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THE SUPPOSED CHAOS IN THE LAW OF NATIONS.

It is on record that an Irish patriot, indignant at some rapprochement of Irish and English politicians, once observed: "Begorra! if Daniel O'Connell was to be alive now, he wud turn in his grave!"

Some such exercise might be expected at this moment on the part of Wheaton, Dana, Phillmore, Scott, Story, Portalis and the other lights of the law of nations, to whom we have been accustomed to look for instruction and guidance in difficulty. It is a strange reflection, that the position of innocent neutral traffic is much worse in the twentieth century than it was throughout by far the greater part of the nineteenth. Since 1900 the whole trend of development has been in one direction—the recrudescence of belligerent pretensions.

Throughout the nineteenth century the feeling had been gaining ground that the belligerent was a nuisance. Right or wrong, he ought to settle his quarrel in some other way. This sentiment was rapidly crystallizing into a certainty. In any contest the presumption was in favor of the neutral and against the belligerent. The former was carrying on placidly as usual; the latter was introducing an element of uncertainty and danger; he was bringing a torch into the stockyard, and he was not encouraged.

I think so much would have been admitted by every one in, say, 1902. We had few searchings of heart about the difficulty of saying quite what could be considered as contraband, because we felt sure that the definition would be severely limited. Belligerents were an anachronism, and everything would be construed against them. As between themselves, it was thought possible, perhaps probable, that belligerents would be lawless and arbitrary. That did not much concern the neutral world, which more and more was coming to realize its solidarity. The Franco-Prussian war of 1870, the Russo-Turkish war of 1877, the Chilo-Peruvian war of 1879, the Hispano-American war of 1898, the South African war of 1900, all afforded many occasions for collision between belligerent and neutral rights—and all in fact proceeded on the most orthodox lines.

And then the Russo-Japanese war threw the whole matter into barbaric confusion. Three great novel encroachments were made on the rights of neutrals—let us imitate the author of *The Proverbs of Solomon,* and say four. For the first time in history a belligerent sank neutral prizes. For the first time in history a belligerent assumed to warn off neutral vessels from using their right to navigate their own common highway and to create "military areas". For the first time in history the free ocean was rendered dangerous by being strewn by belligerents with infernal machines of destruction. Lastly, the old safe rules as to what constituted contraband were squarely replaced by the claim to replace them by a hazy and elastic rule that anything is contraband which can be supposed to be meant for the use of the enemy's forces.

We had a safe sea before 1904. We have not had a safe sea since. Previously, so long as the trader kept off military goods and military or blockaded ports, he was safe. He is not safe now anywhere.

The innovations of Russia were the ignorant and neutral innovations of a bureaucratic despotism, accustomed to regard the merchantman as a cipher in face of the imperial man-of-war. They found a world unaccustomed to naval warfare and unfamiliar with its rights. Great Britain was effecting a fateful

change of cabinets. The United States were in the midst of a Presidential campaign. Protests, nevertheless, were made, and to some extent they were successful. The destruction of neutral vessels was peremptorily stopped.[1] The export of grain and cotton was defended. But the mischief was done. The protests, though vigorous and to a considerable extent successful, were relaxed. The novel pretensions were respectfully treated. Instead of boldly refusing to recognize hitherto unheard-of infringements of neutral right as an open question, the protesting powers tamely agreed to discuss them, and ultimately to compromise on them.

The result was disaster, such as every weak measure entails. At The Hague Congress of 1907 every one of these menaces to the freedom of the sea was accorded tacit recognition and approval. Illusory and evasive conditions were attached to their exercise. But the cardinal mischief was accomplished. The sowing of mines in the open sea—the violent invasion of the neutral flag and the destruction of the ship which carries it—the seizure of non-military goods as contraband—the primacy of the rights of belligerent admirals in what they choose to appropriate as the area of their operations—these indefensible novelties were all placed in the category of things which were not to be beyond the pale of discussion. Such an attitude is to deny all possibility of a Law of Nations. If every illegitimate pretension is, instead of being firmly countered, to be made the occasion for a more or less peaceful and complete surrender, there is no limit to the invasions which national rights may undergo. We are reaping today the result of the complaisance of 1907.

