

A new and enlarged edition of Van Tyne and Leland's *Guide to the Archives of the Government of the United States* is soon to be issued. Mr. J. H. Russell will contribute to it a report on the diplomatic, consular, and miscellaneous archives of the Department of State.

A new edition of Jellinek's *System der subjektiven öffentlichen Rechts*, revised and enlarged, has appeared.

Among recent noteworthy works dealing with the relations of Church and State in France are the following: *Lanessan, L'État et les Églises en France depuis les origines jusqu'à la Séparation* (Alcan); *Despagnet, La République et le Vatican 1870-1906* (Larose et Tenin); *Sabatier, La séparation des Églises et de l'État*, (an English translation has been published by Scribner's); *Debidour, L'Église Catholique et l'État en France sous la Troisième République, 1870-1906* (Alcan). This work is to be in two volumes, of which the first only, which brings the narrative to 1889, has as yet appeared.

Prof. James T. Young, of the University of Pennsylvania, has in preparation a college text-book on the government of the United States. It will be published by the Macmillan Company in the Citizens' Library.

A. H. Clark Company announce the publication in two volumes of a work, entitled *Documentary History of Reconstruction: Political, Military, Social, Educational and Industrial*. Prof. W. L. Fleming will be the editor.

INTERNATIONAL LAW AND DIPLOMACY¹

THE ALGERIRAS CONFERENCE ON MOROCCO. The relations between France and Germany in Morocco having been for some time strained, it was finally agreed that the great powers should go into a general conference on Moroccan affairs. On the joint invitation of France and Germany the conference was convened at Algeriras, Spain, December 15, 1905, to consider a program carefully arranged in advance and agreed upon by the two powers principally concerned. As one of the parties to the general treaty of 1880 the United States was invited to participate and sent as representatives Mr. Henry White, our Ambassador to Italy, and Mr. T. R. Gummer, our minister to Morocco. As the United States had no special interests in Morocco aside from the

¹Furnished by Prof. John H. Latané.

powers generally, our representatives were instructed to pursue a thoroughly impartial course and to endeavor to compose any differences that might arise between the powers with a view to bringing about a perfect accord. Further than this they were to stand for an "open door" policy and for religious and racial tolerance. After a three months' session the conference finally reached an agreement the last of March. The two burning questions of financial reform and police organization were settled by a compromise between the rival claims of Germany and France, though the general result was decidedly favorable to France. For a period of five years the maintenance of order in Moroccan ports is placed in the hands of France and Spain. In the matter of finance, it was agreed that the Bank of Morocco be established at Tangier under international control, each of the signatory powers to have one share, with the exception of France, which is to have three. The bank will be controlled by four supervisors appointed by the banks of England, France, Germany and Spain. France gained most of the points for which she contended and greatly increased her prestige. Her views were supported by Russia, England, and even by Italy. The conference emphasized the growing isolation of Germany in Europe, Austria being the only power to stand by her.

DEATH OF CARLOS CALVO. Carlos Calvo, the Argentine publicist, died in Paris, May 2, 1906, at the advanced age of 82. He had filled many important consular and diplomatic positions and at the time of his death represented his country as minister to France. He is best known, however, by his works on international law, the most important of which are: *Derecho Internacional teórico y práctico de Europa y América*; the French edition of the above, *Le Droit International théorique et pratique, précédé d'un exposé historique des progrès de la Science du droit des gens*; *Manuel de Droit International*; *Recueil Complet des Traités, Conventions, etc., de tous les États de l'Amérique Latine depuis l'Année 1493 jusqu'à Nos Jours*; and a dictionary of international law and diplomacy.

Calvo was undoubtedly very learned in the law and scholarly in his methods, but he was a compiler rather than an original thinker. He is most widely known today by the doctrine which bears his name and to which he gave expression in his great work on international law. The Calvo Doctrine, briefly stated, is that the recovery of debts and the pursuit of private claims does not justify the armed intervention of

governments. Since M. Drago's note to the United States Government of December, 1902, on the subject of pecuniary claims, this principle has been usually referred to as the Drago Doctrine, though as stated by Drago it is less comprehensive and more specific than as stated by Calvo.

