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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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CONCILIATION PLAN OF THE LEAGUE TO ENFORCE PEACE : A HISTORY

BY DENYS P. MYERS

The pacific methods of settling international disputes are designed to deal with legal differences and to as great an extent as possible with political differences. Practically no political difference, involving conflict between national policies, is without its distinctly legal side. The non-amicable methods of resolving international disputes—breaking diplomatic relations, retorsion, reprisal, embargo, non-intercourse, pacific blockade and intervention—are now practically obsolete and employed only by States of the first rank against those of lesser size or influence. Amicable methods include negotiation, good offices and mediation, commissions of inquiry and arbitration.¹ Of these methods, arbitration has held public attention almost to the exclusion of consideration of the other methods, which are of a less definite character. Of the other methods the commission of inquiry is capable of very great development. It is the medium chosen by President Wilson and Secretary of State Bryan for the advance toward assured peace which they desire to make, and the remarkable response to the Administration's project by the States of the entire world renders the subject a matter of public interest second to none. It may safely be said that no diplomatic proposition has ever made so rapid headway, for it is but eight months since the plan was broached, and it has in that short time been accepted by 31 out of 39 States, and seven treaties have been signed.

¹Negotiation, the customary method of adjusting disputes, is conducted by diplomatic officers, and consists of verbal or written exchanges with the object of agreement. Negotiation is ordinarily conducted between two governments, and carried on at one or both capitals, as convenient. The technique of negotiation is elaborate.

Good offices and mediation are alike in character, but differ in kind, the first usually including a proffer of the latter. Both methods originate with a third and disinterested power. Secretary of State Hay described good offices as "the unofficial advocacy of interests which the agent [the third power] may properly represent, but which it may not be convenient to present and discuss on a full diplomatic footing"; and "it is allied to arbitral intermediation as an impartial adviser of both parties." Mediation is a step further, and gives the third power the right to become a quasi-negotiator, but solely in the interest of a settlement satisfactory to the two principals.

The commission of inquiry is extra-diplomatic, and its function is to determine facts about which the disputants differ or are in doubt.

Arbitration is now a legal method, and "has for its object the settlement of disputes between states by judges of their own choice and on the basis of respect for law." An arbitral court at present has a competence for both law and equity, which does not exist as such in international legal relations. Compromise in the interest of even-handed justice may therefore be resorted to, but will decrease as international law and decisions cover more detailed matters.

In international affairs the commission of inquiry plays the part assigned in French courts to the *juge d'instruction* and in American judicial procedure to a master. This officer of a court is designated by the judge to hear testimony on matters of great complication and to report the essential facts to the court, who renders the decision of law. The commission of inquiry is designed likewise to digest evidence and report facts. It reports not to a court, but to the disputants, in whose discretion it lies whether the matter shall be settled by negotiation on the basis of facts determined by the commission or by arbitral proceedings.

The commission of inquiry is a necessary development of international relations. Differences between nations, whether legal or political, are invariably of a very complicated character. The report of the North Atlantic Fisheries arbitration, for instance, required 12 volumes for its publication, while the correspondence regarding the matter itself and its various phases ran to thousands of pages through the years of its discussion. Under such conditions it is inevitable that international disputes may become so overlaid with uncertainties that both sides, with the best will in the world, find genuine difficulty in recognizing precisely what is the subject-matter of the dispute. The commission of inquiry is designed to refer the technicalities involved to competent persons who by impartial study of the evidence may report back to the principals exactly what are the facts of the case. The commission must always be organized for the specific case, its jurisdiction specially conferred, and its function can lead to little disagreement in principle because no modern State is in a position to refuse to have the facts determined in any dispute to which it may be a party.

Chevalier Descamps of Belgium, reporter on this subject to the plenary session of the First Hague Conference, defined the value of the Commission of Inquiry in these words:—

The question of the institution of International Commissions of Inquiry has been considered by the committee as being of great importance along the line aimed at by the Conference. . . . International Commissions of Inquiry, the eminent delegate of Russia (de Martens) has observed, are not an innovation. They have already given proof of the services they can render when a dispute breaks out between two States in good faith; for example, if a frontier incident occurs between them, opinion is inflamed still more as the incident is unexpected and as less information concerning it is given, because public opinion is ignorant of the origin and real causes of the dispute. It is at the mercy of the impressions of the moment and there is great likelihood that in these conditions the public mind may become irritated and envenomed. This is why we have desired to provide

for the contingency of a commission with the first and primary object of finding out and making known the truth as to the causes of the incident and the actual importance (*materialité*) of the facts. Such is the principal rôle of the Commission: it is appointed to make a report, and not to render a decision which could bind the Powers. But while it is at work preparing its report, time is gained, and this is the second object which we had in view. The public mind is calmed and the dispute ceases to exist in an acute stage.

As a practical method of adjusting international differences, the commission of inquiry seems to have been due to the late Frederick de Martens, the great jurisconsult of the Russian ministry of foreign affairs, whose sound work for the development of international law must long remain one of the foundations on which the future will build. The idea, however, was not entirely new, for what had been called mixed commissions were familiar and frequently used. As a general thing, these mixed commissions had drawn frontiers or executed a particular duty specified in a treaty. Darby lists 118 commissions in the 19th century, and they are still employed. The earlier records of pacific settlement contain many instances of commissions performing essentially the duties of inquiry, but invariably invested also with the power of rendering a decision,—a power which makes them therefore assimilated to arbitration. In fact, from the Jay treaty in 1794 almost down to 1899, it was customary to call an arbitral court a commission. The distinction between inquiry with power to decide and the function of inquiry alone seems to have taken shape most clearly in the mind of M. de Martens, though recognized by other publicists as an advantageous difference.

Professor de Martens, as the principal jurisconsult of the ministry of foreign affairs, was charged in the course of his regular duties with preparing for the work of the First Hague Conference, which had been proposed by the Russian emperor. The program emanated from the Russian Foreign Office, and its technical experts were given the primary responsibility of preparing preliminary and historical material relating to the program and to secure practical results from it. We may imagine the far-sighted publicist grappling with point 8 of the program: "Acceptance, in principle, of the use of good offices, mediation and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations." In 1899 the proposition was considered both visionary and revolutionary by the "practical" statesmen of Europe, who chose to be suspicious of everybody else, whatever occurred. European statesmen of the day did not accept the Russian proposal of the

Conference in good faith, and assigned chauvinist reasons to account for its suggestion that are ludicrous in the light of history and recorded accomplishment.

De Martens was, of course, well aware of this general feeling in Europe and of its particular direction against Russia. He must have realized the difficulties of securing practical results under the circumstances. The documents drafted by St. Petersburg for presentation to the Conference, documents which in almost every branch of the work formed the starting-point for the labors of the Conference, are all characterized by the strictest adherence to undisputed and thoroughly practical considerations. Conservatism ruled, and the fact that the Conference advanced beyond the Russian propositions is due to the good fortune that the world was really ready for greater progress than had been obvious before the actual meeting.

THE FIRST HAGUE CONFERENCE²

Among the numerous documents presented by Russia through Professor de Martens to form the bases of discussion was one entitled "Elements for the Elaboration of a Project of Convention to be concluded between the Powers participating in the Hague Conference." It was presented at the second session of the Third Commission on May 26, 1899, and consisted of 18 articles devoted to good offices and mediation, international arbitration and international commissions of inquiry. Arts. 14 to 18, on the last-named subject, read:—

ART. 14. In cases where there should be produced between the signatory States differences of opinion with respect to local circumstances giving rise to litigation of an international character, which cannot be resolved by ordinary diplomatic methods but in which neither the honor nor the vital interests of these States are concerned, the interested Governments agree to institute an International Commission of Inquiry, in order to determine the circumstances which gave rise to the disagreement and to clear up all questions of fact on the spot by an impartial and conscientious examination.

ART. 15. These International Commissions are constituted as follows: Each interested Government names two members and the four members together choose the fifth member, who is at the same time president of the Commission. If there is a division of votes on the election of a president, the two interested Governments address themselves in common either to a third Government or to a third person who shall nominate the President of the Commission.

ART. 16. The Governments between which a serious disagreement occurs, or a dispute fulfilling the conditions indicated above, engage to furnish to the

² See generally *Conférence Internationale de la Paix, La Haye, 18 mai—2 juillet, 1899*: I, 80-83; IV, 31-44, 61-69; IV, B, 28-31, 55, 64, 70-73; Annexes, 2-3, 47.

