gladness and pomp, they should proceed to their melancholy office. The Jew Shylock exposes the mockery of street-shows in Venice with a sarcasm not without echo:—

“ When you hear the drum,  
And the vile squeaking of the wry-necked fife,  
Clamber not you up to the casements then,  
Nor thrust your head into the public street,  
To gaze on Christian fools with varnished faces;  
But stop my house's ears, — I mean my casements:  
Let not the sound of shallow foppery enter  
My sober house.”

Not as part of the War System, but only as an agent for preserving domestic peace, and for sustaining the law, is the militia entitled to support. And here arises the important practical question,—interesting to opponents of the War System as to lovers of order,—whether the same good object may not be accomplished by an agent less expensive, less cumbersome, and less tardy, forming no part of the War System, and therefore in no respect liable to the doubts encountered by the militia. Supporters of the militia do not dis-

guise its growing unpopularity. The eminent Military Commissioners of Massachusetts, to whom in 1847 was referred the duty of arranging a system for its organization and discipline, confess that there is "either a defect of power in the State government to an efficient and salutary militia organization, or *the absence of a public sentiment in its favor*, and a consequent unwillingness to submit to the requirements of service which alone can sustain it"; and they add, that they "have been met, in the performance of their task, with information, from all quarters, of its general neglect, and of the certain and rapid declension of the militia in numbers and efficiency."<sup>1</sup> And the Adjutant-General of Massachusetts, after alluding to the different systems which have fallen into disuse, remarks, that "the fate of each system is indicative of public sentiment; and until public sentiment changes, *no military system whatever can be sustained in the State.*"<sup>2</sup> Nor is this condition of public sentiment for the first time noticed. It was remarked by the Commissioners charged by the Legislature with this subject as long ago as 1839. In their Report they say, "It is enough to know that all attempts, hitherto, to uphold the system, in its original design of organization, discipline, and subordination, *are at last brought to an unsuccessful issue.*"<sup>3</sup>

None familiar with public opinion in our country, and particularly in Massachusetts, will question the accuracy of these official statements. It is true that there is an indisposition to assume the burdens of the militia. Its offices and dignities have ceased to be an object of general regard. This, certainly, must be founded in the con-

<sup>1</sup> Mass. Senate Documents, 1848: Doc. No. 13, pp. 4, 5.

<sup>2</sup> *Ibid.*, Doc. No. 15, p. 23.

<sup>3</sup> Mass. House Documents, 1839: Doc. No. 6, p. 14.

viction that it is no longer necessary or useful ; for it is not customary with the people of Massachusetts to decline occasions of service necessary or useful to the community. The interest in military celebrations has decayed. Nor should it be concealed that there are large numbers whose honest sentiments are not of mere indifference, who regard with aversion the fanfaronade of a militia muster, who not a little question the influence upon those taking part in it or even witnessing it, and look with regret upon the expenditure of money and time.

If such be the condition of the public mind, the Government must recognize it. The soul of all effective laws is an animating public sentiment. This gives vitality to what else would be a dead letter. In vain enact what is not inspired by this spirit. No skill in the device of the system, no penalties, no bounties even, can uphold it. Happily, we are not without remedy. If State Legislatures are disposed to provide a substitute for this questionable or offensive agency, as conservator of domestic quiet, it is entirely within their competency. Let the general voice demand the *substitute*.

Among powers reserved to States, under the National Constitution, is that of *Internal Police*. Within its territorial limits, a State has municipal power to be exercised according to its own will. In the exercise of this will, it may establish a system, congenial with the sentiment of the age, to supply the place of the militia, as guardian of municipal quiet and instrument of the law. This system may consist of unpaid volunteers, or special constables, like fire companies in the country, or of hired men, enrolled for this particular purpose, and always within call, like fire companies in Boston. They need

not be clad in showy costume, or subjected to all the peculiarities of military drill. A system so simple, practical, efficient, unostentatious, and cheap, especially as compared with the militia, would be in harmony with existing sentiment, while it could not fail to remedy the evils sometimes feared from present neglect of the militia. Many attempts have been made to reform the militia. *It remains, that a proper effort should be made to provide a substitute for it.*

An eminent English jurist of the last century, — renowned as scholar also, — Sir William Jones, — in a learned and ingenious tract, entitled “An Inquiry into the Legal Mode of Suppressing Riots, with a Constitutional Plan of Future Defence,” after developing the obligations of the citizen, under the Common Law, as part of the Power of the County, presents a system of organization independent of the military. It is not probable that this system would be acceptable in all its details to the people of our community, but there is one of his recommendations which seems to harmonize with existing sentiment. “Let companies,” he says, “be taught, in the most private and orderly manner, for two or three hours early every morning, until they are competently skilled in the use of their arms; *let them not unnecessarily march through streets or high-roads, nor make any the least military parade, but consider themselves entirely as part of the civil state.*”<sup>1</sup> Thus is the soldier kept out of sight, while the citizen becomes manifest; and this is the true idea of republican government. In the midst of arms the laws are silent. Not “arms,” but “laws,” should command our homage and quicken the patriotism of the land.

<sup>1</sup> Works, Vol. VIII. p. 494.

While divorcing the Police from the unchristian and barbarous War System, I confess the vital importance of maintaining law and order. Life and property should be guarded. Peace must be preserved in our streets. And it is the duty of Government to provide such means as are most expedient, if those established are in any respect inadequate, or uncongenial with the Spirit of the Age.

I must not close this exposition without an attempt to display the inordinate expenditure by which the War System is maintained. And here figures appear to lose their functions. They seem to pant, as they toil vainly to represent the enormous sums consumed in this unparalleled waste. Our own experience, measured by the concerns of common life, does not allow us adequately to conceive the sums. Like the periods of geological time, or the distances of the fixed stars, they baffle imagination. Look, for an instant, at the cost to us of this system. Without any allowance for the loss sustained by the withdrawal of active men from productive industry, we find, that, from the adoption of the National Constitution down to 1848, there has been paid directly from the National Treasury, —

For the Army and Fortifications,	\$475,936,475
For the Navy and its operations,	209,994,428
	<u>\$685,930,903<sup>1</sup></u>

This immense amount is not all. Regarding the militia as part of the War System, we must add a moderate estimate for its cost during this period, being, according

<sup>1</sup> American Almanac, 1849, p. 162. United States Executive Documents: 28th Cong. 1st Sess., No. 15, pp. 1018-19; 35th Cong. 1st Sess., No. 60, pp. 6, 7.

to the calculations of an able and accurate economist, as much as \$ 1,500,000,000.<sup>1</sup> The whole presents an inconceivable sum-total of *more than two thousand millions* of dollars already dedicated by our Government to the support of the War System,—nearly twelve times as much as was set apart, during the same period, to all other purposes whatsoever!

Look now at the Commonwealth of Europe. I do not intend to speak of War Debts, under whose accumulated weight these nations are now pressed to earth, being the terrible legacy of the Past. I refer directly to the existing War System, the establishment of the Present. According to recent calculations, its annual cost is not less than a *thousand millions* of dollars. Endeavor, for a moment, by comparison with other interests, to grapple with this sum.

It is larger than the entire profit of all the commerce and manufactures of the world.

It is larger than all the expenditure for agricultural labor, producing the food of man, upon the whole face of the globe.

It is larger, by a hundred millions, than the value of all the exports sent forth by all the nations of the earth.

It is larger, by more than five hundred millions, than the value of all the shipping belonging to the civilized world.

It is larger, by nine hundred and ninety-seven millions, than the annual combined charities of Europe and America for preaching the Gospel to the Heathen.

Yes! the Commonwealth of Christian Nations, in-

<sup>1</sup> Jay's War and Peace, p. 13, note; and "True Grandeur of Nations," *ante*, p. 79.

cluding our own country, appropriates, without hesitation, as a matter of course, upwards of a thousand millions of dollars annually to the maintenance of the War System, and vaunts its three millions of dollars, laboriously collected, for diffusing the light of the Gospel in foreign lands! With untold prodigality of cost, it perpetuates the worst Heathenism of War, while, by charities insignificant in comparison, it doles to the Heathen a message of Peace. At home it breeds and fattens a cloud of eagles and vultures, trained to swoop upon the land; to all the Gentiles across the sea it dismisses a solitary dove.

Still further: every ship-of-war that floats costs more than a well-endowed college.

Every sloop-of-war that floats costs more than the largest public library in our country.

It is sometimes said, by persons yet in leading-strings of inherited prejudice, and with little appreciation of the true safety afforded by the principles of Peace, that all these comprehensive preparations are needed for protection against enemies from abroad. Wishing to present the cause without any superfluous question on what are called, apologetically, "defensive wars," let me say, in reply, — *and here all can unite*, — that, if these preparations are needed at any time, according to the aggressive martial interpretation of self-defence in its exigencies, there is much reason to believe it is because the unchristian spirit in which they have their birth, lowering and scowling in the very names of the ships, provokes the danger, — as the presence of a bravo might challenge the attack he was hired to resist.

Frederick of Prussia, sometimes called the Great, in



a singular spirit of mingled openness and effrontery, deliberately left on record, most instructively prominent among the real reasons for his war upon Maria Theresa, *that he had troops always ready to act*. Thus did these *Preparations* unhappily become, as they too often show themselves, *incentives to War*. Lord Brougham justly dwells on this confession as a lesson of history. Human nature, as manifest in the conduct of individuals or communities, has its lesson also. The fatal War Spirit is born of these preparations, out of which it springs full-armed. Here also is its great aliment; here are the seeds of the very evil it is sometimes vainly supposed to avert. Let it never be forgotten, let it be treasured as a solemn warning, that, by the confession of Frederick himself, it was the possession of *troops always ready to act* that helped to inspire that succession of bloody wars, which, first pouncing upon Silesia, mingled at last with the strifes of England and France, even in distant colonies across the Atlantic, ranging the savages of the forest under hostile European banners.<sup>1</sup>

But I deny that these preparations are needed for just self-defence. It is difficult, if not impossible, to suppose any such occasion in the Fraternity of Christian Nations, *if War ceases to be an established Arbitrament*,

<sup>1</sup> "Que l'on joigne à ces considérations *des troupes toujours prêtes d'agir*, mon épargne bien remplie, et la vivacité de mon caractère: c'étaient les raisons que j'avais de faire la guerre à Marie-Thérèse, reine de Bohême et d'Hongrie." These are the very words of Frederick, deliberately written in his own account of the war. Voltaire, on revising the work, dishonestly struck out this important confession, but preserved a copy, which afterwards appeared in his own Memoirs. Lord Brougham, in his sketch of Voltaire, says that "the passage thus erased and thus preserved is extremely curious, and for honesty or impudence has no parallel in the history of warriors." — Brougham, *Lives of Men of Letters, Voltaire*, p. 59.

or if any state is so truly great as to decline its umpirage. There is no such occasion among the towns, counties, or states of our extended country; nor is there any such occasion among the counties of Great Britain, or among the provinces of France; but the same goodwill, the same fellowship, and the same ties of commerce, which unite towns, counties, states, and provinces, are fast drawing the whole Commonwealth of Nations into similar communion. France and England, so long regarded as natural enemies, are now better known to each other than only a short time ago were different provinces of the former kingdom. And there is now a closer intimacy in business and social intercourse between Great Britain and our own country than there was at the beginning of the century between Massachusetts and Virginia.

Admitting that an enemy might approach our shores for piracy or plunder or conquest, who can doubt that the surest protection would be found, not in the waste of long-accumulating preparation, not in idle fortresses along the coast, built at a cost far surpassing all our lighthouses and all our colleges, but in the intelligence, union, and pacific repose of good men, with the unbounded resources derived from uninterrupted devotion to productive industry? I think it may be assumed as beyond question, according to the testimony of political economy, that the people who spend most sparingly in Preparations for War, all other things being equal, must possess the most enduring means of actual self-defence at home, on their own soil, before their own hearths, if any such melancholy alternative should occur. Consider the prodigious sums, exceeding in all two thousand

millions of dollars, squandered by the United States, since the adoption of the National Constitution, for the sake of the War System. Had such means been devoted to railroads and canals, schools and colleges, the country would possess, at the present moment, an accumulated material power grander far than any it now boasts. There is another power, of more unflinching temper, which would not be wanting. Overflowing with intelligence, with charity, with civilization, with all that constitutes a generous state, ours would be peaceful triumphs, transcending all yet achieved, and surrounding the land with an invincible self-defensive might, while the unfading brightness of a new era made the glory of War impossible. Well does the poet say with persuasive truth, —

“What constitutes a State?  
 Not high-raised battlement or labored mound,  
 Thick wall or moated gate;  
 Not cities proud with spires and turrets crowned;  
 Not bays and broad-armed ports,  
 Where, laughing at the storm, rich navies ride:  
 No: MEN, high-minded MEN.”<sup>1</sup>

Such men will possess a Christian greatness, rendering them unable to do an injury; while their character, instinct with all the guardian virtues, must render their neighbors unable to do an injury to them.

The injunction, “In time of Peace prepare for War,” is of Heathen origin.<sup>2</sup> As a rule of international conduct, it is very questionable in a Christian age, being vindicated on two grounds only: first, by assuming that the Arbitrament of War is the proper tribunal for international controversies, and therefore the War Sys-

<sup>1</sup> Sir William Jones, Ode in Imitation of Alcæus: Works, Vol. X. p. 389.

<sup>2</sup> True Grandeur of Nations, *ante*, pp. 97, seqq.

tem is to be maintained and strengthened, as the essential means of international justice; or, secondly, by assuming the rejected dogma of an Atheist philosopher, Hobbes, that War is the natural state of man. Whatever may be the infirmities of our passions, it is plain that the natural state of man, assuring the highest happiness, and to which he tends by an irresistible heavenly attraction, is Peace. This is true of communities and nations, as of individuals. The proper rule is, In time of Peace cultivate the arts of Peace. So doing, you will render the country truly strong and truly great; not by arousing the passions of War, not by nursing men to the business of blood, not by converting the land into a flaming arsenal, a magazine of gunpowder, or an "infernial machine," just ready to explode, but by dedicating its whole energies to productive and beneficent works.

The incongruity of this system may be illustrated by an example. Look into the life of that illustrious philosopher, John Locke, and you will find, that, in the journal of his tour through France, describing the arches of the amphitheatre at Nismes, he says, "In all those arches, to support the walls over the passage where you go round, there is a stone laid, about twenty inches or two feet square, and about six times the length of *my sword, which was near about a philosophical yard long.*"<sup>1</sup> Who is not struck with the unseemly incongruity of the exhibition, as he sees the author of the "Essay concerning Human Understanding" travelling with a sword by his side? But here the philosopher only followed the barbarous custom of his time. Individuals then

<sup>1</sup> King's Life of Locke, Vol. I. p. 99.

lived in the same relations towards each other which now characterize nations. The War System had not yet entirely retreated from Municipal Law and Custom, to find its last citadel and temple in the Law and Custom of Nations. Do not forget, that, at the present moment, our own country, the great author, among the nations, of a new Essay concerning Human Understanding, not only travels with a sword by the side, like John Locke, but lives encased in complete armor, burdensome to limbs and costly to treasury.

Condemning the War System as barbarous and most wasteful, the token and relic of a society alien to Christian civilization, we except the Navy, so far as necessary in arrest of pirates, of traffickers in human flesh, and generally in preserving the police of the sea. But it is difficult for the unprejudiced mind to regard the array of fortifications and of standing armies otherwise than obnoxious to the condemnation aroused by the War System. Fortifications are instruments, and standing armies are hired champions, in the great Duel of Nations.

Here I quit this part of the subject. Sufficent has been said to expose the War System of the Commonwealth of Nations. It stands before us, a colossal image of International Justice, *with the sword, but without the scales*,—like a hideous Mexican idol, besmeared with human blood, and surrounded by the sickening stench of human sacrifice. But this image, which seems to span the continents, while it rears aloft its flashing form of brass and gold, hiding far in the clouds “the round and top of sovereignty,” can be laid low; for its feet are clay.

## II.

I COME now to the means by which the War System can be overthrown. Here I shall unfold the tendencies and examples of nations, and the sacred efforts of individuals, constituting the Peace Movement, now ready to triumph, — with practical suggestions on our duties to this cause, and a concluding glance at the barbarism of Military Glory. In this review I cannot avoid details incident to a fruitfulness of topics; but I shall try to introduce nothing not bearing directly on the subject.

Civilization now writhes in travail and torment, and asks for liberation from oppressive sway. Like the slave under a weary weight of chains, it raises its exhausted arms, and pleads for the angel Deliverer. And, lo! the beneficent angel comes, — not like the Grecian God of Day, with vengeful arrows to slay the destructive Python, — not like the Archangel Michael, with potent spear to transfix Satan, — but with words of gentleness and cheer, saying to all nations, and to all children of men, “Ye are all brothers, of *one* flesh, *one* fold, *one* shepherd, children of *one* Father, heirs to *one* happiness. By your own energies, through united fraternal endeavor, will the tyranny of War be overthrown, and its Juggernaut in turn be crushed to earth.”

In this spirit, and with this encouragement, we must labor for that grand and final object, watchword of all ages, the Unity of the Human Family. Not in benevolence, but in selfishness, has Unity been sought in times past, — not to promote the happiness of all, but to establish the dominion of one. It was the mad lust of power which carried Alexander from conquest to conquest, till he boasted that the whole world was one

empire, with the Macedonian phalanx as citadel. The same passion animated Rome, till, at last, while Christ lay in a manger, this single city swayed a broader empire than that of Alexander. The Gospel, in its simple narrative, says, "And it came to pass in those days that there went out a decree from Cæsar Augustus that *all the world* should be taxed." History recalls the exile of Ovid, who, falling under the displeasure of the same emperor, was condemned to close his life in melancholy longings for Rome, far away in Pontus, on the Euxine Sea. With singular significance, these two contemporaneous incidents reveal the universality of Roman dominion, stretching from Britain to Parthia. The mighty empire crumbled, to be reconstructed for a brief moment, in part by Charlemagne; in part by Tamerlane. In our own age, Napoleon made a last effort for Unity founded on Force. And now, from his utterances at St. Helena, the expressed wisdom of his unparalleled experience, comes the remarkable confession, worthy of constant memory: "The more I study the world, the more am I convinced of the inability of brute force to create anything durable." From the sepulchre of Napoleon, now sleeping on the banks of the Seine, surrounded by the trophies of battle, nay, more, from the sepulchres of all these departed empires, may be heard the words, "They that take the sword shall perish by the sword."

Unity is the longing and tendency of Humanity: not the enforced Unity of military power; not the Unity of might triumphant over right; not the Unity of Inequality; not the Unity which occupied the soul of Dante, when, in his treatise *De Monarchia*, the earliest political work of modern times, he strove to show that

all the world belonged to a single ruler, the successor of the Roman Emperor: not these; but the voluntary Unity of nations in fraternal labor; the Unity promised, when it was said, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female, for ye are all one in Christ Jesus"; the Unity which has filled the delighted vision of good men, prophets, sages, and poets, in times past; the Unity which, in our own age, prompted Béranger, the incomparable lyric of France, in an immortal ode, to salute the Holy Alliance of the Peoples,<sup>1</sup> summoning them in all lands, and by whatever names they may be called, French, English, Belgian, German, Russian, to give each other the hand, that the useless thunderbolts of War may all be quenched, and Peace sow the earth with gold, with flowers, and with corn; the Unity which prompted an early American diplomatist and poet to anticipate the time when nations shall meet in Congress, —

"To give each realm its limit and its laws,  
Bid the last breath of dire contention cease,  
And bind all regions in the leagues of Peace;  
Bid one great empire, with extensive sway,  
Spread with the sun, and bound the walks of day,  
One centred system, one all-ruling soul,  
Live through the parts, and regulate the whole";<sup>2</sup>

the Unity which inspired our contemporary British poet of exquisite genius, Alfred Tennyson, to hail the certain day, —

"When the war-drum throb no longer, and the battle-flags be furled,  
In the Parliament of Man, the Federation of the World."<sup>3</sup>

<sup>1</sup> "Peuples, formez une sainte alliance,  
Et donnez-vous la main."

*La Sainte Alliance des Peuples.*

<sup>2</sup> Barlow, *Vision of Columbus*, Book LX. 432 - 438.

<sup>3</sup> Locksley Hall.



Such is Unity in the bond of Peace. The common good and mutual consent are its enduring base, Justice and Love its animating soul. These alone can give permanence to combinations of men, whether in states or confederacies. Here is the vital elixir of nations, the true philosopher's stone of divine efficacy to enrich the civilization of mankind. So far as these are neglected or forgotten, will the people, though under one apparent head, fail to be really united. So far as these are regarded, will the people, within the sphere of their influence, constitute one body, and be inspired by one spirit. And just in proportion as these find recognition from individuals and from nations will War be impossible.

Not in vision, nor in promise only, is this Unity discerned. Voluntary associations, confederacies, leagues, coalitions, and congresses of nations, though fugitive and limited in influence, all attest the unsatisfied desires of men solicitous for union, while they foreshadow the means by which it may be permanently accomplished. Of these I will enumerate a few. 1. The *Amphictyonic Council*, embracing at first twelve, and finally thirty-one communities, was established about the year 1100 before Christ. Each sent two deputies, and had two votes in the Council, which was empowered to restrain the violence of hostility among the associates. 2. Next comes the *Achaean League*, founded at a very early period, and renewed in the year 281 before Christ. Each member was independent, and yet all together constituted one inseparable body. So great was the fame of their justice and probity, that the Greek cities of Italy were glad to invite their peaceful arbitration. 3. Pass-

ing over other confederacies of Antiquity, I mention next the *Hanseatic League*, begun in the twelfth century, completed in the middle of the thirteenth, and comprising at one time no less than eighty-five cities. A system of International Law was adopted in their general assemblies, and also *courts of arbitration, to determine controversies among the cities*. The decrees of these courts were enforced by placing the condemned city under the ban, a sentence equivalent to excommunication. 4. At a later period, other cities and nobles of Germany entered into alliance and association for mutual protection, under various names, as *the League of the Rhine*, and *the League of Suabia*. 5. To these I add the combination of *Armed Neutrality* in 1780, uniting, in declared support of certain principles, a large cluster of nations, — Russia, France, Spain, Holland, Sweden, Denmark, Prussia, and the United States. 6. And still further, I refer to Congresses at Westphalia, Utrecht, Aix-la-Chapelle, and Vienna, after the wasteful struggles of War, to arrange terms of Peace and to arbitrate between nations.

These examples, belonging to the Past, reveal tendencies and capacities. Other instances, having the effect of living authority, show practically how the War System may be set aside. There is, *first*, the Swiss Republic, or *Helvetic Union*, which, beginning so long ago as 1308, has preserved Peace among its members during the greater part of five centuries. Speaking of this Union, Vattel said, in the middle of the last century, "The Swiss have had the precaution, in all their alliances among themselves, and even in those they have contracted with the neighboring powers, *to agree beforehand on the manner in which their disputes were to be*

*submitted to arbitrators, in case they could not adjust them in an amicable manner.*" And this publicist proceeds to testify that "this wise precaution has not a little contributed to maintain the Helvetic Republic in that flourishing condition which secures its liberty, and renders it respectable throughout Europe."<sup>1</sup> Since these words were written, there have been many changes in the Swiss Constitution; but its present Federal System, established on the downfall of Napoleon, confirmed in 1830, and now embracing twenty-five different States, provides that differences among the States shall be referred to "special arbitration." This is an instructive example. But, *secondly*, our own happy country furnishes one yet more so. The United States of America are a National Union of thirty different States,—each having peculiar interests,—in pursuance of a Constitution, established in 1788, which not only provides a high tribunal for the adjudication of controversies between the States, but expressly *disarms* the individual States, declaring that "*no State shall, without the consent of Congress, keep troops or ships of war in time of peace, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.*" A *third* example, not unlike that of our own country, is the *Confederation of Germany*, composed of thirty-eight sovereignties, who, by reciprocal stipulation in their Act of Union, on the 8th of June, 1815, deprived each sovereignty of the *right of war* with its confederates. The words of this stipulation, which, like those of the Constitution of the United States, might furnish a model to the Commonwealth of Nations, are as follows: "*The Confederate States likewise engage under no pretext to make war upon*

<sup>1</sup> Law of Nations, Book II. ch. 18, § 329.

*one another, nor to pursue their differences by force of arms, but to submit them to the Diet.* The latter shall endeavor to mediate between the parties by means of a commission. Should this not prove successful, and a judicial decision become necessary, provision shall be made therefor through a well-organized Court of Arbitration, to which the litigants shall submit themselves without appeal.”<sup>1</sup>

Such are authentic, well-defined examples. This is not all. It is in the order of Providence, that individuals, families, tribes, and nations should tend, by means of association, to a final Unity. A law of mutual attraction, or affinity, first exerting its influence upon smaller bodies, draws them by degrees into well-established fellowship, and then, continuing its power, fuses the larger bodies into nations; and nations themselves, stirred by this same sleepless energy, are now moving towards that grand system of combined order which will complete the general harmony:—

“*Spiritus intus alit, totamque infusa per artus  
Mens agitat molem, et magno se corpore miscet.*”<sup>2</sup>

History bears ample testimony to the potency of this attraction. Modern Europe, in its early periods, was filled with petty lordships, or communities constituting so many distinct units, acknowledging only a vague nationality, and maintaining, as we have already seen, the “liberty” to fight with each other. The great nations of our day have grown and matured into their present form by the gradual absorption of these political bodies.

<sup>1</sup> Acte pour la Constitution Fédérative de l'Allemagne du 8 Juin, 1815, Art. XI. par. 4 : Archives Diplomatiques, Vol. IV. p. 15.

<sup>2</sup> *Æneid*, Lib. VI. 726, 727.

Territories, once possessing an equivocal and turbulent independence, feel new power and happiness in peaceful association. Spain, composed of races dissimilar in origin, religion, and government, slowly ascended by progressive combinations among principalities and provinces, till at last, in the fifteenth century, by the crowning union of Castile and Aragon, the whole country, with its various sovereignties, was united under one common rule. Germany once consisted of more than three hundred different principalities, each with the *right of war*. These slowly coalesced, forming larger principalities; till at last the whole complex aggregation of states, embracing abbeys, bishoprics, archbishoprics, bailiwicks, counties, duchies, electorates, margraviates, and free imperial cities, was gradually resolved into the present Confederation, where each state expressly renounces the *right of war* with its associates. France has passed through similar changes. By a power of assimilation, in no nation so strongly marked, she has absorbed the various races and sovereignties once filling her territory with violence and conflict, and has converted them all to herself. The Roman or Iberian of Provence, the indomitable Celtic race, the German of Alsace, have all become Frenchmen,—while the various provinces, once inspired by such hostile passions, Brittany and Normandy, Franche-Comté and Burgundy, Gascony and Languedoc, Provence and Dauphiné, are now blended in one powerful, united nation. Great Britain, too, shows the influence of the same law. The many hostile principalities of England were first merged in the Heptarchy; and these seven kingdoms became *one* under the Saxon Egbert. Wales, forcibly attached to England under Edward the First, at last assimilated with

her conqueror; Ireland, after a protracted resistance, was absorbed under Edward the Third, and at a later day, after a series of bitter struggles, was united, I do not say how successfully, under the Imperial Parliament; Scotland was connected with England by the accession of James the First to the throne of the Tudors, and these two countries, which had so often encountered in battle, were joined together under Queen Anne, by an act of peaceful legislation.

Thus has the tendency to Unity predominated over independent sovereignties and states, slowly conducting the constant process of crystallization. This cannot be arrested. The next stage must be the peaceful association of the Christian nations. In this anticipation we but follow analogies of the material creation, as seen in the light of chemical or geological science. Everywhere Nature is busy with combinations, exerting an occult incalculable power, drawing elements into new relations of harmony, uniting molecule with molecule, atom with atom, and, by progressive change, in the lapse of time, producing new structural arrangements. Look still closer, and the analogy continues. At first we detect the operation of cohesion, rudely acting upon particles near together, — then subtler influences, slowly imparting regularity of form, — while heat, electricity, and potent chemical affinities conspire in the work. As yet there is only an incomplete body. *Light* now exerts its mysterious powers, and all assumes an organized form. So it is with mankind. First appears the rude cohesion of early ages, acting only upon individuals near together. Slowly the work proceeds. But time and space, the great obstructions, if not annihilated, are now subdued, giving free scope to the powerful

affinities of civilization. At last, light, thrice holy light, in whose glad beams are knowledge, justice, and beneficence, with empyrean sway will combine those separate and distracted elements into one organized system.

Thus much for examples and tendencies. In harmony with these are *efforts of individuals*, extending through ages, and strengthening with time, till now at last they swell into a voice that must be heard. A rapid glance will show the growth of the cause we have met to welcome. Far off in the writings of the early Fathers we learn the duty and importance of Universal Peace. Here I might accumulate texts, each an authority, while you listened to Justin Martyr, Irenæus, Tertullian, Origen, Augustine, Aquinas. How beautiful it appears in the teachings of St. Augustine! How comprehensive the rules of Aquinas, who spoke with the authority of Philosophy and the Church, when he said, in phrase worthy of constant repetition, that the perfection of joy is Peace!<sup>1</sup> But the rude hoof of War trampled down these sparks of generous truth, destined to flame forth at a later day. In the fifteenth century, *The good Man of Peace* was described in that work of unexampled circulation, translated into all modern tongues, and republished more than a thousand times, "The Imitation of Christ," by Thomas-à-Kempis.<sup>2</sup> A little later the cause found important support from the pen of a great scholar, the gentle and learned Erasmus. At last it obtained a specious advocacy from the throne. Henry the Fourth,

<sup>1</sup> "*Perfectio gaudii est pax.*"—Aquinas, *Summa Theologica*, Prima Secundæ, Quæst. LXX., Art. III. Concl.

<sup>2</sup> *De Imitatione Christi*, Lib. II. cap. 8.

of France, with the coöperation of his eminent minister, Sully, conceived the beautiful scheme of blending the Christian nations in one confederacy, with a high tribunal for the decision of controversies between them, and had drawn into his plan Queen Elizabeth, of England. All was arrested by the dagger of Ravaillac. This gay and gallant monarch was little penetrated by the divine sentiment of Peace; for at his death he was gathering materials for fresh War; and it is too evident that the scheme of a European Congress was prompted less by comprehensive humanity than by a selfish ambition to humble the House of Austria. Even with this drawback it did great good, by holding aloft before Christendom the exalted idea of a tribunal for the Commonwealth of Nations.

Universal Peace was not to receive thus early the countenance of Government. Meanwhile private efforts began to multiply. Grotius, in his wonderful work on "The Rights of War and Peace," while lavishing learning and genius on the Arbitrament of War, bears testimony in favor of a more rational tribunal. His virtuous nature, wishing to save mankind from the scourge of War, foreshadowed an Amphictyonic Council. "It would be useful, and in some sort necessary," he says, — in language which, if carried out practically, would sweep away the War System and all the *Laws of War*, — "to have Congresses of the Christian Powers, where differences might be determined by the judgment of those not interested in them, and means found to constrain parties into acceptance of peace on just conditions."<sup>1</sup> To the discredit of his age, these moderate words, so much in harmony with his other effort for the union

<sup>1</sup> De Jure Belli ac Pacis, Lib. II. cap. 23, § 8.



of Christian sects, were derided, and the eminent expounder was denounced as rash, visionary, and impracticable. The sentiment in which they had their origin found other forms of utterance. Before the close of the seventeenth century, Nicole, the friend of Pascal, belonging to the fellowship of Port-Royal, and one of the highest names in the Church of France, gave to the world a brief "Treatise on the Means of preserving Peace among Men,"<sup>1</sup> which Voltaire, with exaggerated praise, terms "a masterpiece, to which nothing equal has been left to us by Antiquity." Next appeared a little book, which is now a bibliographical curiosity, entitled "The New Cineas,"<sup>2</sup>—after the pacific adviser of Pyrrhus, the warrior king of Epirus, — where the humane author counsels sovereigns to govern in Peace, submitting their differences to an established tribunal. In Germany, at the close of the seventeenth century, as we learn from Leibnitz, who mentions the preceding authority also, a retired general, who had commanded armies, the Landgrave Ernest of Hesse Rhinfels, in a work entitled "The Discreet Catholic," suggested a plan for Perpetual Peace by means of a tribunal established by associate sovereigns.<sup>3</sup> England testified also by William Penn, who adopted and enforced what he called the "great design"

<sup>1</sup> *Traité des Moyens de conserver la Paix avec les Hommes: Essais de Morale*, Tom. I. pp. 192-318. This little treatise has been printed in a recent edition of the *Pensées* of Pascal. Notwithstanding this great company, and the praise of Voltaire in his *Écrivains du Siècle de Louis XIV.*, the reader of our day will be disappointed. See Hallam, *Introduction to the Literature of Europe*, Part IV. ch. 4, Vol. III. p. 393.

<sup>2</sup> *Le Nouveau Cynée, ou Discours des Occasions et Moyens d'établir une Paix générale et la Liberté du Commerce par tout le Monde*: Paris, 1623. A copy, found in one of the stalls of Paris, is now before me.

<sup>3</sup> Leibnitz, *Observations sur le Projet d'une Paix Perpétuelle de l'Abbé de S. Pierre*: Opera (ed. Dutens), Tom. V. pp. 56, 57

of Henry the Fourth. In a work entitled "An Essay towards the Present and Future Peace of Europe," the enlightened Quaker proposed a Diet, or Sovereign Assembly, into which the princes of Europe should enter, as men enter into society, for the love of peace and order, — that its object should be justice, and that all differences not terminated by embassies should be brought before this tribunal, whose judgment should be so far binding, that, in the event of contumacy, it should be enforced by the united powers.<sup>1</sup> Thus, by writings, as also by illustrious example in Pennsylvania, did Penn show himself the friend of Peace.

These were soon followed in France by the untiring labors of the good Abbé Saint-Pierre, — the most devoted among the apostles of Peace, and not to be confounded with the eloquent and eccentric Bernardin de Saint-Pierre, author of "Paul and Virginia," who, at a later day, beautifully painted the true Fraternity of Nations.<sup>2</sup> Of a genius less artistic and literary, the Abbé consecrated a whole life, crowned with venerable years, to the improvement of mankind. There was no humane cause he did not espouse: now it was the poor; now it was education; and now it was to exhibit the grandeur and sacredness of human nature; but he was especially filled with the idea of Universal Peace, and the importance of teaching nations, not less than individuals, the duty of doing as they would be done by. This was his passion, and it was elaborately presented in a work of three volumes, entitled "The Project of Per-

<sup>1</sup> Clarkson, *Life of William Penn*, Ch. VI. Vol. II. pp. 82 – 85.

<sup>2</sup> *Harmonies de la Nature: Œuvres*, Tom. X. p. 138. *Vœux d'un Solitaire: Ibid.*, Tom. XI. p. 168.

petual Peace,"<sup>1</sup> where he proposes a Diet or Congress of Sovereigns, for the adjudication of international controversies without resort to War. Throughout his voluminous writings he constantly returns to this project, which was a perpetual vision, and records his regret that Newton and Descartes had not devoted their exalted genius to the study and exposition of the laws determining the welfare of men and nations, believing that they might have succeeded in organizing Peace. He dwells often on the beauty of Christian precepts in government, and the true glory of beneficence, while he exposes the vanity of military renown, and does not hesitate to question that false glory which procured for Louis the Fourteenth the undeserved title of Great, echoed by flattering courtiers and a barbarous world. The French language owes to him the word *Bienfaisance*; and D'Alembert said "it was right he should have invented the word who practised so largely the virtue it expresses."<sup>2</sup>

Though thus of benevolence all compact, Saint-Pierre was not the favorite of his age. A profligate minister, Cardinal Dubois, ecclesiastical companion of a vicious regent in the worst excesses, condemned his efforts in a phrase of satire, as "the dreams of a good man." The pen of La Bruyère wanted in a petty portrait of per-

<sup>1</sup> *Le Projet de Paix Perpétuelle*. — A collection of the works of Saint-Pierre, in fourteen volumes, entitled *Œuvres de Politique*, appeared at Amsterdam in the middle of the last century. But this collection is not complete; I have several other volumes. Brunet introduces him into his Bibliographical Pantheon among "Modern Reformers"; but the space allowed is very scanty by the side of his namesake. His works are sympathetically described and analyzed in a volume published since this Address, entitled *L'Abbé de Saint-Pierre, sa Vie et ses Œuvres*, par G. de Molinari.

<sup>2</sup> *Éloge de Saint-Pierre: Œuvres*, Tom. XI. p. 113. See, also, *Bescherelle*, *Dictionnaire National*, under *Bienfaisance*.

sonal peculiarities.<sup>1</sup> Many turned the cold shoulder. The French Academy, of which he was a member, took from him his chair, and on the occasion of his death forbore the eulogy which is its customary tribute to a departed academician. But an incomparable genius in Germany,—an authority not to be questioned on any subject upon which he spoke,—the great and universal Leibnitz, bears his testimony to the “Project of Perpetual Peace,” and, so doing, enrolls his own prodigious name in the catalogue of our cause. In observations on this Project, communicated to its author, under date of February 7, 1715, while declaring that it is supported by the practical authority of Henry the Fourth, that it justly interests the whole human race, and is not foreign to his own studies, as from youth he had occupied himself with law, and particularly with the Law of Nations, Leibnitz says: “*I have read it with attention, and am persuaded that such a project, on the whole, is feasible, and that its execution would be one of the most useful things in the world.* Although my suffrage cannot be of any weight, I have nevertheless thought that gratitude obliged me not to withhold it, and to join some remarks for the satisfaction of a meritorious author, who ought to have much reputation and firmness, to have dared and been able to oppose with success the prejudiced crowd, and the unbridled tongue of mockers.”<sup>2</sup> Such testimony from Leibnitz must have been grateful to Saint-Pierre.

I cannot close this brief record of a philanthropist, constant in an age when War was more regarded than

<sup>1</sup> Les Caractères, *Du Mérite Personnel*, Tom. I. p. 93.

<sup>2</sup> Observations sur le Projet d'une Paix Perpétuelle; Lettre à l'Abbé de S. Pierre: Opera (ed Dutens), Tom. V. pp. 56-62.

Humanity, without offering him an unaffected homage. To this faithful man may be addressed the sublime salutation which hymned from the soul of Milton:—

“ Servant of God, well done! well hast thou fought  
 The better fight, who single hast maintained  
 Against revolted multitudes the cause  
 Of Truth, in word mightier than they in arms,  
 And for the testimony of truth hast borne  
 . . . . . reproach, far worse to bear  
 Than violence: for this was all thy care,  
 To stand approved in sight of God, though worlds  
 Judged thee perverse.”<sup>1</sup>

Waking hereafter from its martial trance, the world will rejoice to salute the greatness of his career.<sup>2</sup> It may well measure advance in civilization by the appreciation of his character.

Contemporary with Saint-Pierre was another Frenchman, to whom I have already referred, who flashed his genius upon the game of War. La Bruyère exhibits men, for the sake of a piece of land more or less, *agreeing among themselves* to despoil, burn, and kill each other, even to cutting throats, and, for the doing of this more ingeniously and safely, inventing a beautiful system, known as the Art of War, to the practice of which is attached what is called *Glory*. The same satirist, who lived in an age of War, likens men to animals, even to dogs barking at each other, and then again to cats; and he furnishes a picture of the latter, counted by the thousand, and marshalled on an extended plain, where, after mewing their best, they throw themselves upon each other, tooth and nail, until nine or ten thousand of

<sup>1</sup> Paradise Lost, Book VI. 29–37.

<sup>2</sup> The *Nouvelle Biographie Générale* concludes its notice of him thus:—  
 “Après avoir mérité le beau surnom de *Solliciteur pour le bien public*, l’Abbé de Saint-Pierre mourut, en 1743, à l’âge de quatre-vingt-cinq ans.”

them are left dead on the field, infecting the air for ten leagues with an intolerable stench,—and all this for the love of Glory. But how, says the satirist, can we distinguish between those who use only tooth and nail and those others, who, first substituting lances, darts, and swords, now employ destructive balls, small and large, killing at once, while, penetrating a roof, they crash from garret to cellar, sacrificing even women and children? Wherein is the Glory? <sup>1</sup>

Saint-Pierre was followed by that remarkable genius, Jean Jacques Rousseau, in a small work with the modest title, "Extract from the Project of Perpetual Peace by the Abbé Saint-Pierre."<sup>2</sup> Without referring to those higher motives supplied by humanity, conscience, and religion, for addressing which to sovereigns Saint-Pierre incurred the ridicule of what are called practical statesmen, Rousseau appeals to common sense, and shows how much mere worldly interests would be promoted by submission to the arbitration of an impartial tribunal, rather than to the uncertain issue of arms, with no adequate compensation, even to the victor, for blood and treasure sacrificed. If this project fails, it is not, according to him, because chimerical, but because men have lost their wits, and it is a sort of madness to be wise in the midst of fools. As no scheme more grand, more beautiful, or more useful ever occupied the human mind, so, says Rousseau, no author ever deserved attention more than one proposing the means for its practical adoption; nor can any humane and virtuous man fail to regard it with enthusiasm.

<sup>1</sup> *Caractères, Du Souverain*, Tom. I. p. 332; *Des Jugements*, Tom. II. pp. 57—59.

<sup>2</sup> *Extrait du Projet de Paix Perpétuelle de M. l'Abbé de Saint-Pierre.*

The recommendations of Rousseau, reaching Germany, were encountered by a writer now remembered chiefly by this hardihood. I allude to Embser, who treats of Perpetual Peace in a work first published in 1779, under the title of "The Idolatry of our Philosophical Century,"<sup>1</sup> and at a later day with a new title, under the *alias* of the "Refutation of the Project of Perpetual Peace."<sup>2</sup> Objections common with the superficial or prejudiced are vehemently urged; the imputation upon Grotius is reproduced; and the project is pronounced visionary and impracticable, while War is exalted as an instrument more beneficent than Peace in advancing the civilization of mankind. At a later day Hegel gave the same testimony, thus contributing his considerable name to vindicate War.<sup>3</sup>

The cause of Saint-Pierre and Rousseau was not without champions in Germany. In 1763 we meet at Göttingen the work of Totze, entitled "Permanent and Universal Peace, according to the Plan of Henry the Fourth";<sup>4</sup> and in 1767, at Leipsic, an ample and mature treatise by Lilienfeld, under the name of "New Constitution for States."<sup>5</sup> Truth often appears contemporaneously to different minds having no concert with each other; and the latter work, though in remarkable harmony with Saint-Pierre and Rousseau, is said to have been composed without any knowledge of their labors. Lilienfeld exposes the causes and calamities of War, the waste of armaments in time of Peace, and the miserable chances of the battle-field, where, in defiance of all jus-

<sup>1</sup> Die Abgöttereı unsers Philosophischen Jahrhunderts.

<sup>2</sup> Widerlegung des Projects von Ewigen Frieden.

<sup>3</sup> Philosophie des Rechts, §§ 321 - 340: Werke, Band VIII. pp. 408 - 423.

<sup>4</sup> Ewiger und Allgemeiner Friede nach der Entwurf Heinrichs IV.

<sup>5</sup> Neues Staatsgebäude.

tice, controversies are determined as by the throw of dice; and he urges submission to Arbitrators, unless, in their wisdom, nations establish a Supreme Tribunal with the combined power of the Confederacy to enforce its decrees.

It was the glory of another German, in intellectual preëminence the successor of Leibnitz, to illustrate this cause by special and repeated labors. At Königsberg, in a retired corner of Prussia, away from the great lines of travel, Immanuel Kant consecrated his days to the pursuit of truth. During a long, virtuous, and disinterested life, stretching beyond the period appointed for man, — from 1724 to 1804, — in retirement, undisturbed by shock of revolution or war, never drawn by temptation of travel more than seven German miles from the place of his birth, he assiduously studied books, men, and things. Among the fruits of his ripened powers was that system of philosophy known as the "Critique of Pure Reason," by which he was at once established as a master-mind of his country. His words became the text for writers without number, who vied with each other in expounding, illustrating, or opposing his principles. At this period, after an unprecedented triumph in philosophy, when his name had become familiar wherever his mother-tongue was spoken, and while his rare faculties were yet untouched by decay, in the Indian Summer of life, the great thinker published a work "On Perpetual Peace."<sup>1</sup> Interest in the author, or in the cause, was attested by prompt translations into the French, Danish, and Dutch languages. In an

<sup>1</sup> Zum Ewigen Frieden, 1795; Verkündigung des nahen Abschlusses eines Tractats zum Ewigen Frieden in der Philosophie, 1796: Sämmtliche Werke, Band VI. pp. 405 - 454, 487 - 498.



earlier work, entitled "Idea for a General History in a Cosmopolitan View,"<sup>1</sup> he espoused the same cause, and at a later day, in his "Metaphysical Elements of Jurisprudence,"<sup>2</sup> he renewed his testimony. In the lapse of time the speculations of the philosopher have lost much of their original attraction; other systems, with other names, have taken their place. But these early and faithful labors for Perpetual Peace cannot be forgotten. Perhaps through these the fame of the applauded philosopher of Königsberg may yet be preserved.

By Perpetual Peace Kant understood a condition of nations where there could be no fear of War; and this condition, he said, was demanded by reason, which, abhorring all War, as little adapted to establish right, must regard this final development of the Law of Nations as a consummation worthy of every effort. The philosopher was right in proposing nothing less than a reform of International Law. To this, according to him, all persons, and particularly all rulers, should bend their energies. A special league or treaty should be formed, which may be truly called a *Treaty of Peace*, having this peculiarity, that, whereas other treaties terminate a single existing War only, this should terminate forever all War between the parties to it. A Treaty of Peace, tacitly acknowledging *the right to wage War*, as all treaties now do, is nothing more than a *Truce*, not Peace. By these treaties an individual War is ended, but not the *state of War*. There may not be constant hostilities; but there will be constant fear of hostilities, with

<sup>1</sup> Idee zu einer Allgemeinen Geschichte in Weltbürgerlicher Absicht: Sämmtliche Werke, Band IV. pp. 141 - 157.

<sup>2</sup> Metaphysische Anfangsgründe der Rechtslehre, §§ 53 - 61, *Das Völkerrecht*: Sämmtliche Werke, Band VII. pp. 141 - 157.

constant threat of aggression and attack. Soldiers and armaments, now nursed as a Peace establishment, become the fruitful parent of new wars. With real Peace, these would be abandoned. Nor should nations hesitate to bow before the *law*, like individuals. They must form one comprehensive federation, which, by the aggregation of other nations, would at last embrace the whole earth. And this, according to Kant, in the succession of years, by a sure progress, is the irresistible tendency of nations. To this end nations must be truly independent; nor is it possible for one nation to acquire another independent nation, whether by inheritance, exchange, purchase, or gift. A nation is not property. The philosophy of Kant, therefore, contemplated not only Universal Peace, but Universal Liberty. The first article of the great treaty would be, that every nation is free.

These important conclusions found immediate support from another German philosopher, Fichte, of remarkable acuteness and perfect devotion to truth, whose name, in his own day, awakened an echo inferior only to that of Kant. In his "Groundwork of the Law of Nature,"<sup>1</sup> published in 1796, he urges a Federation of Nations, with a Supreme Tribunal, as the best way of securing the triumph of justice, and of subduing the power of the unjust. To the suggestion, that by this Federation injustice might be done, he replied, that it would not be easy to find any common advantage tempting the confederate nations to do this wrong.

The subject was again treated in 1804, by a learned German, Karl Schwab, whose work, entitled "Of Una-

<sup>1</sup> Grundlage des Naturrechts: *Ueber das Völkerrecht*: Sämmtliche Werke, Band III. pp. 369-382.

voidable Injustice,"<sup>1</sup> deserves notice for practical clearness and directness. Nothing could be better than his idea of the Universal State, where nations will be united, as citizens in the Municipal State; nor have the promises of the Future been more carefully presented. He sees clearly, that, even when this triumph of civilization is won, justice between nations will not be always inviolate,—for, unhappily, between citizens it is not always so; but, whatever may be the exceptions, it will become the general rule. As in the Municipal State War no longer prevails, but offences, wrongs, and sallies of vengeance often proceed from individual citizens, with insubordination and anarchy sometimes,—so in the Universal State War will no longer prevail; but here also, between the different nations, who will be as citizens in the Federation, there may be wrongs and aggressions, with resistance even to the common power. In short, the Universal State will be subject to the same accidents as the Municipal State.

The cause of Permanent Peace became a thesis for Universities. At Stuttgart, in 1796, there was an oration by J. H. La Motte, entitled *Utrum Pax Perpetua pangi possit, nec ne?* And at Leyden, in 1808, there was a Dissertation by Gabinus de Wal, on taking his degree as Doctor of Laws, entitled *Disputatio Philosophico-Juridica de Conjunctione Populorum ad Pacem Perpetuam.*<sup>2</sup> This learned and elaborate performance, after reviewing previous efforts in the cause, accords a

<sup>1</sup> Ueber das Unvermeidliche Unrecht.

<sup>2</sup> At the Paris Peace Congress of 1849, since the delivery of this Address, with Victor Hugo as President, and Richard Cobden as an active member, Mr. Suringar, of Amsterdam, referred to this Dissertation, and announced a copy of it which had been given him for presentation to the Congress by the son of the author, John de Wal, Professor of Jurisprudence at Leyden. My own copy is a valued present from Elihu Burritt.

preëminence to Kant. Such a voice from the University is the token of a growing sentiment, and an example for the youth of our own day.

Meanwhile in England the cause was espoused by that indefatigable jurist and reformer, Jeremy Bentham, who embraced it in his comprehensive labors. In an *Essay on International Law*, bearing date 1786-89, and first published in 1839, by his executor, Dr. Boring,<sup>1</sup> he develops a plan for Universal and Perpetual Peace in the spirit of Saint-Pierre. Such, according to him, is the extreme folly, the madness, of War, that on no supposition can it be otherwise than mischievous. All Trade, in essence, is advantageous, even to the party who profits by it the least; all War, in essence, is ruinous: and yet the great employments of Government are to treasure up occasions of War, and to put fetters upon Trade. To remedy this evil, Bentham proposes, first, "The reduction and fixation of the forces of the several nations that compose the European system"; and in enforcing this proposition, he says: "Whatsoever nation should get the start of the other in making the proposal to reduce and fix the amount of its armed force would crown itself with everlasting honor. The risk would be nothing, the gain certain. This gain would be the giving an incontrovertible demonstration of its own disposition to peace, and of the opposite disposition in the other nation, in case of its rejecting the proposal." He next proposes an International Court of Judicature, with power to report its opinion, and to circulate it in each nation, and, after a certain delay, to put a contumacious nation under the ban. He denies

<sup>1</sup> Bentham's Works, Part VIII pp. 537-554.

that this system can be styled visionary in any respect: for it is proved, *first*, that it is the interest of the parties concerned; *secondly*, that the parties are already sensible of this interest; and, *thirdly*, that, enlightened by diplomatic experience in difficult and complicated conventions, they are prepared for the new situation. All this is sober and practical.

Coming to our own country, I find many names for commemoration. No person, in all history, has borne his testimony in phrases of greater pungency or more convincing truth than Benjamin Franklin. "In my opinion," he says, "there never was a good War or a bad Peace"; and he asks, "When will mankind be convinced that all Wars are follies, very expensive, and very mischievous, and agree to settle their differences by arbitration? Were they to do it even by the cast of a die, it would be better than by fighting and destroying each other." Then again he says: "We make daily great improvements in natural, there is one I wish to see in moral philosophy, — the discovery of a plan that would induce and oblige nations to settle their disputes without first cutting one another's throats. When will human reason be sufficiently improved to see the advantage of this?"<sup>1</sup> As diplomatist, Franklin strove to limit the evils of War. To him, while Minister at Paris, belongs the honor of those instructions, more glorious for the American name than any battle, where our naval cruisers, among whom was the redoubtable Paul Jones, were directed, in the interest of univer-

<sup>1</sup> Letter to Josiah Quincy, Sept. 11, 1783; to Mrs. Mary Hewson, Jan. 27, 1783; to Richard Price, Feb. 6, 1780: Works, ed. Sparks, Vol. X. p. 11; IX. p. 476; VIII. p. 417.

sal science, to allow a free and undisturbed passage to the returning expedition of Captain Cook, the great circumnavigator, who "steered Britain's oak into a world unknown."<sup>1</sup> To him also belongs the honor of introducing into a treaty with Prussia a provision for the abolition of that special scandal, Private War on the Ocean.<sup>2</sup> In similar strain with Franklin, Jefferson says: "Will nations never devise a more rational empire of differences than Force? . . . War is an instrument entirely inefficient towards redressing wrong; it multiplies, instead of indemnifying losses."<sup>3</sup> And he proceeds to exhibit the waste of War, and the beneficent consequences, if its expenditures could be diverted to purposes of practical utility.

To Franklin especially must thanks be rendered for authoritative words and a precious example. But there are three names, fit successors of Saint-Pierre, — I speak only of those on whose career is the seal of death, — which even more than his deserve affectionate regard. I refer to Noah Worcester, William Ellery Channing, and William Ladd. To dwell on the services of these our virtuous champions would be a grateful task. The occasion allows a passing notice only.

In Worcester we behold the single-minded country clergyman, little gifted as preacher, with narrow means, — and his example teaches what such a character may accomplish, — in humble retirement, pained by the reports of War, and at last, as the protracted drama of

<sup>1</sup> Franklin's Works, ed. Sparks, Vol. V. pp. 122-124. Collections of Mass. Hist. Soc., Vol. IV. pp. 79-85.

<sup>2</sup> Franklin's Works, ed. Sparks, Vol. II. pp. 485, 486. Lyman's Diplomacy of the United States, Vol. I. pp. 143-148.

<sup>3</sup> Letter to Sir John Sinclair, March 23, 1798: Transactions of the American Philosophical Society, Vol. IV. pp. 320, 321.

battles was about to close at Waterloo, publishing that appeal, entitled "A Solemn Review of the *Custom of War*," which has been so extensively circulated at home and abroad, and has done so-much to correct the inveterate prejudices which surround the cause. He was the founder, and for some time the indefatigable agent, of the earliest Peace Society in the country.

The eloquence of Channing was often, both with tongue and pen, directed against War. He was heart-struck by the awful degradation it caused, rudely blotting out in men the image of God their Father; and his words of flame have lighted in many souls those exterminating fires that can never die, until this evil is swept from the earth.

William Ladd, after completing his education at Harvard University, engaged in commercial pursuits. Early, through his own exertions, blessed with competency, he could not be idle. He was childless; and his affections embraced all the children of the human family. Like Worcester and Channing, his attention was arrested by the portentous crime of War, and he was moved to dedicate the remainder of his days to earnest, untiring effort for its abolition, — going about from place to place inculcating the lesson of Peace, with simple, cheerful manner winning the hearts of good men, and dropping in many youthful souls precious seeds to ripen in more precious fruit. He was the founder of the American Peace Society, in which was finally merged the earlier association established by Worcester. By a long series of practical labors, and especially by developing, maturing, and publishing the plan of an International Congress, has William Ladd enrolled himself among the benefactors of mankind.

Such are some of the names which hereafter, when the warrior no longer usurps the blessings promised to the peacemaker, will be inscribed on immortal tablets.

Now, at last, in the fulness of time, in our own day, by the labors of men of Peace, by the irresistible cooperating affinities of mankind, nations seem to be visibly approaching — even amidst tumult and discord — that Unity so long hoped for, prayed for. By steamboat, railroad, and telegraph, outstripping the traditional movements of government, men of all countries daily commingle, ancient prejudices fast dissolve, while ancient sympathies strengthen, and new sympathies come into being. The chief commercial cities of England send addresses of friendship to the chief commercial cities of France; and the latter delight to return the salutation. Similar cords of amity are twined between cities in England and cities in our own country. The visit to London of a band of French National Guards is reciprocated by the visit to Paris of a large company of Englishmen. Thus are achieved pacific conquests, where formerly all the force of arms could not prevail. Mr. Vattemare perambulates Europe and the United States to establish a system of literary international exchanges. By the daily agency of the press we are sharers in the trials and triumphs of brethren in all lands, and, renouncing the solitude of insulated nationalities, learn to live in the communion of associated states. By multitudinous reciprocities of commerce are developed relations of mutual dependence, stronger than treaties or alliances engrossed on parchment, — while, from a truer appreciation of the ethics of government, we arrive at the conviction, that the divine injunction, “Do unto others as



you would have them do unto you," was spoken to nations as well as to individuals.

From increasing knowledge of each other, and from a higher sense of duty as brethren of the Human Family, arises among mankind an increasing interest in each other; and charity, once, like patriotism, exclusively national, is beginning to clasp the world in its embrace. Every discovery of science, every aspiration of philanthropy, no matter what the country of its origin, is now poured into the common stock. Assemblies, whether of science or philanthropy, are no longer municipal merely, but welcome delegates from all the nations. Science has convened Congresses in Italy, Germany, and England. Great causes, grander even than Science, — like Temperance, Freedom, Peace, — have drawn to London large bodies of men from different countries, under the title of *World Conventions*, in whose very name and spirit of fraternity we discern the prevailing tendency. Such a convention, dedicated to Universal Peace, held at London in 1843, was graced by many well known for labors of humanity. At Frankfort, in 1846, was assembled a large Congress from all parts of Europe, to consider what could be done for those in prison. The succeeding year witnessed, at Brussels, a similar Congress, convened in the same charity. At last, in August, 1848, we hail, at Brussels, another Congress, inspired by the presence of a generous American, Elihu Burritt, — who has left his anvil at home to teach the nations how to change their swords into ploughshares and their spears into pruning-hooks, — presided over by an eminent Belgian magistrate, and composed of numerous individuals, speaking various languages, living under diverse forms of government, various in political opinions, dif-

fering in religious convictions, but all moved by a common sentiment to seek the abolition of War, and the Disarming of the Nations.

The Peace Congress at Brussels constitutes an epoch. It is a palpable development of those international attractions and affinities which now await their final organization. The resolutions it adopted are so important that I cannot hesitate to introduce them.

“1. That, in the judgment of this Congress, an appeal to arms for the purpose of deciding disputes among nations is a custom condemned alike by religion, reason, justice, humanity, and the best interests of the people,—and that, therefore, it considers it to be the duty of the civilized world to adopt measures calculated to effect its entire abolition.

“2. That it is of the highest importance to urge on the several governments of Europe and America the necessity of introducing a clause into all International Treaties, providing for the settlement of all disputes by Arbitration, in an amicable manner, and according to the rules of justice and equity, by special Arbitrators, or a Supreme International Court, to be invested with power to decide in cases of necessity, as a last resort.

“3. That the speedy convocation of a Congress of Nations, composed of duly appointed representatives, for the purpose of framing a well-digested and authoritative International Code, is of the greatest importance, inasmuch as the organization of such a body, and the unanimous adoption of such a Code, would be an effectual means of promoting Universal Peace.

“4. That this Congress respectfully calls the attention of civilized governments to the necessity of a general and simultaneous disarmament, as a means whereby they may greatly diminish the financial burdens which press upon them, re-

move a fertile cause of irritation and inquietude, inspire mutual confidence, and promote the interchange of good offices, which, while they advance the interests of each state in particular, contribute largely to the maintenance of general Peace, and the lasting prosperity of nations."

In France these resolutions received the adhesion of Lamartine, — in England, of Richard Cobden. They have been welcomed throughout Great Britain, by large and enthusiastic popular assemblies, hanging with delight upon the practical lessons of peace on earth and good-will to men. At the suggestion of the Congress at Brussels, and in harmony with the demands of an increasing public sentiment, another Congress is called at Paris, in the approaching month of August. The place of meeting is auspicious. There, as in the very cave of Æolus, whence have so often raged forth conflicting winds and resounding tempests, are to gather delegates from various nations, including a large number from our own country, whose glad work will be to hush and imprison these winds and tempests, and to bind them in the chains of everlasting Peace.

Not in voluntary assemblies only has our cause found welcome. Into *legislative halls* it has made its way. A document now before me, in the handwriting of Samuel Adams, an approved patriot of the Revolution, bears witness to his desire for action on this subject in the Congress of the United States. It is in the form of a Letter of Instructions from the Legislature of Massachusetts to the delegates in Congress of this State, and, though without date, seems to have been prepared some time between the Treaty of Peace in 1783 and the adoption of the National Constitution in 1789. It is as follows.

“GENTLEMEN, — Although the General Court have lately instructed you concerning various matters of very great importance to this Commonwealth, they cannot finish the business of the year until they have transmitted to you a further instruction, which they have long had in contemplation, and which, if their most ardent wish could be obtained, might in its consequences extensively promote the happiness of man.

“You are, therefore, hereby instructed and urged to move the United States in Congress assembled to take into their deep and most serious consideration, whether any measures can by them be used, through their influence with such of the nations in Europe with whom they are united by Treaties of Amity or Commerce, that National Differences may be settled and determined without the necessity of WAR, in which the world has too long been deluged, to the destruction of human happiness and the disgrace of human reason and government.

“If, after the most mature deliberation, it shall appear that no measures can be taken *at present* on this very interesting subject, it is conceived it would redound much to the honor of the United States that it was attended to by their great Representative in Congress, and be accepted as a testimony of gratitude for most signal favors granted to the said States by Him who is the almighty and most gracious Father and Friend of mankind.

“And you are further instructed to move that the foregoing Letter of Instructions be entered on the Journals of Congress, if it may be thought proper, that so it may remain for the inspection of the delegates from this Commonwealth, if necessary, in any *future time*.”<sup>1</sup>

I am not able to ascertain whether this document ever became a legislative act; but unquestionably it attests, in authentic form, that a great leader in Mas-

<sup>1</sup> MSS. of Samuel Adams, belonging to the historian, George Bancroft.

sachusetts, after the establishment of that Independence for which he had so assiduously labored, hoped to enlist not only the Legislature of his State, but the Congress of the United States, in efforts for the emancipation of nations from the tyranny of War. For this early effort, when the cause of Permanent Peace had never been introduced to any legislative body, Samuel Adams deserves grateful mention.

Many years later the subject reached Congress, where, in 1838, it was considered in an elaborate report by the late Mr. Legaré, in behalf of the Committee on Foreign Affairs of the House of Representatives, prompted by memorials from the friends of Peace. While injudiciously discountenancing an Association of Nations, as not yet sanctioned by public opinion, the Committee acknowledge "that the union of all nations in a state of Peace, under the restraints and the protection of law, is the ideal perfection of civil society"; that they "concur fully in the benevolent object of the memorialists, and believe that there is a visible tendency in the spirit and institutions of the age towards the practical accomplishment of it at some future period"; that they "heartily concur with the memorialists in recommending a reference to a Third Power of all such controversies as can safely be confided to any tribunal unknown to the Constitution of our own country"; and that "such a practice will be followed by other powers, and will soon grow up into the customary law of civilized nations."<sup>1</sup>

The Legislature of Massachusetts, by a series of resolutions, in harmony with the early sentiments of Samuel Adams, adopted, in 1844, with exceeding unanimity, declare, that they "regard Arbitration as a practical and

<sup>1</sup> Reports of Committees, 25th Cong. 2d Sess., No. 979

desirable substitute for War, in the adjustment of international differences"; and still further declare their "earnest desire that the government of the United States would, at the earliest opportunity, take measures for obtaining the consent of the powers of Christendom to the establishment of a general Convention or Congress of Nations, for the purpose of settling the principles of International Law, and of organizing a High Court of Nations to adjudge all cases of difficulty which may be brought before them by the mutual consent of two or more nations."<sup>1</sup> During the winter of 1849 the subject was again presented to the American Congress by Mr. Tuck, who asked the unanimous consent of the House of Representatives to offer the following preamble and resolution:—

"Whereas the evils of War are acknowledged by all civilized nations, and the calamities, individual and general, which are inseparably connected with it, have attracted the attention of many humane and enlightened citizens of this and other countries; and whereas it is the disposition of the people of the United States to cooperate with others in all appropriate and judicious exertions to prevent a recurrence of national conflicts; therefore,

"*Resolved*, That the Committee on Foreign Affairs be directed to inquire into the expediency of authorizing a correspondence to be opened by the Secretary of State with Foreign Governments, on the subject of procuring Treaty stipulations for the reference of all future disputes to a friendly Arbitration, or for the establishment, instead thereof, of a Congress of Nations, to determine International Law and settle international disputes."<sup>2</sup>

<sup>1</sup> Mass. House Documents, Sess. 1844, No. 18.

<sup>2</sup> Congressional Globe, 30th Cong. 2d Sess., Jan. 16, 1849, p. 267. See also House Journal, Feb. 5, p. 372.

Though for the present unsuccessful, this excellent effort prepares the way for another trial.

Nor does it stand alone. Almost contemporaneously, M. Bouvet, in the National Assembly of France, submitted a proposition of a similar character, as follows :—

“Seeing that War between nations is contrary to religion, humanity, and the public well-being, the French National Assembly decrees :—

“The French Republic proposes to the Governments and Representative Assemblies of the different States of Europe, America, and other civilized countries, to unite, by their representation, in a Congress which shall have for its object a proportional disarmament among the Powers, the abolition of War, and a substitution for that barbarous usage of an Arbitral jurisdiction, of which the said Congress shall immediately fulfil the functions.”

In an elaborate report, the French Committee on Foreign Affairs, while declining at present to recommend this proposition, distinctly sanction its object.

At a still earlier date, some time in the summer of 1848, Arnold Ruge brought the same measure before the German Parliament at Frankfort, by moving the following amendment to the Report of the Committee on Foreign Affairs :—

“That, as Armed Peace, by its standing armies, imposes an intolerable burden upon the people of Europe, and endangers civil freedom, we therefore recognize the necessity of calling into existence a *Congress of Nations*, for the purpose of effecting a general disarmament of Europe.”

Though this proposition failed, yet the mover is reported to have sustained it by a speech which was received with applause, both in the assembly and gallery. Among other things, he used these important words :—

“There is no necessity for feeding an army of military idlers and eaters. There is nothing to fear from our neighbor barbarians, as they are called. You must give up the idea that the French *will* eat us up, and that the Prussians *can* eat us up. Soldiers must cease to exist; then shall no more cities be bombarded. These opinions must be kept up and propagated by a Congress of Nations. I vote that the nations of Europe disarm at once.”

In the British Parliament the cause has found an able representative in Mr. Cobden, whose name is an omen of success. He has addressed many large popular meetings in its behalf, and already, by speech and motion in the House of Commons, has striven for a reduction in the armaments of Great Britain. Only lately he gave notice of the following motion, which he intends to call up in that assembly at the earliest moment:—

“That an humble address be presented to her Majesty, praying that she will be graciously pleased to direct her Principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers, inviting them to concur in treaties binding the respective parties, in the event of any future misunderstanding which cannot be arranged by amicable negotiation, to refer the matter in dispute to the decision of Arbitrators.”

Such is the Peace Movement.<sup>1</sup> With the ever-flowing current of time it has gained ever-increasing strength, and it has now become like a mighty river. At first but a slender fountain, sparkling on some lofty summit, it has swollen with every tributary rill, with the friendly rains and dews of heaven, and at last with the associate waters of various nations, until it washes the feet of

<sup>1</sup> It will be remarked that this history stops with the date of this Address.



populous cities, rejoicing on its peaceful banks. By the voices of poets, — by the aspirations and labors of statesmen, philosophers, and good men, — by the experience of history, — by the peaceful union into nations of families, tribes, and provinces, divesting themselves of “liberty” to wage War, — by the example of leagues, alliances, confederacies, and congresses, — by the kindred movements of our age, all tending to Unity, — by an awakened public sentiment, and a growing recognition of Human Brotherhood, — by the sympathies of large popular assemblies, — by the formal action of legislative bodies, — by the promises of Christianity, are we encouraged to persevere. So doing, we act not *against* Nature, but *with* Nature, making ourselves, according to the injunction of Lord Bacon, its ministers and interpreters. From no single man, from no body of men, does this cause proceed. Not from Saint-Pierre or Leibnitz, from Rousseau or Kant, in other days, — not from Jay or Burr, from Cobden or Lamartine, in our own. It is the irrepressible utterance of the longing with which the heart of Humanity labors; it is the universal expression of the Spirit of the Age, thirsting after Harmony; it is the heaven-born whisper of Truth, immortal and omnipotent; it is the word of God, published in commands as from the burning bush; it is the voice of Christ, declaring to all mankind that they are brothers, and saying to the turbulent nationalities of the earth, as to the raging sea, “Peace, be still!”

GENTLEMEN OF THE PEACE SOCIETY, — Such is the War System of the Commonwealth of Nations; and such are the means and auguries of its overthrow. To aid and direct public sentiment so as to hasten the com-

ing of this day is the chosen object of this Society. All who have candidly attended me in this exposition will bear witness that our attempt is in no way inconsistent with the human character, — that we do not seek to suspend or hold in check any general laws of Nature, but simply to overthrow a barbarous Institution, having the sanction of International Law, and to bring nations within that system of social order which has already secured such inestimable good to civil society, and is as applicable to nations in their relations with each other as to individuals.

Tendencies of nations, as revealed in history, teach that our aims are in harmony with prevailing laws, which God, in his benevolence, has ordained for mankind.

Examples teach also that we attempt nothing that is not directly practicable. If the several States of the Helvetic Republic, if the thirty independent States of the North American Union, if the thirty-eight independent sovereignties of the German Confederation, can, by formal stipulation, divest themselves of the *right of war with each other*, and consent to submit all mutual controversies to Arbitration, or to a High Court of Judicature, then can the Commonwealth of Nations do the same. Nor should they hesitate, while, in the language of William Penn, such surpassing instances show that *it may be done*, and Europe, by her incomparable miseries, that *it ought to be done*. Nay, more, — if it would be criminal in these several clusters of States to reestablish the Institution of War as Arbiter of Justice, then is it criminal in the Commonwealth of Nations to continue it.

Changes already wrought in the Laws of War\* teach that the whole System may be abolished. The exist-

ence of laws implies authority that sanctions or enacts, which, in the present case, is the Commonwealth of Nations. This authority can, of course, modify or abrogate what it originally sanctioned or enacted. In the exercise of this power, the Laws of War have been modified, from time to time, in important particulars. Prisoners taken in battle cannot now be killed ; nor can they be reduced to slavery. Poison and assassination can no longer be employed against an enemy. Private property on land cannot be seized. Persons occupied on land exclusively with the arts of Peace cannot be molested. It remains that the authority by which the Laws of War have been thus modified should entirely abrogate them. Their existence is a disgrace to civilization ; for it implies the *common consent* of nations to the Arbitrament of War, as regulated by these laws. Like the Laws of the Duel, they should yield to some arbitrament of reason. If the former, once so firmly imbedded in Municipal Law, could be abolished by individual nations, so also can the Laws of War, which are a part of International Law, be abolished by the Commonwealth of Nations. In the light of reason and religion there can be but one Law of War, — the great law which pronounces it unwise, unchristian, and unjust, and forbids it forever, as a crime.

Thus distinctly alleging the practicability of our aims, I may properly introduce an incontrovertible authority. Listen to the words of an American statesman, whose long life was spent, at home or abroad, in the service of his country, and whose undoubted familiarity with the Law of Nations was never surpassed, — John Quincy Adams. "War," he says, in one of the legacies of his venerable experience, "by the common consent and

mere will of civilized man, has not only been divested of its most atrocious cruelties, but for multitudes, growing multitudes of individuals, has already been and is abolished. *Why should it not be abolished for all?* Let it be impressed upon the heart of every one of you, impress it upon the minds of your children, *that this total abolition of War upon earth* is an improvement in the condition of man entirely dependent on his own will. He cannot repeal or change the laws of physical Nature. He cannot redeem himself from the ills that flesh is heir to. But the ills of War and Slavery are all of his own creation; he has but to will, and he effects the cessation of them altogether."<sup>1</sup>

Well does John Quincy Adams say that mankind have but to *will* it, and War is abolished. Will it, and War disappears like the Duel. Will it, and War skulks like the Torture. Will it, and War fades away like the fires of religious persecution. Will it, and War passes among profane follies, like the ordeal of burning ploughshares. Will it, and War hurries to join the earlier institution of Cannibalism. Will it, and War is chastised from the Commonwealth of Nations, as Slavery has been chastised from municipal jurisdictions by England and France, by Tunis and Tripoli.

To arouse this *public will*, which, like a giant, yet sleeps, but whose awakened voice nothing can withstand, should be our endeavor. The true character of the War System must be exposed. To be hated, it needs only to be comprehended; and it will surely be abolished as soon as this is accomplished. See, then, that it is comprehended. Exhibit its manifold atro-

<sup>1</sup> Oration at Newburyport, July 4, 1837, pp. 56, 57.

cities. Strip away all its presumptuous pretences, its specious apologies, its hideous sorceries. Above all, men must no longer deceive themselves by the shallow thought that this System is the necessary incident of imperfect human nature, and thus cast upon God the responsibility for their crimes. They must see clearly that it is a monster of their own creation, born with their consent, whose vital spark is fed by their breath, and without their breath must necessarily die. They must see distinctly, what I have so carefully presented to-night, that War, under the Law of Nations, is nothing but an Institution, and the whole War System nothing but an Establishment for the administration of *international justice*, for which the Commonwealth of Nations is directly responsible, and which that Commonwealth can at any time remove.

Recognizing these things, men must cease to cherish War, and will renounce all appeal to its Arbitrament. They will forego rights, rather than wage an irreligious battle. But, criminal and irrational as is War, unhappily, in the present state of human error, we cannot expect large numbers to appreciate its true character, and to hate it with that perfect hatred making them renounce its agency, unless we offer an approved and practical mode of determining international controversies, as a *substitute* for the imagined necessity of the barbarous ordeal. This we are able to do; and so doing, we reflect new light upon the atrocity of a system which not only tramples upon all the precepts of the Christian faith, but defies justice and discards reason.

1. The most complete and permanent substitute would be a Congress of Nations, with a High Court of Judicial

ture. Such a system, while admitted on all sides to promise excellent results, is opposed on two grounds. *First*, because, as regards the smaller states, it would be a tremendous engine of oppression, subversive of their political independence. Surely, it could not be so oppressive as the War System. But the experience of the smaller States in the German Confederation and in the American Union, nay, the experience of Belgium and Holland by the side of the overtopping power of France, and the experience of Denmark and Sweden in the very night-shade of Russia, all show the futility of this objection. *Secondly*, because the decrees of such a court could not be carried into effect. Even if they were enforced by the combined power of the associate nations, the sword, as the executive arm of the high tribunal, would be only the melancholy instrument of Justice, not the Arbiter of Justice, and therefore not condemned by the conclusive reasons against international appeals to the sword. From the experience of history, and particularly from the experience of the thirty States of our Union, we learn that the occasion for any executive arm will be rare. The State of Rhode Island, in its recent controversy with Massachusetts, submitted with much indifference to the adverse decree of the Supreme Court; and I doubt not that Missouri and Iowa will submit with equal contentment to any determination of their present controversy by the same tribunal. The same submission would attend the decrees of any Court of Judicature established by the Commonwealth of Nations. There is a growing sense of justice, combined with a growing might of public opinion, too little known to the soldier, that would maintain the judgments of the august tribunal assem-

bled in the face of the Nations, better than the swords of all the marshals of France, better than the bloody terrors of Austerlitz or Waterloo.

The idea of a Congress of Nations with a High Court of Judicature is as practicable as its consummation is confessedly dear to the friends of Universal Peace. Whenever this Congress is convened, as surely it will be, I know not all the names that will deserve commemoration in its earliest proceedings; but there are two, whose particular and long-continued advocacy of this Institution will connect them indissolubly with its fame,—the Abbé Saint-Pierre, of France, and William Ladd, of the United States.

2. There is still another substitute for War, which is not exposed even to the shallow objections launched against a Congress of Nations. By formal treaties between two or more nations, Arbitration may be established as the mode of determining controversies between them. In every respect this is a contrast to War. It is rational, humane, and cheap. Above all, it is consistent with the teachings of Christianity. As I mention this substitute, I should do injustice to the cause and to my own feelings, if I did not express our obligations to its efficient proposer and advocate, our fellow-citizen, and the President of this Society, the honored son of an illustrious father, whose absence to-night enables me, without offending his known modesty, to introduce this tribute: I mean William Jay.

The complete overthrow of the War System, involving the disarming of the Nations, would follow the establishment of a Congress of Nations, or any general

system of Arbitration. Then at last our aims would be accomplished; then at last Peace would be organized among the Nations. Then might Christians repeat the fitful boast of the generous Mohawk: "We have thrown the hatchet so high into the air, and beyond the skies, that no arm on earth can reach to bring it down." Incalculable sums, now devoted to armaments and the destructive industry of War, would be turned to the productive industry of Art and to offices of Beneficence. As in the dead and rotten carcass of the lion which roared against the strong man of Israel, after a time, were a swarm of bees and honey, so would the enormous carcass of War, dead and rotten, be filled with crowds of useful laborers and all good works, and the riddle of Samson be once more interpreted: "Out of the eater came forth meat, and out of the strong came forth sweetness."

Put together the products of all the mines in the world,—the glistening ore of California, the accumulated treasures of Mexico and Peru, with the diamonds of Golconda,—and the whole shining heap will be less than the means thus diverted from War to Peace. Under the influence of such a change, civilization will be quickened anew. Then will happy Labor find its reward, and the whole land be filled with its increase. There is no aspiration of Knowledge, no vision of Charity, no venture of Enterprise, no fancy of Art, which may not then be fulfilled. The great unsolved problem of Pauperism will be solved at last. There will be no paupers, when there are no soldiers. The social struggles, so fearfully disturbing European nations, will die away in the happiness of unarmed Peace, no longer incumbered by the oppressive system of War; nor can there



be well-founded hope that these struggles will permanently cease, so long as this system endures. The people ought not to rest, they cannot rest, while this system endures. As King Arthur, prostrate on the earth, with bloody streams pouring from his veins, could not be at ease, until his sword, the terrific Excalibar, was thrown into the flood, so the Nations, now prostrate on the earth, with bloody streams pouring from their veins, cannot be at ease, until they fling far away the wicked sword of War. King Arthur said to his attending knight, "As thou love me, spare not to throw it in"; and this is the voice of the Nations also.

Lop off the unchristian armaments of the Christian Nations, extirpate these martial cancers, that they may feed no longer upon the life-blood of the people, and society itself, now weary and sick, will become fresh and young, — not by opening its veins, as under the incantation of Medea, in the wild hope of infusing new strength, but by the amputation and complete removal of a deadly excrescence, with all its unutterable debility and exhaustion. Energies hitherto withdrawn from proper healthful action will then replenish it with unwonted life and vigor, giving new expansion to every human capacity, and new elevation to every human aim. And society at last shall rejoice, like a strong man, to run its race.

Imagination toils to picture the boundless good that will be achieved. As War with its deeds is infinitely evil and accursed, so will this triumph of Permanent Peace be infinitely beneficent and blessed. Something of its consequences were seen, in prophetic vision, even by that incarnate Spirit of War, Napoleon Bonaparte, when, from his island-prison of St. Helena, looking

back upon his mistaken career, he was led to confess the True Grandeur of Peace. Out of his mouth let its praise be spoken. "I had the project," he said, mournfully regretting the opportunity he had lost, "at the general peace of Amiens, of bringing each Power to an immense reduction of its standing armies. I wished a European Institute, with European prizes, to direct, associate, and bring together all the learned societies of Europe. Then, perhaps, through the universal spread of light, it might be permitted to anticipate for the great European Family the establishment of an American Congress, or an Amphictyonic Council; and what a perspective then of strength, of greatness, of happiness, of prosperity! What a sublime and magnificent spectacle!"<sup>1</sup>

Such is our cause. In transcendent influence, it embraces human beneficence in all its forms. It is the comprehensive charity, enfolding all the charities of all. None so vast as to be above its protection, none so lowly as not to feel its care. Religion, Knowledge, Freedom, Virtue, Happiness, in all their manifold forms, depend upon Peace. Sustained by Peace, they lean upon the Everlasting Arm. And this is not all. Law, Order, Government, derive from Peace new sanctions. Nor can they attain to that complete dominion which is our truest safeguard, until, by the overthrow of the War System, they comprehend the Commonwealth of Nations, —

" And Sovereign LAW, *the world's collected will,*  
O'er thrones and globes elate,  
Sits empress, crowning good, repressing ill."<sup>2</sup>

<sup>1</sup> Las Cases, Memorial de Sainte-Hélène, November, 1816.

<sup>2</sup> Sir William Jones, Ode in Imitation of Alcæus.

In the name of Religion profaned, of Knowledge misapplied and perverted, of Freedom crushed to earth, of Virtue dethroned, of human Happiness violated, in the name of Law, Order, and Government, I call upon you for union to establish the supremacy of Peace. There must be no hesitation. With the lips you confess the infinite evil of War. Are you in earnest? Action must follow confession. All must unite to render the recurrence of this evil impossible. Science and Humanity everywhere put forth all possible energy against cholera and pestilence. Why not equal energy against an evil more fearful than cholera or pestilence? Each man must consider the cause his own. Let him animate his neighbors. Let him seek, in every proper way, to influence the rulers of the Nations, and, above all, the rulers of this happy land.

The old, the middle-aged, and the young must combine in a common cause. The pulpit, the school, the college, and the public street must speak for it. Preach it, minister of the Prince of Peace! let it never be forgotten in conversation, sermon, or prayer; nor any longer seek, by specious theory, to reconcile the monstrous War System with the precepts of Christ! Instil it, teacher of childhood and youth! in the early thoughts of your precious charge; exhibit the wickedness of War and the beauty of Peace; let your warnings sink deep among those purifying and strengthening influences which ripen into true manhood. Scholar! write it in your books, so that all shall read it. Poet! sing it, so that all shall love it. Let the interests of commerce, whose threads of golden tissue interknit the Nations, enlist the traffickers of the earth in its behalf. And you, servant of the law! sharer of my own peculiar

toils, mindful that the law is silent in the midst of arms, join to preserve, uphold, and extend its sway. Remember, politician! that our cause is too universal to become the exclusive possession of any political party, or to be confined within any geographical limits. See to it, statesman and ruler! that the principles of Peace are as a cloud by day and a pillar of fire by night. Let the Abolition of War, and the Overthrow of the War System, with the Disarming of the Nations, be your guiding star. Be this your pious diplomacy! Be this your lofty Christian statesmanship!

As a measure simple and practical, obnoxious to no objection, promising incalculable good, and presenting an immediate opportunity for labor, I would invite your coöperation in the effort now making at home and abroad to establish Arbitration Treaties. If in this scheme there is a tendency to avert War,—if, through its agency, we may hope to prevent a single war,—and who can doubt that such may be its result?—we ought to adopt it. Take the initiative. Try it, and nations will never return to the barbarous system. They will begin to learn War no more. Let it be our privilege to volunteer the proposal. Thus shall we inaugurate Permanent Peace in the diplomacy of the world. Nor should we wait for other governments. In a cause so holy, no government should wait for another. Let us take the lead. Let our republic, powerful child of Freedom, go forth, the Evangelist of Peace. Let her offer to the world a Magna Charta of International Law, by which the crime of War shall be forever abolished.

While thus encouraging you in behalf of Universal Peace, the odious din of War, mingled with pathetic

appeals for Freedom, reaches us from struggling Italy, from convulsed Germany, from aroused and triumphant Hungary. At bidding of the Russian Autocrat, the populous North threatens to pour its multitudes upon the scene; and a portentous cloud, charged with "red lightning and impetuous rage," hangs over the whole continent of Europe, which echoes again to the tread of mustering squadrons. Alas! must this dismal work be renewed? Can Freedom be born, can nations be regenerated, only through baptism of blood? In our aspirations, I would not be blind to the teachings of History, or to the actual condition of men, so long accustomed to brute force, that, to their imperfect natures, it seems the only means by which injustice can be crushed. With sadness I confess that we cannot expect the *domestic* repose of nations, until tyranny is overthrown, and the principles of *self-government* are established; especially do I not expect imperturbable peace in Italy, so long as foreign Austria, with insolent iron heel, continues to tread any part of that beautiful land. But whatever may be the fate of the present crisis, whether it be doomed to the horrors of prolonged strife, or shall soon brighten into the radiance of enduring concord, I cannot doubt that the Nations are gravitating, with resistless might, even through fire and blood, into peaceful forms of social order, where the War System will cease to be known.

Nay, from the experience of this hour I draw the auguries of Permanent Peace. Not in any international strife, not in duel between nation and nation, not in selfish conflict of ruler with ruler, not in the unwise "game" of War, as played by king with king, do we find the origin of present commotions, "with fear

of change perplexing monarchs." It is to overturn the enforced rule of military power, to crush the tyranny of armies, and to supplant unjust government, — whose only stay is physical force, and not the consent of the governed, — that the people have risen in mighty madness. So doing, they wage a battle where all our sympathies must be with Freedom, while, in sorrow at the unwelcome combat, we confess that victory is only less mournful than defeat. Through all these bloody mists the eye of Faith discerns the ascending sun, struggling to shoot its life-giving beams upon the outspread earth, teeming with the grander products of a new civilization. Everywhere salute us the signs of Progress; and the Promised Land smiles at the new epoch. His heart is cold, his eye is dull, who does not perceive the change. Vainly has he read the history of the Past, vainly does he feel the irrepressible movement of the Present. Man has waded through a Red Sea of blood, and for forty centuries wandered through a wilderness of wretchedness and error, but he stands at last on Pisgah: like the adventurous Spaniard, he has wearily climbed the mountain heights, whence he may descry the vast, unbroken Pacific Sea; like the hardy Portuguese, he is sure to double this fearful Cape of Storms, destined ever afterwards to be the Cape of Good Hope. I would not seem too confident. I know not, that, in any brief period, nations, like kindred drops, will commingle into one, — that, like the banyan-trees of the East, they will interlace and interlock, until there are no longer separate trees, but one united wood,

"a pillared shade  
High overarched, and echoing walks between";

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but I rest assured, that, without renouncing any essential qualities of individuality or independence, they may yet, even in our own day, arrange themselves in harmony; as magnetized iron rings, — from which Plato once borrowed an image, — under the influence of potent unseen attraction, while preserving each its own peculiar form, cohere in a united chain of independent circles. From the birth of this new order will spring not only international repose, but domestic quiet also; and Peace will become the permanent rule of civilization. The stone will be rolled away from the sépulchre in which men have laid their Lord, and we shall hear the new-risen voice, saying, in words of blessed truth, “Lo, I am with you always, even unto the end of the world.”

Here I might fitly close. Though admonished that I have already occupied more of your time than I could venture to claim, except for the cause, I cannot forbear to consider, for a brief moment, yet one other topic, which I have left thus far untouched, partly because it is not directly connected with the main argument, and therefore seemed inappropriate to any earlier stage, and partly because I wished to impress it with my last words. I refer to that greatest, most preposterous, and most irreligious of earthly vanities, the monstrous reflection of War, — *Military Glory*.

Let me not disguise the truth. Too true it is that this vanity is still cherished by mankind, — that it is still an object of ambition, — that men follow War, and count its pursuit “honorable,” — that feats of brute force are heralded “brilliant,” — and that a yet prevailing public opinion animates unreflecting mortals to “seek the bubble *reputation* even in the cannon’s mouth.” Too true it

is that nations persevere in offering praise and thanksgiving—such as no labors of Beneficence can achieve—to the chief whose hands are red with the blood of his fellow-men.

Whatever the usage of the world, whether during the long and dreary Past or in the yet barbarous Present, it must be clear to all who confront this question with candor, and do not turn away from the blaze of truth, that any glory from bloody strife among God's children must be fugitive, evanescent, unreal. It is the offspring of a deluded public sentiment, and will disappear, as we learn to analyze its elements and appreciate its character. Too long has mankind worshipped what St. Augustine called the *splendid vices*, neglecting the simple virtues,—too long cultivated the flaunting and noxious weeds, careless of the golden corn,—too long been insensible to that commanding law and sacred example which rebuke all the pretensions of military glory.

Look face to face at this "glory." Study it in the growing illumination of history. Regarding War as an established Arbitrament, for the adjudication of controversies among nations,—like the Petty Wars of an earlier period between cities, principalities, and provinces, or like the Trial by Battle between individuals,—the conclusion is irresistible, that an enlightened civilization, when the world has reached that Unity to which it tends, must condemn the partakers in its duels, and their vaunted achievements, precisely as we now condemn the partakers in those wretched contests which disfigure the commencement of modern history. The prowess of the individual is forgotten in disgust at an inglorious barbarism.

Observe this "glory" in the broad sunshine of Chris-

tian truth. In all ages, even in Heathen lands, there has been a peculiar reverence for the relation of Brotherhood. Feuds among brothers, from that earliest "mutual-murdering" conflict beneath the walls of Thebes, have been accounted ghastly and abhorred, never to be mentioned without a shudder. This sentiment was revived in modern times, and men sought to extend the circle of its influence. Warriors, like Du Guesclin, rejoiced to hail each other as brothers. Chivalry delighted in fraternities of arms sealed by vow and solemnity. According to curious and savage custom, valiant knights were bled together, that their blood, as it spurted forth, might intermingle, and thus constitute them of *one blood*, which was drunk by each. So did the powerful emperor of Constantinople confirm an alliance of friendship with a neighbor king. The two monarchs drank of each other's blood; and then their attendants, following the princely example, caught their own flowing life in a wine-cup, and quaffed a mutual pledge, saying, "We are brothers, of *one blood*."<sup>1</sup>

By such profane devices men sought to establish that relation, whose beauty they perceived, though they failed to discern, that, by the ordinance of God, without any human stratagem, it justly comprehended all their fellow-men. In the midst of Judaism, which hated Gen-

<sup>1</sup> Du Cange, Dissertations sur l'Histoire de Saint Louys par Jean Sire de Joinville, Diss. XXI. Ibid. : Petitot, Mémoires relatifs à l'Histoire de France, 1<sup>re</sup> Série, Tom. III. p. 849. Sainte-Palaye, Mémoires sur l'Ancienne Chevalerie, Part. III. Tom. I. p. 225. The same attempt at Brotherhood appears in the "Loka-Lenna, or Strife of Loc," quoted by Sir Walter Scott in his Notes to the Metrical Romance of "Sir Tristrem," p. 350:—

"Father of Slaughter, Odin, say,  
Remember'st not the former day,  
When in the ruddy goblet stood,  
For mutual drink, our blended blood?"

tiles, Christianity proclaimed love to all mankind, and distinctly declared that God had made of *one blood* all the nations of men. As if to keep this sublime truth ever present, the disciples were taught, in the simple prayer of the Saviour, to address God as Father in heaven,—not in phrase of exclusive worship, “*my* Father,” but in those other words of peculiar Christian import, “*our* Father,”—with the petition, not merely to “forgive *me my* trespasses,” but with the diviner prayer, to “forgive *us our* trespasses”: thus, in the solitude of the closet, recognizing all alike as children of God, and embracing all alike in the petition for mercy.

Confessing the Fatherhood of God, and the consequent Brotherhood of Man, we find a divine standard of unquestionable accuracy. No brother can win “glory” from the death of a brother. Cain won no “glory,” when he slew Abel; nor would Abel have won “glory,” had he, in strictest self-defence, succeeded in slaying the wicked Cain. The soul recoils from praise or honor, as the meed of any such melancholy triumph. And what is true of a conflict between *two* brothers is equally true of a conflict between *many*. How can an army win “glory” by dealing death or defeat to an army of its brothers?

