

# HISTORY OF THE UNITED STATES

FROM THE EARLIEST DISCOVERY OF  
AMERICA TO THE PRESENT TIME

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Theodore Roosevelt

At his desk in the executive offices of the White House  
during his term as president

the permanent peace of the world." One hundred and ten delegates were present, representing twenty-six different powers of which the United States was one. The delegates were



The House in the Woods, The Hague, Holland, where the first Peace Conference was held.

divided into three commissions, each having separate subjects for consideration.

The first commission adopted unanimously the resolution that "the limitation of the military charges which so oppress the world is greatly to be desired," but agreed that this

## CHAPTER V

### INTERNATIONAL ARBITRATION

GREAT progress was made during the nineteenth century toward the settlement of differences between nations through arbitration. The United States was a party to 50 out of the total number of 120 arbitration treaties. Questions settled in this manner, such as boundary, damages inflicted by war or civil disturbances and injuries to commerce, would formerly have led to war. Twenty of these cases have been between the United States and Great Britain, and a settlement was effected when, at times, it seemed as if war could not be averted.

The work of the Hague Peace Conference, which met May 18, 1899, constituted a fitting close to the efforts which were put forth during the century to bring about conciliation through arbitration. The conference assembled in response to an invitation issued by the Czar of Russia "on behalf of disarmament and

could not now be accomplished through an international compact.

In the second commission a revision of the Declaration of Brussels concerning the rules of war was made. It was agreed by the entire conference that a new convention for this purpose should be called, and that the protection offered by the Red Cross, as agreed upon in the Geneva convention, should also be extended to naval warfare.

The proposition expressing the desire that international conflicts might in the future be settled through arbitration was considered by the third commission. Said ex-President Harison: "The greatest achievement of the Hague conference was the establishment of an absolutely impartial judicial tribunal." Some of the chief features of this permanent court of arbitration were as follows: (1) Each nation which agreed to the plan was to appoint, within three months, four persons of recognized competency in international law, who were to serve for six years as members of the International Court; (2) an International Bureau was established at The Hague for the purpose of

carrying on all intercourse between the signatory powers relative to the meetings of the court and to serve also as the recording office for the court; (3) nations in dispute may select from the list of names appointed as above, and submitted to them by the bureau, those persons whom they desire to act as arbitrators; (4) the meetings of the court are to be held at The Hague unless some other place is stipulated by the nations in the controversy.

The permanent International Court of Arbitration was declared to be organized and ready for operation by April, 1901. At that time there were seventy-two judges appointed by twenty-two of the signatory powers. It is readily seen that the advantages of such a court are that unprejudiced arbitrators are selected, rules of procedure are defined, and decisions rendered are more liable to be accepted in future cases and thus a code of law will be formed. So many cases have been submitted to this tribunal that it has been said that a government which will not now try arbitration before resorting to arms is no longer considered respecta-

ble. This court was convened for the first time May 18, 1901.

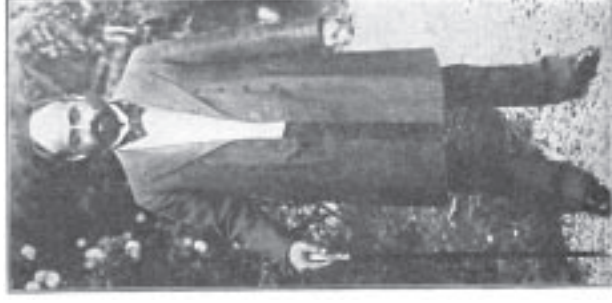
The first case coming before the tribunal—the Pious Fund Case—was presented by the United States and Mexico, September 15, 1902. Up to 1846 the Mexican government had paid annual interest on some property administered by it but belonging to the Catholic church. Part of it was situated in what is now California. After 1848, when this California estate came under United States jurisdiction, Mexico refused to pay that part of the church outside of Mexico its share. This difference between our Government and Mexico the Hague Tribunal took up.

Agreeably to chapter 3, title 4, of the agreement, each party named two arbitrators, and the latter, acting together, an umpire. In case of an equality of votes a third power, designated by agreement of the parties, was to select the umpire. The arbitrators chosen were M. de Martens, of the Orthodox Greek church; Sir Edward Fry, an English Protestant; M. Asser, a Jew, and M. Savornin-Loman, a Dutch Protestant. Decision was reached within the pre-

scribed thirty days and announced October 14, 1902. It favored the United States contention, giving its proportion of the Mexican payments to the Catholic church in California.