Commission of Inquiry all necessary means and facilities for a profound and conscientious study of the facts which have given rise thereto.

ART. 17. The International Commission of Inquiry, after having determined the circumstances in which the disagreement or dispute was produced, presents to the interested Governments its report, signed by all the members of the Commission.

ART. 18. The report of the Commission of Inquiry has in no way the character of an arbitral award; it leaves to the Governments in dispute entire freedom either to conclude an arrangement amicably upon the basis of the above-mentioned report, or to have recourse to arbitration by concluding an agreement *ad hoc*, or finally to have recourse to the *de facto* methods admitted in the mutual relations between nations.

Professor de Martens, in drawing up these articles, had done nothing more than applied what had been a frequent practice between States for a hundred years. He was, of course, entirely familiar with diplomatic history, and had doubtless consulted the rules of procedure of various mixed commissions while elaborating the articles. The conservatism that characterized the project is evident in the last alternative of Art. 18, which, in the Comité d'examen³ on June 21, Professor Asser of Holland was for cutting out. This was opposed by Dr. Zorn of Germany, who said that, "from the legal point of view, it cannot be forgotten that these articles (15-18) have another character, that of an advertisement. That being said, it is not necessary, as M. Asser says, to enter too much into details." Baron d'Estournelles of France proposed the suppression of the last phrase of the sentence of Art. 18. "It is useless," said he, "to foresee and explicitly reserve the right of war in the acts of the Peace Conference. The Comité sharing this point of view, Art. 18 was consequently ended with the words mediation and arbitration," making the phrase read "to have recourse to mediation and arbitration."

Other lesser but significant changes were made in the revision. In Art. 14, at the same session of the Comité d'examen, the restriction of the employment of the Commission to local circumstances was marked for removal by Professor Asser, though he did not then make his point. Professor Lammasch of Austria-Hungary objected to the suggestion of obligation in the article, and, supported by Mr. Holls of the United States and Dr. Zorn of Germany, carried through an amendment altering the phrase, "the interested Governments agree" to "the signatory States agree to recommend to the interested Governments."

Wider latitude in the method of selecting members of the Commis-

³For a careful account of the proceedings see William I. Hull, *The Two Hague Conferences*, 277-288. Compare James Brown Scott, *The Hague Peace Conferences*, I, 265-273.

sion was given in Art. 15 on the motion of Mr. Holls of the United States, generally supported. Art. 16 was modified so as to leave the furnishing of facts more to the discretionary good will of the interested Governments. Art. 17 was reduced in this first revision to the mere direction to present the report to the interested Governments.

The second reading in the Comité d'examen took place at the 13th session on July 3, 1899, and was passed without discussion.

The third reading in the Comité occurred at the 15th session, July 15, and at the 16th session, July 18. In the earlier session, M. d'Ornellas Vasconcellos of Portugal reverted to the point made by M. Asser on the original Art. 14 (now become Art. 9 of the Convention for the Pacific Settlement of International Disputes) relative to expanding the jurisdiction of the Commission. He proposed to change "local circumstances" to "circumstances of fact." He thought that the verification of facts could never violate the honor or vital interests of states, and, in the second place, proposed suppression of that restrictive phrase. M. Asser supported the first proposition, which he had striven for on June 14. "To wipe out a difference between two countries," he said, "it may be useful to examine impartially other than local circumstances; it should not be necessary that Commissions of Inquiry should be limited in their work of investigation and appeasement by any such formula." Professor Lammasch thought some restriction should exist, but the Comité voted the broader jurisdiction. M. d'Ornellas' second proposition to omit the national honor and vital interests clause was considered inopportune. An interesting technical discussion took place on the whole project at the 16th session, which went thence to the Third Commission for passage in the following form:

ART. 9. In disputes of the international nature arising from a difference of opinion on facts which can be the subject of a local determination, and moreover engaging neither the honor nor the vital interests of the interested Powers, these Powers, in the case where they have not been able to arrive at an accord by ordinary diplomatic methods, agree to have recourse, so far as circumstances permit, to the institution of International Commissions of Inquiry, in order to elucidate on the spot, by an impartial and conscientious examination, all questions of fact.

ART. 10. International Commissions of Inquiry are constituted, unless otherwise stipulated, in the manner fixed by Art. 31 (final Art. 32) of the present convention.

ART. 11. The interested Powers engage to supply the International Commission of Inquiry, as fully as they may think possible, with all the means and facilities necessary to enable it to be completely acquainted with and accurately to understand the facts in question.

ART. 12. The International Commission of Inquiry presents to the interested Powers its report, signed by all members of the Commission.

ART. 13. The report of the International Commission of Inquiry has in no way the character of an arbitral award. It leaves to the conflicting Powers entire freedom either to conclude an amicable arrangement on the basis of this report or to have recourse later to mediation or to arbitration.

This text was sent up to the Third Commission for passage before coming up at a plenary session for final enactment. In its sixth session on July 19 occurred one of the regrettable incidents of the Conference. The section relating to the Commission of Inquiry had been held over for discussion until Rumania, Servia and Greece could receive instructions from their Governments. On July 19 their thunder-cloud broke in a torrent of words. The Balkan States in general felt that the Commission of Inquiry proposition as a whole would put them into an adverse situation regarding their historic opponent, Turkey. The argument was lengthy, precise and of a character not readily appreciated by disinterested observers.

M. Beldiman, first delegate of Rumania, opened the discussion, announcing that his Government was not in a position to adhere to the articles relating to Commissions of Inquiry. "This decision rests upon considerations of diverse character, which I shall permit myself to develop at length on account of the gravity that this question presents for us," he continued. "Our point of view is completely shared by Greece and Servia, and the Governments of these States, which have so many interests in common with us, likewise believe that the project of convention will gain much if it does not contain the section concerning Commissions of Inquiry." After citing at length documents to show Rumania's disposition of good will toward the work of the Conference, M. Beldiman referred to point 8 of the program and argued that, as Commissions of Inquiry were not included in its terms, the subject could not properly be discussed, adducing as a precedent the refusal to discuss the American proposition for inviolability of private property at sea. He admitted the superiority from the Rumanian point of view of the revision to the original Russian project.

The obligation to resort to the Commission was the chief point of his attack. "If," he said, "this new principle is to be adopted for the frequent cases of local inquiries which up to the present have been completely left to the free judgment of the Governments, it is to be feared that the practical application of this *obligatory* provision, far from facilitating the solution of the disputes in question, may

on the contrary provoke serious difficulties." He objected strongly to the method of choosing commissioners, which implied that a third power might name the president of the Commission.

M. Veljkovich of Servia spoke for his country, laying stress upon the alleged likelihood of small powers being at a disadvantage. "As to the relations of the great powers on the one side with the small powers on the other, it seems to us permissible to ask whether, in practice, the great powers will always show themselves disposed to recognize the same susceptibilities in the matter of honor and vital interests in the small powers that they will certainly not fail to have themselves." He argued that the guaranty resulting from the provision, "as far as circumstances permit," was not a real guaranty.

M. Delyanni of Greece briefly announced his Government in support of the points of view of Rumania and Servia.

Dr. Stanciov of Bulgaria, in rebuttal, argued that the section left to the States all guaranties of independence which they could desire. He suggested that the Commissioners should be chosen as for arbitration, each side appointing one and these two a third as president. He said that Art. 13, stating that the report had in no sense the character of an award, gave States freedom of action, but proposed an amendment: "It leaves to the conflicting Powers entire freedom either to conclude an amicable arrangement upon the basis of this report, or to consider it as null and void."

Édouard Rolin, delegate for Siam, made a declaration, in which this accomplished international lawyer wrote:

We consider that it will rarely occur that a difference between States bears exclusively upon a question of fact and that the determination of the facts will only be the natural and even necessary prelude to a juridic argument. We therefore believe that arbitration would normally follow inquiry, in default of immediate agreement. It is with this conviction that we have to declare that the Siamese Government will undoubtedly be forced to consider the agreement with a view to eventual arbitration or, in other terms, the *previous conclusion of a compromis* as the principal circumstance which would permit it to consent to an International Commission of Inquiry coming to investigate disputed facts upon its territory.

This declaration, which pointed out the technical omission of methods of procedure, was duly recorded.