The ancient Romans, not knowing this comprehensive relation, and recognizing only the exclusive fellowship of a common country, accounted *civil war fratricidal*, whose opposing forces, even under well-loved names of the Republic, were *impious*; and then, by unerring logic, these masters in War constantly refused “honor,” “thanksgiving,” or “triumph,” to the conquering chief whose sword had been employed against *fellow-citi-*

zens, though traitors and rebels. As the Brotherhood of Man is practically recognized, it becomes impossible to restrict the feeling within any exclusive circle of country, and to set up an unchristian distinction of honor between *civil war* and *international war*. *As all men are brothers, so, by irresistible consequence, ALL WAR MUST BE FRATRICIDAL.* And can "glory" come from fratricide? None can hesitate in answer, unless fatally imbued with the Heathen rage of nationality, that made the Venetians declare themselves Venetians first and Christians afterwards.

Tell me not of homage yet offered to the military chieftain. Tell me not of "glory" from War. Tell me not of "honor" or "fame" on its murderous fields. All is vanity. It is a blood-red phantom. They who strive after it, Ixion-like, embrace a cloud. Though seeming to fill the heavens, cloaking the stars, it must, like the vapors of earth, pass away. Milton likens the contests of the Heptarchy to "the wars of kites or crows flocking and fighting in the air."<sup>1</sup> But God, and the exalted judgment of the Future, must regard all our bloody feuds in the same likeness,—finding Napoleon and Alexander, so far as engaged in War, only monster crows and kites. Thus must it be, as mankind ascend from the thrall of brutish passion. Nobler aims, by nobler means, will fill the soul. There will be a new standard of excellence; and honor, divorced from blood, will become the inseparable attendant of good works alone. Far better, then, even in the judgment of this world, to have been a doorkeeper in the house of Peace than the proudest dweller in the tents of War.

<sup>1</sup> History of England, Book IV.: Prose Works (ed. Symmons), Vol. IV. p. 158.

There is a pious legend of the early Church, that the Saviour left his image miraculously impressed upon a napkin which had touched his countenance. The napkin was lost, and men attempted to supply the divine lineaments from the Heathen models of Jupiter and Apollo. But the true image of Christ is not lost. Clearer than in the venerated napkin, better than in color or marble of choicest art, it appears in each virtuous deed, in every act of self-sacrifice, in all magnanimous toil, in any recognition of Human Brotherhood. It will be supremely manifest, in unimagined loveliness and serenity, when the Commonwealth of Nations, confessing the True Grandeur of Peace, renounces the War System, and dedicates to Beneficence the comprehensive energies so fatally absorbed in its support. Then, at last, will it be seen, *there can be no Peace that is not honorable, and no War that is not dishonorable.*

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**AMERICAN COOPERATION  
WITH OTHER NATIONS  
THROUGH  
THE LEAGUE OF NATIONS  
1919-1926**

*Second revised edition of Vol. VII, No. 1, "American Cooperation  
with the League of Nations" by Manley O. Hudson.*

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# World Peace Foundation

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FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind. — *By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.* — Edwin Ginn.

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## AMERICAN COOPERATION WITH OTHER NATIONS THROUGH THE LEAGUE OF NATIONS — 1919-1926<sup>1</sup>

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Fifty-five nations have now<sup>2</sup> accepted the new method of conference and cooperation which we call the League of Nations. The method is new only in the sense that organized, systematic and continuous effort replaces the unorganized, spasmodic and casual effort which prevailed before the War. During the 19th century the world dwindled greatly as a consequence of the industrial revolution and the development of communication and transport; so that the end of the century saw a world of independent and isolated states become for many purposes a single community of interdependent states with common interests and common problems. During the latter half of the 19th century, recognition of the change resulted in the formation of many international unions. The Universal Postal Union was formed in 1874, and since that time it has become an almost universal league of nations, by means of which peoples in various parts of the world cooperate in a systematic and continuous fashion. The International Union of Weights and Measures was organized in 1875 and it has resulted in a cooperation which has given to various peoples a common language of weight and measure. In many fields where permanent organization was not attempted, multipartite international treaties served as a basis of common action by various states in their approach to world problems.

The inadequacy of the prewar situation was in the difficulty of conference, in the lack of continuity in cooperation, and in the scant attention given to common political action. In 1919, various states joined in an agreement to maintain permanent machinery for continuous conference and continuous cooperation. They set up the Assembly and the Council of the League of Nations, both

<sup>1</sup> This publication is a thoroughly revised edition of "American Cooperation with the League of Nations," Vol. VII, No. 1, by Manley O. Hudson.

<sup>2</sup> June 1, 1926.



of which bodies are served by a permanent Secretariat. They undertook to seek a cooperative solution of various common problems. It was foreseen that their efforts would not be limited to those fields of action which are customarily regarded as political. The new method was launched on January 10, 1920, which must be called the birthday of the League of Nations.

The United States of America has not accepted the Covenant of the League of Nations. In a formal sense, therefore, it is not a "member" of the League. But in the course of the years since 1920, many situations have arisen in which it was essential that the United States should cooperate with other countries. In some instances, this cooperation has been effected without any use of League machinery; in other instances, the cooperation would have been impossible without the use of the League machinery, and the United States has not allowed a formality to prevent a recognition of the fact.

At times, it has been the Government of the United States which has joined with other Governments in the use of the permanent machinery of the League of Nations; at other times, it has been individual Americans who have participated in international cooperation organized through the use of League machinery, without representing the Government of the United States. Both kinds of cooperation have been frequent and have related to numerous fields of international interest.

The story of American cooperation with other countries through the League of Nations must be traced through a study of numerous conferences and commissions, some of which have been political, some scientific and some humanitarian. In the following pages an effort is made to trace in broad outline the extent of such American cooperation.

1. *Organization of the League.* After the drafting of the treaty of Versailles, Edward M. House of Austin, Texas, represented the Government of the United States in launching the new machinery for cooperation. The organizing committee, which authorized the establishment of a provisional Secretariat and which made the plans for the first meetings of the Council and Assembly, met in Paris on May 5, 1919. The Covenant of the League of Nations came into force on January 10, 1920, at 4.15 P.M. On January 14, 1920, President Wilson convoked the Council, which held its

first session in Paris on January 16, 1920. Later sessions of the Council were held about monthly through 1920.

The first headquarters of the League of Nations were established in London. In the summer of 1920, a serious discussion arose as to the wisdom of moving these headquarters to Geneva, which was named in the Covenant as the seat of the League of Nations; but President Wilson was firm in insisting that no other city should be substituted for Geneva.

On July 17, 1920, President Wilson convoked the Assembly of the League of Nations to meet at Geneva on November 15, 1920. Thus began the annual meetings of an international conference which can hardly be compared to any conference that met before the war. The Hague Conferences of 1899 and 1907 lacked both continuity and permanence. Each year since 1920, more countries have been represented at Geneva than were ever represented at either of the two Hague conferences.

2. *Secretariat.* The Secretariat of the League of Nations was first organized provisionally in the summer of 1919. It has always included Americans among its members. Like all other members of the Secretariat, these Americans act in their individual capacities and do not represent their Government. They are members of what may be called an international civil service, and they serve the common interests of all the peoples who cooperate through the use of the League of Nations machinery. Their salaries are paid out of the funds of the League of Nations, to which all of the states that are members contribute regularly.

Raymond B. Fosdick of New York, became Under-Secretary General in the provisional Secretariat which was organized in 1919, and served in that capacity until 1920. He was assisted during this period by Whitney H. Shepardson of New York.

George Louis Beer of New York, who had done notable work at the Peace Conference as the American expert on African questions, was appointed director of the Mandates Section of the Secretariat in 1919; but his illness and subsequent death prevented his assuming active charge of the work of that section. He was succeeded in 1920 by Professor William E. Rappard of the University of Geneva, who had formerly been a professor at Harvard University.

Arthur Sweetser of Washington, D. C., who had been assistant director of the Press Bureau of the American Commission to

Negotiate Peace, became assistant director of the Information Section of the Secretariat in 1919, and still serves in that capacity. During his leave of absence in 1926, his place is being taken by Arthur Bullard of New York, formerly chief of the Division of Russian Affairs, Department of State, Washington.

Huntington Gilchrist of Auburn, New York, became a member of the Administrative Commissions Section in 1919, dealing with questions relating to the Saar and Danzig. In 1925, his membership was transferred to the Mandates Section.

Howard Huston of North Dakota, became establishment officer of the Secretariat in 1919 and still acts in a similar capacity.

Manley O. Hudson of Cambridge, Massachusetts, formerly attached to the International Law Division of the American Committee to Negotiate Peace, became a member of the Legal Section of the Secretariat in 1919. Having resigned in 1921, he acted as a temporary member of the Secretariat during the summers of 1922, 1923, 1924 and 1925.

Dr. Edgar Sydenstricker, chief statistician of the United States Public Health Service, became a member of the Health Section of the Secretariat in charge of the Epidemiological Intelligence Service in 1923. In 1924, he was succeeded by Dr. Otto R. Eichel of the New York State Health Service, who later died in Geneva and who was succeeded by Dr. Frank G. Boudreau of the Ohio State Health Service. Thomas J. Duffield of New Jersey and Miss Dorothy Wiehl have held temporary appointments in the Health Section.

Miss Florence Wilson, formerly librarian of the American Commission to Negotiate Peace, became acting librarian of the provisional Secretariat in 1919 and was later made librarian. Among her assistants have been the following Americans: Miss Alice C. Bartlett, Miss Helen R. Keller, Miss Ruth Bache-Wiig and Miss M. E. Day.

Various Americans have served in temporary posts in the Secretariat. Miss Sarah Wambaugh of Cambridge, Mass., was a temporary member of the Administrative Commissions Section in 1920. John Raeburn Green of St. Louis was a temporary member of the Legal Section in 1921. Milo S. Gibbs of Chicago served for a period in the Distribution of Documents Section. Miss Catherine Elwood of Minneapolis is attached to the Mandates Section.

3. *Aaland Islands Dispute.* When the dispute between Sweden and Finland with reference to the Aaland Islands came before the Council of the League of Nations in 1920, the Government of the United States was asked to designate an American who might be invited by the Council to serve on the Committee of Rapporteurs to devise a settlement. The Department of State named Abram I. Elkus, formerly judge of the New York Court of Appeals and formerly Ambassador to Turkey, who later accepted the Council's invitation to serve in that capacity. In June, 1921, the Council received the final report of this committee and the dispute was settled in accordance with its recommendations.

4. *Upper Silesia.* In 1921, the Council undertook to recommend a boundary line between Germany and Poland in Upper Silesia. David Hunter Miller of New York, formerly legal adviser to the American Commission to Negotiate Peace, acted as counsel for Germany, presenting a brief on the German position with reference to the application of certain provisions of the treaty of Versailles.

5. *Memel Dispute.* In December, 1923, the Council invited Norman H. Davis of New York, formerly Under-Secretary of State, to serve as president of a commission to investigate the Memel question. Mr. Davis was assisted by Arthur Bullard of New York, who had formerly been connected with the Department of State in Washington. In March, 1924, the Council voted to approve the conclusions of Mr. Davis' report, and this action was made the basis of an eventual settlement.

6. *Iraq.* The commission set up by the Council in September, 1924, to collect "facts and data" in regard to the Iraq frontier dispute availed itself of the assistance of Colonel Lawrence Martin, Chief of the Map Department, Library of Congress, Washington, D. C.; Prof. William L. Westermann, Columbia University, New York City; Prof. Archibald C. Coolidge, Harvard University, Cambridge; and Dr. Isaiah Bowman, director of the American Geographical Society.

7. *Brussels Financial Conference.* In 1920, an International Financial Conference was held in Brussels under the auspices of the League of Nations. Roland W. Boyden of Boston, unofficial American representative on the Reparations Commission, acted "unofficially" as the delegate of the United States Government.

Keith McLeod and Colonel R. H. Hess assisted him as advisers, and Thomas Shaw as secretary.

8. *Financial Reconstruction of Austria.* At different times the Council has considered various plans for the relief of Austria's financial condition. The Ter Meulen credit plan, drafted by the Council on lines planned by the Brussels Financial Conference, necessitated a waiver by various governments of their claims on Austria. Throughout 1921, such action was urged on the United States, and it was finally taken on April 6, 1922, by a joint resolution of Congress, authorizing an extension, for a period not to exceed 25 years, of the time of payment of Austria's debt incurred for the purchase of flour, and releasing Austria's assets pledged for the payment of this debt, provided similar action should be taken by other creditor nations.

Late in 1922, the Council of the League adopted a different plan for Austria's relief. This called for a guaranteed loan to Austria of about \$125,000,000, of which \$25,000,000 was subscribed in New York, although the United States was not one of the guaranteeing states. On July 20, 1923, the Council appointed Nelson J. Jay, of the Morgan, Harjes & Co. in Paris, as one of the trustees of the loan.

9. *Financial Reconstruction of Hungary.* Early in 1924, the Council approved a plan for extending financial aid to Hungary. Jeremiah Smith, Jr., a prominent lawyer of Boston, accepted the Council's invitation to be Commissioner-General for the League of Nations in Hungary. Mr. Smith assumed his duties as commissioner-general on May 1, 1924. Royall Tyler of Quincy, Mass., assists him in the work. The commissioner-general transmits monthly reports to the Council on progress in reconstruction, and he frequently reports in person at meetings of the Council and of the Financial Committee.

A loan was raised for Hungarian reconstruction, and bonds to the amount of \$10,000,000 were subscribed in America. Instead of the anticipated deficit in the national budget, there is now a substantial surplus, and the work of the League of Nations has been so successful that the financial control may terminate in 1926.

10. *Financial Committee.* Soon after the Brussels Financial Conference, the Council of the League set up a Financial Com-

mittee. Under the direction of this committee, an investigation has been made of the question of double taxation in its international aspects. Prof. Edwin R. A. Seligman of Columbia University served as a member of a committee of experts on this question, and collaborated in the report which came before the Council in July, 1923, and March, 1925. J. B. Robinson acted as the representative of the International Chamber of Commerce before this Committee of Government Experts on Double Taxation.

11. *Economic Committee.* Fulfilling a resolution of the Genoa Conference of 1922, the Economic Committee of the League of Nations, cooperating with the International Labor Office and the International Institute of Statistics, formed a committee to study statistical questions. Dr. Royal Meeker of Pennsylvania served as one of the experts in planning the work of this committee. Dr. Meeker had previously served as a member of a committee invited by the Council in 1920 to report on possible plans for the international organization of statistical work.

A resolution of the Assembly in 1925 invited the Council to set up a Preparatory Committee to explore the ground with a view to arranging for an International Economic Conference. In December, 1925, the Council approved this suggestion, and invited three American experts, Arthur W. Gilbert, Massachusetts State Commissioner of Agriculture, David F. Houston, formerly Secretary of the Treasury and of Agriculture, and Allyn A. Young, professor of Economics at Harvard University, to serve on this committee. Mr. Gilbert acts on this committee as a representative of the International Institute of Agriculture.

12. *Registration of Treaties.* Art. 18 of the Covenant provides that every treaty or international engagement entered into by a Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. About 1,200 current treaties have been registered in six years. Many treaties to which the United States is a party have been registered by other countries which were also parties, and have therefore been published in the League of Nations *Treaty Series*. Some states which are not Members of the League of Nations have availed themselves of this registry. Germany, not as a Member of the League, has registered various treaties made with the United States. Treaties drawn up at the Washington Conference on

Limitation of Armaments have been registered by other signatory states. In order to make the *Treaty Series* of the League of Nations more nearly complete, in January, 1926, the Department of State of the United States notified the Secretary-General of the League of Nations that in the future it would communicate to the Secretariat all treaties of the United States made with other nations, and that the Government of the United States would have no objection to the publication of such treaties in the *Treaty Series* of the League of Nations.

In 1923 and 1924, an American foundation gave a subvention to the American Society of International Law for the purchase of 500 subscriptions to the League of Nations *Treaty Series*, and the volumes thus purchased were distributed by the American Society of International Law among needy libraries.

13. *International Hydrographic Bureau.* In October, 1921, in conformity with Art. 24 of the Covenant, the International Hydrographic Bureau was placed under the direction of the League of Nations. The United States has participated in the work of this Bureau for some years and contributes regularly to its support. Vice-Admiral Albert P. Niblack, U. S. N., retired, is a member of the directing committee of the bureau.

14. *Traffic in Arms.* At the time of the Paris Peace Conference, a new international convention was signed relating to the traffic in arms. It is known as the Convention of St. Germain of 1919. It was designed to replace to some extent the Brussels Act of 1890, to which the United States is a party. The United States signed, but did not ratify, the St. Germain convention, and it was never brought into force between the principal producing states.

The question of bringing this convention into force or providing a substitute was frequently discussed in the Council and Assembly of the League of Nations. In February, 1924, the Temporary Mixed Commission on Reduction of Armaments met at Geneva to plan for a new convention on the subject. The Government of the United States was represented by Joseph C. Grew, then American minister to Switzerland, who was assisted by Capt. Alan F. Winslow, of the American Legation at Bern. Mr. Grew also attended a later conference on the same subject at Paris on March 24, 1924. His successor, Hugh S. Gibson, represented the United States at a later session of the Temporary Mixed Commission at Geneva, July 7 to 12, 1924.

An International Conference on the Control of the Traffic in Arms, called by the Council of the League of Nations, was held at Geneva May 4 to June 17, 1925, and the Government of the United States was represented by the following: Congressman Theodore E. Burton of Ohio; Hugh S. Gibson, American minister to Switzerland; Rear Admiral Andrew T. Long of the General Board of the Navy; Allen W. Dulles, chief of the Division of Near Eastern Affairs, State Department; Brigadier-General C. l'H. Ruggles, assistant chief of Ordnance; technical staff, comprising: C. E. Herring, commercial attaché, Berlin; Major George V. Strong, U. S. A.; Commander A. F. Leary, U. S. N.; and Capt. Alan F. Winslow, secretary, the American Legation at Bern. A new convention, with a protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare was signed by Mr. Burton and Mr. Gibson on behalf of the United States, on June 17, 1925. Neither the convention nor the protocol has yet been ratified by the United States.

15. *Disarmament.* In June, 1924, a group of American citizens communicated to the Council of the League of Nations a report on the Limitation of Armaments. This group consisted of the following: Dr. James T. Shotwell, Columbia University, New York; General Tasker H. Bliss, U. S. A., retired; Dr. Isaiah Bowman, director of the American Geographical Society of New York; Joseph P. Chamberlain, a lawyer of New York; Prof. John Bates Clark, Columbia University, New York; Dr. Stephen P. Duggan, International Institute of Education, New York; Gen. James G. Harbord, army officer, Washington; Frederick P. Keppel, formerly third assistant Secretary of War (1922-1923), New York; David Hunter Miller, a lawyer of New York; and Dr. Henry S. Pritchett, president of the Carnegie Foundation for the Advancement of Teaching, New York City. The Council took official cognizance of the report in June, 1924, and some of its ideas were later incorporated in the Geneva protocol for the pacific settlement of international disputes of September, 1924. That protocol never came into force, however.

In 1925, the Sixth Assembly adopted a resolution requesting the Council to prepare for the convening of a conference on the reduction and limitation of armaments. In December, 1925, the Government of the United States was invited by the Council



to participate in a Preparatory Commission on this subject. In January, 1925, Congress appropriated \$50,000 for the expenses of an American delegation for this purpose, and on January 30, 1926, the Secretary of State formally accepted the Council's invitation. The commission convened at Geneva on May 18, 1926, and the United States was represented by: Hugh S. Gibson, head of the delegation; Allen W. Dulles, of the Department of State; Dorsey W. Richardson; Major-General Dennis E. Nolan, recently deputy chief of staff, and Major George V. Strong, representing the Army; Rear Admiral Hilary P. Jones, president of the General Board of the Navy Department, who is Senior Naval Adviser to the Mission, Rear Admiral Andrew T. Long, former naval attaché at Paris and Rome, and Capt. Adolphus Andrews, all representing the Navy.

16. *Chemical Warfare.* In February, 1923, the Temporary Mixed Commission on Reduction of Armaments invited experts in various countries, particularly those having an advanced chemical industry, to collect information concerning the use of asphyxiating gas in war and its effects. Dr. William H. Welch, director of the School of Hygiene and Public Health of Johns Hopkins University; Dr. Walter B. Cannon, professor of physiology at Harvard Medical School; and Dr. J. E. Zanetti of the National Research Council, collaborated in this work. Their reports deal with the future possibilities as well as the present status of chemical and bacteriological warfare.

17. *Transit and Communications.* The first Conference on Transit and Communications met at Barcelona in 1921, without any American participation. At the second Conference in Geneva, in November, 1923, however, Lewis W. Haskell, American consul at Geneva, acted as an unofficial observer for the United States. Basil Miles also attended this conference as assistant delegate of the International Chamber of Commerce, of which he was American administrative commissioner.

In December, 1924, the Advisory and Technical Committee for Communications and Transit invited Walker D. Hines of New York, formerly director-general of the United States Railroad Administration, to make a study of the navigation situation on the Danube and Rhine rivers. His investigation began in March, 1925, and his final report was made on August 20, 1925.

Major Brehon B. Somervell, U. S. A., on leave of absence granted by the War Department, assisted him in this work.

18. *Passports.* In December, 1925, the Council decided to summon a second International Passport Conference, the date of which was fixed for May 12, 1926. The United States had replied to a questionnaire on the subject sent out by the Advisory and Technical Committee for Communications and Transit, and was invited to be represented at this second conference. The Secretary of State replied on January 21 that, should the Government of the United States desire to be represented at the Conference, timely notification would be sent to the Secretary-General.

19. *Calendar Reform.* Various proposals for the reform of the calendar have been made to the Advisory and Technical Committee of Communications and Transit, set up by the Council and Assembly of the League of Nations. A subcommittee has been instituted to deal with the subject, of which Willis H. Booth of New York, formerly president of the International Chamber of Commerce and now vice-president of the Guaranty Trust Company of New York, is a member. This subcommittee on the Reform of the Calendar met in Geneva in 1925 to hear the representatives of various religious bodies. The Federal Council of the Churches of Christ in America was one of the religious organizations which were represented at the hearing.

20. *Customs Formalities.* A Conference on the Simplification of Customs Formalities was held at Geneva in October-November, 1923, and the Government of the United States was represented by Lewis W. Haskell, the American consul at Geneva, as observer. Mr. Haskell was accompanied by the following: Henry Chalmers of Washington, chief of the Bureau of Foreign and Domestic Commerce; Gilbert Hirsch of the United States Tariff Commission; C. B. Wait, customs attaché at London; H. I. Worley of the United States Customs Service. The International Chamber of Commerce was also represented at that conference by three Americans: Edgar Carolan, vice-president of the International General Electric Company, and Edward L. Bacher and Everit B. Terhune of the United States Chamber of Commerce. An international convention on the simplification of customs formalities was opened for signature at Geneva on November 3, 1923, but it has never been signed by the United States.

21. *Obscene Publications.* The United States is a party to an agreement of May 4, 1910, relating to the repression of the circulation of obscene publications. In September, 1923, an international conference on this subject was held at the headquarters of the League at Geneva for the purpose of drawing up a new convention. The Government of the United States was represented at this conference by Alexander R. Magruder, of the American Legation at Bern, who acted in a "consultative capacity." Manley O. Hudson, then a temporary member of the Secretariat, acted as legal adviser to this Conference. As a result of the work of this conference, a new international convention was opened for signature at Geneva on September 12, 1923, but this treaty has not been signed on behalf of the United States.

22. *Intellectual Cooperation.* In 1922, the Council of the League of Nations organized a Committee on Intellectual Cooperation. Prof. George Ellery Hale of California, chairman of the National Research Council and director of the Mount Wilson Observatory, accepted an invitation to become a member of this committee. At the first meeting, he was assisted by Prof. Robert A. Millikan of the California Technological Institute, winner of the Nobel Prize for Physics in 1923. Dr. Millikan later succeeded Mr. Hale as a member of the committee. Col. John H. Wigmore of Chicago, dean of the Law School of Northwestern University, assisted by Prof. Paul Perigord of Los Angeles, substituted for Mr. Millikan at the second meeting of the Committee in July, 1923. Dr. Waldo G. Leland of the Historical Department of the Carnegie Institution replaced Dr. Millikan at the third session of the committee in December, 1923. Dr. Leland was assisted by Dr. Algernon Coleman, professor of French Language and Literature in the University of Chicago and director of the American University Union in Europe. Dr. Coleman was also appointed a member of the Directing Board of the International University Information Office, established at Geneva in 1923 by the committee. Dr. Millikan attended the fourth session of the committee in July, 1924, but at the fifth meeting of the committee in May, 1925, Dr. Carrington Lancaster, director of the American University Union in Europe, substituted for him. Dr. Lancaster also attended the meeting of the Governing Body of the International University Information Office at Geneva in April, 1925. At the

sixth meeting of the committee and at the meeting of the Subcommittee on Bibliography in July, 1925, Dr. Millikan was replaced by Vernon L. Kellogg, permanent secretary of the National Research Council. In July, 1925, Mr. Kellogg was made a member of a special committee formed to cooperate with organizations dealing with exchange of professors and students. At the seventh meeting of the committee in January, 1926, Dr. Millikan was replaced by Augustus Trowbridge, a member of the National Research Council and a representative of the International Education Board. Dr. Millikan has been a member of the Subcommittees on Bibliography and Intellectual Property, and both he and Mr. Kellogg are now members of the Subcommittee on University Relations.

Under the auspices of the committee, Prof. Allyn A. Young of Harvard University made a study of economic science in the United States in its international bearings. Miss Florence Wilson, the librarian of the Secretariat, has been a member of a preparatory committee arranging for an international conference on bibliography. In 1924, H. W. Dorsey, chief clerk of the Smithsonian Institution, became a member of the expert committee on the international exchange of publications. Prof. J. R. Schramm has served as a substitute member of the Subcommittee on Bibliography. At the meeting of the subcommittee in July, 1925, he was replaced by J. David Thompson, formerly chief of the Division of Documents, Library of Congress, Washington.

National committees act as intermediaries between the organizations of the respective countries and the League committee, and assist in inquiries on the conditions of intellectual life undertaken by it by transmitting both information and requests, either to Geneva or directly to other national committees. The national committees determine their relations with their Governments, and their rules of procedure and composition.

The American committee is made up of the following members:

James Henry Breasted, director of the Oriental Institute of the University of Chicago, representing the American philological organizations; Charles W. Eliot, president emeritus of Harvard University; Virginia C. Gildersleeve, dean of Barnard College, New York; George Ellery Hale, honorary chairman, National Research Council, director of the Mt. Wilson Observatory;

Charles Homer Haskins, Gurney professor of history and political science, Harvard University, former dean of the Graduate School of Arts and Sciences, chairman of the Council of Learned Societies; Vernon L. Kellogg, permanent secretary of the National Research Council; Charles R. Mann, director of the American Council on Education; Robert A. Millikan, member of the Committee on Intellectual Cooperation of the League of Nations; Herbert Putnam, librarian of Congress and past president of the American Library Association; Elihu Root, former Senator and Secretary of State, past president of the American Bar Association and of the American Society of International Law; Lorado Taft, sculptor, member of the American Academy of Arts and Letters; Augustus Trowbridge, professor of physics, Princeton University, representing the International Education Board.

23. *Conference on Legal Aid.* In 1923, the National Association of Legal Aid Societies of America, through John H. Wigmore, dean of the Northwestern University Law School, sent to the Secretary-General a suggestion that the Council of the League should call an international conference of the agencies in various countries furnishing legal aid to the poor. The suggestion was brought to the attention of the Fourth Assembly in 1923, by a representative of the Norwegian Government. The Fourth Assembly decided to place the question on the agenda of the Fifth Assembly in 1924, and directed the Secretary-General to prepare a report on the possibility of international arrangements for legal assistance to the poor. The Secretary-General summoned to Geneva a committee of experts, among whom was Reginald H. Smith of Boston, secretary of the National Committee on Legal Aid Work, and the expenses of this conference were borne out of funds furnished by an American foundation.

24. *Progressive Codification of International Law.* In December 1924, in conformity with a resolution of the Fifth Assembly the Council decided to set up a Committee on the Progressive Codification of International Law. The members of this committee are experts, whose duty it is to determine what subjects in the field of international law may lend themselves to progressive codification by international convention. At the invitation of the Council, George W. Wickersham, formerly attorney-general of the United States and now president of the American Law Insti-

tute, became a member of this committee. The committee has held two meetings, in April, 1925 and January, 1926, both attended by Mr. Wickersham. Both the American Society of International Law and the Association of American Law Schools have special committees for cooperating with the League of Nations committee and Mr. Wickersham in this work.

25. *Traffic in Opium and Dangerous Drugs.* The United States has long played a leading part in efforts to control and restrict the traffic in opium and other dangerous drugs. In spite of the reservations drawn in the United States Senate in November, 1919, and March, 1920, which would have precluded any action through the League concerning the opium traffic, it was inevitable that America should participate in this phase of the League's activity.

In 1920, the Netherlands Government requested the Council to relieve it of its administrative duties under the opium convention of 1912, to which the United States is a party. All the signatories, including Germany which is not a Member of the League of Nations, consented to this plan, except the United States. Though the American reply opposed the transfer of functions, an arrangement was made whereby the League Secretariat was to collect information and conduct the necessary correspondence with other Governments. All communications to or from the United States, however, were to pass through the Netherlands Government. For some time the United States received questionnaires and sent its replies through the intermediary of the Dutch Government, while all other parties to the 1912 convention corresponded directly with the League Secretariat.

In 1921, the Council organized an Advisory Committee on Traffic in Opium and Other Dangerous Drugs. The Government of the United States was invited to appoint a representative, but declined. Mrs. Hamilton Mabie Wright of Washington became assessor to the committee, and has attended many of its meetings. In 1922, the American Government received a second invitation, and in January, 1923, sent Dr. Rupert Blue, formerly surgeon-general, to the fourth session of the committee to act in an "unofficial and consultative capacity." In May, 1923, the Department of State sent a strong delegation to attend the fifth session of the committee in an "advisory capacity," consisting of: Ste-

phen G. Porter, chairman of the Committee on Foreign Affairs of the House of Representatives; Bishop Charles H. Brent of Buffalo; and Dr. Rupert Blue, with Edwin L. Neville of the Department of State as adviser. In September, 1923, by special invitation, the American delegation returned to Geneva to consult with a committee of the Fourth Assembly, in its consideration of the report of the opium committee. At the seventh session of the committee at Geneva in August, 1925, the United States was represented by the American consul at Geneva, Pinkney Tuck. On March 15, 1926, the Council appointed Col. Arthur Woods, formerly police commissioner of New York City and assistant to the Secretary of War, as an assessor attached to the Permanent Advisory Committee.

In December, 1923, the Department of State made Mr. Neville a member of the preparatory committee to arrange the program for the opium conferences to be held in November, 1924, and he attended the meetings of this committee held at Geneva in March and at Paris in April, 1924. In 1924, Congress appropriated \$40,000 for American representation at the second of these conferences. In November, 1924, these two international opium conferences were held at Geneva. The United States was represented at the second conference by: Stephen G. Porter, Bishop Charles H. Brent, Dr. Rupert Blue, Mrs. Hamilton Wright, Edwin L. Neville, and Edmond F. Erk, Clerk of the Committee on Foreign Affairs, House of Representatives, secretary to the delegation. Various private organizations were also represented at Geneva during this period, among them the Foreign Policy Association of New York, represented by Mrs. John J. Moorhead, the White Cross of America, represented by Mrs. Jeanne Sturges, and the International Missionary Council of New York, represented by its secretary, A. L. Warnshuis.

As a result of the work of the second conference, a new convention on the traffic in opium and other dangerous drugs was opened for signature at Geneva on February 19, 1925, but this treaty has not been signed on behalf of the United States.

In 1925, the Sixth Assembly recommended that a Commission of Inquiry be sent to study the situation in Persia with respect to the cultivation of the poppy, with a view to determining the possibility of the future substitution of other crops. In December,

1925, the Council invited Frederic A. Delano of Washington, formerly a member of the Federal Reserve Board to be president of the commission. Archibald McLeish of Boston, acts as secretary to the commission, which began its work in February, 1926. It is partly financed by a subvention given by the American Social Hygiene Association.

26. *Traffic in Women and Children.* Two international agreements of 1904 and 1910 relate to the white slave traffic. In 1921, an international conference was held in Geneva to consider the possibility of bringing the treaty situation up to date, with respect to this traffic. An international convention was opened for signature at Geneva on September 30, 1921.

After the conclusion of the conference, the Council established a Permanent Advisory Committee on the Traffic in Women and Children and invited the Government of the United States to appoint a member of this committee. In March, 1923, the Department of State designated Miss Grace Abbott, director of the Children's Bureau of the Department of Labor, to attend the meeting of the committee in an "advisory and consultative capacity." In her official report to the Secretary of Labor in 1923, Miss Abbott gave an account of this meeting and emphasized the need for international cooperation in this field. Miss Abbott also attended the fourth session of this Advisory Committee in May, 1925, when she was made a member of the Subcommittees on Emigration and on Protection of Children.

In July, 1923, at the suggestion of the Advisory Committee on the Traffic in Women and Children, the Council invited a number of experts to conduct an inquiry into the extent of the traffic in women and children. Dr. Abraham Flexner served on this experts' committee and was later succeeded by Col. William F. Snow of New York, director of the American Social Hygiene Association. This committee of experts also includes as assessor Bascom Johnson, of the American Social Hygiene Association. The expense of this investigation has been met out of an appropriation of \$75,000 by that Association.

In December, 1924, the Council decided that the Advisory Committee on Traffic in Women and Children should be reconstituted, and it became the Advisory Committee on the Traffic in Women and Protection of Children. The Council in June,



1925, approved a proposal of the Advisory Committee on the Traffic in Women and Protection of Children to change its title to the Advisory Commission for the Protection and Welfare of Children and Young People. Part of the expense for its child welfare program will be met by a grant of \$5,000 from the American Social Hygiene Association and by a subscription of \$1,500 collected for the League's humanitarian work by an American group known as "Friends of the League of Nations."

At its meeting in May, 1925, the Advisory Committee also decided to divide into a Traffic in Women and Children Committee and a Child Welfare Committee respectively. Miss Abbott acted as a member of a subcommittee which considered a report on this proposal.

In June, 1925, the Council requested the Secretary-General to consult the United States and Uruguay for nomination of an additional assessor for the Child Welfare work. In December, the Council appointed Miss Julia Lathrop of Rockford, Illinois, who had been one of this organization's nominees. Miss Lathrop attended the fifth session of the Advisory Commission in March, 1926.

*27. Protection of Women and Children in the Near East.* In 1921, the Council set up a commission of inquiry to investigate the deportation of women and children in Turkey. This commission subsequently became the Committee for the Protection of Women and Children in the Near East. On the nomination of the presidents of Robert College, Constantinople College, and the American Mission at Constantinople, the Council named Miss Emma D. Cushman a member of this committee.

A League of Nations Neutral House is maintained at Constantinople, of which Miss Caris E. Mills is the American director. During 1923 and 1925, the Christian Science Relief Committee of America gave important aid to this work of the League of Nations Neutral House under the charge of Chaplain Benson, U. S. N., who conducted the task of special feeding for women and children in large camps. This committee has also donated \$1,000 in 1924 and the same amount in 1925. Ransom Eli Olds of Lansing, Michigan, has contributed to the work of the Neutral House in 1923, 1924 and 1925; and Mrs. William H. Moore of New York City in 1925 donated \$1,000. The American Women's

Hospitals, under the chairmanship of Dr. Esther Pohl Lovejoy, have given money for medicines and medical treatment, for the care of patients, and now donate \$700 a month to the Commission for the Protection of Women and Children in the Near East.

28. *Russian Refugees.* Dr. Fridtjof Nansen of Norway served for several years as the League's High Commissioner for Relief of Refugees. He instituted a committee on the evacuation of Russian refugees in Constantinople, which included two Americans: Major C. Claffin Davis of the American Red Cross and A. C. Ringland of the American Relief Administration. Both of these organizations cooperated with Dr. Nansen in various aspects of his work, as did also the Disaster Relief Committee set up by Admiral Mark L. Bristol, American high commissioner at Constantinople. Dr. Nansen's reports on his work for Russian refugees during 1922 and 1923, warmly praise the American cooperation.

29. *Greek Refugees.* In June, 1923, the Financial Committee of the League of Nations attempted to devise a plan for a loan for Greek refugees impoverished by the Smyrna disaster and subsequent events. Fred C. Dolbeare of the American delegation to the Lausanne Conference, assisted the committee in its deliberations. The Council was also assisted by Col. James A. Logan, unofficial representative of the United States on the Reparation Commission, when it considered the subject. A part of the international loan, \$10,000,000, was allocated to be sold in America and was oversubscribed. In September, 1923, the Council decided to set up a Refugees Settlement Commission to promote the establishment of Greek refugees in productive work in Greece. The Council appointed Henry Morgenthau of New York, formerly American ambassador at Constantinople, president of the commission, on the nomination of the Near East Relief. In December, 1924, the Council appointed as Mr. Morgenthau's successor, Charles P. Howland, of New York.

30. *International Federation for Mutual Assistance in the Relief of Peoples Overtaken by Disaster.* In accordance with a resolution of the Assembly in 1924, the Council appointed a preparatory committee to report on this subject. Col. Robert E. Olds, European delegate of the American Red Cross during the War, and Assistant Secretary of State since October, 1925, and Col. Ernest

P. Bicknell, vice-chairman of the American Red Cross, were asked to sit alternatively as members of this committee. Colonel Olds attended the meetings in May and June, 1925. In December, 1925, the Council instructed the Secretary-General to send to all Governments, including the United States, for their comments, the draft convention drawn up by the Committee and approved by the Council.

31. *Health.* In no field has American cooperation been more extensive than in the field of international health work. Before the War, the United States was a party to the international sanitary conventions of 1903, 1905 and 1912, as well as to the arrangement of 1907 for establishing the International Office of Public Health. This office has not functioned satisfactorily. In 1921, the United States blocked a proposal to transfer its duties to a new health organization to be instituted by the League of Nations. Again the Governments transcended formalities and in 1923 agreed upon a plan for close collaboration between the Office and the League's Permanent Health Organization.

At the request of the Council, an International Health Conference was held in April, 1920, to draw up proposals for a permanent health organization under the League. Dr. Rupert Blue, formerly Surgeon-General of the United States Public Health Service, and Dr. Richard P. Strong, director of the League of Red Cross Societies, participated in this conference. In 1921, the Council set up a Provisional Health Committee. Dr. C.-E. A. Winslow, of the Yale Medical School, represented the League of Red Cross Societies on this committee in its earlier stages. In 1922, Dr. Hugh S. Cumming of Washington, director of the United States Public Health Service, and Dr. Josephine Baker, of New York, became members of the Provisional Health Committee. Dr. Cumming had an important share in its work, serving on a special committee on the establishment of the Permanent Health Organization of the League and on a subcommittee on inspection of vessels in ports.

In February, 1924, the Permanent Health Committee, formerly provisional, held its first meeting. Dr. Cumming was made a vice-president, and Dr. Alice Hamilton of Chicago, professor of Industrial Medicine at the Harvard Medical School, was nominated

a member of the committee. It is to be noted that Dr. Cumming serves on this committee in his official capacity, since he officially represents the United States on the International Office of Public Health, which named him to the Permanent Health Committee. In 1924, the committee named Dr. William H. Welch of Baltimore, a member of a subcommittee on education in hygiene and social medicine.

The American Public Health Association communicated to the Health Committee the results of its study on nomenclature of causes of death. Drs. Jason, Waterman and Brock C. Hampton of the United States Public Health Service have prepared, by arrangement with Dr. Cumming, a report on public health in the United States.

In 1922, the International Health Board of the Rockefeller Foundation placed at the disposal of the Health Organization of the League \$32,840 a year for five years for the establishment of an epidemiological intelligence service. In 1923, the same board made further grants — \$10,500 for 1923, and \$21,000 for 1924 — to be used to enlist the cooperation of health statisticians. As a consequence of these grants, the Epidemiological Reports of the Health Section are published weekly and monthly and are now widely distributed. The Health Section of the Secretariat also publishes special reports from time to time. In 1924, the board increased one of its grants for 1925 by 100,000 francs. The board also contributed \$5,000 to meet the expenses of a conference of the Public Health Services of Far Eastern countries which opened on February 4, 1925, at Singapore. In 1924, the Rockefeller Foundation contributed, for the establishment of a Far Eastern Epidemiological Bureau, \$125,000 for a five-year period, with a stipulation that a sum not exceeding \$50,000 should be spent in any one year. A special committee established this bureau at Singapore in February, 1925. It has since functioned with marked success, transmitting telegraphic communications on health conditions to all parts of the world.

In January, 1923, the Provisional Health Committee and the Russian health authorities made arrangements for a test as to the reliability of intestinal vaccination. The experiments were begun in May, 1923. Dr. Hans Zinsser, professor of bacteriology and

immunology at the Harvard Medical School, spent some months in Russia assisting in this work as epidemics commissioner of the Provisional Health Committee.

In 1923, the chief commissioner of the Health Section undertook a mission of inquiry into the Far East; he was accompanied during part of his trip by Dr. Howard F. Smith of Manila, designated by the Public Health Service of the United States.

32. *Exchanges of Public Health Personnel.* In 1922, the International Health Board of the Rockefeller Foundation placed at the disposal of the Health Organization of the League \$60,080 a year for three years for international interchanges of public health personnel. In 1924, the board increased its grant for such interchange from \$60,080 to a sum not exceeding \$100,000 a year, beginning July 1, 1924. As a consequence of these grants, numerous interchanges of public health personnel have taken place. In the spring of 1923, two American doctors participated in the second collective interchange, in England and Austria. Prof. Selskar M. Gunn, director for Europe of the International Health Board of the Rockefeller Foundation, took part in the final conference of the delegates in London on April 10, 1923, before the physicians left for Vienna. Upon the invitation of the Public Health Service of the United States, the third collective interchange, from September, 1923, to January, 1924, took place in America. Professor Gunn also attended the final conference of the delegates in Geneva on January 2, 1924. In the summer of 1923, specialists from various countries, including the United States, studied the methods of fighting malaria in Italy. An American also participated in an interchange of bacteriologists and laboratory assistants held in September, 1923.

In 1924, the following Americans took part in these interchanges: In the fourth collective interchange in Great Britain, from February 1 to April 10, Dr. Lewis R. Thompson, United States Public Health Service, Washington, D. C.; in the second general interchange in the Netherlands and Denmark, from April 24 to July 14, Dr. Abercrombie, State Health Officer, Atlanta, Georgia, and Dr. Charles Willis Garrison, secretary and executive officer of the State Board of Health, Little Rock, Arkansas; in a collective study tour in Switzerland, from August 10 to September 20, Dr. Leland Cofer of the New York State Department of Health, and

Dr. N. T. Harrison, United States Public Health Service, Washington, D. C.

In 1925, the following Americans participated in interchanges: In the third general interchange in England, from February 9 to March 27, Dr. L. R. Christian, United States Public Health Service, Washington, D. C.; in a collective study tour on industrial hygiene in Belgium, France, Great Britain and the Netherlands, from March 23 to May, Dr. Otto Gier, Milling Machine Company, Cincinnati, Ohio; and in the fifth general interchange in the Serb-Croat-Slovene State from May 17 to July 8, Dr. L. D. Fricks, United States Public Health Service, now stationed at Memphis, Tennessee.

33. *Conference on Sera and Serological Tests.* In December, 1921, the Health Organization of the League of Nations held in London a Preliminary Conference on the Standardization of Sera and Serological Tests; eleven countries including the United States, represented by Surgeon-General Rupert Blue, sent representatives of their state health and serological institutes. The conference drew up a program of inquiry and research to be carried out by different laboratories, including the Hygienic Laboratory of the United States Public Health Service, and to be centralized in the Copenhagen Serological Institute.

In September, 1922, a subcommittee on antitetanus and antidiphtheria sera was held at Geneva, attended by representatives of the State epidemiological laboratories of Denmark, France, Germany, Great Britain, Italy, Japan, Russia and the United States. Dr. George W. McCoy, director of the Hygienic Laboratory in Washington, represented the United States. Dr. McCoy was made a member of a Permanent Standards Committee on serological and biological products set up by the Health Committee in 1923. In November, 1922, a second general conference was held at the Pasteur Institute in Paris to examine the result of the investigations on antipneumococcus and antidysentery sera as well as the serodiagnosis of syphilis, and to adopt a further program of research. Dr. Wadsworth, representing the Rockefeller Institute participated in this conference. In November, 1923, delegates from the various State Serological Institutes which had been engaged in this work from the beginning met at Copenhagen. Dr. C. Armstrong and Dr. R. E. Dyer of the Hygienic Laboratory,

United States Public Health Service, Washington, attended this conference.

34. *Conference on Standardization of Biological Remedies.* A Conference on Standardization of Biological Remedies was held at Edinburgh from July 19 to 21, 1923. The Provisional Health Committee of the League of Nations invited prominent pharmacologists to attend, among them, Prof. John J. Abel of the Johns Hopkins University Medical School, and Dr. Carl Voegtlin of the Hygienic Laboratory, Washington, D. C. A Second International Conference on Biological Standardization took place in Geneva, August 31 to September 3, 1925. Prof. C. W. Edmunds of the University of Michigan, Prof. Reid Hunt of the Harvard Medical School, and Dr. Carl Voegtlin were among the pharmacologists who attended. The conference made Professor Voegtlin a member of a subcommittee for investigation on vitamins, and of a subcommittee on salvarsan, and Professor Hunt was chairman of this last subcommittee.

35. *Committees of the Health Organization.* At its first session in February, 1924, the Health Committee instituted the Cancer Commission. At its fourth session in April, 1925, the committee decided that future investigations of the Cancer Commission should comprise study in the United States and Switzerland under the direction of the national health authorities.

The Health Committee at its second session in May, 1924, made Dr. Cumming a member of a commission on quarantine clearance of ships; Prof. Edwin B. Wilson of Harvard University, a member of a committee of experts to determine death rates; Prof. Raymond Pearl of Johns Hopkins University, a member of a Committee on Age and Sex Classification for examination of International Vital Statistics; and Dr. William H. Davis, chief statistician of vital statistics, Bureau of the Census, a member of a committee on the tabulation of primary causes of death.

The Malaria Commission at its meeting in March, 1925, named Dr. Samuel Taylor Darling of Baltimore, of the Rockefeller Foundation, one of its corresponding members, and Dr. Darling died while he was on tour with the Commission in the Near East. The Health Committee at its fourth meeting in April, 1925, appointed Dr. Cumming a member of the Commission on Tuberculosis Mortality.

36. *Mandates.* The United States took no part in the work of the Council of the League of Nations in drawing up the mandates under which various states were to administer the territories transferred by Germany at the close of the war. On February 21, 1921, Secretary of State Bainbridge Colby sent a protest to the Council against its approval of the Japanese mandates for islands in the north Pacific ocean. The Council thereupon invited the United States to send representatives to participate in a consideration of the subject, but the invitation was not accepted. After the mandates were issued, the United States entered into treaties with certain of the mandatory states recognizing certain mandates and securing the benefits of some of their provisions to the United States, "notwithstanding the fact that the United States is not a Member of the League." On February 11, 1922, the American Government signed such a treaty with Japan concerning the mandate for the former German Islands in the Pacific Ocean north of the equator, particularly the Island of Yap. This treaty requires Japan to transmit to the United States duplicates of its reports to the Council of the League of Nations. On February 13, 1923, the Government signed two similar treaties with France relating to its mandates for Togoland and the Cameroons. A similar treaty was also signed with Belgium on April 18, 1923, with an amendatory protocol signed January 21, 1924, relating to the mandate for Ruanda-Urundi. Similar treaties were signed with France, on April 4, 1924, relating to the mandate for Syria and Lebanon, and with Great Britain on December 3, 1924, relating to the mandate for Palestine, and on February 10, 1925, treaties with Great Britain relating to its mandates in the Cameroons, Togoland and Tanganyika (formerly German East Africa). The Senate has advised and consented to all these treaties, all except the last three of which were in force on June 1, 1926. Thus the United States, though not a party to Art. 22 of the Covenant, becomes, in a sense, a party to the whole mandate system, but with no share in its administration.

37. *Slavery.* Prof. Edward A. Ross, University of Wisconsin, under the auspices of an American committee, prepared a detailed report on "Employment of Native Labor in Portuguese Africa," which was forwarded to the Temporary Slavery Commission of the League in June, 1925. At its meeting in July, the commission



decided to forward this report to the Portuguese Government. The Portuguese delegation to the Sixth Assembly sent to the commission "Some Observations" in reply to this document.

The Council, in September, 1925, decided to communicate for comments the draft convention on slavery to members and non-members of the League, including the United States. The comments are due not later than June 1, 1926.

#### PERMANENT COURT OF INTERNATIONAL JUSTICE

38. *Organization of the Court.* The first task undertaken by the Council of the League of Nations in 1920 was to set up a Commission of Jurists to draft the Statute for the Permanent Court of International Justice. Elihu Root of New York, formerly Secretary of State, accepted an invitation to be a member of this committee, and at the meetings at The Hague in 1920 he was assisted by James Brown Scott of Washington, Director of the Division of International Law of the Carnegie Endowment for International Peace.

39. *Election of the Judges.* When the first judges of the Court were elected in September, 1921, the names of four Americans were on the list of nominees eligible to election: Prof. John Bassett Moore of Columbia University, nominated by the Italian group in the Permanent Court of Arbitration; Dean Roscoe Pound of the Harvard Law School, nominated by the Siamese group; Elihu Root, nominated by the Bolivian, Brazilian, French, Uruguayan and Venezuelan groups; and James Brown Scott, nominated by the Haitian group. Mr. Root declined the candidacy. Professor Moore was elected judge on one of the early ballots. A member of the Siamese group which nominated Dean Pound was an American, Eldon R. James of Ohio, now librarian of the Harvard Law School, Cambridge. The American group in the Permanent Court of Arbitration — Messrs. George Gray, John Bassett Moore, Elihu Root and Oscar S. Straus — were invited in June, 1921, to make nominations as provided by the Statute of the Court. The Department of State in Washington mislaid the invitation, which did not reach its destination until August, 1921. The American group then refused to make a nomination on the ground of having no power to do so; but in the

by-election in 1923, these same Americans, acting under the same authority, nominated the successful candidate, Judge Pessôa of Brazil.

40. *Proposed American Adhesion to the Court.* On February 24, 1923, President Harding asked the Senate's advice and consent for the United States to become a party to the protocol of signature of the Permanent Court of International Justice, on conditions and understandings formulated by Secretary Hughes in his letter of February 17, 1923. President Coolidge, in his annual message of December 6, 1923, approved this proposal and commended it to the Senate's "favorable consideration." A subcommittee of the Committee on Foreign Relations held public hearings on April 30 and May 1, 1924. On May 26, 1924, Senator George W. Pepper, acting on behalf of the majority of the Committee on Foreign Relations, submitted an unfavorable report; and on May 31, 1924, Senator Swanson, acting on behalf of a minority of the Committee on Foreign Relations, submitted a favorable report. On March 3, 1925, the House of Representatives adopted a resolution by a vote of 302 to 28, calling for the United States to give its support to the World Court. On March 5, 1925, Senator Swanson introduced a resolution embodying the Harding-Hughes terms, which came before the Senate for debate on December 17, 1925.

41. *The Senate Resolution of January 27, 1926.* The resolution which the Senate finally passed on January 27, 1926, by a vote of 76 to 17, contains five reservations and two declarations. It provides that the American reservations must be accepted by the 48 signatories of the Court Protocol, by exchange of notes. In March, 1926, the Council voted to convene a conference in September, 1926, and invited the United States to send representatives to discuss the reservations with the signatories. On April 19, the American Government declined the invitation.

42. *Arbitration Treaties and the Court.* Although the United States is not yet a party to the Court Protocol, the United States has found it necessary, in renewing various arbitration treaties, to agree that, in the case of eventual favorable action, the United States will consider a modification of these treaties providing for the reference of disputes to the Permanent Court of International

Justice. The Government has now made this agreement with the following countries:

Great Britain . . . . .	June 23, 1923.
France . . . . .	July 19, 1923.
Japan . . . . .	August 23, 1923.
Portugal . . . . .	September 5, 1923.
Norway . . . . .	November 26, 1923.
The Netherlands . . . . .	February 13, 1924.
Sweden . . . . .	June 24, 1924.

#### INTERNATIONAL LABOR ORGANIZATION

43. *International Labor Conference.* The first session of the International Labor Conference was held in Washington in 1919. The organizing committee which planned it included Samuel M. Gompers, formerly President of the American Federation of Labor, Prof. James T. Shotwell of Columbia University, and Dr. John B. Andrews, secretary of the American Association for Labor Legislation. President Wilson summoned the conference to meet in Washington, and a member of his Cabinet, William B. Wilson, Secretary of Labor, presided over the session. Mr. Gompers participated in the conference as a spokesman for American labor, but not as an official delegate. Ernest H. Greenwood of Washington served as deputy Secretary-General of the conference, Manley O. Hudson as legal adviser, and Arthur Sweetser as director of the Press Bureau. Mr. Hudson also acted as legal adviser to the second conference at Genoa in 1920, and to the sixth conference at Geneva in 1924.

The United States has had no official representation at any of the Labor Conferences since 1919, though at one time it was planned to have the United States Chamber of Commerce send an employers' delegate and the American Federation of Labor a workers' delegate. Andrew Furuseth of San Francisco, president of the International Seamen's Union of America, attended the second conference in Genoa in 1920.

44. *International Labor Office.* From 1920 to 1923, Dr. Royal Meeker of Washington, formerly Commissioner of Labor Statistics, served as chief of the Scientific Division of the International Labor Office. Ernest H. Greenwood of Washington, became American Correspondent of the Office in 1920, continuing in that

capacity until 1924. He was succeeded by Leifur Magnusson, who had formerly been a chief of section in the office at Geneva. William A. Du Puy of Washington, C. I. Crissey of Michigan, Horace A. Davis of Boston, and Prof. Herbert Feis of the University of Cincinnati, have also been connected with the Office in Geneva.

In 1923, Miss Dorothy M. Sells, formerly special agent of the United States Department of Labor, prepared a special report for the Office on the British Trade Boards system. In 1925, the Office published an Encyclopædia of Hygiene, Pathology and Social Welfare, in the preparation of which the following Americans collaborated: J. Clark, director of the Medical Department of the Norton Company, Worcester, Mass.; Dr. Alice Hamilton, Harvard Medical School; Prof. Emery R. Hayhurst, Ohio State University, Columbus, Ohio; Dr. Frederick L. Hoffman, statistician of the Prudential Insurance Company, New York City; Prof. G. Kober, Georgetown University, Washington, D. C.; G. M. Price, director of the Joint Board of Sanitary Control in the Ladies' Garments Industries, New York; Dr. Sayers, chief surgeon, Bureau of Mines, U. S. Public Health Service, Department of the Interior, Washington, D. C.; William Gilman Thompson, a physician in New York; and Prof. C.-E. A. Winslow, Yale School of Medicine, New Haven, Conn.

45. *Emigration.* In June, 1924, the Governing Body of the International Labor Office set up a Permanent Emigration Committee. Among the Americans who have collaborated in its work are: Prof. Edith Abbott, University of Chicago, president of the Committee on Human Migration of the Social Science Research Council; Prof. John R. Commons, Department of Political Economy, University of Wisconsin; Mrs. Leroy B. Mitchell (Miss Ruth Crawford) of the Foreign Language Information Service; Prof. Henry Pratt Fairchild, immigration expert of the National Research Council; Dr. Sidney L. Gulick, writer on Japanese immigration; Miss Mary Hurlbutt, International Migration Service; Walter W. Husband, commissioner-general of immigration, Department of Labor; Jeremiah W. Jencks, secretary of the Immigration Commission in 1907, and author; Prof. Bascom Johnson, of New York; Miss Ruth Larned, International Migration Service; and Dr. Harry H. Laughlin, eugenics expert

of the Immigration Committee of the United States House of Representatives.

Under the auspices of the National Research Council and the Social Science Research Council, Prof. Walter F. Willcox of Cornell University is undertaking for the year 1925-1926 a study on human migration. In the fall of 1925 the International Labor Office and the National Research Council made an arrangement whereby the Office agreed to gather, prepare and publish the available statistical material on migration on condition that the cost of doing the work should be borne by the National Bureau of Economic Research, up to a limit of \$6,500.

46. *Anthrax Committee.* In 1920, the Governing Body of the International Labor Office established this committee in pursuance of action taken at the Washington session of the International Labor Conference. In October, 1921, the United States Government designated Dr. Marion Dorset of the Bureau of Animal Industry, Department of Agriculture, to serve as a member of the committee in an "unofficial and consultative" capacity.

47. *Industrial Hygiene.* In 1921, the Governing Body of the International Labor Office set up an Advisory Committee on Industrial Hygiene. Dr. Alice Hamilton of the Harvard Medical School became a member of this committee. Mr. Reninger, vice-chairman of the National Safety Council, is a member of the Safety Subcommittee of the Correspondence Committee on Industrial Hygiene, and Prof. Frederick S. Lee of Columbia University is a member of the Fatigue Subcommittee of the same committee.

48. *Publications.* The World Peace Foundation, 40 Mt. Vernon Street, Boston, Mass., as American agent, handles all publications of the League of Nations, the Permanent Court of International Justice and the International Labor Office.

World Peace Foundation

THE ARBITRATION TREATIES  
AND OUR RELIGIOUS DUTY

BY

REV. EDWARD CUMMINGS

WORLD PEACE FOUNDATION

29A BEACON STREET, BOSTON

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## THE ARBITRATION TREATIES AND OUR RELIGIOUS DUTY.

BY REV. EDWARD CUMMINGS, MINISTER OF THE SOUTH  
CONGREGATIONAL CHURCH, BOSTON.\*

I should like to begin what I have to say by asking you a question. This is the question: What, in your opinion, is the most important question that the world is waiting to have answered to-day?

You ask what kind of a question I have in mind,—economic, political, religious? Well, the question I have in mind is all of these, and I am perfectly willing to formulate it over and over again. What is the most important economic question, moral question, religious question, that the world is waiting to have answered at the present moment?

It is this: Are President Taft's great Arbitration Treaties to be permitted to fail in any degree? That is the great question before the world to-day.

Why do I say, you ask, that this is the most important question before the world? Nobody but an American citizen would ever ask that question. Every other well-informed citizen in every civilized country of the world knows that, when the President of this republic proposed to great nations that they should set an example to the world of submitting to an International Court all disputes of whatever kind that might not be settled by diplomacy,—knows that he had made this city in which we are met, and this republican government of ours, the centre of world politics as it has never been before. Every well-informed citizen of every other country knows that that meant a new kind of world politics, as well as a better and a higher kind than the world had ever seen before,—a kind of world politics which in some large measure realizes the dreams of the

\* Address before the National Unitarian Conference, Washington, D.C., October 24, 1911.



ages and the hopes of the sages, the visions of the prophets and the prayers of religion. That is why I say it is the most important question in the world.

Why is it the most important economic question in the world? In the first place because the right answer to that question means a long step and a necessary step in lifting from the backs of millions upon millions of our fellow-men the intolerable financial burdens of war under which the civilization of the Old World is still literally staggering towards bankruptcy to-day. It means the first long and necessary step toward the liberation, for constructive and useful ends, of the untold treasures which have thus far been used for destructive, worse than useless, ends, preparing for wars that never ought to be prepared for and never will come. It means a long step and a necessary step toward that time in human history when the nations of the world may, if they will, be as prodigal in appropriations for the great campaign of human service and self-preservation and education as they now are prodigal in appropriations for battleships and destroyers and the implements and ammunitions of war. Think of what that would mean in the economic world,—better housing and better education, better schools and more playgrounds, less sickness and misery and more happiness and comfort in the world. There is nothing in all this talk we hear about the cost of living that touches the problem as does the question that the world is waiting to have answered by the American people and their representatives to-day. Think what it would mean when for every battleship you could vote a university and for every cruiser a college, for every destroyer a technical school, and for bullets and powder the real ammunition of the great campaign of righteousness and prosperity. There is the white squadron of law, order, and progress that might arouse the enthusiasm of every lover of mankind! Think of the undiscovered countries that are waiting for that white squadron to annex them, undiscovered countries in the great realm of truth, unexplored regions to be added to the great empire of universal knowledge, revealing the blessings that shall meet the awful necessities of mankind as they face us to-day with the miracles and revela-

tions of new power for good, such as came with the discoveries of the nineteenth century. Think what that would mean to the world in better conditions of life, better opportunities for living. Think what it would take away in terms of misery and suffering and apprehension, what it would add to the joy of life, and you have just a beginning of a partial enumeration of the reasons why this is the most important economic question that the world is waiting to have answered to-day,—the question that the world is waiting, I say, to have answered by the American citizens and their representatives to-day in the right way.

Why is it, do you ask, the most important moral and political problem? Because it means simply an extension of political organization along the lines well established, the lines of social evolution, of social development. As a matter of fact the situation is not difficult to understand. The national family is the largest unit that our poor human nature has succeeded in organizing up to the present time. This is a proposition simply to extend the organization that you find in your national family to the larger family of nations,—nothing more than that. It is a proposition to substitute law for war in the family of nations, just as we have substituted law for war in the nation, state, tribe, clan, and family in the different stages of social development. It is a proposition to substitute right for might, a proposition to go to court instead of to go to war. It is the next great step forward in the process of evolution, and you can see that with your own eyes, you can see the process going on and the family beginning to form; and it is your infinite opportunity and your great duty to contribute consciously to that step.

But, you say, the people who ought to know tell us it is a very difficult step and a very complicated step; the people who ought to know tell us it is not possible to submit to a court of arbitration such things as the national integrity, or such things as citizenship or the conditions of immigration, and things of that sort. Well, it is true, people who ought to know and who ought to know better, do tell us those things. That is one of the tragedies of the situation. People who ought to know, and who ought

to know better, try to make us believe that the complications of international law are so great that it would be a dangerous step for the greatest and strongest nations of the earth jointly to make. People who ought to know, and who ought to know better, tell us it would be safer to submit to the arbitration of battle rather than to the arbitration of a court composed of the ablest jurists of the civilized world. The fact is, one ought not to allow himself to be confused by such statements. The situation is so simple and so clear that it could be taught and learned in the primary school, and it is a great pity it is not taught and learned there. If we had seen to it that it was, we should not have these people telling us such things. I would like to take you into the primary school and give you an illustration of how simple it would be. Some one asks, "Johnny, how many States are there in the United States?" "Forty-six," answers Johnny. "Well," says the teacher, "they are all of them little nations, each one with its own army, militia, uniforms, etc. And each has its own ruler, the governor, and its own legislature?" "Yes." "Well, when there comes to be a dispute between two of these States, why do they not go to war and use their guns and their militia and their typhoid germs?" "Well," says Johnny, "they do: they did in the Civil War." "But why don't they have war all the time when there is any dispute?" "Because," pipes up Mary, "they are not allowed to. There is a Supreme Court of the United States and the Federal Police Force, and they go to court instead of to war; and besides it wouldn't be fair if they did go to war, because then the one that won the battles and shot the most people would come out ahead, whether it was right or wrong. They have the Supreme Court and a National Police Force."

"Very well. Will somebody tell me what happens when two citizens of these States get into a quarrel, say, over a piece of land or an old deal table? Do they take the law into their own hands and fight it out?" "No," says William, "they are not allowed to, and it wouldn't be fair, because the fellow who had taken boxing lessons would get the land or the table, no matter whether he ought to have it or not; and, anyway, if they did undertake to fight

it out, they would be arrested for breaking the peace. They go to court instead of to war. There is some chance of having the judge and jury decide the case as it ought to be decided on the basis of rights."

"Very good. When the citizens within a State have troubles or disputes, they go to court; and, if not, they would be arrested for breaking the peace. When the States within the national family get into disputes, they go to court; if not, they would be arrested. What happens in the family of nations when they have a row on between a couple of them, what do they do then?" "Why," says Johnny again, "then you have something doing; then you have war, battles, ships; then the one that can fight the most battles and kill the most people and has the largest resources gets the bone of contention, no matter whether he ought to have it or not. It is not fair, of course, but that is how it is."

Then why do we allow it? When a country like the United States and another one like Spain, for instance, get into trouble, or a country like Italy commits international assault and battery on a sick man or takes up brigandage, why don't they arrest them for breaking the peace and disturbing trade and commerce and doing rank injustice and setting up their own individual will, and saying that might makes right? Why do they not arrest them? Because we have not yet ratified the President's great Arbitration Treaties, so that we have a Supreme Court of the nations and an international police force to preserve order. That is all there is to it. And anybody that tries to confuse the minds of his fellow-citizens by talk of national integrity and citizenship and all that is simply throwing dust, or else has never attended my primary school. Arbitration presupposes integrity: the right of citizenship is perfectly safe in the hands of the most distinguished jurists on the face of the earth. When a nation like ours or any other comes to playing fast and loose with the obligations it has assumed as to citizenship or immigration, it ought to be brought to the bar of justice; and, if it is not willing to be so brought, that is *prima facie* evidence that it has got a bad case.

So the alternative is, as I have said: you would rather risk the old barbarous appeal to battle than go before the

most distinguished jurists. That sounds well, coming from a great, big, bulldozing nation! How would it sound if you were one of the lesser nations? Remember, inasmuch as ye did it or did it not to one of the least of these your brethren, ye did or did it not to me. This is why this is the greatest moral and political question the world is waiting to have decided at the present moment.

But I am addressing a religious conference. And now I ask why is it the most important religious question the world is waiting to have answered? Because it represents the attempt to Christianize Christendom, and one of the few noteworthy attempts ever made in the great Christian nations in our civilization. It is an attempt, I say, to Christianize Christendom. When your great President said to the most Christian nations of the world that the time had come for them to set the example to the rest of mankind of submitting to courts of arbitration and international justice all questions that could not be settled by national diplomacy, he was simply asking Christians in Christendom to take their religion a little seriously. That is all it amounts to,—asking them to do something to wipe out the disgrace of centuries where people have proclaimed the gospel of the Prince of Peace and practised the gospel of the prince of selfishness and strife and hate. That is why, briefly, it is the most important religious question in the world. When your President made that overture, he was really doing something which never before has been done by any ruler of any great nation in the history of our civilization or in the history of man, so far as we know. And you and I and every American citizen ought to be the proudest and happiest people on the face of the earth because it was given to our ruler and our republic really to lead the world up to the gateway of a new era, and ask the peoples to go into the promised land of peace and good will. His fame is secure. History will do justice to him. The great question is what shall we do, the citizens of America, the Christians of America, with regard to the settlement of this great question. The tragedy of the situation is that somehow the people who are in the midst of the making of great historical events do not realize that those events are taking place;

somehow do not realize the momentous opportunity and responsibility and duty which confronts them; somehow allow themselves to be confused by little issues, forgetting that a new epoch and new possibilities are confronting civilization in a way that the world has never known; and that these other things are but trifles in comparison with the great overpowering question. What can we do, what shall we do, to see to it that these efforts do not in any degree fail? It is time we did something, and we must do something soon. The next Hague Conference is only four years away; the programme of that Conference is only a couple of years away. It is time for this nation to realize that upon this most important question we should be formulating our solemn demands, laying before the world our intentions with regard to these great matters. American Christianity has it in its power to create the necessary public sentiment, to see that our representatives do the right thing. If every church regarded itself first of all as a peace society, and bent its energies first of all to creating the necessary sentiment within its own walls and in the hearts of people everywhere, these treaties could not fail. And, if American citizenship and American Christianity permit them to fail, then these are not worthy of their name. The fact is that these propositions on the part of our President have excited all over the Old World high hopes, lofty aspirations. Millions upon millions of people are looking to this country for relief from intolerable burdens that have borne them down for centuries. If we permit these treaties to fail, we are false to the high ideals that our leaders have placed before us. If we permit them to fail, then we betray the lofty hopes and the aspirations that have been aroused in the hearts of these people, we condemn them to another period of endurance and despair. It must not be. In the name of religion, it must not be. We must do everything in our power to help realize the great prophecy you heard read to-night about Him who breaketh the bow and spear in sunder, and causeth wars to cease; the great prophecy that He would judge among the nations and rebuke many peoples, and they should turn their swords into ploughshares, and their spears into pruning-hooks,

and nation should not lift up sword against nation, or learn war any more. Have you forgotten the first great truth of the gospel we profess, the annunciation song of peace and good will? Was it an accident that the founder of our religion was called the Prince of Peace? Have you forgotten the great beatitude, "Blessed are the peacemakers, for they shall be called the children of God"? Have you forgotten how it was said that all the laws and the gospels and religions of the past were summed up in the great commandment, "Thou shalt love the Lord thy God, and thy neighbor as thyself," with head and heart and hand?

These are the reasons why I have said that this question is the greatest question that the world is waiting to have answered to-day, this simple, practical question: Shall the great Arbitration Treaties, which have been prepared by the President of the republic, be permitted in any degree to fail through the indifference and lethargy of American citizens, and above all of American Christians?

*If a thousandth part of what has been expended in war and preparing its mighty engines had been devoted to the development of reason and the diffusion of Christian principles, nothing would have been known for centuries past of its terrors, its sufferings, its impoverishment, and its demoralization, but what was learned from history.—HORACE MANN.*

*Were half the power that fills the world with terror,  
Were half the wealth bestowed on camps and courts,  
Given to redeem the human mind from error,  
There were no need of arsenals or forts.—LONGFELLOW.*

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#### SYNDICATES FOR WAR.

The intolerable burdens of taxation imposed by the present monstrous armaments of the nations are being everywhere realized, and the naval budgets are being criticised as never before. The people are being shown how much of the increased cost of living is due to these frightful extravagances and wastes, which make the existing armed peace hardly less serious than war itself. They have not been adequately shown how much of this expenditure is due to the systematic and persistent activity of great interests which are selfishly profiting by it. The World Peace Foundation in Boston has just published, under the title of "Syndicates for War," a special pamphlet devoted to the exposure of this ruthless despoiling of the public treasury for private and corporate gain. It is a reprint of some startling London letters to the New York *Evening Post*, revealing a mass of confessed and indisputable facts of the situation in England almost incredible in their grossness. The situation is undoubtedly almost as bad in Germany, France, and the United States; and we know that it is much worse in Russia. It is to be hoped that this pamphlet may be followed by another dealing with similar evils nearer home. But the present pamphlet should prompt our people to some solemn thinking as to the part taken by certain vested interests in keeping up the periodical war-scares that ensure them regular business and immense gains at the public cost. The pamphlet is an amazing revelation of the hidden springs of political measures which saddle inordinate taxes upon the people.



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Edited by EDWIN D. MEAD

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# LEAGUE of NATIONS

Vol. II, No. 2

Souvenir Number

April, 1919

S. W. TEXAS NORMAL  
SAN JOINT DEBATE

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ON THE

## COVENANT OF PARIS

**HENRY CABOT LODGE,**

*United States Senator from Massachusetts,  
Chairman-designate of the Senate Committee  
on Foreign Relations*

**A. LAWRENCE LOWELL,**

*President of Harvard University,  
Chairman of the Executive Committees of World Peace  
Foundation and League to Enforce Peace*

**SYMPHONY HALL, BOSTON**

**March 19, 1919**

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# World Peace Foundation

Boston, Massachusetts

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It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

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# JOINT DEBATE ON THE COVENANT OF PARIS

HELD AT SYMPHONY HALL, BOSTON, MARCH 19, 1919, HIS  
EXCELLENCY CALVIN COOLIDGE, GOVERNOR OF  
MASSACHUSETTS, PRESIDING.

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## THE PRESIDING OFFICER

We meet here as representatives of a great people to listen to the discussion of a great question by great men. All America has but one desire, the security of the peace by facts and by parchment which her brave sons have wrought by the sword. It is a duty we owe alike to the living and the dead.

Fortunate is Massachusetts that she has among her sons two men so eminently trained for the task of our enlightenment, a senior Senator of the Commonwealth and the President of a university established in her Constitution.

Wherever statesmen gather, wherever men love letters, this day's discussion will be read and pondered. Of these men, great in learning and experience, wise in the science and practice of government, the first to address you is a Senator distinguished at home and famous everywhere—Henry Cabot Lodge.

## HENRY CABOT LODGE

YOUR EXCELLENCY, LADIES AND GENTLEMEN, MY FELLOW AMERICANS:

I am largely indebted to President Lowell for this opportunity to address this great audience. He and I are friends of many years, both Republicans. He is the President of our great university, one of the most important and influential places in the United States. He is also an eminent student and historian of politics and government. He and I may differ as to methods in

this great question now before the people, but I am sure that in regard to the security of the peace of the world and the welfare of the United States we do not differ in purpose.

I am going to say a single word, if you will permit me, as to my own position. I have tried to state it over and over again. I thought I had stated it in plain English. But there are those who find in misrepresentation a convenient weapon for controversy, and there are others, most excellent people, who perhaps have not seen what I have said and who possibly have misunderstood me.

It has been said that I am against a League of Nations. I am not; far from it. I am anxious to have the nations, the free nations of the world, united in a league, as we call it, a society, as the French call it, but united, to do all that can be done to secure the future peace of the world and to bring about a general disarmament.

#### EARLY SPEECHES IN FAVOR OF LEAGUE

I have also been charged with inconsistency. In the autumn of 1914, Theodore Roosevelt made a speech in which he brought forward the idea of a League of Nations for the prevention of future wars. In the following June, of 1915, speaking at Union College in New York on Commencement, I took up the same idea and discussed the establishment of a League of Nations backed by force. I spoke of it only in general terms. I spoke again in favor of it in the following winter before the meeting of the League to Enforce Peace.

But the more I reflected upon it and the more I studied it the more difficult the problem appeared to me. It became very clear to me that in trying to do too much we might lose all; that there were many obstacles and many dangers in the way; and that it would require the greatest skill and self-restraint on the part of the nations to make any league that would really promote and strengthen and make more secure the peace of the world.

In January, 1917, the President of the United States brought forward a plan for a League to Enforce Peace in an address to the Senate, and I discussed it at some length, showing the dangers

of the proposition and the perils which it would bring, not only to peace but to the United States.

During all this time, I may say, I was in consultation or I was talking with Theodore Roosevelt in regard to it. His position and mine did not then differ.

On December 21 I made a speech in the Senate in which I discussed the 14 points and some of the momentous questions raised by the proposition for a League of Nations.

#### ROOSEVELT GAVE ATTITUDE FULL APPROVAL

Colonel Roosevelt wrote an article in the *Kansas City Star* upon that speech, approving it and commending it. I read a single paragraph from it:

Our need is not as great as that of the vast scattered British Empire, for our domains are pretty much in a ring fence. We ought not to undertake the task of policing Europe, Asia and Northern Africa; neither ought we to permit any interference with the Monroe doctrine, or any attempt by Europe or Asia to police America. Mexico is our Balkan Peninsula. Some day we will have to deal with it. All the coasts and islands which in any way approach the Panama Canal must be dealt with by this nation, and by this nation in accordance with the Monroe doctrine.

On January 3 of the present year—the Friday before his death—he dictated another editorial which appeared in the *Kansas City Star* after his death. I wish time would permit me to read it all, but I will read only one paragraph:

. . . Let each nation reserve to itself and for its own decision, and let it clearly set forth, questions which are nonjusticiable. . . . Finally, make it perfectly clear that we do not intend to take a position of an international Meddlesome Mattie. The American people do not wish to go into an overseas war unless for a very great cause, and where the issue is absolutely plain. Therefore, we do not wish to undertake the responsibility of sending our gallant young men to die in obscure fights in the Balkans or in Central Europe, or in a war we do not approve of. Moreover, the American people do not intend to give up the Monroe doctrine. Let civilized Europe and Asia introduce some kind of police system in

the weak and disorderly countries at their thresholds. But let the United States treat Mexico as our Balkan Peninsula and refuse to allow European or Asiatic powers to interfere on this continent in any way that implies permanent or semi-permanent possession. Every one of our Allies will with delight grant this request if President Wilson chooses to make it, and it will be a great misfortune if it is not made.

Two weeks before his death I was with Theodore Roosevelt for some hours, seeing him for two mornings in succession. The draft now before the country was not then before us, but we discussed fully the League of Nations in all its bearings. We were in entire agreement.

The position that I have taken, and now take, had his full approval. The line I have followed in the Senate and elsewhere was the one he wished to have followed. I do not say this to transfer any responsibility from my shoulders to his. All I do and all I say is on my own responsibility alone. But it is a help and a strength to me to feel that I have behind me the approval, the support of the great American, the great patriot, the great man whose death has been such a grievous loss, not only to the United States, but to the entire world in this hour.

#### TAKES UP ALLEGED INCONSISTENCY

Now, just a word in regard to inconsistency. I do not think I have been inconsistent, but it does not matter whether I have or not. Individual inconsistencies have no relation to the merits of any question. If nobody ever changed their minds, it would be a stagnant world. The only difficulty comes, as it comes with many habits, harmless in moderation, but dangerous in excess.

When inconsistencies become excessive they are apt to suggest self-seeking and insincerity or lack of real conviction. I think it is hardly worth while to discuss inconsistencies. No one can tell where the discussion may lead.

On May 6, 1914, at the unveiling of the Barry monument in Washington, President Wilson said:

There are just as vital things stirring now that concern the existence of the nation as were stirring then, and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his Farewell Address. It was not merely because of passing and transient circumstances that Washington said that we must keep from entangling alliances.

I pause a moment to say that Washington did not say that we should keep clear from entangling alliances in the Farewell Address. He said that we should keep clear of permanent alliances, and that temporary alliances would be sufficient to meet an emergency—as they were in the war just closed.

I merely mention this because the phrase "entangling alliances," which is so familiar to the country, was the utterance of Thomas Jefferson in his first inaugural. He warned us from entangling alliances. He, too, like Washington, I know is considered antiquated by many people. I merely recall it for the benefit of Jeffersonian Democrats, if any still survive.

In Washington on January 6, 1916, addressing the Pan American Congress, President Wilson said:

The Monroe doctrine was proclaimed by the United States on her own authority. It always has been maintained and always will be maintained upon her own responsibility.

I think I am not to blame for wishing it to be maintained now.

#### ALL AGREED IN DESIRING PEACE

Now, ladies and gentlemen, we are all agreed in desiring the security of the peace of the world. I am not going to argue such a question as that. We all hate war, and let me say to you that nobody can hate or abhor war more than those upon whose shoulders rested the dread responsibility of declaring war and sending forth the flower of our youth to battle. A man who has once borne that responsibility never can forget it. I should no more think of arguing to you that peace is better than war than I should think of insulting your intelligence by arguing that virtue is bet-



ter than vice. We may dismiss it. We are equally desirous, I think, most of us certainly are desirous of doing all we can, through a union, or league, or alliance of the nations, to make the peace of the world secure—more secure, at all events, than it has ever been before. I will not stop to argue that.

The question before us, the only question of a practical nature, is whether the League that has been drafted by the Commission of the Peace Conference and laid before it will tend to secure the peace of the world as it stands, and whether it is just and fair to the United States of America. That is the question, and I want now, very briefly, to bring it to the test.

Wars between nations come from contacts. A nation with which we have no contact is a nation with which we should never fight. But contacts, foreign relations between nations are necessary and inevitable, and the object of all diplomacy and statesmanship is to make these contacts and relations as harmonious as possible, because in these contacts is found the origin of all war.

In this scheme for a League now before us we create a number of new contracts, a number of new relations, which nations have not undertaken before to create.

#### LEAGUES OF HISTORY NOT VERY SUCCESSFUL

There have been many leagues. There is nothing new in the idea of a league. They go back to the days of Greece. There is the Peace of Westphalia, the League of Cambrai. I believe there are some 30 altogether in the pages of history, none of them very successful. And in the Holy Alliance of 1815 another attempt was made, and that time a league to preserve peace. But we are approaching this League on a different basis and on a different theory from any I believe ever attempted. We are reaching for a great object, playing for a great stake. But we are creating new contacts. Therefore, we should examine all the propositions with the utmost care before we give an assent to them.

I take first the form of the draft without regard to its substance. There were four drafts presented to the Commission, one by Italy, one by France, one by the United States, and one

by Great Britain. The British draft was the one selected. You can find in the treaty, if you will compare it with the plan put forth by General Smuts in January, that some paragraphs were taken from his plan with but slight changes. How nearly the draft presented conforms to the British draft we have no means of knowing.

#### DRAFT OBSCURELY AND LOOSELY DRAWN

The drafts offered by the other countries have never been discussed, although we are living in the era of "open covenants openly arrived at." I hope in the course of a few years that those drafts may appear in the volumes published by Congress which contain an account of our foreign relations. The draft appears to me, and I think to anyone who has examined it with care, to have been very loosely and obscurely drawn. It seems to me that Lord Robert Cecil, who I believe is principally responsible for it, should have put it in the hands of a parliamentary draftsman before it was submitted. A constitution or a treaty ought to be in legal, statutory or constitutional language, and not in the language selected for this purpose.

The language of that draft is of immense importance, because it is necessary that there should be just as few differences of opinion as to the meaning of the articles of that draft as human ingenuity can provide against. No man, be he president or senator, can fix what the interpretation of that draft is.

The draft itself, the articles themselves, should answer as far as possible all questions. There is no court to pass upon them. They would have to be decided by the nine powers whose representatives compose the Executive Council. The people who are for this draft of a League and those who are against it differ about the construction of nearly every article. And, not only that, but those who are for it differ among themselves, and those who are against it differ among themselves, as to its construction. There will be differences arising out of that very porous instrument. There will be differences arising before a twelvemonth has passed among the very nations that signed it.

Mr. Taft said on the 7th of March:

Undoubtedly the Covenant needs revision. If is not symmetrically arranged, its meaning has to be dug out and the language is ponderous and in diplomatic patois.

I have said nothing about the draft as severe or as well put and as thoroughly descriptive as that.

Lately the phrase has been much used, especially when an answer was not very easy, that criticism must be constructive, not destructive. It was a convenient way of answering awkward questions and evidently those who use it, and use it freely, have never stopped to think that there are some cases where criticism must be constructive as well as destructive and some where it must be destructive alone. For instance, in discussing slavery we criticise it in order to kill, and we do not expect that a substitute shall be offered for it. If a burglar breaks into my house and threatens the death of my wife and children, I should try if I could to shoot him. That is destructive criticism, and I should not think it necessary to precede it with a proposition that he should engage in some other and less dangerous occupation.

#### REDRAFT LEAGUE IN PLAIN LANGUAGE

Now this is a case where constructive criticism is clearly needed, and my first constructive criticism is that this League ought to be redrafted and put in language that everybody can understand. By doing that you will remove at once many causes of difference and dispute, and you want the instrument to diminish disputes, and increase harmony, because its purpose is to promote peace.

Another point which applies not only to the necessity of clear and definite language in the great instrument, but to the whole treaty, or to any treaty or any alliance or league that we make, and that is to remember this—that the sanctity of treaties is above everything else important. Whatever a country agrees to, that the country must maintain.

The sanctity of treaties lies at the basis of all peace, and there-

fore we must be as careful as possible to remove all chances of disagreement arising out of conflicting interpretations of language.

As I have said, my first constructive criticism is that we should have a revision of the language and form of the draft.

Now, in discussing the draft of the League I can only deal with the most important points. To analyze those articles of that League as they should be analyzed would take many hours.

But I will speak of one point which runs all through it, and that is that there are so many places where it says that the Executive Council—which is the real seat of authority—the Executive Council shall recommend, or advise, or propose measures, and it fails to say by what vote they shall do it. There are one or two places where it is stated there shall be a two-thirds vote, another case where it shall be unanimous; but in most cases it is not stated.

Now, either there should be a clause in there saying that where not otherwise stated, the decision of the Executive Council shall be by a majority vote, or else it ought to be expressed in every article where they are called upon to make a recommendation, or a proposal, or a decision of any kind.

Again let me quote from Mr. Taft. He says, speaking of ambiguous phrases:

One of these, for instance, is in respect to the Executive Council. Will it need a unanimous vote or will a majority vote be sufficient, where there is no specification?

That puts the point extremely well, and I think there should be another change. I offer that as a second constructive criticism.

#### MONROE DOCTRINE DIFFERENTIATES HEMISPHERES

I now come to what seems to me a very vital point indeed, and that is the Monroe doctrine. I shall not undertake to trace the history of the doctrine or of its development since Mr. Monroe first declared it. But in its essence it rests upon the proposition of separating the Americas from Europe in all matters political. It rests on the differentiation of the American hemisphere from

Europe, and therefore I have found it difficult to understand an argument first advanced with more confidence, perhaps, than it is now—that we preserve the Monroe doctrine by extending it. The Monroe doctrine was the invisible line that we drew around the American hemisphere. It was the fence that we put around it to exclude other nations from meddling in American affairs, and I have never been able to get it through my head how you can preserve a fence by taking it down.

The Monroe doctrine is the corollary of Washington's foreign policy declared in the Farewell Address. I am not going to base any argument upon it, but it is a mistake to consider the policy laid down by Washington and Monroe as ephemeral and necessarily transient. As Mr. Wilson well said, Washington's doctrine was not transient. It may be wrong; the time may have come to discard it; but it is not ephemeral because it rests on two permanent facts—human nature and geography.

Human nature, you may say, has changed. When you study the history of the past, as far as we have a history, there is a curious similarity in it at all stages. But one thing is certain,—not even the wisest and most optimistic of reformers can change the geography of the globe. They say communication has quickened enormously. The Atlantic Ocean is not what it was as a barrier, or the Pacific either, I suppose. But do not forget that even under modern conditions the silver streak, the little Channel only 20 miles wide, was England's bulwark and defense in this last war. Do not underrate the 3,000 miles of Atlantic. It was on that that the Monroe doctrine, the corollary of Washington's policy, rested.

Great systems of morality and philosophy have been taught and preached, two thousand, twenty-five hundred, three thousand years ago. They may be wrong. But they are neither transient nor ephemeral because they rest upon the eternal verities. And when you come to discard a policy like that it is well to realize what you are abandoning and what its importance is.

The Monroe doctrine has been expanded. A resolution was passed unanimously in the Senate a few years ago stating that

the United States would regard it as an act of hostility for any corporation or association or any other nation to take possession of Magdalena Bay, being a post of great strategic, naval and military advantage. That did not rest on the Monroe doctrine. It rested on something deeper than that. It rested on the basis of the Monroe doctrine, the great law of self-preservation. They say that if we demand the exclusion of the Monroe doctrine from the operation of the League, they will demand compensation. Very well. Let them exclude us from meddling in Europe. That is not a burden that we are seeking to bear. We are ready to go there at any time to save the world from barbarism and tyranny, but we are not thirsting to interfere in every obscure quarrel that may spring up in the Balkans.

Mr. Taft says that the Covenant "should be made more definite by a larger reservation of the Monroe doctrine." I agree entirely. I offer that as my third constructive criticism, that there should be a larger reservation of the Monroe doctrine, and when the leading advocate of this draft takes that position it seems to me it can not be a very unreasonable one.

#### DENIES FOREIGN JURISDICTION OVER IMMIGRATION

There is the question of immigration which this treaty reaches under the nonjusticiable questions. I am told and I believe (I have followed it through all the windings) that a final decision could only be reached by unanimity, and it is said that the League would not be unanimous. I think that highly probable, but I deny the jurisdiction. I cannot personally accede to the proposition that other nations, that a body of men in executive council where we as a nation have but one vote, shall have any power, unanimous or otherwise, to say who shall come into the United States. It must not be within the jurisdiction of the League at all. It lies at the foundation of national character and national well-being. There should be no possible jurisdiction over the power which defends this country from a flood of Japanese, Chinese and Hindu labor.

The tariff is involved in the article for the boycott. The coast-wise trade is involved in Art. XXI. I think we ought to settle our own import duties. They say it is a domestic question. So it is, so is immigration; but they are domestic questions with international relations.

Moreover—and I know some people think this is a far-fetched objection—having other nations meddle with our tariff runs up against a provision of the Constitution. The Constitution provides that all revenue bills shall originate in the House of Representatives. Now I do not offer that as a final objection. No doubt we could amend our Constitution to fit the League, but it would take some time; and I think it is better to steer clear of the Constitution in cases like that.

And I offer an amendment, already proposed by Senator Owen of Oklahoma, an ardent Democrat, and a supporter of the League, to exclude international questions of the character of immigration and the tariff from the jurisdiction of the League. I present that as a fourth constructive criticism.

#### NO PROVISION FOR GETTING OUT

This treaty is indissoluble. There is no provision for withdrawal or termination. In the old days—very old days—they were in the habit of beginning treaties by swearing eternal friendship, which made them last no longer. That has been given up. In modern times almost all the treaties that we now have contain provisions for termination or withdrawal on notice. If there is no provision for withdrawal you are thrown back on denunciation or abrogation by one nation.

I have been surprised to hear in the Senate and elsewhere the statement that this was only a treaty and that we could abrogate it by an act of Congress at any time,—as we can under the decisions of the Supreme Court.

Why, ladies and gentlemen, nothing could be worse than that. No greater misfortune could befall the peace of the world than to have a nation, especially a powerful nation, abrogate the treaty.

It is usually a preliminary to war. It is in many cases, at least. There ought to be some provision by which a withdrawal could be effected without any breach of the peace or any injury to the cause.

Mr. Taft says: "The Covenant should also be made more definite as to when its obligations may be terminated." I offer that as another constructive criticism.

#### MANDATORY RESPONSIBILITY GRAVE

I am obliged to move rapidly for my time is expiring, but there are two great points that I cannot leave wholly untouched.

One is Art. XIX, providing for mandatories. It does not say who shall select the mandatory. The provision is, that a nation may be selected to take charge of a weak or a backward people and be appointed by the League to that work. It has been suggested that we should take charge of Constantinople; that we should take charge of Armenia and Mesopotamia and Syria. I am not going to argue it at length. I am not as deeply opposed to that provision as many others—as most other people are, as I believe the American people are. But it is a very grave responsibility to take charge of some distant people, furnish them with civilians to carry on their government, furnish them with an army to protect them, and send our young men away on that business. We have done it in Haiti, we have done it in San Domingo, we have done it in Nicaragua, and are doing it now. That is all within the Monroe doctrine; that is all within our own "ring fence." We must do it; we owe it to the world, and we are quite capable of doing it successfully. But this is a demand to go out through Asia, Africa and Europe and take up the tutelage of other people.

#### GUARANTY ARTICLE MOST IMPORTANT OF ALL

Then comes Art. X. That is the most important article in the whole treaty. That is the one that I want the American people to consider, take it to their homes and their firesides, dis-



cuss it, think of it. If they commend it the treaty will be ratified and proclaimed with that in it. But think of it first, think well. This article pledges us to guarantee the political independence and the territorial integrity against external aggression of every nation a member of the League. That is, every nation of the earth. We ask no guaranties, we have no endangered frontiers; but we are asked to guarantee the territorial integrity of every nation, practically, in the world—it will be when the League is complete. As it is to-day, we guarantee the territorial integrity and political independence of every part of the far-flung British Empire.

Now mark! A guaranty is never invoked except when force is needed. If we guaranteed one country in South America alone, if we were the only guarantor, and we guaranteed but one country, we should be bound to go to the relief of that country with army and navy. We, under that clause of this treaty—it is one of the few that is perfectly clear—under that clause of the treaty we have got to take our army and our navy and go to war with any country which attempts aggression upon the territorial integrity of another member of the League.