A second case, involving issues of war and peace, arose from the action of Great Britain and Germany against Venezuela in the winter of 1902—1903. Subjects of these as well as of other powers had claims against Venezuela. That country was in financial straits and its creditors pressed. December 9,

1902, British and German war-ships sunk or seized some Venezuelan vessels; next day they landed marines at La Guayra, who took possession of the custom house; the 14th they bombarded and demolished a fort at Puerto Ca-



President Castro of Venezuela.

bello. Through the good offices of the United States the matter of debts was referred to the Hague Tribunal. The German claims were decided by two representatives of Germany and two of Venezuela, or, if they disagreed, by an umpire whom the United States selected. So with the other claims. The tribunal fixed the order in which Venezuela should pay the different countries, and the United States was charged with overseeing the payments, a percentage of Venezuelan customs receipts being reserved for that purpose.

In 1903 Andrew Carnegie donated \$1,500,000 for the purpose of erecting a "palace of peace," the permanent head-quarters of this court. The deed of trust states: "The establishment of a permanent Court of Arbitration by the treaty of the 29th of July, 1899, is the most important step forward, of a world-wide humanitarian character, that has ever been taken by the joint powers, as it must ultimately banish war, and further, being of opinion that the cause of peace will greatly benefit by the erection of a court house and library for the permanent Court of Arbitration," etc.

The site of this building, which will be ready for occupancy in 1912, is near The Hague. Its exterior will resemble some of the old city walls to be seen in Holland. The various govern-



The new Peace Palace, The Hague, Holland.

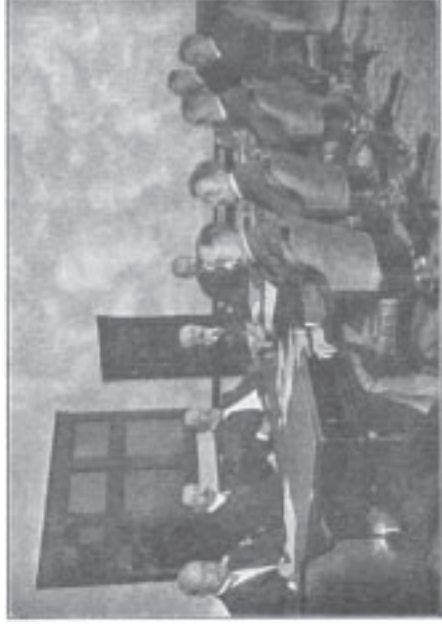
ments which were parties to the treaty have contributed materials for the completion of the interior and objects of art for decoration. The United States presented a large marble group of statuary called "Peace Through Justice."

Two notable congresses were held in the United States during the year 1904, for the

purpose of promoting the peace of the world. The Inter-Parliamentary Union held a meeting, the twelfth in its history, in connection with the World's Fair at St. Louis. This organization was founded at Paris in 1888 by thirty members of the French Chamber of Deputies and ten members of the British Parliament, for the purpose of promoting the cause of peace and arbitration. Scoffed at from the beginning, the Union continued to grow until it included parliamentary delegates from every European country having a constitutional form of government.

The meeting of the Union at St. Louis was the first to be held in the United States, for this country took no part in the organization until 1903. Russia and Turkey, having no parliaments, are not represented in the meetings of the Union. It is a noteworthy fact, however, that the Czar sent an official representative to the meeting in 1896 and that it was due to his report of that meeting, more than to any other cause, that the Czar invited the nations to send representatives to The Hague in 1898.

In the congress at St. Louis, representatives from the deliberative bodies of fifteen nations were present. Among these delegates were some of the well-known public men from Great



Russian and Japanese Peace Envoys in session at Portsmouth, N. H.

Britain, France, Germany, Austria, Italy, Belgium, The Netherlands, the United States, and various other countries. They were practical men and not dreamers.

Two important resolutions resulted from the gathering. One of these called upon the powers to intervene and put an end to the war between Russia and Japan. The other in-



vited the President of the United States to call a second peace congress, similar to the Hague conference. The resolution, addressed to President Roosevelt, stated that there were a number of questions left unsettled from the first Hague conference and that new problems had arisen since that time which demanded readjustment, such as the use of wireless telegraphy in the time of war.