Chevalier Descamps, of Belgium, reporter, defended the section against the Balkan delegates. "The delegates are all here animated by a double sentiment," he said, "sincere devotion to the cause of peace and the *rapprochement* of peoples and an unshakable attachment to their own countries." He believed, on broad grounds, that

the two sentiments could be harmonized. As reporter of the project, he answered M. Beldiman's speech in detail.

M. de Martens in one of the remarkable speeches of the Conference enlarged on the reporter's statement as to the competence of the Conference to deal with the subject. "It is a question which is absolutely found in the very skeleton of the program itself. Of this there can be no doubt," he asserted. "I am in a position to affirm in the most positive manner possible that the articles concerning the commissions of inquiry do not contemplate any political purpose and touch in no way the policy of any State, neither great nor small, in the Orient or the Occident." He continued by a description of what the Commission was intended to accomplish, and closed with an eloquent appeal for maintaining a broad vision in dealing with the work of the Conference. "Gentlemen," he said, "if in private life one is happy when he sees everything in rose tints, in international life one is great if he sees everything in the large. One must not remain in the lowlands if he would enlarge his horizon."

M. Beldiman felt himself touched very close to the raw by the Russian's appeal, and made some comments which elicited from Léon Bourgeois of France, president of the Commission, the assurance that "M. de Martens had desired to address an appeal to all members of the Assembly to invite them to project themselves beyond their own frontiers and to consider only the frontiers of humanity." Rumania was thereupon mollified, and offered the explanation that, owing to lack of representation on the Comité d'examen, she had not had a previous opportunity of bringing forward her own point of view.

The vote on the articles followed. Arts. 9, 11 and 12 were adopted. On Art. 10 M. Eyschen of Luxemburg offered an amendment to provide for the procedure of the Commission. No provision had previously been made for the necessary document establishing the Commission for its special case. The question was wisely discussed by Dr. Zorn of Germany, M. de Martens and M. Asser. Chevalier Descamps of Belgium and Count Nigra of Italy succeeded in revising M. Eyschen's amendment satisfactorily. The article was adopted under reserve. To Art. 13 M. Stanciov of Bulgaria proposed an amendment; and this article was therefore adopted under reserve also. Turkhan Pasha for Turkey formally asserted her understanding of the section as purely optional.

President Bourgeois of the commission then suggested that the Balkan dissidents participate in the proceedings of the Comité

d'examen, which must meet again to consider the amendments. The offer was accepted, and the session rose.

The same afternoon the Comité d'examen reconvened to consider the amendments. Here, on the amendment to Art. 13 (now Art. 14), M. Stanciov of Bulgaria brought up the question of the report leaving the Governments concerned absolutely free. The result was the insertion of the clause in the article that the report should be limited to the statement of facts.

M. Bourgeois then reverted to Art. 9 to reassert its purely optional character. Rumania, Servia and Greece promised to report this understanding to their Governments by telegraph. Further discussion of the most cordial kind followed, and the Balkan delegates at the close readily agreed to report home as to the spirit of conciliation and absolute equity which characterized the proceedings.

Everybody was ready for the second reading in commission at its eighth session, July 22. M. Delyanni for Greece immediately "adhered" for his Government, and M. Miyatovich for Servia was authorized to accept without reserve the text of the whole section. M. Beldiman for Rumania submitted a letter in which all the sections except Art. 9 were accepted. On this article Rumania submitted a new text, which was passed unanimously, with two abstentions.

The entire text of the Convention was read and adopted without discussion at the seventh plenary session of the Conference on July 25, and thus was ready for signature. In that form it read:—

ARTICLE 9.⁴ In differences of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10. The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry convention, are decided by the Commission itself.

ARTICLE 11. The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by article 32 of the present Convention.

⁴ *Treaties, Conventions, etc., 1776-1909, 2022.*

ARTICLE 12. The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE 13. The International Commission of Inquiry communicates its report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE 14. The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.⁵

THE SECOND HAGUE CONFERENCE

The Commission of Inquiry was employed but once in the interval between 1899 and 1907, when the Second Hague Conference convened. But that single use of its machinery fully justified all the work that had taken place in the First Conference, and the lengthy and conciliatory discussions which had secured general confidence in the plan.

In 1904 Japan and Russia were at war in the Far East. On October 20, 1904, the Baltic fleet, Admiral Rozhdestvensky, left Cape Skagen on its trip to the Sea of Japan to meet the enemy. On October 23 steam fishing trawlers put into Hull, England, bearing the bodies of two men killed, six wounded fishermen, and bringing the report that the trawler *Crane* was sunk and that five other vessels had suffered serious damage. All casualties were due to firing by the Russian fleet, the earliest news from which was to the effect that it had been attacked by Japanese torpedo boats mingling with the Hull trawlers on the Dogger Bank. England pooh-poohed the story, and the national ire rose. On October 23, at Hull, inquest was held on the bodies of the dead fishermen, and the jury's expression of their sense of the gravity of the situation accurately reflected British public opinion. On November 2 the Board of Trade initiated an inquiry which lasted from November 16 to 20, and adjourned

⁵Ratifications of the Convention containing this section were as follows: Germany, United States, Austria-Hungary, Belgium, Bulgaria, Denmark, Spain, France, Great Britain, Italy, Netherlands, Persia, Portugal, Rumania, Russia, Siam, Sweden and Norway, September 4, 1900; China, November 21, 1904; Greece, April 4, 1901; Japan, October 6, 1900; Luxemburg, July 12, 1901; Mexico, April 17, 1901; Montenegro, October 16, 1900; Serbia, May 11, 1901; Switzerland, December 20, 1900; Turkey, June 12, 1907. Adhesions were deposited by non-participants as follows: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru, Venezuela, June 15, 1907; Ecuador, July 3, 1907; Salvador, June 20, 1907; Uruguay, June 17, 1907.

The Second International Conference of American States, at Mexico City on January 20, 1902, signed a Treaty of Compulsory Arbitration modelled after the Hague Convention for the Pacific Settlement of International Disputes, and Arts. 13-19 of which practically repeat the Hague provision of 1899 (Senate Document No. 330, 57th Congress, 1st Session, 44-45). At that time the American States in general were not participants in the Hague Conferences.

sine die after taking depositions. Between the time when the Board of Trade inquiry was initiated and its actual work the Hague Convention had doubtless saved a war. At the outset the Russian fleet's act was described as an "unwarrantable action," "an unspeakable and unparalleled and cruel outrage," etc. Yet not a week had passed since the fateful Sunday when Britain learned the news until Premier Balfour announced in Parliament on October 28 that the whole matter was to be referred to an International Commission of Inquiry. As early as November 7 the terms of the convention⁶ submitting the question were correctly known to the world, and within another week British passions had subsided. On November 25, 1904, the convention was signed, its Article 2 reading,—

The Commission shall inquire into and report on all the circumstances relative to the North Sea incident, and particularly as to where the responsibility lies and the degree of blame attaching to the subjects of the two high contracting parties, or to the subjects of other countries in the event of their responsibility being established by the inquiry.

It can be seen at a glance that these terms of reference gave the commission jurisdiction far beyond the rendering of a report on the facts, which alone is stipulated by the Hague Convention. Yet fixing responsibility is not essentially a juridic attribute. The convention of reference in other respects followed the provisions of The Hague, and named Paris as the place for sitting. Admiral Dubassov was the Russian member, and Vice-Admiral Sir Lewis Beaumont the British. By the convention the Governments of France and the United States were to name two commissioners, the persons selected being Rear-Admiral Fournier and Rear-Admiral Charles Henry Davis. These four chose the fifth and president, Admiral von Spaun, of Austria.

The commission met on December 22, and on February 26, 1905, its report was published. The majority of the commissioners, the Russian dissenting, found that, "being of opinion that there was no torpedo boat either among the trawlers nor on the spot, the fire opened by Admiral Rozhdestvensky was not justifiable"; that "the responsibility for this act and the results of the cannonade sustained by the fishing fleet rests with Admiral Rozhdestvensky." On March 9 the Russian ambassador handed to Lord Lansdowne, secretary of state for foreign affairs, the sum of £65,000 as the amount of

⁶ The document referring a matter to commission is called a convention, thus distinguishing it from the *compromis* by which a case is referred to arbitration.

indemnity due to Hull fishermen. On March 24 the Board of Trade published its report on the depositions taken from November 16 to 20, fixing the amount of damages at £60,000, so that the Russian payment more than covered the damages.

