

LORD RUSSELL

Delivers a Masterly Speech at the Meeting of the American Bar Association.

HIS THEME WAS INTERNATIONAL ARBITRATION.

A Noble Definition of What Constitutes Civilization—The Evils of War and the Hope for Universal Peace Portrayed in a Humorous and Eloquent Manner.

More than four thousand people assembled in Convention Hall, on Thursday last, at Saratoga, to listen to Lord Russell, of Killowen, Lord Chief Justice of England, deliver his address on International Arbitration, at the annual meeting of the American Bar Association.

The President, Mr. Morefield Storey, of Boston, on presenting the Lord Chief Justice said: "I have now the very great pleasure, not of introducing for he needs no introduction of any English-speaking lawyer, but of presenting to you Lord Russell of Killowen, the Lord Chief Justice of England, who will deliver the annual address on the subject of 'International Arbitration.'" (Applause.)

Lord Russell then arose and said:— MR. PRESIDENT:—My first words must be in acknowledgment of the honor done me by inviting me to address you on this interesting occasion.

You are a congress of lawyers of the United States met together to take counsel, in no narrow spirit, on questions affecting the interests of your profession; to consider necessary amendments in the law which experience and time develop, and to examine the current of judicial decision and of legislation, State and Federal, and whether that current tends...

It is no wonder that men—earnest men—enthusiasts if you like, impressed with the evils of war, have dreamt the dream that the Millennium of Peace might be reached by establishing a universal system of international arbitration. The cry for peace is an old world cry. It has echoed through all the ages, and arbitration has long been regarded as the handmaiden of peace.

Men do not arbitrate where character is at stake, nor will any self-respecting nation readily arbitrate on questions touching its national independence or affecting its honor.

Again, a nation may agree to arbitrate and then repudiate its agreement. Who is to coerce it? Or, having gone to arbitration and been worsted, it may decline to be bound by the award. Who is to compel it?

These considerations seem to me to justify two conclusions: The first is that arbitration will not cover the whole field of international controversy, and the second that unless and until the great Powers of the world, in league, bind themselves to coerce a recalcitrant member of the family of nations, we have still to face the more than possible disregard by powerful states of the obligations of good faith and of justice.

The scheme of such a combination has been advocated, but the signs of its accomplishment are absent. We have, as yet, no League of Nations of the Amphictyonic type. Are we then to conclude that Force is still the only power that rules the world? Must we then say that the sphere of arbitration is a narrow and contracted one?

By no means. The sanctions which restrain the wrong-doer—the breaker of public faith—the disturber of the peace of the world, are not weak, and year by year they wax stronger. They are the dread of war and the reprobation of mankind. Public opinion is a force which makes itself felt in every corner and cranny of the world, and is most powerful in the communities most civilized.

In the public press and the telegraph it possesses agents by which its power is concentrated and speedily brought to bear where there is any public wrong to be exposed and reprobated. It year by year gathers strength and general enlightenment extends its empire and a high moral altitude is attained by mankind. It has no ships of war upon

though progressing, let us believe, in the sense which I have indicated, do not progress pari passu.

Nor do nations, even where they are agreed on the inhumanity and immorality of given practices, straightway proceed to condemn them as international crimes. Take as an example of this the slave trade. It is not too much to say that the civilized powers are abreast of one another in condemnation of the traffic of human beings as an unclean thing—abhorrent to all principles of humanity and morality, and yet they have not yet agreed to declare this offence against humanity and morality to be an offence against the law of nations. That it is not so has been affirmed by English and American judges alike.

The evils of war have been mitigated by more humane customs. Among the improvements are: 1, The greater immunity from attack of the persons and property of enemy-subjects in a hostile country; 2, the restrictions imposed on the active operations of a belligerent when occupying an enemy's country; 3, the recognized distinction between subjects of the enemy, combatant and non-combatant; 4, the deference accorded to cartels, safe conducts and flags of truce; 5, the protection secured for ambulances and hospitals and for all engaged in attending the sick and wounded—of which the Geneva Red Cross Convention of 1864 is a notable illustration; 6, the condemnation of the use of instruments of warfare which cause needless suffering.