By far the most serious and sweeping of these innovations was the introduction of the War Zone. If a combatant can appropriate to his own warlike purposes an area of the free ocean, he need not trouble himself about the law of contraband or of blockade. He can simply make it unsafe for any neutral to come near him. But the idea of the War Zone was introduced in such a tentative manner that it attracted little attention. It took the form of

[1] The writer ventures to refer to Britain and Sea Law (Bell, London, 1911).

threatening to treat as spies newspaper correspondents who hired a vessel equipped with wireless telegraphy for the purpose of observing the movements of the rival fleets. It may be very inconvenient for an admiral to be observed; and it may readily be admitted that it is a cause for attack and destruction if it is done by a neutral in concert with the enemy, or with a view to assist the enemy. But if there is no such design the inconvenience is the consequence of using the common highway of nations as a fighting-ground. Neutrals are as much entitled to use their highway, and to observe what goes on there, after the outbreak of war as before it. They are not bound to accept the belligerent admiral's dictation, and to submit to be warned off their own common because he wants it to himself.

If authority for this proposition were wanted it can be drawn from the case of the *Doggerbank,* where Russian autocracy for once went too far, and where it was laid down that a belligerent war ship interferes with a neutral one at her peril. The same sound doctrine had been enunciated long before by Daniel Webster. In the present lamentable war we find, however, the War Zone notion taken up and pressed into the service of both sides. Great Britain was the first, technically, to do this; by the proclamation of October 3, 1914, it was announced that the area of the North Sea lying between lat. 51° 15′ N. and 51° 40′ N. and long. 1° 35′ E. and 3° E. was a military area, and dangerous to shipping. By her subsequent proclamation of the early spring of 1915, the St. George's Channel and most of the North Channel (the entrance to the Irish Sea) were definitely closed. The first of these proclamations was not, apart from the question of mine-laying (which occasioned it) objectionable. It did not affect to exclude ships, or to render them subject to capture:—it merely warned them of the fact that the area was dangerous. And the later proclamations might perhaps be defended by some on the ground that the Irish Sea and its approaches is a close sea, like Delaware Bay; though, after the Behring Sea arbitration, it hardly lies in the mouth of Great Britain to say so. The German decree of February 4th, constituting the waters in the neighborhood of the British Isles a War Zone which it is dangerous to

traverse might similarly be defended as relating solely to the territorial waters and close seas of the enemy. Such a defence would in either case be anachronistic. These are not the days of close seas. There can be no hesitation in saying that any neutral ship whose free voyage by her own chosen route to Holland is impeded by Great Britain, and any neutral ship whose free voyage to England is impeded by Germany, is the subject of an entirely illegal and unwarranted interference. The object of the German declaration was to enable that country to cut off trade with Britain by the use of submarines. These could neither maintain a regular blockade nor bring in prizes. They could, however, attack enemy ships, and neutrals were warned that they ran the risk of being mistaken for them.

The subject is closely concerned with that of sowing mines. If contact mines are legitimate engines of warfare, then there is an end to the freedom of the seas. For belligerents may strew them anywhere. The first operation of Germany was to lay a mine-field in the North Sea, and it was two months later that Great Britain retorted in kind. The Hague Convention of 1907 actually placed the mine in a favorable position in the conscience of civilized nations. It allowed the use of old stocks of mines which did not become innocuous when detached. It allowed, subject to their being fitted with a sterilizing apparatus which might (or might not) work on breaking loose, the use of anchored mines in any waters. It allowed, in any waters, the use of floating mines fitted with an apparatus which might (or might not) render them innocuous in an hour. Worst of all, if for any reason its provisions did not apply, or were ineffective, it left the uncontrolled mine a respectable weapon. And even where it and its regulations did apply, and proved effective (which is a large assumption), its recognition of the mine amounted to a recognition of the War Zone. For it meant a license to belligerents to appropriate the high seas by mining them and refusing (as they were expressly entitled to do, under the plea of military exigencies) to indicate the location of the mines. The German mine-field was thus perfectly legal, and so was the British.

Whether neutrals could have been justified in sweeping the seas clear of these obstructions to navigation is more than doubtful. But America by ratifying the convention had tied her hands against any possibility of protesting if her ships had run on belligerent mines in the North Sea. The accession of non-signatory powers to the war changed the situation. Servia has not ratified the Mines Convention, and as it does not apply unless all parties to the war are signatories, we are thrown back on the common Law of Nations, which certainly knows of no such practice as the denial of any part of the high seas to neutrals by engines of destruction scattered therein.