This practical test of the International Commission of Inquiry indicated its general soundness, but pointed also to many matters of procedure which might be conventionally developed. It was with this experience and this data before it that the Second Hague Conference came to the consideration of revising the five articles of 1899.

When the First Commission of the Conference⁷ met on June 22, 1907, it divided into two sub-commissions, the first of which was to revise the Convention for the Pacific Settlement of International Disputes, including the commission of inquiry provisions. The sub-commission met first on June 25, organized with Signor Fusinato of Italy as president, and received several projects, including the documentary material resulting from the Dogger Bank affair. In the fourth session of the sub-commission, July 9, the commission of inquiry articles came up for preliminary reading.

Henri Fromageot of France opened the discussion. "On most of the questions involving organization of the commissions of inquiry, their functioning and their procedure, the present Convention is silent," he said. The object was to make access to them easier and their operation more sure. Experience showed that a risk was run of notably increasing the difficulties of drafting a convention of reference by adding the necessity of determining rules of procedure to be followed. "Among the questions susceptible of being foreseen by the Conference, it seems these may be mentioned: the rôle of each of the Parties before the Commission of Inquiry and their methods of defending their rights and interests there; handling of evidence, especially evidence by witnesses, with the guaranties of veracity it requires; publicity of the inquiry which, imprudently admitted, risks preventing search for the truth and of overexciting the public instead of appeasing it; conduct of the deliberations; liquidation of the costs. . . . The improvements which we propose are inspired by the thought of permitting International Commissions of Inquiry, in every respect, to be an easily accessible means of assuring peace between nations." M. de Martens for Russia made a notable speech

⁷ See generally *Deuxième Conférence de la Paix, La Haye, 1907*: I, 335, 402, 564, 606; II, 35-37, 39, 226, 379, 493, 625, 862-869.

dealing philosophically with the legal character of the commission. Count Tornielli for Italy, M. de Beaufort for the Netherlands and Sir Edward Fry for Great Britain offered amendments. Haiti, Germany, Rumania, Turkey, Greece, Austria-Hungary, Servia and Brazil made statements favoring the retention of optional resort to the commission. The Comité d'examen was then appointed to attack the problem of revision in detail.

In the third session of the First Commission, October 4, 1907, the articles as they came from the Comité d'examen were read. M. Beldiman of Rumania recalled the revision obtained at the First Conference by Rumania, Greece and Servia, when "they pleaded the cause of defective administrations," and observed that the principle of optional resort to the commission was accepted at the present Conference by all the projects brought before it.

M. de Martens of Russia complained of the optional provision of the reference article (9). "The Powers are sovereign," he said, "and their right to have recourse to Commissions of Inquiry is subject to no limitation. However, Art. 9 is edited in a way to make it seem that the Governments interdict for themselves recourse to the International Commissions in the case where honor and essential interests are affected. Is this phrasing really happy? Does it reflect on the state of things after the inquiry on the Hull incident where the essential interests, if not the honor, of two great powers were affected? . . . The Conference seems to wish to ignore the most remarkable historical lesson of this celebrated case. After the Hull inquiry, it did not wish to declare useful and desirable recourse to the Commissions of Inquiry *in every occurrence*." The accomplished Russian did not, however, feel justified in delaying the work of the Conference by introducing an amendment, and Art. 9 was passed by the commission without change. For the rest of the section the reading brought out nothing new.

At the ninth plenary session of the Conference, October 16, the new Convention was unanimously voted to signature, the section relating to International Commissions of Inquiry, previously five articles, now consisting of 27 articles:—

PART III.—INTERNATIONAL COMMISSIONS OF INQUIRY.⁸

ARTICLE 9.—In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the

⁸ The text as proclaimed by the president on February 28, 1910. It should be understood that the original French text controls, the official American text being merely a translation.

Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10.—International Commissions of Inquiry are constituted by special agreement between the parties in dispute.

The Inquiry Convention defines the facts to be examined; it determines the mode and time in which the Commission is to be formed and the extent of the powers of the Commissioners.

It also determines, if there is need, where the Commission is to sit, and whether it may remove to another place, the language the Commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint Assessors, the Convention of Inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE 11.—If the Inquiry Convention has not determined where the Commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, cannot be altered by the Commission except with the assent of the parties.

If the Inquiry Convention has not determined what languages are to be employed, the question shall be decided by the Commission.

ARTICLE 12.—Unless an undertaking is made to the contrary, Commissions of Inquiry shall be formed in the manner determined by Articles XLV and LVII of the present Convention.⁹

ARTICLE 13.—Should one of the Commissioners or one of the Assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 14.—The parties are entitled to appoint special agents to attend the Commission of Inquiry, whose duty it is to represent them and to act as intermediaries between them and the Commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the Commission.

ARTICLE 15.—The International Bureau of the Permanent Court of Arbitration acts as registry for the Commissions which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the Commission of Inquiry.

ARTICLE 16.—If the Commission meets elsewhere than at The Hague, it appoints a Secretary-General, whose office serves as registry.

It is the function of the registry, under the control of the President, to make the necessary arrangements for the sittings of the Commission, the preparation of the Minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE 17.—In order to facilitate the constitution and working of Commissions of Inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE 18.—The Commission shall settle the details of the procedure not covered by the Special Inquiry Convention or the present Convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE 19.—On the inquiry both sides must be heard.

⁹ The articles relate to arbitration procedure.

At the dates fixed, each party communicates to the Commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20.—The Commission is entitled, with the assent of the Powers, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry.

ARTICLE 21.—Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22.—The Commission is entitled to ask from either party for such explanations and information as it considers necessary.

ARTICLE 23.—The parties undertake to supply the Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the Commission.

If the witnesses or experts are unable to appear before the Commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE 24.—For all notices to be served by the Commission in the territory of a third Contracting Power, the Commission shall apply direct to the Government of the said Power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers they are calculated to impair its sovereign rights or its safety.

The Commission will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE 25.—The witnesses and experts are summoned on the request of the parties or by the Commission of its own motion, and, in every case, through the Government of the State in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the Commission.

ARTICLE 26.—The examination of witnesses is conducted by the President.

The members of the Commission may however put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the President to put such additional questions to the witness as they think expedient.

ARTICLE 27.—The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the President to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE 28.—A Minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29.—The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the Commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE 30.—The Commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the Commission.

If a member declines to vote, the fact must be recorded in the Minutes.

ARTICLE 31.—The sittings of the Commission are not public, nor the Minutes and documents connected with the inquiry published except in virtue of a decision of the Commission taken with the consent of the parties.

ARTICLE 32.—After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the President declares the inquiry terminated, and the Commission adjourns to deliberate and to draw up its Report.

ARTICLE 33.—The Report is signed by all the members of the Commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the Report is not affected.

ARTICLE 34.—The Report of the Commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the Report is given to each party.

ARTICLE 35.—The Report of the Commission is limited to a statement of facts, and has in no way the character of an Award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE 36.—Each party pays its own expenses and an equal share of the expenses incurred by the Commission.²⁹

THE TAFT TREATIES³¹

It was not until President Taft, in 1911, began negotiations with France and Great Britain for arbitration treaties of the broadest possible scope that the commission of inquiry again came into prominence. In principle the identic texts signed on August 3, 1911, were a great improvement over any other general treaties of the kind previously negotiated, excepting such as contained no exceptions whatever. They properly and for the first time made the legal character of a dispute the test of its arbitrable quality, thus avoiding exceptions of the purely capricious kind. For national honor and vital interests are anything or nothing, according as the public point of view happens to be at a time of stress or crisis. But, sound as the phrasing was in this respect, the notable thing about

²⁹Ratifications of the Convention containing these articles have been deposited at The Hague as follows: Germany, United States, Austria-Hungary, Bolivia, China, Denmark, Great Britain, Mexico, Netherlands, Russia, Salvador and Sweden, November 27, 1900; Belgium, August 8, 1910; Brazil, December 31, 1910; Cuba, February 22, 1912; Spain, March 18, 1913; France, October 7, 1910; Guatemala, March 15, 1911; Haiti, February 2, 1910; Japan, December 13, 1911; Luxemburg, August 28, 1912; Nicaragua, December 16, 1900; Norway, September 10, 1910; Panama, August 10, 1911; Portugal, April 13, 1911; Rumania, March 1, 1912; Siam, March 12, 1910; and Switzerland, May 12, 1910. It will be interesting to compare this list with the adherents to the Wilson-Bryan proposal.

