

ers the adoption of a draft upon which it agreed for the organization of the court, leaving to be determined only the method by which the judges would be selected. This remaining unsettled question is plainly one which time and good temper will solve.

Taking advantage of the meeting of the Naval Conference at London (December 4, 1908-February 26, 1909) in order to agree upon unsettled questions of prize law to be applied by the International Court of Prize when it was constituted and in operation, the Secretary of State, under date of February 6, 1909, instructed the American delegates to the Conference, as appears from the identic circular note of October 18, 1909, to propose to this Conference to invest the Prize Court with the jurisdiction of the Court of Arbitral Justice. Thus:

In order to confer upon the Prize Court the functions of an arbitral court contemplated in the first recommendation of the Final Act of the Second Conference, the Department proposes the following article additional to the draft protocol concerning the Prize Court, next to the last paragraph of your instructions.

And any signatory of the Convention for the establishment of the Prize Court may provide further in the act of ratification thereof that the International Court of Prize shall be competent to accept jurisdiction of and decide any case arising between the signatories of this proposed article submitted to it for arbitration, and the International Prize Court shall thereupon accept jurisdiction and adopt for its consideration and decision of the case the Draft Convention for the establishment of a Court of Arbitral Justice adopted by the Second Hague Conference, the establishment of which was recommended by the powers through diplomatic channels.

Any signatory of the Convention for the establishment of the International Court of Prize may include in its ratification thereof the proposed article and become entitled to the benefits thereof.

The Conference, however, deemed it more advisable to prosecute through diplomatic channels a matter of such magnitude. The Department on March 5, 1909, notified the countries represented at the Naval Conference of its intention to prepare and transmit an identic circular note dealing with this question, and on October 18, 1909, an elaborate identic circular note was prepared and transmitted, in pursuance of such notification, to the powers participating in the Naval Conference. The answers received to the note stated a general willingness to constitute the Court of Arbitral Justice, but intimated a preference for its constitution as a separate and independent tribunal. Three of the joint proposers of the Prize Court at the Second Peace Con-