CENTRAL-AMERICAN WAR. About the middle of June Generals Barillas and Toledo started a revolutionary movement in Guatemala for the purpose of overthrowing the government of President Cabrera. During the progress of hostilities difficulties arose with Salvador and Honduras, both of which states declared war against Guatemala, Salvador on July 11 and Honduras on July 14. Through the good offices of the United States an armistice was agreed to July 17 and arrangements made for a meeting of peace commissioners on board the United States cruiser *Marblehead*, where a treaty of peace was signed July 20.

MEETING OF THE INTERPARLIAMENTARY UNION. The Interparliamentary Union held its meeting in London July 23, 1906, and continued in session for several days. There were present 566 delegates representing 20 different countries. Resolutions were passed in favor of enlarging the scope of arbitration agreements, and urging the various powers to place upon the program of the next Hague Conference the question of the limitation of naval armaments.

THIRD INTERNATIONAL AMERICAN CONFERENCE. The Third International American Conference opened its session at Rio Janeiro, July 23. All the American Republics sent representatives except Haiti, Venezuela and Santo Domingo. The presence of Secretary Root at the opening of the Conference attracted general attention. The delegates from the United States were given chairmanships on the following committees: the Drago Doctrine, William I. Buchanan; commercial relations, Paul S. Reinsch; the codification of laws, L. S. Rowe; patents, ex-Governor A. J. Montague; sanitation, John Larrinaga, Porto Rican commissioner to the United States; publications and general welfare, Van Leer Polk. The most important subjects considered by the conference were: (1) the reorganization of the International Bureau of American Republics on a more permanent basis; (2) a resolution affirming the adherence of the American Republics to the principle of arbitration for the settlement of disputes arising between them, and expressing the hopes of the Republics taking

part in the conference, that the International Conference convened at The Hague will agree upon a general arbitration convention that can be approved and put in operation by every country; (3) a resolution recommending to the different Republics the extension for the further period of five years of the Treaty of Arbitration for Pecuniary Claims agreed upon at the Mexican Conference between the different Republics; (4) a resolution recommending that the Second Peace Conference at The Hague be requested to consider whether and if at all to what extent the use of force for the collection of public debts is admissible. A number of subjects of less importance also received consideration. The Conference adjourned the last of August. The report of what was actually accomplished has not yet been made public.

LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION. The Report of the twelfth annual meeting of the Lake Mohonk Conference on International Arbitration has been published. The Conference adopted the following platform and resolutions:

Platform: "At the present time it is important that public attention should be concentrated upon the second Hague Conference soon to be assembled. We hope and believe that the beneficial results of the former conference will be equaled and perhaps surpassed by further deliberations in the land of Grotius, upon the principles of international law and the best methods for the pacific settlement of international difficulties.

"Especially we hope that the second Hague Conference will elaborate and propose a plan by which like conferences may be held at stated periods and that in the intervals appropriate offices may be maintained at The Hague, so that these conferences may become a permanent and recognized advisory Congress of the Nations.

"A general arbitration treaty to be formulated by The Hague Conference is most desirable and will doubtless be accepted by all or nearly all of the countries represented in the conference.

"Among other subjects of immediate importance the many unsettled questions arising out of maritime warfare, including the exemption of private property from seizure at sea, and the neutralization of ocean routes, are respectfully commended to the consideration of The Hague Conference.

"As the general restriction of armaments can only be secured by concurrent international action, unanimously recommended by the

British House of Commons, we earnestly hope that this subject will receive careful and favorable consideration.

“While we shall welcome any action taken by the coming Hague Conference in the way of clearly defining the rights and obligations of belligerents as to each other and as to neutrals; of lessening the horrors of war; and of giving increased stability and protection to the Red Cross movement; it is our hope that the Conference will remember that it is consecrated to the great work of ending as well as softening war, and of subjecting the relations of nations to the dominion of law rather than force.”

Resolutions. “*Resolved:* That the twelfth annual Lake Mohonk Conference on International Arbitration respectfully petitions President Roosevelt to instruct the delegates from the United States to the next Hague Conference to urge that body to give favorable consideration to three measures which will greatly conduce to the peace and welfare of the world:

“A plan by which The Hague Conference may become a permanent and recognized Congress of the Nations with advisory powers.

“A general arbitration treaty for the acceptance of all the nations.

“A plan for the restriction of armaments and if possible for their reduction by concurrent international action.”

