

in New York in 1907, which was organized for the purpose of bringing public sentiment to bear on the Hague Conference, will remember the profound impression made by Mr. Root's address. In it occurred these significant passages, which may be taken as the foundation ideas of the proposed court:—

“In the general field of arbitration we are surely justified in hoping for a substantial advance, both as to scope and effectiveness. It has seemed to me that the great obstacle to the universal adoption of arbitration is not the unwillingness of civilized nations to submit their demands to the decision of an impartial tribunal; it is rather, as Lord Salisbury said, an apprehension that the tribunal selected will not be impartial.

“The feeling which Lord Salisbury so well expressed is, I think, the great stumbling-block in the way of arbitration. The essential fact which supports that feeling is, that arbitrators too often act diplomatically rather than judicially; they consider themselves as belonging to diplomacy rather than to jurisprudence; they measure their responsibility and their duty by the traditions, the sentiments, and the sense of honourable obligation which have grown up in centuries of diplomatic intercourse, rather than by the traditions, the sentiments, and the sense of honourable obligation which characterize the judicial departments of civilized nations.

“What we need for the further development of arbitration,” added Mr. Root, “is the substitution of judicial action for diplomatic action, the substitution of judicial sense of responsibility for diplomatic sense of responsibility. We need for arbitration, not distinguished public men concerned in all the international questions of the day, but judges who will be interested only in the question appearing upon the record before them. Plainly this end is to be attained by the establishment of a court of permanent judges who will have no other occupation and no other interest but the exercise of the judicial faculty under the sanction of that high sense of responsibility which has made the court of justice in the civilized nations of the world the exponents of all that is best and noblest in modern civilization.”