We may now pass to the third head for examination: the destruction of neutral prizes. The practice is entirely new. Captain Semmes never burnt a neutral. Napoleon's fire-eating admiral, Allemand, never sank a neutral prize. What Frederic II would have said or done if the cruisers of George II had fired and burnt or sunk his ships without trial can only feebly be conjectured. It was, without any doubt, one of the things that were "not done". (I except the case of ships found within the protection of the enemy's territory and identified therewith.)

What the American of 1856, or of 1870, or even of 1901, would have said to the spectacle of the United States flag disappearing in the waters of the Atlantic under the fire of Prussian guns, is not difficult to conjecture at all. I confess that few episodes of the war—the invasion of Luxemberg and Belgium not excepted—have caused me so much disquiet as the sinking of the *William P. Frye.* It shows that the fatal lessons of 1904-5 have sunk deep into the heart of the people, and that there is no longer any enthusiasm for the immunity of the neutral flag at sea, as the energetic old expression goes, for the Ex-territoriality of the Merchantman. A *Trent* affair today would, it seems, only provoke a languid smile. Britain submitted to the Italians taking a Turkish detachment out of a Bombay ship, the *Africa,* in 1911, without a ripple of emotion. Had the ship been destroyed she might have asked, again with a languid grace, for compensation for hull and freight.

Compensation for hull and freight! The reader will excuse the indignities of an old lawyer, who was brought up on Wheaton and Dana and Wharton—or Evarts and Woolsey and Dudley Field. A neutral ship, instead of being tried in due process of law, is instantly sent to the bottom. Instantly American vessels become unsafe vehicles for their legitimate commerce; freighters see themselves presented with a claim for compensation instead of delivery of their goods. And the State Department makes no claim for the breach thus effected in the Declaration of Paris; it claims only for hull and freight. Passengers and American crew are transferred to the deck of a German cruiser and exposed to the appalling risks of war; objects of priceless value to the owners, but of no value in the eyes of a compensation assessor, are lost; the affection of the mariner for his ship is rudely assaulted; life is endangered, health is imperilled, and hearts are broken; and the claim is for hull and freight.

I have been told at first hand that the commander of a certain cruiser which sank a merchantman—it does not matter when or where—related afterwards that the worst thing was that the commander of the sunken ship broke down and cried. It was the severance by arbitrary hands of the thread on which his life was strung. What forces tears from a master mariner is not a trifle.

Dutch ships have been sunk; Norwegian ships (two together the other day, because their cargo was pit-props); Swedes, Danes, Greeks and Americans. The catalogue of the ships need not be given, but it is the record of a war against neutrals.

That Germans have alone been concerned in these acts follows, of course, not from any special wickedness of theirs, but from the fact that they are under special difficulties in taking captives into port for adjudication. Submarines, on which they chiefly rely, cannot spare prize crews. Hunted cruisers without good bases cannot spare time. But surely they could take ransom bonds. And in any case the exigencies of belligerents are not and cannot be the measure of the rights of neutrals.

We now come to our last division. The question of contraband is a difficult one. But two features clearly emerge. The

old law thought it unsafe to entrust to a belligerent the determination of the question whether the objects were designed to assist his enemy. It laid down two clear-cut objective principles which, if less ideally perfect, are much less likely to give rise to mistakes and recrimination in practice. The goods must bear a decisively military complexion. And the ship must be going straight to a belligerent port.

To say that to contradict these principles is "good American doctrine" is, I venture to submit, quite unjustified. I am sure Story would have been quite as much astonished by such a contradiction as Earl Russell and Sir Travers Twiss. I know Nelson, Wayne, Swayne and Clifford were, for they dissented. It is insufficiently known (for Wallace did not report it) that the decision in the well known *Springbok* Case[2] was the decision of a bare majority. Mr. Chief Justice Chase had lately been appointed to the Bench; he carried Mr. Justice Grier and Mr. Justice Davis and the two junior justices with him. But the authority and judicial experience of Nelson and his colleagues is far superior. Professor C. Noble Gregory, of Washington, notes in his "Contributions of American Judges to International Law" that Chase's ill-health and his consuming ambition for the Presidency make his decisions less regarded than those of most of his predecessors in that exalted nation. The real "good American doctrine" is the doctrine of Jefferson and Franklin—an uncompromising insistance on the credit and the rights of neutrality.