But in spite of all this who can say that these times breathe the spirit of peace? There is war in the air. Nations armed to the teeth prate of peace, but there is no sense of peace. One sovereign burdens the industry of his people to maintain military and naval armaments at war strength, and his neighbor does the like and justifies it by the example of the other; and England, insular though she be, with her imperial interests scattered the world over, follows, or is forced to follow in the wake. If there be no war, there is at best an armed peace.

The normal cost of the armaments of war has of late years enormously increased. The annual interest on the public debt of the great Powers is a war tax. Behind this array of facts stands a tragic figure. It tells a dismal tale. It speaks of over-burthened industries, of a waste of human energy unprofitably engaged, of the squandering of treasure which might have let light into many lives, of homes made desolate, and all this, too often, without recompense in the thought that these sacrifices have been for the love of country or to preserve national honor or for national safety.

It is no wonder that men—earnest men—enthusiasts if you like, impressed with the evils of war, have dreamt the dream that the Millennium of Peace might be reached by establishing a universal system of international arbitration. The cry for peace is an old world cry. It has echoed through all the ages, and arbitration has long been regarded as the handmaiden of peace. Arbitration has, indeed, a venerable history of its own. According to Thucydides, the historian of the Peloponnesian war, Archidamus, King of Sparta, declared that "it was unlawful to attack an enemy who offered to answer for his acts before a Tribunal of Arbiters."

In our own times the desire has spread and grown strong for peaceful methods for the settlement of international disputes. The reason lies on the surface. Men and nations are more enlightened; the grievous burthen of military armaments is sorely felt, and in these days when, broadly speaking, the people are enthroned, their views find free and forcible expression in a world-wide press. The movement has been taken up by societies of thoughtful and learned men in many places.

It behoves then all who are friends of Peace and advocates of Arbitration to recognize the difficulties of the question, to examine and meet these difficulties and to discriminate between the cases in which friendly arbitration is, and in which it may not be, practically, possible.

Pursuing this line of thought, the short-comings of International Law reveal themselves to us and demonstrate the grave difficulties of the position.

The analogy between arbitration as to matters in difference between individuals and to matters in difference between nations, carries us but a short way.

Men do not arbitrate where character is at stake, nor will any self-respecting nation readily arbitrate on questions touching its national independence or affecting its honor. Again, a nation may agree to arbitrate and then repudiate its agreement. Who is to coerce it? Or, having gone to arbitration and been worsted, it may decline to be bound by the award. Who is to compel it?

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In the public press and the telegraph it possesses agents by which its power is concentrated and speedily brought to bear where there is any public wrong to be exposed and reprobated. It year by year gathers strength and general enlightenment extends its empire and a high moral altitude is attained by mankind. It has no ships of war upon

the seas or armies upon the field, and yet great potentates tremble before it and humbly bow to its rule.

It would, indeed, be a reproach to our nineteenth centuries of Christian civilization, if there were now no better method, for settling international differences than the cruel and debasing methods of war. May we not hope that the people of these States and the people of the Mother Land—kindred peoples—may, in this matter, set an example, of lasting influence, to the world?

We boast of our advance and often look back with pitying contempt on the ways and manners of generations gone by. Are we ourselves without reproach? Has our Civilization borne the true marks? Must it not be said, as has been said of Religion itself, that countless crimes have been committed in its name? Probably it was inevitable that the weaker races should, in the end, succumb, but have we always treated them with consideration and with justice? Has not civilization too often been presented to them at the point of the bayonet and the Bible by the hand of the filibuster?

And apart from races we deem barbarous, is not the passion for dominion and wealth and power accountable for the worst chapters of cruelty and oppression written in the World's History? Few peoples—perhaps none—are free from this reproach. What indeed is true

"civilization," the Times this morning says editorially: "It is an open secret that Lord Russell was encouraged to accept the Saratoga invitation by statesmen of both political parties, because it was believed that his presence there would have a tendency to promote peace and good-will between the United States and England. His address makes for peace, and it is welcome, because it resembles the calm summing up of the judge, rather than the one-sided statement naturally to be found in the argument of a lawyer."

