

An arbitrator, as known to nations, need not be a monarch, or possessed of any political power, nor is it necessary that the power to award should be in one person. We shall find that three methods of arbitration have been practised. Some nations have settled their disputes by referring them to a congress made of representatives from each nation, as the Greek cities in some instances referred matters in dispute to the Amphictyonic Council, and abided by its decision. Others have trusted their differences to the chief of some friendly nation, as when the United States and Great Britain invited the King of the Netherlands to settle a line of boundary. And others have preferred the award of a commission composed of an equal number of citizen arbitrators chosen by each State, and an umpire selected by lot or agreement, or, in later cases, appointed by some friendly sovereign, like the commission which recently sat in Washington to settle claims between our Government and Columbia.

Arbitration, as a means of preventing war, has long been practised. Grotius says: "'Tis barbarous and abominable to fall upon him as an enemy who is willing to put his case to reference."* And he then reminds us that the Greeks and Romans submitted to the opinion of an arbitrator, and that even Cyrus, Philip of Macedon, and Pompey desired to have an award. Strabo writes, that in former times the Druids in Gaul were the umpires between nations at war, and had often accommodated matters upon the point of an engagement. A treaty between the Lacedæmonians and the Argives provided that, if any dispute should happen between two States in alliance, they should refer their cause to some other State that was indifferent to them both.

Bynkershoek wrote only of the law of war, and so gave us no method to avoid it. In Vattel we read that arbitration is a method very reasonable, and very conformable to the law of nature, in determining all differences that do not directly interest the safety of a nation.†

Grotius wished something more than that the future writer on international law should be able, as he had done, to chronicle individual cases of successful arbitration. He advised that nations should unite in sending representatives to a general congress, which should settle whatever differences arose between the States represented. For such a proposition he was thought

* Book II. Chap. 23, sec. 8.

† Book II. Chap. 18, sec. 392.