It is quite true that European jurists purport to draw support from the novel theory that intention is the criterion of contraband from a chance phrase of Mr. Justice Story's. But an isolated passage is of no force unless it is read with reference to what was in the writer's mind. The case which Calvo and others cite as authority for the new doctrine—that of the *Commercen*[3]—is one in which there was the most close and complete identification with the enemy. The Swedish *Commercen* was not employed in trade with the British—she was hired by the British to carry provisions to the port of their troops in Spain. She was hired to

[2] Blatchford's Prize Cases, 349 (1866) s. c. 5 Wallace, 1.

[3] 1 Wheaton, 382.(1816) s. c. Scott, 765.

carry them direct and avowedly to the enemy army. And it was destination of this avowed and hostile character which Story had in mind when he said, *obiter*, that "destination" to the enemy's forces is conclusive. Story was most scrupulously anxious to model the prize law of the United States on the accepted principles which had stood the test of war in Europe. He corresponded with Stowell, and he studied carefully the reports of Robinson. He was familiar with the doctrine that contraband must be taken *en route* to an enemy port, and (if occasional contraband) *en route* to an enemy naval or military port. He cannot have intended to revolutionize principle, by declaring that whatever the goods and whatever the port, a cargo is contraband if it is intended for the use of a hostile army. Clearly, he used his terms with reference to the case before him and said "destined" as meaning "avowedly destined", as the *Commercen's* cargo was. It would be a fair inference that grain was meant for the use of the British navy if it was *en route* for Portsmouth. It was not an inference, but an admission, that it was meant for the use of the British army, when it was stated to be so on the shipping documents. How could Bilbao be a neutral port, when Spain was the field of operations of the enemy's troops? Only on the ground (which indeed commended itself to Marshall) that the British troops in Spain were not inimical to the United States.[4]

"Destination", in Story's mouth, counted no mentally intended ultimate use. It signified an obvious *terminus* patent on the primary evidence. Had Story meant to lay down a general rule that mental destination to hostile use would condemn, he would have had to justify the proposition at very much greater length. His judgments were careful and elaborate to a fault. He is the last man who would upset the law in a casual phrase.

There were, however, European jurists who did not hesitate to give Story's words a sweeping interpretation and to justify the seizure of goods, wherever bound, on proof (or what seemed proof) of an intention that they should be used for the

[4] So, at the outset of the present war, the Germans might have argued that Alexandria was not a neutral port, owing to the British occupation of Egypt.

hostile purposes of the enemy. And they did so with great complacency, because they insisted at the same time on a severe restriction of the category of contraband. They insisted that the doctrine of "occasional" contraband, according to which the most innocent articles can be contraband if they have a particularly suspicious destination—(*i. e.,* not only to the enemy's country, but to the enemy's naval port)—was totally inadmissible. They asserted roundly that only the most obviously military things could possibly be contraband. Thus they were not unwilling to concede that contraband might be judged according to intention, and not by the objective standard of its destined port. At the most, this was only to concede a power of arbitrary interference with armament dealers—not a specially innocent or important variety of traders. But the concession was fatal. It gave up the vital principle that the neutral must be protected by a plain objective rule—that traffic with neutral ports must be jealously guarded from belligerent pretensions. Ideally logical, it ignored the possibility that occasional contraband would be subjected to the same extensive powers; and that innocent cargoes for friendly ports would pass under the universal suspension and control of belligerents.

The step of applying the doctrine of mental destination to innocent cargoes was taken in the *Springbok* Case. As Evarts[5] has well observed, it is a mistake to call the step which Mr. Chief Justice Chase and the majority of the Supreme Court then took, an application of the theory of continuous voyage. The theory of continuous voyage allowed the nature of an admitted voyage to be explained by reference to an earlier admitted voyage. That was not what the new doctrine did. It was a pure application of the subjective doctrine of contraband. It consisted in the mere hypothesis of an intended future voyage.

The way was now open for a general roving interference with *prima facie* innocent goods, bound from one neutral port to another, which is proving so startling a feature at the present day. It resembles very closely the attempt to prohibit all trade

[5] Brief in the *Springbok* case, printed in Prize Law and Continuous Voyage, London, 1915.

with the enemy which we had fondly imagined had disappeared with the sixteenth century. The doctrine of the *Springbok* was, indeed, much disapproved in many quarters. But it was thought to contain a principle which might be valuable to a strong sea power like Britain; and she forebore to protest overmuch.

