duty of choosing their judges, which choice is essential in all cases of peculiar gravity. We should not like to see the court created in 1899 lose its essentially arbitral character, and we intend to preserve this freedom in the choice of judges in all cases where no other rule is provided.

In controversies of a political nature, especially, we think that this will always be the real rule of arbitration and that no nation, large or small, will consent to go before a court of arbitration unless it takes an active part in the appointment of the members composing it.

But is the case the same in questions of a purely legal nature? Can the same uneasiness and distrust appear here? And does not every one realise that a real court composed of real jurists may be considered as the most competent organ for deciding controversies of this character and for rendering decisions on pure questions of law?

In our opinion, therefore, either the old system of 1899 or the new system of a truly permanent court may be preferred, according to the nature of the case. At all events there is no intention whatever of making the new system compulsory. The choice between the tribunal of 1899 and the court of 1907 will be optional, and experience will show the advantages or disadvantages of the two systems.

It may be said without fear of contradiction that the principle of permanency and the advisability in certain cases of judicial decision of international controversies was recognized in the abstract by a large majority of the delegates at the Second Peace Conference. The difficulty arose when it was proposed to compose the court of a restricted number of judges. If it had been agreed to select a comparatively small number of judges from among international jurists of the greatest repute without considering the question of nationality, the Conference could have undoubtedly, although with difficulty and no little embarrassment, made the choice. This principle, however, was not accepted.

Had the proposals of Messrs. Bourgeois and Choate found favor, namely, that, after determining the number of judges to form the court, each nation should propose the name of a judge, and, from the list thus framed, each nation should vote for the number of judges the court was to contain, and those receiving the highest number of votes should be elected, the court would have been constituted. This method, however, was unsatisfactory to the large as well as the small nations, apparently because the large nations feared that they might be out-voted and the small nations that the election might not be wholly free. The large nations wished to be represented permanently in the court and