Now, guaranties must be fulfilled. They are sacred promises,—it has been said only morally binding. Why, that is all there is to a treaty between great nations. If they are not morally binding they are nothing but “scraps of paper.” If the United States agrees to Art. X, we must carry it out in letter and in spirit; and if it is agreed to I should insist that we did so, because the honor and good faith of our country would be at stake.

Now, that is a tremendous promise to make. I ask those—the fathers and the mothers, the sisters and the wives and the sweethearts, whether they are ready yet to guarantee the political independence and territorial integrity of every nation on earth against external aggression, and to send the hope of their families, the hope of the nation, the best of our youth, forth into the world on that errand?

If they are, it will be done. If the American people is not ready to do it that article will have to go out of the treaty or be limited.

## FRANCE COULD NOT HAVE HELPED IN REVOLUTION

If that League with that article had existed in the eighteenth century, France could not have assisted this country to win the Revolution. If that League had existed in 1898 we could not have interfered and rescued Cuba from the clutches of Spain; we should have brought a war on with all the other nations of the world.

Perhaps the time has come to do it. I only wish to-night to call your attention to the gravity of that promise. To what it means, that it is morally binding, that there is no escape when a guaranty of that sort is invoked. Think it over well; that is all I ask. Consider it. And remember that we must make no promise, enter into no agreement, which we are not going to carry out in letter and in spirit without restriction and without deduction.

## THE PRESIDING OFFICER

The next to address you is the President of Harvard University,—an educator renowned throughout the world, a learned student of statesmanship, endowed with a wisdom which has made him a leader of men, truly a Master of Arts, eminently a Doctor of Laws, a fitting representative of the Massachusetts domain of letters,—Abbott Lawrence Lowell.

## A. LAWRENCE LOWELL

Senator Lodge has been so long in public life and has rendered such eminent services, that I regard him not only as a statesman, but almost as an institution. For his ability and courage I have the highest respect, and I have usually been in accord with his opinions. Moreover I have always been inconsistently Republican. But, although I suspect that we differ much less about a League of Nations than might appear on the surface, I cannot agree with his utterances, and still less with those of some of his senatorial colleagues, on the draft of a Covenant reported to the Conference at Paris. We both feel that this Covenant is, as it stands, defective, but the difference is that I feel that when those defects have been removed, the Covenant ought to be ratified,—and he does not tell us whether he thinks so or not.

Few, if any, Americans hold the doctrine, propounded by certain German writers, that war is in itself good. Few do not desire peace among men; and it would probably be safe to go farther and say that the vast majority of our people welcome the idea of a League of Nations to prevent war, even if it involves some inconvenience for us. There is naturally, however, much difference of opinion about the form such a league should take; and any concrete plan that could be presented would not accord entirely with most men's preconceived ideas, if they have any; or, if they have not, would involve difficulties that they had not foreseen as inevitable; with the result that criticism breaks forth

in abundance. This has been, and must always be, true of every step in human progress. Every advance goes through the stages of general aspiration, of concrete plan and of sharp criticism, before it becomes established. The process is normal, healthy and instructive.

#### ESSENTIALS OF AN EFFECTIVE LEAGUE TO PREVENT WAR

Before examining the nature of the plan proposed in the Covenant of Paris it may be well to consider the minimum essentials of an effective League of Nations to prevent war. Everyone will agree that such a league must forbid a resort to arms before submitting the question in dispute to a public trial, arbitration or inquiry of some kind; and probably it ought also to forbid a resort to arms after an award which is universally believed to be right and just. Such a delay before hostilities will not prevent all wars, but it will make them much less common, and it will wholly prevent a nation from deliberately planning a war, as Germany did, and seeking the advantage of surprise when its victims are unprepared. It is generally assumed that, if Germany had not possessed that advantage, she would not have gone to war. Obviously, the submission to arbitration must be compulsory, for if not, the condition is nowise different from what it has been hitherto; and the compulsion,—the sanction, as the lawyers say,—the punishment for the offender, must be such that no nation would venture to incur it; for the more severe, the more certain, the more immediate the penalty, the less the chance that any bellicose nation would run the risk. The country that goes to war before submitting its case to arbitration must be regarded as a criminal against mankind, and treated instantly as an outlaw and a common enemy by the rest of the world, or by those nations which bind themselves together for the maintenance of order. For this reason the League to Enforce Peace has always insisted that the penalty should not be decreed by a council of the League, which would involve delay, possible disagreement and inaction; but automatically, that is, the members

of the League should bind themselves jointly and severally to resist the aggressor at once. In this way the members would stand together, and an attack on one would be *ipso facto* an attack on all; and if the League contained, as we expect, by far the greater part of the world, no nation would, for a moment, contemplate war with such a coalition, and therefore wars would not occur before arbitration.

The principle should apply not only to disputes among the members of the League, but also to dissensions between other nations not belonging to the League, because war, like fire, has a tendency to spread, and no one in a community has a right to start a conflagration which his neighbors have not a right to put out.

#### VALUE OF COUNCILS FOR CONFERENCE BUT NO POWER

Although the penalty against the aggressor is automatic in the sense that it does not depend upon the action of an international council, nevertheless such a council for purposes, not of command, but of consultation, is highly beneficial. It tends to remove friction by enabling nations to understand one another's point of view, and to reconcile or adjust differences before they reach an acute stage. Most plans for a League of Nations have, I believe, proposed two such bodies: one large and comprehensive, for the discussion of general problems, with an opportunity for the presentation of all possible opinions, but too large for confidential interchange of ideas; the other smaller, representing mainly those countries on whom the burden, in case of breach of the peace, would chiefly rest, a body small enough to work out in detail recommendations to be submitted to the members of the League for acceptance, modification or rejection.

Senator Lodge says that if people get together to talk over things they are making points of contact, and points of contact are points of friction. When Voltaire read Rousseau's book on "The Natural Man" he said: "You make me feel like going back to the woods and walking on all fours." If in order to avoid points of friction we must isolate the nations, why not isolate every

individual? Points whereby men get together are not points of friction. The more men can get together the less, on the whole, they disagree. It is the lone traveler, it is the lone brigand, it is the lone man out on the plains who carries a rifle across his saddle-bow and a pistol in his holster who is likely to fight another man when he comes in contact with him; not the man in the great city.

It is idle to suppose that because you have a conference of men who meet together that they are likely to foment strife among themselves. On the contrary, they talk over their difficulties, and what is far more important than anything else, they learn one another's point of view. We try to encourage men to travel in other countries, because it creates points of contact and reduces points of friction. Because it makes people understand one another and tends on the whole to the peace of the world.

Let us, therefore, have all the points of contact that we can, and in such an imaginary League as I have suggested we shall not only have an arrangement by which nations will stop war, but by which they will have the utmost opportunity of talking over their difficulties. Let us have councils; councils with no authority, if you please, but councils to talk.

It will, I think, be generally agreed by all persons who desire a League of Nations that these points are the essential minimum of any league that can be effective in preventing war. Let us now examine how far the Covenant of Paris covers these points and what else it covers.

#### THE COVENANT DEFECTIVELY DRAFTED

The Covenant is very defective in its drafting. In places it is so obscure that the meaning is often inaccurately expressed and sometimes doubtful. It is easily misunderstood, and has in fact been widely misunderstood. To give a single example of what must be defective drafting, Article XVI provides that if any country resorts to war in disregard of its Covenant, the members of the League shall immediately prevent all financial, commercial and personal intercourse between the nationals (that is,

the citizens) of the covenant breaking state and the nationals of any other state, whether a member of the League or not. It is not difficult for members of the League to prevent their own citizens from trading with the citizens of the offending country, but how about the citizens of other countries not members of the League? No doubt the framers of this clause had in mind a blockade; but what if the offender's land frontiers border upon countries not members of the League? Suppose, for example, that the new state of Poland should, contrary to her Covenant, attack Czecho-Slovakia. How are the leagued nations to prevent the Poles from trading with the Russians and Germans on the East and West? Apparently something here is wrong.

The meaning of the Covenant should be made perfectly certain, and we may assume that every effort will be made to effect this, because when people know what they intend, and want the whole world to know what they intend, they are naturally willing to make their meaning clear.

#### THE COVENANT IS ONLY A DRAFT

Let us remember that in its present shape the Covenant is intended only as a draft, subject to correction; for if it were regarded as finished and unchangeable, it would not have been given out until submitted for ratification. It is defective as is all unfinished legislation that embodies much of compromise. For the first time we have an experiment in open diplomacy, the public being admitted to inspect the process before it is completed. It would certainly be unfortunate for that experiment if criticism of the draft were purely destructive; and yet we have had little criticism of a constructive character. From those, and they are many, who profess to believe in a League of Nations, but not in this particular plan, we have heard little or nothing of the way this plan could be improved to meet their views. Criticism seems to have been left almost wholly to those who object to a League of Nations altogether.

I agree fully with Senator Lodge that if you see a burglar entering your house you shoot him, but you shoot him not for the

purpose of improving the burglar—it is because you do not wish to improve the burglar. Of course, if you look on this treaty as a burglar, shoot it; but, for goodness' sake, say you are trying to shoot it and not that you are trying to improve it by destructive criticism.

WHEN THE INTENT IS CLEAR THE COVENANT MEANS WHAT  
IT SAYS

Having observed that the drafting of the Covenant is defective, I am not further concerned here with pointing out errors or suggesting improvements in drafting, but with the substance of the plan—with the character of the League which the representatives of 14 nations agreed upon unanimously. But I should like to suggest one amendment that would not change in the least the meaning of the Covenant where its wording is precise, but would greatly clarify further discussion, and remove many objections raised by Senators. It would consist of an additional article reading as follows:

“The obligations assumed by the members of the League are only those which they agree to assume by this Covenant, and not others which they do not hereby agree to assume. Furthermore, the powers possessed by the organs of the League are those, and only those, conferred upon them by this Covenant.”

Or the same thing might be expressed more briefly thus: “Where its intent is clear, this Covenant means what it says, and not something else.”

In spite of all its defects in drafting such a clause would help some of our opponents to construe the document. In my argument I shall assume that this clause has been added to the Covenant, or is unnecessary. For example, when the Covenant says that the Executive Council of the League shall “advise” or “recommend” or “determine for the consideration and action of the several governments” or “formulate plans” or “propose measures,” I assume that it means what it says. To advise or recommend means to suggest, to propose, to advocate—in short, to recommend—for consideration by someone else, not to give



an order to someone who is obliged to obey; and when the members of the League agree that their Executive Council may advise or recommend a course of action, they agree to consider that recommendation, but they assume no obligation, legal or moral, to follow it if they do not approve of it. Much of the misunderstanding of the plan prepared in Paris has come from a failure to keep this fact in mind,—and yet it would seem fairly obvious.

#### OBLIGATIONS ASSUMED BY THE MEMBERS OF THE LEAGUE

By the Covenant the members of the League assume several grave obligations. Senator Lodge did not put in the least too severely, too weightily, the gravity of the duties which the members are to undertake. The question is whether, grave as they are, they are worth undertaking for the sake of preventing war—that is the question which we shall have to face.

Now, in order to understand what they are I shall have to weary your patience a little by going through that document and telling you what they are, and I will ask you to listen patiently, because the whole question of what we are to do depends upon what we actually agree to do.

We may here observe that the attempt to make out different classes of members, distinguished as protocol members, signatories, high contracting parties and simple members, has no foundation in the language of the Covenant. The high contracting parties are the nations that make the agreement, sign it and are to be mentioned in its protocol. They are all the members, and the only members, of the League, until new members are admitted with the same full rights of membership. The only difference between the members is that the five chief powers have the privilege of being always represented on the Executive Council.

The principal obligations assumed by the members of the League are:

“To respect and preserve as against external aggression the territorial integrity and existing political independence” of the members of the League (Art. X).

(I do not mean to comment as I go along, but Senator Lodge has referred to this and said that if it had been in existence we could not have taken Cuba, that France could not have joined against England with us in the Revolutionary War. But I want merely to add that had there been such a League with this provision the late war could not have occurred. Was the Spanish War by which we freed Cuba worth this war? That is the sort of question that we have to decide.)

To submit any disputes that shall arise between them to arbitration (Art. XIII), or to inquiry by the Executive Council, or in certain cases to the Body of Delegates, and communicate to the Secretary General of the League for publication a statement of the case, with all the relevant facts and papers (Art. XV).

To carry out in full good faith the award of an arbitration if they voluntarily agree to go to arbitration (Art. XIII); (but it may be observed that they do not agree to comply with the result of an inquiry by the Executive Council or the Body of Delegates).

Not to resort to war against any other member of the League without previously submitting the matter to arbitration or inquiry, or until three months after the award; nor to go to war with a member of the League that complies with the award (Art. XII) or with a recommendation of the Executive Council or Body of Delegates which is unanimous (except for the parties to the dispute) (Art. XV).

#### THE SANCTIONS, OR PENALTIES FOR OFFENDERS

Then come the sanctions, that is, the provisions for enforcement or punishment for breach of these covenants. These are contained in Article XVI, which provides that, should any member of the League break or disregard its agreement not to go to war without arbitration, or not to go to war with a member that complies with the award or unanimous recommendation, "it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertakes immediately to subject it to the severance of all trade and

financial relations, and the prohibition of all intercourse between their nationals and the nationals of the covenant breaking state, etc." The members "agree, further, that they will mutually support one another in the financial and economic measures that may be taken"; "that they will mutually support one another in resisting any special measures aimed at one of their number"; and "that they will afford passage through their territory to the forces of any of the high contracting parties who are co-operating to protect the covenants of the League."

### OBLIGATION TO GO TO WAR?

This is an agreement for an immediate and automatic boycott, or outlawry, of the offending state by the members of the League, —certainly a vigorous form of sanction, highly unlikely to be defied, the more so, as it would almost inevitably involve war with all the nations in the League. Whether it was intended that the state which, in violation of the Covenant, levied war on one member of the League should be *ipso facto* at war with all the rest does not seem to me clear. The Covenant does not say so, for an act of war is not necessarily a state of war; and yet the provisions about mutually supporting one another against attacks, about the passage of troops, and a clause in the same article that the Executive Council shall recommend what "military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League," seem to contemplate a general war in such a case.

Moreover, M. Bourgeois, the only one of the four members of the Committee speaking on the presentation of the draft whose remarks throw any light upon this point, said: "Take a state that violates the international covenant. That state is supposed to be in a state of war against all the members of the League." It seems to me that it would be wiser to have it so, because the fact that an attack against any member would automatically mean war with all the others would be a stronger deterrent, would render such an attack, and the general war it would inevit-

ably entail, even more remotely improbable than an apparently smaller penalty. Whatever the intention, it ought, of course, to be made perfectly clear beyond the shadow of a doubt.

It may be observed that an outside power threatening war is to be treated, so far as war is concerned, in the same way as a member of the League.

We hear the dread expressed, "Are we to send our sons abroad?" But if we make an agreement of that sort and the nation which violates must go to war with the whole world, there is no danger of it whatever. There is no more danger than there is of a rough attacking a body of a dozen policemen. It does not happen, it can not happen, it will not happen. It is like this question of our being called out to defend the British Empire. If any small state attacks the British Empire the British Empire can look out for itself and we need do nothing about it. If any great nation attacks the British Empire—well, it happened this time, and we went in whether we had a treaty or not.

#### OTHER OBLIGATIONS

The members of the League agree to pay the expenses of the Secretariat in the ratio of their contributions to the Universal Postal Union (Art. V). They further agree not to conceal the condition of their industries capable of being adapted to warlike purposes, and to interchange information fully and frankly about their military and naval programs (Art. VIII). They agree to endeavor to secure fair and humane treatment of labor at home and in all countries with which they trade (Art. XX); to maintain freedom of transit and equitable treatment of commerce for all members of the League (Art. XXI); to place international bureaus under the control of the League (Art. XXII); to register all treaties, and agree that treaties until registered shall not be binding (Art. XXIII); and, finally, that all obligations among members of the League inconsistent with the Covenant are abrogated, and that no engagements inconsistent therewith shall be made.

THE OBLIGATIONS ARE DIRECT AND ABSOLUTE: NOT  
DISCRETIONARY

These, with the duty of sending its representatives, are the positive obligations assumed by the members of the League; and it may be observed that they are direct obligations upon the members to do, or abstain from, definite acts, either continuously, or on the happening of the events described; never under the orders, or by the direction, of any organ of the League. The members agree to preserve one another's integrity and independence absolutely, not when directed to do so by the League. If a member of the League is attacked before arbitration, they agree to boycott the offender immediately, not if called upon to do so by the Executive Council; and so on throughout the list. Their obligations are specified, not discretionary, still less arbitrary, on the part of any international body or authority. For the most part they are devised with the object of preventing war, and especially unjust or predatory war. In that respect they follow very closely the minimum essentials for a League of Nations to prevent war described in the opening of this address, and they seem effectively designed for the purpose.

FUNCTIONS OF THE EXECUTIVE COUNCIL

Let us now turn to the functions of the representative organs of the League. The most important of these is the Executive Council, which is to consist of representatives of the United States, the British Empire, France, Italy, Japan and of four other states that are members of the League, those states being selected by the Body of Delegates. The Executive Council so constituted is given authority to formulate plans for the reduction of armaments (Art. VIII); to advise how the evils of private manufacture of munitions can be prevented (Art. VIII); to advise upon the means by which the integrity and independence of the members of the League may be preserved in case of aggression, or danger thereof (Art. X); to propose what shall be done if a state fails to carry out the award of an arbitration by which it has

agreed to abide (Art. XIII); to formulate plans for a permanent court of international justice (Art. XIV); to inquire into disputes between states and make recommendations thereon (or refer the matter to the Body of Delegates for inquiry), and to propose measures to give effect to its own unanimous recommendations in such cases (Art. XV). If a state goes to war contrary to its covenants and thereby draws upon itself the sanction provided in the agreement of the members, it is the duty of the Executive Council to recommend what military or naval forces the members of the League shall severally contribute to protect the covenants of the League (Art. XVI). The Council can further prescribe the conditions upon which a state not a member of the League shall accept the obligations of membership for the purpose of a particular dispute, and in case of refusal it may take such action and make such recommendations as will prevent hostilities (Art. XVII).

#### POWERS OF THE COUNCIL PURELY ADVISORY

So far the authority of the Executive Council, with regard to the members of the League, is strictly limited to consultation and making recommendations, which the members of the League are under no obligation to accept unless they please.

#### EXCEPT IN THREE CASES

I can, in fact, find only three cases in which the Council is given the power to make any orders, regulations or decisions binding upon the members of the League or limiting their freedom of action. The first of these arises when the Council acting in a judicial or arbitral capacity makes a recommendation which is unanimous, except for the parties to the dispute. In that case a state is bound not to go to war with any party that complies with the recommendation, and to take part in the punishment of any other state that goes to war with a party so complying (Art. XV). To that extent a unanimous decision of the Council in case of a dispute is binding on the members of the League, and no one would probably desire that it should be otherwise.

Another case of a binding decision relates to the reduction of armaments. When the Council has determined, for the consideration and action of the several Governments, what armament is fair and reasonable, and the plan is adopted by them, the limits thus adopted by those Governments can not afterward be exceeded without the permission of the Council (Art. VIII). In this case the Covenant forbids a member of the League to increase its armament without the approval of the Council, but only after the member has specially and voluntarily consented to a general plan of reduction.

#### THE POSITION OF A MANDATORY

The third case is that of a mandatory for a backward people. "The degree of authority, control or administration to be exercised by the mandatory state" is to "be explicitly defined in each case by the Executive Council in a special act or charter" (Art. XIX). It has been asserted that a state selected as a mandatory (presumably by the Executive Council, although this is not expressly stated), is under an obligation to accept. I can find in the Covenant no provision to that effect, expressed or implied; nor would such an obligation appear reasonable. To suppose that the representatives of France, Italy, the United States or any other of the 14 states on the Committee intended that if the Council should select their country as mandatory to take charge of Russia it would be obliged to accept, seems to me in the highest degree improbable, and the same thing is true of less difficult mandates. It is a general principle that in any document an intention, not expressed and in itself irrational, is not to be implied. No doubt a spirit of fairness would prevent a nation, engaged with others in a common effort for human welfare, from shirking all burdens it has not expressly agreed to assume; but that is a very different thing from an obligation to accept any burden that may be thrust upon it. The matter should, of course, be made perfectly clear in the final draft.

The principle of mandatories seems to me highly meritorious. It has, I understand, two objects, one to prevent maltreatment of

the native population, and the other to prevent a selfish monopoly of products that may be essential to the industry and prosperity of the world. For both these purposes there is clearly a right of collective supervision and control, at least by all the nations that have taken part in the conquest of the colonies and territories concerned. If Germany and her allies had not been beaten these possessions would not have been permanently captured; and every nation that helped to win the war helped to conquer them. Therefore we, as one of those nations that helped to acquire them, have a right, and have no less a duty, to see that they are properly administered; and there is no need of making a bugbear of it.

#### ADMINISTRATIVE FUNCTIONS OF THE COUNCIL

The remaining functions of the Executive Council are of a somewhat routine character. It regulates its own procedure (Art. IV), chooses the Secretary General, whose duties are clerical (Art. V); apparently it supervises the trade in arms with the countries in which the control of the traffic is necessary in the common interest (Art. XVIII); appoints bureaus and committees with advisory powers (Arts. IX, XIX, XX); and is to control international administrative bureaus, such as that of the Postal Union and the many others that have since been established for common convenience (Art. XXII).

#### THE BODY OF DELEGATES

The functions of the Body of Delegates are still less extensive, consisting almost entirely of the discussion of matters within the sphere of action of the League. The only cases—apart from the regulation of its own procedure—where it is given power to make binding decisions, are the selection of the four countries, which, in addition to the five chief powers, are to have seats in the Executive Council; and the case where a matter in dispute between two states is referred to the Body for inquiry, in which case its recommendation has the same effect as if made by the Executive Council.



## THE NATURE OF THE LEAGUE

This analysis of the plan for a League set forth in the Covenant of Paris shows how closely it resembles the sketch of the minimum essentials of such a League in the opening of this address. It shows also that the fear of a super-sovereign body, to which we are asked to sacrifice our independence, is the creation of an overheated imagination. If we assume that the Covenant means what it says, and not something wholly different, no organ of the League has any authority to give commands to this country that need give us a moment's anxiety. The only substantial powers that any such body is to possess, beyond making recommendations which we may follow or not as we think right, are derived from a unanimous decision in an international dispute, and from the right to forbid an increase in armaments or to direct the duties of a mandate in case we first agree to the reduction of armaments, or to the assumption of the mandate.

It is sometimes asked, if the authority of the organs of the League is so insignificant, where is its efficiency in preventing war? The answer is that it lies in the obligations assumed under the Covenant directly by the several members of the League; and this is both the most effective and least adventurous method of preventing war. There are in fact two possible forms of League for this purpose.

And, mind you, let me say here, that I am not in the least concerned with, and take no interest in, the question whose plan this is. I do not care a rush whether this plan was drawn up by a citizen of the United States or of England or of France or of Spain or of Japan or of Italy, or anyone else. The question is, is it a good plan for us to adopt? I think that we merely befog the issue and raise passion by asking whose plan it was.

In the plan projected in the Covenant, the obligations of the members are precisely defined, and their treaty rights and duties arise automatically on the outbreak of war—any other action recommended after consultation being voluntary.

The other form of League to prevent war would be one where the members should agree to comply with the directions of some international body, and in that case the obligation of the members to act would not arise until after a deliberation and vote of that body.

This second form of League has two serious disadvantages. The sanction of the provision against waging war, that is, the penalty for violation of the provision, is neither immediate nor certain, but depends upon the somewhat doubtful process of discussion, where a single negative voice of a powerful nation may practically prevent action. The deterrent for the intending offender is, therefore, weaker than in the other form of League. The second disadvantage is the uncertainty in the obligations assumed by the members of the League, which depend upon the determinations of the international body. A council with such a power might without gross exaggeration be termed in some sense a super-sovereign, or rather a super-national, council; but that is not the form of League proposed by the Covenant of Paris, and criticism of this Covenant based upon a radically different kind of League from that which it projects misses the mark altogether.

#### AN OBJECTION FOUNDED ON MISUNDERSTANDING

This misunderstanding of the nature of the League proposed, and of the functions of its organs, is the foundation of most of the objections raised against the Covenant. If the United States is not subject to the orders of the Executive Council, or under any obligation to adopt its recommendations, it is senseless to talk of our being ruled by a body in which we have only one vote out of nine. The opponents of the League set up an imaginary scarecrow of their own creation, and then fire at it with great satisfaction to themselves. Their shots do not touch the real mark, although the noise may confuse the public.

Another bogey of an equally unsubstantial kind is that "England" has in the Body of Delegates six votes to our one. If the

only functions of this body are to talk, to select the four other states to be represented on the Executive Council, and to make unanimous recommendations after inquiry into a dispute, the number of votes therein is not of much consequence. Moreover, even if the British self-governing colonies are admitted as members of the League, it is by no means certain that Great Britain can always control their votes; and on the other hand—tell it not in Gath—who but the United States would practically control to-day the votes of Panama, of Nicaragua, of Haiti and of San Domingo?

#### TRUE MEANING OF THE ARGUMENT FROM WASHINGTON'S POLICY

Let us now turn to the particular objections made to the entrance of the United States into this League, or indeed into any League to maintain the peace of the world. First or last the opponents of the Covenant always seek for an argument in Washington's Farewell Address. Curiously enough, I have never heard Washington's opinions, or practice, which must be well known, quoted against prohibition or some other modern innovations. It is even more strange to hear Senator Borah urge the authority of Washington against a League of Nations, but say that if the Saviour of mankind should revisit the earth and declare for such a League he would nevertheless oppose it. To the ordinary man, that Senator's ideas of authority in matters of opinion are perplexing. No sensible man would for a moment assert that if, owing to a change of conditions in the modern world, he were convinced of the utility and wisdom of a departure from the policy of Washington and the great statesmen of his day, he ought nevertheless to vote against that departure because of opinions expressed a century ago.

Senator Lodge has told us that we ought to be very cautious in abandoning a policy laid down by Washington and followed for a hundred years, and he is right, perfectly right. It does not mean that we are to be chained down to immobility by the traditions of the past regardless of changes in conditions.

That would be wholly contrary to the American spirit, and to the character of Washington himself, who was one of the greatest innovators in history, for the reason that he fixed his vision, not upon the past, but on the facts of his day and the problems of the future. Senator Lodge's caution means only this, that the burden of proof always rests upon those who advocate something new. We accept that burden of proof, and seek to show, what I believe the great mass of our countrymen feel: that the time has come when the nations should co-operate to put an end to war so far as possible; that from this humane effort the United States should not stand aloof; and that the principles embodied in the Covenant of Paris, with such amendments as can no doubt be obtained, provide the best means available for the creation of such a League. This is what we are striving to prove, and I believe that we shall prove it to the satisfaction of the American people.

Manifold things have changed since the days of Washington, and they could not help changing. And if Washington could look at things now I suppose he would do as he did then; that is, he would look them in the face and judge according to the present and the future, and not according to the past. Did not Washington depart from the whole history of our people up to that time? Up to that time our people had been ruled by England and the English king, and George Washington departed from all the old customs which had existed previously—much against the objection of many of his neighbors. And you know very well that all the land on Beacon Hill, and various other places, was confiscated because it belonged to those who did not agree with George Washington and went back under the good old customs to England.

And did not George Washington preside in the Convention that framed the Constitution? That was the greatest innovation of the time! And people argued against that in almost the same language that to-day they argue against this.

## TWO QUESTIONS TO SENATOR LODGE

As our senior Senator, and as the leader of the Republicans in the Senate, we have a right to ask Mr. Lodge two questions: *first*, whether he will, or will not, vote for the Covenant of Paris, provided it is amended as he wishes; and, *second*, what amendments thereto he desires.

Now, by the arrangement between Senator Lodge and myself, which I myself proposed, and of which I make no complaint, I have no reply here, and therefore I beg you all to notice whether he does answer those questions. The first of them can be answered Yes or No, and can be answered only Yes or No. I believe that if Senator Lodge in his position will formulate his amendments and send them to Paris, and say, "I will vote for this Covenant if those amendments are adopted," they will be adopted and the Covenant will pass.

## RIGHT TO WITHDRAW

A further objection to the Covenant is that it contains no provision for withdrawal from the League. If this is a serious cause of reluctance to its ratification there would probably be no great hesitation in adding a clause that any member might withdraw on giving a reasonable notice—let us say a couple of years—provided all its obligations were fulfilled up to the time it withdrew.

## INTENTION TO EXCLUDE DOMESTIC AFFAIRS

Another objection brought forward by the opponents of the League is that Asiatic immigration, the policy of a protective tariff, or some other matter of vital domestic interest, may form a subject of dispute with another nation, may be brought before the Executive Council for inquiry and decided against us. It would seem to be clear that the framers of the Covenant did not intend to submit to the interference of the Council the internal affairs of the members of the League, and assumed that the Council would in such questions follow the recognized principles of international law.

It can hardly be supposed that England, for example, intended that any nation should be entitled, by raising a dispute, to ask the Council to inquire into the government of the natives of India, and make recommendations for a change; or that France intended to authorize an inquiry whether or not she was justified in repealing the Concordat with the Church; or that Italy contemplated a recommendation on the restoration of the Temporal Power of the Vatican.

If it were not self-evident that purely internal affairs were intended to be left in the hands of each country as heretofore, the exceptional treatment of a couple of such subjects would prove it. Special provisions are made for reducing armaments and improving the condition of labor—matters that would otherwise be regarded in international law as domestic concerns. It is true that there is no express statement in the Covenant that internal affairs are not subject to interference by the Council, and there is no attempt to define what matters are of this nature, but it is perfectly clear that immigration and tariffs are internal affairs, and if there is any serious doubt on the question, there will doubtless be no objection to making it perfectly clear.

#### THE MONROE DOCTRINE—ITS DIFFERENT MEANINGS

Next we come to the greatest bugbear of all, the point on which popular alarm is most readily awakened by vague denunciation without definite explanation. It is the Monroe Doctrine. As one of those who have always believed strongly in this Doctrine, I understand that it means, or is by some persons supposed to mean, several different things. In its original sense it meant that no foreign nation should interfere with the independence, or seek by force to acquire any part of the territory, of any country in the American hemisphere. Taken in this sense the Covenant extends the doctrine over the whole world, or at least over all that part of it which is covered by the League.

Senator Lodge says that such an extension destroys the Monroe Doctrine. I do not quite see that. I do not see how the provision that you shall not do a thing anywhere upsets a

provision that you shall not do it in a particular place. He says that it is pulling down the fence, and that you do not preserve a fence by pulling it down. That is perfectly true if your object is to preserve the fence, but if your object is to preserve the fruits inside the fence you do not fail to preserve them by making the fence cover two orchards instead of one. And my interest in the Monroe Doctrine is not in the fence, but in the things the fence protects,—to wit, the people of these United States and the other countries of America.

#### AN AMENDMENT NEEDED

There is another later and broader sense in which the doctrine means that no foreign nation shall acquire a foothold on these continents even with the consent of the country that owns the place. This was the phase of the doctrine invoked in the case of Magdalena Bay. A Japanese company proposed to buy from Mexico a tract of land on this bay in Southern California, ultimately, as we believed, for the purpose of a Japanese naval station. Our Government objected, and the purchase was not made. Such a transaction is not forbidden by the Covenants of Paris, and if we went to arbitration about it the decision might be that Mexico had a right to sell land to Japan or any other power if she wished to do so. The United States would be justified in asking, and in my opinion ought to ask, for a clause in the Covenant that no foreign power shall hereafter acquire by conquest, purchase, or in any other way, any possession on the American continents or the islands adjacent thereto. Nor do I believe that the European members of the League would object to such a clause, because they do not want another nation to acquire military posts or naval stations in the neighborhood of their own coasts, canals or coaling stations.

#### THE DOCTRINE SHOULD NOT CREATE A GAME PRESERVE

There is, however, a third interpretation of the Monroe Doctrine, rarely asserted, often repudiated, but nevertheless widely entertained, which stands on a very different footing. It is that,

while foreign powers are forbidden to take territory from American countries, we are at liberty to treat them as our interests may dictate. According to that view Central and South America are a game preserve, from which poachers are excluded, but where the proprietor may hunt as he pleases. Naturally the proprietor is anxious not only to keep away the poachers, but to oppose game laws that would interfere with his own sport. With their professed principles about protecting the integrity and independence of small countries, the nations that have drawn up the Covenant of Paris can hardly consent to a claim of this kind. Nor ought we to demand it. A suspicion that this is the real meaning of the Monroe Doctrine is the spectre that has prevented the great South American states from accepting the doctrine. It has been the chief obstacle to mutual confidence, and cordial relations with them, and the sooner it is definitely rejected the better.

Some Americans, while professing a faith in the right of all peoples to independence and self-government, are really imperialist at heart. They believe in the right and manifest destiny of the United States to expand by overrunning its weaker neighbors. They appeal to a spirit of patriotism that sees no object, holds no ideals, and acknowledges no rights or duties, but the national welfare and aggrandizement. In the name of that principle Germany sinned and fell. The ideas of these American imperialists are less grandiose, but at bottom they differ little from hers. It would be a calamity if we should have helped to overcome Germany only to be conquered by her theories and her errors.

#### CONSTITUTIONAL OBJECTIONS

Finally, an objection is made to the Covenant on the ground that its provisions are contrary to the Constitution of the United States. It is argued that an obligation assumed by treaty to limit military or naval forces and armaments in this country is contrary to the provision of the Constitution which vests in Congress the power to raise and support armies; that the obligation not to go to war without previous arbitration, or perchance to go to war under certain contingencies, is contrary to the provision



vesting in Congress the power to declare war; that the same is true of the obligation to preserve against external aggression the territorial integrity and political independence of the other members of the League, because this may involve war; and that the obligation to prevent commercial intercourse with the people of an offending country is contrary to the provision which confers on Congress the power to regulate commerce with foreign nations. It is contended that a treaty which regulates any of these things impairs the power of Congress to do so and is, therefore, unconstitutional.

#### EXISTING TREATIES DO ALL THESE THINGS

Now it so happens that all these things have been regulated by treaties already made, still in existence, and duly ratified by the Senate. Treaties regulating commerce in various ways have been common, and are too numerous to require citation. No doubt they have often been authorized by Congress, but so can this Covenant if it is deemed necessary. With that authorization, and sometimes without it, there has been no question of their constitutionality.

The limitation of armaments by treaty is very old. More than one hundred years ago, in 1817, an agreement was made with England to limit the naval forces of the two countries upon the Great Lakes. It was approved by the Senate, put into effect by proclamation of the President, has been in force ever since, and been faithfully observed to the great satisfaction of everyone concerned. It is fortunate no one discovered that it was unconstitutional, for in our country this means that it is beyond the power of those making it, and hence null and void. But if the treaty was void, England or the United States could at any moment have built a navy on the Lakes without breaking it, for there is no such thing as a breach of a void treaty. It makes no difference whether this was in form a treaty, for it was an international agreement approved by the Senate.

Treaties to guarantee the integrity and independence of another country are of a more recent date. Article 35 of the treaty of

1846 states that "the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time in which this treaty exists; and in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory."

In like manner the treaty of 1903 with Panama states in its first article: "The United States guarantees and will maintain the independence of the Republic of Panama." Still more recently the treaty with Haiti ratified by the Senate on February 28, 1916, provides in Article XIV that "the United States will lend an efficient aid for the preservation of Haitian Independence." Each of these treaties implied going to war if necessary, and the last says so expressly.

Within the last few years' the so-called Bryan treaties have been made which cover the remaining point, that of an agreement not to go to war before arbitration. The treaty with Great Britain, ratified by the Senate on September 25, 1914, is a good example of this series of agreements. In the first article it provides for the reference to an international commission of all disputes of every nature whatsoever the settlement of which is not already provided for and in fact achieved under existing agreements, and adds that the high contracting parties "agree not to declare war or begin hostilities during such investigation and before the report is submitted." During the years from 1914 to 1916 treaties of this kind, duly ratified by the Senate, were made with Bolivia, Brazil, Chile, China, Costa Rica, Denmark, Ecuador, France, Great Britain, Guatemala, Honduras, Italy, Norway, Paraguay, Peru, Portugal, Russia, Spain, Sweden and Uruguay.

#### CONSTITUTIONAL POWERS ARE UNAFFECTED

It is a little late in the day for opponents of the Covenant of Paris to discover that its treaty obligations are unconstitutional, and hence that all the foregoing treaties are null and void. This

is particularly true of those Senators who voted for many of these treaties. The fact is that treaties touching any of these matters are not unconstitutional, because they do not affect the powers vested in Congress by the Constitution. They affect the good faith of the nation, and so long as they remain in force they are the law of the land. But Congress does not thereby lose its power. If it chooses to pass an act violating their provisions the act, though immoral and a breach of faith, is not illegal or void of effect.

#### SEPARATE LEAGUES FOR AMERICA AND EUROPE INSUFFICIENT

Some opponents of the Covenant suggest that the United States should be at the head of a League to preserve order and maintain peace in this hemisphere, and that a European League of Nations should take charge of troubles which arise elsewhere. But that is no solution of the problem of preventing war. It is merely putting things back into the condition that they were in before Germany began this terrific conflict. If we are willing to help remove from mankind the fearful scourge of war, we must play our part in removing it wherever it may exist.

Other opponents suggest that we should not formally join a League, but can take part in a future European war if needed, as we did this time. They say, let the nations over there fight among themselves, and when we are drawn in, we will fight too. In this war we got off very lightly, in comparison with the European belligerents. There are in America only a hundred thousand mothers who have lost their sons, and perhaps twice as many of our best young men wounded, many of them maimed and sufferers for life. There are desolate widows and orphans. Why not let it happen again, with perhaps ten times as many casualties? Oh, yes, why not? Is not this better than trying to prevent war? Besides, some country may be devastated, as Belgium and parts of France were, without our being drawn in; and then we may make money by the trade in munitions and food stuffs. Why not? Is not this better than preventing war?

### THE COVENANT IS IMPERFECT BUT IN PRINCIPLE RIGHT

This Covenant is not perfect, it is a draft published for criticism and will receive plenty of it, and through criticism some improvement also. But even when perfected, it will not be perfect. Nothing human is perfect; still more, it will not satisfy everybody. In the nature of things it is an attempt to harmonize the views of many nations and of many people within each nation. It is a compromise between these views, and compromise is the very life blood of all legislation, where the unsatisfactory, and the evil if you will, must be taken with the good, and for the sake of the greater good. The Covenant is imperfect and poorly drawn, but it is framed on the right lines. The substance of the plan, the principles on which it is founded are correct and should be improved and accepted.

No great advance, no great step forward, has ever been taken by men without hesitation and without opposition. The Constitution of the United States was wrung from the grinding necessity of a reluctant people; but the far-sighted, sanguine, bold statesmen of that day were right in trying a great experiment, and they tried it with success. The America of their descendants has not become timid. The old idealism, the old fire, the old aspiration for something greater and better in the world, the generosity that is willing that others should share the prosperity and peace that we enjoy, has not died out.

### THE DECISION WE MUST MAKE

The war has taught us some things which we hardly understood before. One is the cruelty, the suffering, the devastation, the horror of modern war, and the absolute necessity of stopping it if civilization is to be preserved. Another thing the war has taught us,—which we saw but dimly before,—is that we have become a great nation and an inseparable part of the world.

With the closer contact with Europe which the progress of science has brought about through the more rapid transporta-

tion of news, of things and of men, the days of American isolation have passed away forever. The numbers and intelligence of our people and the resources of our land have made us potentially the most powerful people upon earth. We can not change it if we would, nor can we escape what it implies. We can not move the world or our country backward, and it is unwise when we can not help moving to look the other way. The destiny of America is forward, and we must look ahead.

War can, in large measure, be prevented, and certainly such wars as we have just shuddered at can be prevented; but this can be done only by a League, and a League powerful enough for the purpose is possible only if our country plays its part. The hour is rapidly approaching when we must decide whether our country shall take its place, like a great and generous nation, side by side with others as guardians of law, order and justice in the world, or whether it shall turn its face away from a world in agony. When I hear Senator Borah, who doubtless thinks himself a good judge of the political atmosphere, say that if the Saviour should revisit the earth and declare for a League of Nations, he would oppose it, I am reminded of a saying of that Saviour: "Ye can discern the face of the sky; can ye not discern the signs of the times?"

### THE PRESIDING OFFICER

Under the arrangement for the discussion Senator Lodge will have half an hour to close.

## SENATOR LODGE

### IN REBUTTAL

After President Lowell had finished revising and amending the treaty I think almost anyone could have agreed with it. I will try to be plain. I said that I was in favor of a union of nations in any league, alliance or society, or whatever name they choose to call it, that would tend to suppress, and, so far as possible, secure the world against, war.

When I said any league, I supposed it included this one. Perhaps it does not. If this League is to be in such form that it will really promote peace, instead of breeding dissension and quarrels—as I believe it will—if it shall be put in such shape that it will bring no injury or injustice to the United States, of course I will support it, because I said I would support any league which would do those things.

I am not engaged in dealing with titles or with imaginary leagues or leagues that are drawn by those who have no authority to draw them. I am engaged in dealing with the League that has been presented, whether complete or incomplete, to the people of the United States, and we were given to understand that it was that League as it stood.

I hope from my heart it will be amended. I hope we shall have a League in proper form, properly prepared, free from doubts, excluding what ought to be excluded. I hope it will be done—done somewhere before the end is reached. In my belief it will be done somewhere, and not in Paris.

### PRESIDENT DID NOT CONSULT SENATE

President Lowell asked me why I did not draw up amendments that I thought necessary and send them to Paris. I happen to be a Senator of the United States, but I can not speak with the au-

thority of the Senate. The Senate under the Constitution has the right to advise and consent. If the President of the United States had done what other Presidents have done—if he had laid this draft before the Senate he would have received the amendments asked of me by President Lowell. I am only asking something that has been done by almost all our Presidents who have consulted the Senate about entering into negotiations, about the character of negotiations, about awards, about pending negotiations. It was done among other Presidents, by Andrew Jackson, the old Indian fighter, victor of New Orleans, arbitrary and imperious; it was done by General Grant, the victor of the great Civil War, who rendered the greatest service to peace that any one President was ever privileged to do, when he carried through the Geneva Convention and saved a war with England. The Senate was consulted prior to negotiations by George Washington; it was consulted prior to negotiations by Abraham Lincoln. And in the path that George Washington and Abraham Lincoln have walked there is no man too great to tread.

#### IF PRESIDENT HAD CONSULTED SENATE

If the President had laid that draft before the Senate, as these other Presidents have done, if he had said to the Senate, "I submit this draft to you for your advice, I hope for your approval, and for such suggestions as you may have to make," he would have had the amendments laid before him to present to the Peace Conference in Paris. The battle would have been more than half won by the mere submission.

He not only did not lay it before us, before the constitutional body which is entitled to advise him, but he does not call the Senate together now to consider it. If they want to know in Paris what amendments are required, call together the constitutional advisers of the President and the amendments will be drafted and sent. But one senator cannot speak with authority for the entire body. The senators are now scattered in 48 states. Call them together and the amendments will be presented,

and if they are adopted the treaty will be ratified in very short order.

#### OUGHT TO MAKE PEACE WITH GERMANY

Now, one word on that particular point, which would have saved time. We ought to have made peace with Germany at once. All this fervor for peace, and we are at war now! We are at war at this moment, and nobody seems to think it worth while to stop the existing war. Two months have been wasted, at least two months, owing to the insistence on discussing the League of Peace. It will be two months more at least before the treaty can be here. We ought to have made the treaty of peace with Germany at once. We ought to make the treaty of peace with Germany now.

The argument has been made that unless the League of Nations was attached to the peace with Germany, it would not pass. What a confession of weakness! I believe that the great movement for the world's peace is strong enough to go alone. I believe that it will absolutely stand alone. But when it is saddled on a peace with Germany, interwoven with it, as we have been threatened, is it possible that that great experiment, so eloquently described by President Lowell, is so weak in the popular mind, so weak in Europe, that it must be smuggled in or carried through as a rider on the German treaty? I do not believe it.

Give us the treaty of peace with Germany. Let us chain and fetter, impose the reparations, build up the barrier states, put the monster where it can not spring again, and bring our soldiers home. They have been in Europe fighting the battles of the world—God bless them!—fighting for other nations, fighting for civilization and freedom. No furloughs are theirs. They can not run home in a night, to England or France or Belgium. They have to stay there, the men who have exposed themselves to the fire, who have made the greatest sacrifices, who have done the fighting. They can not come home on a furlough. Some must remain, no doubt, to carry out the terms of peace, but the great mass of



those men can be brought home. And if you tie up the League of Nations with a German peace you make more delays.

#### BELIEVES IN LEAGUE OF PEACE

I believe sufficiently in a League of Peace to secure the future peace of the world. I believe sufficiently in it to think that it will be built up and passed, no matter when it is offered. But I know that it will take time and demand discussion.

You have listened to President Lowell's amendments, to his criticisms of the drafting of the treaty. Surely the Senate might be admitted to the same opportunity. The power to advise has been taken from the Senate. It is now proposed to take from it the power of consent by forcing through one treaty as part of another with which it is not concerned.

I am not speaking about senators. Senators, like Presidents, come and go, but the Senate remains an organic part of the Government. And let me say to you that when the powers, the constitutional functions of one of the great branches of the Government are atrophied, evaded, denied, you have got something to do at home to preserve the Constitution under which you have grown great.

I repeat again, I want a League of Nations that will advance the cause of peace on earth, that will make war as nearly impossible as it can be made. I want to bring about a general disarmament. I know arbitration can do much. I do not wish to put into any league articles which I believe impossible of fulfillment and which I believe nations will readily abrogate. But I am so firm a believer in the strength of the great peace movement that I am not ready to back it by the argument of fear. The United States has not come to where she is through fear. We have known

That in ourselves our safety must be sought;  
That by our own right hands it must be wrought;  
That we must stand unpropped or be laid low.

We are a great moral asset of Christian civilization. We are all that President Lowell has described as a necessity of the

League. How did we get there? By our own efforts. Nobody led us, nobody guided us, nobody controlled us.

#### AMERICAN PEOPLE ANXIOUS TO DO RIGHT

We have just been told that we are not fit to be intrusted with any care of the South American difficulties if such arise, and therefore we must intrust it to some other power. I object to that. I believe the people of the United States are just as humane, just as anxious to do right to others, as any nation in the world. We have cared for three of those states, as I have already stated—San Domingo, Haiti and Nicaragua. In every instance war has been stopped and civilization and peace have progressed.

Of course we can guarantee them. I did not know anybody ever said we could not guarantee the boundaries of another state. We have done it here under the Monroe doctrine, and done it well. The Monroe doctrine was the necessary corollary of Washington's policy. I believe in it because I believe it protects and defends and guards the United States as it has for a hundred years. It does not interfere with Europe, it does not prevent our going to the aid of Europe, but it does preserve peace throughout this hemisphere. There is a longer record of peace here than you can find in some other places. And we are going to hand it over to a majority of other nations—a body where we have one vote. I do not say the time has not come to do it, but I do say, Think well about it. Consider it carefully.

May I venture a parable? A man is called on an errand of mercy. He springs to his feet and rushes out into the darkness. He does not know the way. He has no light. He falls into a trench, breaks his leg, and the errand of mercy remains unperformed.

Another man starts on the same errand of mercy. He knows the road. He knows where he is traveling. He carries a light. He performs the errand of mercy.

## UNDERSTAND ROAD TO BE TRAVELED

I wish to have the American people understand the road they are traveling. I want them to have light, plenty of light—broad daylight; not go through a dark tunnel of umbrageous words with nothing to see except at the end, the dim red light of internationalism.

Let us be careful where we tread. You are asked to exchange the government of Abraham Lincoln, "of the people, for the people, by the people," for a government of, for and by other people. Be sure that the exchange is for the better and not for the worse. When we abandon, if we must abandon—and if the American people think we must abandon we shall abandon the teachings of Washington and Lincoln, let us be sure, as we enter on the road of internationalism, that we do not go too far toward the sinister figures at the other end, of Trotzky and Lenine.

Let us do all in the world we can to secure the peace of the world, but let us in this most momentous time move slowly and take due consideration of our steps. I admit, I confess frankly, that perhaps I speak with some prejudice, but there is one thing of which I have said nothing, of which I must say one single word before I close.

## CAN NOT FORGET AMERICA

I can not forget America. I want my country to go forth; I want her to be a help to humanity, as she has been. I have nothing but the kindest feelings for every race on the face of the earth. I hope peace will reign throughout the world. I wish my country to do everything she can to bring about that blessed consummation. She has never proved wanting yet. She threw her sword into the wavering scales and turned the balance in favor of freedom and civilization against autocracy and barbarism.

I can not but keep her interests in my mind. I do not wish the Republic to take any detriment. I do not want dangers heaped upon us that would only cripple us in the good work we seek to do. I would keep America as she has been—not isolated,

not prevent her from joining other nations for these great purposes—but I wish her to be master of her fate. I am an American—born here, lived here, shall die here. I have never had but one flag, never loved but one flag. I am too old to try to love another, an international flag. I have never had but one allegiance, the allegiance of the United States. Personally, I am too old to divide it now. My first allegiance must stay where it has always been, to the people of the United States, my own people.

#### AMERICA STRONG, TRIUMPHANT AND FREE

I have no doubt that this great country, which has no alliances, which seeks no territory, which desires nothing so much as to keep the peace and save the world from all the horrors it has been enduring—I would have her left in a position to do that work and not submit her to a vote of other nations, with no resource except to break a treaty which she wishes to maintain.

We must not only strive to keep the world at peace, we must try to keep America as she is—I do not mean outside a League, but keep her as she is in her ideals and in her principles.

Therefore, study this question. Think of it. Think of it. Remember that the Senate at least will ultimately carry out the wishes of the American people. They must look at it themselves, they want the people to look at it, and when that is done I have no fear of the verdict.

The verdict of the people, while it will be in favor of doing everything that this mighty nation can for the preservation of the world's peace, will not allow the United States to be put into a position where she will be in any degree injured, weakened or crippled. I wish to see her stand as she always has stood, for the right, for mercy, for the help and benefit of all men, for the oppressed and those who struggle for freedom, all alike. Let her go on in her beneficent career, and I would have her stand as she has always stood, strong, alive, triumphant, free.

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Vol. II

*Special Number*

June, 1919

## Treaty of Peace With Germany

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### Official Summary

Of the Text Presented to the German Delegates by the  
Allied and Associated Powers, Versailles, May 7, 1919

II

### Covenant of the League of Nations

III

### Resolution of Indorsement

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# OFFICIAL SUMMARY OF THE TREATY OF PEACE WITH GERMANY

PRESENTED TO THE GERMAN DELEGATION,  
VERSAILLES, MAY 7, 1919.

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N. B. The text below follows the Second Print of the one issued by the Department of State, Division of Foreign Intelligence, under the title of "Semiofficial Summary of the Treaty of Peace between the twenty-seven Allied and Associated Powers and Germany, as handed to the German Plenipotentiaries at the Peace Conference on May 7, 1919." It has been checked against the official summary issued to the British press (*London Times*, May 8, pages 13-14, 16; May 9, pages 13-14), and the official résumé issued to the European press (*Le Temps*, May 9, pages 2-4). Annotations identify the principal discrepancies or aim to indicate the correct reading.

*Communiqué of the French Ministry for Foreign Affairs, May 7, 1919:*

In addition to the guaranties afforded in the treaty of peace, the President of the United States of America pledges himself to propose to the Senate of the United States, and the Prime Minister of Great Britain pledges himself to propose to the Parliament of Great Britain, an engagement, subject to the approval of the Council of the League of Nations, by the terms of which the United States and Great Britain shall lend immediately their assistance to France in case of unprovoked attack against her by Germany.

## PREAMBLE

The preamble names as parties of the one part the United States, the British Empire, France, Italy and Japan, described as the principal allied and associated powers; and

Belgium  
Bolivia  
Brazil  
China

Cuba  
Ecuador  
Greece  
Guatemala



Haiti  
 The Hedjaz  
 Honduras  
 Liberia  
 Nicaragua  
 Panamá  
 Perú

Poland  
 Portugal  
 Rumania  
 Serbia  
 Siam  
 Czecho-Slovakia  
 Uruguay

who, with the five above, are described as the allied and associated powers; and

on the other part, Germany.

The preamble states that, "bearing in mind that on the request of the then imperial German Government, an armistice was granted on November 11, 1918, by the principal allied and associated powers in order that a treaty of peace might be concluded with her; and

"Whereas, the allied and associated powers, being equally desirous that the war in which they were successively involved, directly or indirectly, and which originated in the declaration of war by Austria-Hungary July 28, 1914, against Serbia, the declaration of war by Germany against Russia on August 1, 1914, and against France on August 3, 1914, and in the invasion of Belgium, should be replaced by a firm, just and durable peace, the plenipotentiaries, having communicated their full powers found in good and due form, have agreed as follows:

"From the coming into force of the present treaty the state of war will terminate.

"From that moment, and subject to the provisions of this treaty, official relations with Germany and with each of the German states will be resumed by the allied and associated powers."

## SECTION I

### COVENANT OF THE LEAGUE OF NATIONS<sup>1</sup>

The Covenant of the League of Nations constitutes Section I of the peace treaty, which places upon the League many specific duties in addition to its general duties.

It may question Germany at any time for a violation of the neutralized zone east of the Rhine as a threat against the world's

<sup>1</sup> The French summary is entirely different as to form.

peace. It will appoint three of the five members of the Saar commission, oversee its régime and carry out the plébiscite. It will appoint the high commissioner of Danzig, guarantee the independence of the free city, and arrange for treaties between Danzig and Germany and Poland. It will work out the mandatory system to be applied to the former German colonies, and act as a final court in part of the plébiscites of the Belgian-German frontier and in disputes as to the Kiel Canal, and decide certain of the economic and financial problems.

An international conference on labor is to be held in October under its direction, and another on the international control of ports, waterways and railways is foreshadowed.

#### *Membership*

The members of the League will be the signatories of the Covenant and other states invited to accede, who must lodge a declaration of accession without reservation within two months. Any state, dominion or colony may be admitted, provided its admission is agreed to by two-thirds of the Assembly. A state may withdraw upon giving two years' notice, if it has fulfilled all its international obligations.

#### *Secretariat*

A permanent Secretariat will be established at the seat of the League, which will be at Geneva.

#### *Assembly*

The Assembly will consist of representatives of the members of the League, and will meet at stated intervals. Voting will be by states. Each member will have one vote and not more than three representatives.

#### *Council*

The Council will consist of representatives of the principal great allied powers, together with representatives of four members selected by the Assembly from time to time; it may co-opt additional states and will meet at least once a year. Members not represented will be invited to send a representative when questions

affecting their interests are discussed. Voting will be by states. Each state will have one vote and not more than one representative. Decisions taken by the Assembly and Council must be unanimous, except in regard to procedure and in certain cases specified in the Covenant and in the treaty, where decisions will be by a majority.

#### *Armaments*

The Council will formulate plans for a reduction of armaments for consideration and adoption. These plans will be revised every ten years. Once they are adopted, no member must exceed the armaments fixed without concurrence of the Council. All members will exchange full information as to armaments and programs, and a permanent commission will advise the Council on military, naval and air questions.

#### *Prevention of War*

Upon any war, or threat of war, the Council will meet to consider what common action shall be taken. Members are pledged to submit matters of dispute to arbitration or inquiry and not to resort to war until three months after the award. Members agree to carry out an arbitral award, and not to go to war with any party to the dispute which complies with it; if a member fails to carry out the award the Council will propose the necessary measures. The Council will formulate plans for the establishment of a permanent Court of International Justice to determine international disputes or to give advisory opinions. Members who do not submit their case to arbitration must accept the jurisdiction of the Assembly<sup>1</sup>. If the Council, less the parties to the dispute, is unanimously agreed upon the rights of it, the members agree that they will not go to war with any party to the dispute which complies with its recommendations. In this case a recommendation by the Assembly, concurred in by all its members represented on the Council and a simple majority of the rest, less the parties to the dispute, will have the force of a unanimous recommendation by the Council. In either case, if the necessary agreement cannot be secured, the members reserve the right to take such action as may be necessary for the maintenance of right and justice. Members resorting to

<sup>1</sup> Or of the Council, according to the Second Print.

war in disregard of the Covenant will immediately be debarred from all intercourse with other members. The Council will in such cases consider what military or naval action can be taken by the League collectively for the protection of the covenants, and will afford facilities to members co-operating in this enterprise.

### *Validity of Treaties*

All treaties or international engagements concluded after the institution of the League will be registered with the Secretariat and published. The Assembly may from time to time advise members to reconsider treaties which have become inapplicable or involve danger to peace. The Covenant abrogates all obligations between members inconsistent with its terms, but nothing in it shall affect the validity of international engagements, such as treaties of arbitration or regional understandings, like the Monroe doctrine, for securing the maintenance of peace.

### *The Mandatory System*

The tutelage of nations not yet able to stand by themselves will be intrusted to advanced nations who are best fitted to undertake it. The Covenant recognizes three different stages of development requiring different kinds of mandatories.

(a)—Communities like those belonging to the Turkish Empire, which can be provisionally recognized as independent, subject to advice and assistance from a mandatory, in whose selection they would be allowed a voice.

(b)—Communities like those of Central Africa, to be administered by the mandatory under conditions generally approved by the members of the League where equal opportunities for trade will be allowed to all members; certain abuses, such as trade in slaves, arms and liquor, will be prohibited, and the construction of military and naval bases and the introduction of compulsory military training will be disallowed.

(c)—Other communities, such as Southwest Africa and the South Pacific Islands, best administered under the laws of the mandatory as integral portions of its territory.

In every case the mandatory will render an annual report, and the degree of its authority will be defined.

*General International Provisions*

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the League will in general endeavor, through the international organization established by the labor convention, to secure and maintain fair conditions of labor for men, women and children in their own countries and other countries, and undertake to secure just treatment of the native inhabitants of territories under their control; they will intrust the League with the general supervision over the execution of agreements for the suppression of traffic in women and children, etc., and the control of the trade in arms and ammunition with countries in which control is necessary; they will make provision for freedom of communication and transit and equitable treatment for commerce of all members of the League, with special reference to the necessities of regions devastated during the war; and they will endeavor to take steps for international prevention and control of disease. International Bureaus and Commissions already established will be placed under the League, as will those to be established in the future.

*Amendments*

Amendments to the Covenant will take effect when ratified by the Council and by a majority of the Assembly.

## SECTION II

## GEOGRAPHICAL FRONTIERS OF GERMANY

*Boundaries of Germany*

Germany cedes to France Alsace-Lorraine, 5,600 square miles in the southwest; and to Belgium, two small districts between Luxemburg and Holland, totaling 382 square miles. She also cedes to Poland the southeastern tip of Silesia, beyond and including Oppeln; most of Posen and West Prussia, 21,686 square miles, East Prussia being isolated from the main body by a part of Poland. She loses sovereignty over the northeasternmost tip of East Prussia, 40 square miles north of River Memel,<sup>1</sup> and the interna-

<sup>1</sup>The Niemen is referred to. The area alienated from Germany is 910 square miles, not 40, according to the *Geographical Review*, VII, No. 5, plate IV. The accompanying base map pamphlet of the American Geographical Society states

tionalized areas about Danzig, 729 square miles, and the basin of the Saar, 738 square miles, between the western border of the Rhenish Palatinate of Bavaria and the southeast corner of Luxembourg. The Danzig area consists of the V between the Nogat and Vistula rivers, made a W by the addition of a similar V on the west, including the City of Danzig. The southeastern third of East Prussia and the area between East Prussia and the Vistula, north of latitude 53 degrees 3 minutes, 5,788 square miles, is to have its nationality determined by popular vote, as is to be the case in part of Sleswig, 2,787 square miles.

### SECTION III

#### EUROPEAN POLITICAL CLAUSES

##### *Belgium*

Germany is to consent to the abrogation of the treaties of 1839, by which Belgium was established as a neutral state, and to agree in advance to any convention with which the allied and associated powers may determine to replace them.

She is to recognize the full sovereignty of Belgium over the contested territory of Moresnet and over part of Prussian Moresnet, and to renounce in favor of Belgium all rights over the circles of Eupen and Malmédy, the inhabitants of which are to be entitled within six<sup>1</sup> months to protest against this change of sovereignty either in whole or in part, the final decision to be reserved to the League of Nations. A commission is to settle the details of the frontier, and various regulations for change of nationality are laid down<sup>2</sup>.

##### *Luxemburg*

Germany renounces her various treaties and conventions with the Grand Duchy of Luxemburg, recognizes that it ceased to be part of the German *zollverein* from January 1 last, renounces all right of exploitation of its railroads, adheres to the abrogation of that its map was prepared from data furnished by the American Commission to Negotiate Peace.

<sup>1</sup>The French summary says five months.

<sup>2</sup>"Territories acquired by Belgium will be free of all obligations" is added in the English text.

its neutrality, and accepts in advance any international agreements as to it reached by the allied and associated powers.

### *Left Bank of the Rhine*

As provided in the military clauses, Germany will not maintain any fortifications or armed forces less than 50 kilometers to the east of the Rhine. In the above area Germany may maintain no armed forces, either permanent or temporary, nor hold any maneuvers, nor maintain any works to facilitate mobilization. In case of violation, "she shall be regarded as committing a hostile act against the powers who sign the present treaty, and as intending to disturb the peace of the world. . . . By virtue of the present treaty Germany shall be bound to respond to any request for an explanation which the Council of the League of Nations may think it necessary to address to her."

### *The Saar*

In compensation for the destruction of coal mines in Northern France and as payment on account of reparation, Germany cedes to France full ownership of the coal mines of the Saar basin with their subsidiaries, accessories and facilities. Their value will be estimated by the reparation commission and credited against that account. The French rights will be governed by German law in force at the armistice, excepting war legislation, France replacing the present owners, whom Germany undertakes to indemnify. France will continue to furnish the present proportion of coal for local needs and contribute in just proportion to local taxes. The basin extends from the frontier of Lorraine as reannexed to France north as far as St. Wendel, including on the west the valley of the Saar as far as Saarhölzbach, and on the east the town of Homburg.

In order to secure the rights and welfare of the population and guarantee to France entire freedom in working the mines, the territory will be governed by a commission appointed by the League of Nations and consisting of five members — one French, one a native inhabitant of the Saar and three representing three different countries other than France and Germany<sup>1</sup>.

<sup>1</sup>The French text specifies that the native commissioner shall not be French, and adds that the commission's powers are "for one year and renewable."

The League will appoint a member of the commission as chairman to act as executive of the commission. The commission will have all powers of government formerly belonging to the German Empire, Prussia and Bavaria; will administer the railroads and other public services and have full power to interpret the treaty clauses.

The local courts will continue, but subject to the commission. Existing German legislation will remain the basis of the law, but the commission may make modification after consulting a local representative assembly, which it will organize. It will have the taxing power, but for local purposes only; new taxes must be approved by this assembly. Labor legislation will consider the wishes of the local labor organizations and the labor program of the League. French and other labor may be freely utilized, the former being free to belong to French unions. All rights acquired as to pensions and social insurance will be maintained by Germany and the Saar commission<sup>1</sup>.

There will be no military service, but only a local gendarmerie to preserve order. The people will preserve their local assemblies, religious liberties, schools and language, but may vote only for local assemblies. They will keep their present nationality, except so far as individuals may change it; those wishing to leave will have every facility with respect to their property.

The territory will form part of the French customs system, with no export tax on coal and metallurgical products going to Germany, nor on German products entering the basin, and for five years no import duties on products of the basin going to Germany or German products coming into the basin for local consumption. French money may circulate without restriction.

After 15 years a plébiscite will be held by communes to ascertain the desires of the population as to continuance of the existing régime under the League of Nations, union with France, or union with Germany. The right to vote will belong to all inhabitants over 20, resident therein at the signature of the treaty. Taking into account the opinions thus expressed, the League will decide the ultimate sovereignty. In any portion restored to Germany the German Government must buy out the French mines at an

<sup>1</sup>This does not appear in the English text, nor its precise equivalent in the French. The provision, nevertheless, is undoubtedly correct.



appraised valuation; if the price is not paid within six months thereafter, this portion passes finally to France. If Germany buys back the mines, the League will determine how much of the coal shall be annually sold to France.

### *Alsace-Lorraine*

After recognition of the moral obligation to repair the wrong done in 1871 by Germany to France and the people of Alsace-Lorraine, the territories ceded to Germany by the treaty of Frankfort are restored to France with their frontiers as before 1871, to date from the signing of the armistice, and to be free of all public debts.

Citizenship is regulated by detailed provisions distinguishing those who are immediately restored to full French citizenship, those who have to make a formal application therefor, and those for whom naturalization is open after three years<sup>1</sup>. The last-named class includes German residents in Alsace-Lorraine, as distinguished from those who acquire the position of Alsace-Lorrainers as defined in the treaty.

All public property and all private property of German ex-sovereigns passes to France without payment or credit. France is substituted for Germany as regards ownership of the railroads and rights over concessions of tramways. The Rhine bridges pass to France with the obligation for their upkeep.

For five years manufactured products of Alsace-Lorraine will be admitted to Germany free of duty to a total amount not exceeding in any year the average of the three years preceding the war, and textile materials may be imported from Germany to Alsace-Lorraine and re-exported free of duty. Contracts for electric power from the right bank must be continued for ten years.

For seven years, with possible extension to ten, the ports of Kehl and Strasburg shall be administered as a single unit by a French administrator appointed and supervised by the Central Rhine Commission. Property rights will be safeguarded in both ports and equality of treatment as respects traffic assured the national vessels and goods of every country.

Contracts between Alsace-Lorrainers and Germans are maintained save for France's right to annul on grounds of public inter-

<sup>1</sup>The French text refers to "those who shall claim French nationality after one year."

est. Judgments of courts hold in certain classes of cases, while in others a judicial exequatur is first required. Political condemnations during the war are null and void, and the obligation to repay war fines is established as in other parts of allied territory.

Various clauses adjust the general provisions of the treaty to the special conditions of Alsace-Lorraine, certain matters of execution being left to conventions to be made between France and Germany.

#### *German Austria*

Germany recognizes the total independence of German Austria in the boundaries traced.

#### *Czecho-Slovakia*

Germany recognizes the entire independence of the Czecho-Slovak state, including the autonomous territory of the Ruthenians south of the Carpathians, and accepts the frontiers of this state as to be determined, which in the case of the German frontier shall follow the frontier of Bohemia in 1914. The usual stipulations as to acquisition and change of nationality follow<sup>1</sup>.

#### *Poland*

Germany cedes to Poland the greater part of Upper Silesia, Posen, and the province of West Prussia on the left bank of the Vistula. A field boundary commission of seven, five representing the allied and associated powers and one each representing Poland and Germany, shall be constituted within 15 days of the peace to delimit this boundary. Such special provisions as are necessary to protect racial, linguistic or religious minorities and to protect freedom of transit and equitable treatment of commerce other of nations shall be laid down in a subsequent treaty between the principal allied and associated powers and Poland.

#### *East Prussia*

The southern and the eastern frontier of East Prussia as facing Poland is to be fixed by plébiscites, the first in the regency of

<sup>1</sup>The provisions referred to as translated from the French text follow: "Czecho-Slovak nationality is acquired by German subjects established on Czecho-Slovak territory. Within two years, these German subjects shall have the faculty of opting. The same provisions applies to Czecho-Slovaks, German subjects, established in Germany or finding themselves abroad."

Allenstein, between the southern frontier of East Prussia and the northern frontier of Regierungsbezirk Allenstein, from where it meets the boundary between East and West Prussia to its junction with the boundary between the circles of Oletsko and Angerburg, thence the northern boundary of Oletsko to its junction with the present frontier, and the second in the area comprising the circles of Stuhm and Rosenberg and the parts of the circles of Marienburg and Marienwerder east of the Vistula.

In each case German troops and authorities will move out within 15 days of the peace and the territories be placed under an international commission of five members appointed by the principal allied and associated powers, with the particular duty of arranging for a free, fair and secret vote. The commission will report the results of the plébiscites to the five powers with a recommendation for the boundary, and will terminate its work as soon as the boundary has been laid down and the new authorities set up.

The principal allied and associated powers will draw up regulations assuring East Prussia full and equitable access to and use of the Vistula. A subsequent convention, of which the terms will be fixed by the principal allied and associated powers, will be entered into between Poland, Germany and Danzig, to assure suitable railroad communication across German territory on the right bank of the Vistula between Poland and Danzig, while Poland shall grant free passage from East Prussia to Germany.

The northeastern corner of East Prussia about Memel is to be ceded by Germany to the allied and associated powers, the former agreeing to accept the settlement made, especially as regards the nationality of the inhabitants.

### *Danzig*

Danzig and the district immediately about it is to be constituted into the "Free City of Danzig" under the guaranty of the League of Nations. A high commissioner appointed by the League and resident at Danzig shall draw up a constitution in agreement with the duly appointed representatives of the city and shall deal in the first instance with all differences arising between the city and Poland. The actual boundaries of the city shall be delimited by a commission appointed within six months from the peace and to

include three representatives chosen by the allied and associated powers, and one each by Germany and Poland.

A convention, the terms of which shall be fixed by the principal allied and associated powers, shall be concluded between Poland and Danzig which shall include Danzig within the Polish customs frontiers, though with a free area in the port; insure to Poland the free use of all the city's waterways, docks and other port facilities; the control and administration of the Vistula and the whole through railway system within the city, and postal, telegraphic and telephonic communication between Poland and Danzig; provide against discrimination against Poles within the city, and place its foreign relations and the diplomatic protection of its citizens abroad in charge of Poland.

#### *Denmark*

The frontier between Germany and Denmark will be fixed by the self-determination of the population. Ten days from the peace German troops and authorities shall evacuate the region north of the line running from the mouth of the Slien, south of Kappel, Sleswig, and Fredrikstadt along the Eider to the North Sea south of Tønning; the workmen's and soldiers' councils shall be dissolved; and the territory administered by an international commission of five, of whom Norway and Sweden shall be invited to name two.<sup>1</sup>

The commission shall insure a free and secret vote in three zones. That between the German-Danish frontier and a line running south of the Island of Alsen, north of Flensburg and south of Tønder to the North Sea north of the Island of Sild, will vote as a unit within three weeks after the evacuation. Within five weeks after this vote the second zone, whose southern boundary runs from the North Sea south of the Island of Fehr to the Baltic south of Sygum, will vote by communes. Two weeks after that vote the third zone, running to the limit of evacuation, will also vote by communes.<sup>2</sup> The international commis-

<sup>1</sup>The French text notes that three of the commissioners shall be "appointed by the principal powers." The English text differs from the American without alteration of sense.

<sup>2</sup>The American Geographical Society's map states that the northern zone will vote 31 days after "signing of the peace treaty;" the central zone after 66 days, and the southern zone after 88 days. The French summary agrees with the American, while the English text omits all these details.

sion<sup>1</sup> will then draw a new frontier on the basis of these plébiscites and with due regard for geographical and economic conditions. Germany will renounce all sovereignty over territories north of this line in favor of the associated Governments, who will hand them over to Denmark.

### *Helgoland*

The fortifications, military establishments and harbors of the islands of Helgoland and Dune are to be destroyed under the supervision of the Allies by German labor, and at Germany's expense. They may not be reconstructed nor any similar fortifications built in the future.

### *Russia*

Germany agrees to respect as permanent and inalienable the independence of all territories which were part of the former Russian Empire, to accept the abrogation of the Brest-Litovsk and other treaties entered into with the Maximalist government of Russia, to recognize the full force of all treaties entered into by the allied and associated powers with states which were a part of the former Russian Empire, and to recognize the frontiers as determined therein. The allied and associated powers formally reserve the right of Russia to obtain restitution and reparation on the principles of the present treaty.<sup>2</sup>

## SECTION IV

### EXTRA-EUROPEAN CLAUSES

#### *German Rights Outside of Europe*

Outside Europe Germany renounces all rights, titles and privileges as to her own or her allies' territories to all the allied and associated powers,<sup>3</sup> and undertakes to accept whatever measures are taken by the principal allied powers in relation thereto.

<sup>1</sup>The French text makes this separate commission of seven members, "of whom five are appointed by the principal powers, one by Denmark and one by Germany."

<sup>2</sup>The English text differs materially in wording, but not in sense.

<sup>3</sup>The French text reads: "the principal allied and associated powers or other belligerent powers."

*Colonies and Overseas Possessions*

Germany renounces in favor of the allied and associated powers<sup>1</sup> her overseas possessions with all rights and titles therein. All movable and immovable property belonging to the German Empire or to any German state shall pass to the Government exercising authority therein. These Governments may make whatever provisions seem suitable for the repatriation of German nationals and as to the conditions on which German subjects of European origin shall reside, hold property or carry on business. Germany undertakes to pay reparation for damage suffered by French nationals in the Kamerun or the frontier zone through the acts of German civil and military authorities and of individual Germans from January 1, 1900, to August 1, 1914. Germany renounces all rights under the conventions of November 4, 1911, and September 28, 1912, and undertakes to pay France in accordance with an estimate presented and approved by the reparation commission all deposits, credits, advances, etc., thereby secured. Germany undertakes to accept and observe any provisions by the allied and associated powers as to the trade in arms and spirits in Africa, as well as to the general act of Berlin of 1885, and the general act of Brussels of 1890. Diplomatic protection to inhabitants of former German colonies is to be given by the Governments exercising authority.

*China*

Germany renounces in favor of China all privileges and indemnities resulting from the Boxer protocol of 1901, and all buildings, wharves, barracks, forts, munitions of war, ships, wireless plants and other public property except diplomatic or consular establishments in the German concessions of Tientsin and Hankow and in other Chinese territory except Kiaochow,<sup>2</sup> and agrees to return to China at her own expense all the astronomical instruments seized in 1900 and 1901. China will, however, take no measures for disposal of German property in the legation quarter at Peking without the consent of the powers signatory to the Boxer protocol.

<sup>1</sup>The French text reads: "the principal powers."

<sup>2</sup>Kiaochow is not excepted in the French text.

Germany accepts the abrogation of the concessions at Hankow and Tientsin, China agreeing to open them to international use. Germany renounces all claims against China or any allied and associated Government for the internment or repatriation of her citizens in China and for the seizure or liquidation of German interests there since August 14, 1917. She renounces in favor of Great Britain her state property in the British concession at Canton and in favor of France and China jointly the property of the German school in the French concession at Shanghai.<sup>1</sup>

#### *Siam*

Germany recognizes that all agreements between herself and Siam, including the right of extra-territoriality, ceased July 22, 1917. All German public property except consular and diplomatic premises passes without compensation to Siam, German private property to be dealt with in accordance with the economic clauses. Germany waives all claims against Siam for the seizure and condemnation of her ships, liquidation of her property or internment of her nationals.

#### *Liberia*

Germany renounces all rights under the international arrangements of 1911 and 1912 regarding Liberia, more particularly the right to nominate a receiver of the customs, and disinterests herself in any further negotiations for the rehabilitation of Liberia. She regards as abrogated all commercial treaties and agreements between herself and Liberia, and recognizes Liberia's right to determine the status and condition of the re-establishment of Germans in Liberia.

#### *Morocco*

Germany renounces all her rights, titles and privileges under the act of Algeciras and the Franco-German agreements of 1909 and 1911 and under all treaties and arrangements with the Sherifian Empire. She undertakes not to intervene in any negotiations as to Morocco between France and other powers, accepts all the consequences of the French protectorate and renounces the

<sup>1</sup>The French text does not specify the beneficiaries of the German renunciations.

capitulations.<sup>1</sup> The Sherifian Government shall have complete liberty of action in regard to German nationals, and all German protected persons shall be subject to the common law. All movable and immovable German property, including mining rights, may be sold at public auction, the proceeds to be paid to the Sherifian Government and deducted from the reparation account. Germany is also required to relinquish her interests in the state bank of Morocco. All Moroccan goods entering Germany shall have the same privilege as French goods.

### *Egypt*

Germany recognizes the British protectorate over Egypt declared on December 18, 1914, and renounces as from August 4, 1914, the capitulations and all the treaties, agreements, etc., concluded by her with Egypt. She undertakes not to intervene in any negotiations about Egypt between Great Britain and other powers. There are provisions for jurisdiction over German nationals and property, and for German consent to any changes which may be made in relation to the Commission of Public Debt.<sup>2</sup> Germany consents to the transfer to Great Britain of the powers given to the late Sultan of Turkey for securing the free navigation of the Suez Canal. Arrangements for property belonging to German nationals in Egypt are made similar to those in the case of Morocco and other countries. Anglo-Egyptian goods entering Germany shall enjoy the same treatment as British goods.

### *Turkey and Bulgaria*

Germany accepts all arrangements which the allied and associated powers make with Turkey and Bulgaria with reference to any rights, privileges or interests claimed in those countries by Germany or her nationals, and not dealt with elsewhere.

### *Shantung*

Germany cedes to Japan all rights, titles and privileges, notably as to Kiaochow, and the railroads, mines and cables acquired by

<sup>1</sup>The French text specifies that Germany's disinteresting herself in Morocco runs from August 3, 1914.

<sup>2</sup>The French text specifies: "Germany consents to the abrogation or modification of the decree of November 28, 1904."



her treaty with China of March 6, 1898, and other agreements as to Shantung. All German rights to the railroad from Tsingtao to Tsinanfu, including all facilities and mining rights and rights of exploitation, pass equally to Japan, and the cables from Tsingtao to Shanghai and Chefu, the cables free of all charges. All German state property, movable and immovable, in Kiaochow is acquired by Japan free of all charges.

#### SECTION V

#### MILITARY, NAVAL AND AIR FORCES

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes directly to observe the military, naval and air clauses which follow:

##### *Military Forces*

The demobilization of the German army must take place within two months of the peace. Its strength may not exceed 100,000, including 4,000 officers, with not over seven divisions of infantry and three of cavalry, and to be devoted exclusively to maintenance of internal order and control of frontiers. The divisions may not be grouped under more than two army corps headquarters staffs.<sup>1</sup> The German Great General Staff is abolished. The army administrative service, consisting of civilian personnel not included in the number of effectives, is reduced to one-tenth the total in the 1913 budget. Employees of the German states, such as customs officers, forest guards and coast guards, may not exceed the number in 1913. Gendarmes and local police may be increased only in accordance with the growth of population. None of these may be assembled for military training.

[Recruiting regulations on a voluntary basis are to be incorporated into the German military laws. No reserve of officers with war service will be permitted. The High Command is to confine itself to administrative duties.<sup>2</sup>]

##### *Armaments*

All establishments for the manufacturing, preparation, storage or design of arms and munitions of war, except those specifically

<sup>1</sup>"Of a composition likewise fixed" adds the French text.

<sup>2</sup>The paragraph contains additions from the English text, which differs generally in language.

excepted, must be closed within three months of the peace and their personnel dismissed. The exact amount of armament and munitions allowed Germany is laid down in detail tables, all in excess to be surrendered or rendered useless. The manufacture or importation of asphyxiating, poisonous or other gases and all analogous liquids is forbidden, as well as the importation of arms, munitions and war materials. Germany may not manufacture such materials for foreign governments.

[No reserves of munitions may be formed. No tanks nor armored cars shall be manufactured or imported. The Germans are obliged to notify to the principal Allies for approval the names and situation of all factories manufacturing munitions, together with particulars of their output. The German government arsenals are to be suppressed and their personnel dismissed. Munitions for use in fortified works will be limited to 1,500 rounds apiece for guns of 10.5 cm. caliber and under, and 500 rounds for guns of a higher caliber. Germany is prohibited from importing armaments and munitions.<sup>1]</sup>

#### *Conscription*

Conscription is abolished in Germany. The enlisted personnel must be maintained by voluntary enlistments for terms of twelve consecutive years, the number of discharges before the expiration of that term not in any year to exceed five per cent of the total effectives. Officers remaining in the service must agree to serve to the age of 45 years, and newly appointed officers must agree to serve actively for 25 years.

No military schools except those absolutely indispensable for the units allowed shall exist in Germany two months after the peace.<sup>2</sup> No associations such as societies of discharged soldiers, shooting or touring clubs, educational establishments or universities may occupy themselves with military matters. All measures of mobilization are forbidden.

[In the area 50 kilometers east of the Rhine no armed forces either permanent or temporary may be maintained. No military maneuvers may be held nor any permanent works kept for the purposes of helping mobilization.<sup>3]</sup>

<sup>1</sup>Details in this paragraph are taken from the English text.

<sup>2</sup>The number of students "is proportioned to the vacancies to be filled," according to the English and French texts.

<sup>3</sup>Details in this paragraph are taken from the English text.

*Fortresses*

All fortified works, fortresses and field works situated in German territory within a zone 50 kilometers east of the Rhine will be dismantled within three months. The construction of any new fortifications there is forbidden. The fortified works on the southern and eastern frontiers, however, may remain.

*Control*

Interallied commissions of control will see to the execution of the provisions for which a time limit is set, the maximum named being three months. They may establish headquarters at the German seat of government and go to any part of Germany desired. Germany must give them complete facilities, pay their expenses, and also the expenses of execution of the treaty, including the labor and material necessary in demolition and destruction of surrendered war equipment.

*Naval*

The German navy must be demobilized within a period of two months after the peace. She will be allowed six small battleships, six light cruisers, twelve destroyers, twelve torpedo boats and no submarines, either military or commercial, with a personnel of 15,000 men, including officers,<sup>1</sup> and no reserve force of any character. Conscription is abolished, only voluntary service being permitted, with a minimum period of 25 years' service for officers and 12 for men. No member of the German mercantile marine will be permitted any naval training.

All German vessels of war in foreign ports, and the German High Sea Fleet interned at Scapa Flow will be surrendered, the final disposition of these ships to be decided upon by the allied and associated powers. Germany must surrender 42 modern destroyers, 50 modern torpedo boats, and all submarines, with their salvage vessels. All war vessels under construction, including submarines, must be broken up.<sup>2</sup> War vessels not otherwise provided

<sup>1</sup>The English text specifies: "including a maximum of 1,500 officers and warrant officers."

<sup>2</sup>The surrender within one month and the breaking up within three, according to the English text. Surrenders are to the principal allied and associated powers, according to the French version.

for are to be placed in reserve or used for commercial purposes. Replacement of ships, except those lost, can take place only at the end of 20 years for battleships and 15 years for destroyers. The largest armored ship Germany will be permitted will be of 10,000 tons.

[Material arising from the breaking up of German warships may not be used except for industrial purposes, and may not be sold to foreign countries. Except under specified conditions for replacement, Germany is forbidden to construct or acquire any warships, and the construction or acquisition of any submarines whatever is prohibited. Vessels of war are only to have a fixed allowance of arms, munitions and war material. All excess of arms, munitions and war material is to be surrendered, and no stocks or reserves are allowed.<sup>1</sup>]

Germany is required to sweep up the mines in the North Sea and the Baltic Sea, as decided upon by the Allies. All German fortifications in the Baltic defending the passages through the Belts must be demolished. Other coast defenses are permitted, but the number and caliber of the guns must not be increased.<sup>2</sup>

During a period of three months after the peace, the German high power wireless stations at Nauen, Hanover and Berlin will not be permitted to send any messages except for commercial purposes and under supervision of the allied and associated governments, nor may any more be constructed.

Germany renounces all title to specified cables, the value of such as were privately owned being credited to her against reparation indebtedness. Germany will be allowed to repair German submarine cables which have been cut, but are not being utilized by the allied powers, and also portions of cables which, after having been cut, have been removed, or are at any rate not being utilized by any one of the allied and associated powers. In such cases the cables, or portions of cables, removed or utilized remain the property of the allied and associated powers, and accordingly 14 cables,

<sup>1</sup>Details in this paragraph are taken from the English text.

<sup>2</sup>"Other fortified works within 50 kilometers of the German coast or on German islands are to remain, as being of a defensive nature, but no new fortifications may be constructed. The maximum stocks of ammunition allowed for such defenses are 1,500 rounds per piece for 4.1-inch guns and under, and 500 rounds per piece for guns exceeding that caliber." (English text.)

or parts of cables, are specified which will not be restored to Germany.<sup>1</sup>

### *Air*

The armed forces of Germany must not include any military or naval air forces, except for not over 100 unarmed seaplanes to be retained till October 1 to search for submarine mines. No dirigibles shall be kept. The entire air personnel is to be demobilized within two months except for 1,000 officers and men retained till October. No aviation grounds or dirigible sheds are to be allowed within 150 kilometers of the Rhine or the eastern or southern frontiers, existing installations within these limits to be destroyed. The manufacture of aircraft and parts of aircraft is forbidden for six months.<sup>2</sup> All military and naval aeronautical material under a most exhaustive definition must be surrendered within three months, except for the 100 seaplanes already specified.

## SECTION VI

### PRISONERS OF WAR AND SOLDIERS' GRAVES

The repatriation of German prisoners and interned civilians is to be carried out without delay and at Germany's expense by a commission composed of representatives of the Allies and Germany.<sup>3</sup> Those under sentence for offenses against discipline<sup>4</sup> are to be repatriated without regard to the completion of their sentence. Until Germany has surrendered persons guilty of offenses against the laws and customs of war, the Allies have the right to retain selected German officers. The Allies may deal at their own discretion with German nationals who do not desire to be repatriated, all repatriation being conditional on the immediate release of any allied subjects still in Germany. Germany is to accord facilities to

<sup>1</sup>The cables affected are: Emden-Vigo; Emden-Brest; Emden-Teneriffe; Emden-Azores (two cables); Azores-New York (two cables); Teneriffe-Monrovia; Monrovia-Pernambuco; Lome-Duala; Constantinople-Constanza; Chifu-Tsingtao-Shanghai; Yap-Shanghai; Yap-Guam; Yap-Menado (Celebes).

<sup>2</sup>"Until the definitive treaty of peace, the manufacture and importation of aircraft and parts of aircraft is forbidden in Germany," according to the French version.

<sup>3</sup>The French version specifies: "the details of execution being regulated by sub-commissions for each of the allied and associated powers."

<sup>4</sup>The provision relates to such offenses committed before May 1, 1919, only.

commissions of inquiry in collecting information in regard to missing prisoners of war and in imposing penalties on German officials who have concealed allied nationals. Germany is to restore all property belonging to allied prisoners. There is to be a reciprocal exchange of information as to dead prisoners and their graves.

### *Graves*

Both parties will respect and maintain the graves of soldiers and sailors buried on their territories, and agree to recognize and assist any commission charged by any allied or associated Government with identifying, registering, maintaining or erecting suitable monuments over the graves, and to afford to each other all facilities for the repatriation of the remains of their soldiers.<sup>1</sup>

## SECTION VII

### RESPONSIBILITY

"The allied and associated powers publicly arraign William II of Hohenzollern, formerly German emperor, for a supreme offense against international morality and the sanctity of treaties."

The ex-emperor's surrender is to be requested of Holland and a special tribunal set up, composed of one judge from each of the five great powers, with full guaranties of the right of defense. It is to be guided "by the highest motives of international policy, with a view of vindicating the solemn obligations of international undertakings and the validity of international morality," and will fix the punishment it feels should be imposed.

Persons accused of having committed acts in violation of the laws and customs of war are to be tried and punished by military tribunals under military law. If the charges affect nationals of only one state they will be tried before a tribunal of that state; if they affect nationals of several states, they will be tried before joint tribunals of the states concerned. Germany shall hand over to the associated Governments, either jointly or severally, all per-

<sup>1</sup>A series of agreements respecting military graves will doubtless be made. An agreement between the United Kingdom and France respecting British war graves in France was signed at Paris, November 26, 1918. It recognizes the British Imperial War Graves Commission "as a properly constituted association to insure" the upkeep of British cemeteries and military graves. (Treaty Series, 1919, No. 1; Cmd. 7).

sons so accused and all documents and information necessary to insure full knowledge of the incriminating acts, the discovery of the offenders, and the just appreciation of the responsibility. The accused will be entitled to name counsel.

## SECTION VIII

### REPARATION AND RESTITUTION<sup>1</sup>

The allied and associated Governments affirm, and Germany accepts, the responsibility of herself and her allies, for causing all the loss and damage to which the allied and associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

Germany further binds herself to repay all sums borrowed by Belgium from the Allies as a result of Germany's violation of the treaty of 1839, up to November 11, 1918, and for this purpose will issue at once and hand over to the reparation commission 5 per cent gold bonds falling due in 1926.

While the allied and associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminution of such resources resulting from the treaty, they require her to make compensation for all damages caused to civilians under seven main categories:

(a) Damages by personal injury to civilians caused by acts of war, directly or indirectly.

(b) Damages caused to civilians, including exposure to the sea, resulting from acts of cruelty ordered by the enemy, and to civilians in the occupied territory.

(c) Damages caused by maltreatment of prisoners.

(d) Damages to the allied peoples represented by pensions and separation allowances, capitalized at the signature of this treaty.

(e) Damages to property other than naval or military materials.

(f) Damages to civilians by being forced to labor.

(g) Damages in the form of levies or fines imposed by the enemy.

<sup>1</sup>The paragraphs of this section have been rearranged for reasons of clarity in accordance with the French version.

The total obligation of Germany to pay, as defined in the category of damages, is to be determined and notified to her after a fair hearing and not later than May 1, 1921, by an interallied reparation commission. At the same time a schedule of payments to discharge the obligation within 30 years shall be presented. These payments are subject to postponement in certain contingencies. Germany irrevocably recognizes the full authority of this commission, agrees to supply it with the necessary information and to pass legislation to effectuate its findings. She further agrees to restore to the Allies cash and certain articles which can be identified.

The commission shall consist of one representative each of the United States, British Empire, France, Italy and Belgium, and in certain cases of Japan and Serbia, with all other allied powers entitled, when their claims are under consideration, to the right of representation without voting power. It shall permit Germany to give evidence regarding her capacity to pay and shall assure her a just opportunity to be heard. It shall make its headquarters at Paris; establish its own procedure and personnel; have general control of the whole reparation problem and become the exclusive agency of the Allies for receiving, holding, selling and distributing reparation payments. Majority vote shall prevail except that unanimity is required on questions involving the sovereignty of any of the Allies, the cancelation of all or part of Germany's obligations, the time and manner of selling, distributing, and negotiating bonds issued by Germany, any postponement between 1921 and 1926 of annual payments beyond 1930, and any postponement after 1926 for a period of more than three years, the application of a different method of measuring damage than in a similar former case, and the interpretation of provisions. Withdrawal from representation is permitted on twelve months' notice.

"In periodically estimating Germany's capacity to pay, the reparation commission shall examine the German system of taxation; first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues, prior to that for the service or discharge of any domestic loan, and, secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the powers represented on the commission.



"The measures which the allied and associated powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances."

As an immediate step toward restoration, Germany shall pay within two years 20,000,000,000 marks in either gold, goods, ships, or other specific forms of payment, with the understanding that certain expenses, such as those of the armies of occupation and payments for food and raw materials may be deducted at the discretion of the Allies.

The commission may require Germany to give from time to time, by way of guaranty, issues of bonds or other obligations to cover such claims as are not otherwise satisfied. In this connection and on account of the total amount of claims, bond issues are presently to be required of Germany in acknowledgement of its debt as follows: 20,000,000,000 marks gold, payable not later than May 1, 1921, without interest; 40,000,000,000 marks gold bearing 2½ per cent interest between 1921 and 1926 and thereafter 5 per cent, with a 1 per cent sinking fund, payment beginning in 1926, and an undertaking to deliver 40,000,000,000 marks gold bonds bearing interest at 5 per cent, under terms to be fixed by the commission.