European science, ostrich-like, clung obstinately to the conception of contraband as identical with military weapons, and refused to see the danger. British and American science saw the danger, and on the whole declined to accept the Supreme Court's ruling. The question remained in a state of dangerously unstable equilibrium.

But on the whole, the older science fairly held its own. Ferry's attempt, in 1885, to treat rice as contraband in a quasi-war against China, was regarded all around as a fantasy of the Far East. It was even justified by its author on the ground that rice was currency in China. That provisions would not be contraband in a western war (unless perhaps under the rarest circumstances) remained almost an axiom. An Italian attempt, in the Abyssinian war, to treat rifles as contraband when proceeding to a French port in the Red Sea, ended in the release of the ship (the *Doelwyk*). A British attempt to treat warlike stores bound in German ships for Lorenzo Marquès, as contraband, as being mentally "destined" for the Transvaal, ended in payment of compensation to Germany.

The Russo-Japanese war sprung on a sleepy world a vigorous claim to condemn the innocent carriers of corn and cotton, and to ignore their immediate destination. The cases of the *Arabia,* the *Calchas,* the *Oldhamia,* demonstrated that Russia was in deadly earnest. And although Mr. Hay and Lord Lansdowne induced her to abate her pretensions, she had given the law of nations a shock from which it has not recovered.

It will be recalled that, according to British practice, the carrying of contraband was not in general a ground of condemnation of the vehicle. And, therefore, although Britain recognized "occasional" contraband (in very abnormal circumstances), the carrier of *prima facie* innocent cargo did not run any extraordinary risks. He risked loss of freight and demurrage, certainly;

but not loss of the vessel. Still less did he risk its violent destruction at sea. A pacific cargo was a safe cargo, wherever bound. But under the modern rule, consecrated by the Declaration of London, the most lamblike cargo may entail on the carrier the penalties of confiscation and destruction.

And a still more imminent danger it entails is that of delays and demurrage quite unknown to the older law. The new doctrine is a doctrine of suspicion. It means in every case a trial on common-law lines. This necessarily means a suspension of the voyage while the ship is being searched and the case got up in the approved common-law fashion. The doctrine being a doctrine of suspicion, and involving the proof of intention, it is incompatible with the established practice in prize causes—which always refused liberty to the captors to adduce evidence, and insisted on the ship's being condemned "out of her own mouth" —*i. e.*, on the evidence of her own papers and the depositions of her own people. Any other system, say the authors of Lord Mansfield's universally admired Memorandum of 1753, which was accepted by Story as the foundation of American prize-law, would be unjust, impolitic and impracticable. The belligerent is the sole judge: he ought not at the same time to be a witness. Only if the primary evidence is contradictory or incomplete can the case be tried in anything resembling the course of a contentious proceeding at common law.

Thus delays and costs are avoided. A rapid examination of the ship's people and papers is sufficient to show whether she is probably subject to condemnation or not. Clear and simple rules as to what ports and what cargoes were safe were susceptible of clear and easy proof on the primary evidence.

But the novel rule which discards the primary evidence as untrustworthy, and searches for an illegitimate mental intention, is necessarily incompatible with this swift, simple and sailorlike system. It can only be satisfied by a trial: a trial conducted under the greatest difficulty and expense in the matter of evidence, and involving prolonged investigation in order if possible to make out a case, while the ship eats her head off at the quay. The new British rules of prize procedure have lightly abolished the whole

system of preparatory proof which is the very essence of prize procedure, and have substituted a travesty of a common-law trial, of which cross-swearing in affidavits is not unlikely to be the most conspicuous feature.

It is urged sometimes that modern conditions have so much altered the position to the prejudice of belligerents, that the latter must be allowed fresh and sweeping powers against neutrals. It is not a particularly appealing argument, and it is a fallacious one. The neutral may be more easily able to deal with contraband since the invention of railroads. But the belligerent cruiser is very much better able to deal with the neutral merchantman. The old frigate was little, if anything, faster than the merchant vessel. But the modern cruiser can catch anything. Of some twenty-four thousand sea-going steamers, twenty-two thousand are under twelve knots; of the balance, only about two hundred are from sixteen to nineteen knots; eighteen are of nineteen knots, and twenty-eight of twenty knots or over. But every effective cruiser has a speed of at least nineteen knots, and many work up to twenty-nine. Again, if railroad transport is much more rapid than road or canal transit, it is very much (say twenty times) dearer. What does a little expense matter in war? Much: for expenses always correspond to difficulty. It is only a shorthand form of expression for embarrassment. The expense which a modern belligerent is put to, in railway transit, if applied to water transit would be twenty times more effective in point of goods conveyed, though it might be a little less speedy in ensuring their delivery. It is doubtful whether it would be at all less speedy. Anything that can float and pull can use a waterway; any cart can use a road. Railroads are very easily congested and the supply of railroad cars is very highly specialized.

