

France and Russia, the two European Powers most closely united with England, both look with favor on the agreements. The fact that France simultaneously concluded an arbitration agreement with the United States; and that Japan is expected to do so, makes it seem that the triple *entente* is about to develop into a quintuple *entente* linking Europe, Asia, and America in a great peace pact.

In the revised Anglo-Japanese treaty, besides the addition of the article above quoted, three articles of the old disappear as follows: article three, which recognized Japan's special interest in Korea but which is now meaningless since Japan has annexed Korea; article four, by which Japan recognized the right of England to protect the frontier of India — a matter which it has been urged Japan had no right to be consulted about; and article six, referring to the Russo-Japanese War, dropped as a matter of course.

This new Anglo-Japanese treaty differs from all other British treaties in that it was made not only by England for the whole empire, but after consultation with and agreement by the premiers of all the self-governing British colonial dominions at a conference recently held in London. It thus carries new authority and a new moral force, and removes an occasion for serious differences between the mother country and the dominions. If war had occurred between Japan and the United States, the real, if not the ostensible, cause would probably have been the American restriction of Japanese immigration. It would be a serious question whether the dominions could have been induced to support Japan, according to their obligations as parts of the empire; for they would then be fighting to compel the United States to do what they themselves refuse to do. This might have proved as difficult as Lord North's attempt to wring taxes from the American colonies. This agreement thus makes for peace within the British Empire, peace between the three Powers directly concerned, and peace throughout the world.

LEGAL BUREAUS FOR THE PROTECTION OF ITALIAN SUBJECTS IN THE UNITED STATES

During the past two years the Italian Government has redoubled its efforts to enable Italian subjects living in the United States, or the non-resident families of victims there residing, to avail themselves of the fullest measure of rights accorded them by treaty and by local statutory provisions. To this end a legal bureau has been established in connec-

tion with the consulate in each of the principal consular districts, such as New York, Philadelphia, Boston, Chicago, Denver and San Francisco. Each bureau is directed by a special attorney retained therefor by the Italian Government. In the consular district of Chicago, embracing nine of the central western States, arrangement is made through the legal bureau, with local attorneys in other cities within the district, such as Cleveland, Detroit, St. Paul, Milwaukee and St. Louis. These attorneys work in cooperation with the local consular agents.

Upon receipt by a consular officer of information relative to the death of an Italian subject within his district, the former immediately starts an investigation, ascertains the facts respecting heirship, communicates with resident heirs, and places the case in the hands of his attorney. In case the heirs are resident in Italy, effort is made to secure a power of attorney from them. If the local attorney is of the opinion that a right of action lies against any individual or corporation which may have negligently or wrongfully caused the death of the decedent, the case is vigorously prosecuted. The consulate in such case pays, as a matter of charity, the costs of litigation.

Experience has shown that in meritorious cases, the starting of suit, followed by the filing of a carefully prepared declaration or petition or complaint, as the case may be, results in offers of settlement by responsible defendants that approximate in amount what the heirs of a decedent should equitably claim. In cases lacking merit by reason either of the negligence of the decedent himself, or on account of the existence of rules of law preventing recovery, the legal bureau usually seeks to secure amicable adjustment without suit. In any case, when adjustment is effected without starting suit, no charge is made for the legal services rendered.

The work of the legal bureau in each case is three-fold, involving first, investigation; secondly, administration (in case there is a decedent); and thirdly, the prosecution of the legal claim against the person or corporation believed to be responsible for death. The work of investigation in a consular district, covering a large territorial area, is exceedingly difficult. In that of Chicago, for example, the consulate employs an Italian investigator whose duty it is to secure the evidence relative to Illinois cases; in other States within the same district, the work of investigation is carried on jointly through the united efforts of the several agents and their respective attorneys.

