

mittee of Judges, care of Clinton Rogers Woodruff, Esq., Secretary of the National Municipal League, North American Building, Philadelphia," and marked "For the William H. Baldwin Prize." Competitors will mark on each paper a *nom-de-plume* and enclose in a sealed envelope the full name, address, class and college corresponding to such *nom-de-plume*.

#### INTERNATIONAL LAW AND DIPLOMACY

J. H. LATANÉ

THE INTERVENTION OF THE UNITED STATES IN CUBA has been watched with great interest at home and abroad and has met with little or no adverse criticism. As a result of the insurrectionary movement which had for its object the overthrow of President Palma's government, President Roosevelt decided on September 14 to send Secretary Taft and Assistant-Secretary of State Bacon to Havana for the purpose of attempting to reconcile the contending factions. At the same time, the President addressed a letter to Mr. Quesada, Cuban minister to the United States, in which he said: "Our intervention in Cuban affairs will only come if Cuba herself shows that she has fallen into the insurrectionary habit, that she lacks the self-restraint necessary to secure peaceful self-government and that her contending factions have plunged the country into anarchy." Secretary Taft's efforts proving unavailing, President Palma resigned. When the time for the meeting of the Congress which had been convened arrived, it was found to be impossible to command a quorum. President Palma having refused to withdraw his resignation and there being no Congress to adopt other measures for continuing the government, on September 29, Secretary Taft assumed control and proclaimed a provisional government for the restoration of order and the protection of life and property. This action was taken at the direction of President Roosevelt in accordance with the provisions of the so-called Platt amendment, which form a part of the Cuban Constitution and are also embodied in our treaty with Cuba. Secretary Taft stated in his proclamation that, "The provisional government hereby established will be maintained only long enough to restore order, peace, and public confidence, by direction of and in the name of the President of the United States, and then to hold such elections as

may be necessary to determine on those persons upon whom the permanent government of the republic should be devolved." A body of United States troops was sent to Cuba under command of Brigadier-General Franklin Bell. On October 3, Secretary Taft was relieved of the duties of provisional governor in order that he might return to his labors in Washington, and Charles E. Magoon was appointed to take his place at Havana. In his message to Congress on December 3, the President made it perfectly clear that while the United States had no desire to annex Cuba, it was "absolutely out of the question that the island should continue independent" if the "insurrectionary habit" should become "confirmed."

Secretary Taft's report on the Cuban situation was sent to Congress December 17. He gives a full documentary account of the work of intervention and expresses the opinion that Cuba may yet be set on her feet.

**THE ANTI-JAPANESE AGITATION IN CALIFORNIA.** During the latter part of October the country suddenly became aware of the fact that an active anti-Japanese agitation had been in progress in California for some time. The matter was brought to a crisis on October 25 when the Japanese government, through its ambassador at Washington, formally demanded of the United States that Japanese residents of California be protected in the full enjoyment of the rights guaranteed them by the treaty of 1895. The main point of the complaint was the denial of equal school privileges to Japanese children. The school authorities of San Francisco had passed an order assigning all Japanese pupils to the so-called Oriental school provided for Mongolians. They justified this action by the statement that many grown men engaged in domestic service attended the lower grades in order to learn English and were very objectionable companions for American children. President Roosevelt asserted very emphatically that he would protect the Japanese in their treaty rights and the questions were at once raised (1) whether the right to attend the same schools with native children was a right which could be claimed under our treaty with Japan, and (2) whether the United States had the right to grant by treaty to foreigners, rights wholly within the sphere of State law. The President directed the United States District Attorney to assist the Japanese in their efforts to have their rights vindicated by the courts, and he also sent Secretary Metcalf, himself a citizen of California, to San Francisco to investigate the situation. Our treaty with Japan

guarantees to Japanese subjects in the United States in "whatever relates to rights of residence" the same privileges, liberties, and rights as native citizens, or citizens or subjects of the most favored nation. Whether the case will be pressed in the courts or not remains to be seen. There are many intricate points of law involved, affecting both our federal system and the interpretation to be given to this particular treaty. Meanwhile, the excitement which the incident has raised has somewhat cooled down as a result of Secretary Metcalf's report. This was sent to Congress December 18, and deals with three subjects: (1) the school question, (2) the boycott against Japanese restaurants, and (3) assaults on Japanese subjects. As regards the school question, it was found that about ninety Japanese had been in attendance in the schools in San Francisco. Of these about half were over 16 years of age and could easily have been excluded from the lower grades where they were associated with younger children by the adoption of an age limit which is quite usual in most city schools. The remaining Japanese pupils were in no way objectionable and if scattered among the various schools would have averaged about one to a school. But, instead of adopting such action, the San Francisco authorities assigned all the Japanese to the Oriental school in the burnt district, so situated that it was dangerous, and, in some cases, almost impossible for the Japanese children to attend it. The affair seems to have been a part of a general agitation against the Japanese begun by the labor unions of California. These unions in California, it should be remembered, are largely dominated by foreigners.