The German proclamation of the British waters as a dangerous area is defended as a retaliatory measure, adopted because of the British illegitimate extensions of the category of contraband and the British restrictions on neutral freedom in the use of the sea. Neutrals are charged with complicity in these acts on account of their failure to secure their prompt discontinuance, and on account of their embargoes. But it is asking far too much

of neutrals to insist that they shall go to war for the observance of their rights. All that can be claimed is that they shall not allow their territory to be misused; that they shall not afford voluntary assistance to the enemy; and that they shall be impartial. It is difficult to say that neutrals could have done more than they did. If Germany was entitled to mine the seas, Britain must also have had the right. And if she had the right, where was the harm in proclaiming that she had exercised it, or that the North Sea was dangerous? Her interpretation of contraband might be very absurd; but a neutral was not bound to go to war with her about it, for Germany's benefit. The assumption that a neutral must absolutely guarantee the observance of the laws of war by each belligerent, on pain of having her own rights disregarded, is a disquieting symptom. When the British *Glasgow* destroyed the *Dresden* in Chilian waters, and actually damaged buildings on the Chilian shore, Grey had the temerity to hint that, where there is no effective neutral force on the spot, the belligerent may take his own forcible measures in neutral territory. This recalls the arrogant language of Davout, who told the Danes that a French marshal would pursue his enemies wherever he could find them. It is in unfortunate contrast to the frank salute accorded by the United States to the Brazilian flag when the *Florida* was cut out of Bahia harbor.

The recent British prohibition of traffic with Germany, obviously modelled on the Orders in Council of 1807—though the London *Times* says it is nothing like them—is avowedly like them, a measure of retaliation. But Phillmore's comment is as valid now as then: how can you retaliate on neutrals, who have never injured you? The new Order is severely, and justly, criticised by Dr. Page. It does not tell us what the "produce" of Germany is, or when an article ceases to be such. It strikes at trade with Germany through neutral ports. It entirely nullifies the Declaration of Paris. It leaves it to the prize judge to do political work, and to say what is to be done with the cargoes which are compulsorily discharged in the United Kingdom. What principles is the judge to apply? What principles is he to consider in awarding costs? Is he to restore enemy cargoes to the

enemy? or to the neutral carrier? If so, what is the object of the proceeding? If not, what becomes of the liberty of the neutral to carry the enemy's goods without disturbance?

The fact is, the Declaration of Paris of 1856 was too advanced for the world to accept. States have tried to escape from it ever since, by enlarging the denomination of contraband (which of course was excepted from its operation). The result has been to make neutrals worse off than ever. For the neutral carrier of enemy goods saved his ship and was paid his freight. His modern successor, the carrier of innocent "occasional" contraband, loses both, and probably incurs a great deal of expense in litigation into the bargain.

It may be concluded, therefore, that the position of the neutral has been scandalously weakened in a professedly humanitarian and progressive age. The extraordinary thesis has even been put forward by so deep a thinker as Mr. Arthur J. Balfour, that international law is such a flimsy tissue, that the moment one belligerent breaks it, the other is completely dispensed from its observance—not only toward its antagonist, but toward the world at large. He regards its prescriptions as the rules of a child's game. If one player fails to observe a rule, the tacit compact is disavowed, and the injured baby may turn on its heel and indignantly refuse to play any more with anybody.

International law, in our view, is something more than that. Even at this awful crisis it is exercising its majestic and beneficent sway over far more than half the world. It is the deep sense of what may fairly be expected to govern human action in the neutral intercourse of states. That sense may be wounded and alarmed but its convictions cannot permanently be disregarded. Wars and civil wars there may be: but the law of nations and the laws of states remain the inflexible guides of human conduct.

Th. Baty.

Temple, May, 1915.