Interest on Germany's debt will be 5 per cent unless otherwise determined by the commission in the future, and payments that are not made in gold may "be accepted by the commission in the form of properties, commodities, businesses, rights, concessions, etc." Certificates of beneficial interest, representing either bonds or goods delivered by Germany may be issued by the commission to the interested power. <sup>1</sup>As bonds are distributed and pass from the control of the commission, an amount of Germany's debt equivalent to their par value is to be considered as liquidated.

<sup>1</sup>To this sentence in the Second Print is added the clause: "no power being entitled, however, to have its certificates divided into more than five pieces." This clause also appeared in the First Print of the Department of State and in the first publication of the English text. In the case of the latter a correction was sent out eliding it. On that account, and because it does not appear in the French version, it is omitted from the present text.

### *Shipping*

The German government recognizes the right of the Allies to the replacement, ton for ton, and class for class of all merchant ships and fishing boats lost or damaged owing to the war, and agrees to cede to the Allies all German merchant ships of 1,600 tons gross and upward; one-half of her ships between 1,600 and 1,000 tons gross and one-quarter of her steam trawlers and other fishing boats. These ships are to be delivered within two months to the reparation commission, together with documents of title evidencing the transfer of the ships free from encumbrance.

"As an additional part of reparation," the German government further agrees to build merchant ships for the account of the Allies to the amount of not exceeding 200,000 tons gross annually during the next five years.

All ships used for inland navigation taken by Germany from the Allies are to be restored within two months, the amount of loss not covered by such restitution to be made up by the cession of the German river fleet up to 20 per cent thereof.

### *Devastated Areas*

Germany undertakes to devote her economic resources directly to the physical restoration of the invaded areas. The reparation commission is authorized to require Germany to replace the destroyed articles by the delivery of animals, machinery, etc., existing in Germany, and to manufacture materials required for reconstruction purposes; all with due consideration for Germany's essential domestic requirements.

### *Coal, Etc.*

Germany is to deliver annually for ten years to France coal equivalent to the difference between the annual prewar output of Nord and Pas de Calais mines and annual production during above ten-year period.<sup>1</sup> Germany further gives options over ten years for delivery of 7,000,000 tons of coal per year to France in addition to the above, of 8,000,000 tons to Belgium, and of an

<sup>1</sup>The quantity of coal contemplated will decrease from 20,000,000 to 8,000,000 tons a year during the ten-year period, according to the French version. Coal delivered to replace that of destroyed mines shall have priority.

amount rising from 4,500,000 tons in 1919 to 1920 to 8,500,000 tons in 1923 to 1924 to Italy at prices to be fixed, as prescribed in the treaty. Coke may be taken in place of coal in the ratio of three tons to four. Provision is also made for delivery to France over three years of benzol, coal tar and of ammonia. The commission has powers to postpone or annul the above deliveries should they interfere unduly with the industrial requirements of Germany.

#### *Dyestuffs and Chemical Drugs*

[In order to effect payment by deliveries in kind, Germany is required, for a limited number of years, varying in the case of each, to deliver coal, coal-tar products, dyestuffs and chemical drugs, in specific amounts to the reparation commission. The commission may so modify the conditions of delivery as not to interfere unduly with Germany's industrial requirements. The deliveries of coal are to be based largely upon the principle of making good diminutions in the production of the allied countries resulting from the war.<sup>1</sup>]

Germany accords option to the commission on dyestuffs and chemical drugs, including quinine up to 50 per cent of total stock in Germany at the time the treaty comes into force, and similar option during each six months to the end of 1924 up to 25 per cent of previous six months' output.

#### *Special Provisions*

As reparation for the destruction of the Library of Louvain, Germany is to hand over manuscripts, early printed books, prints, etc., to the equivalent of those destroyed.

In addition to the above, Germany is to hand over to Belgium wings now at Berlin belonging to the altar piece of the "Adoration of the Lamb" by Hubert and Jan Van Eyck, the center of which is now in the Church of Saint Bavo at Ghent, and the wings now at Berlin and Munich of the altar piece of "The Last Supper" by Dirk Bouts, the center of which belongs to the Church of St. Peter at Louvain.

<sup>1</sup>Paragraph taken from the English text.

Germany is to restore within six months the Koran of the Caliph Othman, formerly at Medina, to the King of the Hedjaz,<sup>1</sup> and the skull of the Sultan Okwawa, formerly in German East Africa, to his Britannic Majesty's Government.<sup>2</sup>

The German government is also to restore to the French Government certain papers taken by the German authorities in 1870, belonging then to M. [Eugène] Rouher,<sup>3</sup> and to restore the French flags taken during the war of 1870 and 1871.

## SECTION IX

### FINANCE

The powers to which German territory is ceded will assume a certain portion of the German prewar debt, the amount to be fixed by the reparation commission on the basis of the ratio between the revenues of the ceded territory and German total revenues for the three years preceding the war. In view, however, of the special circumstances under which Alsace-Lorraine was separated from France in 1871, when Germany refused to accept any part of the French public debt, France will not assume any part of Germany's prewar debt there; nor will Poland share in certain German debts incurred for the oppression of Poland. If the value of the German public property in ceded territory exceeds the amount of debt assumed, the states to which the property is ceded will give credit on reparation for the excess, with the exception of Alsace-Lorraine. Mandatory powers will not assume any German debts or give any credit for German government property.

<sup>1</sup>The Koran was originally made up of scattered fragments collected about a year after the Prophet's death in A. D. 632. This was the standard text in the caliphates of Abu Bekr and Omar. Their successor, Othman ibn Affan, found the existing texts unsatisfactory and summoned Zaid ibn Thâbit, who had been Mohammed's secretary, to establish a text which should be the sole standard. The original of the resulting text was deposited at Medina, and is referred to in the treaty.

<sup>2</sup>Sultan Okwawa, or M'kwawa, was chief of the Wahihis, German East Africa. This tribe under several sultans from 1870-1898 gathered to itself much native support and was continuously hostile to the Germans. Okwawa, the last of the warrior line, added a religious superstition to his prestige by preaching that he could not be captured. He committed suicide when capture was inevitable, the Germans securing possession of the body and subsequently using the skull as the symbol of their rightful succession to the chieftaincy of the tribe.

<sup>3</sup>Rouher was a minister of state under Napoleon III. At the outbreak of the war of 1870 he transferred Napoleon's confidential papers from the palaces of the

Germany renounces all right of representation on, or control of, state banks, commissions, or other similar international financial and economic organizations.

Germany is required to pay the total cost of the armies of occupation from the date of the armistice as long as they are maintained in German territory, this cost to be a first charge on her resources. The cost of reparation is the next charge, after making such provision for payments for imports as the Allies may deem necessary.

Germany is to deliver to the allied and associated powers all sums deposited in Germany by Turkey and Austria-Hungary in connection with the financial support extended by her to them during the war, and to transfer to the Allies all claims against Austria-Hungary, Bulgaria or Turkey in connection with agreements made during the war. Germany confirms the renunciation of the treaties of Bukharest and Brest-Litovsk.

On the request of the reparation commission, Germany will expropriate any rights or interests of her nationals in public utilities in ceded territories or those administered by mandatories, and in Turkey, China, Russia, Austria-Hungary and Bulgaria, and transfer them to the reparation commission, which will credit her with their value. Germany guarantees to repay to Brazil the fund arising from the sale of São Paulo coffee which she refused to allow Brazil to withdraw from Germany.<sup>1</sup>

## SECTION X

### ECONOMIC CLAUSES

#### *Customs*

For a period of six months Germany shall impose no tariff duties higher than the lowest in force in 1914, and for certain Tuileries and St. Cloud, as well as important documents from the ministry of foreign affairs, to his chateau at Cerçay for safety. On October 10, 1870, a regiment of German cavalry took possession of the chateau. A lieutenant came upon soldiers breaking up the boxes containing these papers and halted them, the regimental commander forwarding all the material to Bismarck at Paris. Among the papers was extensive correspondence between Napoleon III and the rulers of Bavaria, Wurtemberg, Hesse and other German states, who were opposed to Prussian hegemony and antagonistic to the organization of the German Empire as eventually organized. Bismarck's frequent and successive threats to publish the correspondence, which was apparently of such a nature as to induce revolution in those states, broke down their opposition to entering the empire.

<sup>1</sup>The value of the coffee is \$35,000,000.

agricultural products, wines, vegetable oils, artificial silk and washed or scoured wool this restriction obtains for two and a half years more. For five years, unless further extended by the League of Nations, Germany must give most-favored-nation treatment to the allied and associated powers. She shall impose no customs tariff for five years on goods originating in Alsace-Lorraine and for three years on goods originating in former German territory ceded to Poland, with the right of observation of a similar exception for Luxemburg.

[*English text:* The treaty contains detailed provisions for securing that Germany shall not discriminate, directly or indirectly, against the trade of allied and associated countries. These provisions will remain in force for five years, unless extended by the Council of the League of Nations. Temporary provision is made for the free entrance into Germany, up to a limited amount, of products of Alsace-Lorraine, Luxemburg and German territory ceded to Poland. The German import tariff applicable at the outset to allied goods will not exceed the lowest rates of 1914. After six months Germany will be free to raise her tariff, so long as it is impartially applied to all the Allies, except as regards a few specified articles, mainly agricultural products, with regard to which the restriction will extend for a further period of two and a half years. Power is reserved in case of necessity to impose a special customs régime in the occupied areas.]

### *Shipping*

Ships of the allied and associated powers shall for five years, and thereafter under condition of reciprocity, unless the League of Nations otherwise decides, enjoy the same rights in German ports as German vessels and have most-favored-nation treatment in fishing, coasting trade and towage even in territorial waters. Ships of a country having no seacoast may be registered at some one place within its territory.<sup>1</sup>

### *Unfair Competition*

Germany undertakes to give the trade of the allied and associated powers adequate safeguards against unfair competition,

<sup>1</sup>English text reads: "Provision is made for the recognition by Germany of ships' certificates, and of the places of registry of ships belonging to states without a seaboard."

and in particular to suppress the use of false wrappings and markings<sup>1</sup> and, on condition of reciprocity, to respect the laws and judicial decisions of allied and associated states in respect of regional appellations of wines and spirits.

### *Treatment of Nationals*

Germany shall impose no exceptional taxes or restrictions upon the nationals of allied and associated states for a period of five years, and, unless the League of Nations acts, for an additional five years. German nationality shall not continue to attach to a person who has become a national of an allied or associated state.

[*English text:* Germany is not to impose on the nationals of the allied states or their property any restrictions which were not in force before the war or any taxes, unless those restrictions and taxes are applied to her own nationals. She is also prevented from imposing restrictions in regard to the exercise of occupations which are not applicable to all foreigners. These provisions are to be in force for a period of five years, and, if a majority of the Council of the League of Nations so decides, for an additional period not exceeding five years. German nationality shall not continue to attach to a person who has become a national of an allied or associated state.]

### *Multilateral Conventions*

Some 40 multilateral conventions are renewed between Germany and the allied and associated powers, but special conditions are attached to Germany's readmission to several. As to postal and telegraphic conventions, Germany must not refuse to make reciprocal agreements with the new states.<sup>2</sup> She must agree as respects the radio-telegraphic convention to provisional rules<sup>3</sup> to be communicated to her, and adhere to the new convention when formulated. In the North Sea fisheries and North Sea liquor traffic conventions rights of inspection and police over associated fishing boats shall be exercised for at least five years only by

<sup>1</sup>The English text reads: "false markings and indications of origin."

<sup>2</sup>The English text reads: "For example, as to postal and telegraphic conventions, Germany must not refuse her consent to special arrangements concluded by the new states."

<sup>3</sup>The English text reads: "to fulfill the provisional rules."

vessels of these powers. As to the international railway union she shall adhere to the new convention when formulated.

China as to the Chinese customs tariff arrangement, the arrangement of 1905 regarding Whangpu and the Boxer indemnity of 1901; France, Portugal and Rumania as to the Hague convention of 1904 relating to civil procedure; and Great Britain and the United States as to Article 3 of the Samoan treaty of 1899 are relieved of all obligations toward Germany.

#### *Bilateral Treaties*

Each allied and associated state may renew any treaty with Germany, in so far as consistent with the peace treaty, by giving notice within six months. Treaties entered into by Germany since August 1, 1914, with other enemy states and before or since that date with Rumania, Russia and governments representing parts of Russia, are abrogated, and concessions granted under pressure by Russia to German subjects are annulled. The allied and associated states are to enjoy most-favored-nation treatment<sup>1</sup> under treaties entered into by Germany and other enemy states before August 1, 1914, and under treaties entered into by Germany and neutral states during the war.

#### *Prewar Debts*

A system of clearing houses is to be created within three months, one in Germany and one in each allied and associated state which adopts the plan, for the payment of prewar debts, including those arising from contracts suspended by the war. For the adjustment of the proceeds of the liquidation of enemy property and the settlement of other obligations. Each participating state assumes responsibility for the payment of all debts owing by its nationals to the nationals of the enemy states, except in cases of prewar insolvency of the debtor. The proceeds of the sale of private enemy property in each participating state may be used to pay the debts owed to the nationals of that state, direct payment from debtor to creditor and all communications relating thereto being prohibited. Disputes may be settled by arbitration by the courts<sup>2</sup>

<sup>1</sup>The English text reads simply: "enjoy the privileges conferred under treaties."

<sup>2</sup>The English text does not specify courts. The French version assigns the initial attempt at conciliation to the clearing houses. The jurisdiction of the tribunal, however, is for all prewar contracts beyond the competence of national courts of the allied and associated powers or of neutrals.



of the debtor country or by the mixed arbitral tribunal. Any allied or associated power, may, however, decline to participate in this system by giving Germany six months' notice.

[Debts are to be paid in the currency of the allied country concerned, and the rate of exchange to be adopted, failing specific provision in the contract, is to be the average cable transfer rate prevailing in that country during the month immediately preceding the outbreak of war between the country in question and Germany.<sup>1</sup>]

### *Enemy Property*

Germany shall restore or pay for all private enemy property seized or damaged by her, the amount of damages to be fixed by the mixed arbitral tribunal. The allied and associated states may liquidate German private property within their territories as compensation for property of their nationals not restored or paid for by Germany, for debts owed to their nationals by German nationals and for other claims against Germany. Germany is to compensate its nationals for such losses and to deliver within six months all documents relating to property held by its nationals in allied and associated states. All war legislation as to enemy property rights and interests is confirmed, and all claims by Germany against the allied or associated Governments for acts under exceptional war measures are abandoned.

[*English text:* The action of liquidation, control, etc., taken in the allied countries and in Germany in regard to enemy property and businesses under exceptional war measures is confirmed, subject to compensation in respect of loss to the property, etc., of allied nationals, to be determined by the mixed arbitral tribunal and charged upon the property of German nationals which is under the control of the claimant's state. Any compensation due to her own nationals is to be paid by Germany. All action of liquidation, control, etc., in Germany is to be stayed, and the allied property, if not completely liquidated, is to be restored. Nationals of countries which did not make any general liquidation of German property may require the restoration, if possible of their actual property by the German Government, in whose hands it may now be. Stipulations are included for the protection of

<sup>1</sup>Paragraph added from the English text.

returned property and businesses in Germany in the future. The Allies reserve the right to retain and liquidate all German property within their territory. The net proceeds of sales of such property, both during and after the war, are to be credited to Germany, and to be applied by each state to the satisfaction of claims by its nationals with regard to their property in Germany or debts owing to them by Germans.]

Prewar contracts between allied and associated nationals, excepting the United States, Japan and Brazil,<sup>1</sup> and German nationals are canceled, except for debts for agreements already performed, for the transfer of property where the property had already passed, leases of land and houses, contracts of mortgages, pledge or lien, mining concessions, contracts with governments and insurance contracts. Mixed arbitral tribunals shall be established of three members, one chosen by Germany, one by the associated states and the third by agreement, or, failing which, by the President of Switzerland. They shall have jurisdiction over all disputes as to contracts concluded before the present peace treaty.<sup>2</sup>

### *Contracts*

[Powers are reserved for the maintenance of contracts, the execution of which is regarded by an allied state as in the general interest, subject, if necessary, to the payment of equitable compensation to be fixed by the mixed arbitral tribunal.<sup>3</sup>]

Fire insurance contracts are not considered dissolved by the war even if premiums have not been paid, but lapse at the date of the first annual premium falling due three months after the peace. Life insurance contracts may be restored by payments of accumulated premiums with interest, sums falling due on such contracts during the war to be recoverable with interest. Marine insurance contracts are dissolved by the outbreak of war except where the risk insured against had already been incurred. Where the risk had not attached premiums paid are recoverable; otherwise premiums due and sums due on losses are recoverable. Reinsurance treaties are abrogated unless invasion has made it impossible for

<sup>1</sup>"So far as they do not fall within the jurisdiction of allied or associated or neutral courts," is added in the English text.

<sup>2</sup>By reason of constitutional difficulties.

<sup>3</sup>Paragraph taken from the English text.

the reinsured to find another reinsurer.<sup>1</sup> Any allied or associated power, however, may cancel all the contracts running between its nationals and a German life insurance company, the latter being obligated to hand over the proportion of its assets attributable to such policies.

### *Industrial Property*

Rights as to industrial, literary and artistic property are re-established, the special war measures of the allied and associated powers are ratified; and the right reserved to impose conditions on the use of German patents and copyrights when in the public interest. Except as between the United States and Germany, prewar licenses<sup>2</sup> and rights to sue for infringements committed during the war are canceled.

### *Opium*

The contracting powers agree, whether or not they have signed and ratified the opium convention of January 23, 1912, or signed the special protocol opened at The Hague in accordance with resolutions adopted by the Third Opium Conference in 1914, to bring the said convention into force by enacting within twelve months of the peace necessary legislation.

### *Religious Missions*<sup>3</sup>

The allied and associated powers agree that the properties of religious missions in territories belonging or ceded to them shall continue in their work under the control of the powers, Germany renouncing all claims in their behalf.

## SECTION XI

### AERIAL NAVIGATION

Aircraft of the allied and associated powers shall have full liberty of passage and landing over and in German territory, equal

<sup>1</sup>The English text at this point reads: "Where the same risk was again insured against, after war had begun, the new policy is to be considered as substituted for the old. Where the risk had not attached at outbreak of war, premiums paid are recoverable. The insurance treaties are abrogated unless invasion has made it impossible for the reinsured to find another reinsurer."

<sup>2</sup>Canceled subject to the right of the old licensee to demand a new license on terms to be specially settled.

<sup>3</sup>Part of Section XV, according to the treaty.

treatment with German 'planes as to use of German airdromes, and with most-favored-nation 'planes as to internal commercial traffic in Germany. Germany agrees to accept allied certificates of nationality, airworthiness or competency or licenses and to apply the convention relative to aerial navigation concluded between the allied and associated powers to her own aircraft over her own territory. These rules apply until 1923, unless Germany will have been admitted to the League of Nations or to the above convention.

## SECTION XII

### PORTS, WATERWAYS AND RAILWAYS

#### *Freedom of Transit*

Germany must grant freedom of transit<sup>1</sup> through her territories by rail or water to persons, goods, ships, carriages and mails from or to any of the allied or associated powers, without customs or transit duties, undue delays, restrictions or discriminations based on nationality, means of transport, or place of entry or departure. Goods in transit shall be assured all possible speed of journey, especially perishable goods. Germany may not divert traffic from its normal course in favor of her own transport routes or maintain "control stations" in connection with transmigration traffic. She may not establish any taxes discriminating against the ports of allied or associated powers; must grant the latter's seaports all factors and reduced tariffs granted her own or other nationals, and afford the allied and associated powers equal rights with those of her own nationals in her ports and waterways, save that she is free to open or close her maritime coasting trade.

#### *Free Zones in Ports*

Free zones existing in German ports on August 1, 1914, must be maintained with due facilities as to warehouses, packing and unpacking, without discrimination, and without charges except for expenses of administration and use. Goods leaving the free zones for consumption in Germany and goods brought into the free zones from Germany shall be subject to the ordinary import and export taxes.

<sup>1</sup>The English text adds: "and full national treatment."

*International Rivers*

The Elbe from the junction of the Vltava, the Vltava<sup>1</sup> from Prague, the Oder from the Oppa, the Niemen from Grodno, and the Danube from Ulm are declared international, together with their connections. The riparian states must insure good conditions of navigation within their territories unless a special organization exists therefor. Otherwise, appeal may be had to a special tribunal of the League of Nations, which also may arrange for a general international waterways convention.

The Elbe and the Oder are to be placed under international commissions to meet within three months, that for the Elbe composed of four representatives of Germany, two from Czecho-Slovakia, and one each from Great Britain, France, Italy and Belgium; and that for the Oder composed of one each from Poland, Russia, Czecho-Slovakia, Great Britain, France, Denmark and Sweden. If any riparian state on the Niemen should so request of the League of Nations, a similar commission shall be established there. These commissions shall upon request of any riparian state meet within three months to revise existing international agreements.

*The Danube*

The European Danube Commission reassumes its prewar powers, but for the time being with representatives of only Great Britain, France, Italy and Rumania. The Upper Danube is to be administered by a new international commission until a definitive statute be drawn up at a conference of the powers nominated by the allied and associated governments within one year after the peace. The enemy governments shall make full reparation for all war damages caused to the European Commission; shall cede their river facilities in surrendered territory, and give Czecho-Slovakia, Serbia and Rumania any rights necessary on their shores for carrying out improvements in navigation.

*The Rhine and the Moselle*

The Rhine<sup>2</sup> is placed under the central commission to meet at Strasburg within six months after the peace and to be composed

<sup>1</sup>Vltava is the Czech name of the river appearing on the maps as the Moldau.

<sup>2</sup>The Moselle is included under the same provisions.

of four representatives of France, which shall in addition select the president, four of Germany, and two each of Great Britain, Italy, Belgium, Switzerland and the Netherlands. Germany must give France on the course of the Rhine included between the two extreme points of her frontiers all rights to take water to feed canals, while herself agreeing not to make canals on the right bank opposite France.<sup>1</sup> She must also hand over to France all her drafts and designs for this part of the river.

Belgium is to be permitted to build a deep draft Rhine-Meuse canal, if she so desires, within 25 years, in which case Germany must construct the part within her territory on plans drawn by Belgium;<sup>2</sup> similarly, the interested allied Governments may construct a Rhine-Danube canal; both, if constructed, to come under the competent international commission. Germany may not object if the Central Rhine Commission desires to extend its jurisdiction over the lower Moselle, the upper Rhine, or lateral canals.

Germany must cede to the allied and associated Governments certain tugs, vessels, and facilities for navigation on all these rivers, the specific details to be established by an arbiter named by the United States. Decision will be based on the legitimate needs of the parties concerned and on the shipping traffic during the five years before the war. The value will be included in the regular reparation account. In the case of the Rhine, shares in the German navigation companies and property, such as wharves and warehouses, held by Germany in Rotterdam at the outbreak of the war must be handed over.

[Germany is to make no objection to the commission extending its jurisdiction if desired to the Lower Moselle (with the consent of the Luxemburg Government), to the Upper Rhine (with the consent of the Swiss Government), and to the lateral canals and waterways which may be constructed to improve navigation.<sup>3</sup>]

<sup>1</sup>The English text at this point reads: "France is to have full rights all along her own frontier to use water from the Rhine for canals, etc., and to carry out works for deriving motive power, subject to certain payments and to the consent of the Commission. Germany is to undertake to make no canals on the right bank opposite the French frontier, and to grant France certain privileges on the right bank for the establishment of certain engineering works, subject to the payment of compensation. Switzerland is also entitled to demand similar rights for the upper part of the river."

<sup>2</sup>The expenses are to be divided among the various states, according to the English text.

<sup>3</sup>Paragraph taken from the English text.

*Railways*

Germany, in addition to most-favored-nation treatment on her railways, agrees to co-operate in the establishment of through ticket services for passengers and baggage; to insure communication by rail between the allied, associated and other states; to allow the construction or improvement within 25 years of such lines as are necessary; and to conform her rolling stock to enable its incorporation in trains of the allied or associated powers. She also agrees to accept the denunciation of St. Gothard convention if Switzerland and Italy so request, and temporarily to execute instructions as to the transport of troops and supplies and the establishment of postal and telegraphic service, as provided.

[When a new railway convention has replaced the Bern convention of 1890 respecting the transportation of merchandise by rail, it will be binding on Germany; in the meantime she is to follow the Bern convention. Provision is made for the handing over of the installation of lines in transferred territory, and of an equitable proportion of rolling stock for use therein. Commissions are to settle the working of lines linking up two parts of one country and crossing another, or branch lines passing from one country to another. Finally, Germany is to agree to subscribe to any general conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allies (with the approval of the League of Nations) within five years. Differences are to be settled by the League of Nations. Certain specified articles, *e.g.*, those providing for equal treatment in matters of transit and transport, are subject to revision by the League of Nations after five years. Failing revision, they will continue in force in relation to any allied state which grants reciprocal treatment.<sup>1</sup>]

*Czecho-Slovakia*

To assure Czecho-Slovakia access to the sea, special rights are given her both north and south. Toward the Adriatic, she is permitted to run her own through trains to Fiume and Trieste. To the north, Germany is to lease her for 99 years spaces<sup>2</sup> in Hamburg

<sup>1</sup>Paragraph taken from the English text.

<sup>2</sup>"As free zones," according to the English and French texts.

and Stettin, the details to be worked out by a commission of three representing Czecho-Slovakia, Germany and Great Britain.

### *The Kiel Canal*

The Kiel Canal is to remain free and open to war and merchant ships of all nations at peace with Germany; subjects, goods and ships of all states are to be treated on terms of absolute equality, and no taxes to be imposed beyond those necessary for upkeep and improvement, for which Germany is to be responsible.<sup>1</sup> In case of violation of, or disagreement as to, those provisions, any state may appeal to the League of Nations, and may demand the appointment of an international commission. For preliminary hearing of complaints, Germany shall establish a local authority at Kiel.

## SECTION XIII

### INTERNATIONAL LABOR ORGANIZATION

Members of the League of Nations agree to establish a permanent organization to promote international adjustment of labor conditions, to consist of an annual international labor conference and an international labor office.

The former is composed of four representatives of each state, two from the government and one each from the employers and the employed; each of them may vote individually. It will be a deliberative legislative body, its measures taking the form of draft conventions or recommendations for legislation, which, if passed by two-thirds vote, must be submitted to the law-making authority in every state participating. Each Government may either enact the terms into law, approve the principle, but modify them to local needs, leave the actual legislation in case of a federal state to local legislatures, or reject the convention altogether without further obligation. The international labor office is established at the seat of the League of Nations as part of its organization. It is to collect and distribute information on labor throughout the world and prepare agenda for the conference. It will publish a periodical in French and English, and possibly other languages.

<sup>1</sup>The French version adds: "Loading and unloading, embarkation and disembarkation may be effected only in ports designated by Germany."



Each state agrees to make to it for presentation to the conference an annual report of measures taken to execute accepted conventions. The governing body consists of 24 members, twelve representing the Governments, six the employers and six the employees to serve for three years. On complaint that any Government has failed to carry out a convention to which it is a party, the governing body may make inquiries directly to that Government, and, in case the reply is unsatisfactory, may publish the complaint with comment. A complaint by one Government against another may be referred by the governing body to a commission of inquiry nominated by the Secretary-General of the League. If the commission report fails to bring satisfactory action, the matter may be taken to a permanent court of international justice for final decision. The chief reliance for securing enforcement of the law will be publicity, with a possibility of economic action in the background.

The first meeting of the conference will take place in October, 1919, at Washington, to discuss the 8-hour day, or 48-hour week; prevention of unemployment; extension and application of the international conventions adopted at Bern in 1906 prohibiting night work for women and the use of white phosphorus in the manufacture of matches; and employment of women and children at night or in unhealthy work, of women before and after childbirth, including maternity benefit, and of children as regards minimum age.

#### *Labor Clauses*

Nine principles of labor conditions are to be recognized, on the ground that "the wellbeing, physical and moral, of the industrial wage-earners is of supreme international importance." With exceptions necessitated by differences of climate, habits and economic development, they include: the guiding principle that labor should not be regarded merely as a commodity or article of commerce; right of association of employers and employees; a wage adequate to maintain a reasonable standard of life; the 8-hour day or 48-hour week; a weekly rest of at least 24 hours, which should include Sunday wherever practicable; abolition of child labor and assurance of the continuation of the education and proper physical development of children; equal pay for equal work as between men and women; equitable treatment of

all workers, including foreigners; and a system of inspection in which women should take part.

#### SECTION XIV

#### GUARANTIES ASKED OF FOE

##### *Western Europe*

As a guaranty for the execution of the treaty, German territory to the west of the Rhine, together with the bridgeheads, will be occupied by allied and associated troops for 15 years. If the conditions are faithfully carried out by Germany, certain districts, including the bridgehead of Cologne, will be evacuated at the expiration of five years; certain other districts, including the bridgehead of Coblenz, and the territories nearest the Belgian frontier, will be evacuated after ten years, and the remainder, including the bridgehead of Mainz, will be evacuated after 15 years.<sup>1</sup> In case the interallied reparation commission finds that Germany has failed to observe the whole or part of her obligations, either during the occupations or after the 15 years have expired, the whole or part of the areas specified will be reoccupied immediately. If before the expiration of the 15 years Germany complies with all the treaty undertakings, the occupying forces will be withdrawn immediately.

##### *Eastern Europe*

All German troops at present in territories to the east of the new frontier shall return as soon as the allied and associated Governments deem wise. They are to abstain from all requisitions and are in no way to interfere with measures for national defense taken by the Governments concerned.

All questions regarding occupation not provided for by the treaty will be regulated by a subsequent convention or conventions, which will have similar force and effect.

<sup>1</sup>The three districts to be evacuated begin at the north and extend: 1, From the Dutch frontier to the height of Ruhr, to the junction of the Ahr with the Rhine; 2, From the intersection of the German, Dutch and Belgian frontiers to the Rhine at Bacharach; 3, The rest of the territory on the left bank of the Rhine.

## SECTION XV

## FINAL CLAUSES OF THE TREATY

Germany agrees to recognize the full validity of the treaties of peace and additional conventions to be concluded by the allied and associated powers with the powers allied with Germany, to agree to the decisions to be taken as to the territories of Austria-Hungary, Bulgaria and Turkey, and to recognize the new states in the frontiers to be fixed for them.

[The high contracting parties take note of the treaty of July, 1918, between France and the principality of Monaco.

[They agree that chairmen of commissions shall under certain circumstances have a second vote, failing provisions to the contrary.<sup>1</sup>]

Germany agrees not to put forward any pecuniary claims against any allied or associated power signing the present treaty based on events previous to the coming into force of the treaty.

Germany accepts all decrees as to German ships and goods made by any allied or associated prize court. The Allies reserve the right to examine all decisions of German prize courts.

The present treaty, of which the French and English texts are both authentic, shall be ratified and the depositions of ratification made in Paris as soon as possible.

[As soon as it shall have been ratified by Germany on the one part and by three of the principal allied and associated powers on the other, the treaty shall enter into force among the high contracting parties who have ratified it, and this date will serve as a basis for the calculation of the periods stipulated in the treaty.<sup>2</sup>]

The treaty is to become effective in all respects for each power on the date of deposit of its ratification.

<sup>1</sup>Paragraphs taken from the English text.

<sup>2</sup>Paragraph taken from the French version.

# COVENANT OF THE LEAGUE OF NATIONS

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ADOPTED AT THE PLENARY SESSION OF THE INTERALLIED PEACE  
CONFERENCE, APRIL 28, 1919

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In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the high contracting parties agree to this Covenant of the League of Nations:

## ARTICLE I

### *Membership and Withdrawal*

1. The original members of the League of Nations shall be those of the signatories which are named in the annex to this Covenant and also such of those other states named in the annex as shall accede without reservation to this Covenant. Such accessions shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other members of the League.

2. Any fully self-governing state, dominion or colony not named in the annex may become a member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments.

3. Any member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

## ARTICLE II

*Executive Organs*

1. The action of the League<sup>1</sup> under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

## ARTICLE III

*Assembly*

1. The Assembly shall consist of representatives of the members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the seat of the League, or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly each member of the League shall have one vote, and may have not more than three representatives.

## ARTICLE IV

*Council*

1. The Council shall consist of representatives of the United States of America, of the British Empire, of France, of Italy, and of

<sup>1</sup> The first action on behalf of the League of Nations is taking place by virtue of a motion made by the president of the League of Nations Commission at the plenary session of the Interallied Peace Conference on April 28, 1919, as follows:

"That the powers to be represented on the Council of the League of Nations are requested to name representatives who shall form a committee of nine to prepare plans for the organization of the League, and therefore the establishment of the seat of the League, and to make arrangements and to prepare the agenda for the first meeting of the Assembly; this committee to report both to the Council and to the Assembly of the League."

A statement issued May 5 said:

"The Organization Committee of the League of Nations, which was appointed by a resolution of the plenary conference on April 28, held its first meeting at the Hotel Crillon at 4 o'clock on Monday, May 5, and agreed on a number of resolutions for the provisional organization of the League.

"On motion of E. M. House, of the United States, M. Pichon, minister of foreign affairs, was elected chairman and Sir Eric Drummond was invited to occupy his seat as acting Secretary-General.

"The following were present: M. Pichon, France, chairman; E. M. House, United States; Lord Robert Cecil, Great Britain; Marquis Imperiali, Italy; Viscount Chinda, Japan; M. Rolin Jaquemyns, Belgium; M. Venizelos, Greece; Guinones de Leon, Spain, and Antonio O. de Magalhaes, Brazil."

Japan, together with representatives of four other members of the League. These four members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the League first selected by the Assembly, representatives of Belgium, Brazil, Greece and Spain shall be members of the Council.<sup>1</sup>

2. With the approval of the majority of the Assembly, the Council may name additional members of the League whose representatives shall always be members of the Council; the Council with like approval may increase the number of members of the League to be selected by the Assembly for representation on the Council.

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that member of the League.

6. At meetings of the Council each member of the League represented on the Council shall have one vote, and may have not more than one representative.

## ARTICLE V

### *Voting and Procedure*

1. Except where otherwise expressly provided in this Covenant, or by the terms of this treaty<sup>2</sup>, decisions at any meeting of

<sup>1</sup> The president of the League of Nations Commission at the plenary session of the Interallied Peace Conference on April 28, 1919, said:

"I take the opportunity to move the following resolution in order to carry out the provisions of the Covenant. You will notice that the Covenant provides that . . . the first choice of the four member states who are to be added to the five great powers on the Council is left to this Conference. I move, therefore . . .

"That, until such time as the Assembly shall have selected the first four members of the League to be represented on the Council in accordance with Article IV of the Covenant, representatives of Belgium, Brazil, Greece and Spain shall be members."

The motion was carried.

<sup>2</sup>The president of the League of Nations Commission in the plenary session

the Assembly or of the Council shall require the agreement of all the members of the League represented at the meeting.

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE VI

##### *Secretariat*

1. The permanent Secretariat shall be established at the seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and the staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

5. The expenses of the Secretariat shall be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

of the Interallied Peace Conference, April 28, 1919, made the following explanation of this phrase:

"If Baron Makino will pardon me for introducing a matter which I absent-mindedly overlooked, it is necessary for me to propose the alteration of several words in the first line of Article V. Let me say, in several parts of the treaty of which this Covenant will form a part, certain duties are assigned to the Council of the League of Nations. In some instances it is provided that the action they shall take shall be by a majority vote. It is therefore necessary to make the Covenant conform with the other portions of the treaty by adding these words. I will read the first line and add the words:

"'Except where otherwise expressly provided in this Covenant, or by the terms of this treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the members of the League represented at the meeting.'

"'Except where otherwise expressly provided in this Covenant,' is the present reading, and I move the addition of 'or by the terms of this treaty.'

"With that addition, I move the adoption of the Covenant."

## ARTICLE VII

*Seat, Qualifications for Officials, Immunities*

1. The seat of the League is established at Geneva.
2. The Council may at any time decide that the seat of the League shall be established elsewhere.
3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.
4. Representatives of the members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.
5. The buildings and other property occupied by the League or its officials or by representatives attending its meetings shall be inviolable.

## ARTICLE VIII

*Reduction of Armaments*

1. The members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.
2. The Council, taking account of the geographical situation and circumstances of each member, shall formulate plans for such reduction for the consideration and action of the several Governments.
3. Such plans shall be subject to reconsideration and revision at least every 10 years.
4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.
5. The members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.
6. The members of the League undertake to interchange full and frank information as to the scale of their armaments, their



military and naval programs, and the condition of such of their industries as are adaptable to warlike purposes.

#### ARTICLE IX

##### *Permanent Military Commission*

1. A permanent commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military and naval questions generally.

#### ARTICLE X

##### *Guaranties Against Aggression*

1. The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE XI

##### *Action in Case of War or Threat of War*

1. Any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any member of the League, forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends.

#### ARTICLE XII

##### *Disputes to Be Submitted to Arbitration or Inquiry*

1. The members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

2. In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

### ARTICLE XIII

#### *Arbitration of Disputes*

1. The members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

3. For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

4. The members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

### ARTICLE XIV

#### *Court of International Justice*

1. The Council shall formulate and submit to the members of the League for adoption plans for the establishment of a permanent Court of International Justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

## ARTICLE XV

*Disputes Not Submitted to Arbitration*

1. If there should arise between members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavor to effect a settlement of the dispute and, if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and terms of settlement thereof as the Council may deem appropriate.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party,

the Council shall so report and shall make no recommendation as to its settlement.

9. The Council may in any case under this article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the representatives of those members of the League represented on the Council and of a majority of the other members of the League, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

## ARTICLE XVI

### *Sanctions*

1. Should any member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall *ipso facto* be deemed to have committed an act of war against all other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking member of the League, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking member of the League and the nationals of any other state, whether a member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The members of the League agree, further, that they will mutually support one another in the financial and economic measures

which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking member of the League, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the League which are co-operating to protect the covenants of the League.

4. Any member of the League which has violated any covenant of the League may be declared to be no longer a member of the League by a vote of the Council concurred in by the representatives of all the other members of the League represented thereon.

## ARTICLE XVII

### *Disputes with Non-Members*

1. In the event of a dispute between a member of the League and a state which is not a member of the League, or between states not members of the League, the state or states not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles XII to XVI, inclusive, shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given, the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a state so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a member of the League, the provisions of Article XVI shall be applicable as against the state taking such action.

4. If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

## ARTICLE XVIII

*Registration and Publication of Treaties*

1. Every treaty or international engagement entered into henceforward by any member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

## ARTICLE XIX

*Review of Treaties*

1. The Assembly may from time to time advise the reconsideration by members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

## ARTICLE XX

*Abrogation of Inconsistent Obligations*

1. The members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any member of the League shall, before becoming a member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

## ARTICLE XXI

*Engagements that Remain Valid*

1. Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace.

## ARTICLE XXII

*Control of Colonies and Territories*

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the states

which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the League.<sup>1</sup>

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the pre-

<sup>1</sup>"An official communiqué issued May 7, 1919, stated:

"The Council of Three—M. Clemenceau, President Wilson and Mr. Lloyd George—yesterday decided as to the disposition of the former German colonies as follows:

"Togoland and Kamerun—France and Great Britain shall make a joint recommendation to the League of Nations as to their future.

"German East Africa—The mandate shall be held by Great Britain.

"German Southwest Africa—The mandate shall be held by the Union of South Africa.

"The German Samoan Islands—The mandate shall be held by New Zealand.

"The other German Pacific possessions south of the equator, excluding the German Samoan Islands and Nauru—The mandate shall be held by Australia.

"Nauru (Pleasant Island)—The mandate shall be given to the British Empire.

"The German Pacific islands north of the equator—The mandate shall be held by Japan."

vention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and for the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

6. There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate the mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.

9. A permanent commission shall be constituted to receive and examine the annual reports of the mandatories, and to advise the Council on all matters relating to the observance of the mandates.

## ARTICLE XXIII

### *Social Activities*

1. Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the League:

(a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;

(b) undertake to secure just treatment of the native inhabitants of territories under their control;

(c) will intrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs;



(d) will intrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

(f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

#### ARTICLE XXIV

##### *International Bureaus*

1. There shall be placed under the direction of the League all International Bureaus already established by general treaties, if the parties to such treaties consent. All such International Bureaus and all Commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any Bureau or Commission which is placed under the direction of the League.

#### ARTICLE XXV

##### *Promotion of Red Cross*

1. The members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

## ARTICLE XXVI

*Amendments*

1. Amendments to this Covenant will take effect when ratified by the members of the League whose representatives compose the Council and by a majority of the members of the League whose representatives compose the Assembly.

2. No such amendment shall bind any member of the League which signifies its dissent therefrom, but in that case it shall cease to be a member of the League<sup>1</sup>.

## ANNEX

I. Original members of the League of Nations, signatories of the treaty of peace:

United States of America	Guatemala
Belgium	Haiti
Bolivia	Hedjaz
Brazil	Honduras
British Empire	Italy
Canada	Japan
Australia	Liberia
South Africa	Nicaragua
New Zealand	Panamá
India	Perú
China	Poland
Cuba	Portugal
Czecho-Slovakia	Rumania
Ecuador	Serbia
France	Siam
Greece	Uruguay
States invited to accede to the	Covenant:
Argentine Republic	Persia
Chile	Salvador
Colombia	Spain
Denmark	Sweden
Netherlands	Switzerland
Norway	Venezuela
Paraguay	

<sup>1</sup> The president of the League of Nations Commission at the plenary session of the Interallied Peace Conference on April 28, 1919, stated that this paragraph

## II. First Secretary-General of the League of Nations: Sir James Eric Drummond<sup>1</sup>.

"was added at the request of the Brazilian delegation in order to avoid certain constitutional difficulties."

<sup>1</sup>The president of the League of Nations Commission at the plenary session of the Interallied Peace Conference on April 28, 1919, said:

"I take the opportunity to move the following resolutions in order to carry out the provisions of the Covenant. You will notice that the Covenant provides that the first Secretary-General shall be chosen by this Conference [see Article VI, 2] . . . I move, therefore, that the first Secretary-General of the Council (*sic*) shall be the Hon. Sir James Eric Drummond."

The motion was carried.

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## RESOLUTION -

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*Whereas*, we believe that the United States should now enter the League of Nations in order to promote international co-operation and to achieve international peace and security; and

*Whereas*, the Peace Conference at Paris, at its first session, recognized the necessity of making the League of Nations the basis of the treaty of peace, and has shaped the whole treaty on the assumption that this League of Nations will be formed; and

*Whereas*, the first draft of the Covenant of the League of Nations was submitted for world-wide discussion and, in the light of such discussion, has been largely amended to meet suggestions made by American statesmen; and

*Whereas*, ample provision is made in the present Covenant for such future amendments as prove desirable; and

*Whereas*, a nation which fails to secure satisfactory conditions is at liberty at any time to give two years' notice of withdrawal; and

*Whereas*, the perfected Covenant has already become an essential part of the peace treaty with Germany, and cannot be further amended at this time without jeopardizing the whole peace treaty, and inviting the spread of international anarchy,

*Now, Therefore*, we earnestly urge that the United States Senate, without unreasonable delay, ratify the treaty of peace when it shall be submitted for ratification, and thereby secure the maintenance of world peace, which is the great end for which we fought the war, and without the attainment of which all our sacrifices of blood and treasure will have been in vain.

Adopted by the Massachusetts  
Joint Committee for a League  
of Free Nations

# LEAGUE *of* NATIONS

Vol. III

*Special Number*

September, 1920

## Permanent Court of International Justice

Draft Scheme  
for the  
Institution of the Court

Published Bimonthly by the  
WORLD PEACE FOUNDATION

40 Mt. Vernon Street, Boston

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# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force cannot at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

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\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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## A LEAGUE OF NATIONS

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## FOREWORD.

The instructions which Mr. Root as President Roosevelt's Secretary of State issued to Mr. Choate and his colleagues who represented the United States at the Second Hague Conference in 1907, contain the original plans for such a court as is embodied in the draft scheme for the institution of the Permanent Court of International Justice, which the Council of the League has now referred to the 41 members of the League of Nations.

In 1907 the plan failed because of the insuperable obstacle of discovering some method of appointing 15 judges for 45 nations, in a manner acceptable to great and small nations alike.

In the present plan this obstacle has been satisfactorily overcome by utilizing the Assembly and the Council of the League in such a way as to enable small as well as large nations to participate in the selection of judges.

It is of interest to Americans that, although the United States is not a member of the League, and therefore not entitled to participate in its deliberations, the Council gave a special invitation to Mr. Root to serve on the Commission of 12 jurists which was charged with the duty of drawing up the plan. The method of procedure is as follows :

1. Appointment by the Council of the Commission, February 15, 1920.
2. Deliberations of the Commission at The Hague, June 16-July 24.
3. Report of the Commission to the Council at San Sebastian, July 30-August 4.
4. Letter transmitting the draft scheme to member states, August 27.
5. Adoption of the draft scheme by the Council at Paris, September 16.
6. Consideration of the plan by member nations, which will instruct their delegates to the first meeting of the Assembly at Geneva, November 15.
7. Resubmission for ratification by member states.



The supreme importance of this project for the success of the League of Nations or any other plan for organizing the world to secure peace and justice is impressively set forth in the letter of transmission, as follows:

### LEAGUE OF NATIONS

Sunderland House, Curzon Street,  
London, W. 1  
27th August, 1920.

The Council of the League of Nations has the honor to communicate to the Government the scheme presented by the International Committee of eminent jurists who were invited to submit plans for the establishment of a Permanent Court of International Justice, and who have recently concluded their deliberations at The Hague.

The Council do not propose to express any opinion on the merits of the scheme until they have had a full opportunity of considering it: but they permit themselves to accompany the documents with the following observations.

The scheme has been arrived at after prolonged discussion by a most competent tribunal. Its members represented widely different national points of view; they all signed the Report. Its fate has therefore been very different from that of the plans for a Court of Arbitral Justice, which were discussed without result in 1907. Doubtless the agreement was not arrived at without difficulty. Variety of opinions, even among the most competent experts, is inevitable on a subject so perplexing and complicated. Some mutual concessions are therefore necessary if the failure of thirteen years ago is not to be repeated. The Council would regard an irreconcilable difference of opinion on the merits of the scheme as an international misfortune of the gravest kind. It would mean that the League was publicly compelled to admit its incapacity to carry out one of the most important of the tasks which it was invited to perform. The failure would be great and probably irreparable; for, if agreement proves impossible under circumstances apparently so favorable, it is hard to see how and when the task of securing it will be successfully resumed.

It is in the spirit indicated by these observations that the Council on their part propose to examine the project submitted to them by the Committee of Jurists; and they trust that in the same spirit the Members of the League will deal with this all-important subject when the Council brings the recommendations before the Assembly.

**DRAFT SCHEME**  
**FOR THE**  
**INSTITUTION OF THE PERMANENT**  
**COURT OF INTERNATIONAL JUSTICE**

*Mentioned in Article 14 of the Covenant of the League of Nations.*  
*Presented to the Council of the League by the*  
*Advisory Committee of Jurists*

**ARTICLE 1**

A Permanent Court of International Justice, to which Parties shall have direct access, is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the Hague Convention of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

**CHAPTER I**

*Organization of the Court*

**ARTICLE 2**

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality, from among persons of high moral character, who possess the qualifications required, in their respective countries, for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

**ARTICLE 3**

The Court shall consist of 15 members: 11 judges and 4 deputy-judges. The number of judges and deputy-judges may be hereafter increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of 15 judges and 6 deputy-judges.

## ARTICLE 4

The members of the Court shall be elected by the Assembly and the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

## ARTICLE 5

At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the members of the Court of Arbitration, belonging to the States mentioned in the Annex to the Covenant or to the States which shall have joined the League subsequently, inviting them to undertake, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than two persons; the nominees may be of any nationality.

## ARTICLE 6

Before making these nominations, each national group is hereby recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

## ARTICLE 7

The Secretary-General of the League of Nations shall prepare a list, in alphabetical order, of all the persons thus nominated. These persons only shall be eligible for appointment, except as provided in Article 12, paragraph 2.

The Secretary-General shall submit this list to the Assembly and to the Council.

## ARTICLE 8

The Assembly and the Council shall proceed to elect by independent voting first the judges and then the deputy-judges.

## ARTICLE 9

At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

## ARTICLE 10

Those candidates who obtain an absolute majority of votes in the Assembly and the Council shall be considered as elected.

In the event of more than one candidate of the same nationality being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

#### ARTICLE 11

If, after the first sitting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third sitting shall take place.

#### ARTICLE 12

If after the third sitting one or more seats still remain unfilled, a joint Conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Committee is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations made by the Court of Arbitration.

If the Joint Conference is not successful in procuring an election, those members of the Court who have already been appointed shall, within a time limit to be arranged by the Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

#### ARTICLE 13

The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled.

Though replaced, they shall complete any cases which they may have begun.

#### ARTICLE 14

Vacancies which may occur shall be filled by the same method as that laid down for the first election.

A member of the Court elected to replace a member the period of whose appointment has not expired will hold the appointment for the remainder of his predecessor's term.

## ARTICLE 15

Deputy-judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court, having regard first to the order in time of each election and secondly to age.

## ARTICLE 16

The exercise of any function which belongs to the political direction, national or international, of States, by the Members of the Court, during their terms of office is declared incompatible with their judicial duties.

Any doubt upon this point is settled by the decision of the Court.

## ARTICLE 17

No member of the Court can act as agent, counsel or advocate in any case of an international nature.

No member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international Court, or of a Commission of Inquiry, or in any other capacity.

Any doubt upon this point is settled by the decision of the Court.

## ARTICLE 18

A member of the Court can not be dismissed unless, in the unanimous opinion of the other Members, he has ceased to fulfill the required conditions.

When this happens a formal notification shall be given to the Secretary-General.

This notification makes the place vacant.

## ARTICLE 19

The members of the Court, when outside their own country, shall enjoy the privileges and immunities of diplomatic representatives.

## ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

## ARTICLE 21

The Court shall elect its President and Vice-President for three years; they may be re-elected.

It shall appoint its Registrar.

The duties of Registrar of the Court shall not be considered incompatible with those of Secretary-General of the Permanent Court of Arbitration.

#### ARTICLE 22

The seat of the Court shall be established at The Hague.  
The President and Registrar shall reside at the seat of the Court.

#### ARTICLE 23

A session shall be held every year.

Unless otherwise provided by rules of Court this session shall begin on the 15th June, and shall continue for so long as may be necessary to complete the cases on the list.

The President may summon an extraordinary meeting of the Court whenever necessary.

#### ARTICLE 24

If, for some special reason, a member of the Court considers that he can not take part in the decision of a particular case, he shall so inform the President.

If, for some special reason, the President considers that one of the members of the Court should not sit on a particular case, he shall give notice to the member concerned.

In the event of the President and the member not agreeing as to the course to be adopted in any such case, the matter shall be settled by the decision of the Court.

#### ARTICLE 25

The full Court shall sit except when it is expressly provided otherwise.

If 11 judges can not be present, deputy-judges shall be called upon to sit, in order to make up this number.

If, however, 11 judges are not available, a quorum of 9 judges shall suffice to constitute the Court.

#### ARTICLE 26

With a view to the speedy dispatch of business the Court shall form, annually, a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

#### ARTICLE 27

The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

## ARTICLE 28

Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties only, the other party may select from among the deputy-judges, a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates by some national group in the Court of Arbitration.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this Article shall fulfill the conditions required by Articles 2, 16, 17, 20, 24 of this Statute. They shall take part in the decision on an equal footing with their colleagues.

## ARTICLE 29

The judges shall receive an annual salary to be determined by the Assembly of the League of Nations upon the proposal of the Council. This salary must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

Deputy-judges shall receive a grant, for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy-judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 28 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

A special regulation shall provide for the pensions to which the judges and registrar shall be entitled.

## ARTICLE 30

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

CHAPTER II

*Competence of the Court*

ARTICLE 31

The Court shall have jurisdiction to hear and determine suits between States.

ARTICLE 32

The Court shall be open of right to the States mentioned in the Annex to the Covenant, and to such others as shall subsequently enter the League of Nations.

Other States may have access to it.

The conditions under which the Court shall be open of right or accessible to States which are not Members of the League of Nations shall be determined by the Council, in accordance with Article 17 of the Covenant.

ARTICLE 33

When a dispute has arisen between States, and it has been found impossible to settle it by diplomatic means, and no agreement has been made to choose another jurisdiction, the party complaining may bring the case before the Court. The Court shall, first of all, decide whether the preceding conditions have been complied with; if so, it shall hear and determine the dispute according to the terms and within the limits of the next Article.

ARTICLE 34

Between States which are Members of the League of Nations, the Court shall have jurisdiction (and this without any special convention giving it jurisdiction) to hear and determine cases of a legal nature concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of reparation to be made for the breach of an international obligation;
- e. the interpretation of a sentence passed by the Court.

The Court shall also take cognizance of all disputes of any kind which may be submitted to it by a general or particular convention between the parties.



In the event of a dispute as to whether a certain case comes within any of the categories above mentioned, the matter shall be settled by the decision of the Court.

#### ARTICLE 35

The Court shall, within the limits of its jurisdiction as defined in Article 34, apply in the order following:

1. international conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
2. international custom, as evidence of a general practice, which is accepted as law;
3. the general principles of law recognized by civilized nations;
4. judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

#### ARTICLE 36

The Court shall give an advisory opinion upon any question or dispute of an international nature referred to it by the Council or Assembly.

When the Court shall give an opinion on a question of an international nature which does not refer to any dispute that may have arisen, it shall appoint a special Commission of from three to five members.

When it shall give an opinion upon a question which forms the subject of an existing dispute, it shall do so under the same conditions as if the case had been actually submitted to it for decision.

### CHAPTER III

#### *Procedure*

#### ARTICLE 37

The official language of the Court shall be French.

The Court may, at the request of the contesting parties, authorize another language to be used before it.

#### ARTICLE 38

A State desiring to have recourse to the Court shall lodge a written application addressed to the Registrar.

The application shall indicate the subject of the dispute, and name the contesting parties.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

#### ARTICLE 39

If the dispute arises out of an act which has already taken place or which is imminent, the Court shall have the power to suggest, if it considers that circumstances so require, the provisional measures that should be taken to preserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

#### ARTICLE 40

The parties shall be represented by agents.  
They may have Counsel or Advocates to plead before the Court.

#### ARTICLE 41

The procedure shall consist of two parts: written and oral.

#### ARTICLE 42

The written proceedings shall consist of the communication to the judges and to the parties of statements of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Registrar in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

#### ARTICLE 43

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

#### ARTICLE 44

The proceedings shall be under the direction of the President, or in his absence, of the Vice-President; if both are absent, the senior judge shall preside.

#### ARTICLE 45

The hearing in Court shall be public, unless the Court, at the written request of one of the parties, accompanied by a statement of his reasons, shall otherwise decide.

## ARTICLE 46

Minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record.

## ARTICLE 47

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## ARTICLE 48

The Court may, even before the hearing begins, call upon the agents to produce any document, or to supply to the Court any explanations. Any refusal shall be recorded.

## ARTICLE 49

The Court may, at any time, intrust any individual, bureau, commission or other body that it may select, with the task of carrying out an inquiry or giving an expert opinion.

## ARTICLE 50

During the hearing in Court, the judges may put any questions considered by them to be necessary, to the witnesses, agents, experts, advocates or counsel. The agents, advocates and counsel shall have the right to ask, through the President, any questions that the Court considers useful.

## ARTICLE 51

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## ARTICLE 52

Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favor of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 33 and 34, but also that the claim is supported by substantial evidence and well founded in fact and law.

## ARTICLE 53

When the agents, advocates and counsel, subject to the control of the Court, have presented all the evidence, and taken all other steps that

they consider advisable, the President shall declare the case closed.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

#### ARTICLE 54

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

#### ARTICLE 55

The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

#### ARTICLE 56

If the judgment given does not represent, wholly or in part, the unanimous opinion of the judges, the dissenting judges shall be entitled to have the fact of their dissent or reservations mentioned in it. But the reasons for their dissent or reservations shall not be expressed in the judgment.

#### ARTICLE 57

The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agent.

#### ARTICLE 58

The judgment is final and without appeal. In the event of uncertainty as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

#### ARTICLE 59

An application for revision of a judgment can be made only when it is based upon the discovery of some new fact, of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

No application for revision may be made after the lapse of five years from the date of the sentence.

ARTICLE 60

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

ARTICLE 61

Whenever the construction of a convention in which States, other than those concerned in the case, are parties, is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings: but if it uses this right, the construction given by the judgment will be as binding upon it as upon the original parties to the dispute.

ARTICLE 62

Unless otherwise decided by the Court, each party shall bear its own costs.

# LEAGUE *of* NATIONS

Vol. III, No. 4

August, 1920

## The League Campaign in the Swiss and American Republics

### PART II

## The United States Senate and The Treaty

Published Bimonthly by the  
**WORLD PEACE FOUNDATION**  
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The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force cannot at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

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# THE UNITED STATES SENATE AND THE TREATY

*A Record of all Votes, Those of the Bitter-Enders  
Specially Indicated*

The treaty of peace with Germany was transmitted to the Senate by the President on July 10, 1919. From July 14 to September 4 the Committee on Foreign Relations held hearings concerning it and submitted it to reading. It was presented to the Senate on September 4 and the majority report of the committee (S. Rept. 176) was published September 10. A Democratic minority and Senator McCumber alone also made reports from the committee. Amendments reported by a majority of the committee occupied the Senate in Committee of the Whole from October 2 to November 6. Reservations came to vote November 7 and the vote was completed in the Committee of the Whole on November 18. The Senate voted November 19, the reservations voted by a majority falling of the necessary two-thirds for ratification.

For two weeks prior to January 31, 1920, members of both parties negotiated respecting an agreement on reservations.

February 2 the Republican leader, following a similar announcement by the Democratic leader, gave notice that on February 9 he would ask unanimous consent to take up the treaty again. This was done. From that date until March 18 the Senate voted 15 reservations by majority in Committee of the Whole. Proceedings in the Senate began on March 18 and the resolution of ratification with those reservations came to a vote on March 19, when it failed of a two-thirds majority.

A resolution terminating the state of war was immediately introduced into the House of Representatives, from the Committee on Foreign Affairs of which it was reported on April 8 (H. Rept. 801), the Democratic minority also making a report. The resolution was passed April 9, sent to the Senate and referred to the Committee on Foreign Relations. That committee reported it back amended so as to be substantially a new resolution (S. Rept. 568) on April 30, and the Senate passed it in this form on May 15. The House concurred on May 21, and the President vetoed the resolution on May 27. The next day the House of Representatives failed to pass the resolution by the two-thirds majority required to override the veto. The Senate did not again have the resolution before it.

## PROCEEDINGS IN COMMITTEE OF THE WHOLE

## AMENDMENTS

Art. 35: Strike out the words "and Associated" from the phrase "Principal Allied and Associated Powers;" FALL; vote, October 2, 1919, yeas, 30; nays, 58; Bitter-enders, yea.

Eliminating the United States from commissions under the treaty, Art. 50, Annex, 17: add "or the United States of America" in last line; FALL; vote, October 2, 1919, yeas, 31; nays, 56; Bitter-enders, yea.

Art. 86: Strike out "and Associated" from the phrase "Principal Allied and Associated Powers;" FALL; vote, October 2, yeas, 28; nays, 53; Bitter-enders, yea.

Art. 88, Annex, Sec. 2: Strike out "the United States of America" and "and Associated;" FALL; vote, October 2, yeas, 31; nays, 46; Bitter-enders, yea.

Arts. 156, 157 and 158: Strike out "Japan" and insert "China;" COMMITTEE; vote, October 16, yeas, 35; nays, 55; Bitter-enders, yea.

Art. 3: Add to par. 4: "*Provided*, That when any member of the League has or possesses self-governing dominions or colonies or parts of empire, which are also members of the League, the United States shall have votes in the Assembly or Council of the League numerically equal to the aggregate vote of such member of the League and its self-governing dominions and colonies and parts of empire in the Council or Assembly of the League;" JOHNSON; vote, October 27, yeas, 38; nays, 40; Bitter-enders, yea.

Art. 15: Insert as next to last paragraph: "*Provided*, that when imperial and federal governments and their self-governing dominions, colonies or states are members of the League, as originally organized or hereafter admitted, the empire or federal government and the dominions, colonies or states, collectively, have one membership, one delegate and one vote in the Council and only three delegates and one vote in the Assembly;" SHIELDS; vote, October 29, yeas, 32; nays, 49; Bitter-enders, yea.

Art. 15: Insert as next to the last paragraph: "Whenever the case referred to the Assembly involves a dispute between one member of the League and another member whose self-governing dominions or colonies or parts of empire are also represented in the Assembly, neither the disputant members nor any of their said dominions, colonies or parts of empire shall have a vote upon any phase of the question;" MOSES; vote, October 29, yeas, 36; nays, 47; Bitter-enders, yea.

Preamble: Add to last line: "we invoke therefore the considerate judgment of mankind and the gracious favor of Almighty God;" SHERMAN; motion to table, October 29, yeas, 57; nays, 27; Bitter-enders, nay.

Art. 3: Add at end amendment on voting; JOHNSON; (text, Congressional Record, p. 8004, October 27, 1919) substantially the same as Mr. Johnson's reservation voted down on November 18, page 173; vote, October 29, yeas, 35; nays, 42; Bitter-enders, yea.

Arts. 156, 157 and 158 (Shantung): Motion to strike out; LODGE; vote, November 4, yeas, 26; nays, 41; Bitter-enders, yea.

Part XIII: To strike out Part XIII; LA FOLLETTE; vote, November 5, yeas, 34; nays, 47; Bitter-enders, yea.

Art. 12: Add to end of first paragraph: [The members of the League . . . agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council] "and not then until an advisory vote of the people shall have been taken;" GORE; vote, November 6, yeas, 16; nays, 67; Bitter-enders, yea.

#### RESERVATIONS

##### *Preamble*<sup>1</sup>

1 "The reservations and understandings adopted by the Senate are to  
2 be made a part and a condition of the resolution of ratification, which  
3 ratification is not to take effect or bind the United States until the  
4 said reservations and understandings adopted by the Senate have  
5 been accepted by an exchange of notes as a part and a condition of  
6 said resolution of ratification by at least three of the four Principal  
7 Allied and Associated Powers, to wit, Great Britain, France, Italy,  
8 and Japan;" COMMITTEE; November 7, yeas, 48; nays, 40; Bitter-  
enders, yea.

The following efforts to change the text were made:

Strike out:

"Which ratification is not to take effect," line 2 to end; McCUMBER; vote, November 7, yeas, 40; nays, 48; Bitter-enders, nay.

Strike out the preceding and insert in lieu the following:

"The acceptance of such reservations and understandings by any party to said treaty may be effected by an exchange of notes;" McCUMBER; vote, November 7, yeas, 40; nays, 48; Bitter-enders, nay.

Strike out the words "three of" in line 6 and read: "by at least the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan;" BORAH; vote, November 7, yeas, 25; nays, 63; Bitter-enders, yea.

Strike out in lines 5 to 6 and insert so as to read: ". . . notes as a part and a condition of said resolution of ratification, or by participating in any of the proceedings authorized by this said treaty, by at least," etc.; KING; vote, November 7, yeas, 42; nays, 46; Bitter-enders, nay.

<sup>1</sup>Originally, and as voted, the Preamble was Reservation 1. For the clarity, the final numbering has been followed.

*Reservation 1*

1 "The United States so understands and construes Article 1 that in  
2 case of notice of withdrawal from the League of Nations, as provided  
3 in said article, the United States shall be the sole judge as to whether  
4 all its international obligations and all its obligations under the said  
5 Covenant have been fulfilled, and notice of withdrawal by the United  
6 States may be given by a concurrent resolution of the Congress of the  
7 United States;" COMMITTEE; vote, November 8, yeas, 50; nays, 35;  
Bitter-enders, yea.

The following efforts to change the text were made:

After the word "given" in line 6 insert: "by the President or by";  
GORE; vote, November 8, yeas, 18; nays, 68; Bitter-enders, yea.

Strike out "concurrent" in line 6, insert "joint"; NELSON; vote,  
November 8, yeas, 39; nays, 45; Bitter-enders, nay.

Strike out all after the word "fulfilled" in line 5; WALSH of Montana;  
vote, November 8, yeas, 37; nays, 49; Bitter-enders, nay.

Strike out the words "the United States" in line 3 and substitute "any  
nation so withdrawing;" KING; vote, November 8, yeas, 32; nays, 52;  
Bitter-enders, nay.

*Reservation 2*

1 "The United States assumes no obligation to preserve the territorial  
2 integrity or political independence of any other country or to inter-  
3 fere in controversies between nations—whether members of the  
4 League or not—under the provisions of Article 10, or to employ the  
5 military or naval forces of the United States under any article of the  
6 treaty for any purpose, unless in any particular case the Congress,  
7 which, under the Constitution, has the sole power to declare war or  
8 authorize the employment of the military or naval forces of the  
9 United States, shall by act or joint resolution so provide;" COM-  
MITTEE; vote, November 13, yeas, 46; nays, 33; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "That the suggestions of the Council of the  
League of Nations as to the means of carrying the obligations of Article 10  
into effect are only advisory, and that any undertaking under the pro-  
visions of Article 10, the execution of which may require the use of Ameri-  
can military or naval forces or economic measures, can under the Consti-  
tution be carried out only by the action of the Congress, and that the  
failure of the Congress to adopt the suggestions of the Council of the  
League or to provide such military or naval forces or economic measures  
shall not constitute a violation of the treaty;" THOMAS; vote, November  
10, yeas, 36; nays, 48; Bitter-enders, nay.

Substitute the following: "The United States assumes no obligation, legal or moral, under Article 10 and shall not be bound by any of the terms or conditions of said article;" BORAH; vote, November 10, yeas, 18; nays, 68; Bitter-enders, yea.

Strike out in lines 7 to 9: "or authorize the employment of the military or naval forces of the United States;" WALSH of Montana; vote, November 10, yeas, 38; nays, 45; Bitter-enders, nay.

CLOSURE, point of order, November 13, appeal from decision of the Chair; HITCHCOCK; vote, yeas, 44; nays, 36; Bitter-enders, yea.

Add at end: "and the United States hereby releases all members of the League from any obligation to it under Article 10 and declines to participate in any proceeding of the Council authorized thereby;" WALSH of Montana; vote, November 13, yeas, 4; nays, 68; Bitter-enders, nay.

After the word "obligation" in line 1 insert the following: "beyond the expiration of five years from the ratification of this treaty;" THOMAS; vote, November 13, yeas, 32; nays, 46; Bitter-enders, nay.

Add at end the following: "Provided, however, That the United States assumes for the period of five years, with other members of the League, the obligation of said Article 10 as to the following republics, to wit: Poland, Czecho-Slovakia and the Serb-Croat-Slovene State;" WALSH of Montana; vote, November 13, yeas, 32; nays, 44; Bitter-enders, nay.

Add at end the following: "Provided, however, That the United States assumes for the period of five years with the other members of the League the obligation of said Article 10 as to the Republic of France in maintaining her sovereignty over Alsace-Lorraine;" MCKELLAR; vote, November 13, yeas, 31; nays, 46; Bitter-enders, nay.

Substitute the following: "That the advice mentioned in Article 10 of the Covenant of the League which the Council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject, according to the conscience and judgment of its then existing Government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war;" HITCHCOCK; vote, November 13, yeas, 32; nays, 44; Bitter-enders, nay.

Substitute the following: "The United States in assuming the obligation to preserve the territorial integrity or existing political independence of any other country, or to interfere in controversies between nations, whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States, does so with the understanding that the advice or recommendation of the Council or Assembly under Articles 10 and 15 is purely advisory and absolutely subject to such judgment and action as the Congress of the United States

may find justified by the facts in any case submitted;" OWEN; vote, November 13, yeas, 33; nays, 44; Bitter-enders, nay.

As an addition: "But, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any Power or combination of Powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other Powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and co-operation with our chief cobelligerents for the defense of civilization;" HITCHCOCK; vote November 13, yeas, 34; nays, 45; Bitter-enders, nay.

CLOTURE: To table appeal from decision of Chair; ASHURST; vote, November 15, yeas, 62; nays, 30; Bitter-enders, nay.

CLOTURE: LODGE; vote, November 15, yeas, 78; nays, 16; Bitter-enders, yea, but divided.

#### *Reservation 3*

1 "No mandate shall be accepted by the United States under Article  
2 22, par. 1, or any other provision of the treaty of peace with Ger-  
3 many, except by action of the Congress of the United States;" COM-  
MITTEE; agreed to, November 15, without division; see also Pro-  
ceedings in the Senate, p. 177.

#### *Reservation 4*

1 "The United States reserves to itself exclusively the right to de-  
2 cide what questions are within its domestic jurisdiction and declares  
3 that all domestic and political questions relating wholly or in part to  
4 its internal affairs, including immigration, labor, coastwise traffic, the  
5 tariff, commerce, the suppression of traffic in women and children  
6 and in opium and other dangerous drugs, and all other domestic  
7 questions, are solely within the jurisdiction of the United States and  
8 are not under this treaty to be submitted in any way either to  
9 arbitration or to the consideration of the Council or of the Assembly  
10 of the League of Nations, or any agency thereof, or to the decision  
11 or recommendation of any other Power;" COMMITTEE; vote,  
November 15, yeas, 59; nays, 36; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "That no member nation is required to submit to the League, its Council, or its Assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs;" HITCHCOCK; vote, November 15, yeas, 43; nays, 52; Bitter-enders, nay.

After the word "questions" in line 7, insert the following:  
 "and all questions affecting the present boundaries of the United States and its insular or other possessions;" HALE; vote, November 15, yeas, 52; nays, 40; Bitter-enders, yea.

This amendment was subsequently stricken out.

*Reservation 5*

1 "The United States will not submit to arbitration or to inquiry by  
 2 the Assembly or by the Council of the League of Nations, provided  
 3 for in said treaty of peace, any questions which in the judgment of  
 4 the United States depend upon or relate to its long-established  
 5 policy, commonly known as the Monroe doctrine; said doctrine is  
 6 to be interpreted by the United States alone and is hereby declared  
 7 to be wholly outside the jurisdiction of said League of Nations and  
 8 entirely unaffected by any provision contained in the said treaty of  
 9 peace with Germany;" COMMITTEE; vote, November 15, yeas, 55;  
 nays, 34; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the Covenant of the League of Nations and is not subject to any decision, report, or inquiry by the Council or Assembly;" HITCHCOCK; vote, November 15, yeas, 43; nays, 51; Bitter-enders, nay.

Substitute the following: "The United States does not bind itself to submit for arbitration or inquiry by the Assembly or the Council any question which in the judgment of the United States, depends upon or involves its long-established policy, commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained;" PIRMAN; vote, November 15, yeas, 42; nays, 52; Bitter-enders, nay.

*Reservation 6*

1 "The United States withholds its assent to Articles 156, 157 and 158,  
 2 and reserves full liberty of action with respect to any controversy  
 3 which may arise under said articles between the Republic of China  
 4 and the Empire of Japan;" COMMITTEE; vote, November 15, yeas,  
 53; nays, 41; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "The United States refrains from entering into any agreement on its part in reference to the matters contained in Articles 156, 157 and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto;" McCUMBER; vote, November 15, yeas, 42; nays, 50; Bitter-enders, nay.



Substitute the following: "Provided, That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of Articles 156, 157 and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915;" PITTMAN; vote, November 15, yeas, 39; nays, 50; Bitter-enders, nay.

*Reservation 7*

1 "The Congress of the United States will provide by law for the  
2 appointment of the representatives of the United States in the  
3 Assembly and the Council of the League of Nations, and may in its  
4 discretion provide for the participation of the United States in any  
5 commission, committee, tribunal, court, council or conference, or in  
6 the selection of any members thereof and for the appointment of  
7 members of said commissions, committees, tribunals, courts,  
8 councils or conferences, or any other representatives under the  
9 treaty of peace, or in carrying out its provisions, and until such  
10 participation and appointment have been so provided for and the  
11 powers and duties of such representatives have been defined by  
12 law, no person shall represent the United States under either said  
13 League of Nations or the treaty of peace with Germany or be  
14 authorized to perform any act for or on behalf of the United States,  
15 thereunder, and no citizen of the United States shall be selected  
16 or appointed as a member of said commissions, committees, tri-  
17 bunals, courts, councils or conferences except with the approval  
18 of the Senate of the United States;" COMMITTEE; vote, November  
15, yeas, 53; nays, 40; Bitter-enders, yea.

*Reservation 8*

1 "The United States understands that the Reparation Commission  
2 will regulate or interfere with exports from the United States to  
3 Germany, or from Germany to the United States, only when the  
4 United States by act or joint resolution of Congress approves such  
5 regulation or interference;" COMMITTEE; vote, November 15, yeas,  
54; nays, 40; Bitter-enders, yea.

*Reservation 9*

1 "The United States shall not be obligated to contribute to any ex-  
2 penses of the League of Nations, or of the Secretariat, or of any com-  
3 mission, or committee, or conference, or other agency, organized  
4 under the League of Nations or under the treaty or for the purpose

5 of carrying out the treaty provisions, unless and until an appropriate  
6 tion of funds available for such expenses shall have been made by the  
7 Congress of the United States;" COMMITTEE; vote, November 15,  
yeas, 56; nays, 39; Bitter-enders, yea.

*Reservation 10*

1 "If the United States shall at any time adopt any plan for the limita-  
2 tion of armaments proposed by the Council of the League of Nations  
3 under the provisions of Article 8, it reserves the right to increase such  
4 armaments without the consent of the Council whenever the United  
5 States is threatened with invasion or engaged in war;" COMMITTEE;  
vote, November 15, yeas, 56; nays, 39; Bitter-enders, yea.

*Reservation 11*

1 "The United States reserves the right to permit, in its discretion, the  
2 nationals of a covenant-breaking state, as defined in Article 16 of the  
3 Covenant of the League of Nations, residing within the United  
4 States, or in countries other than that violating said Article 16, to  
5 continue their commercial, financial and personal relations with the  
6 nationals of the United States;" COMMITTEE; vote, November  
15, yeas, 53; nays, 41; Bitter-enders, yea.

*Reservation 12*

1 "Nothing in Articles 296, 297, or in any of the annexes thereto, or in  
2 any other article, section or annex of the treaty of peace with Ger-  
3 many, shall, as against citizens of the United States, be taken to  
4 mean any confirmation, ratification or approval of any act otherwise  
5 illegal or in contravention of the rights of citizens of the United  
6 States;" COMMITTEE; vote, November 15, yeas, 52; nays, 41;  
Bitter-enders, yea.

*Additional Reservations*

"The United States declines to accept, as trustee or in her own right,  
any interest in or any responsibility for the government or disposition of  
the overseas possessions of Germany;" COMMITTEE; vote, November 17,  
yeas, 29; nays, 64; Bitter-enders, yea.

"The United States reserves to itself exclusively the right to decide what  
questions affect its honor or its vital interests and declares that such  
questions are not under this treaty to be submitted in any way either to  
arbitration or to the consideration of the Council or of the Assembly of the  
League of Nations or any agency thereof or to the decision or recom-  
mendation of any other power;" COMMITTEE (for Reed); vote, November  
17, yeas, 36; nays, 56; Bitter-enders, yea; see also Proceedings in the  
Senate, p. 177.

*Additional Proposals*

"The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States of any sovereign rights over the Egyptian people in Great Britain or as depriving the people of Egypt of any of their rights of self-government and independence;" OWEN; vote, November 17, yeas, 37; nays, 45; Bitter-enders, yea.

"Resolved, That the United States in ratifying the Covenant of the League of Nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1918, and in subsequent addresses, as a world agreement, binding on the great nations which entered into it and that the principles there set forth will be carried out in due time through the mechanism provided in the Covenant, and that Article 23, par. b, pledging the members of the League to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles;" OWEN; November 17, rejected without roll call.

*Reservation 13*

1 "The United States withholds its assent to Part XIII (Articles 387  
2 to 427, inclusive), of said treaty unless Congress, by act or joint reso-  
3 lution, shall hereafter make provision for representation in the organ-  
4 ization established by said Part XIII, and in such event the par-  
5 ticipation of the United States will be governed and conditioned by  
6 the provisions of such act or joint resolution;" McCUMBER; vote,  
November 17, yeas, 54; nays, 35; Bitter-enders, yea.

The following proposal immediately preceded the vote on the reservation:

"The United States withholds its assent to Part XIII, comprising Articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification, and the United States declines to participate in any way in the said general conference, or to participate in the election of the Governing Body of the International Labor Office constituted by said articles, and declines in any way to contribute or to be bound to contribute to the expenditures of said general conference or International Labor Office;" KING; vote, November 18, yeas, 43; nays, 48; Bitter-enders, yea.

*Additional Proposal*

"The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, any-

thing in the Covenant of the League of Nations and the treaty to the contrary notwithstanding.

"When any member of the League has or possesses self-governing dominions or colonies or parts of empire, which are also members of the League, the United States shall have representatives in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate number of representatives of such member of the League and its self-governing dominions and colonies and parts of empire in such Council and Assembly of the League and labor conference or organization under the League or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate vote to which any such member of the League and its self-governing dominions and colonies and parts of empire are entitled.

"Whenever a case referred to the Council or Assembly involves a dispute between the United States and another member of the League whose self-governing dominions or colonies or parts of empire are also represented in the Council or Assembly, or between the United States and any dominion, colony, or part of any other member of the League, neither the disputant members or any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question;" JOHNSON; vote, November 18, yeas, 43; nays, 46; Bitter-enders, yea.

The last paragraph was not voted upon.

#### *Reservation 14*

1 "The United States assumes no obligation to be bound by any  
2 decision, report or finding of the Council or Assembly in which any  
3 member of the League and its self-governing dominions, colonies  
4 or parts of empire in the aggregate have cast more than one vote,  
5 and assumes no obligation to be bound by any decision, report or  
6 finding of the Council or the Assembly arising out of any dispute  
7 between the United States and any member of the League if such  
8 member, or any self-governing dominion, colony, empire or part of  
9 empire united with it politically has voted;" LENROOT; vote,  
November 18, yeas, 55; nays, 38; Bitter-enders, yea.

The following effort to change the text was made:

Add at end: "Unless upon the submission of the matter to the Council or Assembly for decision, report or finding, the United States consents that the said dominions, colonies or parts of empire may each have the right to cast a separate vote upon the said election, decision, report or finding;" McCUMBER; vote, November 18, yeas, 8; nays, 86; Bitter-enders, nay.

*Additional Proposals*

"Inasmuch as the '14 points' so-called, as declared by the President of the United States, were accepted as the basis of peace by all the chief belligerent nations, the sole reservation being the interpretation on the part of Great Britain of the clause relating to the freedom of the seas, the United States reserves the right to interpret the Covenant of the League and the treaty of peace in harmony with the principles laid down by the said '14 points,' and that it does not consider itself bound to any line of conduct, military, or financial, in conflict therewith;" PHELAN; vote, November 18, yeas, 12; nays, 79; Bitter-enders, divided.

"Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

"Resolved further, That the Senate of the United States advises and consents to the ratification of this treaty, reserving to the United States the fullest and most complete liberty of action in respect to any report, decision, recommendation, action, advice or proposals of the League of Nations or its executive Council or any labor conference provided for in the treaty, and also the sole right to determine its own relations and duties and course of action toward such League or toward any member thereof or toward any other nation in respect to any question, matter or thing that may arise while a member of such League, anything in the covenants or constitution of such League or the treaty of Versailles to the contrary notwithstanding, and also reserves to itself the unconditional right to withdraw from membership in such League and to withdraw from membership in any body, board, commission, committee or organization whatever set up in any part of the treaty for the purpose of aiding its execution or otherwise; effecting by such withdrawal as complete a release of any further obligations or duties under such treaty as if the United States had never been a party thereto. It is also

"Resolved further, That the validity of this ratification depends upon the affirmative act of the Principal Allied Powers named in the treaty of peace with Germany, approving these reservations and certifying said approval to the United States within 60 days after the deposit of the resolution of ratification by the United States;" KNOX; vote, November 18, yeas, 30; nays, 61; Bitter-enders, yea.

"The representative of the United States on the Council of the League of Nations shall not give his consent to any proposal under any provision of the Covenant of the League of Nations which may involve the use of the military or naval forces of the United States until such proposal shall be submitted to the Congress and the Congress shall authorize him to give his consent thereto;" JONES of Washington; vote, November 18, yeas, 34; nays, 50; Bitter-enders, yea.

"No.— Nothing contained in this treaty or Covenant shall be so construed as to require the United States of America to depart from its

traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign state;" GORE; vote, November 18, yeas, 28; nays, 50; Bitter-enders, yea.

Add at end of Reservation 2: "*Provided*, That the United States shall have the privilege of nominating at any time any non-member nation of the world for membership in the League of Nations and the privilege of offering at any time any amendment to the League Covenant, and in case unfavorable action shall be taken by the League, resulting in a failure to elect to membership the nation so nominated or a rejection of the proposed amendment, the United States reserves the right to withdraw immediately without condition or notice;" FRANCE; November 18, rejected without roll call.

Add to reservations: "Except that, in accordance with the principles declared in Article 22, that the tutelage of the peoples which are no longer under the sovereignty of the states which formerly governed them and which are not yet able to stand by themselves should be intrusted to the advanced nations who can best undertake this responsibility, the Principal Allied and Associated Powers shall renounce in favor of the United States all their rights and titles to the colonies and territories in Africa formerly held by Germany and transferred by Germany to said Principal Allied and Associated Powers under Articles 119 to 127, inclusive, and the United States shall act as mandatory of such territories to the end that the inhabitants of these colonies and territories may be civilized, educated and fitted for self-determination, and to the further end that the United States shall closely co-operate with Great Britain, France and Belgium and with such other Powers as have interests in Africa in a permanent, progressive and upbuilding policy for the development of all of the peoples and resources of Africa, and further that the ratification of this treaty by the United States shall be only on condition that the Principal Allied and Associated Powers take such action as is herein provided by the renunciation of such rights and titles to the United States;" FRANCE; vote, November 18, yeas, 3; nays, 71; Bitter-enders, divided.

The following series by LA FOLLETTE, November 18:

"1. That nothing contained in Article 11 of the League Covenant, or any other provision thereof, shall be construed to deny to the people of Ireland, India, Egypt, Korea, or to any other people living under a government which, as to such people, does not derive its powers from the consent of the governed, the right of revolution or the right to alter or abolish such government, and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness;" yeas, 24; nays, 49; Bitter-enders, yea.

"2. The United States hereby gives notice that it will withdraw from the League at the end of one year from the date of the exchange of ratifications of this treaty, unless within that time each member of the

League shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription;" yeas, 21; nays, 54; Bitter-enders, yea.

"3. The United States hereby gives notice that it will withdraw from the League at the end of five years from the date of the exchange of ratifications of this treaty, unless within that time each member of the League shall have agreed that in no case will it resort to war except to suppress any insurrection or repel an actual invasion of its territory, until an advisory vote of its people has first been taken on the question of peace or war;" yeas, 13; nays, 58; Bitter-enders, yea.

"4. The United States hereby gives notice that it will withdraw from the League of Nations at the end of any year during a period of five years from the date of the exchange of ratifications of this treaty, unless during each and every year of the five-year period every member of the League now expending in excess of \$50,000,000 for the maintenance of its military forces or in excess of a like sum for the maintenance of its naval establishment, shall fail to reduce such expenditures by a sum equal to one-fifth of the amount, by which the total annual expenditure for the maintenance of military forces or naval establishment, respectively, exceeds the sum of \$50,000,000 for either, to the end that by the close of the period of five years from the date of exchange of ratifications of this treaty no member of the League of Nations shall expend for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum; and the United States gives notice that it will withdraw from the League of Nations at the end of any year thereafter whenever any member expends for the maintenance of its military forces, or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum;" yeas, 10; nays, 60; Bitter-enders, divided.

"5. The United States hereby gives notice that it will withdraw from the League of Nations whenever any member or members of the League of Nations shall attempt to acquire the whole or part of the territory of any member or of any nation not a member of the League of Nations against the will and without the full and free consent of the people of such member or of such nation not a member of the League of Nations;" yeas, 19; nays, 51; Bitter-enders, yea.

"6. The United States hereby gives notice that it will withdraw from the League of Nations whenever any member, exercising a mandate or a protectorate over any country, or claiming and exercising a sphere of influence in or over any country, shall, without the free and full consent of the people of such country, appropriate the natural resources thereof, or shall, directly or indirectly, aid any individual or corporation alien to such country to acquire any right or title to, or any concession in its natural resources, or right or title to its property, real or personal, or shall fail or neglect, within such authority or influence as it may properly exercise, to preserve in trust for the people of such country all right and title to and in its natural resources and real and personal property, or shall fail to exercise such mandate, protectorate or sphere of influence over such country

for the sole benefit of the people thereof;" yeas, 23; nays, 51; Bitter-enders, yea.

"The provision of Article 11 shall in no respect abridge the rights of free speech, the liberty of the press, and the advocacy of the principles of national independence and self-determination of any people or peoples; and no circumstance directly related to the enjoyment of any of the aforesaid rights shall be construed as providing any member of the League with cause to declare that the exercise of such aforesaid rights as heretofore construed under the provisions of the Constitution of the United States warrants the Assembly or Council in determining what course of action, legal measures of control, or regulation shall be enforced or prescribed by the United States;" WALSH of Massachusetts; vote, November 18, yeas, 36; nays, 42; Bitter-enders, yea.

#### PROCEEDINGS IN THE SENATE

To amend Preamble to read: "The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification;" HITCHCOCK; vote, November 18, yeas, 36; nays, 45; Bitter-enders, nay.

Reservation 3 (text, ante, p. 168); vote, November 18, yeas, 52; nays, 31; Bitter-enders, yea.

Reed reservation (text, ante, p. 171); vote, November 18, yeas, 33; nays, 50; Bitter-enders, yea.

Owen reservation on the protectorate in Great Britain over Egypt (text, ante, p. 172); vote, November 18, yeas, 31; nays, 46; Bitter-enders, yea.

#### RESOLUTION OF RATIFICATION

*Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan:

1. The United States so understands and construes Article 1 that in case of notice of withdrawal from the League of Nations,



as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said Covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not—under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under Article 22, par. 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said

League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to Articles 156, 157 and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the Assembly and the Council of the League of Nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said League of Nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils or conferences except with the approval of the Senate of the United States.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the Secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the Council of the

League of Nations under the provisions of Article 8, it reserves the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking state, as defined in Article 16 of the Covenant of the League of Nations, residing within the United States, or in countries other than that violating said Article 16, to continue their commercial, financial and personal relations with the nationals of the United States.

12. Nothing in Articles 296, 297, or in any of the annexes thereto, or in any other article, section or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII. (Articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. The United States assumes no obligation to be bound by any election, decision, report or finding of the Council or Assembly in which any member of the League and its self-governing dominions, colonies or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report or finding of the Council or the Assembly arising out of any dispute between the United States and any member of the League if such member, or any self-governing dominion, colony, empire or part of empire united with it politically has voted.

**RESOLUTION OF RATIFICATION**, being the preamble and the 14 reservations passing the Committee of the Whole, two-thirds vote required; vote, November 19, yeas, 39; nays, 55; Bitter-enders, nay.

**MOTION TO RECONSIDER**; REED; vote, November 19, yeas, 63; nays, 30; Bitter-enders, nay.

Motion to adjourn; ИТЧНСОСК; vote, November 19, yeas, 42; nays, 51; Bitter-enders, nay.

Chair rules: "That the vote whereby the rejection of the resolution of ratification was ordered puts the treaty back into the Committee of the Whole;" vote on decision of the CHAIR, yeas, 42; nays, 51; Bitter-enders, nay.

Chair rules "That other amendments may be offered, or rather a resolution of ratification may be offered if the majority of the Senate so wants to proceed;"—point of order, POINDEXTER: "No amendments are in order under the express and explicit provisions of" Rule XXXVII; overruled by CHAIR; appeal from ruling, LODGE; vote, yeas, 43; nays, 50; Bitter-enders, nay.

Same appeal sustained; same vote.

"That the treaty, the resolution of ratification, and the reservations heretofore presented to the Senate be referred to a committee of conciliation composed of six Senators to be appointed by the President of the Senate, among whom shall be the leader of the majority, the Senator from Massachusetts (Mr. Lodge), who shall be chairman of the committee, and the leader of the minority, the Senator from Nebraska (Mr. Hitchcock), and that said committee be instructed to prepare and report to the Senate such a resolution of ratification and reservations as in their judgment will meet the approval of not less than two-thirds of the Senate;" POMERENE; motion to table, LA FOLLETTE; vote on tabling, yeas, 48; nays, 42; Bitter-enders, yea.

"That the treaty be referred to the Committee of the Whole with instructions to report it back to the Senate with the following reservations:

"That any member nation proposing to withdraw from the League on two years' notice is the sole judge as to whether its obligations referred to in Article 1 of the League of Nations have been performed as required in said article.

The substitute proposed to Reservation 4 by Mr. Hitchcock on November 15, p. 168.

The substitute proposed to Reservation 5 by Mr. Hitchcock on November 15, p. 169.

The substitute proposed to Reservation 2 by Mr. Hitchcock on November 13, p. 167.

"That in case of a dispute between members of the League if one of them have self-governing colonies, dominions, or parts which have representation in the Assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the Assembly."

HITCHCOCK; vote, yeas, 41; nays, 50; Bitter-enders, nay.

Motion to adjourn; SMITH of Georgia; vote, yeas, 42; nays, 48; Bitter-enders, nay.

**SECOND VOTE ON COMMITTEE RESERVATIONS; vote, yeas, 41; nays, 51; Bitter-enders, nay.**

1 "RESOLVED (two-thirds of the Senators present concurring  
2 therein), That the Senate do advise and consent for the ratifi-  
3 cation of the Treaty of Peace with Germany concluded at  
4 Versailles on the 28th day of June, 1919;" UNDERWOOD; vote,  
yeas, 38; nays, 53; Bitter-enders, nay.

**MOTION TO RECONSIDER; LODGE; and pending that motion  
to lay the motion to reconsider on the table; LODGE; vote, yeas, 48;  
nays, 42; Bitter-enders, yea.**

## COMPROMISE RESERVATIONS

### PROCEEDINGS IN COMMITTEE OF THE WHOLE

#### *Reservation 1*

1 "The United States so understands and construes Article 1 that in  
2 case of notice of withdrawal from the League of Nations, as provided  
3 in said article, the United States shall be the sole judge as to whether  
4 all its international obligations under the said Covenant have been  
5 fulfilled, and notice of withdrawal by the United States may be given  
6 by a concurrent resolution of the Congress of the United States;"  
COMMITTEE; vote, February 21, 1920, yeas, 45; nays, 20; Bitter-  
enders, yea.

The following efforts to change the text were made:

Strike out "concurrent," in line 6 and insert "joint"; ИГЦНСОСК;  
vote, February 21, yeas, 26; nays, 38; Bitter-enders, nay (several not  
voting).

