On accepting the medal, Mr. Carnegie, deeply touched by the ceremony and this outward and permanent evidence of appreciation of his services by the twenty-one nations of the western continent, said:

MR. CHAIRMAN AND AMBASSADORS OF OUR SISTER REPUBLICS: Addressing you in this hall a year ago, the President expressed how ardently our Republic longed for the reign of peace between the twenty-one sister Republics, stating, "We twenty-one Republics can not afford to have any two or three of us quarrel." Thus, the President's first invitation to establish the reign of peace was very properly made to you. Much has taken place since then. He recently offered the olive branch of peace to any one strong nation, and it was instantly accepted by the other branch of our English-speaking race with such enthusiasm, not by one but by all parties, that to-day we have every reason to believe war as a means of settling disputes between the two branches of our race will soon become a crime of the past. May I, addressing through you your respective Governments, and returning thanks for the great honor conferred upon me this day, accompany these with the expression of the ardent wish of my heart that prompt action should now be taken by the twenty-one Republics to establish the reign of peace among ourselves by adopting our President's policy of submitting all disputes to arbitration. As the words spoken by me in the first American conference expressed this desire, so my last words to you, gentlemen, representing your respective countries, are the same. May the sister Republics become sisters indeed, members, as it were, of one peaceful family, resolved to allow no dispute, should such arise, to endanger their peaceful relations. Perhaps, when the foremost and most successful apostle of peace has concluded his first compact of peace, abolishing war within the wide boundaries of our English-speaking race, he will next turn again to our sister Republics, begging them to draw closer to each other, and by suitable treaties covering all disputes render it impossible that our sisterly, peaceful relations can ever again be disturbed. My earnest prayer and hope is that my life may be spared until I see us all participating and rejoicing in each other's prosperity, united in the bonds of everlasting peace and good will.

Mr. President, I can not close without at least attempting to express my deep sense of the great honor conferred upon me and mine by your august presence to-day.

THE MONROE DOCTRINE AGAIN

The American press seems to find in a recent address of Sir Edward Grey, British Secretary of State for Foreign Affairs, a recognition of the Monroe Doctrine, and a distinct understanding on the part of this illustrious statesman that there will be excluded from the terms of the general arbitration treaty about to be concluded between Great Britain and the United States any question involving the Monroe Doctrine. In an address delivered on May 23, 1911, at the Pilgrims' dinner to the Prime

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Ministers of the over-seas dominions at the Savoy Hotel, London, Sir Edward Grey said, as reported by *The Times* on May 24th:

> He took it they welcomed the toast (Anglo-American arbitration) because they knew that anything like war between the United States and the British Empire would be so violently opposed to the deepest sentiments and feelings of the people in both countries as to be unthinkable. This made the ground between the two nations specially favourable for an arbitration treaty of an extended kind. If they wished to build a house which was to be secure he imagined that they would choose to build it on a site which was not liable to earthquakes. There were political as well as terrestrial earthquakes, but the respective national policies of the two countries made it certain that they were not liable to political earthquakes, that there was no conflict of national policy. In the United States they had no intention of disturbing existing British possessions. They had a policy associated with the name of Monroe, the cardinal point of which was that no European or non-American nation should acquire fresh territory on the continent of America.
>
> If it be, as I think it must be [Sir Edward Grey continued], a postulate of any successful arbitration treaty of an extended kind that there should be no conflict or possibility of conflict between the national policies of the nations which are parties to it, this condition is assured as between us.

This seems to be a clear and explicit recognition of the existence of the Monroe Doctrine as a policy of the United States, and that, in any treaty of arbitration between the two countries questions involving the doctrine are to be excluded from the scope of the arbitration contemplated by the contracting parties.

Whenever disturbances break out in Latin-America, rumors of foreign, that is, European intervention make themselves heard. Whenever a Latin-American nation defaults its interest or bonds or refuses indemnity for real or fancied outrages, the press teems with threats of European intervention, and from time to time, disquieting statements go the rounds of projected occupation, threatening colonization or leases of choice bits of Latin-American territory by some misguided European or Asiatic country. The Monroe Doctrine is warned; our country is warned that a stiff foreign policy is expected. The doctrine, formulated by Secretary of State John Quincy Adams, and first announced by President Monroe in his Annual Message to Congress of December 2, 1823, as a protest to European intervention in Latin-America in order to restore the lost colonies to Spain, is an American doctrine, although it met the approval, except in the matter of colonization, of Mr. Canning, then British Secretary of State for Foreign Affairs, who may be said to be a joint author. The relevant passages from the message so far as the doctrine is concerned are:

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The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. [Paragraph 7 of the Message.] [1]

We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. [Paragraph 48 of the Message.]

Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course. [Paragraph 49 of the Message.]

The doctrine has had a checkered career, and cameleon-like, has changed color in response to passing conditions. In his *International Law Digest,* Professor Moore quotes the following passages from the Honorable John W. Foster's *Century of American Diplomacy:*

From the foregoing historical review I think it may be fairly deduced that the principle or policy of the Government of the United States, known as the Monroe Doctrine, declares affirmatively:

First. That no European power, or combination of powers, can intervene in the affairs of this hemisphere for the purpose, or with the effect, of forcibly changing the form of government of the nations, or controlling the free will of their people.

[1] Quotations are made from Professor Moore's Digest of International Law, Vol. VI, pp. 402, 403.

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Second. That no such power or powers can permanently acquire or hold any new territory or dominion on this hemisphere.

Third. That the colonies or territories now held by them can not be enlarged by encroachment on neighboring territory, nor be transferred to any other European power; and while the United States does not propose to interfere with existing colonies, 'it looks hopefully to the time when * * * America shall be wholly American.'

Fourth. That any interoceanic canal across the isthmus of Central America must be free from the control of European powers.

While each of the foregoing declarations has been officially recognized as a proper application of the Monroe Doctrine, the Government of the United States reserves to decide, as each case arises, the time and manner of its interposition, and the extent and character of the same, whether moral or material, or both.

The Monroe Doctrine, as negatively declared, may be stated as follows:

First: That the United States does not contemplate a permanent alliance with any other American power to enforce the doctrine, as it determines its action solely by its view of its own peace and safety; but it welcomes the concurrence and coöperation of the other in its enforcement, in the way that to the latter may seem best.

Second. That the United States does not insist upon the exclusive sway of republican government, but while favoring that system, it recognizes the right of the people of every country on this hemisphere to determine for themselves their form of government.

Third. That the United States does not deny the right of European governments to enforce their just demands against American nations, within the limits above indicated.

Fourth. That the United States does not contemplate a protectorate over any other American nation, seek to control the latter's conduct in relation to other nations, nor become responsible for its acts.[2]

The doctrine is a statement of American policy; it is not international law in the sense that it has been accepted as such by the family of nations; it has been advanced by the United States on various occasions, notably, to cite but a single instance, in the French intervention in America, 1862-1867,[3] and the knowledge that the United States will apply the doctrine, and the fear that force necessary to secure its observance will be used, gives to it in fact, if not in theory, the effect of law. It is said that at two important international conferences, the doctrine was expressly or impliedly recognized and it may be interesting to state briefly the details attending the supposed recognition.

Article 27 of the Hague convention for the peaceful settlement of international disputes is as follows:

[2] Professor Moore's Digest of International Law, Vol. VI, pp. 598, 599.

[3] Professor Moore's Digest of International Law, Vol. VI, pp. 488-505.

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The signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as in the nature of good offices.

Dr. Andrew D. White, Chairman of the American Delegation to the First Hague Conference, gives an interesting discussion in his *Autobiography* of the steps taken to protect the Monroe Doctrine, which was supposed to be menaced by the first paragraph of Article 27:

July 22. In the morning the American delegation met and Captain Mahan threw in a bomb regarding article 27, which requires that when any two parties to the conference are drifting into war, the other powers should consider it a duty (*devoir*) to remind them of the arbitration tribunal, etc. He thinks that this infringes the American doctrine of not entangling ourselves in the affairs of foreign States, and will prevent the ratification of the convention by the United States Senate. This aroused earnest debate, Captain Mahan insisting upon the omission of the word "*devoir*," and Dr. Holls defending the article as reported by the subcommittee, of which he is a member, and contending that the peculiar interests of America could be protected by a reservation. Finally, the delegation voted to insist upon the insertion of the qualifying words, "*autant que les circonstances permettent*," but this decision was afterwards abandoned.[4]

The American delegation attempted, through private negotiation, to secure the modification of the obnoxious paragraph, especially the word "duty," but failed. Mr. Holls' suggestion of a reservation was accepted, as appears from the following quotation from Dr. White's *Autobiography:*

July 24. Later we held a meeting of our own delegation, when, to my project of a declaration stating that nothing contained in any part of the convention signed here should be considered as requiring us to intrude, mingle, or entangle ourselves in European politics or internal affairs, Low made an excellent addition to the effect that nothing should be considered to require any abandonment of the traditional attitude of the United States toward questions purely American; and, with slight verbal changes, this combination was adopted.[5]

The American delegation was in doubt, however, whether the Conference would consider signing with such a reservation as an acceptance of the convention as a whole, as appears from the following interesting account given by Dr. White in his *Autobiography:*

[4] Autobiography of Andrew D. White, Vol. II, p. 338.

