

Canada Law Journal.

VOL. XLVI.

TORONTO, MARCH 15.

No. 6.

THE PROPOSED HIGH COURT OF NATIONS.

With the first Hague Conference which met in 1899 an International Arbitration Court came into existence. The Permanent Court of Arbitration, as it is technically called, though popularly known as the Hague Court, settled the *Pious Fund* case, the *Venezuela Preferential Payment* case, the *Japanese House-tax* case and the dispute between Great Britain and France over their treaty rights in Muscat, passed upon the Casablanca incident, and adjusted the dispute between Norway and Sweden as to their maritime frontier. It is of special interest to Canadians at the present time for the reason that there is now pending before it our fisheries dispute with the United States.

But besides this court, which is actually in service, are two others, both of them projected by the second Hague Conference, that may also go into operation when certain formalities are complied with or certain necessities arise. One of these is the International Prize Court, which is for the adjudication of cases of capture of neutral merchant ships and cargoes in time of war, a code for which was made at the Naval Conference held in London in 1909, but is not yet ratified by the nations that are parties to it. The other is the Court of Arbitral Justice, also called the Judicial Arbitration Court, which is for the same kind of cases that now go before the Permanent Court of Arbitration. It is the Court of Arbitral Justice, an institution that is known to but comparatively few, and that may easily be confused in the popular mind with the present Hague Court, to which we wish to call attention.

The progress which has been made toward the establishment of this court is due primarily to the efforts of three great American lawyers, ex-Secretary Root, Prof. James Brown Scott and Hon. Joseph H. Choate, especially the two first named. All who attended the opening session of the National Peace Congress