Change lines 5 to 6 to read: "and notice of withdrawal by the United  
States may be given by the President or by Congress alone whenever a  
majority of both houses may deem it necessary;" LODGE; vote, February  
21, yeas, 32; nays, 33; Bitter-enders, nay.

#### *Reservation 3*

1 "No mandate shall be accepted by the United States under Article  
2 22, par. 1, or any other provision of the treaty of peace with Germany,  
3 except by action of the Congress of the United States;" COMMITTEE;  
vote, February 26, yeas, 68; nays, 4; Bitter-enders, yea.

#### *Reservation 4*

1 "The United States reserves to itself exclusively the right to decide  
2 what questions are within its domestic jurisdiction and declares that

3 all domestic and political questions relating wholly or in part to its  
 4 internal affairs, including immigration, labor, coastwise traffic, the  
 5 tariff, commerce, the suppression of traffic in women and children and  
 6 in opium and other dangerous drugs, and all other domestic questions,  
 7 are solely within the jurisdiction of the United States, and are not  
 8 under this treaty to be submitted in any way either to arbitration or  
 9 to the consideration of the Council or of the Assembly of the League  
 10 of Nations, or any agency thereof, or to the decision or recommenda-  
 11 tion of any other power;" COMMITTEE; vote, March 2, yeas, 56; nays,  
 25; Bitter-enders, yea.

The following efforts to change the text were made:

Strike out the word "commerce" in line 5; FLETCHER; vote, March 2, yeas, 34; nays, 44; Bitter-enders, nay.

"That the United States is not required, and hereby declines to submit to the League, its Council or Assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs;" HITCHCOCK; vote, March 2, yeas, 36; nays, 44; Bitter-enders, nay.

A substitute by Mr. King was rejected without division.

#### *Reservation 5*

1 "The United States will not submit to arbitration or to inquiry by  
 2 the Assembly or by the Council of the League of Nations, provided  
 3 for in said treaty of peace, any questions which in the judgment of  
 4 the United States depend upon or relate to its long-established  
 5 policy, commonly known as the Monroe doctrine; said doctrine to  
 6 be interpreted by the United States alone and is hereby declared  
 7 to be wholly outside the jurisdiction of said League of Nations and  
 8 entirely unaffected by any provision contained in the said treaty of  
 9 peace with Germany;" COMMITTEE; vote, March 2, yeas, 58; nays,  
 22; Bitter-enders, yea.

Substitute: "That the national policy of the United States known as the Monroe doctrine as announced and interpreted by the United States is not in any way impaired or affected by the Covenant of the League of Nations and is not subject to any decision, report, or inquiry by the Council or Assembly;" HITCHCOCK; vote, March 2, yeas, 34; nays, 43; Bitter-enders, nay.

#### *Reservation 6*

Strike out the words "between the Republic of China and the Empire of Japan" at end; LODGE; vote, March 4, yeas, 69; nay, 2; Bitter-enders, yea.

1 "The United States withholds its assent to Articles 156, 157 and 158,  
2 and reserves full liberty of action with respect to any controversy,  
3 which may arise under said articles;" COMMITTEE; vote, March 4,  
yeas, 48; nays, 21; Bitter-enders, nay.

Substitute: "That in advising and consenting to the ratification of said treaty, the United States does so with the understanding that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of Articles 156, 157 and 158 of said treaty, or now exercised by Japan pass to China at the termination of the present war by the ratification of this treaty;" HITCHCOCK; vote, March 4, yeas, 27; nays, 41; Bitter-enders, nay.

#### *Reservation 7*

Substitute: "No person is or shall be authorized to represent the United States nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties;" WALSH of Montana; vote, March 4, yeas, 37; nays, 32; Bitter-enders, nay.

The CHAIR accepts the view that when an amendment is adopted in the form of a substitute there must be a vote on the question as amended by the substitute.

1 "No person is or shall be authorized to represent the United States,  
2 nor shall any citizen of the United States be eligible as a member of  
3 any body or agency established or authorized by said treaty of peace  
4 with Germany, except pursuant to an act of the Congress of the  
5 United States providing for his appointment and defining his powers  
6 and duties;" COMMITTEE, AS AMENDED; vote, March 4, yeas, 55;  
nays, 14; Bitter-enders, nay.

#### *Reservation 8*

1 "The United States understands that the Reparation Commission  
2 will regulate or interfere with exports from the United States to Ger-  
3 many, and from Germany to the United States, only when the United  
4 States by act or joint resolution of Congress approves such regulation  
5 or interference;" COMMITTEE; vote, March 5, yeas, 41; nays, 22;  
Bitter-enders, yea.

Substitute: "The United States understands that the Reparation Commission will in its control over German economic resources in no respect so exert its powers as to discriminate against the commerce of the United States with Germany;" HITCHCOCK; vote, March 5, yeas, 23; nays, 37; Bitter-enders, nay.

*Reservation 9*

Add at end: "*Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the Secretary General;" KELLOGG; vote, March 6, yeas, 55; nays, 12; Bitter-enders, nay.

1 "The United States shall not be obligated to contribute to any  
2 expenses of the League of Nations, or of the Secretariat, or of any  
3 commission, or committee, or conference, or other agency, organized  
4 under the League of Nations or under the treaty or for the purpose  
5 of carrying out the treaty provisions, unless and until an appropria-  
6 tion of funds available for such expenses shall have been made by  
7 the Congress of the United States: *Provided*, That the foregoing  
8 limitation shall not apply to the United States' proportionate share  
9 of the expenses of the office force and salary of the Secretary Gen-  
10 eral;" COMMITTEE; vote, March 6, yeas, 46; nays, 25; Bitter-  
enders, yea.

*Reservation 10*

"If the United States shall at any time adopt any plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of Article 8, it reserves the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war;" COMMITTEE.

1 "No plan for the limitation of armaments proposed by the Council  
2 of the League of Nations under the provisions of Article 8 shall be  
3 held as binding the United States until the same shall have been  
4 accepted by Congress, and the United States reserves the right to  
5 increase its armament without the consent of the Council whenever  
6 the United States is threatened with invasion or engaged in war;"  
NEW; vote, March 8, yeas, 49; nays, 27; Bitter-enders, yea.

Motion by Mr. HENDERSON to reconsider vote just taken.

Motion by Mr. LODGE to lay Mr. Henderson's motion on the table; yeas, 45; nays, 32; Bitter-enders, yea.

COMMITTEE reservation as amended; vote, March 8, yeas, 49; nays, 26; Bitter-enders, yea.

*Reservation 11*

1 "The United States reserves the right to permit, in its discretion, the  
2 nationals of a covenant-breaking state, as defined in Article 16 of the  
3 Covenant of the League of Nations, residing within the United States  
4 or in countries other than such covenant-breaking state, to continue  
5 their commercial, financial, and personal relations with the nationals  
6 of the United States;" COMMITTEE; vote, March 8, yeas, 44; nays,  
28; Bitter-enders, yea.



*Reservation 12*

1 "Nothing in Articles 296, 297, or in any of the annexes thereto or in  
2 any other article, section, or annex of the treaty of peace with Ger-  
3 many shall, as against citizens of the United States, be taken to mean  
4 any confirmation, ratification, or approval of any act otherwise  
5 illegal or in contravention of the rights of citizens of the United  
6 States;" COMMITTEE; vote, March 8, yeas, 45; nays, 27; Bitter-  
enders, yea.

*Reservation 13*

1 "The United States withholds its assent to Part XIII (Articles 387  
2 to 427, inclusive) unless Congress by act or joint resolution shall here-  
3 after make provision for representation in the organization estab-  
4 lished by said Part XIII, and in such event the participation of the  
5 United States will be governed and conditioned by the provisions of  
6 such act or joint resolution;" COMMITTEE; vote, March 8, yeas, 44;  
nays, 27; Bitter-enders, yea.

*Reservation 14*

1 "Until Part I, being the Covenant of the League of Nations, shall be  
2 so amended as to provide that the United States shall be entitled to  
3 cast a number of votes equal to that which any member of the  
4 League and its self-governing dominions, colonies, or parts of  
5 empire, in the aggregate shall be entitled to cast, the United States  
6 assumes no obligation to be bound, except in cases where Congress  
7 has previously given its consent, by any election, decision, report,  
8 or finding of the Council or Assembly in which any member of the  
9 League and its self-governing dominions, colonies or parts of empire,  
10 in the aggregate have cast more than one vote.

11 "The United States assumes no obligation to be bound by any  
12 decision, report, or finding of the Council or Assembly arising out of  
13 any dispute between the United States and any member of the  
14 League if such member, or any self-governing dominion, colony,  
15 empire, or part of empire united with it politically has voted;"

COMMITTEE, AS AMENDED; vote, March 9, yeas, 57; nays, 20; Bitter-  
enders, yea.

Add at beginning; lines 1-5: "Until Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the," etc.; LONGE; vote, March 9, yeas, 39; nays, 28; Bitter-enders, yea.

Change lines 5 to 7 to read: "the United States assumes no obligation to be bound, except in cases in which its consent has previously been given," etc.; WALSH of Montana; vote, March 9, yeas, 33; nays, 45; Bitter-enders, nay.

Amend in lines 6 to 7 to read: "bound, except in cases where Congress has previously given its consent," etc.; LODGE; vote, March 9, yeas, 55; nays, 22; Bitter-enders, yea.

Divide the reservation into two paragraphs so that the second begins "The United States assumes no obligation to be bound," etc., at line 11; LODGE; agreed to without division.

"Unless within one year after the filing of the act of ratification, Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States shall cease to be a member of the League of Nations;" McCORMICK; vote, March 9, yeas, 19; nays, 57; Bitter-enders, yea.

Substitute: "The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the Covenant of the League of Nations and the treaty to the contrary notwithstanding:

"When any member of the League has or possesses self-governing dominions or colonies, or parts of empire which are also members of the League the United States shall have representatives in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate number of representatives of such member of the League and its self-governing dominions and colonies and parts of empire in such Council and Assembly of the League and labor conference or organization under the League or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate vote to which any such member of the League and its self-governing dominions and colonies and parts of empire are entitled.

"Whenever a case referred to the Council or Assembly involves a dispute between the United States and another member of the League whose self-governing dominions or colonies or parts of empire are also represented in the Council or Assembly, or between the United States and any dominion, colony, or part of any other member of the League, neither the disputant members nor any of their said dominions, colonies or parts of empire shall have a vote upon any phase of the question.

"Whenever the United States is a party to a dispute which is referred

to the Council or Assembly, and can not, because a party, vote upon such dispute, any other member of the Council or Assembly having self-governing dominions or colonies or parts of empire also members, voting upon such dispute to which the United States is a party or upon any phase of the question shall have and cast for itself and its self-governing dominions and colonies and parts of empire, all together, but one vote;" PHELAN; vote, March 9, yeas, 4; nays, 73; Bitter-enders, divided.

Substitute: "That in case of a dispute between members of the League, if one of them have self-governing colonies, dominions, or parts which have representation in the Assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the Assembly;" HITCHCOCK; vote, March 9, yeas, 34; nays, 41; Bitter-enders, nay.

#### *Reservation 2*

"The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide;" COMMITTEE.

Substitute: "The United States assumes no obligation to preserve the territorial integrity or political independence of any other country.

"The United States assumes no obligation to interfere in controversies between nations or to employ its military or naval forces or its resources for any purpose under any article of the treaty;" FRELINGHUYSEN; vote, March 15, yeas, 17; nays, 50; Bitter-enders, yea.

Substitute: "The United States assumes no obligation to employ its military or naval forces or the economic boycott to preserve the territorial integrity or political independence of any other country under the provisions of Article 10, or to employ the military or naval forces of the United States under any other article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war, shall, by act or joint resolution, so provide. Nothing herein shall be deemed to impair the obligation in Article 16 concerning the economic boycott;" KIRBY; vote, March 15, yeas, 31; nays, 45; Bitter-enders, nay.

Substitute: "The United States declines to assume any legal or binding obligation to preserve the territorial integrity or political independence of any other country under the provisions of Article 10 or to employ the military or naval forces of the United States under any article of the treaty for any purpose; but the Congress, which under the Constitution has the sole power in the premises, will consider and decide what moral obligation, if any, under the circumstances of any particular case, when it arises, should move the United States in the interest of world peace and justice to take action therein and will provide accordingly;" KIRBY; vote, March 15, yeas, 30; nays, 46; Bitter-enders, nay.

Substitute: "The United States understands that by Article 10 the United States undertakes separately to respect the territorial integrity and existing political independence of each other member of the League, but that Article 10 does not impose upon the United States the separate, sole, and singular duty to preserve the territorial integrity and existing political independence of every member of the League as against the external aggression of the other Powers; but only that in case of such aggression or threat of the same, the Council will advise upon the means for preserving the territorial integrity and existing political independence of the member against which such aggression is exerted, and will recommend to members of the League the measures which it may deem proper and necessary to protect the covenants of the League and that the United States may consider such recommendations and take such action as Congress may in its discretion deem appropriate in such case;" KING; March 15, rejected without division.

Substitute: "The United States agrees to use its friendly offices, when requested so to do under the provisions of Article 10, in assisting to procure a just and peaceful settlement of territorial or political controversies between nations, or to protect any member of the League from external aggression; but it does not assume any obligation to use its military or naval forces, or its financial or economic resources for the purpose of intervention in the controversies or conflicts between nations or to protect the territorial integrity or political independence of any nation under the provisions of Article 10, unless in any particular case the Congress, in the exercise of full liberty of action and in the light of full information as to the national justice and human rights involved, shall by act or joint resolution so provide. Nothing herein shall be deemed to impair the obligations of the United States under Article 16;" SIMMONS; vote, March 15, yeas, 27; nays, 51; Bitter-enders, nay.

The following attempts to amend the Simmons substitute were made before the vote thereon:

Read: "Article 10 or any other article of the treaty;" SHIELDS; vote, March 15, yeas, 22; nays, 55; Bitter-enders, yea.

Substitute: "The United States agrees to use its friendly offices, when requested so to do, under the provisions of Article 10, in assist-

ing to procure a just and peaceful settlement of territorial or political controversies between nations, or to protect any member of the League from external aggression; but it does not assume any obligation to use its military or naval forces or its financial or economic resources for the purpose of intervention in the controversies or conflicts between nations, or to protect the territorial integrity or political independence of any nation under the provisions of Article 10, unless in any particular case the Congress, in the exercise of full liberty of action, and in the light of full information as to the national justice and human right involved, shall by act or joint resolution so provide;" REED; vote, March 15, yeas, 18; nays, 60; Bitter-enders, yea.

Substitute: "The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide;" LODGE; vote, March 15, yeas, 56; nays, 24; Bitter-enders, yea.

The following attempts to amend the Lodge substitute were made before the vote thereon:

Strike out in lines 5 to 6, the words "including all controversies relating to the territorial integrity or political independence;" WALSH of Montana; vote, March 15, yeas, 35; nays, 45; Bitter-enders, nay.

Add to the proposed substitute: "Any act or threat of external aggression involving the territorial integrity or political independence of any nation, whether a member of the League or not, in the judgment of the United States, menaces or threatens the peace of the world, will be a matter of grave concern to the United States, and assurance is hereby given that the United States will seek to co-operate, entirely within the powers conferred by the Constitution, with the other members of the League to the end that such menace or threat to the peace of the world is removed;" WALSH of Montana; vote, March 15, yeas, 34; nays, 44; Bitter-enders, nay.

Substitute: "That the advice mentioned in Article 10 of the Covenant of the League which the Council may give to the member nations as to the employment of their naval and military forces is merely advice, which each member nation is free to accept or reject according to the conscience and judgment of its then existing government; and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone, under the Con-

stitution of the United States, having the power to declare war;" KING; vote, March 15, yeas, 31; nays, 47; Bitter-enders, nay.

Substitute: "It is understood that the United States does not in any sense or particular abandon or modify its doctrine that an obligation rests upon every advanced nation which has colonies, protectorates or dependencies to hold all such in wardship only as a trust and to adopt adequate measures for the elevation, education, training, and preparation as equals in the society of nations, and it is further understood that under no circumstances will the United States interfere to preserve the territorial integrity of any imperial country in any controversy growing out of the ambitions of a subject nation or colony to gain its independence, and it is further understood that the loaning by any external power of financial assistance to such subject nation or colony seeking its independence shall not be considered as an act of external aggression, for the United States looks forward to the time when all of the ancient nations, such as Ireland, India, and Egypt, may attain that liberation and right of self-determination which they may desire;" FRANCE; March 15, rejected without division.

1 "The United States assumes no obligation to preserve the territorial  
2 integrity or political independence of any other country by the em-  
3 ployment of its military or naval forces, its resources, or any form of  
4 economic discrimination, or to interfere in any way in controversies  
5 between nations, including all controversies relating to territorial  
6 integrity or political independence, whether members of the League  
7 or not under the provisions of Article 10 or to employ the military  
8 or naval forces of the United States under any article of the treaty  
9 for any purpose, unless in any particular case the Congress which  
10 under the Constitution has the sole power to declare war or authorize  
11 the employment of the military or naval forces of the United States  
12 shall in the exercise of full liberty of action by act or joint resolution  
13 so provide;" COMMITTEE, AS AMENDED BY THE SUBSTITUTE; vote,  
March 15, yeas, 56; nays, 26; Bitter-enders, yea.

#### *Additional Proposals*

"The United States understands the protectorate referred to in section 6 (*sic*) of the treaty to have been merely a war measure to preserve the integrity and independence of Egypt during the war. The United States further understands that in fulfilment and execution of the great principle of self-determination of peoples and equality of all Governments pervading and underlying the Covenant of the League of Nations, at the close of the present war with Germany it will recognize the political independence of Porto Rico, the Philippine Islands, and the Virgin Islands, and also the territory of Hawaii: *Provided*, That amajor-

ity of the residents of said territory over the age of 21 years votes for such independence. And the United States further understands that in fulfillment of said principle Great Britain and Japan, respectively, will forthwith recognize the existence and political independence of the republic of Ireland and the ancient kingdom of Korea, and agree that they become members of the League of Nations with equal representation accorded to other sovereign and independent Governments;" KING; motion to lay on table; KELLOGG; vote, March 17, yeas, 54; nays, 21; Bitter-enders, nay.

"The United States construes Part I of the treaty of peace with Germany, known as the Covenant of the League of Nations, to the effect that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations, or present social and political relationship, pursuant to the principle of self-determination, and also such territorial readjustments as may, in the judgment of three-fourths of the Council or Assembly, be demanded by the welfare and manifest interest of the people concerned may be effected if agreeable to those peoples. The high contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary;" REED; motion to lay on the table; LENROOT; vote, March 17, yeas, 46; nays, 21; Bitter-enders, nay.

"The United States withholds its assent to Article 147 of the treaty in so far as recognition of the said protectorate is extended beyond the going into force of this treaty;" NORRIS; vote, March 17, yeas, 15; nays, 51; Bitter-enders, yea.

"That the United States in ratifying the Covenant of the League of Nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms;" OWEN; vote, March 17, yeas, 12; nays, 55; Bitter-enders, divided.

"It shall be the declared policy of this Government that, the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern and will consider what, if any, action it will take in the premises;" LENROOT; vote, March 17, yeas, 25; nays, 39; Bitter-enders, nay.

"The United States reserves to itself exclusively the right to decide what questions affect its national honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations or any agency thereof or to the decision or recommendation of any other power;" REED; vote, March 18, yeas, 27; nays, 48; Bitter-enders, yea.

Subsequently, a second vote resulted in yeas, 16; nays, 57; Bitter-enders, yea.

"The United States assumes no obligation to employ its military or naval forces or resources or any form of economic discrimination under any article of the treaty;" REED; vote, March 18, yeas, 17; nays, 52; Bitter-enders, yea.

*Reservation 15*

"In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when self-government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations;" GERRY.

The following efforts to change the text were made:

Add at end the following: "And the United States, also adhering to the principle of self-determination, declares its sympathy with the grievances and aspirations of the people of Korea for the restoration of their ancient kingdom and its emancipation from the tyranny of Japan, and it further declares that when so consummated it should be promptly admitted as a member of the League of Nations;" THOMAS; motion to lay Mr. Thomas's amendment on the table; GERRY; vote, March 18, yeas, 34; nays, 34; Bitter-enders, nay; motion lost.

Mr. Thomas's amendment; vote, March 18, yeas, 34; nays, 46; Bitter-enders, yea.

Motion to lay Mr. Gerry's proposed reservation on the table; KELLOGG; vote, March 18, yeas, 28; nays, 51; Bitter-enders, nay.

Strike out the words "the principle of self-determination and," so that it will read: "In consenting to the ratification of the treaty with Germany, the United States adheres to the resolution of sympathy with the aspirations of the Irish people, etc.;" LODGE; vote, March 18, yeas, 37; nays, 42; Bitter-enders, divided.

Mr. Gerry accepts the following form:

- 1 "In consenting to the ratification of the treaty with Germany the
  - 2 United States adheres to the principle of self-determination and to
  - 3 the resolution of sympathy with the aspirations of the Irish people for
  - 4 a government of their own choice adopted by the Senate June 6, 1919,
  - 5 and declares that when such government is attained by Ireland, a
  - 6 consummation it is hoped is at hand, it should promptly be admitted
  - 7 as a member of the League of Nations;" GERRY; vote, March 18,
- yeas, 38; nays, 36; Bitter-enders, yea.

Before the vote:

After the word "self-determination" in line 2 to insert the words



"as heretofore applied by it;" WADSWORTH; vote, March 18, yeas 36; nays, 42; Bitter-enders, divided.

To make the proposed reservation in line 2 read "self-determination for the people of Ireland;" LODGE; vote, March 18, yeas, 26; nays, 53; Bitter-enders, nay.

#### *Additional Proposal*

"The United States understands that no mandatory power shall, without the consent of the Council, enjoy any monopoly, privilege, or preference in respect of the natural resources or the acquisition, development and operation of the same in any territory placed under its control, influence, or mandate; and the United States further understands that no member of the League shall, without the consent of the Council, enjoy any monopoly, privilege, or preference prejudicial to the equal rights and opportunities of any other member in respect of the natural resources, or the acquisition, development, or operation of the same situate in any colony, dependency, or sphere of influence, its title or claim to which shall have been vested or confirmed by the treaty or by virtue of the action or authority of the League itself;" GORE; March 18, rejected without roll call.

### PROCEEDINGS IN THE SENATE

Motion to postpone Reservation 2; HITCHCOCK; March 18.

To amend by eliding Reservation 15; KELLOGG; vote, March 18, yeas, 29; nays, 46; Bitter-enders, nay.

Strike out word "commerce" from Reservation 4, line —; SMITH of Georgia; to lay the amendment on the table; WATSON; vote, March 18, yeas, 40; nays, 33; Bitter-enders, yea.

#### *Resolution 15*

Substitute: "In consenting to ratification of the treaty with Germany the United States adheres to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice, adopted by the Senate, June 6, 1919, and declares that when self-government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations;" CALDER; motion to lay the substitute on the table; THOMAS; vote, March 18, yeas, 51; nays, 30; Bitter-enders, yea.

Strike out the words "a consummation it is hoped is at hand," in line 6; STERLING; motion to lay the amendment on the table; MCKELLAR; vote, March 18, yeas, 70; nays, 11; Bitter-enders, yea.

Motion to concur in Reservation 15; vote, March 18, yeas, 45; nays, 38; Bitter-enders, yea.

*Reservation 2*

Substitute previously defeated, March 15; re-offered by Mr. SIMMONS; motion to lay this amendment on the table; LODGE; vote, March 18, yeas, 45; nays, 34; Bitter-enders, yea.

Strike out the words "in any way" in line 4, and insert after "independence" in line 6 the words, "by the employment of its military or naval forces, its resources or any form of economic boycott;" SIMMONS; motion to lay on table; LODGE; vote, March 18, yeas, 44; nays, 35; Bitter-enders, yea.

Substitute for lines 1 to 7: "The United States assumes no obligation to preserve the territorial integrity and political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination under the provisions of Article 10;" SMITH of Georgia; motion to lay the amendment on the table; LODGE; vote, March 18, yeas, 45; nays, 34; Bitter-enders, yea.

Motion to concur in Reservation 2; vote, March 18, yeas, 54; nays, 26; Bitter-enders, yea.

*Resolution of Ratification*

Strike out in the Resolution, at end, the words: "by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan;" and add at end: "as a part and a condition of this resolution of ratification by the Allied and Associated Powers and a failure on the part of the Allied and Associated Powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said Powers;" LODGE; accepted, March 19, without roll call.

Add after the words "United States" in line 7 the words "unless the instrument of ratification shall have been filed within 60 days after the adoption of the resolution of ratification by the Senate, nor;" BRANDEGEE; vote, March 19, yeas, 41; nays, 42; Bitter-enders, yea.

1 "RESOLVED (two-thirds of the Senators present concurring  
2 therein), That the Senate advise and consent to the ratification  
3 of the treaty of peace with Germany concluded at Versailles on the  
4 28th day of June, 1919, subject to the following reservations and  
5 understandings, which are hereby made a part and condition of this  
6 resolution of ratification, which ratification is not to take effect or  
7 bind the United States until the said reservations and understand-  
8 ings adopted by the Senate have been accepted as a part and a con-  
9 dition of this resolution of ratification by the Allied and Associated  
10 Powers;" COMMITTEE; vote, March 19, on the Senate's agreeing to  
the resolution of ratification (two-thirds vote required), yeas, 49;  
nays, 35; Bitter-enders, nay.

## RESOLUTION OF RATIFICATION

*Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the Allied and Associated Powers, and a failure on the part of the Allied and Associated Powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said Powers:

1. The United States so understands and construes Article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations under the said Covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under Article 22, par. 1, or any other provision of the treaty of peace

with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to Articles 156, 157 and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, and from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the Secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the Secretary General.

10. No plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of Article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the Council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking state, as defined in Article 16 of the Covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking state, to continue their commercial, financial and personal relations with the nationals of the United States.

12. Nothing in Articles 296, 297 or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (Articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States shall be governed and conditioned by the provisions of such act or joint resolution.

14. Until Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any mem-

ber of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the Council or Assembly in which any member of the League and its self-governing dominions, colonies or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

**RESOLUTION OF RATIFICATION**, being the resolution and the 15 reservations passing the Committee of the Whole, two-thirds vote required; vote, March 19, yeas, 49; nays, 35; Bitter-enders, nay.

1 "*Resolved*, That the Secretary of the Senate be instructed  
2 to return to the President the treaty of peace with Germany  
3 signed at Versailles on the 28th day of June, 1919, and re-  
4 spectfully inform the President that the Senate has failed to  
5 advise and consent to the ratification of the said treaty, being  
6 unable to obtain the constitutional majority therefor;"

LODGE; vote, March 19, yeas, 47; nays, 37; Bitter-enders, yea.

Motion to reconsider the vote by which the Senate refused to agree to the resolution of ratification; ROBINSON; motion to lay that motion on the table; WATSON; vote, March 19, yeas, 44; nays, 43; Bitter-enders, yea.

## DECLARATION OF PEACE

## HOUSE OF REPRESENTATIVES

April 8, 1920, H. J. Res. 327 reported from Committee on Foreign Affairs by Mr. PORTER, as follows:

House joint resolution No. 327 terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

*Whereas*, the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

*Resolved*, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

Sec. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war, or of the present or existing emergency.

Sec. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective, the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

**Sec. 4.** That whoever shall wilfully violate the foregoing prohibition whenever the same shall be in force shall upon conviction be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.

**Sec. 5.** That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed and maintained.

H. Rept. 801; minority report, H. Rept. 801, pt 2, 66th Cong., 2d. sess.

April 9, 1920, Mr. Flood moves:

That House joint resolution No. 327 be recommitted to the Committee on Foreign Affairs with instructions to the committee to report the same to the House forthwith with the following amendment:

Striking out all the preamble and all after the enacting clause and insert following the enacting clause the following:

"That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present or existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution."

Vote: yeas, 171; nays, 222.

On the passage of the Joint Resolution: yeas, 242; nays, 150.

#### THE SENATE

April 12, 1920, H. J. Res. 327 read twice by title and referred to the Committee on Foreign Relations.

April 30, 1920, reported to the Senate with amendments by S. Rept. 568. Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany, and the joint resolution of December 7, 1917, declaring that a sta



of war exists between the United States and the Austro-Hungarian Government.

1 That the joint resolution of Congress passed April 6, 1917, de-  
2 claring a state of war to exist between the Imperial German Govern-  
3 ment and the Government and people of the United States, and  
4 making provisions to prosecute the same, be, and the same is hereby,  
5 repealed, and said state of war is hereby declared at an end: *Pro-*  
6 *vided*, however, That all property of the Imperial German Govern-  
7 ment, or its successor or successors, and of all German nationals  
8 which was, on April 6, 1917, in or has since that date come into the  
9 possession or under control of the Government of the United States  
10 or of any of its officers, agents, or employees, from any source or by  
11 any agency whatsoever, shall be retained by the United States and  
12 no disposition thereof made, except as shall specifically be hereafter  
13 provided by Congress, until such time as the German Government  
14 has, by treaty with the United States, ratification whereof is to be  
15 made by and with the advice and consent of the Senate, made  
16 suitable provisions for the satisfaction of all claims against the Ger-  
17 man Government of all persons, wheresoever domiciled, who owe  
18 permanent allegiance to the United States, whether such persons  
19 have suffered, through the acts of the German Government or its  
20 agents since July 31, 1914, loss, damage, or injury to their persons  
21 or property, directly or indirectly through the ownership of shares  
22 of stock in German, American, or other corporations, or have suffered  
23 damage directly in consequence of hostilities or of any operations of  
24 war, or otherwise and until the German Government has given  
25 further undertakings and made provisions by treaty, to be ratified  
26 by and with the advice and consent of the Senate, for granting to  
27 persons owing permanent allegiance to the United States, most-  
28 favored-nation treatment, whether the same be nationals or other-  
29 wise, in all matters affecting residence, business, profession, trade,  
30 navigation, commerce, and industrial property rights, and confirm-  
31 ing to the United States all fines, forfeitures, penalties, and seizures  
32 imposed or made by the United States during the war, whether in  
33 respect to the property of the German Government or German na-  
34 tionals, and waiving any pecuniary claim based on events which  
35 occurred at any time before the coming into force of such treaty, any  
36 existing treaty between the United States and Germany to the con-  
37 trary notwithstanding. To these ends, and for the purpose of  
38 establishing fully friendly relations and commercial intercourse  
39 between the United States and Germany, the President is hereby  
40 requested immediately to open negotiations with the Government  
41 of Germany.

42 Sec. 2. That in the interpretation of any provision relating to the  
43 date of the termination of the present war or of the present or exist-  
44 ing emergency in any acts of Congress, joint resolutions, or procla-  
45 mations of the President containing provisions contingent upon the  
46 date of the termination of the war or of the present or existing  
47 emergency, the date when this resolution becomes effective shall  
48 be construed and treated as the date of the termination of the war  
49 or of the present or existing emergency, notwithstanding any pro-  
50 vision in any act of Congress or joint resolution providing any other  
51 mode of determining the date of the termination of the war or of the  
52 present or existing emergency.

53 Sec. 3. That until by treaty or act or joint resolution of Congress  
54 it shall be determined otherwise, the United States, although it has  
55 not ratified the treaty of Versailles, does not waive any of the rights,  
56 privileges, indemnities, reparations, or advantages to which it and  
57 its nationals have become entitled under the terms of the armistice  
58 signed November 11, 1918, or any extensions or modifications thereof  
59 or which under the treaty of Versailles have been stipulated for its  
60 benefit as one of the Principal Allied and Associated Powers and to  
61 which it is entitled.

62 Sec. 4. That the joint resolution of Congress approved December  
63 7, 1917, "declaring that a state of war exists between the Imperial  
64 and Royal Austro-Hungarian Government and the Government  
65 and people of the United States and making provisions to prosecute  
66 the same," be, and the same is hereby repealed and said state of war  
67 is hereby declared at an end, and the President is hereby requested  
68 immediately to open negotiations with the successor or successors  
69 of said Government for the purpose of establishing fully friendly re-  
70 lations and commercial intercourse between the United States and  
71 the Governments and peoples of Austria and Hungary.

May 13, 1920, unanimous consent agreement reached.

May 15, 1920, Mr. Brandegee offered the following amendment: In  
Sec. 1, after the word "corporations" in line 22, insert the following words:  
"or have suffered damage directly in consequence of hostilities or of any  
operations of war;" amendment was agreed to.

On the substitute proposed by the Committee on Foreign Rela-  
tions, the vote was: Yeas, 43; nays, 38; Bitter-enders, yea.

On the motion "shall the joint resolution pass," the vote was:  
Yeas, 43; nays, 38; Bitter-enders, yea.

## HOUSE OF REPRESENTATIVES

May 21, 1920, Mr. Porter moved to take H. J. Res. 327 from the Speaker's table and to concur in the Senate amendments; vote: Yeas, 228; nays, 139.

May 27, 1920, Resolution as passed by both Houses vetoed by the President.

May 28, 1920, Mr. Porter moved the previous question, "Will the House on reconsideration pass the resolution, the objections of the President to the contrary notwithstanding;" two-thirds vote required; vote: Yeas, 220; nays, 152.

## **Present Membership of the League of Nations**

<b>Argentine Republic</b>	<b>Liberia</b>
<b>Australia</b>	<b>Netherlands</b>
<b>Belgium</b>	<b>New Zealand</b>
<b>Bollvia</b>	<b>Norway</b>
<b>Brazil</b>	<b>Panama</b>
<b>British Empire</b>	<b>Paraguay</b>
<b>Canada</b>	<b>Peru</b>
<b>Chile</b>	<b>Persia</b>
<b>China</b>	<b>Poland</b>
<b>Colombia</b>	<b>Portugal</b>
<b>Cuba</b>	<b>Rumania</b>
<b>Czecho-Slovakia</b>	<b>Salvador</b>
<b>Denmark</b>	<b>Serbia</b>
<b>France</b>	<b>Siam</b>
<b>Greece</b>	<b>South Africa</b>
<b>Guatemala</b>	<b>Spain</b>
<b>Haiti</b>	<b>Sweden</b>
<b>Hedjaz</b>	<b>Switzerland</b>
<b>India</b>	<b>Uruguay</b>
<b>Italy</b>	<b>Venezuela</b>
<b>Japan</b>	

Ecuador is considering the treaty of peace in the current Congress.

Nicaragua has ratified, but the formalities of depositing the ratification are not yet complete.

Honduras has completed the parliamentary stage of ratification.

The United States is eligible to original membership.

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**World Peace Foundation**

40 Mt. Vernon Street

Boston 9, Massachusetts

# LEAGUE *of* NATIONS

Vol. III, No. 5

October, 1920



## Report of the International Financial Conference

Published Bimonthly by the  
**WORLD PEACE FOUNDATION**

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# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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*The Supreme Council of the Allied Powers in its pronouncement on March 8 declared that armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security and that the League of Nations should be invited to consider, as soon as possible, proposals to this end. The statements presented to the Conference show that, on an average, some 20 per cent of the national expenditure is still being devoted to the maintenance of armaments and the preparations for war. The Conference desires to affirm with the utmost emphasis that the world cannot afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity; and in order to secure that result the whole resources of each country must be devoted to strictly productive purposes.*

*The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperiling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end.—*

**RESOLUTION IV, COMMITTEE ON PUBLIC FINANCE.**

# INTERNATIONAL FINANCIAL CONFERENCE

## INTRODUCTION

The International Financial Conference was held at Brussels from September 24 to October 8, 1920, under the auspices of the League of Nations.<sup>1</sup>

For the first time in six years the 39 more important nations of the world met about a common table. Not only the most important of the states members of the League attended but also the United States, which has not yet ratified the Peace Treaty, Finland, Luxemburg, Esthonia, Latvia and Lithuania, who can not be admitted to membership in the League before the Assembly Meeting in November, and Germany, Austria, Hungary and Bulgaria.

The Conference was originally fixed for an earlier date, but was postponed when the Spa Conference between the Supreme Council of the Allies and Germany left over the settlement of the sum of Germany's indebtedness and the method of payment. The Council of the League decided at its San Sebastian session that in any event the financial conference should definitely take place as there was much work to be done irrespective of that involved by the German indemnity, so that if by September 24, the Supreme Council of the Allies were not in a position to be able to communicate the result of negotiations between the Allies and Germany, the conference would nevertheless proceed with its other work.

The task fell into three parts:

1.—To obtain as complete a picture as possible of the situation of the world and by comparison of the situation in the various countries to make it possible to form a judgment as to the importance and difficulty of the problems with which they respectively are faced. It is essential, if future action is to be placed upon a firm basis of fact, that this survey should include a definite understanding of the external obligations of all the late belligerent Powers.

2.—By an interchange of opinion and experience to assist each

<sup>1</sup> For the circumstances leading up to the convening of the conference, see Three Months of the League of Nations (*League of Nations*, III, Nos. 1-2), p. 71-86.

country to arrive at the soundest possible policy for dealing with the difficulties revealed in the survey and to insure that such national policies are not antagonistic.

3.—To discuss and formulate a scheme or schemes to meet those difficulties where national action needs to be supplemented by international agreement.

Certain features marked the conference as most unusual.

The conference was necessary, not only because of the desperate financial and economic situation of the world, but because of the insistence of the former neutral Powers.

Questions still under negotiation between the Allied and Associated Powers and the ex-enemy powers were not discussed. This prohibition applied especially to the question of the total amount of German reparations.

Though summoned by the League, states not members of the League participated on equal terms with states in the League. They had full rights of speaking, of voting and of holding office, and were in no way distinguished from League members. M. Ador, former President of Switzerland, was chosen as presiding officer, because, being a man who has risen to the highest post in a neutral country, he was obviously well-equipped for the rôle of chairman and was certain to give all parties a hearing.

The conference was so constituted as to draw forth, not so much the views of Governments, as the best economic and financial opinion of the world. Consequently, each national delegation was planned to consist of a high government official, a leading banker, and a man in commerce acquainted with the practical side of the economic situation in his country. The members of each national delegation voted not as a national group but as individuals. This led to the registration of the best world opinion regardless of national lines, and tended, instead of accentuating differences in national viewpoints, to create a world judgment on the various problems presented.

The conference opened with a 15-minute statement by each nation as to its financial situation in regard to the budget, the internal and external debt, currency and exchange. The appalling character of this bird's-eye view of the financial straits of civilization is graphically portrayed in the accompanying report.

Decisions arrived at were merely recommendations to the various Governments and without binding force unless ratified by the national authorities. The conference thus avoided the danger of assuming a power which few Governments would be willing to give it. But the recommendations, coming from a world meeting, can not fail to command the respectful attention of both public and private financiers.

A great mass of data and information on economic and financial subjects was brought together. This was embodied in 14 pamphlets—besides several other publications—circulated to the Governments, to various exports, and to the press. They formed the starting point of the conference discussions.

*First and foremost the world needs peace. The Conference affirms most emphatically that the first condition for the world's recovery is the restoration of real peace, the conclusion of the wars which are still being waged and the assured maintenance of peace for the future. The continuance of the atmosphere of war and of preparations for war is fatal to the development of that mutual trust which is essential to the resumption of normal trading relations.*

*The world must resolve the rivalries and animosities which have been the inevitable legacy of the struggle by which Europe has been torn. This the Conference ventures to hope is no vain aspiration. The fact that for the first time since 1914 representatives of belligerents and neutrals alike have met in conference is a good omen for the future. The world needs the inauguration of a new era of co-operation and good will between nations if it is to repair the destruction of those years of struggle, if indeed it is ever to secure the survival of its civilization.—*

**REPORT OF THE CONFERENCE.**

# REPORT

## OF THE

# INTERNATIONAL FINANCIAL

# CONFERENCE<sup>1</sup>

In accordance with arrangements made by the Council of the League of Nations the International Financial Conference met at Brussels on Friday, September 24, 1920, in the Chamber of Deputies, which was generously placed at its disposal by the Belgian Government and the President of the Chamber.

The discussions of the Conference, which sat until October 8, have been governed by the Resolution passed by the Council of the League in February, 1920:

“The League of Nations shall convene an International Conference with a view to studying the financial crisis and looking for the means of remedying and of mitigating the dangerous consequences arising from it,”

and by the further instruction approved by the Council on August 5, 1920, to the effect that—

“none of the questions which are the subject of the present negotiations between the Allies and Germany should be discussed at the Conference.”

The Members of the Conference, 86 in number, while appointed by their several Governments, attended as experts and not as spokesmen of official policy. They were drawn from those with both private and official experience, and the conditions of their appointment permitted them to give the Conference the full benefit of their knowledge and to express their personal opinions with freedom. The Members so attending represented the following 39 countries:

<sup>1</sup>Reprinted from International Financial Conference. Provisional Verbatim Record, afternoon session, No. 17, Friday, October 8, 1920, p. 199-208.

Argentina	*Germany	Poland
*Armenia	Greece	Portugal
Australia	Guatemala	Rumania
*Austria	Holland	Serb-Croat-Slovene State
Belgium	*Hungary	South Africa
Brazil	India	Spain
*Bulgaria	Italy	Sweden
Canada	Japan	Switzerland
China	*Latvia	United Kingdom
Czecho-Slovakia	*Lithuania	*United States of America
Denmark	*Luxemburg	Uruguay
*Esthonia	New Zealand	
*Finland	Norway	
France	Peru	

A list of the Delegates and of their advisers is appended to this Report.

## I. REVIEW OF THE SITUATION

Some of the financial ills from which the world is suffering are common to all nations. But the severity of the malady and the effects which it has produced on the body politic have varied immensely in proportion to the degree in which each nation has been immersed in the maelstrom of the war. In order, therefore, to get a complete and balanced picture of the situation, the Conference first devoted itself to hearing an exposition of the financial situation of each of the 39 countries represented. These statements constitute Volume III of this report.<sup>1</sup>

Certain of the belligerent countries of Europe (Belgium, Bulgaria, France, Germany, Great Britain, Greece, Italy and Portugal), unable to cover the expenses of the war from their national current revenue, find their balance sheet burdened with an enormous volume of both internal and external debt, the amount of the latter being still undetermined in the case of Ger-

\*Not a member of the League of Nations.

<sup>1</sup>Not printed herewith. The statements made by the representatives of various countries have been summarized in *Review of the Foreign Press: The Economic Review*, as follows: Germany, October 8, 1920, p. 488-489; Czecho-Slovakia, Holland, Spain, Switzerland, Esthonia, Finland, Latvia and Poland, October 15, p. 506-508; France and Denmark, October 22, p. 528-529.

many. The total external debt of the European belligerents converted into dollars at par amounts to about \$155,000,000,000 compared with about \$17,000,000,000 in 1913, which, even when full allowance is made for the depreciation of money, represents a tremendous burden in proportion to the total national income of the belligerent countries. The external debt, amounting to about \$11,000,000,000 due to the United States, to 1,750,000,000 pounds sterling due to Great Britain, presents an even more difficult financial problem because in nearly every case it is payable in a currency which is less depreciated than that of the country concerned.

The Government expenditure of these belligerent countries has increased in proportions which vary between 500 and 1500 per cent, the present figures amounting to between 20 and 40 per cent of the total national income. The higher of these percentages represents the expenditure of France, which includes in her budget a very large sum for the restoration of her devastated provinces.

In all cases vigorous efforts have been made to introduce an orderly fiscal system into state finance by the imposition of fresh taxation—mostly in the form of direct taxes, and the ordinary revenues are in most cases now equal to or not far short of the ordinary expenditure. But except in the case of Great Britain, there is still a very large gap between the total income and expenditure.

These countries together have lost a very large proportion of their pre-war holdings of gold and have enormously increased their paper currencies. This process of inflation, which has been reduced by Great Britain and checked by France, still continues in other countries. Except in the case of Germany and her allies, whose imports were prevented by the blockade, all these countries have during the war had an enormous excess of imports over exports. This excess increased in some cases after the Armistice, but is now diminishing. Indeed in almost every case there is now a perceptible growth of exports.

During the war the exchanges of these countries did not reflect their real economic position, as artificial measures were in most cases taken to stabilize them; but the exchanges rapidly deteriorated when these measures were given up in 1919. This



depreciation continued for twelve months. Since the spring of this year there have been appreciable variations, but on the balance the net movement has been toward improvement.

As a result of the war a number of new states have been created, while certain existing states, some of which were belligerents, have had their territories profoundly modified. Among these are Austria, Czecho-Slovakia, Esthonia, Finland, Hungary, Latvia, Lithuania, Poland, Rumania and Serbia. For none of these countries, except Finland, is there a definite basis of comparison. All of them have received as a legacy of the war extremely depreciated currencies. In most cases the machinery of an orderly state revenue system is not yet in operation, and with enormous expenditure upon food relief, armaments, and in some cases actual war, there is no sign yet of any possibility of a budget equilibrium. In many of these countries the printing press is still in operation. On the other hand several of them are predominantly agricultural. Their productive powers may recover rapidly, and a single good harvest—especially with the present high price of food—is likely to strengthen both their financial and their economic position. In the case of Austria, whose economic life has been more completely disintegrated than elsewhere, the situation is peculiarly difficult.

In the countries of Europe which were neutral during the War, including Denmark, Sweden, Holland, Luxemburg, Norway, Spain and Switzerland, the position is essentially different; but the financial difficulties are also serious. In some cases heavy expenditure was incurred by these countries directly in consequence of the War and they have had largely to increase their internal debt. But in most cases the budget difficulties are due to the growth of Government expenditure caused by the rise of prices and the provision of subsidies to prevent this rise pressing too heavily on the general population. This expenditure has in some cases been met by increased taxation, but in the case of Holland, Switzerland and Spain there are considerable deficits and in the two latter cases no equilibrium is yet in sight. The trade position of these countries also presents peculiar difficulties. During the War their trade balances were very favorable owing to the demand for their products from the belligerent nations and the stoppage of their imports. The result was an accumulation

of gold which led to an expansion of currency and a rise of prices almost as serious as that which for entirely different reasons took place in the belligerent countries. Since the War, the trade situation has been reversed, as these countries have been importing the goods required to replenish stocks and, owing in part to the premium to which their exchanges have risen, as compared with the depreciated currencies of the belligerent nations, the maintenance of their exports has become difficult. To some extent therefore the favorable factors in the situation of these countries are actually an embarrassment.

The countries outside Europe have on the whole the most favorable economic position. Though special conditions affect certain of them, especially China, in general it may be said that they have benefited by the ready disposal of their products to the nations of Europe. Their trade balances have been very favorable and their exchanges have improved relatively to those of European countries. They have in many cases been able to pay off a large proportion of their external debts and, on the other hand, have made large loans to their former creditors. This is particularly the case with the United States, to whom most of the countries of Europe are now heavily indebted. But as in the case of European neutrals, their accumulation of gold has led to a rise in prices and has rendered more difficult the maintenance of their exports. Their future economic position, therefore, is vitally dependent on the restoration of the purchasing power of their European customers. It must also be kept in view that many of these countries, especially in the new hemisphere, have immense unfulfilled demands for capital expenditure, and the world-wide shortage of capital at the present time constitutes a serious handicap to their development.

It is noteworthy, however, that, different as are the conditions in these different groups of countries, certain features are common to practically every country of the world as a consequence of the destruction and dislocation of the War. In every country the purchasing power of the national currency has diminished, and the cost of living in terms of that currency has increased. With few exceptions, neutral as well as belligerent countries suspended the gold basis of their currency. Even where the gold basis has been retained, the purchasing value of the currency has

declined, for the value of gold itself in terms of commodities has diminished to about one-half.

In every country international trade has been impeded, dislocated and diverted from its normal channels. The inability of Europe to export during the War forced the normal purchasers of her goods to look elsewhere for their requirements to develop production in unaccustomed channels at home or in other countries overseas. Simultaneously Europe's need for imports compelled the sale of her capital holdings abroad, which are not therefore now available for her present needs. The instability and depreciation of exchanges resulting from these and other causes have impeded the trade of both seller and buyer. Countries with unfavorable exchanges have found it difficult to buy raw materials and those with favorable exchanges have found in them an obstacle to the sale of their exports. With half the world producing less than it consumes and having insufficient exports to pay for its imports, credits alone can bridge the gulf between seller and buyer, and credits are rendered difficult by the very causes which make them necessary. Finally, every country finds impediments to its international trade in the new economic barriers which have been imposed during and since the war.

## II. THE LIMITS OF FINANCIAL REMEDIES

Such, in the briefest outline, is the economic and financial condition of the world which was presented to the Conference in vivid detail by the Reports from the 39 countries attending it.

The Members of the Conference were conscious that, limited to the sphere of finance both by their terms of reference and their personal qualifications, they could only deal with a part of the problem which faced the Governments and the peoples of the world.

Finance is, after all, only a reflection of commercial and economic life, a part only, though an essential part, of its mechanism. The wealth of the world consists of the products of man's work, and the sum total of human prosperity can be increased only by an increase of production. All that any official or organized action can do is to create conditions which are favorable to production, and of those the most important fall outside the sphere of finance.

First and foremost the world needs peace. The Conference affirms most emphatically that the first condition for the world's recovery is the restoration of real peace, the conclusion of the wars which are still being waged and the assured maintenance of peace for the future. The continuance of the atmosphere of war and of preparations for war is fatal to the development of that mutual trust which is essential to the resumption of normal trading relations.

The world must resolve the rivalries and animosities which have been the inevitable legacy of the struggle by which Europe has been torn. This the Conference ventures to hope is no vain aspiration. The fact that for the first time since 1914 representatives of belligerents and neutrals alike have met in conference is a good omen for the future. The world needs the inauguration of a new era of co-operation and good will between nations if it is to repair the destruction of those years of struggle, if indeed it is ever to secure the survival of its civilization.

If the first condition of recovery is peace between the countries of the world, the next is peace within each of them and the establishment of conditions which will allay the social unrest that is at present impeding and reducing production, and which will restore social content and with it the will and the desire to work.

Among the conditions, however, which are essential if a maximum production is to be attained is the existence of a system which facilitates the exchange of commodities and their equitable distribution, and within this third sphere lies the task of finance and the especial problems which the Conference has had to consider.

### III. RECOMMENDATIONS OF THE CONFERENCE

The Conference divided the work involved in the examination of these problems into four parts and intrusted special commissions of its Members with the task of making a detailed study and preparing specific recommendations with regard to (a) public finance, and (b) currency and exchange, (c) international trade and commerce, and (d) international action with special reference to credits.

The recommendations of these Committees which have been unanimously approved by the Conference are given in full at

the end of this Report and they require to be considered as a whole with the detailed arguments on which they are based.

The substance of these recommendations may be summarized as follows:

#### *General Financial Considerations*

The first step is to bring public opinion in every country to realize the essential facts of the situation and particularly the need of re-establishing public finances on a sound basis as a preliminary to the execution of those social reforms which the world demands.

Nearly every Government is being pressed to incur fresh expenditure—largely on palliatives which aggravate the very evils against which they are directed. The country which accepts the policy of budget deficits is treading the slippery path which leads to general ruin; to escape from that path no sacrifice is too great.

The statements presented to the Conference, show that on an average, some 20 per cent of the national expenditure is still being devoted to the maintenance of armaments and to preparations for war. The Conference desires to affirm with the utmost emphasis that the world can not afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity, and to secure that result the whole resources of each country must be devoted to strictly productive purposes. The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished people of the world, sapping their resources and imperiling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end.

It is also of the greatest importance that every Government should abandon at the earliest practicable date all uneconomical and artificial measures which conceal from the people the true economic situation.

To enable Governments, however, to give effect to the prin-

ciples of sound finance all classes of the community must contribute their share. Industry must be so organized as to encourage the maximum production on the part both of capital and of labor, as by such production alone will those improved conditions of life be obtained which it is the aim of every country to secure for its people. All classes of the population and particularly the wealthy, must be prepared willingly to accept the charges necessary to remedy the present situation. Above all, to fill up the gap between the supply of and the demand for commodities, it is the duty of every patriotic citizen to practice the strictest possible economy and so to contribute his maximum effort to the common weal. Such private action is the indispensable basis for the fiscal measures required to restore public finances.

The Conference moreover strongly indorses the declaration of the Supreme Council of the 8th March last "that the states which have been created or enlarged as the result of the war should at once re-establish full and friendly co-operation and arrange for the unrestricted interchange of commodities in order that the essential unity of European economic life may not be impaired by the erection of artificial economic barriers." Each country should aim at the progressive restoration of that freedom of commerce which prevailed before the war, including the withdrawal of artificial restrictions on, and discriminations of, price against external trade.

#### *Revenue and Expenditure*

Where it is impossible to keep expenditure within the limits of existing revenue fresh taxation must be imposed to meet the deficit, and this process must be ruthlessly continued until the revenue is at least sufficient to meet the full amount of the recurrent ordinary expenditure. The relative advantages of the various possible methods of taxation depend on the special economic conditions obtaining in each country, and each country must decide for itself on the methods best suited to its own internal economy.

In future the loans which are required for urgent capital purposes must be met out of the real savings of the people. But these savings have as it were been pledged for many years ahead by the credits created during the war, and the first step to raising

fresh money must be to fund the undigested floating obligations with which the markets are burdened.

### *Cessation of Inflation*

It is of the utmost importance that the growth of "inflation" should be stopped. It should be clearly understood that this artificial and unrestrained expansion of the currency does not and can not add to the total real purchasing power in existence so that its effect must be to reduce the purchasing power of each unit of the currency. Inflation is in fact an unscientific and ill-adjusted method of taxation.

The effect of it has been to intensify, in terms of the inflated currencies, the general rise in prices, so that a greater amount of such currency is needed to procure the accustomed supplies of goods and services. Where this additional currency was procured by further "inflation" (i. e., by printing more paper money or creating fresh credit) there arose what has been called a "vicious spiral" of constantly rising prices and wages, and constantly increasing inflation with the resulting disorganization of all business, dislocation of the exchange, a progressive increase in the cost of living and consequent labor unrest.

It is highly desirable that the countries which have lapsed from an effective gold standard should return thereto. It is impossible to say how or when all the older countries would be able to return to their former measure of effective gold standard or how long it would take the newly formed countries to establish such a standard. But in the opinion of the Conference it is useless to attempt to fix the ratio of existing fiduciary currencies to their normal gold value. Unless the condition of the country concerned was sufficiently favorable to make the fixing of such a ratio unnecessary, it could not be maintained.

The reversion to, or establishment of, an effective gold standard by any means other than devaluation would in many cases demand enormous deflation, and it is certain that such deflation, if and when undertaken, must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous.

The Conference does not recommend any attempt to stabilize the value of gold and gravely doubts whether any such attempt

could succeed. It believes that neither an international currency nor an International Unit of Account would serve any useful purpose or remove any of the difficulties from which international exchange suffers to-day.

#### *Central Banks of Issue*

The Conference is of opinion that in countries where there is no central bank of issue, one should be established, and if the assistance of foreign capital were required for the promotion of such a bank, some form of international control might be necessary.

Attempts to limit fluctuations in exchange by imposing artificial control on exchange operations are futile and mischievous. In so far as they are effective they falsify the market, tend to remove natural correctives to such fluctuations and interfere with free dealings in forward exchange which are so necessary to enable traders to eliminate from their calculations a margin to cover the risks of exchange, which would otherwise contribute to the rise in prices.

#### *External Credits*

The Conference recognizes, however, that any general improvement in the situation requires a considerable period of time, and that in present circumstances it is not possible for certain countries to restore their economic activity without assistance from abroad. This assistance is required for periods which exceed the normal term of commercial operations.

This assistance, however, can only be effectively accorded to countries which are prepared to co-operate with one another in the restoration of economic life and to make every effort to bring about within their own frontiers the sincere collaboration of all groups of citizens and to secure conditions which give to work and thrift liberty to produce their full results.

The Conference does not believe that, apart from the particular decisions dictated by national interests or by considerations of humanity, credits should be accorded directly by Governments.

#### *New Credit Organization*

The Conference makes the following recommendations. An international organization should be formed and placed at



the disposal of states desiring to have resort to credit for the purpose of paying for their essential imports. These states would then notify the assets which they are prepared to pledge as security for the sake of obtaining these credits and would come to an understanding with the international organization as to the conditions under which these assets would be administered.

The bonds issued against this guaranty would be used as collateral for credits intended to cover the cost of commodities.

A plan, the details of which are set out in the Annex<sup>1</sup> to this report, is unanimously recommended by the Conference, which considers that a committee of financiers and business men should be nominated forthwith by the Council of the League of Nations for the purpose of defining the measures necessary to give practical effect to this proposal

#### *Export Credit Insurance*

An extension on international lines of the existing system of export credit insurance would also in many instances be of great value in developing trade with countries where the uncertainty of political and social conditions give rise to a lack of confidence. The Conference believes that an extension of this system is worthy of consideration, and that it should be further examined in detail by experts.

#### *Finishing Credits*

The attention of the Conference has also been called to the present system of "finishing credits," that is to say of credits under which a lien in favor of the exporter or a banker is maintained on the raw material in all its different stages and upon the proceeds of the manufactured article.

The Council of the League is recommended to draw the attention of the different Governments to this question and to summon an advisory body of legal experts and business men to specify the legislative action needed to attain the desired object in each of the countries concerned.

#### *Miscellaneous Proposals*

Apart from the above-mentioned proposals, the Conference believes that the activities of the League might usefully be directed

<sup>1</sup>Printed herewith, p. 242 f.

toward promoting certain reforms, and collecting the relevant information required to facilitate credit operations. In this connection the Conference considers it well to draw attention to the advantages of making progress under each of the following heads:

Unification of the laws relating to bills of exchange and bills of lading.

The reciprocal treatment of the branches of foreign banks in different countries.

The publication of financial information in a clear comparative form.

The examination of claims by the holders of bonds, the interest on which is in arrear.

An international understanding on the subject of lost, stolen or destroyed securities.

The establishment of an international clearing house.

An international understanding which, while insuring the due payment by everyone of his full share of taxation, would avoid the imposition of double taxation which is at present an obstacle to the placing of investments abroad.

It will be seen that these recommendations involve both internal action by the several Governments and also international co-operation. For the measures taken in their respective countries the several Governments are and must of course remain responsible, though on certain questions the Conference has ventured respectfully to tender to them its advice.

The Conference is unanimous, however, in believing that national action is not by itself sufficient. International co-operation, of which the Conference itself is the first effort and example, must continue and develop and in this the League of Nations must take the initiative. The specific recommendations now made, such as the proposal to form a new International Credits Organization, are only instances of the measures of international co-operation which require to be elaborated in more detail.

The work of the present Conference has been a commencement only. It will be necessary to follow up the diagnosis now arrived at by a systematic study of the comparative progress made in the solution of the present difficulties and by continued collaboration in devising new proposals to meet new circum-

stances as they develop. For this purpose and for the work of a continuous character which each of the Commissions has recommended within its own sphere, a permanent organization will be necessary, and it may be desirable for the Conference itself to meet again at a later date.

In this connection, the terms of reference of the present Conference were, as already stated, limited by the Council of the League. The Conference has never sought to overstep the limits which the Council of the League of Nations set to the scope of its deliberations. It, however, feels justified in associating itself with the hope expressed by M. Léon Bourgeois in his report to the Council of April 5 last, to the effect that the economic uncertainty which besets alike the countries which are entitled to receive and the countries which are under an obligation to pay reparation claims may speedily be removed, since the settlement of this question is indispensable not only for the reconstruction of the countries devastated by the war—a matter of capital importance to the re-establishment of Europe's economic equilibrium—but also for the recovery of the states on whom the burden of this reparation lies.

#### IV. THE UNANIMOUS CHARACTER OF THE RECOMMENDATIONS

Some of the recommendations of the Conference may appear axiomatic in character rather than original contributions to the financial problem of the world. Their adoption, however, would mean a fundamental change in the policies of the great majority of European countries. It may, for example, seem almost a platitude to say that it is essential that Governments should meet their ordinary current expenditure out of their ordinary current revenue, and that, if they do not do so, the inflation and an increased cost of living are inevitable. In nearly three out of four of the countries represented at the Conference, however, and in nearly eleven out of twelve of European countries, budgets do not at present balance and many of them show no prospect of doing so in the near future. In these circumstances the recommendations made collectively and unanimously by the Conference may perhaps claim a special force and significance.

The Members of the Conference venture to call special attention to the way in which, selected by the Governments of 39 countries representing about 75 per cent of the population of the world, they have been able through this fortnight's discussion to arrive at a general agreement as to the main features of the world's economic and financial position, and some at least of the most important measures urgently required for its restoration. They therefore have been able to give to their suggestions the force of collective and unanimous recommendations.

Whatever may be the future of our positive proposals, the Conference can not have been in vain. It has been a gathering unique in the history of the world. It has not been a gathering of statesmen, working at the solution of political difficulties in the interest of their particular countries: it has been a gathering of experts from all nations working for the solution of the common problem of the whole world. Such differences and divergencies of view as may have existed were brought to the common stock, and all alike have benefited by the interchange of views which resulted. As the work of the Conference and its Commissions proceeded, there developed a spirit of close and intimate co-operation such as might scarcely have been thought possible. That co-operation is in itself a factor of the utmost importance. Each country has had the opportunity of presenting to the rest of the world its special difficulties, its particular anxieties, and all have contributed toward finding a solution.

THE PRESIDENT (speaking in French).—*Interpreter*.—Gentlemen, I do not think it is necessary to have this report read in English. If you will kindly accept it as it is, it will be circulated in English.

(Carried unanimously.)

THE PRESIDENT (speaking in French).—*Interpreter*.—Gentlemen, before bringing this Conference officially to a close, I deem it my duty to congratulate you more particularly on the excellent spirit which has informed your deliberations, as well as the extremely cordial and courteous character of our relations. A generous breath of liberalism, of international help and union has inspired your resolutions. Wise financiers and economists as you were, drawing your experience from the daily practice of

business, you have understood that only in a world of peace and order, only through strenuous work and the intensified output of all workers, can the world hope to emerge from the painful crisis which it is at present undergoing. When back in your respective countries, you will certainly uphold the principles of economic restoration which you have declared to be both urgent and indispensable. I am clearly conscious that this Conference is an almost unprecedented event, the actual importance of which we can not perhaps realize at present. It is a fruitful seed that will grow and spring up and is sure to bear a plentiful harvest. The League of Nations will find, in the numerous documents laid before it in your resolutions, information which will be particularly valuable. With its ever-growing moral authority, the League will thus be able to point out to the Governments and the peoples of the world the path they are to tread if they want to succeed in their financial and economic restoration. By penetrating every day more deeply into the life of the peoples, the League will steadily acquire a greater measure of that legitimate authority and influence which it should possess. This Conference, moreover, will have served as an auspicious preface to the work of the General Meeting which is to be held at Geneva. Allow me, first of all, to tender again to our distinguished Vice-Presidents our grateful thanks for the share they have had in your labors, and for the manner in which they have presided over the discussions of their respective commissions. I also thank the Committees of the Conference, together with the members of the Committees who have examined the reports of the states which have been submitted to the Conference.

M. Delacroix, Prime Minister of Belgium, speaking with the full authority which attaches to his person, M. Carneiro of Brazil, M. Coromilas of Greece, and M. ter Meulen of Holland, kindly sent in concrete schemes which have been largely taken into account by the Commission, and which will be annexed to the General Report. These gentlemen, will, I hope, permit me to thank them again for their valuable co-operation. I must not allow the opportunity to go by without specially thanking the Secretariat General of the League of Nations, and the members of its staff, from its eminent Directors down to the most modest typist. They have all spared no trouble in order to fulfil loyally

their daily work. The rapidity with which the documents and reports were prepared and reproduced greatly facilitated the progress of the discussions. . . .

M. DELACROIX, Belgium, (speaking in French).—*Interpreter*.—Gentlemen, I hope you will bestow on me the honor of allowing me to express the gratitude of this Conference to our President. Let me be the interpreter of our feelings of thanks and admiration for the masterly way in which our President has presided over the business of this meeting. It would have been impossible to do it better than our President has done it. By his clearness, by his courtesy, and at the same time by his firmness, he has been able to bring the vast program with which we have had to deal to a happy conclusion. I believe I will fulfil the wishes of the President himself if I associate in my expression of thanks also the Bureau of the Secretary-General of the League of Nations. It was the League of Nations which had the initiative of calling together this important Conference. Eighteen months after peace was concluded we find here 39 states coming together in order to lay the foundation for the future prosperity of their economic lives. A great thought has been realized. The masterly way and the rapidity with which the documents were prepared, translated and circulated, of which the President has already spoken, has also been the object of our admiration. The good functioning of this organization shows that there is vitality in the League of Nations. This first attempt shows the hand of the master. As the President said, the results of this Conference may not at once be tangible to everybody, but surely we all have good faith in the result of the future, and we know that the final result will be fruitful. We started by finding out what was the nature and the gravity of the wound, and as soon as we were able to understand its nature it became easier to find the remedy. As was the case with many people who suffered great wounds in the war, it is not always easy for the sick person to find in himself all the energy and all the possibilities of reaction. It is necessary that he should not stand alone in his efforts to recover. . . .

## INTERNATIONAL CREDITS<sup>1</sup>

The following resolutions of the Committee on International Credits were carried unanimously on October 7:

VI. The Committee does not believe that, apart from particular decisions dictated by national interests or by considerations of humanity, credits should be accorded directly by Governments.

VII. It appears to the Committee that one of the chief obstacles to the granting of credits is the absence in borrowing countries of sufficient security for ultimate repayment. The Committee therefore studied with attention, in the light of the general considerations enumerated above, all the proposals presented with a view to creating guaranties which would provide satisfactory security for exporters.

The Committee has been forced to recognize that no single system could by itself suffice to provide for the many different needs of the various countries, and that it is necessary to indicate a series of measures sufficiently elastic to be adapted afterward to every variety of circumstances.

For these reasons the Committee decided to make the following recommendations:

VIII. An international organization should be formed and placed at the disposal of states desiring to have resort to credit for the purpose of paying for their essential imports. These states would then notify the assets which they are prepared to pledge as security for the sake of obtaining credit, and would come to an understanding with the international organization as to the conditions under which these assets would be administered.

The bonds issued against this guaranty would be used as collateral for credits intended to cover the cost of commodities.

A plan based upon these principles is developed in Annex A. It has been devised to enable states to facilitate the obtaining of commercial credits by their nationals. It is easy to see that the scheme is susceptible of development in various directions, and that some of its provisions might be adapted so as to facilitate the extension of credit direct to public corporations.

<sup>1</sup>Reprinted from International Financial Conference. Provisional Verbatim Record, afternoon session, No. 16, Thursday, October 7, 1920, p. 189, 190-192.

A committee of financiers and business men should be nominated forthwith by the Council of the League of Nations for the purpose of defining the measures necessary to give practical effect to this proposal.

IX. It has been represented to the Committee that more complete results might be achieved if the bonds used as collateral were to carry some international guaranty.

The Committee sees no objection to the further consideration of this proposal. The Committee referred to in paragraph VIII above might usefully consider the conditions under which it could be applied.

#### ANNEX A

##### *International Organization for Financing Essential Imports*

1. In order that impoverished nations, which under present circumstances are unable to obtain accommodation on reasonable terms in the open market, may be able to command the confidence necessary to attract funds for the financing of their essential imports, an international commission shall be constituted under the auspices of the League of Nations.

2. The commission shall consist of bankers and business men of international repute, appointed by the Council of the League of Nations.<sup>1</sup>

3. The commission shall have the power to appoint sub-commissions and to devolve upon them the exercise of its authority in participating countries or in groups of participating countries.

4. The Governments of countries desiring to participate shall notify to the commission what specific assets they are prepared to assign as security for commercial credits to be granted by the nationals of exporting countries.

5. The commission, after examination of these assets, shall of its own authority determine the gold value of the credits which it would approve against the security of these assets.

6. The participating Government shall then be authorized to prepare bonds to the gold value approved by the commission,

<sup>1</sup>The commission was appointed in accordance with the recommendation at its Geneva meeting, November 14, 1920.



each in one specific currency to be determined on the issue of the bond.

7. The date of maturity and the rate of interest to be borne by these bonds shall be determined by the participating Government in agreement with the commission.

8. The service of these bonds shall be secured out of the revenue of the assigned assets.

9. The assigned assets shall in the first instance be administered by the participating Government or by the international commission as that commission may in each case determine.

10. The commission shall at any time have the right of making direct representations to the Council of the League of Nations as to the desirability of transferring the administration of the assigned assets either from the commission to the participating Government or from the participating Government to the commission.

11. The decision of the Council of the League of Nations on this question shall be binding.

12. After the preparation of these bonds the participating Government shall have the right to loan the bonds to its own nationals, for use by them as collateral security for importations.

13. The bonds shall be made out in such currencies and in such denominations as are applicable to the particular transaction in respect of which they are issued.

14. The participating Government shall be free to take or not to take security for the loan of these bonds from the nationals to whom they are lent.

15. The maturity and the rate of interest of the loan of the bonds shall be fixed by agreement between the participating Government and the borrower of the bonds; they need not be the same as the maturity and the rate of interest of the bonds themselves.

16. When making application to his Government for a loan of these bonds, the importer must furnish proof that he has previously obtained from the international commission express permission to enter into the transaction for which the bonds are to be given as collateral.

17. Each bond, before it is handed over by the participating

Government to the importer, shall be countersigned by the commission in proof of registration.

18. Having obtained the consent of the commission and received from them the countersigned bonds, the importer will pledge these bonds to the exporter in a foreign country for the period of the transaction.

19. The exporter will return to him on their due dates the coupons of the pledged bonds, and the bonds themselves on the completion of the transaction.

20. On receipt of the coupons and the bonds respectively, the importer will return them to his Government.

21. Bonds returned to the participating Government shall be canceled and may subsequently be replaced by other bonds, either in the same or in a different currency, up to an equivalent amount.

22. The exporter, or if he has pledged the bonds, the institution with which he has repledged them acting on his behalf, would be free, in the event of the importer not fulfilling the terms of his contract, to hold until maturity the bonds given as collateral by the importer, or to sell them in accordance with the custom in his country in case of default.

23. In the second alternative an option of repurchasing the bonds direct must first be given for a short period to the Government which issued them.

24. If a sale is resorted to and results in a surplus beyond what is necessary to cover the claims of the exporter upon the importer, the exporter shall be held accountable for that surplus to the Government which issues the bonds.

25. The revenues from the assigned assets shall be applied as follows to the service of the bonds.

26. Out of these revenues, the commission or the participating Government, as the case may be, shall purchase foreign currencies sufficient to meet at their due date the coupons on all bonds any time outstanding in the different foreign currencies.

27. In addition they shall establish abroad in the appropriate currencies a sinking fund calculated to redeem at maturity 10% of the bonds outstanding in each of the different countries.

28. Further, in addition to the amounts provided for payment of coupons and for the endowment of the sinking fund, they shall establish out of the assigned revenues a special reserve in one or more foreign currencies for the redemption of bonds sold in accordance with par. 22.

29. The amount to be set aside for the special reserve shall in each case be determined by the commission.

30. Any surplus remaining at the end of each year after the provision of these services shall be at the free disposal of the participating Government.

31. A participating Government shall have the right to offer its own bonds as collateral for credits obtained for the purpose of importations on Government account. The previous assent of the commission will in these cases also be required for the particular importations desired by the participating Government.

32. If a participating Government which has been in control of its assigned revenues should fail to fulfil its obligations, the exporter concerned will notify the commission and the commission will apply to the Council of the League of Nations for the transfer of the management of the assigned revenues to the commission.

33. The consent of the commission is necessary whenever bonds secured on the assigned assets are given as collateral and shall as a rule be accorded only for the import of raw materials and primary necessities.

34. The commission may, however, at its discretion, sanction in advance the importation of specified quantities of such goods.

35. Even in the case of imports under such a general sanction a notification of the particular transaction must be registered with the commission.

36. The assent of the commission must also be obtained in every case to the term of the credit which it is proposed to open.

## RECOMMENDATION FOR PERMANENT FINANCIAL AND ECONOMIC ORGANIZATION

THE PRESIDENT (speaking in French).—*Interpreter.*—Gentlemen, You may have noticed that all the concluding remarks of the four Committees had the same direction, that is to say, to ask the League of Nations to set up a permanent organization which would continue the work and the investigations which have been inaugurated here. I desire to inform you that the President received yesterday from M. Lambros Coromilas a suggestion which tended exactly in the same direction. M. Coromilas expressly formulated the idea and gave it a definite form. It was my duty to submit this suggestion to the Organizing Committee at its meeting this morning, and the Organizing Committee sent M. Coromilas the following letter:

TO M. COROMILAS.—The Organizing Committee, at its Session this morning, has taken note of the draft resolution which you have been kind enough to transmit to them in your letter of October 5th with reference to the establishment by the League of Nations of a permanent financial and economic organization. The Organizing Committee of the Conference has considered with deep interest the suggestions contained in your draft resolution: and they are glad to note that the same idea which inspires you, that is to say to see a permanent organization continue the work of collaboration which has been begun by this Conference, is to be found at the same time in the resolutions set forth by the four great Commissions of the Conference, each of which has expressed the wish that a permanent body should continue the work which has been begun here. Your draft resolution, therefore, is in perfect harmony, as far as its principle is concerned, with the various resolutions proposed by the several Commissions to this effect: it offers special interest, thanks to the practical suggestion of organization which you have introduced in your scheme. These suggestions seem to me to be particularly useful to the Council of the League of Nations in its discussions. It does not, however, seem to be possible for the Conference here to come to a decision on the exact and detailed method to be followed in setting up the organization which we are going to ask the Council of the League of Nations to set up. In fact, it does not come within our province to fix for the League of Na-

tions the minor conditions under which it will have to set up this body, in regard to which it will have to take account of the rules which are imposed upon the Council by the Covenant and its general regulations. I therefore intend, while forwarding to the Council of the League of Nations the resolutions passed by the Conference, to hand in your draft Resolution, and thus to help, thanks to your suggestion, in the study which is going to be undertaken on this question by the Council of the League of Nations.

M. Coromilas was kind enough to accept this procedure, and I thank him for doing so. He may feel assured that his suggestion, in the very form in which it was laid down, will be handed on to the Council of the League of Nations, with the recommendation that the greatest account shall be taken of it.

## APPENDIX I

### MEMBERS OF THE DELEGATIONS TO THE INTERNATIONAL FINANCIAL CONFERENCE, BRUSSELS, SEPT. 24—OCT. 8, 1920

*Argentino*—Delegates of the Government: Alberto Blancas, Argentine minister to Belgium, and Carlos A. Tornquist, of Messrs. Tornquist & Co.; adviser: Dr. Alejandro E. Shaw; secretary: A. C. Buenano.

*Armenia*—Mr. Bouniatian and Roubene Berberian.

*Australia*—Delegates of the Government: J. R. Collins, C.M.G., permanent secretary of the Treasury; secretary: H. A. Peterson.

*Austria*—Delegates of the Government: Dr. Reisch, secretary of state for finance, Dr. Schueller, assistant under-secretary of the Austrian Foreign Office, and Dr. Simon.

*Belgium*—Delegates of the Government: M. Delacroix, prime minister and minister of finance, Paul Hymans, minister of foreign affairs, and Col. Theunis, Belgian delegate to the Reparation Commission; adviser: O. Lepreux; secretary: M. Plisnier, chef du cabinet of the ministry of economic affairs.

*Brazil*—Delegate of the Government: Julio Barboza Carneiro, commercial attaché to the Brazilian Embassy.

*Bulgaria*—Delegates of the Government: H. E. P. Hadjimisheff, minister plenipotentiary and president of the Bulgarian Delegation to the Peace Conference, Dimiter Strashimroff, publicist, and Dr. Nikola Stoyanoff, director of Bulgaria's public debts.

*Canada*—Delegates of the Government: Hon. Hugh Guthrie, minister of militia and defense in the Canadian Cabinet, J. H. Gundy, of Wood, Gundy & Co., and G. C. Cassels, assistant general manager of the Bank of Montreal.

*China*—Delegates of the Government: Sunchou Wei, Chinese minister in Belgium, and H. B. Morse.

*Czecho-Slovakia*—Delegates of the Government: Mr. Posposil, director of a bank in Prague (Mestske-Sporitelna), B. Dusek, official of the ministry of foreign affairs, Karel Mecir, Czecho-Slovak minister at Brussels.

*Denmark*—Delegates of the Government: R. Gluckstadt, councilor of state, and Mr. Sthyr, official of the ministry of foreign affairs and acting secretary to the Danish legation in Paris.

*Finland*—Delegate of the Government: Otto Stenroth, chief director of the Bank of Finland.

*France*—Delegates of the Government: Eugène Lefèvre, secretary general of the Credit Lyonnais, M. de Fleuriau, minister plenipotentiary, and M. Avenol, financial inspector, financial delegate of the French Government; advisers: Pierre Cheysson, Dr. Siegfried and M. West.

*Germany*—Delegates of the Government: Herr Bergmann, state-secretary of the ministry of finance, Herr von Glasenapp, vice-president of the Imperial Bank, and Herr Franz Urbig, of the Disconto-Gesellschaft; advisers: Oberfinanzrat Kaufmann and Geheimer Hofrat Professor Dr. Lotz.

*Greece*—Delegates of the Government: Lambros Coromilas, Greek minister in Rome, Alexandre Diomedes, co-governor of the National Bank, and M. Lakatsas, director of the Comptabilité Générale of Greece.

*Guatemala*—Delegates of the Government: Guillermo Matos Pacheco, chargé d'affaires of the Guatemalan legation at Paris, and Juan de Putte, consul of Guatemala at Ghent.

*Holland*—Delegates of the Government: Professor M. W. F. Treub, former minister of agriculture, industry and commerce, C. E. ter Meulen, of Hope & Co., Bankers, Amsterdam, and A. R. Zimmermann.

*Hungary*—Alexander Popovits, T. Scitovszky, and Dr. Bela Schober.

*India*—Delegates of the Government: H. P. Howard, late secretary to the Government of India (finance department), Sir Marshall Frederick Reid, late member of the Council of the Secretary of State for India, and Sir Fazilbhoj Currimbhoj, representative of the Bombay Business Community; secretaries: G. W. P. Martin and S. Jan Mohomed.

*Italy*—Delegates of the Government: Dr. Maggiorino Ferraris, Senator, Dr. Vittorio Roland Ricci, Senator, and Professor Alberto Beneduce, Deputy; advisers: Ferdinando Quartieri and Signor Giannini.

*Japan*—Delegates of the Government: Kengo Mori, Japanese financial commissioner in London, and Toshikata Okubo, London manager of the Yokohama Specie Bank, Ltd.; secretaries: K. Aoki, chief secretary, K. Goto, and M. Hioki.

*Luxemburg*—Delegate of the Government: Joseph Steichen, councilor of state; secretary: Hamelius Etienne.

*Norway*—Delegates of the Government: Dr. A. Raestalm, P. Volckmar, manager of Norwegian Bank of Commerce, and C. Smith.

*New Zealand*—Delegate of the Government: Colonel the Hon. Sir James Allen, K.C.B., high commissioner for New Zealand, and Colonel G. F. C. Campbell.

*Poland*—Delegates of the Government: Ladislas Grabski, minister of finance, John Stecskowski, director of the Lemberg Land Bank, and Baron Manteufel, director of Credit Department, Finance Ministry; adviser: Mr. Markowski.

*Portugal*—Delegates of the Government: Dr. Affonso Costa, president of the Portuguese delegation, formerly president of the ministry and minister of finance, Inerencio Camacho, minister of finance, and Victorino Guimaraes, Reparation Commission delegate; advisers: Antonio Malheiro, director general of public accounts, Joao Ulrich, governor of the Banco Nacional Ultramarino, and Adriac de Seixas, secretary general of the Bank of Portugal; secretary of the delegation: Alfredo da Cruz Nordeste, lawyer and assistant to the delegate at the Reparation Commission.

*Rumania*—Delegates of the Government: Professor D. Many, director of the ministry of finance in Transylvania, M. Halaceanu, formerly mayor of Bukharest, and M. Lepadatu, member of the Rumanian Academy; advisers: Eugene Neculcea and Professor George Tasca.

*Serb-Croat-Slovene State*—Delegates of the Government: Velisar Yankevich, finance minister, Montchelo Nintechich, minister of commerce, and Dragoliub Novakovich, director of the National Bank; adviser: Dr. Kostrecic.

*South Africa*—Delegates of the Government: R. A. Blankenburg, O. B. E., acting high commissioner for South Africa; adviser: Henry Strakosch, managing director of the Union Corporation; secretary to the delegation: Dr. C. Pohgeiter.

*Spain*—Delegates of the Government: The Marquis de Cortino, ex-crown minister; Manuel de Arguelles of Arguelles, secretary-general of the finance ministry, José Figueras, director of the Bank of Bilbao.

*Sweden*—Delegates of the Government: Marcus Wallenberg, director of Stockholm Enskilder Bank, and Oscar Rydbeck, managing director of the Scandinavian Bank; secretary of the delegation: Moritz Marcus, Ph. D.

*Switzerland*—Delegates of the Government: Dr. Alfred Frey, national councilor, president of the Swiss Union of Commerce and Industry, Rudolphe de Haller, ex-director of the Swiss National Bank, and Henri Heer, president of the Swiss Co-operative Society for the Development of Foreign Trade.

*United Kingdom*—Delegates of the Government: Lord Chalmers, G. C. B., formerly permanent secretary to H. M. Treasury, Lord Cullen, K. B. E., formerly governor of the Bank of England, and Henry Bell, general



manager of Lloyd's Bank; secretary of the delegation: F. W. Atterbury, late Royal Naval Volunteer Reserve.

*United States*—Unofficial representative: Roland W. Boyden, delegate near the Reparation Commission; assistants: Messrs. Hess and McLeod.

*Uruguay*—Delegates of the Government: M. Alberto Guani, Uruguayan minister to Belgium, and M. Abelardo Roy, consul-general of Uruguay in Belgium.

#### REPRESENTATIVES OF STATES IN ATTENDANCE

*Estonia*—Delegate of the Government: Johan Kukk, former minister of finance and member of the Constituent Assembly; advisers: Alexander Puchk, commercial agent of the Estonian Government in London, Professor A. Piip, Estonian minister in London.

*Latvia*—Delegate of the Government: G. W. Bisseneek, chargé d'affaires of Latvia in Great Britain; adviser: O. Grosvald.

*Lithuania*—Mr. Galvanowski.

In accordance with the decision of the Council of the League at San Sebastian, the Reparation Commission was invited to appoint a representative to attend the Conference.

Representatives of the International Relief Credits Committee, of the International Chamber of Commerce and of the Supreme Economic Council were present at Brussels.

## APPENDIX II

### DOCUMENTS PREPARED FOR THE INTERNATIONAL FINANCIAL CONFERENCE

\*REPORT of the Advisory Committee. London, Harrison & Sons, Ltd., 1920. 25 p. 33 cm.

I. MEMORIAL on the International Financial Situation. (a) Memorial to various Governments; (b) Reply by the British Chancellor of the Exchequer; (c) Reply by the late Secretary to the American Treasury; (d) Extract from the Annual Report of the Secretary to the American Treasury.

II. ECONOMIC DECLARATION of the Supreme Council, March 8, 1920.

\*III. CURRENCY STATISTICS. Introduction. (a) Rates of Exchange; (b) Rates of Discount; (c) Gold and Silver Reserves and Note Circulation; (d) Bank Deposits; (e) Wholesale Prices and Exchanges, preceded by explanatory note. London, Harrison & Sons, Ltd., 1920. 47 p. 28 cm.

\*IV. PUBLIC FINANCE. Introduction. (a) and (b) Budgets, 1919-1921; Tabular Statements; (c) National Debts and Loans; (d) Financial Statements; (e) Budget Summaries, 1919-1921. London, Harrison & Sons, Ltd., 1920. 97 p. 28 cm.

\*V. INTERNATIONAL TRADE. Introduction. (a) Special Trade (values) from 1913; (b) Trade (value) 1919, by countries of origin and consignment; (c) Trade (value and weight) 1919. Principal articles of import and export; (d) Appendix: Diagrams. London, Harrison & Sons, Ltd., 1920. 68 p., 50 diagrams, 28 cm.

VI. REPORT of the Consultative Food Committee to the Supreme Economic Council.

VII. OFFICIAL STATISTICS of Retail Prices. Memorandum by Professor Arthur Lyon Bowley.

VIII. COAL STATISTICS. Introduction Tables of Production and Consumption.

IX. THE EUROPEAN TRANSPORT Situation. A report compiled by the Communication Section, Supreme Economic Council.

\*X. RELIEF CREDITS and the Promotion of Export. A summary of Government measures. Introduction. (a) Memorandum by the Relief Credits Committee; (b) American Measures to promote Export; (c) British Export Credits Scheme; (d) French National Bank for Foreign Trade.

\*XI. EXCHANGE CONTROL. (a) Introduction and Summary of Decrees; (b) Texts of Decrees.

**\*XII. SOLUTIONS PROPOSED.** A summary of schemes for remedying present financial difficulties.

**\*XIII. MONETARY PROBLEMS.** Memoranda prepared by Economic Experts.

Four additional parts were printed as follows:

2. Memorandum prepared by Dr. G. W. J. Bruins.
3. Memorandum on the World's Monetary Problems by Prof. Gustav Cassell.
4. Memorandum on Credit Currency and Exchange Fluctuation by Prof. A. G. Pigou.
5. Notes on the Financial and Monetary Situation by Charles Gide.

**\*XIV. PRICE OF SILVER.** Memorandum by Mr. G. Findlay Shirras. London, Harrison & Sons, Ltd., 1920. 18 p. 28 cm.

**CURRENCIES AFTER THE WAR.** A survey of conditions in various countries. Compiled under the auspices of the International Secretariat of the League of Nations. London, Harrison & Sons, Ltd., 1920. XVI, 254 p. 22 cm.

This volume on the finances, foreign trade, and exchanges of the principal countries of Europe, Asia and America, has been compiled under the auspices of the League of Nations Secretariat by a number of well-known financiers and economists of different nationalities. It presents a striking picture of the changes which have taken place as a result of the war in the world's currencies and balance of trade.

\*Available at prices ranging from 1s. to 7s. 6d., plus postage, from Harrison & Sons, Ltd., 44-47 St. Martin's Lane, London, W. C. 2. All documents are in French and English, Nos. 12, 13 and 14 and Currencies after the War being available in either language separately.

## **Present Membership of the League of Nations**

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**Australia**

**Belgium**

**Bolivia**

**Brazil**

**British Empire**

**Canada**

**Chile**

**China**

**Colombia**

**Cuba**

**Czecho-Slovakia**

**Denmark**

**France**

**Greece**

**Guatemala**

**Haiti**

**Hedjaz**

**India**

**Italy**

**Japan**

**Liberia**

**Netherlands**

**New Zealand**

**Nicaragua**

**Norway**

**Panama**

**Paraguay**

**Peru**

**Persia**

**Poland**

**Portugal**

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**Serbia**

**Siam**

**South Africa**

**Spain**

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**World Peace Foundation**

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# *A LEAGUE of NATIONS*

Vol. IV, No. 5

October, 1921

## **Washington Agreement on Capital Ships**



## **Disarmament on the Great Lakes**

## **Unfortified Frontiers**

Published Bimonthly by the  
**WORLD PEACE FOUNDATION**

40 Mt. Vernon Street, Boston

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# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

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The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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# I. WASHINGTON NAVAL AGREEMENT ON CAPITAL SHIPS

## I. ADDRESS OF SECRETARY OF STATE HUGHES

**GENTLEMEN:** It is with a deep sense of privilege and responsibility that I accept the honor [permanent chairmanship] you have conferred.

Permit me to express the most cordial appreciation of the assurances of friendly co-operation, which have been generously expressed by the representatives of all the invited Governments. The earnest desire and purpose, manifested in every step in the approach to this meeting, that we should meet the reasonable expectation of a watching world by effective action suited to the opportunity is the best augury for the success of the Conference.

The President invited the Governments of the British Empire, France, Italy and Japan to participate in a conference on the subject of limitation of armament, in connection with which Pacific and Far Eastern questions would also be discussed. It would have been most agreeable to the President to have invited all the Powers to take part in this Conference, but it was thought to be a time when other considerations should yield to the practical requirements of the existing exigency, and in this view the invitation was extended to the group known as the Principal Allied and Associated Powers, which, by reason of the conditions produced by the war, control in the main the armament of the world. The opportunity to limit armament lies within their grasp.

It was recognized, however, that the interests of other Powers in the Far East made it appropriate that they should be invited to participate in the discussion of Pacific and Far Eastern problems, and, with the approval of the five Powers, an invitation to take part in the discussion of those questions has been extended to Belgium, China, the Netherlands and Portugal.

The inclusion of the proposal for the discussion of Pacific and Far Eastern questions was not for the purpose of embarrassing or delaying an agreement for limitation of armament, but rather to

support that undertaking by availing ourselves of this meeting to endeavor to reach a common understanding as to the principles and policies to be followed in the Far East and thus greatly diminish, and, if possible, wholly to remove, discernible sources of controversy. It is believed that by interchanges of views at this opportune time the Governments represented here may find a basis of accord and thus give expression to their desire to assure enduring friendship.

In the public discussions which have preceded the Conference there have been apparently two competing views; one, that the consideration of armament should await the result of the discussion of Far Eastern questions, and another, that the latter discussion should be postponed until an agreement for limitation of armament has been reached. I am unable to find sufficient reason for adopting either of these extreme views. I think that it would be most unfortunate if we should disappoint the hopes which have attached to this meeting by a postponement of the consideration of the first subject. The world looks to this Conference to relieve humanity of the crushing burden created by competition in armament, and it is the view of the American Government that we should meet the expectation without any unnecessary delay. It is, therefore, proposed that the Conference should proceed at once to consider the question of the limitation of armament.

This, however, does not mean that we must postpone the examination of Far Eastern questions. These questions of vast importance press for solution. It is hoped that immediate provision may be made to deal with them adequately, and it is suggested that it may be found to be entirely practicable through the distribution of the work among designated committees to make progress to the ends sought to be achieved without either subject being treated as a hindrance to the proper consideration and disposition of the other.

#### PREVIOUS EFFORT REVIEWED

The proposal to limit armament by an agreement of the Powers is not a new one, and we are admonished by the futility of earlier efforts. It may be well to recall the noble aspirations which were voiced twenty-three years ago in the imperial rescript of His Majesty the Emperor of Russia. It was then pointed out

with clarity and emphasis that "the intellectual and physical strength of the nations, labor and capital are for the major part diverted from their natural application and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though to-day regarded as the last word of science, are destined to-morrow to lose all value in consequence of some fresh discovery in the same field. National culture, economic progress and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each power increase, so do they less and less fulfill the object which the Governments have set before themselves. The economic crises, due in great part to the system of armaments *d'outrance* and the continual danger which lies in this massing of war materials, are transforming the armed peace of our days into a crushing burden, which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged it would inevitably lead to the calamity which it is desired to avert, and the horrors of which make every thinking man shudder in advance. To put an end to these incessant armaments and to seek the means of warding off the calamities which are threatening the whole world—such is the supreme duty which is to-day imposed on all states."

It was with this sense of obligation that His Majesty the Emperor of Russia proposed the conference, which was "to occupy itself with this grave problem" and which met at The Hague in the year 1899. Important as were the deliberations and conclusions of that conference, especially with respect to the pacific settlement of international disputes, its result in the specific matter of limitation of armament went no further than the adoption of a final resolution setting forth the opinion "that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind," and the utterance of the wish that the Governments "may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets."