[5] Autobiography of Andrew D. White, Vol. II, p. 340.

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July 25. All night long I have been tossing about in my bed and thinking of our declaration of the Monroe Doctrine to be brought before the conference to-day. We all fear that the conference will not receive it, or will insist on our signing without it or not signing at all. * * *

In the afternoon to the "House in the Wood," where the "Final Act" was read. This is a statement of what has been done, summed up in the form of three conventions, with sundry declarations, *voeux*, etc. We had taken pains to see a number of the leading delegates, and all, in their anxiety to save the main features of the arbitration plan, agreed that they would not oppose our declaration. It was therefore placed in the hands of Raffalovitch, the Russian secretary, who stood close beside the president, and as soon as the "Final Act" had been recited he read this declaration of ours. This was then brought before the conference in plenary session by M. de Staal, and the conference was asked whether any one had any objection, or anything to say regarding it. There was a pause of about a minute, which seemed to me about an hour. Not a word was said, — in fact, there was dead silence, — and so our declaration embodying a reservation in favor of the Monroe Doctrine was duly recorded and became part of the proceedings.

Rarely in my life have I had such a feeling of deep relief; for, during some days past, it has looked as if the arbitration project, so far as the United States is concerned, would be wrecked on that wretched little article 27.[6]

At the Second Hague Peace Conference, the American delegation repeated in identical terms the reservation to Article 27, now Article 48 of the revised convention. This action of the American delegation was accepted as a matter of course and gave rise to no discussion, either within the delegation or the Conference. It cannot be said, however, that the reservation constituted an acceptance by the Conference of the doctrine. It was simply a formal statement that the United States, in signing the convention, repudiated any interpretation of the instrument at variance with its policy involved in the doctrine, and rejected any obligation contrary to its traditional policy in this matter. Had the delegates of other Powers made a like declaration in signing, or had the reservation been put to a vote and formally accepted by the Conference, it then would have been an acceptance on the part of the Conference of the doctrine and its necessary implications.

The Second Hague Conference adopted a convention restricting the employment of force for the recovery of contract debts of which the material portions were that:

the contracting powers agree not to have recourse to armed force for the recovery of contract debts claimed from the government of one country by the

[6] Autobiography of Andrew D. White, Vol. II, pp. 340, 341.

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government of another country as being due to its nationals. This undertaking is, however, not applicable when the debtor state refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, renders the settlement of the *compromis* impossible or, after the arbitration, fails to submit to the award.

In the discussion of this important convention, nothing was said about the Monroe Doctrine, but it would seem that compliance with the terms of the convention would prevent intervention, occupation or colonization of territory or any interference with the internal and governmental systems of the debtor state in disputes arising out of contract debts, that is to say, that the observance of the convention in this class of cases at least would in effect prevent the violation of the doctrine. It was, however, stated in private conversation outside of the conference that the adoption of the convention was in reality an acceptance of the Monroe Doctrine by the Powers voting for the convention. This may or may not be so, but the United States will doubtless continue to apply the doctrine whether it be regarded by the family of nations as law or as mere traditional policy of the United States.

THE CONSULAR CONVENTION BETWEEN THE UNITED STATES AND SWEDEN.

On March 20, 1911, President Taft proclaimed the consular convention between the United States and Sweden which was signed by Secretary Knox and the Swedish Minister on June 1, 1909.[1] It is modeled after the consular convention of 1880 between the United States and Belgium, the important differences being the omission of Article 13 of the Belgian convention, providing that consuls shall decide questions of damages suffered at sea by vessels, and the addition of clauses relating to the settlement of decedents' estates.

The evident object of a consular convention is to enlarge and define the rather vague and limited powers, privileges and immunities enjoyed by consular officers under the rules of international law. In the absence of such treaties, consuls, as is well known, have nothing like the status of ambassadors or other public ministers. For example, consuls are not exempt from the civil or criminal jurisdiction of the courts, although it seems that they may refuse to divulge official information; their dwellings, and probably their offices, are not inviolable; they are subject to the same rules as natives in regard to taxation on their property or in

[1] Printed in SUPPLEMENT, p. 227.

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