The New York World, in a leader, refers to the address in the following terms:—

"Lord Chief Justice Russell, in his speech before the Bar Association at Saratoga yesterday, uttered the thought of all honest Britons and all thoughtful Americans.

"He repudiated the German and French views of international law. He recognized the kinship of the English-speaking peoples, who are, after all, dominant in the world, and destined to be more and more so. He pleaded for international arbitration as a means of settling disputes—a means more rational than war and immeasurably more civilized.

"War, as Gen. Sherman said, is 'all hell.' War between English-speaking



LORD RUSSELL, OF KILLOWEN, LORD CHIEF JUSTICE OF ENGLAND

Civilization? By its fruit you shall know it. It is not dominion, wealth, material luxury; nay, not even a great Literature and Education widespread—good though these things be. Civilization is not a veneer; it must penetrate to the very heart and core of societies of men.

Its true signs are thought for the poor and suffering, chivalrous regard and respect for women, the frank recognition of human brotherhood, irrespective of race or color or nation or religion, the love of ordered freedom, abhorrence of what is mean and cruel and vile, ceaseless devotion to the claims of justice. Civilization in that, its true, its highest sense, must make for Peace.

We have solid grounds for faith in the future. Government is becoming more and more, but in no narrow class sense, government of the people, by the people and for the people. Populations are no longer moved and maneuvered as the arbitrary will or restless ambition or caprice of kings or potentates may dictate. And although democracy is subject to violent gusts of passion and prejudice, they are gusts only. The abiding sentiment of the masses is for peace—for peace to live industrious lives and to be at rest with all mankind. With the Prophet of old they feel—though the feeling may find no articulate utterance—"how beautiful upon the mountains are the feet of him that bringeth good tidings, that publisheth peace."

Mr. President, I began by speaking of the two great divisions—American and British—of that English speaking world which you and I represent to-day, and with one more reference to them I end.

Who can doubt the influence they possess for ensuring the healthy progress and the peace of mankind? But if this influence is to be fully felt they must work together in cordial friendship, each people in its own sphere of action. If they have great power, they have also great responsibility. No cause they espouse can fail; no cause they oppose can triumph. The future is, in large part, theirs. They have the making of history in the times that are to come. The greatest calamity that could befall would be strife which should divide them.

Let us pray that this shall never be. Let us pray that they, always self-respecting, each in honor upholding its own flag, safeguarding its own heritage of right, and respecting the rights of others, each in its own way fulfilling its high national destiny, shall yet work in harmony for the progress and peace of the world.

When Lord Russell concluded his address the vast audience spontaneously rose to its feet and applauded and cheered him to the echo. The demonstration lasted fully 15 minutes. A large number of persons flocked to the platform, and, shaking hands with Lord Russell, heartily congratulated him on his masterly address.

General E. F. Bullard, of New York, offered the following, which was adopted:

"Resolved, that the American Bar Association concur with the principles enunciated in the eloquent address of Lord Russell, and be it further resolved, that it be referred to the Committee on International Law to recommend such further action as shall be deemed proper to forward the great cause of international arbitration."

Commenting upon the address of Lord Russell, of Killowen, Lord Chief Justice of England, on "International Arbitra-

nations would be worse even than that semi profane expression indicates. It is the mission of the Anglo-Saxon race to put an end to war, first by establishing arbitration as the means of settling all disputes between English-speaking peoples, and afterwards by extending the principle to other nations. No higher mission was ever given to any people.

It is particularly unfortunate that the jingo message of Mr. Cleveland last year raised an obstacle. That message was intended for politics only, but it interferes with the most hopeful advance that civilization has made in a century. "Every word that the English Lord Chief Justice uttered in behalf of arbitration is echoed by every lover of civilization in this humane land of ours."

MGR. SATOLLI'S SUCCESSOR.

The Church News has the following:— Father Martinelli has been appointed by the Holy Father titular Archbishop and will be consecrated in Rome the latter part of this month. It is expected that he will arrive here in September and that Cardinal Satolli will, within a short time after his arrival, leave for Rome. The new delegate is a man of great erudition and is thoroughly familiar with the English language.