It was seven years later that the Secretary of State of the United States, Mr. Elihu Root, in answering a note of the Russian Ambassador, suggesting in outline a program of the Second Peace Conference, said: "The Government of the United States, there-

fore, feels it to be its duty to reserve for itself the liberty to propose to the Second Peace Conference, as one of the subjects for consideration, the reduction or limitation of armaments, in the hope that, if nothing further can be accomplished, some slight advance may be made toward the realization of the lofty conception which actuated the Emperor of Russia in calling the First Conference." It is significant that the Imperial German Government expressed itself as "absolutely opposed to the question of disarmament," and that the Emperor of Germany threatened to decline to send delegates if the subject of disarmament was to be discussed. In view, however, of the resolution which had been adopted at the First Hague Conference, the delegates of the United States were instructed that the subject of limitation of armament "should be regarded as unfinished business, and that the Second Conference should ascertain and give full consideration to the results of such examination as the Governments may have given to the possibility of an agreement pursuant to the wish expressed by the First Conference." But by reason of the obstacles which the subject had encountered, the Second Peace Conference at The Hague, although it made notable progress in provision for the peaceful settlement of controversies, was unable to deal with limitation of armament except by a resolution in the following general terms: "The Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and, inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question."

#### EXTRAORDINARY OPPORTUNITY PRESENTED

This was the fruition of the efforts of eight years. Although the effect was clearly perceived, the race in preparation of armament, wholly unaffected by these futile suggestions, went on until it fittingly culminated in the greatest war of history; and we are now suffering from the unparalleled loss of life, the destruction of hopes, the economic dislocations and the widespread impoverishment which measure the cost of the victory over the brutal pretensions of military force.

But if we are warned by the inadequacy of earlier endeavors for

limitation of armament, we can not fail to recognize the extraordinary opportunity now presented. We not only have the lessons of the past to guide us, not only do we have the reaction from the disillusioning experience of war, but we must meet the challenge of imperative economic demands. What was convenient or highly desirable before is now a matter of vital necessity. If there is to be economic rehabilitation, if the longings for reasonable progress are not to be denied, if we are to be spared the uprisings of peoples made desperate in the desire to shake off burdens no longer endurable, competition in armament must stop. The present opportunity not only derives its advantage from a general appreciation of this fact, but the power to deal with the exigency now rests with a small group of nations, represented here, who have every reason to desire peace and to promote amity. The astounding ambition which lay athwart the promise of the Second Hague Conference no longer menaces the world, and the great opportunity of liberty-loving and peace-preserving democracies has come. Is it not plain that the time has passed for mere resolutions that the responsible Powers should examine the question of limitation of armament? We can no longer content ourselves with investigations, with statistics, with reports, with the circumlocution of inquiry. The essential facts are sufficiently known. The time has come, and this Conference has been called, not for general resolutions or mutual advice, but for action. We meet with full understanding that the aspirations of mankind are not to be defeated either by plausible suggestions of postponement or by impracticable counsels of perfection. Power and responsibility are here and the world awaits a practicable program which shall at once be put into execution.

I am confident that I shall have your approval in suggesting that in this matter, as well as in others before the Conference, it is desirable to follow the course of procedure which has the best promise of achievement rather than one which would facilitate division; and thus, constantly aiming to agree so far as possible, we shall, with each point of agreement, make it easier to proceed to others.

#### END IT NOW IS WAY OUT

The question, in relation to armament, which may be regarded as of primary importance at this time, and with which we can deal

most promptly and effectively, is the limitation of naval armament. There are certain general considerations which may be deemed pertinent to this subject.

The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues, its regulation is impracticable. There is only one adequate way out and that is to end it now.

It is apparent that this can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

It is also clear that no one of the naval Powers should be expected to make these sacrifices alone. The only hope of limitation of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the Powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval Powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort. I may add that the American delegates are advised by their naval experts that the tonnage of capital ships may fairly be taken to measure the relative strength of navies, as the provision for auxiliary combatant craft should sustain a reasonable relation to the capital ship tonnage allowed.

It would also seem to be a vital part of a plan for the limitation of naval armament that there should be a naval holiday. It is

proposed that for a period of not less than 10 years there should be no further construction of capital ships.

I am happy to say that I am at liberty to go beyond these general propositions, and, on behalf of the American Delegation acting under the instructions of the President of the United States, to submit to you a concrete proposition for an agreement for the limitation of naval armament.

It should be added that this proposal immediately concerns the British Empire, Japan and the United States. In view of the extraordinary conditions, due to the World War, affecting the existing strength of the navies of France and Italy, it is not thought to be necessary to discuss at this stage of the proceedings the tonnage allowance of these nations, but the United States proposes that this matter be reserved for the later consideration of the Conference.

#### FOUR PRINCIPLES AND THEIR APPLICATION

In making the present proposal the United States is most solicitous to deal with the question upon an entirely reasonable and practicable basis to the end that the just interests of all shall be adequately guarded and that national security and defense shall be maintained. Four general principles have been applied:

- (1) That all capital shipbuilding programs, either actual or projected, should be abandoned;
- (2) That further reductions should be made through the scrapping of certain of the older ships;
- (3) That in general regard should be had to the existing naval strength of the Powers concerned;
- (4) That the capital ship tonnage should be used as the measurement of strength for navies, and a proportionate allowance of auxiliary combatant craft prescribed.

The principal features of the proposed agreement are as follows:

#### *United States—*

#### CAPITAL SHIPS

The United States is now completing its program of 1916, calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction: in some cases from 60 to 80 per cent of the construction has been done. On these 15 capital ships now being built, over



\$330,000,000 have been spent. Still, the United States is willing in the interest of immediate limitation of naval armament to scrap all these ships.

The United States proposes, if this plan is accepted—

(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in the course of building, and 2 battleships launched.

The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. The total tonnage is 227,740 tons.

Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

#### *Great Britain—*

The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

It is proposed that Great Britain—

(1) Shall stop further construction of the 4 new *Hoods*, the new capital ships not laid down, but upon which money has been spent. The 4 ships, if completed, would have a tonnage displacement of 172,000 tons.

(2) Shall, in addition, scrap her predreadnaughts, second line battleships, and first line battleships, up to, but not including, the *King George V* class.

These, with certain predreadnaughts, which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons.

#### *Japan—*

It is proposed that Japan—

(1) Shall abandon her program of ships not yet laid down,

viz., the *Kii*, *Owari*, No. 7 and No. 8 battleships, and Nos. 5, 6, 7 and 8 battle cruisers.

It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa*, and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao*, not yet laid down, but for which certain material has been assembled).

The total number of new capital ships to be scrapped under this paragraph is 7. The total tonnage of these new capital ships, when completed, would be 289,100 tons.

(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed) would be 448,928 tons.

Thus, under this plan there would be immediately destroyed, of the navies of the three Powers, 66 capital fighting ships built and building, but a total tonnage of 1,878,043.

It is proposed that it should be agreed by the United States, Great Britain and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has reached appropriate consideration.

#### *Replacement—*

With respect to replacement, the United States proposes:

(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement;

(2) That replacement be limited by an agreed maximum of capital ship tonnage as follows:

For the United States.....	500,000 tons
For Great Britain.....	500,000 tons
For Japan.....	300,000 tons

(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital ship construction;

(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons.

I have sketched the proposal only in outline, leaving the technical details to be supplied by the formal proposition which is ready for submission to the delegates.

The plan includes provision for the limitation of auxiliary combatant craft. This term embraces three classes, that is (1) auxiliary surface combatant craft, such as cruisers (exclusive of battle cruisers), flotilla leaders, destroyers, and various surface types; (2) submarines, and (3) airplane carriers.

I shall not attempt to review the proposals for these various classes, as they bear a definite relation to the provisions for capital fighting ships.

With the acceptance of this plan the burden of meeting the demands of competition in naval armament will be lifted. Enormous sums will be released to aid the progress of civilization. At the same time the proper demands of national defense will be adequately met and the nations will have ample opportunity during the naval holiday of 10 years to consider their future course. Preparation for future naval war will stop now.

I shall not attempt at this time to take up the other topics which have been listed on the tentative agenda proposed in anticipation of the Conference.

## 2. PROPOSAL OF THE UNITED STATES FOR A LIMITATION OF NAVAL ARMAMENT

The United States proposes the following plan for a limitation of the naval armament of the conferring nations. The United States believes that this plan safely guards the interests of all concerned.

In working out this proposal the United States has been guided by four general principles:

(a) The elimination of all capital ship building programs, either actual or projected.

(b) Further reduction through the scrapping of certain of the older ships.

(c) That regard should be had to the existing naval strength of the conferring powers.

(d) The use of capital ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

### PROPOSAL

"For a limitation of naval armament"

#### CAPITAL SHIPS

##### UNITED STATES

1. The United States to scrap all new capital ships now under construction and on their way to completion. This includes 6 battle cruisers and 7 battleships on the ways and building and 2 battleships launched.

NOTE—(Paragraph 1 involves a reduction of 15 new capital ships under construction, with a total tonnage when completed of 618,000 tons. Total amount of money already spent on 15 capital ships, \$332,000,000.)

2. The United States to scrap all battleships up to, but not including, the *Delaware* and *North Dakota*.

NOTE—(The number of old battleships scrapped under paragraph 2 is 15; their total tonnage is 227,740 tons. The grand total of capital ships to be scrapped is 30, aggregating 845,740 tons.)

##### GREAT BRITAIN

3. Great Britain to stop further construction of the 4 new *Hoods*.

NOTE—(Paragraph 3 involves a reduction of 4 new capital ships not yet laid down, but upon which money has been spent, with a total tonnage when completed of 172,000 tons.)

4. In addition to the 4 *Hoods*, Great Britain to scrap her predreadnaughts, second-line battleships and first-line battleships up to, but not including, the *King George V.* class.

NOTE—(Paragraph 4 involves the disposition of 19 capital ships (certain of which have already been scrapped) with a tonnage reduction of 411,375 tons. The grand total tonnage of ships scrapped under this agreement will be 583,375 tons.)

##### JAPAN

5. Japan to abandon her program of ships not yet laid down, viz.: the *Kii*, *Owari*, No. 7, No. 8, battleships, and Nos. 5, 6, 7 and 8, battle cruisers.

NOTE—(Paragraph 5 does not involve the stopping of construction on any ship upon which construction has begun.)

6. Japan to scrap 3 battleships: the *Mutsu*, launched; the *Tosa* and *Kaga*, building; and 4 battle cruisers: the *Amagi* and *Akagi*, building, and the *Atago* and *Takao* not yet laid down, but for which certain material has been assembled.

NOTE—(Paragraph 6 involves a reduction of 7 new capital ships under construction, with a total tonnage when completed of 288,100 tons.)

7. Japan to scrap all predreadnaughts and capital ships of the second line. This to include scrapping of all ships up to, but not including, the *Settsu*.

NOTE—(Paragraph 7 involves the scrapping of 10 older ships with a total tonnage of 159,828 tons. The grand total reduction of tonnage on vessels existing, laid down, or for which material has been assembled, is 448,928 tons.)

#### FRANCE AND ITALY

8. In view of certain extraordinary conditions due to the World War affecting the existing strengths of the navies of France and Italy, the United States does not consider necessary the discussion at this stage of the proceedings of the tonnage allowance of these nations, but proposes it be reserved for the later consideration of the Conference.

#### OTHER NEW CONSTRUCTION

9. No other new capital ships shall be constructed during the period of this agreement except replacement tonnage as provided hereinafter.

10. If the terms of this proposal are agreed to, then the United States, Great Britain and Japan agree that their navies, three months after the making of this agreement, shall consist of the following capital ships:

*List of Capital Ships*

UNITED STATES	GREAT BRITAIN	JAPAN
Maryland	Royal Sovereign	Nagato
California	Royal Oak	Hiuga
Tennessee	Resolution	Ise
Idaho	Ramillies	Yamashiro
Mississippi	Revenge	Fu-So
New Mexico	Queen Elizabeth	Settsu
Arizona	Warspite	Kirishima
Pennsylvania	Valiant	Haruna
Oklahoma	Barham	Hi-Yei
Nevada	Malaya	Kongo
Texas	Benbow	Total, 10
New York	Emperor of India	Total tonnage, 299,700
Arkansas	Iron Duke	
Wyoming	Marlborough	
Utah	Erin	
Florida	King George V	
North Dakota	Centurion	
Delaware	Ajax	
Total, 18	Hood	
Total tonnage, 500,650	Renown	
	Repulse	
	Tiger	
	Total, 22	
	Total tonnage, 604,450	

*Disposition of Old and New Construction*

11. Capital ships shall be disposed of in accordance with methods to be agreed upon.

*Replacements*

12. (a) The tonnage basis for capital ship replacement under this proposal to be as follows:

United States .....	500,000 tons
Great Britain .....	500,000 tons
Japan .....	300,000 tons

(b) Capital ships 20 years from date of completion may be replaced by new capital ship construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion. Provided, however, that the first replacement tonnage shall not be laid down until 10 years from the date of the signing of this agreement.

(c) The scrapping of capital ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of new construction; or if the date of completion of new construction be delayed, then within four years of the laying of the keels of such new construction.

(d) No capital ships shall be laid down during the term of this agreement, whose tonnage displacement exceeds 35,000 tons.

(e) The same rules for determining tonnage of capital ships shall apply to the ships of each of the Powers party to this agreement.

(f) Each of the Powers party to this agreement agrees to inform promptly all of the other Powers party to this agreement concerning:

- (1) The names of the capital ships to be replaced by new construction;
- (2) The date of authorization of replacement tonnage;
- (3) The dates of laying the keels of replacement tonnage;
- (4) The displacement tonnage of each new ship to be laid down;
- (5) The actual date of completion of each new ship;
- (6) The fact and date of the scrapping of ships replaced.

(g) No fabricated parts of capital ships, including parts of hulls, engines and ordnance, shall be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(h) In case of the loss or accidental destruction of capital ships, they may be replaced by new capital ship construction in conformity with the foregoing rules.

## AUXILIARY COMBATANT CRAFT

13. In treating this subject, auxiliary combatant craft have been divided into three classes;

- (a) Auxiliary surface combatant craft.
- (b) Submarines.
- (c) Airplane carriers and aircraft.

## (A) AUXILIARY SURFACE COMBATANT CRAFT

14. The term auxiliary surface combatant craft includes cruisers (exclusive of battle cruisers), flotilla leaders, destroyers and all other surface types except those specifically exempted in the following paragraph.

15. Existing monitors, unarmored surface craft as specified in paragraph 16, under 3,000 tons; fuel ships, supply ships, tenders, repair ships, tugs, mine sweepers and vessels readily convertible from merchant vessels are exempt from the terms of this agreement.

16. No new auxiliary combatant craft may be built exempt from this agreement regarding limitation of naval armament that exceed 3,000 tons displacement and 15 knots speed and carry more than four 5-inch guns.

17. It is proposed that the total tonnage of cruisers, flotilla leaders and destroyers allowed each Power shall be as follows:

For the United States.....	450,000 tons
For Great Britain.....	450,000 tons
For Japan.....	270,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in auxiliary surface combatant craft on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of auxiliary combatant craft for each nation shall be reduced to the prescribed allowance as herein stated.

*Limitation of New Construction*

18. (a) All auxiliary surface combatant craft whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new construction in auxiliary surface combatant craft except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the auxiliary surface combatant craft tonnage allowances hereinbefore stated may construct tonnage up to the limit of their allowance.



*Scrapping of Old Construction*

19. Auxiliary surface combatant craft shall be scrapped in accordance with methods to be agreed upon.

## (B) SUBMARINES

20. It is proposed that the total tonnage of submarines allowed each Power shall be as follows:

For the United States .....	90,000 tons
For Great Britain .....	90,000 tons
For Japan .....	54,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in submarines on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of submarines for each nation shall be reduced to the prescribed allowance as herein stated.

*Limitation of New Construction*

21. (a) All submarines whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new submarine tonnage except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the submarine tonnage allowance hereinbefore stated may construct tonnage up to the limit of their allowance.

*Scrapping of Old Construction*

22. Submarines shall be scrapped in accordance with methods to be agreed upon.

## (c) AIRPLANE CARRIERS AND AIRCRAFT

23. It is proposed that the total tonnage of airplane carriers allowed each Power shall be as follows:

United States .....	80,000 tons
Great Britain .....	80,000 tons
Japan .....	48,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in airplane carriers on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of airplane carriers for each nation shall be reduced to the prescribed allowance as herein stated.

*Limitation of New Construction*

## AIRPLANE CARRIERS

24. (a) All airplane carriers whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new airplane carrier tonnage except replacement tonnage as provided herein shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the airplane carrier tonnage hereinbefore stated may construct tonnage up to the limit of their allowance.

*Scrapping of Old Construction*

25. Airplane carriers shall be scrapped in accordance with methods to be agreed upon.

## AUXILIARY COMBATANT CRAFT

## REPLACEMENTS

26. (a) Cruisers 17 years of age from date of completion may be replaced by new construction. The keels for such new construction shall not be laid until the tonnage it is intended to replace is 15 years of age from date of completion.

(b) Destroyers and flotilla leaders 12 years of age from date of completion may be replaced by new construction. The keels of such new construction shall not be laid until the tonnage it is intended to replace is 11 years of age from date of completion.

(c) Submarines 12 years of age from date of completion may be replaced by new submarine construction, but the keels of such new construction shall not be laid until the tonnage which the new tonnage is to replace is 11 years of age from date of completion.

(d) Airplane carriers 20 years of age from date of completion may be replaced by new airplane carrier construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion.

(e) No surface vessel carrying guns of caliber greater than 8 inches shall be laid down as replacement tonnage for military combatant surface craft.

(f) The same rules for determining tonnage of auxiliary combatant craft shall apply to the ships of each of the Powers party to this agreement.

(g) The scrapping of ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of the new construction, or, if the completion of new tonnage is delayed, then within 4 years of the laying of the keels of such new construction.

(h) Each of the Powers party to this agreement agrees to inform all of the other Powers party to this agreement concerning:

(1) The names or numbers of the ships to be replaced by new construction;

(2) The date of authorization of replacement tonnage;

(3) The dates of laying the keels of replacement tonnage;

(4) The displacement tonnage of each new ship to be laid down;

(5) The actual date of completion of each new ship;

(6) The fact and date of the scrapping of ships replaced.

(i) No fabricated parts of auxiliary combatant craft, including parts of hulls, engines, and ordnance, will be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(j) In case of the loss or accidental destruction of ships of this class they may be replaced by new construction in conformity with the foregoing rules.

#### AIRCRAFT

27. The limitation of naval aircraft is not proposed.

NOTE—(Owing to the fact that naval aircraft may be readily adapted from special types of commercial aircraft, it is not considered practicable to prescribe limits for naval aircraft.)

#### GENERAL RESTRICTION ON TRANSFER OF COMBATANT VESSELS OF ALL CLASSES

28. The Powers party to this agreement bind themselves not to dispose of combatant vessels of any class in such a manner that they later may become combatant vessels in another navy. They bind themselves further not to acquire combatant vessels from any foreign source.

29. No capital ship tonnage nor auxiliary combatant craft tonnage for foreign account shall be constructed within the jurisdiction of any one of the Powers party to this agreement during the term of this agreement.

#### MERCHANT MARINE

30. As the importance of the merchant marine is in inverse ratio to the size of naval armaments, regulations must be provided to govern its conversion features for war purposes.

### 3. AGREEMENT REACHED BY SUBCOMMITTEE ON NAVAL ARMAMENT, DECEMBER 15, 1921

The agreement was made public in the following announcement of the Subcommittee on Naval Armament, which was sent out by the Associated Press:

The following are the points of agreement that have been reached in the course of the negotiations between the United States of America, Great Britain and Japan with respect to their capital fighting ships.

An agreement has been reached between the three powers—the United States of America, the British Empire, and Japan—on the subject of naval ratio. The proposal of the American Government that the ratio should be 5-5-3 is accepted.

It is agreed that with respect to fortifications and naval bases in the Pacific region, including Hong Kong, the status quo shall be maintained, that is, that there shall be no increase in these fortifications and naval bases except that this restriction shall not apply to the Hawaiian Islands, Australia, New Zealand and the islands composing Japan proper, or, of course, to the coasts of the United States and Canada, as to which the respective Powers retain their entire freedom.

The Japanese Government has found special difficulty with respect to the *Mutsu* as that is their newest ship. In order to retain the *Mutsu* Japan has proposed to scrap the *Settsu*, one of her older ships, which, under the American proposal, was to have been retained. This would leave the number of Japan's capital ships the same, that is, 10, as under the American proposal. The retention of the *Mutsu* by Japan in place of the *Settsu* makes a difference in net tonnage of 13,600 tons, making the total tonnage of Japan's capital ships 313,300 tons, as against 299,700 tons under the original American proposal.

While the difference in tonnage is small, there would be considerable difference in efficiency, as the retention of the *Mutsu* would give to Japan two post-Jutland ships of the latest design.

In order to meet this situation and to preserve the relative strength on the basis of the agreed ratio, it is agreed that the United States shall complete two of the ships in course of construction, that is, the *Colorado* and the *Washington*, which are now about 90 per cent completed, and scrap two of the older ships, that is, the *North Dakota* and the *Delaware*, which under the original proposal were to be retained. This would leave the United States with the same number of capital ships, that is, 18 as under the original proposal, with a tonnage of 525,850 tons, as

against 500,650 tons as originally proposed. Three of the ships would be post-Jutland ships of the *Maryland* type.

As the British have no post-Jutland ships, except one *Hood*, the construction of which is only partly post-Jutland, it is agreed that in order to maintain proper relative strength the British Government may construct two new ships, not to exceed 35,000 legend tons each, that is, calculating the tonnage according to British standards of measurement, or according to American calculations, the equivalent of 37,000 tons each.

It is agreed that the British Government shall, on the completion of these two new ships, scrap four of their ships of the *King George V* type, that is, the *Erin*, *King George V*, *Centurion* and *Ajax*, which were to have been retained under the original American proposal. This would leave the British capital ships in number 20, as against 22 under the American proposal.

Taking the tonnage of the two new ships according to American calculation, it would amount to 74,000 and the 4 ships scrapped having a tonnage of 96,400 tons, leaving the British tonnage of capital ships 582,050, instead of 604,450. This would give the British as against the United States an excess tonnage of 66,200 tons, which is deemed to be fair, in view of the age of the ships of the *Royal Sovereign* and the *Queen Elizabeth* types.

The maximum limitation for the tonnage of ships to be constructed in replacement is to be fixed at 35,000 legend tons, that is, according to British standards of measurement, or according to American calculations, the equivalent of 37,000 tons.

In order to give accommodations to these changes, the maximum tonnage of capital ships is fixed, for the purpose of replacement, on the basis of American standards of calculation, as follows:

United States, 525,000 tons;

Great Britain, 525,000 tons;

Japan, 315,000 tons.

Comparing this arrangement with the original American proposal, it will be observed that the United States is to scrap 30 ships, as proposed, save that there will be scrapped 13 of the 15 ships under construction, and 17 instead of 15 of the older ships.

The total tonnage of the American capital ships to be scrapped under the original proposal, including the tonnage of ships in

construction, if completed, was stated to be 845,740 tons. Under the present arrangement, the tonnage of the 30 ships to be scrapped, taking that of the ships in construction, if completed, would be 820,540 tons.

The number of the Japanese ships to be retained remains the same as under the original proposal. The total tonnage of the ships to be scrapped by Japan under the original American proposal, taking the tonnage of new ships when completed, was stated to be 448,923 tons. The total tonnage of the ships to be scrapped under the present arrangement is 435,328 tons.

Under the original proposal Great Britain was to scrap 19 capital ships (including certain predreadnaughts already scrapped); whereas under the present arrangement she will scrap four more, or a total of 23. The total tonnage of ships to be scrapped by Great Britain, including the tonnage of the four *Hoods*, to which the proposal referred as laid down, if completed, was stated to be 583,375 tons. The corresponding total of scrapped ships under the new arrangement will be 22,600 tons more, or 605,975 tons.

Under the American proposal there were to be scrapped 66 capital fighting ships built and building, with a total tonnage (taking ships laid down as completed) of 1,878,043 tons. Under the present arrangement, on the same basis of calculation, there are to be scrapped 68 capital fighting ships, with a tonnage of 1,861,643 tons.

The naval holiday of 10 years with respect to capital ships, as originally proposed by the American Government, is to be maintained except for the permission to construct ships as above stated.

This arrangement between the United States, Great Britain and Japan is, so far as the number of ships to be retained and scrapped is concerned, dependent upon a suitable agreement with France and Italy as to their capital ships, a matter which is now in course of negotiation.

## II. DISARMAMENT ON THE GREAT LAKES

The Anglo-American agreement for disarmament on the Great Lakes is the striking historical example of the kind of benefits which the conference for Limitation of Armament is in a position to confer on the world. This summer there has been erected on the far western section of the American-Canadian border a memorial gate to celebrate the centenary of an agreement which, while technically only restricting vessels of war on the Great Lakes, has in practice resulted in 3,000 miles of unfortified land border. The terms of the agreement were obsolete generations ago, but its existence at a time when its terms meant something had the effect of diverting the minds of two peoples from the idea of mutual hostility; and the habits then formed have grown decade by decade. There is scarcely a sentence of it which applies to anything which could be termed armament to-day. There is no mention in it of land armament. But that agreement has brought it about that for more than a century the sword has not been a make-weight in Canadian-American questions. The letter of the agreement of 1817 died years ago from a disease called the progress of naval science; its spirit has apparently taken a lease of eternal life, thanks to the good will of which it was both the effect and the cause.<sup>1</sup>

The initiative for the unarmed border of to-day seems to have come originally from Edmund Randolph, Washington's Secretary of State, who in instructions to John Jay of May 6, 1794, in connection with the negotiation of the commercial treaty of that year, suggested as one of the objects of it that "in peace, no troops be kept within a limited distance from the Lakes."<sup>2</sup>

The idea was not pursued at that time and came up again in the instructions of Lord Castlereagh to the English negotiators of the treaty of Ghent. It was not then discussed except that the British sought to have the United States withdraw all of its forces from the Great Lakes.

<sup>1</sup>For a full account of the origin of the agreement and its subsequent history see "Disarmament on the Great Lakes" by Charles H. Levermore (World Peace Foundation, Pamphlet Series, IV, No. 4).

<sup>2</sup>American State Papers, Foreign Relations, I, 473.

After the War of 1812, the United States wished to retire its armed vessels from the Lakes for reasons of enforced economy; but the British tended to increase armament there, because their ships would be pocketed in the Lakes if trouble should again arise. As a result, President Madison sent the following instructions to John Quincy Adams, American minister to England:

The information you give of orders having been issued by the British Government to increase its naval force on the Lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose.

It is evident, if each party augments its force there with a view to obtain the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President is sincerely desirous to prevent an evil which, it is presumed, is equally to be deprecated by both Governments. He, therefore, authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the Lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it on each side to a certain moderate number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for the revenue. You will bring this subject under the consideration of the British Government immediately after the receipt of this letter.

#### THE ARGUMENT THAT STARTED IT

Adams did not get an opportunity to bring up the matter with Lord Castlereagh until January 25, 1816. The subject matter of the interview is reported by Adams himself in his journal, where it is stated that he opened the conversation by saying:

"A circumstance of still more importance is the increase of the British armaments, since the peace, on the Canadian Lakes. Such armaments on one side render similar and counter-armaments indispensable on the other. Both Governments must thus be subjected to a heavy and in time of peace a useless expense, and every additional armament creates new and very dangerous incitements to irritation and acts of hostility. The American Government, anxious above all for the preservation of peace, has authorized me to propose a reduction of the armaments upon the Lakes on both sides. The extent of the reduction the President leaves at the pleasure of Great Britain, observing that the greater



it is the more it will conform to his preference, and that it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue."

Lord Castlereagh replied: "Does your Government mean to include in this proposition the destruction of the ships already existing there? As to keeping a number of armed vessels parading about the Lakes in time of peace, it would be absurd. There can be no motive for it, and everything beyond what is necessary to guard against smuggling is calculated only to produce mischief. The proposition you make is very fair, and, so far as it manifests pacific dispositions, I assure you, will meet with the sincerest reciprocal dispositions of this Government. I will submit the proposition to their consideration. But you know we are the weaker part there. Therefore it was that we proposed at Ghent that the whole Lakes should belong to one party—all the shores; for then armaments would not have been necessary. Then there would have been a large and wide natural separation between the two territories; and those, I think, are the best and most effectual to preserve peace."

Mr. Adams rejoined: "But the proposition at Ghent to which we objected was that the disarming should be all on one side. There was indeed afterward intimated to us by the British plenipotentiaries an intention to make us a proposal so fair and reasonable that it was thought no objection could be made against it. We did suppose that it was this identical proposition which I am now authorized to make. It was not, however, brought forward, nor was any explanation given by the British plenipotentiaries of what they had intended by their offer. My instructions now do not explicitly authorize me to include in the agreement to keep up no armaments the destruction of the vessels already there; but, if this Government assents to the principle, there will be ample time to concert mutually all the details. What I could now agree to would be to have no armed force actually out upon the Lakes, and to build no new vessels."

Lord Castlereagh: "It so happened that just at the close of the war we were obliged to make extraordinary exertions there, and to build a number of new vessels to maintain our footing there."

Mr. Adams: "But it is the new armaments since the peace which have necessarily drawn the attention of my Government."

Lord Castlereagh: "You have so much the advantage of us by being there, immediately on the spot, that you can always, even in a shorter time than we can, be prepared for defense."

Mr. Adams: "The stipulation to keep or build no new armed force during the peace would therefore be in favor of Great Britain, because the very act of arming would then be an act of hostility."

Lord Castlereagh: "That is, there could be no arming until the war actually commenced, and then you would have such an advance of time upon us by your position that we should not stand upon an equal footing for defense."

Mr. Adams: "Still the operation of the engagement would be in favor of Great Britain. We should have our hands tied until the moment of actual war, a state which it is impossible should suddenly arise on our part. It is impossible that war should be commenced by us without a previous state of things which would give ample notice to this country to be prepared. She might then have everything in readiness to commence her armament upon the Lakes at the same moment with us, and we should be deprived of the advantage arising from our local position."

Lord Castlereagh: "Well, I will propose it to the Government for consideration."<sup>1</sup>

#### HOW THEY COMPARED NOTES

Adams brought up the question again on March 21, and Castlereagh on April 9 informed him that the British Government would accept the "proposal of the American Government that there might be no unnecessary naval force upon the Lakes in active service or in commission, so that there would be nothing like the appearance of a dispute which side should have the strongest force there. The armed vessels might be laid up, as they called it here, in ordinary. It was in short the disposition of the British Government fully to meet the proposition made to them, and the only armed force which they should want to have in service might be vessels for conveying troops occasionally from one station to another."

It will be noted that these exchanges were occurring at the very time when Castlereagh was discussing the question of European reduction of armament with the Russian Government.

<sup>1</sup>Adams, *Memoirs*, III, 237-238.

Charles Bagot, British minister at Washington, was instructed to open negotiations with Secretary of State Monroe and did so on July 26, Monroe replying on August 2 with definite propositions. Bagot referred these to London and on November 4, 1816, submitted the following statement to Secretary Monroe:

STATEMENT OF HIS MAJESTY'S NAVAL FORCE ON THE LAKES OF CANADA, SEPTEMBER 1, 1816

ON LAKE ONTARIO

- St. Lawrence*, can carry 110 guns, laid up in ordinary.  
*Psyche*, can carry 50 guns, laid up in ordinary.  
*Princess Charlotte*, can carry 40 guns, laid up in ordinary.  
*Niagara*, can carry 20 guns, condemned as unfit for service.  
*Charwell*, can carry 14 guns, hauled up in the mud; condemned likewise.  
*Prince Regent*, can carry 60 guns, in commission, but unequipped, being merely used as a barrack or receiving ship and the commander-in-chief's headquarters.  
*Montreal*, in commission, carrying 6 guns; used merely as a transport for the service of His Majesty.  
*Star*, carrying 4 guns; used for current duties only, and unfit for actual service.  
*Netley*, schooner, carrying no guns; attached for the most part to the surveyors, and conveying His Majesty's servants from port to port. There are, besides the above, some rowboats, capable of carrying long guns; two 74-gun ships on the stocks, and one transport of 400 tons, used for conveying His Majesty's stores from port to port.

ON LAKE ERIE

*Tecumseh* and *Newark*, carrying 4 guns each; and *Huron* and *Sauk*, which can carry 1 gun each. These vessels are used principally to convey His Majesty's servants and stores from port to port.

ON LAKE HURON

The *Confiance* and *Surprise*, schooners, which may carry 1 gun each, and are used for purposes of transport only.

ON LAKE CHAMPLAIN

12 gunboats, 10 of which are laid up in ordinary and the other 2 (one of which mounts 4 guns and the other 3 guns) used as guard-boats. Besides the above there are some small rowboats, which are laid up

as unfit for service. Keel, stem, and stern-post of a frigate laid down at the Isle aux Noix.

(Signed) J. BAUMGARDT.

*Capt. of His Majesty's ship "Prince Regent,"  
and senior officer.*

Secretary Monroe furnished Mr. Bagot November 7, 1816, with a similar statement of the American naval forces:

#### ON LAKE ONTARIO

Brig *Jones* (18 guns). Retained for occasional service. Schooner *Lady of the Lake* (1 gun). Employed in aid of the revenue laws.  
Ship *New Orleans* (74 guns). On the stocks, building suspended.  
Ship *Chippewa* (74 guns). On the stocks, building suspended.  
Ships *Superior* (44 guns), *Mohawk* (32 guns), *General Pike* (24 guns), *Madison* (18 guns); and the brigs *Jefferson* (18 guns), *Sylph* (16 guns) and *Oneida* (18 guns). Dismantled.  
Schooner *Raven*. Receiving vessel.  
15 barges (each 1 gun). Laid up for preservation.

#### ON LAKE ERIE

Schooners *Porcupine* and *Ghent* (each 1 gun). Employed in transporting stores.  
Ship *De'roit* (18 guns) and brigs *Lawrence* (20 guns) and *Queen Charlotte* (14 guns). Sunk at Erie.  
Brig *Niagara* (18 guns). Dismantled at Erie.

#### ON LAKE CHAMPLAIN

Ships *Confiance* (32 guns) and *Saratoga* (22 guns); brigs *Eagle* (12 guns) and *Sinnet* (16 guns); the schooner *Ticonderoga* (14 guns) and 6 galleys (each 1 gun). All laid up at Whitehall.

#### AGREEMENT PROCLAIMED

On April 28, 1817, Minister Bagot forwarded to Secretary of State Richard Rush the terms which Great Britain was willing to accept in accordance with the proposal of the preceding August 2. An identic note was returned the next day and the agreement was complete. The correspondence was sent to the Senate and approved with no dissenting vote on April 16, 1818. On the first anniversary of the exchange of notes April 28, 1818, James Monroe as President issued the essential text in a proclamation which follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas, an arrangement was entered into at the city of Washington in the month of April, in the year of our Lord 1817, between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is,—

"On Lake Ontario to one vessel, not exceeding to 100 tons burden, and armed with one 18-lb. cannon;

"On the Upper Lakes to 2 vessels, not exceeding like burden, each armed with like force;

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force;

"All other armed vessels on those lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such service as will in no respect interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States has approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty,

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this 28th day of April, in the year of our Lord, 1818, and of the independence of the United States the forty-second.

JAMES MONROE.<sup>1</sup>

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

<sup>1</sup>Malloy, *Treaties and Conventions*, I, 690.

That is all there is to the agreement which for more than a century has in practice precluded war between two neighbors which have had a fair amount of provocation for friction and which have the longest conterminous boundary line in the world.

#### HOW IT MIGHT NOT HAVE BEEN DONE

It is not to be supposed that the militarists of that day any more than of this did not have an alternative plan for securing peace. On the contrary, then as now they had ideas and were in a position to express them. The British Foreign Office was not alone in considering the defense of Canada in 1816; it was simply in a more feasible position to act. While Lord Castlereagh was working up the Anglo-American Agreement with the American Government, his colleague, Lord Bathurst, at the Colonial Office was engaged in a scheme to secure the defense of Canada by creating a wilderness along the boundary lines. On July 1, 1816, Bathurst sent from the Colonial Office to the new governor of Canada, Sir John Sherbrooke, a letter instructing him to abstain from issuing any more grants of land in the districts along that frontier, and, if possible, to induce those who already had grants there "to accept uncleared lands in other districts more distant from the frontier of the United States. . . . It is also very desirable that you should, as far as lies in your power, prevent the extension of roads in the direction of those particular districts . . . ; and if any means should present themselves of letting those which have been already made fall into decay, you will best comply with the views of His Majesty's Government, and materially contribute to the future security of the Province by their adoption."

This plan of making a wilderness and calling it peace was actually attempted. On the map there was laid out a 20-mile strip along the northern boundaries of Vermont and New York which was to be made into nothing. The process was attempted simultaneously with the operation of the Agreement of 1817. It took the scheme five years to fail. The Earl of Dalhousie, who had come out two years before as Governor-in-Chief of Canada and the Maritime Provinces, reported to Lord Bathurst in 1821 that the strip in question contained a considerable and increasing population, who were offering protection to all criminals escaping from either Canada or the United States, and that American lum-

bermen were settling where they pleased and taking what they pleased. He therefore requested authority to grant again those fertile lands to loyal subjects for immediate settlement. The authority was apparently given.

#### ARMAMENT VS. PROSPERITY

Just at the close of the Civil War, the movement for the establishment of Canadian self-government was taking shape. There is an interesting letter of Lieut.-Colonel Jervois to the British Secretary of State for War with reference to the defense of Canada, which presents the military arguments for a strong Canadian militia, arguments which were made more positive perhaps in view of the fact that in 1861 the Canadian Legislative Assembly had thrown out on its second reading a proposal to establish an active militia of 50,000 men. The reasons were stated in a report of September 30, 1862:

They [the people of Canada] feel that, should war occur [with the United States], it will be produced by no act of theirs, and they have no inclination to do anything that may seek to foreshadow, perhaps to provoke, a state of things which would be disastrous to every interest of the Province. On this ground their representatives in Parliament assembled rejected the proposition to organize 50,000 men, or indeed to commit the Province to a much smaller force.<sup>1</sup>

On June 17, 1865, Edward Cardwell, M.P., reported to the British Government a memorandum answer to various questions which his Commission had been instructed to investigate in Canada. The second question was: "Upon the arrangements necessary for the defense of Canada in the event of war arising with the United States and the extent to which the same should be shared between Great Britain and Canada." The fifth question reported upon was "the existing critical state of affairs by which Canada is most seriously affected."

¶ Simultaneously, a Canadian civilian commission headed by Sir John A. Macdonald was conferring with the London Government upon these questions and the larger one of the Confederation of the British North American provinces into the Dominion of Canada. Their report was filed at Quebec in July, 1865, together

<sup>1</sup>Canada. Parliament. *Sessional Papers*, Vol. 1 (1867-68), Part 9, No. 63, Supplement, p. 5.

with a memorandum prepared by the Executive Council of the Provinces in reply to the proposals of the Imperial Government. This memorandum is one of the fundamental documents upon which the British North America Act, the constitution of the Dominion of Canada, was based. The Executive Council in it referred to the many difficulties and complications then existing with the Government of the United States. But they effectively pointed out to the British Government that

while fully recognizing the necessity of—and while prepared to provide for—such a system of defense as would restore confidence in our future at home and abroad, the best ultimate defense for British America is to be found in the increase of her population as rapidly as possible and the husbanding of our resources to that end; and without claiming it as a right, we venture to suggest that by enabling us to throw open the Northwest Territory to free settlement, and by aiding us in enlarging our canals and prosecuting internal productive works, and by promoting an extensive plan of emigration from Europe into the unsettled portions of our domain, permanent security will be more quickly and economically achieved than by any other means.<sup>1</sup>

The agreement has weathered other storms, and at times its existence has been brought into doubt. Raids have occurred across the border. Shipbuilders on the Lakes have wanted to build battleships and other vessels of war. Once the United States started out to denounce it, and then confirmed it by an exchange of notes, though Congress had ratified the notice of abrogation. Once also the Secretary of State decided it was obsolete, though still in force. And yet it lives. Only the revenue cutters and the border police use official firearms from Eastport, Maine, to Cape Flattery, Washington.

<sup>1</sup>Canada. Parliament. *Sessional Papers*, Vol. 1 (1867-68), Part 9, No. 63, p. 14. Other documents are to be found in *Parliamentary Papers* 1865, 3434 and 3535, Vol. XXXVII, 429-36 and 437-40.



### III. ARGENTINA AND CHILE, 1902

The treaty limiting naval armaments between Argentina and Chile constitutes a very interesting precedent. In 1902, the boundary between the two countries was being delimited and the two countries were developing highly antagonistic policies. The famous Latin-American "question of the Pacific"—Tacna-Arica—was disturbing Chile on one side and Bolivia and Peru on the other, while Argentina was deeply concerned with the affair as affecting the balance of power in her vicinity. Public opinion in Argentina and Chile was mutually antagonistic; and jingoism was having its practical effect in an armament rivalry. Both countries were building fleet additions abroad. Argentina in 1902 showed a budget expense of \$4,695,792 for her navy, which at the time consisted of 48 ships of 87,731 tons and an indicated horsepower 154,210, with a personnel of 5,184. Chile's naval expense was \$4,058,955, with 31 ships, totaling 41,700 tons and 142,150 horsepower, and a personnel of about 5,000.

In these conditions Argentina took the initiative of improving the relations by negotiation. Military technicians have minimized the results,<sup>1</sup> but the fact remains that since the negotiation ended on May 28, 1902, the two countries have been on the best of terms, and neither their military nor naval armament has been directed at each other. Their budgets for their navies have increased, but like all other states they had to substitute dreadnoughts for battleships. In Chile the size of the fleet is fixed annually by law. The following figures show the stability of the program:<sup>2</sup>

	1903	1910
Warships . . . . .	16	11
School-ships . . . . .	2	5
Transports . . . . .	4	4
Destroyers <sup>3</sup> . . . . .	7	7
Torpedo boats . . . . .	14	8
Coast guards, . . . . .	7	10

<sup>1</sup>Cf. testimony of Rear Admiral Charles J. Badger, chairman Executive Committee, General Board, Hearings before the House Committee on Naval Affairs, 1921, p. 673.

<sup>2</sup>Chile. *Manual del marina*, vol. 12, 234, and vol. 16, 244.

Mateo Alonso's statue of "Christ the Redeemer," erected March 13, 1904, under the official auspices of both countries on the boundary ridge of the Andes, bears this inscription: "Sooner shall these mountains be leveled than the Argentine and Chilean peoples shall break the peace sworn at the feet of Christ the Redeemer."<sup>1</sup> The oath has been kept inviolate for half a generation. It may not be inappropriate to mention in passing that the motto on the Chilean coins, which had been "If not by right, then by might," was changed at the time the statue was unveiled to read: "With mighty justice to all."<sup>2</sup>

#### ARGENTINA'S INITIATIVE

The negotiation of the agreement throws many sidelights on how to limit armament and improve international relations. The discussions began with great caution on both sides, proceeded through a period of sharp bargaining, and ended with a keen rivalry between the Governments to see which could most nearly approach the ideals they had set for themselves.

The report of the Argentine legation at Santiago de Chile, dated July 11, 1903, gives a very complete account of the negotiations.<sup>3</sup>

The Argentine minister to Chile, José Antonio Terry, in verbal instructions had been cautioned to initiate no conversations on disarmament because that would show weakness; but, after having canvassed the ground, he should bring it up when Chile was in a satisfactory mood. The theoretical part of his written instructions emphasized that "Argentine policy has always been that of peace, with the exception that the present armament was due solely to the Chilean armaments." This armed peace must come to an end, but the initiative should come from Chile. The methods for modifying the situation were general and obligatory arbitration and an agreement for limitation of armament. The Argentine minister of foreign affairs had comparatively little confidence in either. Arbitration did not run in war; disarmament offered no guaranties. Nevertheless, there was nothing else to do. Chile

<sup>1</sup>The Spanish text reads: "Se desplomarán primero estas montañas antes que argentinos y chilenos rompan la paz jurada á los pies del Cristo Redentor."

<sup>2</sup>Advocate of Peace, 1904, p. 132.

<sup>3</sup>*Memoria de relaciones exteriores y culto presentada al honorable Congreso nacional correspondiente al año 1903-1904*, p. 247-317. (Buenos Aires, Taller tipográfico de la penitenciaría nacional, 1904).

must not be allowed to increase her power and with it liquidate pending questions with Bolivia and Chile, because that would seriously endanger the Argentine. "This prospect, this danger, obliges us to continue arming. We are not a party to these questions, but we can not be indifferent to the conquests of Chile and to the increase of her power."

The minister reached Santiago on April 22, 1902, and on the 29th had a conference with President Germán Riesco of Chile. The essential unofficial understandings reached on that occasion were that all claims should be sidetracked to facilitate the course of the principal negotiations; that to deal with disarmament was to deal with the effect without removing the cause; that the difficulty between the Argentine and Chile was the question between Chile, Peru and Bolivia respecting Tacna-Arica; that the Argentine was concerned over possible Chilean territorial expansion in connection with that problem, an increase of Chilean power constituting a danger for Argentina; that Chile regarded Argentine intervention in the Peru-Bolivian controversy as rendering any satisfactory solution impossible and difficult; that it was indispensable that Chile renounce any subsequent territorial expansion; that the Argentine renounce intervention in the controversy, and that this be stated in a preliminary clause of the treaty; that the Argentine minister draw up a project; "that, the renunciatory clause being accepted, disarmament would be of no importance and would come about of itself." The Argentine minister and the Chilean President met again on May 11 to discuss details.

#### DECLARATIONS OF POLICY

Señor Terry presented his credentials to the Chilean minister for foreign relations on May 10, and from that time on the negotiations proceeded with the minister, in the presence of the Chilean President and with the British minister in attendance. The negotiations, so far as policy and arbitration were concerned, took a normal course. The following statements of policy for the respective countries were included in the preliminary protocol of May 28:

The Argentine Minister Plenipotentiary stated that the intention of his Government, conformably to the international policy which

it had always observed, was to endeavor in every case to solve questions arising with other states in a friendly manner; that the Government of the Argentine Republic had obtained such a result by keeping within their rights and respecting to its full limits the sovereignty of other nations, without interfering in their internal affairs or in their external questions; that in consequence thereof they could have conceived no intention of territorial expansion; that his Government would persist in this policy; and that, believing that they were interpreting the public opinion of their country, they made these solemn declarations, now that the moment had come for Chile and the Argentine Republic to remove all causes for trouble in their international relations.

The Minister for Foreign Affairs, on his part, declared that his Government had always held, and still hold, those elevated views which the Minister of the Argentine Republic had just expressed on behalf of his Government; that Chile had given numerous proofs of the sincerity of her aspirations, by embodying in her international agreements the principle of arbitration as a means of solving difficulties with friendly nations; that, respecting the independence and integrity of other states, she also did not harbor designs of territorial expansions, except such as resulted from the fulfilment of treaties at present in force or which might be the consequence of the same; that his Government would persist in this policy; that, happily, the question of the delimitation of frontier between Chile and the Argentine Republic had ceased to be a danger to peace, since both nations were awaiting the arbitral decision of His Britannic Majesty; that, in consequence, believing that he was interpreting the public opinion of Chile, he made these declarations, deeming, in common with the Argentine Minister, that the moment had now come to remove all cause for trouble in the relations between the two countries.

The treaty of arbitration provided in Article 1 that

The High Contracting Parties bind themselves to submit to arbitration all controversies between them, of whatever nature they may be, or from whatever cause they may have arisen, except when they affect the principles of the Constitution of either country, and provided that no other settlement is possible by direct negotiations.

#### GRAVE FEARS AS TO ARMAMENT

With these pledges as to policy and this pledge for solving disputes decided upon, the negotiators proceeded to discuss armament. "Not without reason," says the Argentine report, "the negotiators in Santiago entertained grave fears in entering on the discussion of this convention. It was a question of good faith on

both sides, of details always vexatious and of the intervention of third parties who were more or less interested, such as the naval authorities of each country. If the negotiation had not gone along with the preliminary protocol, it is probable that the difficulties in the way of the limitation of armaments would have been multiplied."<sup>1</sup>

Because the negotiations developed some of the practical considerations inherent in any effort to limit armament they may appropriately be discussed at some length. In Señor Terry's first interview with President Riesco of Chile, the President stated that his Government would not consent to canceling contracts for warships under construction, unless Chile was guaranteed against pecuniary loss; but that on the other hand three or four existing vessels might be destroyed. Señor Terry replied that Argentina might do the same thing as to unserviceable vessels, but he was without instructions because the Argentine Government, "in deference to public opinion, was disposed to pursue the course adopted, that is, of armed peace." The Buenos Aires Government on May 2 told its minister that in its judgment it would "not be difficult to arrive at a satisfactory solution, the more so because of the friendly intervention of the English Government which has been courteously approached by both countries." Buenos Aires suggested certain vessels that might be retained.

On the second interview with the President it was suggested to the Argentine minister that both countries dispose of two cruisers each of those under construction, but Señor Terry objected that an arrangement of that kind would be opposed by the Argentine Congress and public opinion. The Chilean proposed disposing of specific boats, to which Argentina demurred. "It would be convenient to authorize the English minister to bring about the disarmament by leaving to Argentina a 10 or 15 % naval superiority. I held that Argentine opinion would not permit a loss by the scratch of the pen of our slight existing superiority in view of the fact that it has been obtained by such great sacrifice. We ended by setting Thursday as the time for the first official conference. My impression is that the Chilean Government will yield in the end to a just and equitable demand, and that we may take as a

<sup>1</sup>*Memoria*, 273-274.

basis of our claims that it is not just or possible to diminish the existing superiority."

At the official conference on May 18 the Chilean President insisted upon the impossibility of disposing of the two cruisers under construction. "I replied that my instructions were categorical in that respect and that it was not possible for me to begin to discuss other bases unless with the previous acceptance of the elimination of four cruisers, two Argentine and two Chilean. A long discussion very cordial and friendly on this point. We agreed to end the official conference and continued talking privately."

#### "NO NAVAL SUPERIORITY"

The Argentine Government on May 14 wrote to the minister at Santiago that "unless we limit armaments no one will believe in peace between these countries, and for your Government I will tell you that at present we have no naval superiority over Chile.—It would be very difficult for an experienced naval officer to say which of the two cruisers is heavier. We, the public, can think ourselves superior on the water as we think we are by land, but these are beliefs, nothing more nor less, tending to establish a balance and equalize the forces of the two states. It is not desirable to begin by establishing that we have a maritime superiority, a superiority very doubtful and very problematical in fact. The Chilean squadron, for example, is far superior in torpedoes." The legation seeing in this an implied criticism hurried back a telegram: "As to the maritime superiority it was an idea not acquired from the people but in the Casa Rosada. Here it passes as axiomatic, and it seems to me that to deny what I believe is evident would be to stultify myself before these people." The minister added, however, that any time the arrangement made it desirable he would change his argument.

On May 15 the Chilean President proposed that of the Chilean cruisers under construction one should go to Argentina and one to Chile. Chile would sell in addition the *Prat*, the *Chacabuco*, two of the *Presidente* type and some destroyers, and Argentina two existing cruisers and the *Moreno* and *Rivadavia*. Two other formulas were proposed, and then: "On the basis of cancelation of contracts and reduction of each fleet in such a way that one should not be superior to the other in the other's seas and with the addi-

tion that the Chilean Government would declare to the English minister that it did not regard an Argentine superiority of 10 to 15% as important," the Chilean President proposed to submit the limitation of armament to the English minister, who should take the advice of the Board of Admiralty. This proposal assumed suspension of construction on contract vessels and the elimination of the two cruisers and the *Moreno* and *Rivadavia*. The Argentine Government informed its minister that these proposals seemed to be animated by an excellent spirit, but were not easy to execute and very difficult to get Congress and public opinion to accept. Buenos Aires reverted to its proposal that each country renounce all armored vessels under construction, leaving to Argentina what was actually afloat and to Chile the saving of the *Chacabuco*, destroyers and transports acquired recently and capable of being armed for war. "We could then, leaving things as they are, ourselves take one of the Chilean armored vessels under construction and give one of those being constructed in Italy for us to her. We should thus be free of all expensive adjustments. Our present squadron is not superior to that of Chile in the proportion of one to two twenty-sixths, as your Excellency has been assured. Nor is that clear to the Chilean Government by reason of information from Minister Portela or anyone else. The proportion is in truth very slight. And if any superiority on our part exists it would be very insignificant. Moreover, it is a problem full of difficulty to appreciate the just value of one fleet in comparison with another."

By May 17, President Riesco of Chile had concluded that the Argentine Government ought to send a technical expert to participate with a Chilean colleague in the negotiations. He was also convinced that the British minister leaned toward the Argentine proposals. On the same day the Argentine Government telegraphed: "The employment of a technical expert produces no result. . . . The idea of submitting the fixation of armaments to a third party is unacceptable to us on the theory that the Governments are not able to reach an understanding by themselves."

At the third official conference on May 17, the negotiators reached the following conclusions *ad referendum*:

1. Chile retains a cruiser under construction; Argentina another. Chile retains *Chacabuco*, transports and destroyers. Argentina sells the

*Moreno and Rivadavia.* Argentine minister proposed intervention of British minister on this point.

3. Publicity must be the dominant characteristic of the proceedings to be followed by both Governments for the execution of this convention, satisfactory methods of control to be adopted as to subsequent acts and for each particular case.

6. Both Governments pledge themselves not to increase their maritime armaments in the future. Eighteen months' notice might be given in advance.

7. Armaments for coast defense and fortifications are not included.

8. Both Governments will negotiate in the future for more disarmament.

9. As to the improvement of armaments remaining to each Government, the opinion and draft of [the Argentine foreign minister] is satisfactory.

The Argentine Government commented on these proposals that it was better to regard the British minister's presence as a friendly act rather than an intervention. "It is understood that the publicity referred to will be given without the necessity of stating it as a clause of the convention." The rest of the proposition was acceptable. "As to improvement of armaments, each state will be free to make it, always providing that it does not perceptibly increase the power of one fleet."

#### DECIDE AGAINST INCREASE

The Argentine minister at that juncture did some thinking and as a result drew away from the basis which was being adopted. "It seemed," he wrote in his report, "that the proposal to divide up the ships under construction made the great proposal of a definitive peace nugatory, because it was notoriously illogical to seek peace and at the same time to increase armament. They seemed like blows in the face of each other." Señor Terry had just reached that conclusion when he received a letter from Francisco Valdez Vergara, a close friend of the Chilean President, asking him to meet him on the 19th, on his arrival at Santiago. To him, Señor Terry said that "I was greatly disturbed over the disarmament clause proposed by the President and already accepted by my Government; I believed that it was an error and even a crime that these two peoples with a projected treaty of peace should desire to spend more on armament. That the logical and natural thing



was to cancel all contracts." Vergara replied that he had just talked with the President who had said the same thing and that he had left the President in great doubt on this point.

The Argentine minister forthwith had interviews with the President and the Chilean foreign minister along these lines and they agreed to cancel all contracts for construction. It was proposed to appoint a naval commission of one officer of each country and a third person named by agreement to continue the work of disarmament in the future. The Chilean President put his commission proposal in writing, specifying that the commission should meet in London and that its third member should be a Lord of the British Admiralty designated by that Government. The Governments would agree not to increase their fleets for five years.

To this proposal the Argentine Government replied on the 21st with one in which it was provided that they should decrease their respective fleets "directly by common agreement or by mixed commissions appointed for the purpose. . . . We do not include the clause as to the suspension of construction of vessels now building because we believe it is very difficult to secure an agreement with the builders."

Meantime, President Riesco had made a draft in which Article 1 was the same in text as in the final treaty, except that the time within which the reduction should take place was 90 days. Relative to arbitration he "persisted in it because the politicians greatly desire greater disarmament and because they consider the Argentine fleet as much superior." In a new draft President Riesco again reverted to the proposal of arbitration of the size of the fleets by a Lord of the British Admiralty. In furtherance of that proposal, he sent a friend of his, Carlos Concha, to Buenos Aires to interview President Julio A. Roca of Argentina. The effort was not successful respecting that point, but it brought complete agreement on all other points and solved the matter of arbitration by an exchange of notes. The convention was signed on May 28 in the following form:<sup>1</sup>

<sup>1</sup>Miscellaneous No. 4 (1905). Agreements between the Argentine Republic and the Republic of Chile. . . . (Parl. Pap., 1906, CXXXVI, 1. Cd. 2739); American Journal of International Law, Supplement, I, 294; British and Foreign State Papers, XCV, 785. For Spanish text see Francisco Centeno, *Tratados, convenciones, protocolos, actos y acuerdos internacionales*, VII, and Aurelio Bascañan Montes, *Recopilacion de tratados (Chile)*, VI, 50-60. Cf. Armand Billard, *Les Traités passés le 28 mai 1902 . . . sur l'arbitrage et la limitation des armements* (Paris, 1910).

The Minister for Foreign Affairs, Don José Francisco Vergara Donoso, and Dr. José Antonio Terry, Envoy Extraordinary of the Argentine Republic, having met together in the Ministry for Foreign Affairs of Chile, have agreed to include in the following convention the various decisions arrived at for the limitation of the naval armaments of the two Republics, decisions which have been taken owing to the initiative and the good offices of His Britannic Majesty's Government, represented in Chile by their Envoy Extraordinary and Minister Plenipotentiary, Mr. Gerard Lowther, and in the Argentine Republic by their Envoy Extraordinary and Minister Plenipotentiary, Sir William A. C. Barrington:

Article I. With the view of removing all motive for uneasiness or suspicion in either country, the Governments of Chile and of the Argentine Republic desist from acquiring the vessels of war now building for them, and from henceforth making new acquisitions.

Both Governments agree, moreover, to reduce their respective fleets, with which object they will continue to exert themselves until they arrive at an understanding which shall establish a just balance between the said fleets.

This reduction shall take place within one year, counting from the date of the exchange of ratifications of the present convention.

Art. II. The two Governments bind themselves not to increase their naval armaments during a period of five years, without previous notice; the one intending to increase them shall give the other 18 months' notice.

It is understood that all armament for the fortification of the coasts and ports is excluded from this agreement, and any floating machine, such as submarine vessels, etc., destined exclusively for the defense of these, can be acquired.

Art. III. The two Contracting Parties shall not be at liberty to part with any vessel, in consequence of this convention, in favor of countries having questions pending with one or the other.

Art. IV. In order to facilitate the transfer of pending contracts, both Governments bind themselves to prolong for two months the term stipulated for the delivery of the vessels building, for which purpose they will give the necessary instructions immediately this convention has been signed.

Art. V. The ratifications of this convention shall be exchanged within the period of 60 days, or less if possible, and the exchange shall take place in this City of Santiago.

In witness whereof the undersigned have signed and put their seals to two copies of this convention in the City of Santiago, the 28th day of the month of May, 1902.

(Signed) J. F. VERGARA DONOSO,  
J. A. TERRY.

## SEÑOR VERGARA DONOSO TO SEÑOR TERRY

Santiago, May 28, 1902.

M. le Ministre:

The second part of Article I of the convention, concluded for curtailing the naval armaments of Chile and of the Argentine Republic, states: "Both Governments agree, moreover, to reduce their respective fleets, with which object they will continue to exert themselves until they arrive at an understanding which shall establish a just balance between the said fleets; this reduction shall take place within one year, counting from the date of exchange of ratifications of the present convention."

This Government understands that any differences which may arise with respect to the execution of the clause I have cited are to be decided by the Arbitrator, in accordance with the stipulation in Article I of the General Treaty of Arbitration signed this day.

Trusting that your Excellency will be good enough to inform me of the view of your Government in this respect, I have, etc.

(Signed) JOSÉ FRANCISCO VERGARA DONOSO.

## SEÑOR TERRY TO SEÑOR VERGARA DONOSO

Santiago, May 28, 1902.

M. le Ministre:

I have had the honor to receive your Excellency's note of this date, by which you are good enough to inform me that your Government interprets the second part of Article I of the convention respecting the limitation of armaments in the sense that any difference which may arise and which can not be settled directly between the Chanceries within the year shall be a matter for general arbitration, in accordance with the Treaty signed to-day.

In reply, I have the honor to inform your Excellency that my Government places a similar interpretation on the above-mentioned clause.

I renew, etc.

(Signed) J. A. TERRY.

## LEGISLATIVE OPPOSITION

The negotiators were much elated over the outcome of their work and were busy planning for a series of friendly acts ranging from simultaneous religious ceremonies and banquets to the reciprocal purchase of legations and the union of their communication systems. Opposition, however, took form among the jingoes of both countries, directed against the limitation of future armaments.

The Chilean Senate accepted the agreements on June 20, and

there immediately began a filibuster in the Chamber by a small minority of eight deputies, which lasted until August 11.

On June 9, the Argentine Government told its minister at Santiago that opposition was developing respecting the proposal to submit to arbitration the new limitations to establish a just balance between the fleets. On the 12th it was stated to him that the Argentine Congress was arguing that national integrity was "menaced and the future of the national defense, while the sovereignty of both countries is diminished. . . . So that, in order to smooth out difficulties here which might become serious it would be sufficient to eliminate from the conventions the note in which it is agreed to submit to arbitration possible divergencies in the future."

Señor Terry replied that this would be both difficult and useless and proposed that a new declaration be drawn up with a view to meeting the objections raised on both sides. This suggestion proved to be mutually acceptable, and as a consequence a declaration was jointly signed on July 10 in the following language:

Señor Don José Francisco Vergara Donoso, Minister for Foreign Affairs of Chile, and Señor Don José Antonio Terry, the Argentine Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, having met together in the Ministry for Foreign Affairs of Chile in order to remove the slight doubts which have arisen in both countries, and to give to the agreements signed on May 28 last the full value of the high aims with which they were signed, and being duly authorized, declared that their respective Governments agreed:

1. That the carrying out of existing treaties, or of others which may be rendered necessary by them, which question is referred to in the Preliminary Declaration in the Treaty of Arbitration, can not be the subject of Arbitration between the two Parties, and consequently neither of the contracting Governments has the right to interfere with the manner in which the other may choose to give effect to those treaties.

2. That the carrying out of paragraph 2 of Article I of the convention concerning naval armaments, in virtue of which a just balance between the two fleets was to be established, shall not necessitate the sale of vessels, but that this just balance may be arrived at by a disarmament or by other means to the extent required, in order that both Governments may retain the necessary fleets, the one for their natural defense and for the permanent safeguard of the Republic of Chile in the Pacific, and the other for the natural defense and the permanent safeguard of the Argentine Republic in the Atlantic and in the River Plate.

3. That the Agreements referred to having been submitted to the

respective Congresses of both countries, the present instrument shall likewise be brought to the knowledge of those bodies.

In faith whereof the undersigned have hereunto affixed their signatures in duplicate at Santiago, this 10th day of July, 1902.

(Signed) J. F. VERGARA DONOSO,  
J. A. TERRY.

#### AN EXPLANATION EXPLAINED

On August 11, the Santiago newspapers stated that Ramón Barros Luco, Chilean minister of the interior, had made a declaration on the limitation of the agreement at a secret session of the Chamber of Deputies the previous evening. President Riesco informed Minister Terry of Argentina that the published text was incorrect and that evening the Chilean foreign minister handed him the accurate text, which seemed much too broad to the Argentine. He suggested that it be the subject of an exchange of notes, to which the Chilean agreed. The exchange took place a few days later in the following form:<sup>1</sup>

SEÑOR TERRY TO SEÑOR VERGARA DONOSO,  
Santiago, August 16, 1902.

Mr. Minister:

Your Excellency was kind enough to send to me confidentially, at my request, a copy of the declaration which, in the name of the Government of which your Excellency is a member, was made in the secret session of the 11th inst. and which says: "The basis of the treaties is that the Argentine Republic will take no part in the questions of the Pacific, and that the balance of the naval forces of both countries will be reached in an efficacious and practical manner. The Government understands it in this form and will maintain it in this sense."

I fear, Mr. Minister, that the first part of that declaration, that is, the part referring to the questions of the Pacific, lends itself in my country to various interpretations, always disturbing for two peoples and two Governments which justly aspire to the frankest and most cordial harmony.

Recognizing, as I trust, the reason for the fears referred to, I believe that your Excellency will not find any inconvenience in defining the scope which the Government of your Excellency gives to the said declaration.

It gives me pleasure, Mr. Minister, to reiterate to your Excellency the assurances of my most distinguished consideration.

(Signed) J. A. TERRY.

To His Excellency the Minister of Foreign Relations.

<sup>1</sup>Translation made from texts in *Memoria, annus citatus*, 310-311.

## SEÑOR VERGARA DONOSO TO SEÑOR TERRY

Santiago, August 16, 1902.

Mr. Minister:

I have had the honor to receive your Excellency's note of to-day in which you communicate to me the fear that the declarations made by the undersigned in the secret session of the Chamber of Deputies on the 11th instant relative to the questions of the Pacific may in your country lend themselves to interpretations which do not correspond to the harmony and good friendship existing between the two Governments, and in which you request that the undersigned define the scope which my Government gives to those declarations.

In reply, it gives me pleasure, Mr. Minister, to state to your Excellency that the scope of the declaration referred to is none other than that established in the treaties of May 28, explained by the act of July 10, to wit, that Chile harbors no designs of territorial expansion save those which may result from the fulfilment of treaties in force or which might be the consequence of the same, with the understanding that the execution of those treaties shall not be the subject of arbitration between the parties and that there is no right on the part of the Argentine Republic to interfere with the method which Chile adopts to give effect thereto.

I renew to your Excellency the assurances of my most distinguished consideration.

J. F. VERGARA DONOSO.

The exchange of ratifications of the agreements was originally set for July 28. The period was prolonged for two months and the exchange finally took place on September 22.

## THE BALANCING OF THE FLEETS

On August 11 President Riesco proposed in effect that the fixation of the balance between the fleets be delayed, each country disarming some vessels, but retaining them pending the decision of the arbitrator. In reply President Roca of Argentina wrote:

It is going to be difficult to find buyers for the vessels under construction, and if we succeed it will be at a discount from the contract prices. But this loss will be nothing in comparison with the immense benefits we have gained from the security of peace between the two countries. If the President insists on delaying the fixation of the balance, all right. We have a year in which to settle it and everything is ready. On the other hand, as more time passes and both reciprocal friendship and confidence strike stronger roots, the easier it becomes to reach agreements as to the

balance of armaments, and in this aspect the procedure suggested by President Riesco will be well. So I agree with him that we must delay this matter, whose ventilation, by warming up the ashes of our past discord, might give excuse for the eruptions of patrioteers.

Almost daily after that Señor Terry and President Riesco discussed the matter. On October 15 the Argentine minister was called to the official telegraph office to talk with President Roca over lines which had just put Rio, Asunción, La Paz and Santiago into connection with Buenos Aires. The Argentine President suggested the resumption of negotiations on the armament balance, "which already has not its former importance." He thought the conversation might take place at Buenos Aires. President Riesco warmly applauded these ideas. "There will be no necessity, he told me, of conventions or official procedure." The negotiations resulted in the following treaty:

His Excellency Dr. Luis M. Drago, Minister for Foreign Affairs and Worship, and his Excellency Don Carlos Concha, Envoy Extraordinary and Minister Plenipotentiary of Chile, having met together in the Department of Foreign Affairs and Worship in Buenos Aires, on January 9, 1903, with the view of giving effect to the just balance which both countries have decided to establish between their respective fleets, in conformity with the Treaty on Naval Armaments signed on May 28, 1902, with the notes exchanged on the same date between the Chilean Ministry and the Minister Plenipotentiary of the Argentine Republic, and, with the Protocol which was signed on July 10, 1902, relating to the same matter, and, after having exchanged their respective powers, which were found in due form, have agreed to the following arrangement:

Article 1. The Argentine Republic and the Republic of Chile shall hereafter, and in the shortest time possible, sell the vessels of war now building for them, for the former in the shipyards of Ansaldo (Italy) and for the latter in those of Messrs. Vickers and Messrs. Armstrong (England) according to the stipulations set forth in paragraph 1 of Article 1 and in Article 3 of the Agreement of May 28, 1902. In the event of its not being possible from any cause to carry out the sale immediately, the High Contracting Parties may continue the building of the said ships, until they are completed, but in no case shall they be added to the respective fleets; not even with the previous notice of 18 months required for the increase of naval armaments by the second Article of the above-quoted agreement.

Art. 2. Both the High Contracting Parties mutually agree immediately to put the vessels at present building at the disposal and at the

orders of His Britannic Majesty, the Arbitrator appointed by the Treaty of May 28, 1902, informing him that they have agreed that the vessels shall not leave the yards where they actually are except only in case both High Parties jointly request it, either because their sale has been effected or in virtue of a subsequent agreement.

Art. 3. The two High Contracting Parties shall immediately communicate to the ship-builders the fact that the vessels have been placed, by common consent of both Governments, at the disposal of the Arbitrator designated in the Treaty of May 28, 1902, without whose express order they may not be delivered to any nation or individual.

Art. 4. In order to establish the just balance between the two fleets, the Republic of Chile shall proceed to disarm the battleship *Capitán Prat*, and the Argentine Republic to disarm its battleships *Garibaldi* and *Pueyrredon*.

Art. 5. In order that the vessels may be considered disarmed, in accordance with the foregoing Article, they must be moored in a basin or port, having on board only the necessary crew to attend to the preservation of the material which can not be removed, and they must have landed—

All coal.

All powder and ammunition.

Artillery of small caliber.

Torpedo tubes and torpedoes.

Electric searchlights.

Boats.

All stores of whatever kind.

For their better preservation it is permissible to roof in the decks.

Art. 6. The vessels mentioned in Article 4, which both Governments agree to disarm, shall remain in that state, and may not be rearmed without the previous notice of 18 months which the Government which wishes to do so is obliged to give to the other Government, except in case of a subsequent Agreement or of their alienation.

Art. 7. Both Governments shall request the Arbitrator appointed by the Treaties of May 28, 1902, for the purpose of arranging difficulties to which questions on naval armaments may give rise, to accept the duties resulting from the present Agreement, for which purpose an authenticated copy thereof shall be sent to him.

In witness whereof the respective Plenipotentiaries sign and seal the present in duplicate.

(Signed) LUIS M. DRAGO.  
CARLOS CONCHA.



## IV. UNFORTIFIED FRONTIERS

The historical notes printed elsewhere show that the borders of the United States and those of Argentina and Chile are disarmed. It may be mentioned in passing that boundaries are unfortified throughout the American hemisphere. The American nations grew up in such an atmosphere that it seemed natural to them not to build border forts.

Elsewhere there are at least four noteworthy instances of unfortified boundaries resulting from specific treaty provisions.

### ANGLO-CHINESE ENGAGEMENT

The convention of March 1, 1894, between Great Britain and China, relative to Burma and Tibet, establishes boundaries and provides in Art. 7 that after demarkation and occupation within the new boundaries the following provision shall apply:

The High Contracting Parties further engage neither to construct nor to maintain within 10 English miles from the nearest point of the common frontier, measured in a straight line and horizontal projection, any fortifications or permanent camps, beyond such posts as are necessary for preserving peace and good order in the frontier districts.<sup>1</sup>

### PROVISION RESPECTING MEKONG

A three-cornered engagement to keep a specific region free of armed forces exists in the Far East. On January 15, 1896, France and Great Britain signed a declaration with regard to the Kingdom of Siam, which has the effect of putting the following obligation upon all three:

I. The Governments of Great Britain and France engage to one another that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces into the region which is comprised in the basins of the Petcha Bouri, Meiklong, Menam and Bang Pa Kong (Petriou) Rivers and their respective tributaries, together with the extent of coast from Muong Bang Tapan to Muong Pase, the basins of the rivers on which those two places are situated, and the

<sup>1</sup>MacMurray, *Treaties and Agreements with and concerning China*, I, 5.

basins of the other rivers, the estuaries of which are included in that coast; and including also the territory lying to the north of the basin of the Menam, and situated between the Anglo-Siamese frontier, the Mekong River, and the eastern watershed of the Me Ing. They further engage not to acquire within this region any special privilege or advantage which shall not be enjoyed in common by, or equally open to, Great Britain and France and their nationals and dependents. . . .<sup>1</sup>

#### NEUTRAL SCANDINAVIAN ZONE

One of the treaties of October 26, 1905, dissolving the union between Sweden and Norway provides:

Article 1. In order to insure peaceful relations between the two states there shall be established, from both sides of the common frontier, a territory ("neutral zone") which shall enjoy advantages of a perpetual neutrality. . . .

The neutrality of the said zone shall be complete. It shall therefore be prohibited to each of the two states to conduct in this zone operations of war, to make use of it as a point of support or base of operations of this kind and to station there or concentrate military armed forces, except those which might be necessary for the maintenance of public order or to bring aid in case of disaster. . . .

There may not be kept in the neutral zone and there may not be established in the future either fortifications or war ports or depots of provisions intended for the army or the fleet.

However, these provisions shall not be applicable in case the two states should lend each other assistance in a war against a common enemy. If either of the two states finds itself at war with a third power, neither the party which is at war nor the other shall enter the part of the zone which belongs to each of them, further than is necessary to make the neutrality of the zone respected.<sup>2</sup>

#### AALAND ISLANDS NEUTRALIZED

The Aaland Islands, which have recently been assigned to the Republic of Finland by a decision of the League of Nations, are without fortifications. This is due at present to a convention signed at Geneva, October 20, 1921, by the representatives of Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden.

<sup>1</sup>MacMurray, *op. cit.*, 54.

<sup>2</sup>Translated from American Journal of International Law, Supplement, I, 171-172.

The Aaland Islands originally belonged to Sweden, but were acquired by Russia in 1809 and for the next half century were regarded as having a great strategic value. Extensive fortifications were begun and were completed previous to the Crimean War, during which they were knocked to pieces by the British fleet. By a convention concluded at Paris on March 30, 1856, and recognized as a part of the general treaty of peace of the same day between Austria, France, Great Britain, Prussia, Russia, Sardinia and the Ottoman Empire, it was agreed that

His Majesty the Emperor of all the Russias, in compliance with the desire expressed to him by their Majesties the Queen of the United Kingdom of Great Britain and Ireland and the Emperor of the French, hereby declares that the Aaland Islands shall not be fortified, and that no military or naval base shall be maintained or created there.<sup>1</sup>

Fortifications were constructed on the islands during the World War. The question of the continued validity of the treaty of 1856 was referred by the Council of the League of Nations to an international committee of jurists, which on September 5, 1920, came to the following conclusions:

(1) The provisions of the convention and treaty of peace of March 30, 1856, concerning the demilitarization of the Aaland Islands, are still in force.

(2) These provisions were laid down in European interests. They constituted a special international status, relating to military considerations, for the Aaland Islands. It follows that until these provisions are duly replaced by others every state interested has the right to insist upon compliance with them. It also follows that any state in possession of the islands must conform to the obligations, binding upon it, arising out of the system of demilitarization established by these provisions.<sup>2</sup>

The Council of the League of Nations on June 24, 1921, passed a resolution containing the following decisions:

1. The sovereignty of the Aaland Islands is recognized to belong to Finland;

2. Nevertheless, the interests of the world, the future of cordial relations between Finland and Sweden, the prosperity and happiness of the islands themselves, can not be insured unless (a) certain further guaranties

<sup>1</sup>For history up to the Paris Peace Conference, see "The Aaland Islands," No. 48 of the Handbooks prepared under the direction of the Historical Section of the Foreign Office (Vol. VIII of bound edition).

<sup>2</sup>League of Nations Official Journal, Special Supplement No. 3, 19.

are given for the protection of the islanders; and unless (b) arrangements are concluded for the nonfortification and neutralization of the archipelago.

5. An international agreement in respect of the nonfortification and the neutralization of the archipelago should guarantee to the Swedish people and to all the countries concerned that the Aaland Islands will never become a source of danger from the military point of view. With this object, the convention of 1856 should be replaced by a broader agreement, placed under the guaranty of all the powers concerned, including Sweden. The Council is of opinion that this agreement should conform in its main lines with the Swedish draft convention for the neutralization of the islands. The Council instructs the Secretary-General to ask the Governments concerned to appoint duly accredited representatives to discuss and conclude the proposed treaty.

The treaty thus provided for makes the following arrangements between Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden:

Article 3. No establishment or base of military or naval operations, no establishment or base of operations of military aeronautics nor any other installation used for war purposes shall be maintained or created in the zone described in Art. 2.

Art. 4. Under reserve of the provisions of Art. 7, no military, naval or aerial force of any power shall penetrate into or remain in the zone described in Art. 2; the manufacture, importation, transit and re-exportation of arms as war material are formally forbidden there.

The following provisions shall likewise be applied in time of peace:

a. Beyond the personnel of the regular police necessary for the maintenance of order and of public security in the zone, in conformity with the general provisions in force in the Finnish Republic, Finland may, if exceptional circumstances so demand, introduce and maintain there temporarily such other armed forces as shall be strictly necessary for the maintenance of order.

b. Finland also reserves to herself the right to have the islands visited from time to time by one or two of its light surface warships, which in that case may anchor temporarily in their waters. In addition to these ships, Finland may, if particularly important circumstances so demand, introduce into the waters of the zone and maintain there temporarily other surface ships in no case exceeding the total displacement of 6,000 tons.

The privilege of entering the archipelago and of anchoring there temporarily may be granted by the Finnish Government to one warship only of any other power.

c. Finland may cause her military or naval aircraft to fly over the zone, but their landing is forbidden there except in the case of *force majeure*.

Art. 5. The prohibition of entering or stationing warships in the zone described in Art. 2 is not exclusive of the freedom of inoffensive passage through the territorial waters, a passage which remains subject to the international rules and usages in force.

Art. 6. In time of war the zone described in Art. 2 will be considered as a neutral zone, and shall not directly or indirectly be the object of any use whatsoever related to military operations.

Nevertheless, in the case where a war should affect the Baltic Sea, it shall be permissible for Finland, with a view to assuring respect for the neutrality of the zone, to place mines temporarily in its waters and to this end to take the measures of a maritime character strictly necessary.

Finland shall immediately give notice thereof to the Council of the League of Nations.

Art. 7. I. With a view to giving efficacy to the guaranty contemplated in the preamble of the present convention, the high contracting parties shall address themselves, either separately or jointly, to the Council of the League of Nations in order that it may determine the measures to be taken either to assure the maintenance of the provisions of this convention or to repress violation of it.

The high contracting parties engage to contribute to the measures which the Council of the League of Nations shall decide for this purpose.

When, for the purposes of this engagement, the Council shall have to determine the conditions indicated above, it shall summon to sit with it the powers which are parties to the present convention, whether Members of the League or not. The vote of the representative of the power alleged to have violated the provisions of this convention shall not count in calculating the unanimity required for the decision of the Council.

If unanimity can not be obtained, each of the high contracting parties shall be authorized to take the measures which the Council shall have recommended by a majority of two-thirds, the vote of the representative of the power alleged to have violated the provisions of this convention not counting in the calculation.

II. In case the neutrality of the zone should be imperiled by a *coup de main*, suddenly begun either against the Aaland Islands or through them against continental Finnish territory, Finland shall take the necessary measures in the zone to contain and repulse the aggressor up to the time when the high contracting parties, in conformity with the provisions of the present convention, shall be in a position to intervene to make the neutrality respected. Finland shall give notice thereof immediately to the Council.

Art. 8. The provisions of the present convention shall remain in force whatever modifications may be brought about in the present status quo in the Baltic Sea.

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# *A LEAGUE of NATIONS*

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## REPARATION

Part III



## FINANCIAL ASPECTS

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N.B.—The League of Nations is in no way whatsoever connected with the Reparation Commission. The reparation problem is examined in this periodical because of its importance in general international relations.

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## IX. GERMAN FINANCES AND REPARATION

Reparation is a form of export, and workable reparation in its simplest form would consist of Germany's having an export trade sufficient to yield annually in taxation the amount which is payable in reparation. By the establishment of such credits abroad and their assignment to the creditor states reparation would follow perfectly normal economic laws. The hampering of German foreign trade, not only by the wiping out of its machinery under the treaty of Versailles, but by adverse tariffs and a network of most-favored-nation provisions among the other states, makes it impossible to realize the amounts payable in any such simple way.

Moreover, the volume of German trade is only the first step in establishing the necessary credit. Methods must be found for diverting the values from the hands of private holders to the public coffers, from which alone reparation can be forwarded to the creditors. The machinery for this purpose has not worked. Since the armistice German foreign trade has shown a continuously unfavorable balance. There has been comparatively little reparation business done in materials produced by Germany, and that business has up to the present time been largely in commodities, such as coal, which affected the productive power of German industry.

A continuous process of inflation has gone on, with two effects:

Mark credits have been established abroad and the difference between their selling value and their present value represents a loss to the world and a gain to Germany which is at least equivalent to all the cash reparation payments made to date.

The effect in Germany has been a "flight from the mark" by good business men; that is, they have exerted every effort to turn values at their disposal into property, which can not depreciate rapidly. To use money to get title to property and to expect mark depreciation before payment is due to reduce the original price has been a regular policy of the German business man. Meantime, the people have required more and more currency to serve as counters for necessary living expenses, which again has forced capitalizations up in industry.

The extensive dislocations of normal financial processes indicated by these facts in great part explain the condition of the

German financial system. As will be seen, they have had a most puzzling effect upon the public finances, which are responsible for meeting reparation payments.

#### INTERNAL REPARATION TRANSACTIONS

In addition to payments made on current reparation account, the German Government has had to meet very heavy indemnities to its own citizens for property transferred but not yet credited. For instance, in 1920-21 the German budget showed expenditures of 41,000,000,000 paper marks on reparation, of which practically none was credited as cash payment. Of that sum more than a third represented the acquisition and upkeep of buildings and other initial expenses on behalf of the armies of occupation. Nearly all such expenses have now been met and the financial reforms now being pushed by the Reparation Commission are brought forward at a time when the German public finances are on the simplest basis since the armistice and when permanent provision for reparation obligations can be made with reasonable confidence.

An inevitable effect of reparation, extensive business relations between the German Government and German business concerns, is very easily lost to sight. The treaty is an obligation upon the German Government, which is bound thereby to deliver on reparation account many articles such as shipping, coal and dye stuffs that are not owned directly by the Government. Comparing reparation obligations with the total of national wealth, which is in the possession of individuals, is therefore erroneous, because it is only that part of the national wealth of which the Government can get possession that can be used for reparation purposes.

If the German Government is obligated to deliver one million tons of coal, it must buy it for that purpose in much the same way as it would purchase fuel for its own uses. Firms making deliveries have been paid directly with Treasury bills discountable at the Reichsbank at 5%. If the firm demanded cash payment the Government acceded. Owing to the rise in prices in November, 1921, producers became short of working capital and discounted their bills speedily, which caused an inflation of credit. A plan was therefore brought under consideration whereby long-term paper in the form of internal reparation bonds would be issued for



the payment of producers of reparation.<sup>1</sup> Cash payments are more difficult because they involve the operation of exchange, but the continual fall of the mark internally has resulted in delivery in kind having an effect which is different in degree rather than in character. A comparison of budgets brings out the inherent difficulty of reparation payments.

#### WHAT THE GERMAN BUDGET SHOWS

The report of the Brussels Conference of Experts on the whole German budget for the fiscal year April, 1920, to March, 1921, showed receipts of 39.89 billions marks paper and expenditures of 116.1 billions, of which total 5.1 was for national defense, and 5.65 for liquidating the old army and extraordinary military expenses. In this budget 41.4 billions was assigned for the execution of the treaty of peace. The items in detail are:

	<i>Paper marks</i>	
Aid to refugees from Alsace-Lorraine and Poland . . .	500,000	
Salaries, pensions of former officials of Alsace-Lorraine .	36,372,240	
Indemnities because of change of residence of former officials of Alsace-Lorraine . . . . .	3,200,000	
Honoraria to commissioners liquidating enemy property	850,000	
Indemnities to civil officials in private employ (dismissed) . . . . .	400,000	
Loss on exchange on payment of subsistence of officials remaining in Alsace-Lorraine . . . . .	2,500,000	
Transport of movable property of the inhabitants evacuating from Alsace-Lorraine and expenses of Franco-German Commission at Kehl . . . . .	25,000,000	
Indemnities to evacuated Alsace-Lorrainers . . . . .	100,000,000	
Improvement of housing for emigrants from German ceded territories . . . . .	10,000,000	
Disarmament of the population . . . . .	200,000,000	378,822,240
Maintenance of naval personnel executing peace treaty in addition to the normal effectives (mine-sweeping) . . . . .		208,987,489
Interallied Rhineland High Commission . . . . .		20,000,000
Maintenance of troops, lodging, requisition in kind . . . . .	15,000,000,000	
Purchase of sites and construction for lodgings . . . . .	446,000,000	
Upkeep of sites and buildings . . . . .	17,000,000	
Purchase and upkeep of furniture, etc. . . . .	24,250,000	
Running expenses, fuel, lighting, etc. . . . .	18,000,000	15,505,250,000

<sup>1</sup>New York Times, November 21, 1921.

## OCCUPATION COSTS TOO HIGH

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Supplementary expenses to raise the price of ships to be delivered . . . . .	<i>Paper marks</i> 40,000,000	
Damages to German nationals in German protectorates . . . . .	255,000,000	295,000,000
Execution of peace treaty (deliveries, indemnities to German nationals, payments of compensation offices, etc.) . . . . .		25,000,000,000
		<u>41,408,059,729<sup>1</sup></u>

The allied experts made the following comments upon that budget: "The expenses which figure therein should undergo a serious compression with the purpose of reducing to the minimum all the expenses which can compete with the reparation payments and which delay the restoration of the allied countries victims of the war. This compression should be exercised not only by the German Government as to the amount of the indemnities due to German nationals injured by the treaty, but also by the allied Governments as to the total of reimbursements to be claimed from Germany for the armies of occupation, for the interallied commissions, etc. The expenses inscribed in the budget for execution of the treaty should be covered: (1) By aid from the surplus of the ordinary budget; (2) by means of new resources which would consist principally of increasing indirect taxes actually existing (particularly the tax on alcoholic liquors) and customs taxes."

The following German budgetary expenditure details are from tables showing total expenditures of 244,778,800,000 paper marks in 1921-22 and 288,424,000,000 in 1922-23:<sup>2</sup>

	1921-22	1922-23	% of total 1922-23
Reparation proper under Schedule of Payments . . . . .	86,400,000,000	135,000,000,000	46.8
Army of occupation . . . . .	5,823,200,000	6,267,400,000	2.2
Interallied commissions . . . . .	652,400,000	1,845,600,000	.6
Restitution and miscellaneous . . . . .	2,781,100,000	20,723,700,000	7.2
Clearing prewar private debts . . . . .	12,000,000,000	13,000,000,000	6.2
Domestic charges . . . . .	4,767,500,000	5,695,000,000	2.0
Total . . . . .	112,429,200,000	189,531,700,000	65.

<sup>1</sup>*Sammlung von Aktenstücken über die Verhandlungen auf der Conferenza zu London vom 1. bis 7. März, 1921*, p. 106. For additional details on some of the items see *Economic Review*, III, 53.

<sup>2</sup>League of Nations. *Memorandum on Public Finances, 1921*, p. 52.

In view of the disarmament of Germany "in order to render possible the initiation of a general limitation of armament," it is interesting to note that the 1922-23 expenditure for defense was figured at 1.6% of the total (4.7% of the budget minus reparation) as against an average of 21.1% for 22 other states.

The German budget for the fiscal year ending March 31, 1923, was discussed by Finance Minister Hermes in the Reichstag on November 4, 1921. The minister dealt with reparation in part as follows:<sup>1</sup>

The heaviest burden upon the commonwealth budget in 1922, however, will be the reparation payments, which in general are the cause for the entire financial distress of the commonwealth. How great will be the sums that must be met in carrying out the peace treaty can only be estimated with reservations. The incalculable factors in drawing up the reparation budget are especially large and numerous. In the first place, this is inherent in the reparation budget itself. It provides for 2,000,000,000 marks gold in fixed annuities and in addition thereto the variable quantity represented by 26% of our export values. Under the extraordinary reparation budget the amounts to be paid in compensations must be mentioned. While the minimum sum to be paid in gold is itself variable, the uncertain factor of currency depreciation interposes even greater difficulties to making any preliminary forecast. The depreciation of a currency works differently in our home and in our foreign finances; and therefore everything depends upon how much is paid in commodities and how much must be covered by buying exchange. This latter sum is influenced by the tremendous pressure of fluctuations in exchange—a pressure which can by no means be calculated in advance. We must therefore resort to average calculations in order to arrive at anything tangible.

In the estimate just made gold payments of 3,300,000,000 marks<sup>2</sup> and a depreciation to one-twentieth are assumed. This would give, as already said, a total deficit of 60,900,000,000 marks. A depreciation to one-thirtieth would yield a deficit of 92,900,000,000, and one to one-fortieth, corresponding to the present dollar exchange, a deficit of 126,900,000,000 marks.

Exchange has run off so fast since those estimates were made that crisis after crisis has been created and the cash moratorium granted as a result has proved unworkable, in the opinion of the Committee of Guaranties.

<sup>1</sup>*The Nation*, vol. 114, 77-8, Jan. 18, 1922.

<sup>2</sup>This figure represents the carrying charges of Series A and B bonds and of the quarterly export quotas under the Schedule of Payments.

## MEANING OF EXCHANGE FLUCTUATION

From what has been said it will be understood that reparation payments, especially liquidation of property owned in other countries by German nationals, was a real burden on the German exchequer before actual cash payments were made. These began in May, 1921, and directly affected exchange, since currency of foreign states had to be supplied for them. From that time Germany has never been free from the obligation of trying to collect foreign monies for reparation export.

The feature of the exchange during this period was not the effect on the allied or German currency at the time of payments, but after them. The following table shows the effect:

PERCENTAGE WHICH COST OF DOLLAR IS OF ITS COST AT PAR<sup>1</sup>

<i>1921</i>	<i>Brussels</i>	<i>Paris</i>	<i>London</i>	<i>Berlin</i>
May . . . . .	230.6	230.3	122.3	1465.5
June . . . . .	239.9	238.6	128.6	1647.9
July . . . . .	253.3	247.6	134.2	1832.0
August . . . . .	256.5	248.9	133.4	1996.4
September . . . . .	267.3	263.1	130.7	2443.2
October . . . . .	270.2	265.9	125.6	3470.2
November . . . . .	276.3	266.7	122.7	5998.9
December . . . . .	258.9	248.5	117.5	4654.9
<i>1922</i>				
January . . . . .	247.4	236.9	115.3	4559.8
February . . . . .	233.4	222.5	111.9	4904.8
March . . . . .	228.4	214.0	111.1	6568.1
April . . . . .	226.4	208.9	110.2	6874.2
May . . . . .	231.1	211.6	109.5	6957.1
June . . . . .	234.3	219.6	109.4	7257.2
July . . . . .	247.4	234.5	109.5	11,637.0
August . . . . .	254.1	240.9	109.0	22,361.9
September . . . . .	266.4	251.7	109.7	34,856.6
Week ending				
October 28 . . . . .	295.9	274.0	109.4	101,799.1

It is evident from the table that German exchange has fluctuated wildly and has reflected opinion abroad as to the feasibility of cash reparation payments. While the first cash billion was being collected during May-August, 1921, exchange dropped, but it plunged immediately after the payment was made. In

<sup>1</sup>Monthly Bulletin of Statistics, III, No. 5, pp. 26-27; No. 10, pp. 24-25.