³¹See Appendix, page 29; full text in *Treaties, Conventions, etc.*, Vol. III, 385.

the treaties was their definite employment of the commission of inquiry for its proper purpose. It should be understood that the broad principles of the definition of arbitration and the use of the commission in connection with it brought forth no objections from any quarter where the text of the treaties was understood. The truth of this can be seen by a study of the text as it finally obtained the Senate's advice and consent to ratification. Neither principle was combated, and Senator Lodge said in his report from the Committee on Foreign Relations, "The committee assents to the arbitration of all questions coming within the rule prescribed in Art. 1." The committee had no objection to the rest of the treaties, relating to a joint high commission of inquiry, as a whole. The specific objection was that by the treaties the commission's decision that a dispute came within the terms of Article 1 made arbitration of it obligatory. On that rock the treaties were wrecked.

The employment of the commission of inquiry in the Taft treaties marked a considerable departure from the character of that instrument as it had been understood. Its jurisdiction remained that of investigating, but it was invested with a quasi-legal character in that its decision whether or not a controversy fell within the definition of "justiciable by reason of being susceptible of decision by the application of the principles of law or equity" was to control the future handling of the matter. The treaties, therefore, departed to that extent from the freedom of action permitted by the Hague provisions, but the fact that they were bipartite documents was believed to avoid difficulty from that point of view. The commission was to receive any questions whether they involved principles of law or equity or not. It is an important and little recognized fact in relation to these treaties that the reference of any questions to the commission would be by special agreement, which itself would have to come before the Senate for approval and whose terms of reference the Senate would therefore be able to control. In the writer's judgment, disregard of this technical condition explained much of the opposition to the treaties.

In the Senate the revision of the treaty texts involved but two points. One was to make it clear by means of a reservation in the resolution assenting to ratification that questions of national policy should not be included in "justiciable claims of right,"—a legally obvious assertion. The other was to deprive the commission of its quasi-legal power itself to agree that "such difference is within the

scope of Art. 1," whereby it should be referred to arbitration. The power thus granted to the commission to bind the parties to arbitrate was stricken out by the Senate, which expressed the feeling by a bare majority that its freedom of action as part of the constitutional treaty-making power was thereby hampered.

The Administration had set its heart on the treaties as they were negotiated, and did not ratify them, so that they became dead letters.

THE WILSON-BRYAN PLAN

The new Administration took over the ship of state on March 4, 1913. President Wilson was known for his wide knowledge of governmental affairs, and was sympathetic with any practical method of further insuring the peace of the world. His secretary of state, William Jennings Bryan, had been for years a public man whose many speeches and addresses had made it well known that he was an ardent pacifist. Mr. Bryan's interest in the peace cause was one of the chief considerations referred to in the estimates of his probable activities as secretary of state, and there was much speculation as to whether he would attempt to revive the former administration's arbitration treaties when he came face to face with the question of renewing the 25 general arbitration treaties which the Government had signed in 1908 or 1909. The Administration might renew these, substitute for them revisions of the Taft treaties, revive the Taft treaties as advised and consented to by the Senate, or introduce a new proposal. The second and third alternatives were unlikely, since the new Administration's mandate from the people was also new.

As a matter of fact, both the first and fourth alternatives were adopted. On April 23, only six weeks after the inauguration of the new Administration, Mr. Bryan met the members of the Senate Committee on Foreign Relations to lay before them a project which had been discussed with and approved by the President, and which the Department of State intended to propose to the powers. The project Mr. Bryan presented to the committee, whose report upon any treaty presented to the Senate with a view to ratification would determine its fate, was in broad outline to place the investigation and report of a commission of inquiry before any possible declaration of war. Such an investigation would be automatic, but would not

look to arbitration nor restrict the future freedom of action of the disputants in any way.

The essential idea had been in Mr. Bryan's mind for almost seven years. He attended the 14th Conference of the Interparliamentary Union at London in July, 1906, and at that time participated in the discussions concerning a model arbitration treaty designed to secure as broad a scope as possible for that method of settling disputes. The attempt was made in that treaty project to define the questions which indubitably could be arbitrated. Baron von Plener reported the project favorably from committee on July 23, and Mr. Bryan proposed an amendment to the text in the following terms:—

If a disagreement should occur between the contracting parties which, in the terms of the Arbitration Treaty, need not be submitted to arbitration, they shall, before declaring war or engaging in any hostilities, submit the question in controversy to the Hague Court or some other impartial international tribunal for investigation and report, each party reserving the right to act independently afterward.

The amendment was referred to the Council, and reported back to the Conference in a slightly altered form.

In introducing the amendment, Mr. Bryan said in part:—

I cannot say that it is a new idea, for since it was presented I have learned that the same idea in substance was presented last year at Brussels by Mr. Bartholdt, of my own country, and I am very glad that I can follow in his footsteps in the urging of this amendment. I may add also that it is in line with the suggestion made by Sir Henry Campbell-Bannerman yesterday. In that splendid speech he said: If a disagreement should occur between the contracting parties which, in the terms of the arbitration treaty, need not be submitted to arbitration, they shall, before declaring war or engaging in any hostilities whatever, submit the question or questions in controversy to the Hague Court, or some other impartial tribunal, for investigation and report, each party reserving the right to act independently afterward. This amendment is in harmony with this suggestion. The resolution is in the form of a postscript to the treaty. I am not sure but the postscript in this case is as important as the letter itself, for it deals with those questions which have defied arbitration, certain questions affecting the honor or integrity of a nation considered outside the jurisdiction of a court of arbitration,—and these are the questions which have given trouble. Passion is not often aroused by questions that do not affect a nation's integrity or honor, but, for fear these questions may arise, arbitration is not always employed where it might be.

The first advantage, then, of this resolution is that it secures an investigation of the facts; and if you can but separate the facts from the question of honor, the chances are a hundred to one that you can settle both the fact and the question of honor without war. There is, therefore, a great advantage in an investigation that brings out the facts, for disputed facts between nations, as between friends, are the cause of most disagreements.

The second advantage of this investigation is that it gives time for calm consideration. That has already been well presented by the gentleman who has preceded me, Baron von Plener. I need not say to you that a man excited is a

very different animal from a man calm, and that questions ought to be settled, not by passion, but by deliberation. If this resolution would do nothing else but give time for reflection and deliberation, there would be sufficient reason for its adoption. If we can but stay the hand of war until conscience can assert itself, war will be made more remote. When men are mad, they swagger around and tell what they can do; when they are calm, they consider what they ought to do.

The third advantage of this investigation is that it gives opportunity to mobilize public opinion for the compelling of a peaceful settlement, and that is an advantage not to be overlooked. Public opinion is coming to be more and more a power in the world. One of the greatest statesmen my country has produced, Thomas Jefferson, said that, if he had to choose between a government without newspapers and newspapers without a government, he would rather risk the newspapers without a government. You may call it an extravagant statement, and yet it presents an idea, and that idea is that public opinion is a controlling force. . . . If time is given for marshaling the force of public opinion, peace will be promoted. This resolution is presented, therefore, for the reasons that it gives an opportunity to investigate the facts and to separate them from the question of honor; that it gives time for the calming of passion; and that it gives a time for the formation of a controlling public sentiment.

The next year the project of treaty was discussed at the Second Hague Conference, where it failed of passage owing to failure of the multifarious interests represented to agree upon the list of arbitrable questions.

It was the principle phrased in the terms just quoted that President Wilson and Mr. Bryan submitted to the Senate Committee on Foreign Relations, which signified its general approval of the principle and promised favorable consideration of any treaty embodying it. With this expression of opinion from the co-ordinate part of the treaty-making power, President Wilson on April 24 communicated to the diplomats accredited near the Government of the United States the following peace proposal:—

The parties hereto agree that all questions of whatever character and nature, in dispute between them, shall, when diplomatic efforts fail, be submitted for investigation and report to an international commission (the composition to be agreed upon); and the contracting parties agree not to declare war or begin hostilities until such investigation is made and report submitted.

The investigation shall be conducted as a matter of course upon the initiative of the commission, without the formality of a request from either party; the report shall be submitted within (time to be agreed upon) from the date of the submission of the dispute, but the parties hereto reserve the right to act independently on the subject matter in dispute after the report is submitted.

