

provisions, for Section 302 still leaves it to the Executive Departments and to the courts to determine attorneys' fees.

This bill, imposing a limited liability on the United States in tort cases, would establish a municipal responsibility of the United States for the torts of its officers. The legal relations run between the Government and the injured private person, whether he be a national or an alien. This relation must be sharply distinguished from the international responsibility of the United States, which runs not to the injured alien, but to his government or state, and would not arise ordinarily until the alien had pursued his local remedies and established a denial of justice. The fact that the United States has heretofore not been suable generally in tort, has more easily given rise to the international claim. Although suit against the wrongdoing officer is the usual mode of relief in the United States, open to both national and alien, it would probably help to relieve the Department of State from the pressure of diplomatic claims by foreign governments if the United States were municipally suable for the torts of its officers. It is to be hoped that in the 71st Congress an improved Federal Tort Claims bill will finally become a law of the United States. When adopted, it will exert a useful influence in persuading the several states to permit themselves to be sued in tort.

EDWIN M. BORCHARD.

THEODORE SALISBURY WOOLSEY
October 22, 1852—April 24, 1929

Theodore Salisbury Woolsey stands out among the American pioneers who labored for the cause of international justice. A small group had preceded him of whom the most influential were Wheaton, Kent, Field, Dana, and his own eminent father, Theodore Dwight Woolsey. As early as 1878 the son became Professor of International Law at Yale where for some thirty-three years he retained that post, from which he retired in 1911. For the first twenty years of that period, preceding the war with Spain and the convening in 1899 of the First Hague Peace Conference, interest in the law of nations was not widespread or intense in America. Few persons were engaged in constructive work. In the year 1891, when Professor Woolsey published the sixth edition of his father's important book, "An Introduction to the Study of International Law" (reprinted in 1901 and in 1906), Professor Moore was publishing his "Treatise on Extradition and Interstate Rendition;" but his "History of International Arbitrations," and his monumental "Digest of International Law" were still in the making. Dr. Freeman Snow's "Cases and Opinions on International Law" had not appeared. Fifteen years were to elapse before an American Society or an American Journal of International Law, and nineteen before a Carnegie Endowment for International Peace were to come into being.

In the last quarter of the nineteenth century Professor Woolsey was doing spade work, preparing the ground in his own land for the seeds there later sown. When they were sown, his labors did not cease. He took active part in the American Society of International Law of which he early became a member, and of which he was an Honorary Vice-President at the time of his death. He was a frequent contributor to the pages of this JOURNAL on the Board of which he served as an associate editor for many years prior to his retirement. In 1903, Brown University conferred upon him the honorary degree of Doctor of Laws, and in 1921 he became an *Associé d'Institut de Droit International*. It is not sought, however, to marshal Professor Woolsey's achievements in his own profession or in municipal spheres, still less to recount the tokens of esteem which, almost from his boyhood, continued to be showered upon him as long as he lived. They sprang from a variety of sources; and some he would be reluctant to reveal.

But another word must be said. Professor Woolsey was blessed with a rare heritage—an incapacity to become ambitious for the plaudits of the world, or for distinctions by which in this day are oftentimes measured the success of professional life. His thoughts and purposes were of a different order; and their metal was without trace of worldliness. He sought not his own. He rather gave of himself; and his beneficiaries in and out of Yale and New Haven, and in and out of the field of international law, retain something that is imperishable. Theodore Salisbury Woolsey was a man full of grace and truth.

CHARLES CHENEY HYDE.

CAMOUFLAGE IN THE PEACE MOVEMENT

During the World War there came into general use the word "*camouflage*," derived from a French expression which meant originally "a trick played with smoke," the word having been long in use in police slang with the meaning "to disguise."

It might well have been in still longer use in international diplomacy, in which the idea it is meant to express has played a rôle in peace quite as significant and far more subtle than the part it has played in war.

It sounds almost like an indictment of human nature to apply such a term in the sphere of jurisprudence also. Here also it would mean "to deceive by the profession of just intentions."

And yet it is perhaps not less natural, from the point of view of national interests, than the profession of non-belligerency in disguising the fact of belligerent purposes.

Two events since the World War have engendered a hope that a new era may be expected, namely, the organization of the Permanent Court of Inter-