November it registered fear of the effect of the January-February payments, and sprang back when some sort of relief seemed to be in sight. Continuous payments on a smaller scale then began in March and depression pursued a fairly steady course until the request for a two-year moratorium was made, when exchange took a plunge, from which it subsequently made a slight and very temporary recovery, only to begin a further steady decline under the pressure of continued inflation.

### BUDGETARY REFORMS PRESCRIBED

Exchange has been the barometer of the uncertainty surrounding the whole subject and has been the means of calling definite attention by the Reparation Commission to the German financial condition. The first extensive examination of that condition in behalf of the commission occurred in November, 1921, and was followed by almost continuous investigations up to September. The proposals exchanged have been technical and complicated, but they are for the most part covered in the letter of the commission to the German Chancellor accompanying the decision of March 21, granting reduced cash payments. In the intervening months the suggestions of the commission have been realized in practice, but with all its control over German finances it has been unable to stop the acceleration of paper money issuance. The commission's letter prescribed:

MARCH 21, 1922.

The Reparation Commission, in notifying to the German Government their Decision No. 1841 in respect of the payments to be made by Germany during 1922, makes the following observations in regard to the Chancellor's letter of January 28, 1922.

The commission notes the declarations made by the Chancellor in regard to the suppression of all subsidies on the food, and to the increase of the postal and railway tariffs with a view to balancing the expenditure and receipts of state undertakings. At the same time, even if it could be supposed, as would not appear to be the case, that plans had been laid for the immediate and complete realization of such a program, it is far from being adequate either to the German obligation or to the German capacity. The Reparation Commission most clearly warns the German Government that it expects a much more radical reform of the finances of

Germany and a final abandonment of the mistaken policy hitherto followed.

The ordinary administrative budget of the Reich shows a balance of  $16\frac{1}{2}$  milliard paper marks after providing for an expenditure of 83 milliards. The German Government propose to apply this balance toward meeting the cost of reparation and other peace treaty charges. But, on the other hand, the extraordinary administrative budget shows a deficit of some 3 milliard marks, and the budget for the administration of public services a deficit of  $9\frac{1}{4}$  milliards.

The budget for peace treaty charges as submitted (after taking credit for  $16\frac{1}{2}$  milliards surplus transferred from the ordinary administrative budget), exhibits a deficit of no less than 171 milliard paper marks, making, with the deficit on the extraordinary administrative budget and budget for administration of public services, a total deficit of  $183\frac{1}{4}$  milliards.

The deficit of 171 milliards on the peace treaty budget is, it is true, based, as regards the reparation liability, on the Schedule of Payments. The provisional postponement to-day accorded by the Reparation Commission in respect of the 1922 payments may be expected to reduce this deficit by approximately 45 milliards. On the other hand, the budget calculations are based on an exchange of 45 paper marks to 1 gold mark as against the current rate of 70. The net estimated deficit of 126 milliards will, therefore, be largely exceeded unless a substantial improvement in the value of the paper marks can be effected.

It is stated, indeed, that an internal compulsory loan is contemplated, but no project has been placed before the commission which can be regarded by them as in any way likely to afford the requisite guaranty that the treaty charges will be met.

The commission is of opinion that the treaty charges must be progressively and rapidly incorporated in the budget, in so far as Germany's revenues can cover them, and that German capital must make up the balance either by means of a loan or a direct levy.

The commission considers that as from 1922 onward the budget must cover a large part of the reduced payments prescribed by the decision referred to above; the balance as indicated above must be contributed by capital.

It is with the object of facilitating the task of the German Government in this respect that the commission has taken its decision. It must, however, be understood that the scheme of payments for 1922 therein laid down is provisional, and that the postponement provisionally granted can only be definitely maintained if Germany strictly observes the conditions imposed upon her.

These conditions are as follows:

## I. BUDGET OF THE REICH

## (A) Resources

*Measures to be Adopted.*

(a) Each of the measures announced by the German Government's note of January 28, 1922, which, according to the note are to come into force at fixed dates, shall be taken at the date in question; if this date has passed without the measure having been taken, it shall be taken within 15 days of the present notification.

(b) The new taxes and charges contained in the program of January 26, 1922, generally known in Germany as the "fiscal compromise," shall be voted and applied before April 30, 1922.

(c) The German Government must at once prepare and put into force such a scheme of increased taxations as will provide during the currency of the budgetary year 1922-23 a sum of at least 60 milliards paper marks in addition to the revenue contemplated in the budget.

This scheme must have been voted and be in force before May 31, 1922, and must secure the actual collection of not less than 40 milliards of additional revenue before December 31, 1922.

(d) In the opinion of the commission, it is for the German Government to choose the sources from which the new revenue is to come. Nevertheless, the commission impresses upon the German Government the necessity of adopting a scheme which will avoid as far as possible a new and complicated assessment of the resources of individuals. In this connection, the Reparation Commission particularly invites the German Government to consider the possibility of some arrangement under which the rates of taxation would be automatically increased in proportion either to any further increases in the debt of the German Government to the Reichsbank or to the diminution of the internal purchasing power of the mark.

*Control.*

(a) All legislative or administrative measures adopted in execution of the above provisions shall be immediately communicated by the German Government to the Reparation Commission.

(b) The measures for the application of German legislation determining taxes and tariffs as it may be established after carrying out the program set forth above shall be discussed between the delegates of the German Government and those of the Reparation Commission. The latter shall, through the Committee of Guaranties, exercise at each state a control sufficiently thorough to enable it at all times to satisfy itself as to the application of this legislation, and more especially as to the work of assessing and collecting the taxes, and to detect any defects therein. If oc-

casation arises, it will request Germany to take the measures necessary to remedy the defects detected and will take action in case Germany does not, within a reasonable time, adopt measures which the commission considers to be sufficient.

(B) *Reduction of Expenditure*

*Measures to be Adopted.*

The German Government shall carry out and submit to the Reparation Commission within one month of the present notification a revision of the expenditure entered in the draft budget for 1922, which it submitted as an appendix to its note of January 28, 1922.

A serious effort, for which only preliminary preparations are made in the scheme inclosed with the communication of January 28, may and must be made toward the reduction of expenditure on the public services, the suppression of subventions and subsidies and of expenditure on public works not urgently required, of sumptuary expenses, of the share in the expenses of various administrative and other organizations, etc.

The expenditure shall in no case exceed, either for the total budget or for any chapter thereof, the sums entered in the budget of expenditure thus revised, save in exceptional cases and after corresponding credits have been duly voted; in such cases the Reparation Commission shall receive immediate notification.

The German Government shall undertake not to transfer to local budgets any service or category of expenditure at present included in the budget of the Reich, under the terms of the draft budget of 1922, inclosed with the note of January 28, 1922.

*Control.*

The German Government shall draw up, in agreement with the Reparation Commission, a scheme for the control of the expenditure provided for in the budget, in such a way as to prevent the credits from being exceeded and so as to show clearly the actual use to which the funds are put. The Committee of Guaranties will check the functioning of this control.

II. LOANS AND LEVY ON CAPITAL

(a) *Internal Loans.*

The German Government shall, before April 30, 1922, prepare a scheme for the issue of internal loans other than treasury bills discounted by the Reichsbank and for an amount sufficient to cover the budget deficit until the budget can be balanced by means of the receipts from taxes.

(b) *Foreign Loans.*

The important question of loans to be contracted by Germany in order



to enable her to redeem a portion of her capital reparation debt will form the subject of a separate communication.

If a portion of Germany's debt can not be mobilized by such loans within a reasonable period, the German Government shall, in co-operation with the Reparation Commission, examine the measures necessary to effect a capital payment by other means, in particular, by a levy on the actual movable and immovable property of Germany.

### III. MIGRATION OF CAPITAL

The German Government shall submit to the Reparation Commission, before April 20, 1922, a scheme for preventing the abuses in the exportation of capital.

The special object of this scheme must be to render more effective the functioning of the organization created by the German Government for the collection of the foreign currencies obtained by exports and services of every kind, and in general to make sure that the value of exports is returned to Germany.

The Committee of Guaranties will draw up with the German Government a scheme for the strengthening and development of the control which it at present exercises over exports and the collection of currencies to such extent as may be necessary to insure the effective supervision of the execution of the measures referred to above.

Finally, the German Government shall take all possible steps to obtain the return to Germany of the capital already exported.

In view of the importance which the Reparation Commission attaches to the question of preventing the future migration of capital and of insuring the return to Germany of the capital already exported, this question will be the subject of further examination separately by the Reparation Commission. The application by the German Government of the supplementary measures which the Reparation Commission may think it necessary to require is one of the conditions of the postponement.

### IV. AUTONOMY OF THE REICHSBANK

The German Government shall adopt, in time for it to come into force before May 31, 1922, the legislation necessary to insure, to the satisfaction of the Reparation Commission, the complete independence of the Reichsbank from the German Government.

### V. STATISTICS

The German Government will, before May 31, 1922, resume the preparation and publication of its economic and financial statistics, in the same

form and at the same intervals as before the war. It will also prepare at such intervals as may be determined by the Reparation Commission in each case, any new statistics or any new presentation of statistics in existence before the war as the commission may consider to be useful with a view to the execution of the treaty and in particular of the present provisions.

The German Government shall, in collaboration with the Committee of Guaranties, see that the statistics are presented under conditions which will facilitate the work of the Reparation Commission.

The German Government shall place at the disposal of the committee all documents and information necessary for the accomplishment of its task, and shall give it every facility for carrying out the investigations required of it.

#### VI. QUESTIONS IN ABEYANCE

The granting of the postponement is also subject to the settlement, to the satisfaction of the Reparation Commission, of certain questions now pending, which will form the subject of a further communication.

(Signed) DUBOIS  
DELACROIX  
BRADBURY  
D'AMELIO.

## X. THE PROBLEM OF AN INTERNATIONAL LOAN

An international loan would radically alter the whole reparation matter. It would guarantee that part of reparation covered by the loan. It would create a third party to the problem, the lenders; so that henceforth there would be debtor states, creditor states and private creditors, who doubtless would have relations and agreements with, not to say guaranties from, both debtor and creditor states.

It would, furthermore, have the effect of putting reparation bonds in some form on the market. The Reparation Commission has not encouraged the marketing of reparation bonds, and still retains the bonds not liquidated. The stipulation of Annex II, 12 (d), is therefore not operative. It provides that "in the event of bonds . . . being disposed of outright . . . to persons other than the several Governments in whose favor Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face." The last clause apparently seeks to prevent purchase of bonds at a discount. That is not possible, as is borne out by a statement in the English Parliament on May 5, 1921, by Sir Laming Worthington-Evans, secretary of state for war and a prominent negotiator of the ultimatum of that date:

It had been the policy of the Allies to settle the question of reparation by agreement if possible, but it had not been possible, and consequently the treaty plan was being put into force. He did not pretend that the "A" bonds would be worth par; they would have to be put on the market at a discount, but it would be wise for the Allies to put them on the market at a considerable discount in order that they might get into the hands of neutrals and cease to have the character of ex-enemy debts, and, as quickly as possible, become the external debt of Germany, in which the whole world would be interested. With regard to the "C" bonds, it was to the interests of the Allies that there should always be a considerable value behind the bonds, so that they should not be wastepaper in the markets of the world. There was an automatic protection; if the Reparation Com-

mission were tempted to issue those bonds prematurely they would be of no use to the Allies.

The time when the bonds are put on the market will afford the earliest opportunity to estimate the actual value of reparation. Financiers buy for value, and the price of the bonds will be a disinterested test of the soundness of the whole reparation system, the size of the amount of the reparation obligations, Germany's ability to pay, the desirability of her paying,—largely by increased exports,—in short, the financial verdict on reparation. Until the bonds are marketed there is no objective criterion on which to reach conclusions. It is obvious, however, that if, as Sir L. Worthington-Evans forecasts, the bonds become the external debt of Germany instead of ex-enemy debts, by marketing or by loan, the German reparation will be met by non-Germans in the exact degree that the bonds are purchased by Germany below par and canceled.

Germany proposed loan transactions as early as 1919, when they were given no consideration. At Hythe in May, 1920, the Allies themselves made loan plans. They included a definite provision to that effect in the Spa agreement and considered it seriously through the Brussels conference of experts. When Germany submitted a proposal involving a loan at London in March, 1921, the Allies flouted it, as they did the next proposal of April 24. They turned it down again in January, 1922, and it was not until the Reparation Commission conducted the cash moratorium negotiations that it got consideration.

The bankers' report gives full details of their meeting:

The Loan Committee have the honor to submit to the Reparation Commission the following report, stating the results of its deliberations between May 24 and June 10, 1922.

#### TERMS OF REFERENCE AND SCOPE OF INQUIRY

The terms of reference under which the committee was appointed were the following:

"An expert committee would be appointed to consider and report to the commission on the conditions under which the German Government, regard being had to its obligations under the treaty of Versailles and in particular under the schedule of payments of May 5, 1921, could raise foreign loans to be applied to the redemption in part of the capital of the reparation debt.

"The committee would in particular consider:

"(1) The terms on which such loans could be raised, and the amount which might reasonably be expected to be obtained in the near future and in particular in the course of each of the next two years.

"(2) The security which could be made available for potential lenders without undue prejudice to the future interest of reparation.

"(3) The manner in which the revenues and other assets assigned to the service of the loans should be controlled and administered and the relations to be established as between the German Government, the representatives of the lenders, and the Reparation Commission."

The committee was instructed to consult the persons having practical experience in connection with the issue of Government loans in New York, London, Paris, Rome, Brussels, Amsterdam, Bern, Berlin, and elsewhere, with a view to the formation of a practical plan to be submitted for the approval of the German Government and the Reparation Commission.

The committee, after considering these terms in both texts (which they were informed were equally authoritative), felt some doubt as to their scope. On June 1 they therefore addressed the following question to the Reparation Commission:

"Acting on your instructions, the committee have commenced the study of the subject of a foreign loan intrusted to it by the commission. Before proceeding further, however, the committee considers it necessary to ask the Reparation Commission whether the words 'regard being had to its obligations under the schedule of payments of May 5, 1921' are to be interpreted as meaning that for the purpose of its deliberations the committee must treat the payments prescribed by the schedule of payments as an unalterable obligation, subject only to the power of the Reparation Commission from time to time in the future to vary them in accordance with the provisions of Art. 234 of the treaty, or whether (without, of course, in any way engaging the responsibility of the commission) they are at liberty to examine the possibilities of solutions involving modifications of these arrangements."

On June 7 the committee received the following reply from the Reparation Commission: "In reply to the question addressed orally on behalf of the Loan Committee by its president, the Reparation Commission have the honor to inform the Committee that at an official meeting held this morning it took the following resolution:

"The commission intends that nothing in the terms of reference should be held to preclude the committee from examining any of the conditions which may be necessary for the raising of external loans by Germany, including such as relate to the general re-establishment of her external credit. Indeed, any suggestions which the committee may be able to offer

from this point of view, without, of course, engaging the responsibility of the commission, could not fail to be of the greatest value.

"This decision of the commission was taken by a majority, the British, Italian and Belgian delegates voting in favor of it, and the French delegate against it. The American unofficial delegate expressed his personal agreement with the majority."

#### THE POSITION OF THE COMMITTEE IN RELATION TO THE COMMISSION

On receipt of this reply, indicating that the chief creditor of Germany did not desire that any recommendation should be made which would involve the possibility of new limitations on Germany's obligations, the committee decided that they could not usefully for the time being continue their inquiry and that they ought therefore to confine themselves to furnishing a reply to the question originally addressed to them, taken in its more restricted sense, and at the same time to give their reasons for this decision.

At the outset the committee desired to make their own position clear beyond the possibility of misconception.

Its members were invited by a unanimous decision of the Reparation Commission to come to Paris in order that they might give practical advice as bankers on the condition on which an external loan should be raised by Germany. At no time have they had the least wish to usurp wider functions. They have fully realized throughout that their technical advice once given would constitute but one factor in the problem which has to be solved by the Reparation Commission and by the Allied Governments alone.

As soon as they met the bankers on the committee were unanimous in their opinion that for various reasons they could not within the limits of their reference, understood in their more restricted sense, offer any prospect of an external loan. Certain members, however, were of opinion that if the commission or the Governments made a more definite statement than at present exists in regard to the annual payments which they intend to exact from Germany, such a loan could be favorably considered. Had they received a unanimous invitation to state what limitations of these payments were in their opinion a necessary condition of external credit these members would have been glad to do so.

Such limitations would, however, have been recommended only as the conditions if a loan were desired. They would have implied no view as to the amounts which the commission could or should enforce if the Governments were content to wait for annual payments without mobilizing them beforehand by a loan. The commission or the Governments, even if they had considered the opinion of the committee to be a sound one, would

nevertheless have been perfectly free to decide that they preferred to continue to consider from year to year the capacity of Germany and to determine the payments accordingly.

In other words, any figures mentioned would have necessarily represented an opinion, not as to the probable maximum capacity of Germany, but as to the sums which the lending public of the world, forming its judgment amid all the perplexities of the present situation, would confidently believe to be well within Germany's capacity. Payments even so cautiously estimated would still be very considerable; the committee recognize that the allied Governments might nevertheless desire, even at the cost of foregoing a loan, to reclaim full liberty to exact the larger annual sums which Germany's developing capacity might later render possible.

The Governments would not only have been at full liberty to take such a decision, but, if taken, it would have been in no way inconsistent with the technical advice of the committee. If this advice had been given, however, a decision could have been taken in the light of clearly presented alternatives.

#### DIFFICULTIES IN ACCEPTING A "MAJORITY" INVITATION

In these circumstances the committee were led to consider whether they could usefully continue their studies in response to the majority invitation of the commission. They decided that for the time being they could not do so for the following reasons:

(1) France is Germany's chief creditor. In any reparation problem her interests are the most important factor. The members of the committee had hoped that the chief benefit of any advice which they could give would have been derived by France. They are all extremely anxious that no action of theirs should injure her interests. If, therefore, France does not now desire any inquiry into the more general conditions necessary for the re-establishment of Germany's external credit, the committee do not feel justified in making such an inquiry. They are concerned, in this view, by the consideration that in existing circumstances they could not have profited by the assistance of their French colleagues.

(2) As explained below, the committee consider that a favorable atmosphere is essential to a successful flotation of a loan. The known difference of view among members of the commission as to the limits of the committee's mandate have, for the time being, created an atmosphere unfavorable to such an issue. The bankers on the committee can not fail to take into account this fact, being aware that if they advise as to the conditions of a loan, they incur a moral responsibility to do all in their power to make the loan successful.

*For the above reasons the committee decided that they must suspend their work for the present.*

THE POSSIBILITY OF A LOAN IN THE ABSENCE OF ANY NEW LIMITATIONS IN GERMAN OBLIGATIONS

Feeling thus unable to take advantage of the majority invitation of the commission to extend the scope of their deliberations, the committee have considered the problem presented under the original mandate as understood in its more restrictive sense.

On the assumption that the present provisions of the treaty of Versailles and of the schedule of payments remain unchanged, is an external loan possible, and if so, under what conditions?

The committee were confronted with the following difficulties:

(a) It was stated that the re-establishment of the general credit of Germany is impossible so long as the lending public feel no assurance that the obligations of Germany, as they are at present defined, and as they may be enforced, are within her capacity; and that her will and intention to meet them will be maintained. So long as this is the position an investor is bound to be influenced by the possibility that a collapse of German finance resulting from the present uncertainty may produce a social upheaval.

It is, however, difficult to find securities which, under such conditions, would be regarded as a satisfactory guaranty for the loan, or, at least, for any loan of such dimensions and for such a term as to give substantial relief to the situation. Even a first-class security like the customs, which under stable conditions would provide a sound guaranty for a considerable loan, might fail to retain a sufficient gold value if the economic position of Germany or her social conditions were seriously disorganized. Such possibilities may be remote, but the investor in a long-dated loan naturally tends to envisage the worst rather than the probable.

(b) It was stated that investors in some of the most important countries, notably in the United States and Great Britain, would find no real attraction in a loan to Germany which was not calculated to promote a permanent settlement of the reparation problem. And it is obvious that even if a loan could be raised on the basis of assigned securities rather than on the basis of Germany's general credit, it could at best do no more than assure a short respite; thereafter Germany would be faced with her undiminished reparation obligations with the further handicap that her best securities would have been already mortgaged for the service of the loan. In the meantime both Germany and the rest of the world would have been suffering from the continued uncertainty which in every country is a serious obstacle to economic recovery. Thus, even if such a loan were possible, it would represent, at the best, the payment of a heavy price merely in order to wait for conditions which might be more favorable for a general settlement.



(c) It was also stated that investors in countries which took no part in the war were suffering severely from the depreciation of the mark partly because they had invested heavily in marks and partly because the commercial competition of German industries derived an artificial advantage from this continued depreciation; and it was stated that in these circumstances they also would feel no interest in a loan which offered no prospect of establishing Germany's finances on a stable foundation.

(d) Again, as regards France, it was stated that a limited loan would encounter great difficulties, since only a small proportion of it could at best return directly to France as reparation.

*Realizing these and other difficulties, and feeling that they ought not to recommend a loan of which they could not confidently anticipate a successful issue in their respective markets, the members of the committee have, with great regret, arrived at the conclusion that under present conditions they can not advise that an external loan is feasible.*

#### GENERAL OBSERVATIONS AS TO FUTURE POSSIBILITIES OF LOANS

Having regard, however, to this negative conclusion, the committee, while feeling unable to accept the majority invitation of the commission to examine in detail the wider problem, consider that they may usefully add the following general observations upon it:

(a) An essential condition of an external loan at any time is that the public should feel that Germany is herself making a real and substantial effort to place her public finances upon a stable basis. It is of the greatest importance that, through the technical securities to be given by Germany and the rehabilitation of her financial situation, she should clearly show a desire to meet her obligations in the hope that by the fulfilment of those obligations she will re-establish her credit.

(b) The second essential condition is that dealt with in detail above, viz., the removal of the present uncertainty in regard to reparation obligations.

(c) The committee had before them a statement that American bankers and investors could, in these circumstances, be interested in a substantial degree in the purchase of German obligations, but only if one further fundamental condition were satisfied, viz., that such a loan should be at the unanimous request and for the benefit of the allied nations. This unanimity could be in no way better expressed than by the active co-operation of the bankers of the allied and neutral countries in the distribution of the securities to their own nationals. Among the fundamental conditions of American participation, therefore, was unanimity among the lenders as well as the establishment of the credit of the borrower.

(d) Most of the members of the committee are well aware that any

advice of theirs, while it might have assisted, could not in itself have secured these conditions. They fully realize, for example, that if they recommend as an essential condition of a loan a limitation of Germany's annual payments, the countries concerned in considering the effect on their financial situation would naturally have in mind their own external indebtedness. They realize that a solution, however desirable in itself, might in fact prove to be impracticable unless it were a preliminary to other financial adjustments.

The element of uncertainty which accentuates the burden of Germany's obligations is also a serious factor in the case of the external public debts of the allied countries. In this connection the committee desires to recall that in considering the conditions of the re-establishment of Germany's general credit, they regard *certainities* as essential; more leniency in enforcement, such as the commission may show without modifying the total obligations, is not sufficient.

Such questions, however, as interallied indebtedness are outside their competence, and can not therefore be discussed here. But the committee can not ignore the fact that in the minds of those who consider any adjustments of the reparation obligations they are bound to be discussed and that they are among the factors in the problem of securing that desirable allied agreement which they consider one of the essential conditions of a loan to Germany. In this connection they have in mind the consistent principles contained in the advice of economists and financial experts since the memorandum submitted on January 15, 1920,<sup>1</sup> to the Governments of several European countries, and to that of the United States, principles which were accepted by the Brussels Financial Conference in September and October, 1920, and have recently been indorsed by the Genoa Conference of 1922.

#### CONCLUSION

*In conclusion, if the committee have felt obliged to be discouraging as to the prospects of a loan in the present position of Germany's credit, they desire to be no less emphatic in stating their conviction that, provided the necessary conditions for the revival of her credit can be realized, substantial loans could be successfully floated in all the main markets of the world. Purely financial conditions are now definitely favorable to the issue of such loans, more favorable than at any time since the war.*

The committee wish to assure the commission that it is their earnest desire to do everything in their power to assist in raising such loans if the conditions to which they have referred can be secured. They are deeply conscious of the immense assistance to the economic recovery of the whole

<sup>1</sup>For text see *League of Nations*, III, 76.

world which would be afforded by the gradual conversion of the German obligation from a debt to Governments into a debt to private investors based, like other public debts, not upon external functions, but upon the general credit of the debtor country. They believe, indeed, that the resumption of normal conditions of trade between countries and the stabilization of the exchanges are impossible without the definite settlement of the reparation payments as of other external public debts. If, at any time, therefore, the Commission is able to repeat, by a unanimous decision, the invitation which has been extended by a majority, the committee will be glad to meet again and resume the inquiry which has now been interrupted. They can not conjecture whether the Allied Governments would be able to accept the necessary conditions, but, if so, they repeat that they are hopeful that substantial loans could be raised.

Finally the committee desires to point out that in the meantime and even during the interval between such a renewed invitation and the conclusion of subsequent negotiations, Germany's financial position may obviously be threatened with serious danger. Protracted negotiations for a large and long-termed loan might mature too late if not preceded by immediate help. But if the program were considered anew in the improved circumstances suggested and with a real prospect of an ultimate settlement, the committee feel that the obstacles which at present confront an interim loan would probably not prove to be insuperable.

*With real hope of a definite settlement within a reasonable period, it would be much easier to arrange a shorter-term secured loan sufficient to save German credit from collapse during the period of negotiation. The committee need scarcely add that they would be glad under these conditions to give any assistance in their power in regard to such a limited loan as well as in regard to the larger and more important problem.*

LEON DELACROIX.  
M. D'AMELIO.  
J. P. MORGAN.  
R. M. KINDERSLEY.  
E. VISSERING.  
C. BERGMANN.

JUNE 10, 1922.

## FRENCH DELEGATE'S REPORT

M. Sergent is unable to associate himself with the above conclusions and with some of the statements and suggestions contained in the present report.

Referring to the numerous remarks made by him in the course of the committee's deliberations, he makes the general statement that he can not, in order to promote a loan, contemplate new limitations in Germany's liability which do not appear to him to be justifiable, nor any diminution whatsoever of the rights of France recognized by the treaty. In agreement with the French delegate on the Reparation Commission, he is of opinion that it was not within the competence of the Committee of Bankers to inquire into modifications in the obligation of the German Government as defined in the treaty of Versailles, and in particular in the schedule of payments of May 5, 1922.

C. L. SERGENT.

JUNE 10, 1922.

The German Government requested the Reparation Commission to "favor the resumption of the loan negotiations" in a note of July 12.

## APPENDIX I

## TREATY OF VERSAILLES

## PART VIII. REPARATION

*Section I. General Provisions*

ARTICLE 231. The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

ART. 232. The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at the rate of 5% per annum on such sums. This amount shall be determined by the Reparation Commission,<sup>1</sup> and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

ART. 233. The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

<sup>1</sup>The figure set is 2,500,000,000 gold marks.

The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of thirty years from May 1, 1921. If, however, within the period mentioned, Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the Commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the Allied and Associated Governments, acting in accordance with the procedure laid down in this Part of the present Treaty, shall determine.

ART. 234. The Reparation Commission shall after May 1, 1921, from time to time, consider the resources and capacity of Germany, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date, and to modify the form of payments, such as are to be provided for in accordance with Art. 233; but not to cancel any part, except with the specific authority of the several Governments represented upon the Commission.

ART. 235. In order to enable the Allied and Associated Powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may fix, during 1919, 1920 and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned toward liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (c) of Annex II hereto.

ART. 236. Germany further agrees to the direct application of her economic resources to reparation as specified in Annexes III, IV, V and VI, relating respectively to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her toward liquidation of her obligations under the above Articles.

ART. 237. The successive instalments, including the above sum, paid over by Germany in satisfaction of the above claim will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each.

For the purposes of this division the value of property transferred and services rendered under Article 243, and under Annexes III, IV, V, VI and VII, shall be reckoned in the same manner as cash payments effected in that year.

ART. 238. In addition to the payments mentioned above Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestered, and also restitution of animals, objects of every nature and securities taken away, seized or sequestered, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies.

Until this procedure is laid down, restitution will continue in accordance with the provisions of the Armistice of November 11, 1918, and its renewals and the Protocols thereto.

ART. 239. The German Government undertakes to make forthwith the restitution contemplated by Art. 238 and to make the payments and deliveries contemplated by Arts. 233, 234, 235 and 236.

ART. 240. The German Government recognizes the Commission provided for by Art. 233 as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present Treaty.

The German Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals,<sup>1</sup> and further any information relative to military operations which in the judgment of the Commission may be necessary for the assessment of Germany's liability for reparation as defined in Annex I.

The German Government will accord to the members of the Commission and its authorized agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly powers.

Germany further agrees to provide for the salaries and expenses of the Commission and of such staff as it may employ.

ART. 241. Germany undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

ART. 242. The provisions of this Part of the present Treaty do not apply to the property, rights and interests referred to in Sections III (Debts) and IV (Property, Rights and Interests) of Part X (Economic Clauses) of the present Treaty, nor to the product of their liquidation, except so far as concerns any final balance in favor of Germany under Art. 243 (a).

<sup>1</sup>The protocol supplementary to the treaty signed at Versailles, June 28, 1919, provides:

"(4) The Reparation Commission referred to in Art. 240 and pars. 2, 3 and 4 of Annex IV can not require trade secrets or other confidential information to be divulged."

ART. 243. The following shall be reckoned as credits to Germany in respect of her reparation obligations:

(a) Any final balance in favor of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present Treaty;

(b) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (Political Clauses for Europe), Part IX (Financial Clauses), and Part XII (Ports, Waterways and Railways);

(c) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions or other interests.

In no case however shall credit be given for property restored in accordance with Art. 238 of the present Part.

ART. 244. The transfer of the German submarine cables which do not form the subject of particular provisions of the present Treaty is regulated by Annex VII hereto.

#### ANNEX I

Compensation may be claimed from Germany under Art. 232 above in respect of the total damage under the following categories:

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labor), wherever arising, and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honor, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalized cost of such pensions and compensation at the date of the coming into force of the present Treaty on the basis of the scales in force in France at such date.<sup>1</sup>

<sup>1</sup>The Reparation Commission, by virtue of the power conferred upon it by the treaty of interpreting its terms, reached the following decisions relative to pensions, which are given in *extenso* both for their informative character and in order to



(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents.

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilized persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.<sup>1</sup>

present a definite instance of the complications incident to even a comparatively simple phase of reparation:

"The expense of administration of pensions and of compensations of the same character are not included in the damages for which compensation may be claimed from Germany under par. 5, Annex I, Part VIII, of the treaty of Versailles.

"Compensations of the same kind as pensions in the sense of par. 5, Annex I, need not necessarily have the fixed character of payments in cash repeated at regular intervals.

"The following categories of damages shall be considered as compensations of the same character as pensions in the sense of par. 5, Annex I, Part VIII, of the treaty of Versailles:

"1. Medical and surgical expenses, and the cost of prosthetic apparatus supplied to military or naval pensioners as provided in the French law on pensions;

"2. Expenses for the establishment of the office of mutilated and reformed (other than expenses of administration), in so far as they represent compensations in kind to the military victims of war;

"3. Expenses for the support of the wards of the nation, children at the charge of the military victims of the war;

"4. Annual allocations to female dependents (*compagnes*) of deceased or disappeared combatants;

"5. Immediate aids, complements of money, and increases granted to the families of deceased or disappeared combatants, in so far as they represent a compensation for those who were at the charge of these combatants, and not the equivalent of the money which would have been given to the surviving soldiers.

"To calculate the amount of damages for which an allied power other than France may demand reparation under the terms of par. 5, Annex I, it is not necessary to take account of the national legislation of that power. Each allied power is therefore authorized to demand reparation for all the categories of pensions and of compensations of like character allotted by French legislation and for those categories only.

"For instance, Italy may include in the memoir which she presents under par. 5, Annex I, a claim for pensions for invalidity of from 10% to 30%, although Italian law does not provide pensions for invalidities of less than 30%.

"The allied powers shall have the right of demanding compensation on the basis of the French colonial tariff, for pensions and compensations of like character which they have paid to their colonial colored troops, if they have applied the French law. This rule will not apply to the regular troops of the Dominions and of British India for which pensions and compensations of like character shall be calculated on the basis of the tariffs fixed by the French law of March 31, 1919."—Translated from *Le Temps*, April 3, 1921; cf. March 27 and April 1.

"The Reparation Commission about April 10, 1921, made the following rulings respecting allowances:

"1. Allowances previous to December 31, 1918, shall be calculated for each year on the basis of the average rate applied in France during the said year;

(8) Damage caused to civilians by being forced by Germany or her allies to labor without just remuneration.

(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

#### ANNEX II

1. The Commission referred to in Art. 233 shall be called "The Reparation Commission" and is hereinafter referred to as "the Commission."

2. Delegates to this Commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and the Serb-Croat-Slovene State. Each of these powers will appoint one Delegate and also one Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

On no occasion shall the Delegates of more than five of the above powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan shall have this right on occasions when questions relating to damage at sea, and questions arising under Art. 260 of Part IX (Financial Clauses) in which Japanese interests are concerned, are under consideration. The Delegate of the Serb-Croat-Slovene

"2. Among mobilized persons, or persons serving with the forces, in the sense of Annex I (7), are included the colonial troops of each of the Allied and Associated Powers;

"3. The average scale applied in France, in the sense of Annex I (7), is to be regarded as contractual and not as a maximum;

"4. For the evaluation of the sums which are to be charged to Germany under Annex I (7) there will be established two average and distinct scales of allowances, one calculated on the allowances to families granted to white troops, and those assimilated thereto, and the other calculated on the allowances granted to native troops of the French army; and these scales will be applied respectively to the white or assimilated troops and to the native troops of all the Allied and Associated Powers;

"5. The Allied and Associated Powers are not authorized to demand the reimbursement of allowances granted to the chiefs of native tribes under Annex I (7);

"6. France is justified to include in the lists of allowances for which compensation is demanded of Germany under Annex I (7) the allowances which have been made under French legislation to the families of mobilized functionaries, if these functionaries have not continued to receive their civil pay during the period in which they have been mobilized."

State shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each Government represented on the Commission shall have the right to withdraw therefrom upon twelve months notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

3. Such of the other Allied and Associated Powers as may be interested shall have the right to appoint a Delegate to be present and act as Assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

4. In case of the death, resignation or recall of any Delegate, Assistant Delegate or Assessor, a successor to him shall be nominated as soon as possible.

5. The Commission will have its principal permanent Bureau in Paris and will hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as it may deem convenient and as may be necessary for the most expeditious discharge of its duties.

6. At its first meeting the Commission shall elect, from among the Delegates referred to above, a Chairman and a Vice-Chairman, who shall hold office for one year and shall be eligible for re-election. If a vacancy in the Chairmanship or Vice-Chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

7. The Commission is authorized to appoint all necessary officers, agents and employees who may be required for the execution of its functions, and to fix their remuneration; to constitute committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents and committees.

8. All proceedings of the Commission shall be private, unless, on particular occasions, the Commission shall otherwise determine for special reasons.

9. The Commission shall be required, if the German Government so desire, to hear, within a period which it will fix from time to time, evidence and arguments on the part of Germany on any question connected with her capacity to pay.

10. The Commission shall consider the claims and give to the German Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Germany, when it shall consider that their interests are in question.

11. The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

12. The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it, by the present Treaty.

The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in pars. 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this Part of the present Treaty. The Commission must comply with the following conditions and provisions:

(a) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guaranty by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.<sup>1</sup>

(b) In periodically estimating Germany's capacity to pay, the Commission shall examine the German system of taxation, first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the powers represented on the Commission.

(c) In order to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries, the Commission will as provided in Art. 235 take from Germany by way of security for and acknowledgment of her debt a first instalment of gold bearer bonds free of all taxes and charges of every description established or to be established by the Government of the German Empire or of the German States, or by any authority subject to them; these bonds will be delivered on account and in three portions, the marks gold being payable in conformity with Art. 262 of Part IX (Financial Clauses) of the present Treaty as follows:

(1) To be issued forthwith, 20,000,000,000 marks gold bearer bonds, payable not later than May 1, 1921, without interest. There shall be specially applied toward the amortization of these bonds the payments which Germany is pledged to make in conformity with Art. 235, after deduction of the sums used for the reimbursement of expenses of the armies of occupation and for payment of food-stuffs and raw materials. Such bonds as have not been redeemed by May 1, 1921, shall then be exchanged for new bonds of the same type as those provided for below (paragraph 12, c, (2)).

(2) To be issued forthwith, further 40,000,000,000 marks gold bearer bonds, bearing interest at  $2\frac{1}{2}\%$  per annum between 1921 and 1926, and

<sup>1</sup>See amendment of May 5, 1921, below.

thereafter at 5% per annum with an additional 1% for amortization beginning in 1926 on the whole amount of the issue.

(3) To be delivered forthwith a covering undertaking in writing to issue when, but not until, the Commission is satisfied that Germany can meet such interest and sinking fund obligations, a further instalment of 40,000,000,000 marks gold 5% bearer bonds, the time and mode of payment of principal and interest to be determined by the Commission.

The dates for payment of interest, the manner of applying the amortization fund, and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.

(d) In the event of bonds, obligations or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favor Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(e) The damage for repairing, reconstructing and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery and other equipment, will be calculated according to the cost at the dates when the working is done.

(f) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any verified debt of Germany must be accompanied by a statement of its reasons.

13. As to voting, the Commission will observe the following rules:

When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their Assistant Delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors have no vote.

On the following questions unanimity is necessary:

(a) Questions involving the sovereignty of any of the Allied and Associated Powers, or the cancellation of the whole or any part of the debt or obligations of Germany;

(b) Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

(c) Any postponement, total or partial, beyond the end of 1930, of the payment of instalments falling due between May 1, 1921, and the end of 1926 inclusive;

(d) Any postponement, total or partial, of any instalment falling due after 1926 for a period exceeding three years;

(e) Questions of applying in any particular case a method of measuring

damages different from that which has been previously applied in a similar case;

(f) Questions of the interpretation of the provisions of this Part of the present Treaty.

All other questions shall be decided by the vote of a majority.

In case of any difference of opinion among the Delegates, which can not be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

[In case of difference of opinion among the Delegates respecting the interpretation of the provisions of this part of the present Treaty, the question may be submitted by unanimous agreement of the Delegates to arbitration. The arbitrator shall be designated unanimously by all the Delegates, or, failing such an agreement, named by the Council of the League of Nations. The decision of the arbitrator shall bind all interested parties.<sup>1</sup>]

14. Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

15. The Commission will issue to each of the interested powers, in such form as the Commission shall fix:

(1) A certificate stating that it holds for the account of the said power bonds of the issues mentioned above, the said certificate, on the demand of the power concerned, being divisible in a number of parts not exceeding five;

(2) From time to time certificates stating the goods delivered by Germany on account of her reparation debt which it holds for the account of the said power.

The said certificates shall be registered, and upon notice to the Commission, may be transferred by indorsement.

When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

16. Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Art. 243. The rate of interest shall be 5% unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921.

17. In case of default by Germany in the performance of any obligation

<sup>1</sup>Resolution of the Reparation Commission, August 13, 1921; translated from *Le Temps*, October 2, 1921, page 4.

under this Part of the present Treaty, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

18. The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

19. Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for gold being fixed at a fair and just amount by the Commission itself.<sup>1</sup>

20. The Commission, in fixing or accepting payment in specified properties or rights, shall have due regard for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein.

21. No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied or Associated Governments assumes any responsibility in respect of any other Government.

22. Subject to the provisions of the present Treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

23. When all the amounts due from Germany and her allies under the present Treaty or the decisions of the Commission have been discharged and all sums received, or their equivalents, shall have been distributed to the Powers interested, the Commission shall be dissolved.

*Protocol Modifying Annex II, signed at London, May 5, 1921<sup>2</sup>*

The Undersigned, duly authorized to that effect, have agreed as follows:—

The Governments of Belgium, France, Great Britain, Italy and Japan, being the Governments represented on the Reparation Commission, unanimously decide, in application of par. 22 of Annex II to Part VIII of the Treaty of Versailles, to amend as follows the paragraphs of the said Annex hereafter mentioned.

This decision shall be notified to the Powers signatory of the said Treaty and to the Reparation Commission.

<sup>1</sup>See amendment of May 5, 1921, below.

<sup>2</sup>Treaty Series 1921, No. 12. Cmd. 1349.

**Modifications made in Annex II to Part VIII of the Peace Treaty.****Paragraph 12 (a).**

(a) Notwithstanding the stipulations of sub-par. (c) of par. 12 of Annex II to Part VIII, the Reparation Commission shall have power to increase the rate of interest from  $2\frac{1}{2}\%$  to  $5\%$  for the period from the 1st May, 1921, to the 1st May, 1926, on bonds issued or to be issued under sub-par. (1) and (2) of par. 12 (c), and to provide for the commencement of the sinking fund payments on such bonds as from the 1st May, 1921, provided that any additional sums required for such increase of interest and payment of sinking fund shall be compensated by the reduction below  $5\%$  of the rate of interest to be debited under par. 16 of Annex II to Germany as from the 1st May, 1921, in respect of debt not covered by bonds.

Power is given to the Reparation Commission to call upon Germany for the issue of new bonds bearing  $5\%$  interest and  $1\%$  sinking fund from the 1st May, 1921, in exchange for the surrender by the Reparation Commission of bonds already issued under par. (c) (1) and (2).

Power is given to the Reparation Commission to defer from the 1st May to the 1st November, 1921, the date of commencement of interest and of sinking fund on the whole or any part of the new bonds to be issued in exchange for bonds issued under par. (c) (1) and (2).

Power is given to the Reparation Commission to consolidate with the general bond issue the special issue of bonds in respect of Belgian debt provided for in Art. 232 of the Treaty.

Power is given to the Reparation Commission to divide the total amount of the bonds into series having different priorities of charge.

(b) Power is given to the Reparation Commission to require Germany to assign certain revenues and assets to be specified to the service of the bonds either as a whole or as to separate series.

(c) Power is given to the Reparation Commission to require such assignment of specific revenues and assets to be specified in the terms of the bonds to be issued under par. 12 (c); bonds in which such assignment is specified shall, notwithstanding anything contained in par. 12 (b), be deemed to remain part of the reparation indebtedness of Germany, even though disposed of outright to persons other than the several Governments in whose favor Germany's original reparation indebtedness was created.

(d) Power is given to a Committee of Guaranties, to be appointed by the Reparation Commission under par. 7 of Annex II, to supervise the application of the assigned revenues and to prescribe the dates and manner of payment of sums due for the service of the bonds or other payments in respect of the German debt.

The revenues to be assigned by the German Government shall be:

(1) The proceeds of all German maritime and land customs and duties and in particular the proceeds of all import and export duties;

(2) The proceeds of the levy of  $25\%$  on the value of all exports from Germany, except those exports upon which a levy of not less than  $25\%$  is applied under the legislation of any Allied Power;



(3) The proceeds of such direct or indirect taxes or any other funds as may be proposed by the German Government and accepted by the Committee of Guaranties in addition to or in substitution for the funds specified in (1) or (2) above.

The Committee of Guaranties shall not be authorized to interfere in German administration.

(e) Power is given to the Reparation Commission to require the issue of bonds without coupons in respect of any part of the debt not for the time being covered by bonds issued in accord with par. 12 (c) as amended. The German Government shall be required to issue coupons in respect of such bonds as from such subsequent date as may be determined by the Reparation Commission as and when the Commission is satisfied that Germany can meet interest and sinking fund obligations; the sinking fund payments shall begin at the same date.

Bonds for which coupons have not been issued shall be deemed to be debt not covered by bonds for the purpose of debiting interest under par. 16 of Annex II as amended.

*Paragraph 19 (2).*

Germany shall on demand provide such material and labor as any of the Allied Powers may, with the prior approval of the Reparation Commission, require toward the restoration of the devastated areas of that Power, or to enable any Allied Power to proceed with the restoration or development of its industrial or economic life. The value of such material and labor shall be determined by a valuer appointed by Germany and a valuer appointed by the Power concerned, and in default of agreement by a referee nominated by the Reparation Commission.

HENRI JASPAR.  
AR. BRIAND.  
D. LLOYD GEORGE.  
C. SFORZA.  
HAYASHI.

ANNEX III

1. Germany recognizes the right of the Allied and Associated Powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless, and in spite of the fact that the tonnage of German shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the German aggression, the right thus recognized will be enforced on German ships and boats under the following conditions:

The German Government, on behalf of themselves and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upward; in one-half, reckoned in tonnage, of the ships which are between 1,000 tons and 1,600 tons gross; in one-quarter, reckoned in

tonnage, of the steam trawlers; and in one-quarter, reckoned in tonnage, of the other fishing boats.

2. The German Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in par. 1.

3. The ships and boats mentioned in par. 1 include all ships and boats which (a) fly, or may be entitled to fly, the German merchant flag; or (b) are owned by any German national, company or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (c) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company or corporation.

4. For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the German Government will:

(a) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all incumbrances, charges and liens of all kinds, as the Commission may require;

(b) Take all measures that may be indicated by the Reparation Commission for insuring that the ships themselves shall be placed at its disposal.

5. As an additional part of reparation, Germany agrees to cause merchant ships to be built in German yards for the account of the Allied and Associated Governments as follows:

(a) Within three months of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in German shipyards in each of the two years next succeeding the three months mentioned above.

(b) Within two years of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in each of the three years following the two years mentioned above.

(c) The amount of tonnage to be laid down in each year shall not exceed 200,000 tons, gross tonnage.

(d) The specifications of the ships to be built, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building and delivery of the ships, shall be determined by the Commission.

6. Germany undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers, within two months of the coming into force of the present Treaty, in accordance with procedure to be laid down by the Reparation Commission, any boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals, and which can be identified.

With a view to make good the loss in inland navigation tonnage, from whatever cause arising, which has been incurred during the war by the Allied and Associated Powers, and which can not be made good by means of the restitution prescribed above, Germany agrees to cede to the Reparation Commission a portion of the German river fleet up to the amount of the loss mentioned above, provided that such cession shall not exceed 20% of the river fleet as it existed on November 11, 1918.

The conditions of this cession shall be settled by the arbitrators referred to in Art. 339 of Part XII (Ports, Waterways and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

7. Germany agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining the full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments.

8. Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent Agreements.

The handing over of the ships of the German mercantile marine must be continued without interruption in accordance with the said Agreement.

9. Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salvaged, in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers or otherwise, notwithstanding any decree of condemnation which may have been made by a prize court of Germany or of her allies.

#### ANNEX IV

1. The Allied and Associated Powers require, and Germany undertakes, that in part satisfaction of her obligations expressed in the present Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers, to the extent that these powers may determine.

2. The Allied and Associated Governments may file with the Reparation Commission lists showing:

(a) Animals, machinery, equipment, tools and like articles of a commercial character, which have been seized, consumed or destroyed by Germany or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate urgent needs, desire to have replaced by animals and articles of the same nature which are in being in German territory at the date of the coming into force of the present Treaty;

(b) Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window-glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character which the said Governments desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas.

3. The lists relating to the articles mentioned in 2 (a) above shall be filed within 60 days after the date of the coming into force of the present Treaty.

The lists relating to the articles in 2 (b) above shall be filed on or before December 31, 1919.

The lists shall contain all such details as are customary in commercial contracts dealing with the subject matter, including specifications, dates of delivery (but not extending over more than four years), and places of delivery, but not price or value, which shall be fixed as hereinafter provided by the Commission.

4. Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Germany. In reaching a decision on this matter the Commission shall take into account such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for German articles, and the general interest of the Allied and Associated Governments that the industrial life of Germany be not so disorganized as to affect adversely the ability of Germany to perform the other acts of reparation stipulated for.

Machinery, equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Germany unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of 30% of the quantity of such articles in use in any one establishment or undertaking.

The Commission shall give representatives of the German Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals.

The decision of the Commission shall thereupon and at the earliest possible moment be communicated to the German Government and to the several interested Allied and Associated Governments.

The German Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given, or are not, in the judgment of the Commission, unfit to be utilized in the work of reparation.

5. The Commission shall determine the value to be attributed to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees

to be charged with such value, and the amount thereof shall be treated as a payment by Germany to be divided in accordance with Art. 237 of this Part of the present Treaty.

In cases where the right to require physical restoration as above provided is exercised, the Commission shall insure that the amount to be credited against the reparation obligation of Germany shall be the fair value of work done or materials supplied by Germany, and that the claim made by the interested power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

6. As an immediate advance on account of the animals referred to in par. 2 (a) above, Germany undertakes to deliver in equal monthly instalments in the three months following the coming into force of the present Treaty the following quantities of live stock:

*(1) To the French Government*

500 stallions (3 to 7 years);  
 30,000 fillies and mares (18 months to 7 years), type: Ardennais,  
 Boulonnais or Belgian;  
 2,000 bulls (18 months to 3 years);  
 90,000 milch cows (2 to 6 years);  
 1,000 rams;  
 100,000 sheep;  
 10,000 goats.

*(2) To the Belgian Government*

200 stallions (3 to 7 years), large Belgian type;  
 5,000 mares (3 to 7 years), large Belgian type;  
 5,000 fillies (18 months to 3 years), large Belgian type;  
 2,000 bulls (18 months to 3 years);  
 50,000 milch cows (2 to 6 years);  
 40,000 heifers;  
 200 rams;  
 20,000 sheep;  
 15,000 sows.

The animals delivered shall be of average health and condition.

To the extent that animals so delivered can not be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Germany in accordance with par. 5 of this Annex.

7. Without waiting for the decisions of the Commission referred to in par. 4 of this Annex to be taken, Germany must continue the delivery to France of the agricultural material referred to in Art. III of the renewal dated January 16, 1919, of the Armistice.

## ANNEX V

1. Germany accords the following options for the delivery of coal and derivatives of coal to the undermentioned signatories of the present Treaty.

2. Germany undertakes to deliver to France seven million tons of coal per year for ten years. In addition, Germany undertakes to deliver to France annually for a period not exceeding ten years an amount of coal equal to the difference between the annual production before the war of the coal mines of the Nord and Pas de Calais, destroyed as a result of the war, and the production of the mines of the same area during the years in question: such delivery not to exceed 20 million tons in any one year or the first five years, and eight million tons in any one year of the succeeding five years.

It is understood that due diligence will be exercised in the restoration of the destroyed mines in the Nord and the Pas de Calais.

3. Germany undertakes to deliver to Belgium eight million tons of coal annually for ten years.

4. Germany undertakes to deliver to Italy up to the following quantities of coal:

July 1919 to June 1920 . . . . .	4½ million tons
“ 1920 “ “ 1921 . . . . .	6 “ “
“ 1921 “ “ 1922 . . . . .	7½ “ “
“ 1922 “ “ 1923 . . . . .	8 “ “
“ 1923 “ “ 1924 . . . . .	} 8½ “ “
and each of the following five years . . . . .	

At least two-thirds of the actual deliveries to be land-borne.

5. Germany further undertake: to deliver annually to Luxemburg, if directed by the Reparation Commission, a quantity of coal equal to the prewar annual consumption of German coal in Luxemburg.

6. The prices to be paid for coal delivered under these options shall be as follows:

(a) For overland delivery, including delivery by barge, the German pithead price to German nationals, plus the freight to French, Belgian, Italian or Luxemburg frontiers, provided that the pithead price does not exceed the pithead price of British coal for export. In the case of Belgian bunker coal, the price shall not exceed the Dutch bunker price.

Railroad and barge tariffs shall not be higher than the lowest similar rates paid in Germany.

(b) For sea delivery, the German export price f. o. b. German ports, or the British export price f. o. b. British ports, whichever may be lower.

7. The Allied and Associated Governments interested may demand the delivery, in place of coal, of metallurgical coke in the proportion of 3 tons of coke to 4 tons of coal.

8. Germany undertakes to deliver to France, and to transport to the

French frontier by rail or by water, the following products, during each of the three years following the coming into force of this Treaty:

Benzol . . . . .	35,000 tons
Coal tar . . . . .	50,000 tons
Sulphate of ammonia . . . . .	30,000 tons

All or part of the coal tar may, at the option of the French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, naphthalene or pitch.

9. The price paid for coke and for the articles referred to in the preceding paragraph shall be the same as the price paid by German nationals under the same conditions of shipment to the French frontier or to the German ports, and shall be subject to any advantages which may be accorded similar products furnished to German nationals.

10. The foregoing options shall be exercised through the intervention of the Reparation Commission, which, subject to the specific provisions hereof, shall have power to determine all questions relative to procedure and the qualities and quantities of products, the quantity of coke which may be substituted for coal, and the times and modes of delivery and payment. In giving notice to the German Government of the foregoing options the Commission shall give at least 120 days' notice of deliveries to be made after January 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of this Treaty and January 1, 1920. Until Germany has received the demands referred to in this paragraph, the provisions of the Protocol of December 25, 1918 (Execution of Article VI of the Armistice of November 11, 1918) remain in force. The notice to be given to the German Government of the exercise of the right of substitution accorded by pars. 7 and 8 shall be such as the Reparation Commission may consider sufficient. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany, the Commission is authorized to postpone or to cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace coal from destroyed mines shall receive priority over other deliveries.

#### ANNEX VI

1. Germany accords to the Reparation Commission an option to require as part of reparation the delivery by Germany of such quantities and kinds of dyestuffs and chemical drugs as the Commission may designate, not exceeding 50% of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the present treaty.

This option shall be exercised within 60 days of the receipt by the Commission of such particulars as to stocks as may be considered necessary by the Commission.

2. Germany further accords to the Reparation Commission an option to require delivery during the period from the date of the coming into

force of the present treaty until January 1, 1920, and during each period of six months thereafter until January 1, 1925, of any specified kind of dyestuff and chemical drug up to an amount not exceeding 25% of the German production of such dyestuffs and chemical drugs during the previous six months period. If in any case the production during such previous six months was, in the opinion of the Commission, less than normal, the amount required may be 25% of the normal production.

Such option shall be exercised within four weeks after the receipt of such particulars as to production and in such form as may be considered necessary by the Commission; these particulars shall be furnished by the German Government immediately after the expiration of each six months period.

3. For dyestuffs and chemical drugs delivered under par. 1, the price shall be fixed by the Commission having regard to prewar net export prices and to subsequent increases of cost.

For dyestuffs and chemical drugs delivered under par. 2, the price shall be fixed by the Commission having regard to prewar net export prices and subsequent variations of cost, or the lowest net selling price of similar dyestuffs and chemical drugs to any other purchaser.

4. All details, including mode and times of exercising the options, and making delivery, and all other questions arising under this arrangement shall be determined by the Reparation Commission; the German Government will furnish to the Commission all necessary information and other assistance which it may require.

5. The above expression "dyestuffs and chemical drugs" includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing, so far as they are manufactured for sale. The present arrangement shall also apply to cinchona bark and salts of quinine.

ANNEX VII

Germany renounces on her own behalf and on behalf of her nationals in favor of the Principal Allied and Associated Powers all rights, titles or privileges of whatever nature in the submarine cables set out below, or in any portions thereof:

- Emden-Vigo: from the Straits of Dover to off Vigo;
  - Emden-Brest: from off Cherbourg to Brest;
  - Emden-Teneriffe: from off Dunkirk to off Teneriffe;
  - Emden-Azores (1): from the Straits of Dover to Fayal;
  - Emden-Azores (2): from the Straits of Dover to Fayal;
  - Azores-New-York (1): from Fayal to New York;
  - Azores-New-York (2): from Fayal to the longitude of Halifax, Teneriffe-Monrovia; from off Teneriffe to off Monrovia;
  - Monrovia-Lome:
- |                      |   |                                 |
|----------------------|---|---------------------------------|
| from about . . . . . | { | lat. : 2° 30' N.;               |
|                      | } | long. : 7° 40' W. of Greenwich; |
| to about . . . . .   | { | lat. : 2° 20' N.;               |
|                      | } | long. : 5° 30' W. of Greenwich; |



and from about . . . . . { lat. :3° 48' N.;  
 to Lome; { long. :0° 00',

Lome-Duala: from Lome to Duala;  
 Monrovia-Pernambuco: from off Monrovia to off Pernambuco;  
 Constantinople-Constanza: from Constantinople to Constanza;  
 Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes): from Yap  
 Island to Shanghai, from Yap Island to Guam Island, and from  
 Yap Island to Menado.

The value of the above mentioned cables or portions thereof in so far as they are privately owned, calculated on the basis of the original cost less a suitable allowance for depreciation, shall be credited to Germany in the reparation account.

### *Section II. Special Provisions*

ART. 245. Within six months after the coming into force of the present treaty the German Government must restore to the French Government the trophies, archives, historical souvenirs or works of art carried away from France by the German authorities in the course of the war of 1870-1871 and during this last war, in accordance with a list which will be communicated to it by the French Government; particularly the French flags taken in the course of the war of 1870-1871 and all the political papers taken by the German authorities on October 10, 1870, at the château of Cerçay, near Brunoy (Seine-et-Oise) belonging at the time to Mr. Rouher, formerly Minister of State.<sup>1</sup>

ART. 246. Within six months from the coming into force of the present treaty, Germany will restore to His Majesty the King of the Hedjaz the original Koran of the Caliph Othman, which was removed from Medina by the Turkish authorities and is stated to have been presented to the ex-Emperor William II.<sup>2</sup>

<sup>1</sup>This article has been executed, with the exception that some trophies were destroyed by German nationals.

Eugène Rouher was permanent minister of state under Napoleon III. At the outbreak of the war of 1870 he transferred Napoleon's confidential papers from the palaces of the Tuileries and St. Cloud, as well as important documents from the ministry of foreign affairs, to his château at Cerçay for safety. On October 10, 1870, a regiment of German cavalry took possession of the château. A lieutenant came upon soldiers breaking up the boxes containing these papers and halted them, the regimental commander forwarding all the material to Bismarck at Paris. Among the papers was extensive correspondence between Napoleon III and the rulers of Bavaria, Wurtemberg, Hesse and other German states, who were opposed to Prussian hegemony and antagonistic to the organization of the German Empire as eventually organized. Bismarck's frequent and successive threats to publish the correspondence, which was apparently of such a nature as to induce revolution in those states, broke down their opposition to entering the empire.

<sup>2</sup>A note of Baron von Lersner to M. Clemenceau dated at Paris, January 21, 1920, says:

"The supposition that this Koran was presented to the ex-Emperor of Germany

Within the same period Germany will hand over to His Britannic Majesty's Government the skull of the Sultan M'kwawa which was removed from the Protectorate of German East Africa and taken to Germany.<sup>1</sup>

The delivery of the articles above referred to will be effected in such place and in such conditions as may be laid down by the Governments to which they are to be restored.

ART. 247. Germany undertakes to furnish to the University of Louvain, within three months after a request made by it and transmitted through the intervention of the Reparation Commission, manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain. All details regarding such replacement will be determined by the Reparation Commission.<sup>2</sup>

Germany undertakes to deliver to Belgium, through the Reparation Commission, within six months of the coming into force of the present Treaty, in order to enable Belgium to reconstitute two great artistic works:

(1) The leaves of the triptych of the Mystic Lamb painted by the Van Eyck brothers, formerly in the Church of St. Bavon at Ghent, now in the Berlin Museum;<sup>3</sup>

(2) The leaves of the triptych of the Last Supper, painted by Dierick is erroneous. It was, moreover, never transferred to Germany nor into German hands.<sup>4</sup>

The Koran was originally made up of scattered fragments collected about a year after the Prophet's death in A.D. 632. This was the standard text in the caliphates of Abu Bekr and Omar. Their successor, Othman ibn Affan, found the existing texts unsatisfactory and summoned Zaid ibn Thâbit, who had been Mohammed's secretary, to establish a text which should be the sole standard. The original of the resulting text was deposited at Medina, and is referred to in the treaty.

<sup>1</sup>Sultan Okwawa, or M'kwawa, was chief of the Wahihis, German East Africa. This tribe under several sultans from 1870-1898 gathered to itself much native support and was continuously hostile to the Germans. M'kwawa, the last of the warrior line, added a religious superstition to his prestige by preaching that he could not be captured. He committed suicide in 1898 when capture was inevitable.

According to the *New York Times* of September 11, 1920, the British are satisfied the demand for the skull can not be granted. When Captain von Prinz cornered M'kwawa and he killed himself, a sergeant, one Merkl, to obtain the reward offered, cut off M'kwawa's head and carried it to the nearest German fort, where it was preserved in alcohol against the time when it could be taken to the colonial capital, Dar-es-Salaam, to be exchanged for the 6,000 rupees. One night, according to the German account, negro warriors broke into the fort and stole the alcohol and the sultan's head, leaving in place of the latter the freshly severed head of some other negro. The theft might have passed unnoticed, but the presence of the substituted head became painfully obvious on account of the abstraction of the alcohol. The thieves were former retainers of M'kwawa who buried the head they had recovered with the sultan's body in his family vault. Vouched for by Sergeant Merkl, the widow of Captain von Prinz and other witnesses, the story was submitted to the British Government for verification.

<sup>2</sup>Much of the material referred to has been furnished to the University.

<sup>3</sup>Delivered.

Bouts, formerly in the Church of St. Peter at Louvain, two of which are now in the Berlin Museum and two in the Old Pinakothek at Munich.<sup>1</sup>

#### PART IX. FINANCIAL CLAUSES

ART. 248. Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

ART. 249. There shall be paid by the German Government the total cost of all armies of the Allied and Associated Governments in occupied German territory from the date of the signature of the armistice of November 11, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport service of all sorts (such as by rail, sea or river, motor lorries), communications and correspondence, and in general the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territories shall be paid by the German Government to the Allied and Associated Governments in marks at the current or agreed rate of exchange. All other of the above costs shall be paid in gold marks.

ART. 250. Germany confirms the surrender of all material handed over to the Allied and Associated Powers in accordance with the Armistice of November 11, 1918, and subsequent Armistice Agreements, and recognizes the title of the Allied and Associated Powers to such material.

There shall be credited to the German Government, against the sums due from it to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commission, referred to in Art. 233 of Part VIII (Reparation) of the present treaty, of the material handed over in accordance with Art. VII of the armistice of November 11, 1918, or Art. III of the armistice agreement of January 16, 1919, as well as of any other material handed over in accordance with the armistice of November 11, 1918, and of subsequent armistice agreements, for which, as having non-military value, credit should in the judgment of the Reparation Commission be allowed to the German Government.

<sup>1</sup>Delivered.

Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice Agreements in specie shall not be credited to the German Government.

ART. 251. The priority of the charges established by Art. 248 shall, subject to the qualifications made below, be as follows:

(a) The cost of the armies of occupation as defined under Art. 249 during the armistice and its extensions;

(b) The cost of any armies of occupation as defined under Art. 249 after the coming into force of the present treaty;

(c) The cost of reparation arising out of the present treaty or any treaties or conventions supplementary thereto;

(d) The cost of all other obligations incumbent on Germany under the Armistice conventions or under this treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said powers.

ART. 252. The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present treaty is not affected by the foregoing provisions.

ART. 253. Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favor of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent States, or by German nationals, on assets in their ownership at that date.

ART. 254. The powers to which German territory is ceded shall, subject to the qualifications made in Art. 255, undertake to pay:

- (1) A portion of the debt of the German Empire as it stood on August 1, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the ceded territory, and the average for the same years of such revenues of the whole German Empire as in the judgment of the Reparation Commission are best calculated to represent the relative ability of the respective territories to make payment;
- (2) A portion of the debt as it stood on August 1, 1914, of the German State to which the ceded territory belonged, to be determined in accordance with the principle stated above.

Such portions shall be determined by the Reparation Commission.

The method of discharging the obligation, both in respect of capital and of interest, so assumed shall be fixed by the Reparation Commission. Such method may take the form, *inter alia*, of the assumption by the power to which the territory is ceded of Germany's liability for the German debt held by her nationals. But in the event of the method adopted involving any payments to the German Government, such payments

shall be transferred to the Reparation Commission on account of the sums due for reparation so long as any balance in respect of such sums remains unpaid.

ART. 255. (1) As an exception to the above provision and inasmuch as in 1871 Germany refused to undertake any portion of the burden of the French debt, France shall be, in respect of Alsace-Lorraine, exempt from any payment under Art. 254.

(2) In the case of Poland that portion of the debt which, in the opinion of the Reparation Commission, is attributable to the measures taken by the German and Prussian Governments for the German colonization of Poland shall be excluded from the apportionment to be made under Art. 254.

(3) In the case of all ceded territories other than Alsace-Lorraine, that portion of the debt of the German Empire or German States which, in the opinion of the Reparation Commission, represents expenditure by the Governments of the German Empire or States upon the Government properties referred to in Art. 256 shall be excluded from the apportionment to be made under Art. 254.

ART. 256. Powers to which German territory is ceded shall acquire all property and possessions situated therein belonging to the German Empire or to the German States, and the value of such acquisitions shall be fixed by the Reparation Commission, and paid by the state acquiring the territory to the Reparation Commission for the credit of the German Government on account of the sums due for reparation.

For the purposes of this article the property and possessions of the German Empire and States shall be deemed to include all the property of the crown, the Empire or the States, and the private property of the former German Emperor and other royal personages.

In view of the terms on which Alsace-Lorraine was ceded to Germany in 1871, France shall be exempt in respect thereof from making any payment or credit under this article for any property or possessions of the German Empire or States situated therein.

Belgium also shall be exempt from making any payment or any credit under this article for any property or possessions of the German Empire or States situated in German territory ceded to Belgium under the present treaty.

ART. 257. In the case of the former German territories, including colonies, protectorates or dependencies, administered by a mandatory under Art. 22 of Part I (League of Nations) of the present Treaty, neither the territory nor the mandatory power shall be charged with any portion of the debt of the German Empire or States.

All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the mandatory power in its capacity as such and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

For the purposes of this article the property and possessions of the German Empire and of the German States shall be deemed to include all

the property of the crown, the Empire or the States and the private property of the former German Emperor and other royal personages.

ART. 258. Germany renounces all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies or other financial or economic organizations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria or Turkey, or in the dependencies of these states, or in the former Russian Empire.

ART. 259. (1) Germany agrees to deliver within one month from the date of the coming into force of the present treaty, to such authority as the Principal Allied and Associated Powers may designate, the sum in gold which was to be deposited in the Reichsbank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

(2) Germany recognizes her obligation to make annually for the period of 12 years the payments in gold for which provision is made in the German treasury bonds deposited by her from time to time in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes.

(3) Germany undertakes to deliver, within one month from the coming into force of the present treaty, to such authority as the Principal Allied and Associated Powers may designate, the gold deposit constituted in the Reichsbank or elsewhere, representing the residue of the advance in gold agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government.

(4) Germany agrees to transfer to the Principal Allied and Associated Powers any title that she may have to the sum in gold and silver transmitted by her to the Turkish ministry of finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish internal loan.

(5) Germany undertakes to transfer to the Principal Allied and Associated Powers, within a period of one month from the coming into force of the present treaty, any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government.

(6) Without prejudice to Art. 292 of Part X (Economic Clauses) of the present treaty, Germany confirms the renunciation provided for in Art. XV of the armistice of November 11, 1918, of any benefit disclosed by the treaties of Bukharest and of Brest-Litovsk and by the treaties supplementary thereto.

Germany undertakes to transfer, either to Rumania or to the Principal Allied and Associated Powers as the case may be, all monetary instruments, specie, securities and negotiable instruments, or goods, which she has received under the aforesaid treaties.

(7) The sums of money and all securities, instruments and goods of

whatsoever nature, to be delivered, paid and transferred under the provisions of this article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those powers.

ART. 260. Without prejudice to the renunciation of any rights by Germany on behalf of herself or of her nationals in the other provisions of the present treaty, the Reparation Commission may within one year from the coming into force of the present treaty demand that the German Government become possessed of any rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary and Bulgaria, or in the possessions or dependencies of these states or in any territory formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any power or to be administered by a mandatory under the present treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission.

Germany shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Germany, on account of sums due for reparation, with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and the German Government shall, within six months from the coming into force of the present treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of itself and its nationals in favor of the Allied and Associated Powers all such rights and interests which have not been so communicated.

ART. 261. Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfilment of undertakings made by Germany during the war to those Governments.

ART. 262. Any monetary obligation due by Germany arising out of the present treaty and expressed in terms of gold marks shall be payable at the option of the creditors in pounds sterling payable in London; gold dollars of the United States of America payable in New York; gold francs payable in Paris; or gold lire payable in Rome.

For the purpose of this article the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

ART. 263. Germany gives a guaranty to the Brazilian Government that all sums representing the sale of coffee belonging to the State of São Paulo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleichröder at Berlin, shall be reimbursed together with interest at the rate or rates agreed upon. Germany having prevented the transfer of the sums in question to the State of São Paulo at the proper time, guarantees also that the reimbursement shall be effected at the rate of exchange of the day of the deposit.

## APPENDIX II

### SCHEDULE OF PAYMENTS PRESCRIBING THE TIME AND MANNER FOR SECURING AND DISCHARGING THE ENTIRE OBLIGATION OF GERMANY FOR REPARATION UNDER ARTS. 231, 232 AND 233 OF THE TREATY OF VERSAILLES

The Reparation Commission has, in accordance with Art. 233 of the treaty of Versailles, fixed the time and manner for securing and discharging the entire obligation of Germany for reparation under Arts. 231, 232 and 233 of the treaty as follows:

This determination is without prejudice to the duty of Germany to make restitution under Art. 238 or to other obligations under the treaty.

ARTICLE I. Germany will perform in the manner laid down in this Schedule her obligations to pay the total fixed in accordance with Arts. 231, 232 and 233 of the treaty of Versailles by the Commission, viz., 132 milliards of gold marks less:

- (a) the amount already paid on account of reparation;
- (b) sums which may from time to time be credited to Germany in respect of state properties in ceded territory, etc.; and
- (c) any sums received from other enemy or ex-enemy powers in respect of which the Commission may decide that credits should be given to Germany,

plus the amount of the Belgian debt to the Allies;  
the amounts of these deductions and addition to be determined later by the Commission.

ART. II. Germany shall create and deliver to the Commission in substitution for bonds already delivered or deliverable under paragraph 12 (c) of Annex II of Part VIII (Reparation) of the treaty of Versailles the bonds hereafter described.

(A) Bonds for an amount of 12 milliards gold marks. These bonds shall be created and delivered at latest on July 1, 1921. There shall be an annual payment from funds to be provided by Germany as prescribed in this agreement in each year from May 1, 1921, equal in amount to 6% of the nominal value of the issued bonds, out of which there shall be paid interest at 5% per annum, payable half-yearly on the bonds outstanding at any time, and the balance to sinking fund for the redemption of the bonds by annual drawings at par. These bonds are hereinafter referred to as bonds of Series (A).

(B) Bonds for a further amount of 38 milliards of gold marks. These bonds shall be created and delivered at the latest on November 1, 1921. There shall be an annual payment from funds to be provided by Germany



as prescribed in this agreement in each year from November 1, 1921, equal in amount to 6% of the nominal value of the issued bonds, out of which there shall be paid interest at 5% per annum, payable half-yearly on the bonds outstanding at any time, and the balance to sinking fund for the redemption of the bonds by annual drawings at par. These bonds are hereinafter referred to as bonds of Series (B).

(C) Bonds for 82 milliards of gold marks, subject to such subsequent adjustment by creation or cancellation of bonds as may be required under Art. 1. These bonds shall be created and delivered to the Reparation Commission, without coupons attached, at latest on November 1, 1921; they shall be issued by the Commission as and when it is satisfied that the payments which Germany undertakes to make in pursuance of this agreement are sufficient to provide for the payment of interest and sinking fund on such bonds. There shall be an annual payment from funds to be provided by Germany as prescribed in this agreement in each year from the date of issue by the Reparation Commission equal in amount to 6% of the nominal value of the issued bonds, out of which shall be paid interest at 5% per annum, payable half-yearly on the bonds outstanding at any time, and the balance to sinking fund for the redemption of the bonds by annual drawings at par. The German Government shall supply to the Commission coupons for such bonds as and when issued by the Commission. These bonds are hereinafter referred to as bonds of Series (C).

ART. III. The bonds provided for in Art. II shall be signed German Government bearer bonds, in such form and in such denominations as the Reparation Commission shall prescribe for the purpose of making them marketable, and shall be free of all German taxes and charges of every description present or future.

Subject to the provisions of Arts. 248 and 251 of the treaty of Versailles these bonds shall be secured on the whole of the assets and revenues of the German Empire and the German States, and in particular on the specific assets and revenues specified in Art. VII of the agreement. The service of the bonds of Series (A), (B), and (C) shall be a first, second, and third charge respectively on the said assets and revenues and shall be met by the payments to be made by Germany under this Schedule.

ART. IV. Germany shall pay in each year until the redemption of the bonds provided for in Art. II by means of the sinking funds attached thereto:

(1) A sum of two milliard gold marks.

(2) (a) A sum equivalent to 25% of the value of her exports in each period of twelve months starting from May 1, 1921, as determined by the Commission,

or

(b) alternatively an equivalent amount as fixed in accordance with any other index proposed by Germany and accepted by the Commission.

(3) A further sum equivalent to 1% of the value of her exports as above defined or alternatively an equivalent amount fixed as provided in (b) above.

Provided always that when Germany shall have discharged all her obligations under this Schedule, other than her liability in respect of outstanding bonds, the amount to be paid in each year under this paragraph shall be reduced to the amount required in that year to meet the interest and sinking fund on the bonds then outstanding.

Subject to the provisions of Art. V the payments to be made in respect of par. (1) above shall be made quarterly before the end of each quarter, *i. e.*, before January 15, April 15, July 15, and October 15 each year, and the payments in respect of pars. (2) and (3) above shall be made quarterly, November 15, February 15, May 15, August 15, and calculated on the basis of the exports in the last quarter but one preceding that quarter, the first payment to be made November 15, 1921.

ART. V. Germany will pay within 25 days from this notification, one milliard gold marks in gold, or approved foreign bills, or in drafts at three months on the German Treasury indorsed by approved German banks, and payable in London, Paris, New York, or any other place designated by the Reparation Commission. These payments will be treated as the two first quarterly instalments of the payments provided for in compliance with Art. IV (1).

ART. VI. The Commission will within 25 days from this notification, in accordance with par. 12 (d), Annex II, of the treaty as amended, establish the special subcommission to be called the Committee of Guaranties. The Committee of Guaranties will consist of representatives of the Allied Powers now represented on the Reparation Commission, including a representative of the United States of America, in the event of that Government desiring to make the appointment.

The Committee shall co-opt not more than three representatives of nationals of other powers whenever it shall appear to the Commission that a sufficient portion of bonds to be issued under this agreement is held by nationals of such powers to justify their representation on the Committee of Guaranties.

ART. VII. The Committee of Guaranties is charged with the duty of securing the application of Arts. 241 and 248 of the treaty of Versailles.

It shall supervise the application to the service of the bonds provided for in Art. II of the funds assigned as security for the payments to be made by Germany under Art. IV. The funds to be so assigned shall be:

(a) The proceeds of all German maritime and land customs and duties, and in particular the proceeds of all import and export duties;

(b) The proceeds of the levy of 25% on the value of all exports from Germany, except those exports upon which a levy of not less than 25% is applied under the legislation referred to in Art. IX;

(c) The proceeds of such direct or indirect taxes or any other funds as may be proposed by the German Government and accepted by the Committee of Guaranties in addition to or in substitution for the funds specified in (a) or (b) above.

The assigned funds shall be paid to accounts to be opened in the name of the Committee and supervised by it, in gold or in foreign currency approved by the Committee. The equivalent of the 25% levy referred to in par. (b) shall be paid in German currency by the German Government to the exporter.

The German Government shall notify to the Committee of Guaranties any proposed action which may tend to diminish the proceeds of any of the assigned funds, and shall, if the Committee demand it, substitute some other approved funds.

The Committee of Guaranties shall be charged further with the duty of conducting on behalf of the Commission the examination provided for in par. 12 (b) of Annex II to Part VIII of the treaty of Versailles, and of verifying on behalf of the said Commission, and if necessary of correcting, the amount declared by the German Government as the value of German exports for the purpose of the calculation of the sum payable in each year under Art. IV (2), and the amounts of the funds assigned under this article to the service of the bonds. The Committee shall be entitled to take such measures as it may deem necessary for the proper discharge of its duties.

The Committee of Guaranties is not authorized to interfere in German administration.

ART. VIII. Germany shall on demand, subject to the prior approval of the Commission, provide such material and labor as any of the Allied Powers may require toward the restoration of the devastated areas of that power, or to enable any Allied Power to proceed with the restoration or development of its industrial or economic life. The value of such material and labor shall be determined by a valuer appointed by Germany and a valuer appointed by the power concerned, and in default of agreement by a referee nominated by the Commission. This provision as to valuation does not apply to deliveries under Annexes III, IV, V, and VI to Part VIII of the treaty.

ART. IX. Germany shall take every necessary measure of legislative and administrative action to facilitate the operation of the German Reparation (Recovery) Act, 1921, in force in the United Kingdom, and of any similar legislation enacted by any Allied Power, so long as such legislation remains in force. Payments effected by the operation of such legislation shall be credited to Germany on account of the payment to be made by her under Art. IV (2). The equivalent in German currency shall be paid by the German Government to the exporter.

ART. X. Payment for all services rendered, all deliveries in kind, and all receipts under Art. IX shall be made to the Reparation Commission by the Allied Power receiving the same in cash or current coupons within one month of the receipt thereof, and shall be credited to Germany on account of the payments to be made by her under Art. IV.

ART. XI. The sum payable under Art. IV (3) and the surplus receipts by the Commission under Art. IV (1) and (2) in each year, not required for the payment of interest and sinking fund on bonds outstanding that year, shall be accumulated and applied so far as they will extend, at such times as the Commission may think fit, by the Commission in paying simple interest not exceeding  $2\frac{1}{2}\%$  per annum from May 1, 1921, to May 1, 1926, and thereafter at a rate not exceeding 5% on the balance of the debt not covered by the bonds then issued. No interest thereupon shall be payable otherwise.

ART. XII. The present Schedule does not modify the provisions securing the execution of the treaty of Versailles, which are applicable to the stipulation of the present Schedule.

May 5, 1921.

DISTRIBUTION OF REPARATION IN ACCORDANCE WITH SCHEDULE OF PAYMENTS OF MAY 5, 1921

Total Sum Divisible 132,000,000,000 Gold Marks.

4,000,000,000 Gold Marks Additional Assignable to Belgium on Account of War Debt.

Cost of Armies of Occupation a First Charge on Reparation Payments.

	% of total	Amount	Series A bonds, 9.09% of total, issued July 1, 1921	Series B bonds, 22.78% of total, issued November 1, 1921	Series C bonds, 52.12% of total, issued discretionary with Commission
France . . . . .	52	68,640,000,000	6,240,000,000	19,760,000,000	42,640,000,000
British Empire . . . . .	22	29,040,000,000	—	—	—
Great Britain . . . . .	19.107	25,221,240,000	—	2,292,840,000	7,260,660,000
(86.85% of 22%)					5,667,740,000
Minor colonies . . . . .	0.176	232,320,000	—	21,120,000	66,880,000
(0.80% of 22%)					44,320,000
Canada . . . . .	0.957	1,263,240,000	—	114,840,000	363,660,000
(4.35% of 22%)					84,740,000
Australia . . . . .	0.957	1,263,240,000	—	114,840,000	363,660,000
(4.35% of 22%)					84,740,000
New Zealand . . . . .	0.385	508,200,000	—	46,200,000	146,300,000
(1.75% of 22%)					315,700,000
Ireland . . . . .	0.264	348,480,000	—	31,680,000	100,320,000
(1.20% of 22%)					216,480,000
South Africa . . . . .	0.132	174,240,000	—	15,840,000	50,160,000
(0.60% of 22%)					108,240,000
Newfoundland . . . . .	0.022	29,040,000	—	2,640,000	8,360,000
(0.10% of 22%)					18,040,000
Italy . . . . .	10	13,200,000,000	1,200,000,000	3,800,000,000	8,200,000,000
Belgium . . . . .	8	10,560,000,000	960,000,000	3,040,000,000	6,560,000,000
Serb-Croat-Slovene State . . . . .	5	6,600,000,000	600,000,000	1,900,000,000	4,100,000,000
Portugal . . . . .	.75	990,000,000	90,000,000	285,000,000	615,000,000
Japan . . . . .	.75	990,000,000	90,000,000	285,000,000	615,000,000
Brazil, Greece, Liberia, Ru- mania, Siam and Czecho- Slovakia . . . . .	1.5	1,980,000,000	180,000,000	570,000,000	1,230,000,000
		<u>132,000,000,000</u>	<u>12,000,000,000</u>	<u>38,000,000,000</u>	<u>82,000,000,000</u>

Not participating: United States, Bolivia, China, Cuba, Ecuador, Guatemala, Haiti, Hejaz, Honduras, Nicaragua, Panama, Peru, Poland and Uruguay.

## APPENDIX III

### ACCOUNTING RECORDS OF THE COMMISSION

As this publication was on the press extracts from the accounting records of the Reparation Commission of prime importance in connection with Chapter III, Payments Made, became available. These records are the first tables of serious value to be published by the commission, and provision for regular reports to the public will henceforth be made at half-yearly intervals, as of April 30 and October 31. The records now available are printed by the British Government in English and by a private French publisher in French, the commission having no facilities to print reports.

"It is desired to lay great emphasis on the fact that many of the figures . . . are still, for one reason or another, entirely provisional," says the general secretary of the commission.<sup>1</sup> Broadly speaking, the accounts are kept in two main series, the accounts with Germany and those with creditor states. These do not balance because, first, Germany is in some instances credited with a larger sum by the commission than is debited by the creditor state against itself, as in the cases of shipping and the Saar Basin; and, second, because the distribution of receipts by the creditors *"has not in all respects strictly followed the treaty scheme."*

The commission's accounts of deliveries and payments have been kept separately for three periods. The first is the pre-May 1, 1921, account, covering the period since November 11, 1918. The second, which somewhat overlaps the receipts of the first, is the account, under Art. 235 of the treaty, which is closed as of April 30, 1921. The third is the account under the Schedule of Payments of May 5, 1921, and of army costs. For technical treaty reasons these three accounts can not properly be combined into one even for the purpose of clarifying and simplifying the situation to date. The three are therefore separately set forth, being Tables I, III and IV of the commission. Together they show net receipts from Germany of 12,030,225,000 gold marks. The accounts follow:

<sup>1</sup> Cf. Comments at pp. 37-39.

GERMANY'S DELIVERIES AND PAYMENTS ON PRE-MAY 1, 1921,  
ACCOUNT

(The most important provisional figures are designated by \*)  
(Expressed in thousands of gold marks)

<i>Nature of deliveries or payments</i>	<i>Gold marks</i>
<b>A. Receipts in Cash on German Account</b>	
Payment by French Government for:	
(a) Germany's proportion of the capital (2,200 shares) of State Bank of Morocco (Art. 145) . . . . .	643
(b) Telephone account prior August, 1914 (Art. 248) . .	10
Payment by Denmark for:	
(a) Property acquired in Slesvig (Art. 256) . . . . .	63,000
(b) Proportion of German Imperial and State Debts assumed (Arts. 109-114, 254) . . . . .	2,000
Money retrieved from ships sunk at Scapa Flow (Art. 248)	4
Receipts from remitted sales of converted war material (Art. 169):	
(a) Up to April 30, 1921 . . . . .	17,595
(b) Since May 1, 1921 . . . . .	25,545
Proceeds of collections in Rhine customs zone (Art. 248) .	3,324
Total receipts in cash . . . . .	112,121(000)
<b>B. Deliveries in Kind</b>	
Ships (Annex III) . . . . .	659,867*
Rotterdam docks (Art. 357) . . . . .	325
Livestock (Annex IV, Par. 2a) (head (other than poultry) 12,165) . . . . .	7,535
Livestock (Annex IV, Par. 6) (head (other than poultry) 323,512) . . . . .	83,364
Miscellaneous deliveries (Annex IV, Par. 2a) . . . . .	8,430
Reconstruction material (Annex IV, Par. 2b) . . . . .	1,068
Coal, coke and lignite (Annex V):	
(a) Taken in charge by Allies at posts of control (21,237,709 metric tons) . . . . .	23,360*
(b) Delivered to Luxemburg (1,037,142 metric tons) . .	17,525
Byproducts of coal (Annex V):	
Benzol (7,511 tons) . . . . .	2,606*
Sulphate of ammonia (29,846 tons) . . . . .	5,408*
Dyestuffs (Annex VI) (14,887,146 kilograms) . . . . .	38,001
Pharmaceutical products (Annex VI) (267,934 kilograms)	3,053
Louvain Library (Art. 247) . . . . .	522
Total deliveries in kind . . . . .	1,251,064(000)
<b>C. Armistice Deliveries</b>	
Total armistice deliveries (Art. 250, armistice convention, Arts. III and VIII, and armistice convention, 16/1/19)	1,183,226(000)*

<b>D. Other Liquid Assets</b>	
Submarine cables (Annex VII) . . . . .	49,000*
Total other liquid assets . . . . .	49,000(000)*
<b>E. State Property in Ceded Territories (and other Capital Items)<sup>1</sup></b>	
Coal mines situated in Saar Basin (Arts. 45-50) . . . . .	400,000*
German school in French concession at Shanghai (Art. 134) . . . . .	2,042*
Property in British concession at Shameen (Art. 134) . . . . .	538*
Property in Kiau-Chow (Art. 156) . . . . .	59,000
Property acquired by cessionary states (Art. 256):	
(a) Czecho-Slovakia . . . . .	5,640*
(b) Memel . . . . .	—
(c) Free City of Danzig . . . . .	300,000*
(d) Poland (1) Ceded area . . . . .	1,712,025*
(2) Plebiscite area . . . . .	—
Portion of German Imperial state loans assumed by cessionary states (Art. 254):	
(a) Belgium in respect of Moresnet, Eupen and Malmedy (Arts. 32-39) . . . . .	635*
(b) By Czecho-Slovakia in respect of Silesia (Art. 86) . . . . .	391*
(c) Memel (Art. 99) . . . . .	—
(d) Free City of Danzig (Art. 108) . . . . .	5,514*
(e) Poland in respect of Posen, Eastern Prussia, Allenstein and Upper Silesia (Art. 92):	
(1) Territory in ceded area . . . . .	18,557*
(2) Territory in plebiscite area . . . . .	—
Total state properties . . . . .	<u>2,504,342(000)*</u>
GRAND TOTAL OF PARTS A, B, C, D and E . . . . .	<u>5,099,753(000)</u>

## POSITION UNDER ART. 235 AS AT APRIL 30, 1921

(Brought up to April 30, 1922)

	<i>Gold marks (in thousands)</i>	<i>Gold marks (in thousands)</i>
A. Estimated value of deliveries to April 30, 1921 . . . . .	5,100,000	
Provisional valuation of state properties not become liquid at May 1, 1921 (E of previous table) . . . . .	<u>2,504,000</u>	
Approximate total of available assets . . . . .		2,596,000
B. Additional items ranking against Art. 235:		
I. Gold deliveries and other payments made for food and raw materials (German figure) . . . . .	3,834,746,000	
II. Saar coal production delivered to order of France prior to date of actual cession (German figure) . . . . .	1,029,000	
		} Say 3,836,000

<sup>1</sup>Other than Slesvig item, accounted for in A above.



## RECENT PAYMENTS TABULATED

III. Currency furnished to armies of occupation up to April 30, 1921 . . . . .	485,000	
IV. Goods and services (including billeting, use of barracks, roadmaking, etc.) furnished to armies of occupation to November 30, 1920 (German figure) . . . . .	600,000	
V. Expenses claimed by Germany on account of various interallied commissions to November 30, 1920 (German figure) . .	40,000	4,961,000
	<u>40,000</u>	<u>4,961,000</u>
C. Aggregate at April 30, 1921 . . . . .		7,557,000(000)

*Note.*—The above aggregate is contingent *inter alia* upon the settlement of the following question, viz.:

Section A.—Abandoned Material; Fixed Railway Material and Rolling Stock; Prices for Coal and Cattle Deliveries;

Section B.—Foodstuffs and Raw Materials Account; Items creditable are Costs of Armies (Billeting, etc.), Allowance for Expenses of Plebiscites and Commissions.

**SUMMARY OF CREDITS TO GERMANY FOR CASH PAYMENTS AND DELIVERIES IN KIND ON ACCOUNT OF SCHEDULE OF PAYMENTS AND ARMY COSTS, MAY 1, 1921—APRIL 30, 1922**

<i>Nature of deliveries or payments</i>	<i>Value</i>	<i>Total</i>
<b>A. Cash and Securities</b>		
(a) Art. 5 of Schedule of Payments . . . . .	1,000,000,000.00	
(b) Variable annuity instalment of November 15, 1921 . . . . .	13,014,991.51	
(c) Cash payments, January—April, 1922 . . . . .	<u>300,645,504.59</u>	
Total cash payments . . . . .		1,313,660,496.10
<b>B. Deliveries in Kind</b>		
(1) Proceeds of Reparation Recovery Act (Art. 248) . . . . .		72,263,441.56
(2) Miscellaneous deliveries under Annex II, par. 19 . . . . .		44,193,285.01
(3) Ships—876,533 tons (Annex III) . . . . .		43,889,767.06
(4) Inland Watercraft:		
(a) Under Annex III, par. 6 (67,588 tons) . . . . .	1,078,250.00	
(b) Under Art. 339: Danube (5,083 tons) . . . . . Elbe (unknown h.p.) . . . . .	6,408,940.00	
(c) Under Art. 357 (377 tons) . . . . .	<u>13,584,635.00</u>	
Total . . . . .		21,071,825.00
(5) Livestock (other than poultry):		
(a) Under Annex IV, par. 2a (118,123 head) . . . . .	43,652,593.96	
(b) Under Annex IV, par. 6 (24,170 head) . . . . .	<u>7,939,421.82</u>	
Total . . . . .		51,592,015.78

(6) Miscellaneous deliveries under Annex IV, par. 2:		
(a) Reconstruction material under Annex IV, par. 2b . . . . .	7,930,142.14	
(b) Miscellaneous deliveries under Annex IV, par. 2a . . . . .	<u>13,171,573.70</u>	
Total . . . . .		21,101,715.84
(7) Coal, coke and lignite (16,050,165 tons) . . . . .		275,398,643.36
(8) Byproducts of coke:		
(a) Benzol (28,682 tons) . . . . .	6,657,451.17	
(b) Sulphate of ammonia (30,183 tons) . . . . .	3,711,363.65	
(c) Solvent naphtha (4,607 tons) . . . . .	993,458.83	
(d) Coal tar and byproducts (3,810 tons) . . . . .	<u>323,180.54</u>	
Total . . . . .		11,690,454.19
(9) Dyestuffs (Annex VI) (3,649,026 kilograms) . . . . .		10,006,781.65
(10) Pharmaceutical products (Annex VI) (392,269 kilograms) . . . . .		8,451,211.88
(11) Louvain Library (Art. 247) . . . . .		<u>816,276.01</u>
Total deliveries in kind under the treaty . . . . .		560,475,417.84
C. Armistice deliveries in kind . . . . .		<u>3,678,815.81</u>
GRAND TOTAL . . . . .		1,877,814,749.25

Turning to the distribution of the amounts paid, it is stated that "the first charge on Germany's payment" from January 10, 1920, to April 30, 1921, "was the cost of occupation as from the armistice. . . . The sums actually received from Germany and attributable to the costs of occupation were barely sufficient to meet this first charge." This statement refers to the liquid assets which are shown in distribution account in the next table below. There were payments made, particularly by means of transferred territories, which had to be regarded as capital accounts. The summary of these as distributed is in the second tabulation below. The provisions of Art. 235 of the treaty of Versailles controlled for the period up to May 1, 1921.