This supplementary memorandum by the secretary of state was issued at the same time:—

In the peace plan proposed by the President to all the nations, the composition of the International Commission is left to agreement between the parties

and I am authorized to suggest for the consideration of those who are willing to enter into this agreement:

1. That the International Commission be of five members, to be composed as follows: one member from each of the contracting countries, to be chosen by the Government; one member to be chosen by each of the contracting countries from some other country, and the fifth member of the Commission to be agreed upon by the two Governments, the Commission to be appointed as soon as convenient after the making of the treaty, vacancies to be filled according to the original appointment.

2. The time also is to be agreed upon, and it is suggested that that time be one year. If a year is considered too long or too short, this Government will consider either a greater or a less period.

3. This Government is prepared to consider the question of maintaining the *status quo* as to military and naval preparation during the period of investigation, if the contracting nation desires to include this, and this Government suggests tentatively that the parties agree that there shall be no change in the military and naval program during the period of investigation unless danger to one of the contracting parties from a third power compels a change in said program, in which case the party feeling itself menaced by a third power, shall confidentially communicate the matter in writing to the other contracting party and it shall thereupon be released from the obligation not to change its military or naval program, and this release will at the same time operate as a release of the other contracting party. This protects each party from the other in ordinary cases, and yet provides freedom of action in emergencies.

All of these suggestions, however, are presented for consideration, and not with the intention of imposing any fixed conditions. The principle of investigation being accepted, the details are matters for conference and consideration.

The Government naturally did not issue any detailed statement of the governments to which this proposal was made, for such a statement might later be construed as reflecting upon any which did not see fit to respond. No such consideration need control the individual, and, recalling that diplomatic circular notes are addressed to the governments with which any government maintains diplomatic relations, it may be in point to mention that at the time 39 States had diplomats accredited to Washington. The revolutionary government *de facto* in Mexico had not been recognized, and consequently Mexico was without diplomatic representation at the American capital.

In the period since April 24, 1913, until the end of the year, 31 out of the 39 had indicated acceptance of the plan,¹² leaving but 8 States with diplomatic representation at Washington which had not responded affirmatively within the exceedingly short time—diplomatically speaking—of eight months. As soon as the Department of State began to get favorable reports to the proposal, its machinery

¹² Not only has the proposal met favor with Governments, but several important organizations have endorsed it, those of semi-official character being: The First Conference of French and German Members of Parliament at Berne, Switzerland, May 11; The American Group of the Interparliamentary Union, June 25; The Interparliamentary Union, September 3.

was set to work to prepare a treaty embodying the idea. On August 7, less than three months after the proposal was made, a treaty was signed with Salvador. The list of the other contracting states and the order of the acceptances will be found on page 30 ff.

Negotiations with the other accepting powers were conducted continuously, it being the evident intention to complete treaties with the smaller powers before formally initiating negotiations with the larger ones. Before the European war broke out 30 treaties had been signed, the contracting states including many of the most important powers and practically all of Latin America. Departments of foreign relations everywhere had many delicate problems thrust upon them by the European conflict, so that since August, 1914, the opportunity for initiating the negotiation of treaties without direct application to current affairs has not been good. The treaties already signed, however, took the normal course of progress toward ratification. As the several steps necessary to bring a treaty into force are completed, these conventions are proclaimed by the Government of the United States and the other contracting Governments. Though there are variations in language in some of the treaties in force, they all conform to one general model.¹³ The following is the text of the first treaty to enter into force:

TREATY FOR THE ADVANCEMENT OF PEACE

The United States of America and the Republic of Guatemala, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose and to that end have appointed as their plenipotentiaries:

The President of the United States, the Honorable William Jennings Bryan, Secretary of State; and

The President of Guatemala, Señor Don Joaquin Méndez, Envoy Extraordinary and Minister Plenipotentiary of Guatemala to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust,

¹³ For an analysis of the formulas employed in all the treaties in force up to October 1, 1916, see "The Bryan Peace Treaties," an editorial comment by George A. Finch in the *American Journal of International Law*, 10, 882-890.

shall be submitted for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and report.¹⁴

ARTICLE II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within four months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III.

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, act upon its own initiative, and in such case it shall notify both Governments and request their co-operation in the investigation.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submitted.¹⁵

¹⁴ Another form of this article which has been employed frequently is to be found in the treaty with the Netherlands, as follows:—

“The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.”

¹⁵ The first treaties signed contained a provision which appears in no treaty that has been ratified. The provision referred to was in the following terms:—

“Pending the investigation and report of the International Commission, the high contracting parties agree not to increase their military or naval programs, unless danger from a third power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval *status quo*.”

ARTICLE IV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Republic of Guatemala, with the approval of the Congress thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the high contracting parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington on the 20th day of September, in the year of our Lord nineteen hundred and thirteen.

It can be seen from the mere recital of the remarkable record of the proposal that it introduces a virile principle among the existing methods for the pacific settlement of international disputes. A comparison of it with its prototypes will make clear the quality of the advance toward peace which is its foundation and *raison d'être*.

The commission of inquiry as formerly established was a commission *ad hoc*, to be organized for a specific case. It was purely optional in character, and had no reference to the transition from the normal status of peace to the abnormal one of war, which has been practically held to be a condition which a state entered at its own discretion or lack of discretion. The commission was primarily designed to perform the function of a master appointed by an Anglo-Saxon court or the *juge d'instruction* of the Roman legal system,—to find and determine facts.

Acting upon the fundamental proposition that facts cannot be avoided, and should have no terrors for any right-minded government, the series of American treaties develops this machinery logically. Carried into force, it renders it impossible that any governments bound by it should ever go into war without knowing precisely what they were fighting about. The commission being a good thing, it is made permanent. From being optional for any case, it becomes obligatory and automatic for "all disputes, of every nature whatsoever, which diplomacy shall fail to adjust." It has been said that the descent to hell is easy: the transition from peace to war is no less so, and it has happened in the past that excited public opinion has forced war without cooler heads being able to apply any brake.

The American treaties introduce such a brake, and insure that no war will be fought until after the sober second thought of governments and people.

In the healthy condition of international affairs the ordinary diplomatic method of negotiation takes care of all questions arising, and probably solves 95 per cent. of all questions "as all in the day's work." But diplomacy finds it difficult to digest the remainder, and from these questions, in their degree, there emerges the possibility of sickness in the body politic. A very few of them occasionally threaten more than a day or two of "not feeling well," and appear to portend the real sickness of war for the state. For this condition, arbitration has been prescribed in the past. Arbitration involves some formality and an actual prescription in the shape of an award. If arbitration be likened to the conclusion of a council of physicians, the commission of inquiry may be held similar to the friendly consultation of the family physician, who tells the patient the facts in his case and leaves it to his good judgment whether or not he will call in the specialists.

The success of the American proposal may be defined as due to its strict adherence to the principle of the commission of inquiry; the advance it records is that of the greatest possible development yet made within the limits of that principle.¹⁶ It brings forward into the range of practical affairs the well-attested maxim that war will not come in cold blood from a dispute the facts of which are thoroughly attested. It goes no further, for freedom of action is reserved by both parties after the commission's work is done.

Several technical points may be mentioned regarding the relation of the treaties already signed to the American system of government. The fact that the commission becomes a permanent one makes appointments to it on the part of the United States subject to confirmation by the Senate. On this account the Senate, as a co-ordinate part of the treaty-making power, is in a position always to secure commission members for the American quota who are satisfactory to it. Article III provides that the parties may refer a dispute to the commission or the commission may act on its own initiative. The latter alternative offers a new problem, for hitherto commissions have acted *ad hoc* with their jurisdiction laid down by the governments. The first alternative implies the intention of negotiating a

¹⁶ The fullest development of the principle is that called for by the program of the League to Enforce Peace, a council of conciliation which would be formed jointly by many states rather than only by pairs of states.

special convention, which would come before the Senate. The second would doubtless result in the same procedure, for the commission's initiative is restricted to initiative, after which the co-operation of the governments must be obtained. But, practical procedure aside, the fact that the parties reserve the right to act independently after the report has been made clearly eludes the objection of undue binding of the legislative power.

APPENDIX I.—THE TAFT ARBITRATION TREATY.

(Senate desired to strike out part in brackets.)

ARTICLE II. The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III. The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

AMERICAN TREATIES AND COMMISSIONS FOR THE ADVANCEMENT OF PEACE.¹

(Corrected to April, 1919.)