With respect to administration, a serious problem is involved which is

still unsettled. Claiming the right to administer the estate of a deceased intestate countryman resident within his own consular district, the Italian consul has in several States secured the appointment either of himself or of his appointee as administrator, in cases where a decedent has left surviving him heirs resident in Italy. This has been accomplished, for example, in Michigan, New York, Ohio, and Minnesota. As is known, the right has recently been denied in California and likewise by one probate court in Illinois. In a State such as Illinois, where the local law provides for the appointment of a public administrator where a decedent dies without leaving heirs-at-law resident in the State, and which does not permit a non-resident to act as administrator, vigorous efforts have been made to prevent the consular officer from availing himself of his so-called "consular right." It may be observed, however, that in the case of the mine disaster at Cherry, Illinois, November, 1909, the County Court, in view of the absence of objection on the part of the local public administrator, appointed The Northern Trust Company of Chicago administrator of the estates of the several Italian, Austro-Hungarian and Russian victims whose heirs resided abroad, on petition of their respective consular officers. As the administrator acted in that capacity *gratis*, this qualified recognition of the "consular right" proved of real benefit to the non-resident heirs of the nationalities mentioned.

The real reason for the establishment of the legal bureaus in the several consular districts has been the fact that heretofore, in the cases of Italian subjects resident in the United States, adequate justice has not been secured without such governmental interposition. Frequently the absence of a surviving wife and children, or ignorance of local laws on the part of resident heirs, or unscrupulous conduct of local attorneys, or lack of interest on the part of local public officials, have contributed to prevent those dependent upon a victim from receiving their just dues. The most specious and persistent evil has been and remains the resident kinsman of a non-resident surviving wife, who by virtue of a power of attorney seeks to control both the administration of the estate and the prosecution of the claim against a responsible wrongdoer. In such case the resident kinsman is oftentimes prevailed upon to secure incompetent if not untrustworthy legal aid, and likewise to settle a meritorious claim for an inadequate sum. Furthermore, as donee of a power of attorney, he frequently secures payment to himself of the distributive portion of his kinswoman abroad, and does not always remit to her her distributive share. The dangers of such procedure are obvious. In order to elim-

inate them, and to enable the heirs of a decedent, whether resident in Italy or at the place of accident, to avail themselves of their legal rights by judicial process, the Italian Government has undertaken this comprehensive work.

It may be unnecessary to add that in a case where an Italian subject resident in the United States, sustains an injury not resulting in his death, the aid of the legal bureau of his consulate may always be invoked, if the victim so desires.

MEETING OF THE INSTITUTE OF INTERNATIONAL LAW AT MADRID, 1911

It sometimes happens that the positive results of a particular meeting of the Institute are few and simple, measured in terms of draft conventions actually adopted by its members and recommended to the profession at large for approval. But the discussions are valuable in themselves as they furnish the arguments for or against a particular convention, or the form in which a principle generally accepted is sought to be embodied. The session of 1910 at Paris was disappointing, tested by the standard of actual results, but was very fruitful from a theoretical standpoint by reason of the exchange of views on various important questions. The Institute is not worried by apparently barren sessions, for its members know that elaborate discussion is a prelude to agreement and that in discussion lies the seed of future progress. It is therefore content to make haste slowly, rather than act in haste and repent at leisure. Judged by actual output, the session of Madrid was disappointing, but if the value of the work done be considered, the meeting was a decided success. Thus the project regulating the usage of submarine mines and torpedoes was completed and approved; the general bases of the juridical situation of airships were worked out, leaving to future meetings to complete the project in accordance with principles found acceptable; likewise the regulation of international watercourses used for motive power or for industrial or agricultural use, and a project dealing with the conflict of laws in matters of real rights. The question of submarine mines and torpedoes had been discussed at the Second Hague Peace Conference and a compromise convention adopted. The Institute took the matter up seriously and at the Paris session of 1910 adopted five articles which form the first five articles of the present completed draft. Agreement was difficult to reach on this thorny question and the project as then adopted was a skilful compromise of opposed views. To these