The second period began on May 1, 1921, and was controlled by the Schedule of Payments up to December 14, when Germany requested a partial postponement of payments under it. The third table shows the distribution of assets received since May 1, 1921. A closer view of the cash payments and deliveries in kind credited during the moratorium period is provided in the fourth table. The total distribution shown, other than delivery in kind, is 7,082,503,000 gold marks.

DISTRIBUTION OF LIQUID ASSETS RECEIVED ON PRE-MAY 1, 1921, ACCOUNT BETWEEN NOVEMBER 11, 1918,  
AND APRIL 30, 1922<sup>1</sup>

(Expressed in thousands of gold marks)

<i>Nature of deliveries or payments</i>	<i>Total</i>	<i>Undis-tributed</i>	<i>British Empire</i>	<i>France</i>	<i>Italy</i>	<i>Japan</i>	<i>Belgium</i>	<i>Greece</i>	<i>Poland</i>	<i>Ru-mania</i>	<i>Serb-Croat-Slovene State</i>	<i>Czecho-Slovakia</i>
<b>A. Cash and Securities</b>												
Total receipts in cash	778,268	362	637,599	140,307	—	—	—	—	—	—	—	—
<b>B. Deliveries in Kind Rep- aration Recovery Act</b>												
Total deliveries in kind . . . . .	1,228,019	390,706	212,833	455,263	68,672	8,965	86,052	5,318	—	128	82	—
<b>C. Armistice Deliveries</b>												
Total armistice de- liveries . . . . .	1,183,226*	59,491	84,413	527,433	15,306	—	470,622	—	14,705	4,408	—	6,848
<b>D. Other Liquid Assets</b>												
Total other liquid as- sets . . . . .	49,000*	49,000*	—	—	—	—	—	—	—	—	—	—
Grand total of liquid assets . . . . .	3,238,513	499,559	934,845	1,123,003	83,978	8,965	556,674	5,318	14,705	4,536	82	6,848

**DISTRIBUTION OF CESSIONS ON CAPITAL DEBT ACCOUNT**

**E. State Properties in Ceded Territories**

Total State Properties (other capital items) . . .	405,514 } 2,504,342* 300,000 <sup>2</sup> }	538	2,042	—	59,000	635	—	1,730,582	—	—	6,031
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<sup>1</sup>The assets received were employed in meeting the advances on coal (see p. 125) and the costs of the armies of occupation.

<sup>2</sup>Saar Mines G. M. 300 millions to be debited to France in 1922 as a delivery in kind.

**DISTRIBUTION OF RECEIPTS OTHER THAN ON PRE-MAY 1, 1921, ACCOUNT, MAY 1, 1921 - APRIL 30, 1922**

<i>Nature of deliveries or payments</i>	<i>* Total</i>	<i>Undis-tributed</i>	<i>Debited on Post-May 1, 1921, a/c.</i>			<i>Japan</i>	<i>Belgium</i>	<i>Greece</i>	<i>Ru- mania</i>	<i>Serb- Croat- Sloven- State</i>	<i>Csacho- Slovakia</i>
			<i>Great Britain</i>	<i>France</i>	<i>Italy</i>						
<b>A. Cash and Securities</b>											
Total cash and securities . . .	1,839,648 <sup>1</sup>	33,016	Cr. 868 <sup>2</sup>	Cr. 2,147 <sup>2</sup>	—	—	669,647	—	—	—	—
<b>B. Deliveries in Kind and Rep- aration Recovery Act</b>											
Total deliveries in kind . . .	544,200	4,832	116,018	219,927	73,250	12	65,049	1,528	5,608	51,567	6,409
<i>Total of Cash and Deliveries in Kind . . . . .</i>	<i>1,883,848<sup>1</sup></i>	<i>37,848</i>	<i>115,150</i>	<i>217,780</i>	<i>73,250</i>	<i>12</i>	<i>734,696</i>	<i>1,528</i>	<i>5,608</i>	<i>51,567</i>	<i>6,409</i>
Debits for deliveries in kind, January 1 - April 30, 1922 <sup>3</sup>	—	8,745	69,055	66,558	22,982	—	20,267	342	31	18,774	6,167

<sup>1</sup>Total includes 640,000,000 gold marks transferred to May 1, 1921, army costs account.

<sup>2</sup>Gains on exchange.

<sup>3</sup>Represents effect of partial postponement of Germany's obligations.

**PAYMENTS AND DELIVERIES CREDITED UNDER PARTIAL  
MORATORIUM TO APRIL 30, 1922**

**1. Cash Payments**

	<i>Gold marks</i>
(a) Sums paid prior to March 21, 1922, date of notification of partial moratorium . . . . .	282,454,540.19
(b) Sums paid subsequently to March 21 and before May 1, 1922 . . . . .	18,190,964.40
(c) Other Credits:	
Sale of Deliveries in Kind November 1, 1921, to April 20, 1922, treated as Cash:	
Coal . . . . .	10,738,828.10
Dyestuffs . . . . .	816,515.55
	<hr/>
Total cash payments to April 30, 1922 . . . . .	312,245,848.24

**2. Deliveries in Kind**

Deliveries in Kind on Reparation Account January 1, 1922, to April 30, 1922 (including Reparation Recovery Act Receipts).

<i>Delivered to</i>	<i>France</i>	<i>The other Allied powers</i>	
January, 1922 . . . . .	16,297,294.24	32,067,864.95	
February . . . . .	10,402,072.32	19,069,905.12	
March . . . . .	16,159,509.55	33,613,535.92	
April . . . . .	19,109,462.98	50,250,952.76	
	<hr/>	<hr/>	
Total Deliveries in Kind to April 30, 1922 . . . . .	61,968,339.09	135,002,258.75	196,970,597.84
			<hr/>
Grand total . . . . .			509,216,446.08
Balance due in Kind . . . . .			1,253,029,402.16
Balance due in Cash . . . . .			407,754,151.76
			<hr/>
Total Obligation . . . . .			2,170,000,000.00

**COSTS OF ARMIES OF OCCUPATION**

(Expressed in thousands of gold marks)

<i>Names of powers</i>	<i>Gross cost</i>	<i>Paper marks Receipts</i>	<i>Net cost</i>
At April 30, 1921			
Great Britain . . . . .	991,097	89,638	901,459
France . . . . .	1,275,588	232,839	1,042,749
Italy . . . . .	10,052	—	10,052
Belgium . . . . .	194,599	16,955	177,644
	<hr/>	<hr/>	<hr/>
Total at April 30, 1921 . . . . .	2,471,336	339,432	2,131,904

**AMERICAN CLAIMS**

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<b>May, June, July, 1921</b>			
Great Britain . . . . .	7,966	1,728	6,240
France . . . . .	95,814	23,720	67,094
Belgium . . . . .	12,888	1,039	11,849
<b>Total . . . . .</b>	<b>116,668</b>	<b>31,485</b>	<b>85,183</b>
<b>August, September, and October, 1921</b>			
Great Britain . . . . .	5,045	4,327	718
France . . . . .	48,679	5,698	42,981
Belgium . . . . .	9,585	937	8,648
<b>Total . . . . .</b>	<b>63,309</b>	<b>10,962</b>	<b>52,347</b>
<b>November, December, 1921, and January, 1922</b>			
Great Britain . . . . .	5,402	2,925	2,477
France . . . . .	33,297	13,570	24,727
Belgium . . . . .	9,234	1,621	7,613
<b>Total . . . . .</b>	<b>52,933</b>	<b>18,116</b>	<b>34,817</b>
<b>February, March, and April, 1922</b>			
Great Britain . . . . .	5,593	4,241	1,352
France . . . . .	41,682	12,324	29,358
Belgium . . . . .	9,431	1,897	7,534
<b>Total . . . . .</b>	<b>56,706</b>	<b>18,462</b>	<b>38,244</b>
<b>Total May 1, 1921, April 30, 1922 . . . . .</b>	<b>289,616</b>	<b>79,025</b>	<b>210,591</b>

*Note.*—The net cost of the U. S. Army of Occupation was at April 30, 1921, 1,010,614,000 gold marks. For the subsequent periods of three months, as shown above, 18,376,000 gold marks, 19,221,000 gold marks, 11,515,000 gold marks, 7,048,000 gold marks.

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**World Peace Foundation**  
**Pamphlet Series**

**THE MISSION OF THE UNITED  
STATES IN THE CAUSE  
OF PEACE**



BY

**DAVID J. BREWER**

*Justice of the Supreme Court of the United States*

PUBLISHED QUARTERLY BY THE  
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# Mohonk Addresses

By EDWARD EVERETT HALE and  
DAVID J. BREWER.

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World Peace Foundation

40 Mt. Vernon Street - - Boston, Mass.

# THE MISSION OF THE UNITED STATES IN THE CAUSE OF PEACE

ADDRESS OF HON. DAVID J. BREWER, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, BEFORE THE NEW JERSEY STATE BAR ASSOCIATION, AT ATLANTIC CITY, N. J., JUNE 12, 1909

First a thought, a wish, then a faith, next a struggle, at last a fact. So have entered into human life and history some of its profoundest truths. Such has been and is to be the story of universal peace.

For untold centuries, on the battle field were settled all tribal, all national disputes. Blood was the ink, and death wrote the judgment. Yet in the heart was the thought that there must be some better method of settlement, and they who suffered looked longingly for its appearance. But thought and wish were only the shadowy pictures of a dream.

Twenty centuries ago there came a change. The heavens above the plains of Bethlehem were filled with a white-robed choir, and the only song of the heavens ever heard by the children of men broke the stillness of night. Peace on earth was that angel song. In a manger in the little town of Bethlehem lay a new-born child. His mother bent above her sleeping babe, and though the record is silent, you may be sure she heard the angelic song. For no ear is so acute to catch the slightest notes of prophetic song as the ear of a mother. Around the early days of that

infant gathered many foreshadowings, and "Mary kept all these things and pondered them in her heart." The child grew to manhood, revealed himself in a short and wondrous three years, and in the "upper chamber," bidding farewell to his few followers, declared, "Peace I leave with you, my peace I give unto you." The increasing multitudes who have looked up to Jesus of Nazareth as their leader have taken his life and words as promise and prophecy, and faith in the coming of universal peace is the inspiration of humanity.

It came upon the midnight clear,  
That glorious song of old,  
From angels bending near the earth  
To touch their harps of gold;  
Peace on the earth, goodwill to men  
From heaven's all-gracious king!

The air above Judea's plains no longer pulsates with the waves of this celestial song. For sad and weary centuries the grand march of humanity upwards has been through strife and blood. But a growing echo of the heavenly music is filling the hearts of men, and the time will come, the blessed time will come

When the whole world gives back the song  
Which now the angels sing.

Now we are in the third era, and earnest men and women are working, determined to put an end to the arbitrament of the sword. The coming music will not tell of the "pride, pomp and circumstance of glorious war," but will be a refrain of the angelic song, "Peace on earth." Our own loved land witnesseth the strength of the struggle and will be the great leader. And this is so notwithstanding present shouting for a larger navy.

I shall not stop to discuss the question whether a state of peace is better than one of war. If any one doubts it I am content to quote the words of General Sherman that "war is hell." The less of hell individuals and nations have the better. In order to bring about the condition of peace, a minimum of army and navy is the most effective way. There never yet was a nation which built up a maximum of army and navy that did not get into war, and the pretense current in certain circles that the best way to preserve peace is to build up an enormous navy shows an ignorance of the lessons of history and the conditions of genuine and enduring peace. When one nation becomes so strong that it is able to say to all others, "I am in favor of peace, but it must be a peace in which my will and wish controls," it is morally certain that the outcome of a few years will be war, for it is against human nature to take commands on matters of personal interest or questions of right and justice. The only peace which can endure is that in which the equalities of the nations are recognized, and all disputes are settled by negotiations or submitted to an impartial tribunal for determination. Then all nations will be interested in maintaining peace, knowing that it is peace secured by choice and established in justice. The pathway of history is lined with the wrecks of nations, which for a while developed a commanding force, but were finally destroyed by combinations of weaker nations, or their own internal jealousies. It may be laid down as a political and historic truth that a peace which is born only of force is a peace which is temporary and disappointing.

To lead in the cause of peace no one of the great nations is so well circumstanced as the United States of America. We are remote in distance and separated by oceans from

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other nations, so that if one of them were to attack us, it would be fighting at long range, and it is obvious that such fighting is most exhaustive and attended with the least probabilities of success. Of course, the same rule would obtain against us were we to undertake an aggressive war, but an aggressive war assumes no desire for peace. In a defensive war our location is a great defense. In the second place, our resources of men and material are such as to almost guarantee against any attack. Whatever advantage might inure to any nation by reason of its larger armament would be only temporary in its nature and would soon be exhausted by the enormous resources of this country. In the third place, no nation is in such a financial condition. Our debt, compared with that of other great nations, is small, and if we had not been foolish enough to squander money in ironclads and army, we might now be a nation without a debt.

Again, there is in the blood of the American people a tenacity like that of the English bulldog, which when once the fight is on will not give up until victory is won. Wonderfully is this illustrated by our great Civil War, when North and South met and fought for four years, keeping up the fight until one side was exhausted, and not until then did peace come. If any nation attacks us it knows in advance that we will fight to the last.

At the close of the Civil War the great armies disbanded, and the veterans went back to their places in the shop and the field and the office. They had had enough of war; they rejoiced in the coming of peace, and there was no thought or talk of military or naval development. Peace, and peace only, was our purpose, and at one end of Pennsylvania Avenue, just below the Capitol steps, was erected a

magnificent statue to Peace. I remember about thirty years after the close of the war there took place in Washington what was called the "last grand march"; one hundred thousand veterans of the Civil War marched from the Peace statue to the reviewing stand in front of the White House; from early morning until late in the evening that great army was moving. No sword was seen, no musket carried, and the only thing which told the story of their veteran lives was the modest Grand Army hat and button. As those one hundred thousand veterans marched down the avenue I felt as never before the immense strength and power of this republic, and that no nation would dare attack us. That feeling was not confined to myself alone. More than one of the foreign diplomats who saw that magnificent march of those unarmed veterans sent word to his home country, "No war with the United States of America!"

But there is a reason deeper and more significant than the mere matter of ability and safety why this republic should lead in the great work of establishing universal peace. History is not a mere accidental succession of unrelated circumstances. Through the ages one increasing purpose runs. There is an overruling Providence which fashions and shapes human destiny—the destiny of nations as well as of individuals. We may not be absolutely certain of the purposes of Providence, yet we can gain some knowledge of them from noticing events as they come and go, sure that in all the great movements of the nations and of humanity some supreme purpose is being accomplished. I do not mean that there is any fatalism by which the will of the individual or the nation is ignored, but the opportunity comes and the purpose will be accomplished, though the individual or the nation may ignore it and



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the duty and the glory be passed over to another. As Lowell says :

Once to every man and nation comes the moment to decide,  
In the strife of truth with falsehood, for the good or evil side.

It was not a mere accidental fact that for numbers of succeeding centuries this Western Hemisphere was withheld from the eye of civilization. In a sense profoundly true it was up to four centuries ago a virgin continent,—an untraveled land,—and in the then bringing it within the reach of civilization there was some purpose, which will be accomplished. If I should state in a single sentence that which seems to me the great purpose, it would be that here was to be developed a society and a government based upon the brotherhood of man. All through the Eastern Hemisphere, during its centuries of struggle, the underlying political facts had been the rule of a chief or a king and the organization of tribe or nation on the selfish basis of personal interests. Each nation lived for itself, prosecuted wars with other states and nations to satisfy the ambition of its rulers or to promote its selfish interests. The idea of humanity bound by any obligation of any of its members to all the rest was a thing unknown in practical life and almost unmentioned in the theories of social philosophers. In consequence, everything was determined by the mere matter of might. Ignorance and superstition prevailed. The great masses of humanity were the spoil and prey of a few individuals. Government of and by the people was a thing undreamed of. But about the time of the discovery of America came the invention of printing, which opened the doors of knowledge to all. The Bible was unchained, and with it the bondage of superstition was thrown off. The common people began to assert

themselves and claim the right to control their own government and society. There was fluttering through the world the ever-growing thought of personal, political, social, and religious liberty. It is not strange that, as this continent was settled and social and political conditions were established, a republic, the common school, and the free Bible became the recognized rules and bases of life. All these are significant of and affirm the brotherhood of man.

Another thing which affirms the same is the mingling of races. The allegory of the dispersion at Babel presaged the national life of the Old World. During all that life the human family lived in isolated and antagonistic races and nations. It still remains there the significant fact. You go to China and the Chinese have monopolized that country; into Spain and only Spaniards are found; in France and Germany are French and Germans. Single races form not merely the numerical majority, but they are, if not the sole inhabitants, the controlling factors. Locally every race held to its own place on the face of the globe and maintained its isolated life. But this republic is a new experience. We have every year and for a century past had great streams of populations flowing in from every race — the Anglo-Saxon, the Frenchman, the Teuton, the Scandinavian, the Italian, the Japanese, the Chinese, and the Ethiopian. They have gathered here not merely as visitors or travelers, but to stay and become citizens. The dispersion which began at Babel has ended on the banks of the Hudson and the Mississippi. All races are mingled in our citizenship, a conglomeration of heterogeneous elements, but all part and parcel of the life of the republic, here to live and work out with us the destiny of this nation. Statistics illustrate the significance of this: By the census

of 1900 the total population was seventy-six millions, of which nine millions were colored. Of the other sixty-seven millions, ten millions were of foreign birth and sixteen millions more of foreign parentage. So that out of the sixty-seven million whites there were only forty-one millions of native parentage, and they, as we all know, trace their ancestry back at longer or shorter distances to the several races of the Old World. These heterogeneous elements are to fuse into one national American life. By association in work, in business, in political life, in the schoolroom, and a little through inter-racial marriages, the brotherhood of man finds its best illustration in American life. The Bible, which is the great American book, affirms the unity of the race, proclaims the brotherhood of man.

You are all familiar with composite photography. A photographer will take face after face and photograph them upon the same plate until he has produced a composite picture made of the likenesses of the separate faces, and that composite picture brings out to view the strong and marked features of each. America is the national composite photographer. She will take the various races which have come into her midst and cast the leading features of their character into one composite picture upon the plate of history. Thus are we forming the great American race. And this gives to us as to no other nation a power in preserving international peace. Think for a moment of the influence of the German element. There are seven million eight hundred thousand of that race in this country. Though they are loyal citizens of the United States, the ties which link them to the old home life are not all broken. They will stand by the United States if ever Germany should attack us, but, on the other hand, they will always

be a potent force compelling this nation to refrain from attacking Germany. And so with the other races. Their appearance here is a guarantee against any offensive war undertaken by this country against the nation from which they came. Thus by the mingling of the varied races of earth and by the restraining influence consequent therefrom upon the life of this nation is further disclosed the infinite purpose in our national life.

So we have the United States, separated and distant from other nations, and thus in the least danger of attack, with a continental population of eighty millions and over, with resources unequaled by those of any other nation, with the most cosmopolitan population, a population gathered from all races and hence linked to all by home ties of affection, with the freest government, the widest popular knowledge, the most loyal in its devotion to the Christ of Galilee, and therefore with an ear open to the music of the song of the angels of Bethlehem, and thus, may we not truly say, indicated as the fitting leader in the great cause of peace!

As the leading nation on this Western Hemisphere surely the open door is before us. If we fail, the cause of peace will not fail. We shall simply stand in history as the nation which lost the great opportunity. Who can say that in case of our failure there will not be developed on our north a mighty republic which will be true to the cause of peace and become its national leader? Indeed, there are possibilities reaching far beyond this. We fancy that ours is and is to be the leading race, the one out of whose efforts the great benedictions are to come to humanity. We are wont to look at the South American states with a feeling of almost pity or contempt; but are we sure that

if we fail the Latin race will not be the chosen instrument of accomplishing the infinite purpose? Indeed, one can see in the events of the last few years some suggestive foreshadowings.

In South America, Chile and the Argentine Republic disputed for years over their boundary. They were gathering for a desperate and fearful struggle, when in the hour of impending conflict the song of the angels of peace touched the hearts of both nations. They settled their dispute, sold or converted into merchant ships some of their war vessels, and thus took a foremost position in the way of national disarmament. In commemoration of this, on the summit of the Andes, nearly three miles above the level of the sea, on the border line fixed between these nations, has been uplifted a colossal statue of Christ, cast from the bronze of old cannon left there by the Spaniards at the time of the struggle for Argentina's independence, and on it is this inscription: "Sooner shall these mountains crumble into dust than Chileans and Argentines shall break this peace which at the feet of Christ, the Redeemer, they have sworn to maintain." God speed the day when a similar statue shall be lifted up at the border of every nation to become the enduring witness to perpetual peace. And God forbid that our folly shall transfer the leadership in the great cause of universal peace from the United States of America to any other nation on the face of the globe.

While I have an abiding faith that the tendency of American thought and purpose will ere long be reversed, no one can be blind to the fact that there is a persistent effort to make of this a great military nation. From the football field to the ironclad, from the athlete to the

admiral, the thought and the talk is fight. The cry is fight fair, but fight. The capital city has a different aspect from that which it had a few years ago. Brass buttons and epaulets are filling the eyes. Our newspapers are eulogizing the magnificence of our fleet and army, and the thought of the nation is largely in the direction of naval and military advance. Science is giving its attention to the discovery and manufacture of more effective instruments of death, and we are rapidly drifting into an admiration for the "pride, pomp and circumstance of glorious war." At the First Hague Conference we were among those nations calling for a limitation of armament. Now instead of leading in that direction we are constantly increasing our armament and point with pride to the fact that our naval fighting strength surpasses that of every other nation excepting Great Britain. How has this been brought about? Let us look a little at our history and see how it has happened, and what it suggests. As we are told by the Hon. Charles Sumner, in his great oration on the "True Grandeur of Nations," our total military and naval expenditures during the eight years of Washington's presidential service were only \$10,825,000. In his farewell address he urged upon his countrymen to avoid "the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear." Would that our late rulers had shown his calm judgment and sound political wisdom, and during these days of prosperity, instead of extravagant expenditures for military and naval purposes, devoted them to the payment of the national

debt. Following his advice, we extinguished our entire indebtedness before the close of Andrew Jackson's administration. Thereafter came the Mexican War, leaving a small indebtedness, and in 1861 the Civil War, which, lasting four years, piled up a debt of three thousand millions of dollars. Resolutely we proceeded to pay that, and continued to do so until the year 1896, by which time, although recovering from the effects of that exhausting war, and with only limited prosperity, we had paid off two thousand million dollars. We then ceased payment, and to-day our debt remains about the same, increasing rather than diminishing within the last year or two by the issue of bonds for the Panama Canal. Why this change? It sprang from the Spanish War, from personal ambitions and the love of military display. Contrast the two wars. The Civil War lasted four years. The number of those enlisted in the Union army was 2,113,000. The number killed in action was 67,000; died of wounds received in action, 43,000; while the total number of deaths from all causes was 359,000. I have no statistics of the Confederate army, but certainly they would largely increase the total casualties of the war. On the other hand, the Spanish War lasted but a few months. The total number of men mustered in was 223,000. The number killed in action was only 218 — not as many as have been killed in many a single mining catastrophe; the number of those that died from wounds received in action was 81; the number dying from disease, 3848. The total casualties during that war were less than the number killed in railroad accidents in this country during a single year. According to the report of the Interstate Commerce Commission, the number killed on our railways during the year

ending June 30, 1908, was 3764; the number injured, 68,989. Other years show a greater fatality. In the Civil War were some of the greatest battles of history and a terrible loss of life on either side. In the Spanish War, outside of two brilliant naval engagements, there were only a few skirmishes. The two wars taken as a whole compare about like a twelve-inch rifled gun with a small pistol; and yet, as we have seen, after the Civil War there was no cry for an increase in armament, no call for a navy to challenge the fleets of the world, a steady payment of the national indebtedness, a devotion to the pursuits of peace, and a magnificent enlargement of our industries and business, while after the Spanish War we increased our army, and we have been steadily building ironclad after ironclad, until now our navy stands second among the navies of the world.

Putting the matter in another form: During the ten years prior to the Spanish War the expenses of the army and navy, omitting pension charges, were five hundred and seven millions; for the ten years following that war, \$1,626,000,000, or \$1,119,000,000 more than in the prior ten years. This if applied to the national debt would have paid it in full and left something of a surplus for the digging of the Panama Canal. Is it not strange that so small a war has wrought such a change in the thought and action of the country, when the mightiest of wars wrought so little? Certain interests which profit by naval construction have been active and clamorous. And a not inconsiderable part of the press has filled the air with calls for a larger navy. A little soap and a little water with a great deal of wind will make a large and beautiful bubble. But shortly the bubble will burst, the beauty be gone, and nothing left but soap and water.



As illustrating the effort to develop the naval and military spirit, it is not strange that the chief of staff of the American army has affirmed that we are wasting time in seeking arbitrations, and that the only true course for us to pursue is to make our military and naval strength so great as to be beyond danger of attack. Nor is it strange that the gallant admiral who started in command of our fleet on its tour around the world is reported to have said that the fewer statesmen and the more ironclads there were, there would be less danger of war. In other words, if we had more guns and fewer people unwilling to use them there would be less shooting. Such logic as that, as Mark Twain would say, is simply unanswerable. It might as well be said that to stop personal quarrels and prevent shooting, the law should require every man to carry a loaded pistol in his hip pocket.

I noticed the other day that a distinguished Englishman, long in the fiscal service of China, is credited with the statement that there would be no peace until China, with its four hundred millions, had become a thoroughly trained military nation, and then with her immense force she could say to each nation in the world, "You must be at peace." But how long would such a peace last? Turn to history, and read the answer in the experience of the great nations of the past.

According to circulars issued by the departments in November, 1908, the number of officers on the active list residing in the District of Columbia was 237; on the retired list, 166. The number of officers on the active list in the navy and marine corps was 216; on the retired list, 108. In other words, the number of military and naval officers on the active and retired lists then in the

District of Columbia was 727. Most of these had their families with them. In addition, there were a number of families of deceased officers. Do you wonder that these, connected as they are with the military and naval forces, are gradually transforming the capital of the country into a military and naval center, and that their influence is constantly pressing upon Congress for continued development and increased expenditures in military and naval lines? Contrast this with the judicial service. The number of federal judges in the District of Columbia and in all the states of the Union put together was then only 138, less than twenty per cent of the military and naval officials gathered in the capital city. And yet we have a constant complaint of tardiness in judicial proceedings. Do you wonder that the army and navy make the great American display in all the receptions at the White House, or that the officials who manage such receptions appear in military or naval uniform? And this in face of the fact that all the leaders in the national life have been proclaiming their longing for universal peace.

Do not think for one moment that I am intending any personal reflection on the officers of the army or the navy. I have a large acquaintance among them. Many I count as my warmest and dearest friends. Many I know to be gentlemen of the highest character, the purest and most patriotic of citizens.

History repeats itself. No greater spectacle appeared during the Middle Ages than the Crusades. From western Europe hastened knightly hosts to rescue the Holy Land from Moslem rule. The bravest and best of European chivalry were gathered in these hosts, and many and gallant were the combats. Yet all in vain. From

the English Channel to the City of David lie scattered the bones of those knights, while the crescent still waves over Zion. Indeed, a few missionaries without sword or musket have done more to permanently undermine the power of Mahomet than all the hosts of crusading knights. Equally magnificent was the spectacle of our great fleet moving away from Hampton Roads on its long journey around the world. As it steamed away from the American shores there was a sight that appealed to the pride of every American. They went to show the Oriental what we have in the way of naval power; as was said by our genial President, whom everybody loves, "to put the ironclad in the eyes of the Orientals." Does it not savor of the comic to talk of putting an ironclad in the eyes of Admiral Togo? Yet after all its journey, its parade and frolic, after having been seen by the Orientals, it will not bring the day of peace any nearer. How cleverly the Japanese answered this parade by sending two battleships to our shore.

According to a report made by Secretary Newberry to the Senate, the cost of the coal used on the battleships during the year 1908 was \$3,163,000, increased by transportation and storage charges to \$5,544,000. Evidently the voyage of the fleet around the world was an expensive luxury. He further reports that it costs over \$109,000 a year to keep a first-class battleship in good condition. What has the nation received for all this expenditure?

Another matter: Comparing the appropriations for the year ending June 30, 1910, it appears that for the army, fortifications, and military academy, they amount to \$111,897,515.67; for the navy, \$136,935,199.05; and for pensions, \$160,908,000. Or a total on account of wars and

preparations therefor of \$409,740,714.72 ; while the total executive, legislative, and judicial appropriations for the same length of time are only \$32,007,049, the former being twelve times as much as the latter. Is it any wonder that with all our immense revenue we are facing an increase of indebtedness ?

In *Appleton's Magazine* Harold Boree states that the amount expended in the single year 1907 for military and naval purposes and pensions, excluding interest on the war debt, was for the four nations, the United States, Great Britain, Russia, and Germany, \$1,184,000,000, this country leading them with an expenditure of \$359,000,000. In this connection it may be noticed that our expenditures in 1907 of \$359,000,000 have been followed by appropriations for the coming year of \$409,000,000, an increase in three years of \$50,000,000. They were also more than thirty-seven times as much as the expenditures for the army and navy during the entire eight years of George Washington's administration.

How apt are the words of Longfellow :

Were half the power that fills the world with terror,  
 Were half the wealth bestowed on camps and courts,  
 Given to redeem the human mind from error,  
 There were no need of arsenals or forts.

We are told that under the President's direction the navy and army expenditures are respectively to be cut down by \$10,000,000 and \$20,000,000. But is the construction of a single ironclad stopped or the army reduced by a single regiment ? Is it anything more than a postponement of certain not pressing expenditures ?

Further, outside of our labors at the two Hague conferences Secretary Root, during the two years of

his administration of the state department, negotiated twenty-four treaties of arbitration. It may be said that notwithstanding such a treaty, a nation may repudiate the agreement to arbitrate and attack us, but the public opinion of the world is strong against any nation that repudiates its treaty obligations, and public opinion is to-day the most powerful force in the world. We have recently voted to restore to our coinage the motto, "In God We Trust." If we can trust him as the guarantor of our dollars, may we not also trust him to make good the international agreements for peace?

Again, when the Navy Bill was before Congress the nation was stirred with the scare of a possible war with Japan. I cannot help noticing how conveniently this scare appears. In the old almanacs it was often stated: "About this time of year look out for a great storm"; and so in our political almanacs it may be as well stated that about the time of year we are considering the question of an increase in the army or navy we may look for a great hue and cry about a probable war with Japan.

Notwithstanding all present opposition, the United States will not fail. She will heed the summons to the lofty mission of peace. The blare of the bugles and the beating of the drum will give way to the song of the angels; and the brotherhood of man, which means peace between the nations, will find its loftiest expression in the unfoldings of our history. There are three great forces in our civilization, each of which, more potent here than elsewhere in the world, voices for international peace; and government of and by the people will heed those voices.

First, the business interests. Nowhere are there more varied and larger business enterprises carried on than in

the United States. Our merchants sweep the entire horizon of the world in their pursuit of business. Our manufacturing industries, some of them gigantic in extension, search the whole realm of industry in the furtherance of their work. The inventor and the mechanical engineer are ever busy devising new methods of toil, new machines, for accomplishing more and better work. Over eight hundred thousand patents for new and useful inventions have been issued from the Patent Office at Washington. The means of locomotion and the facilities for communication are extending in every direction. We have more miles of railroad than any other nation in the world and almost as many as all other nations put together. Mountains are no barrier; rivers do not stay their course. Now all these interests look askance at the prospect of war. They dread the destruction of property and business. They hate to see the efforts of the brainy turned away from the furtherance of these interests into devising additional means of killing and sowing the land with the seeds of destruction. When Mr. Carnegie said that if any controversy arose between Great Britain and the United States it could be intrusted to the merchants of London and New York, who would settle it peacefully and with honor to both nations, he expressed the longing and faith of all business interests and may be looked upon as seer and prophet.

Second, the laborers. The great mass of the American people are toilers, and their votes determine the policy of the government, for it is a government of and by the people. In England the labor party pressed upon the government the consideration of a limitation of armament, and the government, obedient thereto, dared not withhold presenting the matter to the recent Hague conference.

Mr. Kier Hardie, the leader of that party in Parliament, in a recent address in this country declared that the laborers of the world were all opposed to war and demanded that all difficulties between nations should be settled by arbitration. The toilers see that war means the waste and destruction of property. They know that it takes life, that the army is drawn from their numbers, and that their homes are drained to fill the cemeteries of the battle field. They also realize full well that the cost of armies and of war is enormous, that that cost is made good by taxes, and they are beginning to appreciate more and more the fact that they pay the bulk of the taxes. They see the great nations of the Old World piling up from year to year and from decade to decade an ever-increasing burden of debt, and they also perceive that this country (which during thirty years had paid off two thirds of the debt created by the Civil War) has since then for military armament and naval display not only ceased to reduce, but has practically ceased all efforts at reduction. They are weighing the earnest words of Secretary Root when, appealing to the South American states for a closer union, he declared :

“ Let us pledge ourselves to aid one another in the full performance of the duty to humanity which that accepted declaration implies, so that in time the weakest and most unfortunate of our republics may come to march with equal step by the side of the stronger and more fortunate. Let us help one another to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the

causes of war, and forever preserve our free lands from the burdens of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for all."

It is a startling commentary on these words and these efforts of Secretary Root that, impelled by the action of this nation in building up a navy, Brazil and Argentina have lately commenced the enlargement of theirs and decline to enter into an agreement to stop the increase at a certain limit.

The laborers, as all others, know that debt piled up for a navy is just as heavy a burden as a debt piled up for an army. They know that while the stock gamblers of New York may water stock there is no power that can water a debt—not even a debt for a navy. It remains a constant burden, whose interest is an annual drain and whose principal stands in the way of those works of peace which will promote the happiness and comfort of all. We hear from them already in the declarations of their organized bodies that arbitration must be the rule, that international peace must be the object, and that military and naval armaments must stop their growth. Nowhere in the world is the toiler such a power in the government. Nowhere is he such an intelligent force, so fully understanding the curse and cost of war, and his opposition will grow more and more emphatic until every lawgiver hears and heeds.

Third, woman. I am not now speaking as champion or prophet of female suffrage. I note only the fact that the last half century has changed her position. She is no



longer a purely home body, but has entered largely into public life. Whether voting or not, she has become an active and vigorous force in the national life. Her patriotism is as certain and as strong as that of her brother, and whenever the need comes, although she may not shoulder the musket or draw the sword, she does all that is possible to ameliorate the hardships of war. The Red Cross is her work and her glory, and the noble bands of women who are giving their time and strength to increasing its efficiency and extending the reach of its influence are among the heroines of the nation. But while all this is true, you need no assurance that her voice is and always will be potent for peace. No mother nurses her baby boy and rears him to manhood without dread that his life may in its prime be cut off by the merciless bullet. She looks forward to old age in the hope and faith that that boy, in the vigor and strength of manhood, will be her comfort, support, and glory. There never was a time since the beginning of days that woman longed for bloodshed or the carnage of war, and the more fully she realizes its waste and destruction the more earnest will become her opposition. Nowhere in the world is she so potent a force in public life as in this country, and you may be sure that that force will be ere long concentrated in steadfast opposition to war and in favor of the settlement of international disputes by arbitration. She cannot be sneered or laughed out of her faith, and he who looks for public recognition in this country will do well to take note of this fact.

These are three great forces in the life of this nation; and as they unite in the effort for arbitration and international peace, they will compel the public men of the day to heed their demands.

I believe in the promises of Scripture, that His word shall not return unto Him void, but shall accomplish that which He pleases and shall prosper in the thing whereto He hath sent it ; that the time will come when the swords shall be beaten into plowshares and the spears into pruning hooks, and when men shall learn war no more forever.

With the eye of faith I see unrolled on the canvas of the future a glorious picture, in which shall be seen every laborer dwelling beneath his own vine and fig tree, receiving ever a living wage for his toil, every merchant and manufacturer pursuing his business and his industry without a thought of interruption by the ravages of war, and men of science and wealth combining in the achievement of more and more gigantic results, adding not merely to the necessities, but also to the comforts and luxuries of life, taking possession of land and water and air, and all the forces to be found in them, and making them minister to human life. In the foreground will be seen that highest type of womanhood, the Madonna, and across her bosom will be these words : " Mary hath kept all these things, and hath pondered them in her heart " ; while underneath will shine in letters of fadeless light, " The United States of America has fulfilled its mission. "

*If a thousandth part of what has been expended in war and preparing its mighty engines had been devoted to the development of reason and the diffusion of Christian principles, nothing would have been known for centuries past of its terrors, its sufferings, its impoverishment, and its demoralization, but what was learned from history. — HORACE MANN.*

*Were half the power that fills the world with terror,  
Were half the wealth bestowed on camps and courts,  
Given to redeem the human mind from error,  
There were no need of arsenals or forts. — LONGFELLOW.*

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## SYNDICATES FOR WAR

The intolerable burdens of taxation imposed by the present monstrous armaments of the nations are being everywhere realized, and the naval budgets are being criticized as never before. The people are being shown how much of the increased cost of living is due to these frightful extravagances and wastes, which make the existing armed peace hardly less serious than war itself. They have not been adequately shown how much of this expenditure is due to the systematic and persistent activity of great interests which are selfishly profiting by it. The World Peace Foundation in Boston has just published, under the title of "Syndicates for War," a special pamphlet devoted to the exposure of this ruthless despoiling of the public treasury for private and corporate gain. It is a reprint of some startling London letters to the New York *Evening Post*, revealing a mass of confessed and indisputable facts of the situation in England almost incredible in their grossness. The situation is undoubtedly almost as bad in Germany, France, and the United States; and we know that it is much worse in Russia. It is to be hoped that this pamphlet may be followed by another dealing with similar evils nearer home. But the present pamphlet should prompt our people to some solemn thinking as to the part taken by certain vested interests in keeping up the periodical war scares that insure them regular business and immense gains at the public cost. The pamphlet is an amazing revelation of the hidden springs of political measures which saddle inordinate taxes upon the people.

**World Peace Foundation**  
**Pamphlet Series**

**DISARMAMENT ON THE  
GREAT LAKES**  
**The Anglo-American Agreement of 1817**

BY  
**CHARLES H. LEVERMORE**

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The uninterrupted peace of that boundary rests on the acceptance of these propositions:

1. The surest way to maintain peace is to prepare deliberately for permanent peace;

2. The permanence of peace will be insured by discarding the apparatus of war, and providing other means of settling controversies.

These ideas were adopted by English and American statesmen at the end of a sharp and bitter war wherein the lower Lakes and their shores and the upper St. Lawrence valley had been the scene of most of the military operations. It would have been natural to suppose that our northern border from Champlain to Superior would have become the breeding-place of enmities and fears like those which have existed for forty years between Metz and Belfort. Forts, soldiers and ships of war were still facing each other in hostile array along that border, and many under the Union Jack burned to wipe out what they considered the stain of defeats by Perry and Macdonough. Canadians were keenly aware that our war party had expected to annex all that colony, and both Canadians and Englishmen arose to demand that the Lakes must be all British, and that an Indian territory under English protection, including the lands south and west of the upper Lakes, must be interposed between Canada and its restless neighbor. Such was the first demand of the English commissioners who negotiated the treaty of Ghent. England then felt burdened with the responsibility of defending in Canada a weak colonial frontier exposed to the ill-will or envy of an aggressive neighbor. The United States, on the other hand, looked with apprehension at the Canadian line, behind which one of the greatest powers in the world could at any time prepare an attack.

The idea of disarmament as a prevention of war was embodied in the instructions sent by Edmund Randolph, Washington's secretary of state, to John Jay in 1794.<sup>1</sup> Twenty years later Lord Castlereagh<sup>2</sup> placed among his instructions to the English commissioners at Ghent the following paragraph, later marked "*Not used*":

N.B. In order to put an end to the jealousies which may arise by the construction of ships of war on the Lakes, it should be proposed that the two contracting parties should reciprocally bind themselves not to construct any ships of war on

<sup>1</sup> *American State Papers, Foreign Relations*, I, 473. This is the seventeenth item among the instructions for a commercial treaty.

<sup>2</sup> Robert Stewart, Viscount Castlereagh, second Marquis of Londonderry (1769-1822), from 1790 to the time of his death a leader of the Tory party, and in the period from 1812 to 1816 (he was secretary for foreign affairs from 1812 to 1822) he was the most influential statesman and diplomat in Europe.

any of the Lakes; and should entirely dismantle those which are now in commission, or are preparing for service.<sup>3</sup>

Mr. Gallatin also suggested to his colleagues in private conference the possibility of a mutual disarmament upon the Lakes, and wrote about it to Secretary Monroe,<sup>4</sup> but the subject was not broached in the official discussions at Ghent, except in the form of a British demand, soon dropped, that the United States alone should withdraw all force from the Great Lakes.<sup>5</sup>

When the war ceased our treasury was empty, and the military and naval expenditures on the Lakes, including the construction of two frigates on Lake Ontario, were practically suspended. By act of Congress, February 27, 1815, the President was authorized to sell or put out of commission all armed vessels on the Lakes except such as might be necessary for the enforcement of the revenue laws.

The British on the other hand had begun the construction of a frigate on Lake Champlain, and it was declared both in Canada and in England that the defenses and armaments in Canada would be steadily strengthened. In the spring and summer of 1815 complaints came that British armed vessels on the Lakes were exercising the right of search, English officers were accused of pursuing offenders into American territory, and on the other hand American officers were charged with inciting British soldiers to desert.

Meanwhile President Madison and his secretary examined some English newspapers sent in August by Minister Adams. These journals contained announcements that the Cabinet had determined to augment the naval force on the Great Lakes. The result was this letter of instruction to Quincy Adams, now American minister to England:

The information you give of orders having been issued by the British Government to increase its naval force on the Lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose.

It is evident, if each party augments its force there, with a view to obtain the ascendancy over the other, that the most expense will be incurred and the danger

<sup>3</sup> See J. M. Callahan, *Neutrality of the American Lakes*, Baltimore, Johns Hopkins University, 1898, p. 61, quoting from *Foreign Relations of the United States*, Vol. 28, Public Record Office, London.

<sup>4</sup> J. Q. Adams: *Memoirs*, III, 51; and Adams: *Writings of Gallatin*, I, 640.

<sup>5</sup> *Memoirs and Correspondence of Lord Liverpool*, Vol. X, 67-72, 86-91; *American State Papers, Foreign Relations*, II, 117, 718. That the question of armaments on the Great Lakes continued to cause disquietude in the minds of the British is shown in the correspondence between Lord Liverpool and the Duke of Wellington in October and November, 1814, when the former was trying to persuade the Duke to go to America to make either peace or war. Under date of November 13, Lord Liverpool suggests that the American control of Lake Champlain might be conceded, but that British superiority on the Lakes ought to be established and maintained. See Wellington: *Supplementary Despatches*, 25, 424, 430.

of collision augmented in like degree. The President is sincerely desirous to prevent an evil which, it is presumed, is equally to be deprecated by both Governments. He therefore, authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the Lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it on each side to a certain moderate number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for the revenue. You will bring this subject under the consideration of the British Government immediately after the receipt of this letter.<sup>6</sup>

Before Mr. Adams had an opportunity to present the subject to Lord Castlereagh, he held an interesting conversation with his friend, Alexander Baring, in the counting-house of Baring Bros. and Company, and among many topics of interest that were discussed was that of Canada and its defenses.

"I said that the disposition on both sides seemed at present so pacific that I hoped we should have a long and quiet peace. I was sorry, however, to hear that they were increasing their armaments on the Lakes of Canada, because arming on one side would make it of course necessary to arm on the other, and we had been disposed, on the contrary, to disarm there.

"He said their arming was the foolishest thing in the world, 'for,' said he, 'we are "the lamb" in Canada; it is in vain for us to think of growing strong there in the same proportion as America. But surely our ministers will consent to disarm there on both sides.'

"I said they had always a sufficient security against a sudden attack upon Canada, by the exposed state of our commerce. He replied that he wished the British Government would give us Canada at once. It was not worth Sir James Yeo's hundred-gun ship,<sup>7</sup> and was fit for nothing but to breed quarrels."<sup>8</sup>

About a fortnight later, January 25, 1816, Mr. Adams met Lord Castlereagh by appointment. The best report of the conference is that which Adams confided to his journal:

Mr. Adams said: "A circumstance of still more importance is the increase of the British armaments, since the peace, on the Canadian Lakes. Such armaments on one side render similar and counter-armaments indispensable on the other. Both Governments must

<sup>6</sup>MS. Instructions to U. S. Ministers, VIII, 3; H. Doc. 471, 56 Cong. 1 sess. 5; Moore, *Digest of International Law*, I, 691-692.

<sup>7</sup>Sir James Lucas Yeo (1782-1818) was British naval commander on the Lakes during the war, with headquarters at Kingston, on Lake Ontario.

<sup>8</sup>Adams: *Memoirs*, III, 279.

thus be subjected to a heavy and in time of peace a useless expense, and every additional armament creates new and very dangerous incitements to irritation and acts of hostility. The American Government, anxious above all for the preservation of peace, has authorized me to propose a reduction of the armaments upon the Lakes on both sides. The extent of the reduction the President leaves at the pleasure of Great Britain, observing that the greater it is the more it will conform to his preference, and that it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue."

Lord Castlereagh replied: "Does your Government mean to include in this proposition the destruction of the ships already existing there? As to keeping a number of armed vessels parading about the Lakes in time of peace, it would be absurd. There can be no motive for it, and everything beyond what is necessary to guard against smuggling is calculated only to produce mischief. The proposition you make is very fair, and, so far as it manifests pacific dispositions, I assure you, will meet with the sincerest reciprocal dispositions of this Government. I will submit the proposal to the consideration. But you know we are the weaker party there. Therefore it was that we proposed at Ghent that the whole <sup>of the</sup> armaments would not belong to one party—all the shores; for then armaments would not have been necessary. Then there would have been a large and wide natural separation between the two territories; and those, I think, are the best and most effectual to preserve peace."

Mr. Adams rejoined: "But the proposition at Ghent to which we objected was that the disarming should be all on one side. There was indeed afterward intimated to us by the British Plenipotentiaries an intention to make us a proposition so fair and reasonable, that it was thought no objection could be made against it. We did suppose that it was this identical proposition which I am now authorized to make. It was not, however, brought forward, nor was any explanation given by the British Plenipotentiaries of what they had intended by their offer. My instructions now do not explicitly authorize me to include in the agreement to keep up no armaments the destruction of the vessels already there; but, if this Government assents to the principle, there will be ample time to concert mutually all the details. What I could now agree to would be to have no armed force actually out upon the Lakes, and to build no new vessels."

Lord Castlereagh: "It so happened that just at the close of



the war we were obliged to make extraordinary exertions there, and to build a number of new vessels to maintain our footing there."

Mr. Adams: "But it is the new armaments since the peace which have necessarily drawn the attention of my Government."

Lord Castlereagh: "You have so much the advantage of us by being there, immediately on the spot, that you can always, even in a shorter time than we can, be prepared for defense."

Mr. Adams: "The stipulation to keep or build no new armed force during the peace would therefore be in favor of Great Britain, because the very act of arming would then be an act of hostility."

Lord Castlereagh: "That is, there could be no arming until the war actually commenced, and then you would have such an advance of time upon us by your position that we should not stand upon an equal footing for defense."

Mr. Adams: "Still the operation of the engagement would be in favor of Great Britain. We should have our hands tied until the movement of actual war, a state which it is impossible should suddenly be our part. It is impossible that war should be commenced without notice to a previous state of things which would give ample time in this country to be prepared. She might then have every same moment with us, and we should be deprived of the advantage arising from our naval position."

Lord Castlereagh: "Well, I will propose it to the Government for consideration."

Mr. Adams heard nothing further from his Lordship about this subject, so on March 21 he formally renewed the proposal. During the last week of that month, the first week in April, the topic of Canada and its relations to the United States and England was threshed out in the debates in the House of Commons on the estimates. Jingo speakers were in evidence and Adams thought that the proposal was doomed. On April he was perhaps agreeably surprised to learn from Lord Castlereagh that the British Government would accept the "proposal of the American Government that there might be no unnecessary naval force upon the Lakes in active service or in commission, so that there would be nothing like the

\* Adams: *Memoirs*, III, 26-288.

† Hansard: *Parl. Debates*, VI, 33, pp. 376-378, 567-591. Sir Joseph Yorke (p. 282) declared that the growing and gigantic naval power of America must not be overlooked. "She was no longer to be contended against by humbly expeditions; her three-deckers now sailed upon fresh water," etc.

appearance of a dispute which side should have the strongest force there. The armed vessels might be laid up, as they called it here, in ordinary. It was in short the disposition of the British Government fully to meet the proposition made to them, and the only armed force which they should want to have in service might be vessels for conveying troops occasionally from one station to another."

Mr. Adams said that he had neither special instructions nor powers to conclude any final agreement on the subject, and now that the principle was mutually accepted that no new armaments should be made by either side, he suggested that it would save time and be perhaps most advisable that the proposal should be made immediately to the Government of the United States and through the British minister at Washington.<sup>12</sup>

The British minister at Washington was now Charles Bagot.<sup>13</sup> He received from Lord Castlereagh instructions, under date of April 23, 1816, empowering him to negotiate with our Government concerning armaments on the Lakes. Eight days before, Mr. Adams had written to inform Secretary Monroe concerning the agreement between the two ministers on April 9. Mr. Bagot, moving leisurely in the diplomatic manner, addressed his first formal message on this topic to Mr. Monroe on July 26, as follows:

Sir: Mr. Adams having intimated to His Majesty's Government that it was the wish of the Government of the United States that some understanding should be had, or agreement entered into, between the two countries in regard to their naval armaments upon the Lakes, which, while it tended to diminish the expenses of each country, might diminish also the chances of collision and prevent any feelings of jealousy, I have the honor to acquaint you that I have received Lord Castlereagh's instructions to assure you that His Royal Highness the Prince Regent will cheerfully adopt, in the spirit of Mr. Adams's suggestion, any reasonable system which may contribute to the attainment of such ends, as shall be agreeable to both states.

Mr. Adams not having entered into any details of his views of his Government for giving effect to the principle under consideration, the British Government is unacquainted with the armaments which the Government of the United States have in view for this purpose; but I have been instructed to assure you that the intention of His Royal Highness the Prince Regent is to meet the proposal which may secure such ends, and to

<sup>12</sup> Adams: *Memoirs*, III, 329.

<sup>13</sup> Sir Charles Bagot (1781-1843), close friend of George Washington, was Secretary of State from 1815 to 1820, and after various other diplomatic posts, was Governor of the provinces of Canada, 1841-1843. He aided in the establishment of a purely parliamentary government in Canada, much to the chagrin of the British ministry, whose severe censure virtually killed his

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of the most entire confidence upon the principle which has been suggested by Mr. Adams.

I have the honor to be, with the highest consideration, Sir, your most obedient humble servant,

(Signed) CHARLES BAGOT.<sup>23</sup>

The answer from Mr. Monroe was dated August 2, 1816. The first two paragraphs rehearse, according to custom, the substance of Mr. Bagot's letter, and then Mr. Monroe continues as follows:

I infer from your letter that you are desirous of obtaining a precise project, either for the purpose of acting on it here immediately, in conformity with the powers already given you, or of transmitting it to your Government for its consideration. Whether it be for the one or the other purpose, I am instructed to afford all the facility that I may be able; though it would, undoubtedly, be more agreeable to the President that the arrangement should be made and executed with the least delay possible

I have the honor now to state that the President is willing, in the spirit of the peace which so happily exists between the two nations, and until the proposed arrangement shall be canceled, in the manner hereinafter suggested, to confine the naval force to be maintained on the Lakes, on each side, to the following vessels, *i.e.*, on Lake Ontario, to one vessel not exceeding 100 tons burden and one 18-lb. cannon; and on the upper Lakes to two vessels of like burden and force; and on the waters of Lake Champlain, to one vessel not exceeding the like burden and force; and that all other armed vessels on those Lakes shall be forthwith dismantled; and likewise that neither party shall build or arm any other vessel on the shores of those Lakes.

That the naval force thus retained by each party on the Lakes shall be restricted in its duty to the protection of its revenue laws, the transportation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party.

That should either of the parties be of opinion, hereafter, that this arrangement did not accomplish the object intended by it, and be desirous of annulling it, and give notice thereof, it shall be void and of no effect after the expiration of — months from the date of such notice.

If this project corresponds with the views of your Government, and you are authorized to accede to it, under any modifications which you may propose, and in which we can agree, I am instructed to give it immediate effect, either by convention, the interchange of notes, or in any form which may be thought best adapted to the ends proposed.

If, on the other hand, you consider it your duty to submit this project to your Government for consideration, and to wait its sanction before you can adopt it, and have power to make, *ad interim*, any provisional reciprocal arrangement, having the same objects in view, I shall be happy to digest with you such provisional arrangement, and to carry it reciprocally into effect, for such time and in such manner, as may be agreed on; or should your powers be adequate, I am ready to

<sup>23</sup> *American State Papers, Foreign Relations, IV, 202-207.*

concur in an immediate suspension of any further construction or equipment of armed vessels for any of the waters above named.

I have the honor to be, etc.,

(Signed) JAMES MONROE.

The Right Hon. CHARLES BAGOT.

Mr. Bagot replied, August 6, that he was not authorized to conclude definitively any agreement as to details, but he adds:

I shall therefore immediately forward for consideration the proposal contained in your letter, but I shall in the meantime willingly take upon myself to give effect to any arrangement upon which we may mutually agree for the purpose of suspending the further construction and equipment of armed vessels upon the Lakes and of generally abstaining from exertion in those quarters.

Mr. Monroe, under date of August 12, 1816, answered thus:

To this delay no objection is entertained, provided such a provisional arrangement is made as may accomplish the just objects which our Governments have in view. This arrangement, however like the other, should be equal. In the same spirit, therefore, I now propose the regulations stated in my former note to be adopted as a provisional arrangement. If your powers authorize and you approve those regulations, on being assured that you will adopt a similar measure, an order will be immediately issued by this Government for carrying them fully into effect.

If your powers do not extend to this object, but are confined exclusively to the suspension of the further augmentation of the naval force on the Lakes, I have then to observe, that on receiving from you a statement of the force which your Government now has on the Lakes, with an assurance that its further augmentation shall be suspended, an order will be immediately issued by this Government for confining the naval force of the United States there strictly within the same limit.

Mr. Bagot replied the next day, August 13, that he was not authorized to make even provisionally any precise agreement concerning the limitation of the respective naval forces upon the Lakes; "... in any such agreement, whether permanent or provisional, reference must equally be had to the arrangements of a peace establishment and the ordinary administration of his Majesty's provinces. I am not in possession of a correct statement of his Majesty's naval force now in commission upon the Lakes, but I will take the earliest means of procuring and communicating to you the most accessible information upon this point; and I can in the meantime give you the assurance that all further augmentation of it will be immediately suspended."

On receiving Monroe's note of August 2, 1816, Bagot wrote to Castlereagh on August 12:

I found that besides a proposal for a much larger reduction of the Naval Force than seemed compatible with the ordinary business of a Peace Establishment, it contained certain restrictions as to the employment of the Vessels to be retained which appeared to me to have some object in view beyond the principal one . . . professed by the American Government. I therefore in returning the draft to Mr. Monroe, carefully avoided entering into any discussion whatever of the terms. . . . It is distinctly understood between Mr. Monroe and myself, that if, upon the receipt of my letter by the Commander of His Majesty's Naval Forces, any of the armed vessels now building shall be in that state of progress in which they cannot be laid up or dismantled without injury to the materials, it shall be permitted to complete them so far as is necessary for their preservation.

When Mr. Bagot referred the matter back to Lord Castlereagh, Secretary Monroe thought that Minister Adams would conclude the negotiations. Mr. Adams believed that the British ministry were merely playing with the proposal and seeking to gain time while they increased and perfected their armaments in North America. September 27, 1816, he wrote to Secretary Monroe:

While Mr. Bagot was negotiating and receiving your specific proposition to be transmitted here, 52,000 tons of ordnance stores have been dispatched to Canada with the avowed purpose of arming their new-constructed forts and new-built ships upon the Lakes.

Mr. Adams's doubts may have been strengthened by the news of events in Canada. The commander of the British ship *Tecumseh* on Lake Erie had boarded several United States vessels. Of this Mr. Adams complained to Lord Castlereagh on August 29. Similar complaints were made in July at Washington about a right of search exercised by the British ship *Huron* near Malden. Lord Castlereagh immediately issued orders to discourage such proceedings. Mr. Bagot also communicated with the governor of Canada and others, and the provocations ended.

Nearly three months later, under date of November 4, 1816, Mr. Bagot sent to Mr. Monroe a list of the British naval forces on the Lakes. He also wrote that the proposals made on August 2 had been submitted to Lord Castlereagh, and that all increase of the aforesaid naval force on the Lakes had been suspended until the decision of his Majesty's Government should be known. The following was the list submitted:<sup>14</sup>

Statement of his Majesty's naval force on the Lakes of Canada, September 1, 1816.

<sup>14</sup> *American State Papers, Foreign Relations, IV, 208.*

## ON LAKE ONTARIO.

*St. Lawrence*, can carry 110 guns, laid up in ordinary.  
*Psyche*, can carry 50 guns, laid up in ordinary.  
*Princess Charlotte*, can carry 40 guns, laid up in ordinary.  
*Niagara*, can carry 20 guns, condemned as unfit for service.  
*Charwell*, can carry 14 guns, hauled up in the mud; condemned likewise.  
*Prince Regent*, can carry 60 guns, in commission, but unequipped being merely used as a barrack or receiving ship, and the commander-in-chief's headquarters.  
*Montreal*, in commission, carrying 6 guns; used merely as a transport for the service of His Majesty.  
*Star*, carrying 4 guns; used for current duties only, and unfit for actual service.  
*Nelley*, schooner, carrying no guns; attached for the most part to the surveyors, and conveying His Majesty's servants from port to port. There are, besides the above, some row-boats, capable of carrying long guns; two 74 gun ships on the stocks, and one transport of 400 tons, used for conveying His Majesty's stores from port to port.

## ON LAKE ERIE.

*Tecumseh* and *Newark*, carrying 4 guns each; and *Huron* and *Sauk*, which can carry 1 gun each. These vessels are used principally to convey His Majesty's servants and stores from port to port.

## ON LAKE HURON.

The *Confiance* and *Surprise*, schooners, which may carry 1 gun each, and are used for purposes of transport only.

## ON LAKE CHAMPLAIN.

12 gunboats; 10 of which are laid up in ordinary, and the other 2 (one of which mounts 4 guns, and the other 3 guns) used as guard-boats. Besides the above there are some small row-boats, which are laid up as unfit for service. Keel, stem, and stern-post of a frigate laid down at the Isle aux Noix.

(Signed) J. BAUMGARDT.

*Capt. of His Majesty's ship, Prince Regent,  
and senior officer.*

Secretary Monroe furnished Mr. Bagot November 7, 1816, with a similar statement of the American naval forces:<sup>15</sup>

## ON LAKE ONTARIO.

Brig *Jones* (18 guns). Retained for occasional service. Schooner, *Lady of the Lake* (1 gun). Employed in aid of the revenue laws.  
 Ship *New Orleans* (74 guns). On the stocks, building suspended.  
 Ship *Chippewa* (74 guns). On the stocks, building suspended.  
 Ships, *Superior* (44 guns), *Mohawk* (32 guns), *General Pike* (24 guns), *Madison* (18 guns); and the brigs *Jefferson* (18 guns), *Sylph* (16 guns), and *Oneida* (18 guns). Dismantled.  
 Schooner *Raven*. Receiving vessel.  
 15 barges (each 1 gun). Laid up for preservation.

<sup>15</sup> Quoted by Callahan from "America," Vol. 142, Public Records Office.

## ON LAKE ERIE.

Schooners *Porcupine* and *Ghent* (each 1 gun). Employed in transporting stores. Ship *Detroit* (18 guns), and brigs *Lawrence* (20 guns) and *Queen Charlotte* (14 guns). Sunk at Erie.  
 Brig *Niagara* (18 guns). Dismantled at Erie.

## ON LAKE CHAMPLAIN.

Ships *Confiance* (32 guns) and *Saratoga* (22 guns); brigs *Eagle* (12 guns) and *Sinnet* (16 guns); the schooner *Ticonderoga* (14 guns); and 6 galleys (each 1 gun). All laid up at Whitehall.

To this list of the naval forces of the United States Secretary Monroe added the announcement that "orders will be immediately given by this Government to prevent any augmentation of it beyond the limit of the British naval force on those waters."

The next day, November 8, Mr. Monroe notified Mr. Bagot that such orders had been issued. On the same day Mr. Bagot wrote to say that the American list made no return of any force upon the upper Lakes. He inquired whether the force upon those Lakes was included in the list of force on Lake Erie. Mr. Monroe promptly replied in the affirmative.

Not until April 28, 1817, when Mr. Monroe had become President and his secretary of state was Richard Rush did the official answer to Mr. Monroe's project of August 2, 1816, come from England. No changes in the terms were proposed and the interval of notice of annulment was fixed at six months. Mr. Bagot further informed the secretary that orders to British officers on the Lakes to abide by this Agreement had already been issued. The next day, Mr. Rush acknowledged Mr. Bagot's note, formally accepted the Agreement, and promised that the necessary orders to American officers would be issued at once.

Mr. Rush, the next day, sent a copy of the Agreement to the secretary of the navy, B. W. Crowninshield, and asked that the necessary orders be given, "in conformity with the President's desire." May 2, Secretary Crowninshield sent the terms of the Agreement to the American officers in command on the Lakes, with orders concerning the boat to be kept in commission on each Lake, and warning against any kind of interference with the proper duties of the corresponding British force.

Capt. D. S. Dexter at Erie, Penn., was told that the schooners *Porcupine*, armed with an 18-pounder, and *Ghent*, with a 12- or 18-pounder, would be retained for occasional service upon the upper

Lakes. On Lake Ontario, Capt. M. T. Woolsey at Sackett's Harbor, N.Y., was to keep the schooner *Lady of the Lake*, with one 18-pounder; and Capt. J. T. Leonard at Whitehall, N.Y., was to have on Lake Champlain the galley *Allen*, with one 12- or 18-pounder.

No official proclamation of this Agreement was made in 1817, other than the summary of it contained in President Monroe's first message to the 15th Congress, December 2, 1817. In that message this Agreement held the place of honor, being the first thing referred to. Mr. Bagot, the British minister, who had been here long enough to appreciate the danger of Congressional disagreement or interference with the diplomatic policies of an Administration, met John Quincy Adams, already in the office of secretary of state, on January 14, 1818, and took occasion to ask whether it was the intention of the President to acquaint Congress with the correspondence of the previous year concerning the arrangement about armaments on the Lakes. He told Mr. Adams that that Agreement "was a sort of treaty." Mr. Adams reported the conversation to President Monroe, who did not think it necessary to communicate those letters to Congress.<sup>16</sup>

Later he thought better of the suggestion, and under date of April 6, 1818, sent all the correspondence to the Senate with the following message:

*To the Senate of the United States:*

An Arrangement having been made and concluded between this Government and that of Great Britain, with respect to the naval armament of the two Governments, respectively, on the Lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties.

I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the Constitution, or is such a one as requires the advice and consent of the Senate, and, in the latter case, for this advice and consent, should it be approved.

(Signed) JAMES MONROE.

The Senate approved with no dissenting vote, April 16. The President then made formal proclamation of the original Agreement in these terms:

<sup>16</sup> Adams: *Memoirs*, IV, 41, 42.



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, an arrangement was entered into at the city of Washington in the month of April, in the year of our Lord, 1817, between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is,—

"On Lake Ontario to one vessel, not exceeding to 100 tons burden, and armed with one 18-lb. cannon;

"On the Upper Lakes to 2 vessels, not exceeding like burden, each armed with like force;

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force;

"All other armed vessels on those lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such service as will in no respect interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty,

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this 28th day of April, in the year of our Lord, 1818, and of the independence of the United States the forty-second.

By the President:

JAMES MONROE.<sup>17</sup>

JOHN QUINCY ADAMS, *Secretary of State.*

<sup>17</sup>Malloy: *Treaties and Conventions*, I, 630.

The mad desire to set up barriers between the United States and Canada for the defense of the latter led the English cabinet to suppose that a wilderness might be created for that purpose between Lake Champlain and Montreal. Lord Bathurst sent out from the colonial office in London, July 1, 1816, to the new governor of Canada, Sir John Sherbrooke, a letter instructing him to abstain from issuing any more grants of land in the districts along that frontier, and, if possible, to induce those who already had grants there "to accept uncleared lands in other districts more distant from the frontier of the United States. . . . It is also very desirable that you should, as far as lies in your power, prevent the extension of roads in the direction of those particular districts . . . ; and if any means should present themselves of letting those which have been already made fall into decay, you will best comply with the views of His Majesty's Government, and materially contribute to the future security of the Province by their adoption."

What an illustration of the fatuity of colonial government by a few ill-informed politicians three thousand miles away! With the map before them, they proposed to decree that a twenty-mile strip of wilderness should be maintained against the northern boundaries of Vermont and New York, as a *protection to Canadians*. Five years later, 1821, the Earl of Dalhousie<sup>18</sup> reported to Lord Bathurst that the strip in question contained a considerable and increasing population, who were offering protection to all criminals escaping from either Canada or the United States, and that American lumbermen were settling where they pleased and taking what they pleased. He therefore requested authority to grant again those fertile lands to loyal subjects for immediate settlement.<sup>19</sup>

Up to 1846-47 the Mississippi River remained the principal thoroughfare of western trade, but after that time the Lakes became the main avenue. The change began in the decade 1836-1846. The event which first drew general attention to the increased importance of the lake route was the disturbance on our frontiers there in connection with the Canadian rebellion, which broke out in 1837.

The counties in our States adjoining the Lakes contained many sympathizers with the insurgents. Secret societies of such sympathizers, called "Hunter" lodges, were founded in Vermont in May, 1838, and a Grand Lodge, assembled at Cleveland, December 16-22,

<sup>18</sup> George Ramsay, ninth Earl of Dalhousie (1770-1838), governor-in-chief of Canada and the maritime provinces from 1819 to 1828.

<sup>19</sup> Cf. the letters in Kingsford's *History of Canada*, IX, pp. 40-42 and notes.

proposed to establish a republican government in Upper Canada, and with it a republican bank to issue paper money. There was much incendiary talk in the local newspapers throughout the region of the Lakes. Buffalo was a chief center of sentiment in favor of the insurgents, and William Lyon Mackenzie,<sup>20</sup> the leader of the rebels, was the chief figure in a public demonstration there, December 10, 1837.

A number of Americans joined the insurgents, who in January, 1838, formed a camp on Navy Island on the Canadian side of the Niagara River above the falls. Mackenzie issued proclamations from this island as his seat of government for Upper Canada and the lieutenant-governor of Upper Canada, Sir Francis Bond Head (1835-1838), called for troops.

Mackenzie secured supplies from the United States and chartered an American-owned steamer, the *Caroline*, to bring such supplies from Schlosser, across the Niagara River. December 29, 1837, a Canadian force came in boats to Schlosser, captured the *Caroline*, took her into midstream, set her on fire, and sank her. During the mêlée an American citizen, Amos Durfee, was killed. A flame of excitement swept along the frontier and from Buffalo to Detroit the activity of the friends of the insurgents increased. Their leaders collected supplies and some boats, and issued proclamations. On both sides of the boundary alarming and extravagant stories were repeated and believed. The United States military officers along the Lakes acted promptly and properly. General Scott came to assume command and Buffalo became a military post. The insurgents and their friends were prevented from chartering steamers, and from any further organization on the American side.

<sup>20</sup> Cf. Kingsford: *History of Canada*, IX, 343-533; X, 456, 457. William Lyon Mackenzie (1795-1861), born at Dundee in Scotland, emigrated to Canada in 1820. In May, 1824, he started at Toronto a paper called *The Colonial Advocate*, to plead for popular government in Canada. His printing office was destroyed by a Tory mob June 8, 1826, and Mackenzie obtained £625 damages.

Elected to the Assembly of Upper Canada in 1826, he was expelled in 1830 for describing the ministers as "sycophants fit only to register the decrees of arbitrary power." Twice re-elected and twice re-expelled he was finally excluded by the arbitrary disfranchisement of the county (York) which returned him. By 1834 he was recognized as the popular leader in Upper Canada, was elected Mayor of Toronto, and re-entered the Assembly.

Defeated at the election of 1836 by the strenuous efforts of the government, Mackenzie determined in connection with the disaffected Frenchmen of Quebec led by Nelson and Papineau, to resort to armed resistance. The plan was to establish democratic control of the provincial governments, including an elected instead of appointed Council, or Upper House. Mackenzie proclaimed a provisional government, November 25, 1837, and unfurled a flag with two stars, representing the two provinces, Ontario and Quebec. His army of 800 men was defeated at Montgomery's Tavern on December 7, and Mackenzie then established himself on Navy Island in the Niagara River. In 1830 he was arrested and imprisoned by the United States government for breaking the neutrality laws. He remained in the United States until 1849, when the proclamation of amnesty enabled him to return to Canada, where he re-entered the Assembly, 1850-1858. His last days were marred by poverty. Lindsey: *Life of W. L. Mackenzie*.

But the British Government showed no disposition to heed the firm, though friendly, demands from Washington that reparation must be made for the destruction of the *Caroline* and the death of Durfee. Lieutenant-Governor Head believed that filibustering expeditions were coming toward Canada from all parts of the American border, that the project of Texas was to be duplicated (which was indeed the hope of his insurgent subjects), and that Canada must increase its defenses at once. During the spring and summer of 1838 several steamers were hired by the British authorities and equipped with troops and munitions of war to cruise on Lake Erie, Lake Ontario and in the St. Lawrence River, in order to prevent invasion and to overawe the Canadian insurgents. On our side President Van Buren authorized the hiring or otherwise procuring of a steamer for Lake Erie, and another for Ontario, "to be so manned and equipped as not to interfere with existing treaties."<sup>21</sup>

November 11, 1838, a steamer left Oswego, New York, with many filibuster passengers aboard, bound for Ogdensburg, and towing two schooners intended for the use of the Canadian insurgents. Colonel Worth of the United States army promptly followed in another steamboat and seized all three boats. Some of the passengers who reached Canada were speedily captured by the Canadian forces. In December armed men from Detroit set fire to a steamer at Windsor, on the Canadian side. Both of these outbreaks were the work of the "Hunter" lodges. Several of the raiders were captured and executed by the Canadians. Mr. Fox,<sup>22</sup> the British minister at Washington, notified our secretary of state, Mr. Forsyth, November 25, 1838, that a temporary increase of naval force upon the boundary Lakes and rivers above what was permitted by the Agreement of 1817, was necessary in order to guard against unlawful and piratical acts of hostility. He assured the secretary that this armament would be discontinued as soon as possible after the sources of danger were removed.

Our Government made no objection, and Congress authorized the President, March 3, 1839, to provide such force and armament on our northern Lakes and rivers as he should deem necessary to protect the United States from invasion from that quarter.<sup>23</sup> This

<sup>21</sup> Callahan, p. 98—quoting from records of House Committee on Naval Affairs.

<sup>22</sup> Henry Stephen Fox (1791-1846), British minister at Washington, from 1835 to 1843. The successful completion of the Webster-Ashburton treaty in 1842 was largely due to the tact and knowledge of Mr. Fox. Concerning the two "Hunter" raids, cf. Kingsford: *History of Canada*, X, 493-500. The Fox-Forsyth and Fox-Webster correspondence is in H. R. Doc. No. 471, 56th Cong. 1st Session, pp. 19, 20, 23, 34, 40.

<sup>23</sup> Cong. Globe, March 1, 1839, Appendix, p. 282.

act was passed on the day after news came of a clash on the disputed frontier between Maine and New Brunswick which had resulted in bloodshed.

The increase in the British armaments on the Lakes and along the frontier, and its continuance during the years 1839-40, was a cause of apprehension on this side of the border. It caused also many extravagant rumors concerning the nature, extent and ultimate purpose of the British armaments.

March 9, 1840, the House of Representatives asked the President whether Great Britain had expressed a wish to annul the Agreement of 1817, and, if not, whether that Agreement had been violated by Great Britain.<sup>24</sup> Alarmist congressmen during the next few weeks gave voice to their fears that Great Britain, while "amusing us with negotiations as Philip amused the Athenians, was making quiet and steady progress in preparing for offensive and defensive operations along our undefended frontier from Maine to Lake Superior."<sup>25</sup> It was affirmed that military works were being constructed opposite Detroit from which that city could in one hour be laid in ashes.

March 28, 1840, the President informed the House that the British Government had not manifested any wish to abrogate the Agreement of 1817. He also forwarded reports from General Scott and other officers stationed along the Lakes which showed that the temporary increase of armed vessels on the Canadian side had been insignificant. A subsequent report (June 29) showed that the strengthening of the forts and garrisons in Canada had been only such as was inevitable for the suppression of an insurrection. In the autumn of 1840, there was a recrudescence of ill-feeling and of war talk in this country, due chiefly to the prolonged dispute about the *Caroline* affair and to the arrest in New York State in November of a Canadian constable, named Alexander McLeod, who had boasted that he was the slayer of Amos Durfee.

In the United States Senate, August 3, 1841, Mr. Allen of Ohio had understood that the British had two armed steamers on Lake Erie and thought that armed steamers were necessary to watch armed steamers. On September 9 Congress agreed to appropriate \$100,000 "for the construction and armament of armed steamers or other vessels on the northwestern Lakes, as the President might think most proper, and as might be permitted under the terms of the treaty with the

<sup>24</sup> Cong. Globe, 26th Cong. 1st Sess., p. 254, resolution offered by Mr. Crary of Michigan.

<sup>25</sup> Callahan, pp. 103-4, 109.

British Government."<sup>26</sup> Our Government at this time had only one revenue cutter on Lake Erie and was hiring the use of two steamers on Lake Ontario, the *Oneida* and the *Telegraph*. The frigate *New Orleans*, begun in 1814 at Sackett's Harbor, was now rotting there on the stocks. From that point to Mackinaw we had no fort that had been kept in repair.

Meanwhile Governor Seward of New York was much troubled by reports of renewed activities of secret associations on our side of the Lakes that were collecting arms and ammunition for a rebellion in Canada. In September, 1841, he informed Mr. Webster, secretary of state, that the British then had on Lake Erie two warships of 500 tons each, and each fit to carry a battery of 18 guns. In the same month these ships were fired upon from Navy Island by persons who had brought a cannon from the United States for that purpose. Almost simultaneously an attempt was made to blow up the Welland Canal at Allanburg, Canada. Governor Seward asked Mr. Webster to find out whether England intended to annul the Agreement of 1817 and urged the necessity of an increase in our armament so as to provide defense if not to resist aggression.

Mr. Webster and the British minister, Mr. Fox, discussed the bearings of the situation upon the Agreement during the fall and winter of 1841-2. The former observed that "the United States cannot consent to any inequality in regard to the strictness with which the convention of 1817 is to be observed." The latter declared that Canada was still threatened with invasion and that "the efforts of the United States Government, though directed in good faith to suppress those unlawful combinations, are not attended with the wished-for success." The question of continuance or annulment was referred by Mr. Fox to the cabinet at home, and assurance came in March, 1842, that the British Government intended to abide faithfully by the Agreement of 1817 as soon as it could be done with safety to Canada.<sup>27</sup>

During the winter of 1841-2, Secretary of the Navy Upshur authorized the construction of one steamship under the terms of the act of September 9, 1841. It was built at Pittsburg in 1842, named the *Michigan*, taken across the country in sections in 1843 and launched in Lake Erie in the summer of 1844. This ship was heavier and carried more armament than the Agreement of 1817 permitted to all

<sup>26</sup> 5 Stat. 458, 460; Moore: Digest, I, 693. Note the careless and inexact reference to the Agreement as a "treaty."

<sup>27</sup> As above, H. R. Doc. No. 471.

four of the vessels allowed, but it was no larger than either of the two British vessels already in Lake Erie. Since 1817 steam had been substituted for sail power and no steam warship could have been made effective if it were smaller than the *Michigan*.

While the *Michigan* was under construction, Mr. Webster and Lord Ashburton concluded the treaty that bears their joint names and dissipated the war cloud that had gathered over the Maine boundary. McLeod was acquitted and sent home and the rumors of war and invasion died away.

In July, 1844, the British minister at Washington queried whether the size and armament of the *Michigan* did not constitute an infraction of the Agreement. The secretary of the navy gathered some unverified information about a half dozen British armed vessels said to be still on the Lakes, pointed out the change in conditions of navigation since 1817, and suggested a revision of the Agreement, but the incident had no other result than an exchange of notes. The war scare was over, despite the Democratic slogan of "Fifty-four forty or fight" in the Presidential campaign of 1844. By 1852 the British Government had ordered all its warships on the Lakes to be dismantled.

The Lakes had now become the main highway of commerce, and the reciprocity treaty of 1854 admitted the Canadians to a profitable share in that commerce. Friendly sentiment on both sides was increasing, and each government desired to maintain the Agreement of 1817. The *Michigan* and some revenue cutters were our only force upon the Lakes. There was no pretense of keeping up any of our forts. In 1856-7 the British Government inquired of George M. Dallas, the American minister in London, whether the building of six new revenue cutters for our service on the Lakes was not an infringement of the Agreement of 1817, and called attention again to the fact that the tonnage of the *Michigan* was larger than that Agreement warranted. The inquiries were renewed in 1858, and our Government had meanwhile made inquiries concerning the presence of a British fleet among the West India islands. These events were related in time to the discussions over a Central American canal and practically amounted to nothing more than a reminder that each government was "waiting watchfully."

The conditions upon the lake frontiers in 1836-1842 were repeated during the time of the Civil War, except that the boot was on the other foot. It was now Uncle Sam's turn to face a rebellion with

which many English subjects on both sides of the ocean sympathized, and to complain of organized efforts within the Canadian lines to aid the insurrection and to invade our territory.

At the outbreak of the war the British had no naval force on the Lakes. The United States had only the *Michigan* and one revenue cutter, the five other new cutters being taken to our Atlantic coast in 1861. The predominant sympathy of the Canadians was with the North rather than the South, and many British subjects were in the Federal armies.

But the Trent affair in November, 1861, and the increasing and indubitable evidence that the ruling class in England were strong partisans of the Confederacy, induced something like panic in this country concerning the defenseless state of our northern boundary and of our great lake commerce. The first steamer which was thought to mask, under British papers and flag, an intention to attack our commerce in the guise of a Confederate cruiser, went out of Lake Ontario in April, 1861. The fears were not lessened by the fact that Canada possessed canals around the Falls of Niagara and the rapids in the St. Lawrence, and could therefore bring light gunboats from the ocean to the Lakes. By 1863 the presence of a large and growing colony of Confederate refugees and adherents in Canada began to contribute a substantial basis to the suspicions and fears on our side of the border.

Feeling in the United States against England was at a white heat on account of the destruction of our commerce by ships fitted out in English ports. The air was full of stories and rumors, like those of twenty-five years before, about plots hatched in Canada to attack Buffalo, and to capture our ships on the Lakes. The Confederates were believed to have two ships of their own, equipped for war, although the Canadian government searched for such vessels and could not find them. Our Government gave notice that the reciprocity treaty with Canada would come to an end in 1866, and on June 18, 1864, the House of Representatives approved of a joint resolution calling upon the President to give to Great Britain a six months' notice of the termination of the Agreement of 1817.<sup>28</sup> The action of the House was based chiefly upon the assertions that our lake commerce and lake ports needed more protection, and that the Canadian canals gave England an unfair advantage over us upon

<sup>28</sup> The bill terminating the reciprocity treaty passed the House, December 15, 1864. For the movements to abrogate the Agreement in 1864, with the Seward-Adams-Russell correspondence, cf. H. R. Doc. No. 471, 36th Cong. 1st Sess., pp. 47-52, 56-58.



the Lakes. This resolution died in the Senate. Lord Lyons, noting the progress of this resolution, wrote to Secretary Seward, August 4, 1864, that her Majesty's Government would view the abrogation of the Agreement "with great regret and no little alarm." Next day, Mr. Seward denied any intention to abrogate it. But events moved rapidly.

In September long-expected outbreaks came. Confederate refugees from Canada captured the steamer *Philo Parsons* when on its way from Detroit to Sandusky, ran up the Confederate flag and started to attack the *Michigan*, to release the Southern prisoners kept on Johnson's Island near Sandusky, and then to raid the Lakes and the lake cities. The career of the *Parsons* was quickly stopped, but immediately there followed the news that twenty-five raiders from Canada had attacked and looted the village of St. Albans, Vermont, and returned to Canada, where they were arrested by the local authorities. Secretary Seward then notified the British Government through Minister Adams that after six months the Agreement, which he describes as "the informal arrangement," would be terminated, and that the United States would then make such additions to its naval armament upon the Lakes as might seem necessary. This notice was delivered to Earl Russell on November 23, 1864, so that the date thus fixed for the end of the Agreement was May 23, 1865. Earl Russell, in reply, hoped that after the restoration of peace the Agreement would be renewed.

In Detroit, on a Sunday at the end of October, 1864, bells rang an alarm, and congregations were dismissed in order to repel the attack of an armed band from Toronto, which never arrived. Moreover it was reported that there was a conspiracy in Canada to set fire to all the chief cities in the North on the approaching election day. Two generals, Butler and Hawley, and seven thousand men were on lake steamers on election day in order to intercept raids, but there were none. Under stress of these excitements Congress met in December, 1864. Secretary Welles asked for two or three additional vessels upon the Lakes. The Department of State established a requirement that all travelers from Canada into the United States except *bona fide* immigrants must show passports obtained from United States consuls. Senator Sumner introduced a resolution calling for information about the Agreement of 1817, and characterized it as an "anomalous, abnormal, . . . small-type arrangement," which could be easily abrogated. In February, 1865,<sup>99</sup> both houses of Congress

<sup>99</sup> A joint resolution, approved February 9.

voted to ratify the notice previously given by the Department of State that the Agreement would be set aside.

Meanwhile the Canadian people had voted down in 1861 the recommendation of a military commission that a large militia organization should be maintained. A civilian commission, headed by Sir John A. Macdonald, conferred with the British Government in 1865 concerning the defense of Canada, and rendered in July a report which became one of the foundations of the modern Canadian Dominion. One of the most pregnant paragraphs of this report follows, embodying its principle, Not a penny for soldiers and armaments, but generous support of transcontinental railways and other internal improvements:

"While fully recognizing the necessity of—and while prepared to provide for—such a system of defense as would restore confidence in our future at home and abroad, the best ultimate defense for British America is to be found in the increase of her population as rapidly as possible and the husbanding of our resources to that end; and without claiming it as a right, we venture to suggest that by enabling us to throw open the Northwest Territory to free settlement, and by aiding us in enlarging our canals and prosecuting internal productive works, and by promoting an extensive plan of emigration from Europe into the unsettled portions of our domain, permanent security will be more quickly and economically achieved than by any other means."<sup>30</sup>

In the United States the alarm over the Confederates in Canada died away as rapidly as it had arisen. While the British cabinet was saying by the mouth of Lord Palmerston (February 11, 1865) that our measures for defense were all justifiable,<sup>31</sup> Sherman's march was proving that the Confederacy was near collapse. On March 8, Secretary Seward announced that Canadian passports would no longer be required, and withdrew the notice of abrogation of the Agreement of 1817, saying, "we are quite willing that the convention should remain practically in force." A formal exchange of notes during the summer and fall of 1865 verified the renewal of the Agreement,<sup>32</sup> and apparently determined that it does not include revenue cutters.<sup>33</sup>

After the death of the Confederacy in 1865, the war clouds shifted again on the Lakes from the Canadian to the American frontiers.

<sup>30</sup> Cf. Christopher West: *The Defense of Canada in the Light of Canadian History*. London and Toronto, J. M. Dent & Sons, 1914. The documents are to be found in *Parliamentary Papers* 1865, 3434 and 3535, Vol. XXXVII, 420-36 and 437-40.

<sup>31</sup> Hansard: *Parl. Debates*, Vol. CLXXVII, 140, 150.

<sup>32</sup> H. R. Doc. No. 471, pp. 60-62.

<sup>33</sup> Mr. Seward advised the secretary of the treasury, Salmon P. Chase, May 7, 1864, that he would not admit that the Agreement of 1817 was intended to restrict the armament or tonnage of vessels designed exclusively for the revenue service. Cf. Moore: *Digest*, I, 696.

Across the ocean a faction of violence developed in the Irish home-rule party, and the Fenian organization on both sides of the Atlantic hoped that the dispute between England and the United States over the depredations of the *Alabama* and other cruisers would involve the two countries in war. The Fenian leaders in this country were reckless enough to declare war on their own account. In June, 1866, about 12 hundred of them invaded the province of Ontario from a point near Buffalo, and killed some Canadians before they were overwhelmed. The United States Government sent the *Michigan* and a revenue cutter, and General Berry with thirteen companies of soldiers to patrol the threatened waters and boundaries, and the Canadian government chartered a fleet of steamers, and received some aid also from the British fleet at Montreal. No more overt acts were committed until the spring of 1870, when, in May, five hundred Fenians tried to invade Canada from Vermont. This attempt and several others made during the next year were frustrated by Canadian troops, and the Treaty of Washington in 1871 and the Geneva arbitration, which followed, effectively laid the Fenian ghost. Since then there have been no serious controversies along the lake boundaries other than those due to the transgressions of fishermen and to the follies of a war of tariffs,<sup>34</sup> or canal tolls. For such reasons the official relations between Canada and the United States have at times assumed a slightly controversial hue, but despite these differences the industrial and social ties between the two peoples have been constantly multiplied and strengthened, and there has been among them no serious demand for a renewal of armaments on the Lakes. In 1878 and again in 1892 the attention of Congress was called to the dilapidated condition of the *Michigan*, but no new lake vessel was provided by us.

The Agreement of 1817 survived this long succession of public controversies, and then surmounted a final danger arising from the ambitions of business. In 1890 the United States Government was receiving bids for the construction of a practice ship for the use of the Naval Academy at Annapolis. The lowest bid was presented by F. W. Wheeler and Company of West Bay City, Michigan, but it could not be considered. The Agreement binds both parties not to build any vessel of war upon the Lakes except as specified for lake service. The result was that our lake shipbuilding interests

<sup>34</sup> The policy of protection triumphed in Canada in 1878, when Canada was forced to abandon all hope of securing a renewal of reciprocity with us, or any agreement for freedom of trade.

organized a demand for the abrogation of the Agreement, and this request came before the Senate, April 8, 1892, in the form of a petition presented by Senator McMillan of Michigan. The Deep Waterways Association and the Lake Carriers Association promoted an agitation of the subject. The question was raised whether the Agreement of 1817 could be in force since the action of Congress in ratifying the notice of abrogation, February 9, 1865. Secretary of State John W. Foster decided that the Agreement was still in force, but called it obsolete, and asserted that it ought to be modified to suit modern conditions. In the ensuing discussions the prevalent opinion was adverse to abrogating or changing the Agreement, and by December, 1892, the agitation seemed to be ended. It was revived in all its original acrimony in October, 1895, when Secretary of the Navy Hilary A. Herbert in President Cleveland's cabinet refused to give to the Detroit Dry Dock Company, the lowest bidder, the contract to build two twin-screw gunboats. In November the mayor and city council of Detroit circularized other municipalities around the Lakes inviting them to join in a movement against the restrictions which the Agreement of 1817 imposed on shipbuilders in the lake regions.

"If a navy is to be maintained at all," wrote the Detroit mayor, "there is as good reason for maintaining a fleet upon the Great Lakes as upon the eastern coast of the United States, and far greater reason, in view of the relative importance of the commercial vessel interest, than to maintain it on the Chinese or Japanese coast."<sup>35</sup>

President Cleveland approved of the action of Secretary Herbert in terms that seemed to indicate his opinion that modern conditions might justify the annulment of the Agreement "in the manner provided in the contract."

A month later, December, 1895, President Cleveland's administration stepped to the edge of war with England over the Venezuela boundary. For a few days there was alarm and consternation in both nations, and the Canadian government began to look up lake vessels that could be converted into cruisers. Speedily it became evident that the English cabinet intended to leave to the United States the right to interpret the Monroe Doctrine and its corollaries, and forthwith the talk of defenses and invasions disappeared, let us hope forever.

Surely hostilities in 1895 would have been far more imminent if

<sup>35</sup> Callahan, p. 186.

the Great Lakes had held powerful British and American war fleets patrolling the waters and watching each other suspiciously, and if there had been garrisoned forts along the shores and along the continental boundary as well, reproducing the conditions so unhappily familiar in Europe.

The Agreement was challenged again in 1898 (April 16) not through any revival of war scares, but because Secretary of the Navy John D. Long raised again the question about construction in lake shipyards.

This inquiry was referred, with many others, to a Joint High Anglo-American Commission, which met in the summer and fall of 1898. Our commissioners were instructed to propose a revision of the Agreement of 1817, so that war vessels might be constructed on the Lakes provided that they were not retained there after construction, and secondly so that it might be permissible to keep training ships in service on the Lakes. The Commission finally adjourned after a fruitless debate over reciprocity, fisheries and the Alaskan boundary. The Agreement was not considered at all, and the proposal for its revision has not been renewed.

The whole history of international relations upon the Lakes, as here recited, shows clearly the overwhelming power of a peaceful purpose. The Agreement of 1817 was a revulsion from opposing plans of aggression and enmity. Our statesmen, not only the effervescent Clay, but even the pacific Jefferson, had dreamed of overrunning and annexing Canada. Our friends the enemy, on the other hand, had hoped to shut the United States forever away from the control at least of the upper Lakes. But the indwelling Spirit of Grace made even the wrath of man to praise Him. Out of the frictions at Ghent and the natural enmities that followed the war along the border, there came forth, instead of the customary competition in armaments and the display of all the pomp and circumstance of war, the marvelously wise determination to have virtually no armaments at all, and lo! it was done. The two nations, almost without their knowledge, at first by executive order only, were committed to a unique experiment in international relations, viz.: that neighbor nations should do what neighbor citizens had learned to do some centuries earlier, stop fortifying their houses against each other and stop carrying weapons for use in a common highway. All honor to Monroe and Adams and Castlereagh, who first among statesmen at least partially committed two great and discordant nations to the doctrine, "In time of Peace prepare to make Peace permanent!"

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