The volume of *Foreign Relations of the United States* for the year 1905, which has been recently issued by the Department of State, is one of more than ordinary interest. Pp. 298-412 contain the full correspondence relating to the Santo Domingo treaty, the text of the treaty, and of the *modus vivendi*, and the correspondence relating to the practical operation of the latter.

Pp. 204-234 contain more material on the Chinese boycott of American goods.

Pp. 650-653 contain the text of the Treaty between the United States and Certain American Powers for the Arbitration of Pecuniary Claims, signed at the Mexican Conference, January 30, 1902, and ratified by the United States, January 28, 1905, together with the President's proclamation of the same. This treaty was not published in the statutes of the 58th Congress, third session, but will appear in the statutes of the 59th Congress, first session.

Pp. 668-688 contain the correspondence relating to the preliminaries of the Algeiras Conference on Moroccan affairs, and the instructions to the United States delegates.

Pp. 807-828 contain the correspondence relating to the Portsmouth Peace Conference, together with the text of the Russo-Japanese Treaty and other documents of interest and importance.

Prof. Amos S. Hershey, of the department of political science in the Indiana State University, has in press a book, entitled *The International Law and Diplomacy of the Russo-Japanese War*. The work will deal with such subjects as the causes of the war, the violation of Korean neutrality, the question of contraband, submarine mines, the North Sea incident and the Portsmouth treaty. The work grew out of a series of articles which Dr. Hershey published in the *Green Bag* shortly after the close of the war.

The eagerly looked for *Digest of International Law*, by John Bassett Moore, has made its appearance in eight volumes. It is undoubtedly the most important publication issued by the Department of State in many years. No better equipped man for the task could have been found than the author, John Bassett Moore, whose monumental work on the *History and Digest of the International Arbitrations to which the United States has been a Party* (published by the Government in 1898) has already given him a world-wide reputation as a publicist. The present work is not yet quite ready for general distribution, as the eighth volume (the Index) has not been completed. No extended review will, therefore, be attempted at this time, but a preliminary notice will doubtless be of interest. Mr. Moore undertook this task nine years ago. The act of February 20, 1897, which authorized the work, contemplated a revision of Wharton's *Digest of the International Law of the United States*, which was published in three volumes in 1886, and a second edition of which was published in 1887. Mr. Moore soon found that a mere revision would be altogether inadequate, as much of the new material could not be classified under the titles of the old work. He, therefore, found it necessary to adopt a new and greatly extended classification. The new work is thus a much more complete treatise than the old. Practically all of Wharton's material has been retained, but it has been rearranged and supplemented, and a vast amount of new material added, particularly relating to international transactions growing out of the war with Spain. Mr. Moore has drawn from the manuscript records of the Department of State beginning with the earliest records, from documents published and unpublished issued by presidents and secreta-

ries of state, from the opinions of attorneys-general, and the decisions of Federal and State courts, from treaties, from the awards of international tribunals, and from the writings of jurists. The work covers every question of importance that has arisen in American diplomacy.

Mr. Moore calls his work *A Digest of International Law*, abandoning the awkward and misleading title employed by Wharton, *A Digest of the International Law of the United States*. On this point he says, by way of explanation, that "there is strictly speaking no such thing as 'the international law of the United States,' or the 'international law' of any other particular country. The phrase is itself a misnomer, and conveys an implication which the Government of the United States has always been the first to repel, for it has ever been the position of the United States that international law is a body of rules common to all civilized nations, equally binding upon all and impartially governing their mutual intercourse."

A commendable feature of the work is that quotations from printed sources, which are readily accessible to the general reader, though inserted in their proper place so as to give a complete statement of the case, have usually been abridged, while quotations from manuscripts have been given in full. The references, so far as one is able to judge from a cursory examination, are much fuller and more exact than in Wharton. Students will be glad to see that where the manuscript archives of the Department which have been published in the public documents or elsewhere are quoted, reference is made to the volume in which they are published as well as to the manuscript folio.

Houghton, Mifflin & Co. will publish this fall a new work by John W. Foster, entitled *The Practice of Diplomacy*. Its aim, as announced, will be to set forth the part taken by American diplomatists in the elevation and purification of diplomacy; and secondarily to give in popular form the rules and procedure of diplomatic intercourse.

The following international law reviews have been recently established:

Revue Japonaise de droit international. (Tokio, Japan.)

Revista di diritto internazionale. (Rome, Italy.)

Revista de derecho internacional, the Marquis of Olivart, Editor (Madrid, Spain).