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EDITORIAL COMMENT

THE SECOND ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The second annual meeting of the American Society of International Law was held at Washington, D. C., on April 24 and 25, at the New Willard Hotel, and was largely attended by members of the Society. The meeting was called to order on Friday, April 24, at 10 o'clock, by the president of the Society, the Hon. Elihu Root, who, after a brief address of welcome in which he set forth the aims of the Society and the progress made in the past year, delivered an address on "The Sanction of International Law." As this number of the JOURNAL contains the address in full it is unnecessary to quote any passages from it. It should be said, however, that aside from its intrinsic merits the address was important for the reason that his professional experience enabled the president to speak with peculiar authority on the sanction of municipal and international law. A lifetime spent in the court room necessarily familiarized him with the necessity and the form of sanction present in municipal law, and his position as Secretary of State enabled him — indeed, in a large measure required him — to analyze the sanc-

tion supposed to exist in international law, and to set it forth clearly and precisely. The fact that the speaker, as a result of professional practice and experience, finds the ultimate sanction of municipal law and international law to be the same — namely, the public opinion of the community, whether it be national or international — goes far to meet the objection of the theorist who, without professional experience, fails to find the sanction which the man of affairs discovers without difficulty and everywhere existing.

The first topic for discussion, "Should the violation of treaties be made a Federal offense?" was admirably treated in a carefully prepared paper by ex-Senator Turner, of Washington, who expressed the belief that the violation of treaties should be made a Federal offense and that an act of Congress to carry out the provisions of a treaty and penalizing their violation would be as constitutional as it is wise and expedient. The Hon. George Gray, of Delaware, and the Hon. Swagar Sherley, of Kentucky, took an active part in the discussion of the paper, as did also Frederick R. Coudert, of the New York bar. Judge Gray felt that a Federal act might interfere with the reserved rights of the States, whereas Mr. Sherley expressed the view that the act would not only be proper in itself, but that it would not improperly interfere with the doctrine of State rights. Mr. Coudert, while treating the subject from a more general and less technical standpoint, concurred with the views expressed in the leading paper. It will be noted that Senator Turner's treatment was not merely academic but practical, for at the conclusion of his paper he proposed two drafts of a bill which in his opinion would adequately meet the difficulties of the case.

In the afternoon session Prof. Paul S. Reinsch, of the University of Wisconsin, read a careful paper on the question, "How far should loans raised in neutral nations for the use of belligerents be considered a violation of neutrality?" The Hon. Oscar S. Straus, who presided at the session, and who has made himself in recent years the most conspicuous champion of the affirmative, dealt with the subject at length in his opening address. The subject was so carefully treated by the two speakers as to leave little room for discussion or comment; for Mr. Reinsch's paper, while outlining the question, called attention to the advantages and difficulties with such impartiality and detail as to preclude the presentation of individual views or preferences.

The evening session began at 8 o'clock, with the Hon. George Gray in the chair. The topic of the evening was "Arbitration at the Second

Hague Conference," and in this instance the two addresses were so careful, thorough, and so expressive of the opinions of the audience that they were accepted as final statements without discussion or comment. Gen. Horace Porter treated the work of the Second Conference sympathetically and with the detail to be expected from one who had himself played a great and leading part in the conference. Mr. R. C. Smith, K. C., of the Montreal bar, read the second paper and by his presence emphasized the international character of the Society as well as the belief of the enlightened that the Second Hague Conference deserves well of the community of nations.

The Saturday morning session, with General Porter in the chair, dealt with the problem of the codification of international law, its desirability and its progress. Prof. George G. Wilson, of Brown University, presented an able and instructive paper on the work of the Naval War College in the codification of maritime international law, and was followed by Jackson H. Ralston, who spoke of the need of a code of international law for the purpose of mixed commissions and international tribunals which have to deal with vexed and doubtful points submitted for their consideration.

The afternoon session was presided over by Professor Wilson and was devoted to the consideration of the organization, jurisdiction, and procedure of an international court of prize. The Society was fortunate on this occasion to have the advisability of an international court of prize presented to its consideration by a former justice of the Supreme Court, the Hon. Henry B. Brown, who by years of experience on the bench has a first-hand familiarity with the difficult questions of prize law. While stating that certain provisions of the proposed court were open to technical, perhaps constitutional, objection, he nevertheless hailed the prize court as a great and genuine advance and stated that the Second Hague Conference would have justified its calling if it had done nothing more than elaborate the project for the establishment of an international court of prize. On behalf of the admiralty bar Harrington Putnam, esq., of New York City, spoke in behalf of the court. The discussion closed with a few words by Mr. James Brown Scott, regarding the importance of the proposed court.

At the annual business meeting, Prof. Louis Renault, Professor of International Law at the Paris Law School and the School of Political Sciences, was elected honorary member of the Society, and the following officers were chosen for the ensuing year :

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On Friday afternoon, at 2.30, the President of the United States, attended by the president of the Society, the Hon. Elihu Root, and the Secretary of War, the Hon. William H. Taft, received the members in attendance at the meeting, and on Saturday evening, at 7 o'clock, the second annual meeting was closed with a banquet at the New Willard Hotel, where one hundred and eleven of the members and guests gathered together. The president of the Society presided as toastmaster, and addresses were delivered by the Hon. Oscar S. Straus, Secretary of Commerce and Labor, vice-president of the Society and chairman of the Executive Committee; Gen. Horace Porter, vice-president of the Society; the Reverend Bishop O'Connell, rector of the Catholic University of America; R. C. Smith, K. C., of Montreal, Canada; and the Hon. David J. Brewer, Justice of the Supreme Court of the United States and vice-president of the Society.

THE PENNSYLVANIA ARBITRATION AND PEACE CONFERENCE

On May 16 to 19, 1908, a notable conference on arbitration and peace was held in the city of Philadelphia. Its objects, as stated in the published program, were:

First. To promote the universal acceptance of the principles of international arbitration, and the establishment of permanent courts of justice for the nations, as the only practical means to ensure the blessings of peace by making wars improbable, and ultimately impossible, in the civilized world.

Second. To give the people of Pennsylvania an opportunity to commend the splendid record of the United States with regard to arbitration, and to pledge their active and earnest support to every effort of our government to continue the work and to carry out the recommendations of the great Hague Conference of 1907.

Third. To form and provide for an effective representation of public sentiment upon the great issues making for international friendship and world organization that should signalize the Third Hague Conference.

Six sessions of the conference were held, besides the banquet on Tuesday evening and a series of meetings held on Sunday in the various churches in the city.

Hon. Philander C. Knox, Senator of Pennsylvania, was president of the conference. Among the notable men who took part were Hon. David J. Brewer, Justice of the Supreme Court of the United States; Hon. William P. Potter, Justice of the Supreme Court of Pennsylvania; Hon. Edwin S. Stuart, Governor of Pennsylvania; Hon. William Jen-