The stages of these treaties are:

1. Negotiation proposed by identic note, accepted in principle;
2. Negotiation, resulting in treaties signed;
3. Ratification advised by parliamentary organs (where necessary);
4. Ratification by executives of states;
5. Exchange of ratifications;
6. Proclamation, promulgation or publication of treaties to people.
7. Appointment of commissioners.

IN FORCE.

BOLIVIA.—Order of acceptance in principle, 11; seventh treaty, signed at Washington, January 22, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, January 4, 1915; ratified by Bolivia, November 14, 1914; ratifications exchanged at Washington, January 8, 1915; proclaimed January 9, 1915; in force for five years from exchange of ratifications, January 8, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 606.

Commissioners: On the part of the United States: A. R. Talbot, of Nebraska; on the part of Bolivia: Severo Fernández Alonzo, formerly president of Bolivia, and Santiago Pérez Triana, of Colombia; joint commissioner:—.

BRAZIL.—Order of acceptance in principle, 4; twentieth treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, November 22, 1915; ratified by Brazil, June 22, 1916; ratifications exchanged at Washington, October 28, 1916; proclaimed, October 30, 1916; in force for five years from exchange of ratifications, October 28, 1916, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 627.

CHILE.—Order of acceptance in principle, 22; twenty-first treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 20, 1914; ratified by the President, November 11, 1915; ratified by Chile, November 9, 1915; ratifications exchanged at Washington, January 19, 1916; proclaimed, January 22, 1916; in force for five years from exchange of ratifications, January 19, 1916, and successively for periods of five years until notice of intention to terminate; text, *Treaty Series*, No. 621.

CHINA.—Order of acceptance in principle, 14; twenty-third treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, October 12, 1914; ratified by the President, June 17, 1915; ratified by China, June 18, 1915; ratifications exchanged at Washington, October 22, 1915; proclaimed, October 23, 1915; in force for five years from exchange of ratifications, October 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 619; exchange of notes extending time for appointment of the commission under article

¹A treaty modeled after these American engagements was signed by the ministers for foreign affairs of the Argentine Republic, Brazil and Chile at Buenos Aires on May 25, 1915. The Argentine senate approved the treaty on September 22, 1915, and Brazil ratified it on November 10, 1915.

Articles 9 and 10 of the convention between United States and Great Britain concerning the boundary waters between the United States and Canada, signed at Washington January 11, 1909, contain provisions of a similar character. The convention establishes an International Joint Commission, which has been active for several years.

2 from April 22, 1916, to August 1, 1916, signed at Washington, May 11-19, 1916; text, *Treaty Series*, No. 619-A.

Commissioners: On the part of the United States: Andrew D. White, of New York, and H. J. Horst, president of the Norwegian Interparliamentary Union and president of the Norwegian Lything; on the part of China: Vi Kyuin Wellington Koo, Chinese minister at Washington, and Henri de Codt, adviser to the Chinese Foreign Office; joint commissioner: Knut Hjalmar Leonard de Hammarskjöld, premier of Sweden.

COSTA RICA.—Order of acceptance in principle, 24; eleventh treaty, signed at Washington, February 13, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, November 11, 1914; ratified by Costa Rica, July 25, 1914; ratifications exchanged at Washington, November 12, 1914; proclaimed, November 13, 1914; in force for five years from exchange of ratifications, November 12, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 603.

Commissioners: On the part of the United States: James B. McCreary, of Kentucky; on the part of Costa Rica: —; joint commissioner: —.

DENMARK.—Order of acceptance in principle, 21; tenth treaty, signed at Washington, February 5, 1914; ratified by Danish House, February 27, 1914; rejected by Danish Senate, March 28, 1914; redrafted and signed at Washington, April 17, 1914; ratification advised by United States Senate, September 30, 1914; ratified by President, January 14, 1915; ratified by Denmark, November 21, 1914; ratifications exchanged at Washington, January 19, 1915; proclaimed, January 20, 1915; in force for five years from exchange of ratifications, January 19, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 608.

Commissioners: On the part of the United States: Judson Harmon, of Ohio, and José Carlos Rodríguez, of Brazil; on the part of Denmark: J. H. Deuntzer, formerly Danish minister for foreign affairs, and Erik Trolle, governor of Linkping, Sweden, formerly Swedish minister for foreign affairs; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

ECUADOR.—Order of acceptance in principle, 32; twenty-eighth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 20, 1914; ratified by the President, January 4, 1916; ratified by Ecuador, November 10, 1915; ratifications exchanged at Washington, January 22, 1916; proclaimed, January 24, 1916; in force for five years from exchange of ratifications, January 22, 1916, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 622.

FRANCE.—Order of acceptance in principle, 3; twenty-fourth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, January 14, 1915; ratified by France, December 3, 1914; ratifications exchanged at Washington, January 22, 1915; proclaimed, January 23, 1915; in force for five years from exchange of ratifications, January 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 609; exchange of notes extending time for appointment of the commission under article 2 from July 22, 1915, to January 1, 1916, signed at Washington, November 10, 1915; text, *Treaty Series*, No. 609-A.

Commissioners: On the part of the United States: Richard Olney, of Massachusetts, and Rómulo S. Naón, ambassador of Argentina to the United States; on the part of France: Louis Renault, French jurist, and Henri Carton de Wiart, Belgian minister of justice; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

CONCILIATION PLAN

GREAT BRITAIN.—Order of acceptance in principle, 2; twenty-fifth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, November 4, 1914; ratified by Great Britain, October 8, 1914; ratifications exchanged at Washington, November 10, 1914; proclaimed, November 11, 1914; in force for five years from exchange of ratifications, November 10, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 602; exchange of notes extending time for appointment of the commission under article 2 from May 10, 1915, to January 1, 1916, signed at Washington, November 3, 1915; text, *Treaty Series*, No. 602-A.

Commissioners: On the part of the United States: George Gray, of Delaware, and Domicio da Gama, Brazilian ambassador at Washington; on the part of Great Britain: Right Honorable Viscount James Bryce, O.M. (Great Britain¹); Right Honorable Sir Charles Fitzpatrick (Canadian representative); Right Honorable Sir George Houstoun Reid, High Commissioner for Australia in London (Australian representative); W. P. Schreiner, high commissioner for the Union of South Africa in London (South African Union representative); Sir Robert Stout, K.C.M.G., chief justice of the Supreme Court of New Zealand (New Zealand representative); Sir William Horwood, chief justice of the Colony (Newfoundland representative); and Maxim Kovaleski, Liberal member of the Council of the Russian Empire; joint commissioner: Fridtjof Nansen, of Norway.

GUATEMALA.—Order of acceptance in principle, 16; second treaty, signed at Washington, September 20, 1913; ratification advised by the Senate, with amendments, August 13, 1914; ratified by the President, August 27, 1914; ratified by Guatemala, May 15, 1914; ratifications exchanged at Washington, October 13, 1914; proclaimed, October 13, 1914; in force for five years from exchange of ratifications, October 13, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 598; exchange of notes extending time for appointment of the commission under article 2 from February 13, 1915, to January 1, 1916, signed at Washington, November 3, 1915; text, *Treaty Series*, No. 598-A; exchange of notes extending time for appointment of the commission under article 2 from January 1, 1916, to July 1, 1916, signed at Washington, June 1, 1916; text, *Treaty Series*, No. 598-B.

Commissioners: On the part of the United States: William J. Stone, of Missouri, and Paul Ritter, minister of Switzerland at Washington; on the part of Guatemala: José Pinto, formerly president of the Supreme Court of Guatemala, and Domicio da Gama, ambassador of Brazil at Washington; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

HONDURAS.—Order of acceptance in principle, 29; fourth treaty, signed at Washington, November 13, 1913; ratification advised by United States Senate, with amendments, August 13, 1914; ratified by the President, July 20, 1916; ratified by Honduras, May 29, 1916; ratifications exchanged at Washington, July 27, 1916; proclaimed, July 28, 1916; in force for five years from exchange of ratifications, July 27, 1916, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 625.

¹“In the event of its appearing to His Majesty's Government that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom but are mainly those of some one or more of the self-governing dominions, namely the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the international commission for such investigation and report another person selected from a list of persons to be named one for each of the self-governing dominions but only one shall act, namely, that one who represents the dominion immediately interested.”—Article III, second paragraph, of the treaty.