THE ALGECIRAS TREATY, which was signed last April, was ratified by the Senate December 12, but with an important reservation. When the treaty was signed, our representatives made the following declaration: "The government of the United States, having no political interest in Morocco and no desire or purpose having animated it to take part in this conference other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the general act of Algeciras and to the additional protocol, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American

citizens and interests in Morocco, it does so without assuming obligation or responsibility for the enforcement thereof."

The Senate, however, not satisfied with this declaration, attached to the resolution of ratification the following resolution: "*Resolved further*, as part of this act of ratification, that the Senate understands that the participation of the United States in the Algeiras conference, and in the formulation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection of life, liberty and property of its citizens, residing or traveling therein, and of aiding by its friendly offices and efforts in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this government; and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

THE SITUATION IN THE CONGO FREE STATE has been a leading topic in the press of Europe and America for the past two months. Early in December, a concession for the production of rubber, which had been granted by King Leopold to an American syndicate with Thomas F. Ryan at its head, was confirmed by the Belgian Parliament. About the same time, Earl Grey, British foreign secretary, made a public statement that unless the negotiations then in progress for reforms in the Congo were successful and effective, it would be the duty of Great Britain to confer with the other powers on the subject. Early in December, Senator Lodge introduced a resolution in the Senate providing for an investigation into the Congo situation by the United States. This resolution, which has been supported by memorials from various organizations and individuals in America, is now under consideration by the Senate committee on foreign relations.

THE TRIPLE ALLIANCE. The European press seems to be still uncertain as to the present status of the Triple Alliance. On November 3, it was announced at Vienna, that Baron von Aehrenthal, the new Austrian foreign minister, had taken steps to draw Italy back into the alliance. On November 14, Chancellor von Bülow, in his speech before the Reichstag, asserted that the Triple Alliance would be maintained intact, and furthermore, he denied that

there was any feeling of animosity on the part of Germany toward the Anglo-French and the Anglo-Russian understandings. He also asserted that Germany's relations with the United States were most friendly, but that, in order to smooth our economic relations, it would be necessary to arrange a mutually beneficial agreement. In this connection it may be stated that President Roosevelt has appointed a commission to confer with German officials regarding an adjustment of our tariff relations.

On November 8, it was announced that Sir Mortimer Durand, British ambassador to the United States, would retire at the end of the year. Various reasons as to his retirement have found their way into the press, but no satisfactory or trustworthy explanation has yet been given to the public. Sir Mortimer withdrew just before the Christmas holidays. More recently, it has been announced that Mr. James Bryce, so long and favorably known in America, had been selected as his successor and his appointment pronounced by President Roosevelt entirely satisfactory to this government. Mr. Bryce's appointment will prove exceedingly popular in America. It is something of a departure from the British practice to appoint a man from outside diplomatic service to such an important post, and particularly to take him from a responsible cabinet position. Mr. Bryce believes in the principles of the new diplomacy of directness for which Mr. John Hay so conspicuously stood, and his wide-spread popularity in America will doubtless tend to strengthen the ties that are already drawing England and the United States so close together in international affairs.

On October 21, the text of the new *modus vivendi* between the United States and England regarding the Newfoundland fisheries was made public.

The second peace conference, which was to have convened at the Hague last August, was postponed at the request of the United States on account of the international American conference at Rio de Janeiro and no definite time has yet been set for its meeting. A tentative program has been proposed by Russia and the subjects enumerated are now being considered by the Powers.

The Macmillan Company have recently published an English translation of *The Hohenlohe Memoirs*, which created such a sensation in Europe and are reported to have angered the German Emperor.

The Burrows Company of Cleveland have issued a volume, by H. B. Fuller, on *The Purchase of Florida, its History and Diplomacy*.

A volume entitled *Paix japonaise*, by Louis Aubert, has recently appeared (Librairie Armand Colin). This is a very interesting sketch of recent events in the Orient, including an account of the Portsmouth peace negotiations. It is not at all friendly to the United States, but it may serve to offset some of the extravagant claims which have been made in this country as to the success of John Hay's open-door policy.

A seventh volume has been added to The International Library of works devoted to the movement for peace and arbitration. The title of this new volume is *The Moral Damage of War*, and is by Rev. Walter Walsh, of Dundee. The Library is published for the International Union by Ginn & Co.

#### RECENT IMPORTANT JUDICIAL DECISIONS

B. F. SHAMBAUGH

**FEDERAL TAX ON STATE LIQUOR DISPENSERS.** The State liquor dispensers of South Carolina are not a necessary State agency and hence are liable to the special tax imposed by the internal revenue laws.

*South Carolina v. United States*, 26 Sup. Ct. 110.

**DECREE OF DIVORCE.** In a case where a husband deserted his wife in New York, established a domicile in Connecticut and there secured a divorce on notice by publication only, the wife not appearing in the suit, it was held that New York was not bound by the full faith and credit clause of the Federal Constitution to recognize this decision as affecting the status of the wife.

This decision is rather startling, in that, it is contrary to the holding of a majority of the State courts and the distinction seems very slight between this case and *Atherton v. Atherton*, 181 U. S. 155, in which the United States Supreme Court itself reached an opposite conclusion.

*Haddock v. Haddock*, 26 Sup. Ct. 525.

**DISCRIMINATION BETWEEN RACES.** ("JIM CROW CARS"). An act requiring street car companies to provide separate compart-