On October 3 of the same year an international peace congress was held in Boston. Numerous congresses of this nature have been held from time to time since the meeting of the first one in London in 1843. Since the year 1888, when a congress was held in Paris, an international peace congress has met each year with the exception of 1895, the year of the Boer war, and in 1898 and 1899, on account of the Spanish-American war. The first of these congresses in America was held in conjunction with the Columbian Exposition at Chicago, 1893. There were in attendance at Boston distinguished statesmen, clergymen, scholars, and professional men, and a number of noted women, representing the many peace and arbitration

societies in Great Britain, Germany, Austria, and numerous other countries.

On the Sunday before the opening of the congress, special services were held in many of the Boston churches and the peace movement was discussed by distinguished preachers from Europe and America. In the deliberative sessions, which were held in Faneuil Hall, the Old South Meeting House, and other places, the first session being opened by an address by Secretary of State John Hay, the following topics, among others, were discussed: the work and influence of the Hague Tribunal; the reduction of the armaments of the nations; education and the peace sentiment. But here, as in every previous congress, the two topics to receive primary consideration have been arbitration and disarmament. At all times there has been the urgent appeal to the nations to abandon the brutality and injustice of war and to adopt the humane and just methods of peace.

In response to the resolution adopted at St. Louis, President Roosevelt, on October 20, 1904, invited the nations which had taken part in the first Hague conference to another con-

ference at the same place. But in his message to Congress of that year he defined very clearly his own position, condemning in no uncertain terms the thought of peace at any price.

"There are kinds of peace," he said, "which are highly undesirable, which are in the long run as destructive as any war. The peace of tyrannous terror, the peace of craven weakness, the peace of injustice --

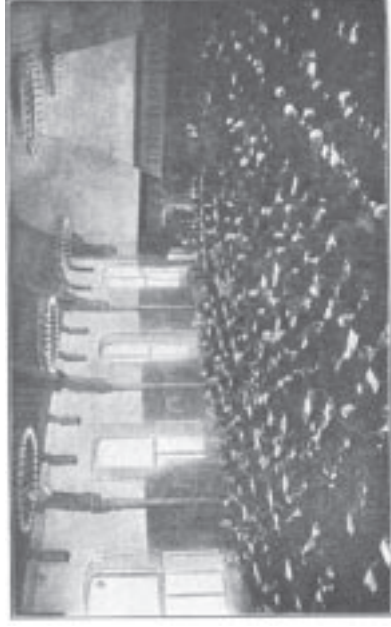


Building where the second Peace Conference was held, The Hague, Holland.

all these should be shunned as we shun unrighteous war."

Favorable replies to the invitation sent by President Roosevelt were received from all the nations. Russia, then in the midst of war with Japan, while approving, stipulated that the conference should not be called until the end

of that war. When peace was restored, in the summer of 1905, Emperor Nicholas II issued an invitation to fifty-three nations to send representatives to such a conference. For the first time, nearly every independent nation on the



First session of the second Peace Conference, The Hague, Holland.

globe was represented among the delegates in an international gathering of this nature. It met at The Hague during the summer of 1907.

Delegates from the United States were instructed to favor obligatory arbitration; the establishment of a permanent court of arbitration; the prohibition of force in the collection of contract debts; immunity from seizure of



private property at sea; a clearer definition of the rights of neutrals, and the limitation of armaments.

While belief was reasserted by the confidence that there should be the obligatory arbitration of all questions relating to treaties and international problems of a legal nature, the principle was not adopted, although thirty-two nations of the forty-five represented favored it.

The resolution adopted, which provided for the collection of contract debts, is as follows: "In order to avoid between nations armed conflicts of a purely pecuniary origin arising from contractual debts claimed of the government of one country by the government of another country to be due to its nationals, the signatory powers agree not to have recourse to armed force for the collection of such contractual debts. However, this stipulation shall not be applicable when the debtor State refuses or leaves unanswered an offer to arbitrate; or, in case of acceptance, makes it impossible to formulate the terms of submission; or, after arbitration, fails to comply with the award rendered."

Provision was made for an international prize

court, to which appeal might be made from the prize courts of the belligerent powers. The declaration was adopted prohibiting the throwing of projectiles and explosives from balloons.

Before the end of the year 1908, one hundred and thirty-five arbitration treaties had been concluded. The United States was a party to twelve of these. Most of the treaties bind the signatory powers to submit to the Hague Tribunal all differences in so far as they do not affect "the independence, the honor, the vital interests, or the exercise of sovereignty of the contracting countries, and provided it has been impossible to obtain an amicable solution by means of direct diplomatic negotiations or by any other method of conciliation."