

to the toast, "The Judicial Department," defined the requisition of a typical American court as

First, honesty; second, courage; third, good sense, and fourth, a knowledge of the law.

All in all the new court seems to have grappled with energy the perplexing situation before it, and we may look forward to some new developments of the common law in this new field for American jurisprudence which will not only make for the betterment of conditions in China but throw some interesting light upon old legal problems in a new environment.

ANGLO-AMERICAN RELATIONS

The year 1907 opened without any friction between Great Britain and the United States and it is to be hoped that the year will close without any. It is a pleasure to be able to state that the *modus vivendi*, safeguarding the American fishing rights within the Newfoundland waters, accomplished the purpose which the contracting countries had in mind. The rights of both parties were clearly set forth in advance of the fishing season, the imperial authorities had seen to it that these rights were in no instances violated by local ordinance or action, with the result that the fishing season of 1906-1907 closed without any untoward incident. If the *modus vivendi* (the text of which was in the Supplement to the January number, pp. 22-31) should be continued or if a permanent arrangement could be reached or if a treaty or convention could be negotiated which would clearly define and adequately protect the rights of American fishermen, a recurrent cause of friction would be removed.

For one brief moment an incident occurred at Jamaica which might have caused an unpleasant feeling if there had been any source of irritation existing between the two countries. The lamentable earthquake which destroyed Kingston and caused the death of many an inhabitant seemed to furnish opportunity to the jingo on both sides of the water to resort to favorite, but fortunately forgotten, methods. The landing of Admiral Davis at the request of subordinate authorities for protection of life, liberty and property did not meet with favor from the governor, and a thoughtless phrase written by the governor in a moment of excitement might have caused infinite trouble if it had not been disavowed by the English press and had it not been charitably received in this country. If Admiral Davis had landed without the consent of the local authorities he would have been guilty of a technical violation of

British sovereignty, but the owner of a house is not overmindful who enters it to put out a fire. An action of trespass under such circumstances is unknown, and the technical violation of sovereignty, had it occurred, would not have been the source of criticism by the right-minded. It is a fact, however, that Admiral Davis landed his men at the request of the local officials and therefore a human action does not have to defend itself.

The following colloquy occurred in parliament:

Mr. Collings asked the under-secretary for the colonies if it were in accordance with international law and international etiquette for the admiral of a foreign ship to land an armed force in a British colony without the permission of the governor of that colony.

Sir E. Grey [secretary of state for foreign affairs], who replied, said: The answer is in the negative, and I may add that in the incident to which the right honorable gentleman has previously referred no such right was ever claimed. [Ministerial cheers.]

Mr. Collings: Was the right, or supposed right, exercised?

Sir E. Grey: No, sir; if a right is not claimed you cannot say it has been exercised. What I am convinced of is that there was naturally in the presence of such a catastrophe a certain amount of misunderstanding. The action of the American admiral was inspired by the single-minded motive of humanity and the desire to remove suffering. [Cheers.] Any other construction placed upon his actions would be both unworthy and untrue. [Cheers.]

Mr. Collings: Does not the fact remain that in opposition to the governor of a British colony this armed force was landed, and that there was no disorder that would warrant any such action? [Opposition cheers.]

Sir E. Grey: No, sir. According to my information the question of the right honorable gentleman contains a statement of fact which is not borne out by the true accounts of the occurrence. [Ministerial cheers.]

Mr. Collings asked Mr. Churchill when the papers referring to matters connected with the Jamaica earthquake and to Sir Alexander Swettenham's resignation would be issued.

Mr. Churchill [under secretary of state for the colonies]: The colonial secretary is in communication with the foreign secretary, and the question of publication is receiving consideration. I cannot say more at the moment as to whether any papers will be issued, and, if any are issued, what they will be.

Mr. Collings: Has the honorable gentleman not already made a promise that such papers should be issued?

Mr. Churchill: I am certainly not aware of any such promise as that suggested. The only statement that has been made is that we would consider whether papers should be laid and what papers. That process is still going on. [Laughter.]

The episode is mentioned here in no unkindly spirit. The burst of good feeling on both sides of the water makes one almost glad that the incident happened.

The appointment of the Right Honorable James Bryce as ambassa-

dor to the United States has been received on all sides as the most pleasing and tangible exhibition of good feeling on the part of Great Britain. No choice could have been more happy, for if an ambassador's chief function is to interpret the people by whom he is sent to the people to whom he is accredited, nobody could more fully perform this mission than one who has interpreted our institutions not only to Great Britain but to the Americans themselves. We feel, not unnaturally, that Mr. Bryce understands us, and understanding us we feel that we will have no difficulty in understanding him. The American Commonwealth is a standard and household work, and we look upon Mr. James Bryce as a sincere and sympathetic friend of our country and its institutions. It is in no unkind or critical spirit that we say that Great Britain was never so adequately represented in the United States as it is at present in the person of this simple and high-minded Scotchman. It is natural that we take an abnormal interest in British affairs for we are, to use the happy expression of the late John Richard Green, "two nations but one people." The coming of Mr. Bryce to interpret to us the old world is therefore no ordinary event. In expressing pleasure at the coming of Mr. Bryce no criticism of any other country or its representative is intended: it is simply a recognition of the apt phrase of Plautus, "Tunica propior pallio est," "My shirt is nearer to me than my coat." A more elegant version would be "blood is thicker than water." In any case we bid Mr. Bryce welcome and wish him success.

ANGLO-FRENCH CONVENTION RESPECTING THE NEW HEBRIDES

When the Anglo-French agreement of April 8, 1904, was signed, it was impossible for the two contracting governments to reach an accord with respect to the New Hebrides, and it was stipulated simply that

the two governments agree to draw up in concert an arrangement which, without involving any modification of the political *status quo*, shall put an end to the difficulties arising from the absence of jurisdiction over the natives of the New Hebrides.

The question of the New Hebrides is one of long standing. The people of Australia feared in 1877 that France intended to occupy the islands as a penal colony, and in 1878 France disavowed any designs upon their independence. French influence was steadily augmented, however, and it was thought that Great Britain would withdraw its objection to French control of the islands if it were agreed not to use them as a penal colony. But no change took place in the political status of the territory. In 1886 a military force was sent to the islands to protect French colo-