

Permanent Court of Arbitration, accessible at all times," were in existence, to which the case might be automatically referred upon the request of one or the other of the parties before the countries had taken position and had by their conduct rendered a controversy political which is in its nature essentially legal.

For these and other reasons which might readily be mentioned, the United States instructed its delegates to the Second Peace Conference to propose "a permanent tribunal composed of judges . . . who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility," and that the judges of the proposed tribunal "should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented."

The first article of the Arbitral Court Convention is the direct result of these instructions, as by it "the contracting powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Court of Arbitral Justice, of free and easy access, composed of judges representing the various juridical systems of the world and capable of insuring continuity of arbitral jurisprudence." The efforts of the American delegation to constitute a truly permanent court composed of trained judges was ably seconded by the delegations of Germany and Great Britain, which joined in the proposal, and by the French delegation, which, although not a joint proposer, was a convinced and resourceful ally.

It will be noted that the proposed court was not to displace the so-called Permanent Court of Arbitration, which was to remain intact and uninjured.

It was stated in the clearest terms by the distinguished first delegate of France, Mr. Léon Bourgeois, in answer to the objection that the proposed court would supersede the existing institution, that there are two classes of controversies which may properly be submitted to arbitration, namely, those in which a political element is present, and those of a purely legal nature; for the first of these classes a temporary tribunal with arbiters of the parties' choice might be preferable, whereas for the second a permanent court composed of judges would be more serviceable. The reasoning of Mr. Bourgeois is so important and conclusive and so relevant to the question at issue that his language on these points should be quoted.

If (he said) there are at present no judges at The Hague, it is because the Conference of 1899, taking into consideration the whole field open to arbitration, intended to leave to the parties the