

and unyielding formulas" by which the question of a denial of justice may uniformly be determined, the Commission nevertheless suggests (Neer case, No. 136) "(first), that the propriety of governmental acts should be put to the test of international standards, and (second) that the treatment of an alien, in order to constitute an international delinquency, should amount to an outrage, to bad faith, to wilful neglect of duty, or to an insufficiency of governmental action so far short of international standards that every reasonable and impartial man would readily recognize its insufficiency." Such a test, while broad and general, may perhaps be approved. Its value will depend upon its application to particular cases. In this respect, the Commission has had numerous opportunities to analyze facts in the light of the principles thus advanced. Some of the contributions it has thereby made to international law are important and often striking.

EDWIN M. BORCHARD.

FRANCIS W. KELSEY—IN MEMORIAM

For the past few years the Carnegie Endowment for International Peace has been publishing from time to time editions of original texts with English translations, of the works of some of the early writers on the law of nations, under the title of *The Classics of International Law*. The chief of these, without which the series would be acephalous, is the masterpiece of Hugo Grotius, of which it can be truly said, that if his three books on the law of war and peace did not make international law, they nevertheless brought international law before the minds of statesmen and into the practice of nations.

One of the early issues of the series, which makes a specialty of issuing, in perhaps too sumptuous form, a photographic reproduction of the original texts, was that of the edition of 1646 of the treatise, which contained the marginal notes which Grotius had made for a forthcoming issue of his masterpiece. This edition is authoritative, and it is very rare. The translation, of course, would need to be from this text, and it was of the first importance that the translator should be a Latinist to his fingertips, and in personal sympathy with the life and work of Grotius.

The series was fortunate to secure Francis W. Kelsey, Professor of Latin Language and Literature in the University of Michigan since 1889 (he was then only thirty-one years old, having been born May 23, 1858). But the translator of Grotius would need to be more than a Latinist—he must be a man of broad views and broad interests, in whom the humanities had produced an inexpressible culture from association with the great minds of antiquity. Only such a man could understand Grotius; only such a man could interpret his writings; only such a man could make Grotius speak in English to the readers of today.

The Editor of the series had long known Professor Kelsey. He had made his acquaintance under very agreeable circumstances. One day in the Department of State—of which Department the Editor was then Solicitor—Professor Kelsey requested his good offices in order that the Department of State should procure a permission which he and his humanistic friends had at heart. The permission was secured, and, with it, the friendship of Professor Kelsey.

The translation of Grotius was undertaken as a labor of love. Professor Kelsey hoped that he would be able to complete it with the assistance of his colleagues at the University, within the course of a twelvemonth, so that it might appear from the press at the time of the peace negotiations which were destined to take place in Paris, in 1918. But if it was a great undertaking to write the treatise in Latin, it was a very difficult one to translate it into a modern language. The Biblical adage, "Many are called but few are chosen," applies here if anywhere; and it must be said, also, that Professor Kelsey yielded more than once to the archeological urge, and that during the time when he might have pored over his Grotius, he was digging in Egypt and in the Carthage that was. It must also be admitted that the "by-products" of the translator are certainly not his least claim to remembrance. Grotius would have approved his activity in those far-off lands, although he might have suggested that Professor Kelsey take along, as a sort of companion, his own three books on the law of war and peace.

However, Professor Kelsey had a knack for doing many things at one and the same time. The translation progressed, and with the aid of his collaborators, like him members of the University Faculty: Professor Arthur E. R. Boak, Professor Henry A. Sanders, Professor Jesse S. Reeves; and Dr. Herbert F. Wright, of the Carnegie Endowment for International Peace, had reached completion.

The treatise of Grotius at last speaks English. The entire manuscript received Professor Kelsey's repeated revision, including the last one, which his questioning and scholarly mind felt that it should receive at his hands. It went to the Clarendon Press, at Oxford, England, in three volumes—one for each of the original books. A few copies of the first volume were received in this country in the early part of February, when Professor Kelsey was in Europe, and it is doubtful if the volume, the fruits of long and arduous labor on his part and on the part of his colleagues, ever reached him. In any event, he did not have the pleasure of reading the following letter from Amsterdam, under date of June 7th:

The literary branch of the Royal Academy of Science at Amsterdam learned from her chairman, Professor van Vollenhoven, who presently is in the United States of America, that the first part of your new English translation of Hugo Grotius—"De Jure Belli ac Pacis"—has just been published. The literary branch begs to express to you and to your collaborators its sincerest [con]gratulations on this publication and expresses its conviction that a good new translation of Grotius'

book of 1625 in the English language will prove to be not only of great use to scholars, but equally to those, who interest themselves in modern international organization or who occupy leading positions in that organization.

The letter was sent to the University of Michigan, and a copy of it forwarded to the Editor of the series. Professor Kelsey had died on May 14, 1927.

The Kelsey translation, which appropriately bears the names of his collaborators also, is not only "a good new translation of Grotius' book of 1625 in the English language;" it is, in the opinion of competent scholars who have examined it, scrupulously accurate, and, in the opinion of men of letters, a literary rendering of a Latin classic. And it is fair to say that it will, in the language of the Secretary of the Literary Branch of the Royal Academy of Science, of Amsterdam, "prove to be not only of great use to scholars, but equally to those, who interest themselves in modern international organization or who occupy leading positions in that organization."

The Editor of the *Classics of International Law* would like to think—and greater praise to Professor Kelsey and his colleagues he cannot give—that Grotius, himself, would have been pleased with the translation.

JAMES BROWN SCOTT.

INSTITUTE OF PACIFIC RELATIONS, 1927

The first meeting of the Institute of Pacific Relations was held at Honolulu in the summer of 1925. At that meeting of persons from Pacific countries there was frank discussion of problems of the Pacific, because no one was representing officially any state or organization. The program in 1925 was, after the preliminary meetings, left entirely to the members of the Institute, and the most controversial of the Pacific problems were frankly discussed. Naturally in 1925 there were discovered many respects in which the work of the Institute might be made more valuable, and it was decided that, profiting by the experience of the first session, the Institute should meet again after two years.

The second meeting of the Institute is to be held at Honolulu in the summer of 1927. The members have been chosen from the countries bordering on the Pacific in order to carry to the Institute so far as possible a composite of the points of view of all elements in each country. The number is limited by the necessity of free exchange of opinion and direct personal discussion. The members are to live together and sit at the same tables in college commons for two weeks. The president of a Japanese bank may have at table on his right for a day an American labor leader, and at his left a member of the New Zealand legislature, and the next day he may be between a British editor and a Chinese woman professor of history. Buddhists and Confucianists will confer with the Congregationalist and Catholic.