ITALY.—Order of acceptance in principle, 1; fifteenth treaty, signed at Washington, May 5, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, March 17, 1915; ratified by Italy, November 29, 1914; ratifications exchanged at Washington, March 19, 1915; proclaimed, March 24, 1915; in force for five years from exchange of ratifications, March 19, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 615; exchange of notes extending time for appointment of the commission under article 2 from September 19, 1915, to January 1, 1916, signed at Washington, September 18, 1915; text, *Treaty Series*, No. 615½.

Commissioners: On the part of the United States: George L. MacKintosh, of Indiana, and Eduardo Suárez-Mujica, of Chile; on the part of Italy: Baron Edmondo Mayor des Planches and Mr. van Iseghem, of Belgium; joint commissioner: Gregers W. W. Gram, of Norway.

NORWAY.—Order of acceptance in principle, 6; sixteenth treaty, signed at Washington, June 24, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, October 14, 1914; ratified by Norway, September 18, 1914; ratifications exchanged at Washington, October 21, 1914; proclaimed by President, October 22, 1914; in force for five years from exchange of ratifications, October 21, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 599; exchange of notes extending time for appointment of the commission under article 2 from February 21, 1915, "until the contracting parties are able to complete the selection," signed at Washington, January 7-12, 1915; text, *Treaty Series*, No. 599½.

Commissioners: On the part of the United States: James Brown Scott, of the District of Columbia; on the part of Norway: Jørgen Løvland, president of the Storting; joint commissioner. —.

PARAGUAY.—Order of acceptance in principle, 27; twenty-second treaty, signed at Asuncion, August 29, 1914; ratification advised by United States Senate, October 22, 1914; ratified by the President, October 26, 1914; ratified by Paraguay, March 9, 1915; ratifications exchanged at Asuncion, March 9, 1915; proclaimed by the President, March 17, 1915; in force for five years from exchange of ratifications, March 9, 1915, and then until 1 year after notice of intention to terminate; text, *Treaty Series*, No. 614; exchange of notes extending time for appointment of the commission under article 2 from July 9, 1915, to January 15, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 614-A.

Commissioners: On the part of the United States: W. S. Jennings, of Florida; on the part of Paraguay: —; joint commissioner: —.

PERU.—Order of acceptance in principle, 8; seventeenth treaty, signed at Lima, July 14, 1914; ratification advised by United States Senate, August 20, 1914; ratified by the President, December 1, 1914; ratified by Peru, January 26, 1915; ratifications exchanged at Lima, March 4, 1915; proclaimed by the President, March 6, 1915; in force for five years from exchange of ratifications, March 4, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 613.

Commissioners: On the part of the United States: Eugene Wambaugh, of Massachusetts; on the part of Peru: Anselmo Barreto, associate justice of the Supreme Court of Peru, and Juan Zorrilla de San Martin, of Uruguay; joint commissioner: —.

PORTUGAL.—Order of acceptance in principle, 19; ninth treaty, signed at Lisbon, February 4, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, October 21, 1914; ratified by Portugal, September 26, 1914; ratifications exchanged at Washington, October 24, 1914; proclaimed by the President, October 27, 1914; in force for five years from exchange of

ratiications, October 24, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 600; exchange of notes extending time for appointment of the commission under article 2 from April 24, 1915, to April 24, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 600-A.

Commissioners: On the part of the United States: James M. Cox, of Ohio, and Sir Robert L. Borden, premier of Canada; on the part of Portugal: Barbosa Magalhaes, deputy, former minister of justice and professor at the University of Lisbon, and Mr. Sanchez Toca, president of the Senate of Spain; joint commissioner: Lauro S. Müller, minister for foreign affairs of Brazil.

RUSSIA.—Order of acceptance in principle, 7; twenty-seventh treaty, signed at Washington, September 18/October 1, 1914; ratification advised by United States Senate, October 13, 1914; ratified by the President, January 23, 1915; ratified by Russia, December 23, 1914; ratiications exchanged at Washington, March 22, 1915; proclaimed by the President, March 25, 1915; in force for five years from exchange of ratifications, March 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 616.

Commissioners: On the part of the United States: Edwin A. Alderman, of Virginia, and Charles R. Crane, of New York; on the part of Russia: Mr. Timacheff, secretary of state and member of the Council of the Empire, and Baron Nolde, chief law officer of the imperial ministry for foreign affairs; joint commissioner: G. F. Hagerup, Norwegian minister to Denmark.

SPAIN.—Order of acceptance in principle, 18; twenty-sixth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, November 23, 1914; ratified by Spain, November 23, 1914; ratiications exchanged at Washington, December 21, 1914; proclaimed December 23, 1914; in force for five years from exchange of ratifications, December 21, 1914, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 605; exchange of notes extending time for appointment of the commission under article 2 from June 21, 1915, to February 15, 1916, signed at Washington, November 16–December 20, 1915; text, *Treaty Series*, No. 605-A.

Commissioners: On the part of the United States: Cyrus Northrup, of Minnesota, and Ignacio Calderón, minister of Bolivia at Washington; on the part of Spain: Pio de Gullon Yglesias, senator of Spain, and Pablo Speisser, of Switzerland; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

SWEDEN.—Order of acceptance in principle, 5; thirtieth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 22, 1914; ratified by the President, January 4, 1915; ratified by Sweden, November 13, 1914; ratiications exchanged at Washington, January 11, 1915; proclaimed, January 12, 1915; in force for five years from exchange of ratifications, January 11, 1915, and, failing denunciation 6 months at least before expiration of period, by tacit renewals for periods of five years; text, *Treaty Series*, No. 607; exchange of notes extending time for appointment of the commission under article 2 from July 11, 1915, to January 15, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 607-A.

Commissioners: On the part of the United States: Samuel Avery, of Nebraska, and Baron d'Estournelles de Constant, a French senator; on the part of Sweden: Judge J. Hellner, LL.D., and G. F. Hagerup, LL.D., Ph.D., Norwegian minister to Denmark; joint commissioner: J. A. Loeff, of the Netherlands.

URUGUAY.—Order of acceptance in principle, 35; eighteenth treaty, signed at Washington, July 20, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, February 19, 1915; ratified by Uruguay, November 25, 1914; ratifications exchanged at Washington, February 24, 1915; proclaimed, February 26, 1915; in force for five years from exchange of ratifications, February 24, 1915; and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 611.

Commissioners: On the part of the United States: Harry B. Hutchins, of Michigan; on the part of Uruguay: —; joint commissioner: —.

SIGNED.

ARGENTINE REPUBLIC.—Order of acceptance in principle, 13; nineteenth treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 13, 1914.

DOMINICAN REPUBLIC.—Order of acceptance in principle, 15; thirteenth treaty, signed at Washington, February 17, 1914.

GREECE.—Order of acceptance in principle, 34; twenty-ninth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 20, 1914.

NETHERLANDS.—Order of acceptance in principle, 10; sixth treaty, signed at Washington, December 18, 1913; ratification advised by United States Senate, August 13, 1914.

NICARAGUA.—Order of acceptance in principle, 30; fifth treaty, signed at Washington, December 17, 1913; ratification advised by United States Senate, August 13, 1914.

PANAMA.—Order of acceptance in principle, 28; third treaty, signed at Washington, September 20, 1913.

PERSIA.—Order of acceptance in principle, 31; eighth treaty, signed at Teheran, February 4, 1914; ratification advised by United States Senate, August 13, 1914.

SALVADOR.—Order of acceptance in principle, 25; first treaty, signed at Washington, August 7, 1913; ratification advised by United States Senate, August 13, 1914.

SWITZERLAND.—Order of acceptance in principle, 26; twelfth treaty, signed at Washington, February 13, 1914; ratification advised by United States Senate, August 13, 1914.

VENEZUELA.—Order of acceptance in principle, 33; fourteenth treaty, signed at Caracas, March 21, 1914; ratification advised by United States Senate, August 13, 1914.

ACCEPTED IN PRINCIPLE.

AUSTRIA-HUNGARY.—Order of acceptance in principle, 9; invited to negotiate, September 15, 1914.

BELGIUM.—Order of acceptance in principle, 20.

CUBA.—Order of acceptance in principle, 23.

GERMANY.—Order of acceptance in principle, 12; invited to negotiate, September 15, 1914.

HAITI.—Order of acceptance in principle, 17.

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