

control of the proposed and partially constructed railway from Jiboutil to Addis-Abeba, though the directorate of this railroad shall have one member each from Great Britain, Abyssinia and Italy. The Emperor Menelik has expressed his satisfaction with the terms of the treaty.

THE JORIS CASE AND THE TURKISH CAPITULATIONS

On the twenty-first of July, 1905, an unsuccessful attempt was made upon the life of the Sultan at Constantinople. Among the persons arrested for this offense was Charles Edouard Joris, a Belgian subject. Joris avowed his connection with the crime, and was condemned to death by the criminal court of Constantinople; this sentence was affirmed by the criminal section of the Turkish court of cassation. Joris was assisted at the trial before the criminal court by a representative of the Belgian legation, who refused to join in the judgment of the court. After judgment the Belgian legation demanded that Joris be handed over to the Belgian government for trial before the court of assize of Brabant, which has jurisdiction, under Belgian law, "over crimes committed by Belgians in non-Christian countries." The Turkish government refused to comply with this demand, and has maintained its attitude, notwithstanding the repetition of the Belgian demand. The question at issue turns largely upon the interpretation of the Turco-Belgian treaty of August 3, 1858. The French text of this treaty supports the Belgian contention; the language of the Turkish text provides only that a Belgian diplomatic or consular officer shall assist at the trial. Prof. N. Politis, in a recent number of the *Revue de droit international privé* (2:659) criticizes the Belgian position, and asserts that neither treaties nor usage justify the denial of the jurisdiction of the Turkish courts.

RESOLUTIONS ADOPTED BY THE INSTITUTE OF INTERNATIONAL LAW, AT GHENT, IN SEPTEMBER, 1906

1. It is conformable to the exigencies of international law, to the loyalty which nations owe to each other in their mutual relations as well as to common interest of all states, that hostilities should not commence without previous and unequivocal notice.
2. Such notice may take the form of a declaration of war pure and simple, or that of an official ultimatum by the state desirous of beginning war.
3. Hostilities should commence only after the expiration of such a period of time that the rule of previous notice shall not be considered to have been eluded.

Whether the adoption of these rules is desirable or not is a serious question. The practice of nations is to attack and to declare later if

necessary. The attack is, in itself, a sufficient declaration. It may be better form to tell a scoundrel that you intend to horsewhip him on such and such a day if he is found at large, and it may be more polite to inform a person that you intend to knock him down before doing so. But the question is one of form rather than substance. Why should people resort to force; why should they not settle their difficulties in law courts of justice? And why should nations which, after all, are merely aggregations of men and women, not resort to courts of arbitration instead of killing and bruising like people bereft of reason? The answer seems to be that nations are not reasonable beings.

It is maintained with some confidence that belligerents have no cause of complaint because they are rapped over the knuckles somewhat sooner than expected; but neutrals have a right to know when they, their citizens and their commerce are to be subjected to the burdens imposed upon neutrals during war. In the interest of neutrals a declaration of war seems highly desirable.

ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

In the Editorial Comment of the January number (p. 134) the first annual meeting of the American Society of International Law was announced for the nineteenth and twentieth of April.

The following careful and it is hoped satisfactory program has been prepared for a session of two days.

Friday Morning at 10 o'clock.

Address of Welcome.

General Business.

Address by the President of the Society.

Papers and discussion on:

1. Would immunity from capture during war of non-offending private property upon the high seas be in the interest of civilization?
2. Is the trade in contraband of war unneutral and should it be prohibited international and municipal law?

Friday Afternoon at 2:30 o'clock.

Continuation of unfinished business.

Papers and discussion on:

1. Transference from municipal courts to an international court of all prize cases.
2. Is the forcible collection of contract debts in the interest of international justice and peace?