Most Rev. Sebastian Martinelli, ninety-ninth of the long line of illustrious superiors general of the Augustinian Order (reaching back to the date of the union of the O.S.A. in 1354), was born August 20, 1848, in the parish of Santa Anna, Lucca, Tuscany, and looks even younger than he is. He is the youngest of five children of Cosimo and Maddalena (Bardini) Martinelli. His eldest brother, the late Cardinal Tommaso Maria Martinelli, and the third son of the family, Father Aurelius Martinelli (now director general of the Pious Union) also became Augustinian friars.

Sebastian went to Rome when he was fifteen years of age, and has dwelt for thirty-one years in the Eternal City. Most of his time has been spent in teaching. He was resident regent of studies at the Irish Augustinian Hospice of Santa Maria in Posterula; and (when the government seized that house for public improvements) at San Carlos on the Corso. For many years he was promoter of the causes of the Augustinian saints and blessed ones—an office of trust and great honor, inasmuch as the promoter is champion, advocate and sponsor of the candidates for canonization before the Sacred Congregation of Rites.

At the general chapter of the Augustinian Order on September 28, 1889, at the Convent Church of St. Monica, Rome, Sebastian Martinelli was elected Prior General of the Hermits of the Order of St. Augustine, vice Most Rev. Pacifico Neno, deceased February, 1889. On that autumn day Father Sebastian was in his cell at San Carlos, knowing nothing about his election. The committee from the chapter-house, coming thither in the name of the Cardinal president, found the humble friar at his desk (he was a hard student), and despite his tears and protests insisted on bearing him off to where the brethren were awaiting their newly-chosen chief. Their choice has been well approved by the distinction with which the young Father-General has filled his high and responsible position. He is a member of the holy office, that select and supreme tribunal at Rome, which claims the Sovereign Pontiff himself as its precept, and which is called to render decision

on the weightiest causes and questions of Christendom. He resides at St. Monica's, Rome.

He sailed from Italy June 21, 1894, for this country, and was the only Augustinian General, save one (Most Rev. Paul Micallef, who visited South America in 1859), that ever crossed to this side of the Atlantic. He came to visit the houses of his order and presided at the chapter convened at Villa Nova College on July 25th of that year.

Archbishop Martinelli is in the very prime of his manhood and possesses a charming personality. He speaks English with ease and fluency. His quick, vivacious ardor of his countrymen he unites the keen insight and delicate sympathy of the high-bred churchman. Although the term of the Father-General of the Order had previously been only five years, Dr. Martinelli was in July, 1895, re-elected for a term of twelve years. As the Father-General must reside in Rome, his appointment as Papal Delegate to the United States will necessitate his resigning his present position.

THAT FLAG-POLE LIGHT.

The Peterboro' Review says: While Parliament at Ottawa is in tight session the fact is signalled by an electric light twinkling from the top of the flag-pole on the tower. This custom is honored on the British House of Commons, and the mystery to thousands has been why it was put there. A lady correspondent in an exchange tries to explain the origin of the light on the clock tower of "Big Ben." It seems that some years ago—not very many, not more than twenty or thereabouts—no warning light cast its beam over the House of Parliament, so that the wives of members living in far away Kensington or less remote Belgrave were compelled to accept the word of their M.P. husbands as to the length of time they were obliged to "sit" during the Parliamentary session. Nobody thought that this was an affair that called for any special reform, and various frisky gentlemen, both of the Commons and Lords, were frequently enabled to spend their evenings away from the family bosoms, giving "business at the House" as their excuse. At length one Parliamentary wife discovered her husband under circumstances that were more pleasant than business like, a good many thousand yards from the deserted House of Parliament. No knotty question of state was being answered or argued at either the Lords or the Commons, and the naughty husband was enjoying himself in various frivolous ways at numerous fashionable resorts. The indignant wife, full of the peridy of her spouse, at once indited a letter to the Prime Minister, in which she called attention to the fact that the wives of Parliamentarians had no way in which to assure themselves, from outward appearances, that the Houses were sitting, and she, acting as she felt in the interests of many other wives of members, prayed that some distinguishing sign should be shown at Westminster when business really detained members at night. This appeal resulted in the light that now burns on the clock tower during the evening sittings of the Upper and Lower Houses, and it is still the foundation of many jokes.

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