

An International
Supreme Court.

In his annual address delivered at Cleveland before the first annual convention of the Deep Waterways Association, a copy of which we received last week, Mr. O. A. Howland, M.P.P., the President of the Association, made a strong plea for the establishment of an International Supreme Court, to consist of a committee of members of the Supreme Court of the United States and an equal committee of the parallel court, the Judicial Committee of the Privy Council, nominated by those courts themselves and from among themselves. It is clearly demonstrated by Mr. Howland that the establishment of such an International Supreme Court must precede the undertaking of any great international works on the co-operative plan by Americans and Canadians. Such a court would be needed to guard the interests which would come into existence through the success, for instance, of such objects as the Deep Waterways Association has in view. With these objects our readers are, no doubt, familiar: the establishment of deep ship channels from the great lakes to the sea, free and neutral, at the joint expense of Canada and the United States, under joint control, together with the equitable share that should be charged to each country, and the co-operation in all matters necessarily international in character. It is not only international jealousy and distrust which would require to be guarded against, but also the possibility of war, which unless removed out of the calculations of the two nations, would naturally tend to hinder, if not to frustrate entirely, all undertakings involving complicated interests and relations of international concern. The proposed International Supreme Court, it is maintained by Mr. Howland, would be a substitute for war. It would be a general recourse for remedying public wrongs and deciding any cause of dispute in a certain, conclusive, and acceptable manner by rules and methods of law. It will be observed that this suggestion "goes far beyond the equivalent of arbitral clauses in ordinary contracts. It both extends the object and varies the means. It is not to be limited to questions arising under this particular agreement or treaty, relating to the waterways, but is to be a method of disposing of all difficulties that may arise in any wise between the peoples and governments and of the United States and the British Empire." The immense advantage of a court of this nature over the present, or what Mr. Howland calls the primary or occasional form, of arbitration is manifest.

Federation vs.
Amalgamation

Mr. Howland goes on to say that it seems to stand to reason that the first experiment in the broadening of the field of law, and the formation of the jurisdiction of courts from the national to the international domain, must necessarily be made between nations alike in systems of law, in systems of government, in language and habits of thought. These conditions are fully offered in the case of "the United States of America, and the Republican Empire of Great Britain." The two national courts—the American Supreme Court and the English Judicial Committee of the Privy Council—are similar in character and enjoy each other's confidence and respect. Through these courts and with them as a basis for operations, some scheme of federation between the English-speaking nations may be evolved. Mr. Howland is careful to point out that the literal meaning of federation is a treaty relation between sovereign states, and that the continuance of their independent existence and autonomy is essentially implied. Federation, as defined by the President of the Deep Waterways Association, is not amalgamation—it is not annexation

—it is not to be brought about by previous disintegration. Canada need not "detach herself from her union, the virtual though unwritten federation of republics forming the British Empire, as a condition of entering into a larger federation." It is asserted by Mr. Howland that at the present time "Great Britain, and the great self-governing colonies, which, like the United States, have sprung from her, but unlike the United States remain united with her, are republics individually, and that also in their union in what is called the British Empire, they form a federal republic, not as obviously, but as veritably as the United States is a republic. . . . It is the proper task of statesmen to make the essential unity of those two great republics [the British Empire and the United States] manifest to every one of their inhabitants in a form which will appeal to universal observation and daily experience. Such, it is submitted, would be the effect of the creation of this permanent court. . . . It would form the visible keystone of union of the arch of English popular government, one half of which is founded upon the united commonwealths forming the United States; the others are the similar united commonwealths, home and colonial, forming the British Empire." This address of Mr. Howland's is full of suggestive and stimulating thought, and imbued with an enthusiasm worthy his great subject. Though one may not agree with him in all his views and conclusions, no small profit may be reaped from a careful study of the discourse. It is a fine piece of work.

Unhappy
Cuba.

It was recently pointed out that since 1812 Cuba has been the scene of several savage servile wars, and that the recurrence of these wars may not have been without influence on the Cuban planters who desired annexation to the United States prior to the abolition of slavery in the Republic. Much is made of these wars, and the division between the whites and the blacks of Cuba, by those who favour the continuance of Spanish rule. It is maintained by the Spaniards that only their presence prevents the two races from flying at each other's throats, and that owing to this division of races Cuba, as an independent republic, could never hope to be happy and united. But so far as we have been able to learn, the Spaniard is detested by the Cuban both black and white, and the inhabitants as a whole are fighting unitedly and with determination to rid themselves of Spanish domination. The coloured population is but a third of that of the whites, the great majority are entirely illiterate, and many were in a state of partial servitude so lately as 1892. It is said that the black man is very patriotic, and is giving valuable assistance to the rebel leaders. General Martinez Campos, in his efforts to suppress the rebellion, is making the great mistake of being unnecessarily severe and relentless. Acts of cruelty are charged against him which can only tend still further to exasperate the natives and strengthen them in determination to cast out the Spaniards. Cuba has never had a Constitutional Government. It is still under "special laws" which really mean martial law and the continuance of the evils which, for so long, have disgraced the administration of Cuban affairs. The Government officials are all "imported" Spaniards. The heavily-laden tax-payers have practically no control over the disposition of the public funds. There is very little provision made for education. In fact, Cuba is governed for the benefit of Spain, not for its own benefit. We cannot help sympathizing with the oppressed Cubans in their plucky and unequal struggle for independence.