Rufus Choate, he was an advocate, and always an advocate, of great, good, and worthy causes. He rarely held office, but he lived and died a public servant.

RICHARD OLNEY

The American Society of International Law lost in the death, on April 8, 1917, of the Honorable Richard Olney, as in the case of Mr. Choate, a Vice-President and an interested member from the date of its foundation. Like Mr. Choate, he was born in Massachusetts (September 15, 1835) and added great distinction to the State of his birth, but, unlike Mr. Choate, he was willing to be the first citizen of his Commonwealth and to lead the bar of his native State, instead of wandering to New York to become the first citizen of New York and the leader of its bar. Like Mr. Choate, he was preëminently a great citizen; again like Mr. Choate, he rarely held a public office, but as Attorney General of the United States he won the confidence and admiration of his countrymen by the bold and unhesitating way in which he advised President Cleveland as to his rights and as to his duty in calling out the army to protect the federal mails in Chicago, and as Secretary of State he won the admiration of his countrymen by his uncompromising attitude in the Venezuelan question, which caused Great Britain to submit that dispute to arbitration — and it is not too much to say that there never was and there could not well be a more efficient Secretary of State than Richard Olney.

Mr. Olney was great in himself and derived and owed nothing to his surroundings. He was a member of the bar, yet hardly of the bar, for he practiced law, as one might say, from the outside. He did not associate on intimate terms with his professional brethren; he rather dwelt apart — entered the court-house as one intent upon business, and did not linger when the work was done. He did not build up a large firm of which he was the head and whose numerous members acted in accordance with his slightest suggestion. His law firm consisted of Richard Olney, the brain of this firm was Richard Olney, and there was hardly a book, bound in sheep or calfskin, to suggest that Richard Olney needed aid of other men. Quiet, reserved, dignified, sparing of speech, firm in his views, dominated by the strength of his character and by the force of his intellect, he did not charm, he did not

persuade; and yet he could be charming and persuasive on occasion. He compelled attention, and there could be but one master in his presence. The Honorable John W. Foster said all in a single phrase when following him at the first meeting of the American Society of International Law: "What shall the man say who comes after the king?"

JAMES BROWN SCOTT.

THE KRONPRINZESSIN CECILIE AND THE HAGUE CONVENTION VI

The decision in the case of the *Kronprinzessin Cecilie* given by the Supreme Court of the United States on May 7, 1917, may properly call to mind the work of the Hague Conference in 1907. At this Second Conference at The Hague in 1907, the American delegates endeavored to secure by international agreement immunity from capture for merchant vessels at sea on the outbreak of hostilities.

The Conference drew up Convention VI relative to the status of enemy merchant vessels at the outbreak of war. The delegates of the United States, however, did not sign, and the Government of the United States has not ratified this convention. The report of the delegates says of the convention:

> At the first reading, the convention seems to confer a privilege upon enemy ships at the outbreak of war. Free entry and departure are provided for, ships are not to be molested on their return voyages, and a general immunity from capture is granted to vessels from their last port of departure, whether hostile or neutral. But all these immunities are conditioned upon ignorance of the existence of hostilities on the part of the ship. This condition forms no part of the existing practice, and it was the opinion of the delegation that it substantially neutralized the apparent benefits of the treaty and puts merchant shipping in a much less favorable situation than is accorded to it by international practice of the last fifty years. * * *
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> As the freight trade of the world is carried on in steamers which habitually carry only enough coal to reach their destination, the operation of the treaty is to render them instantly liable to capture, the alternative being to continue to the hostile destination and surrender. * * *
>
> The effects upon the practice of marine insurance are also important. The ordinary contract does not cover a war risk. The operation of a war risk is simple because its conditions and incidents are fully known. But a policy calculated to cover the contingency of capture, the risk depending upon the chance or possibility of notification, would introduce an element of uncertainty into marine risks which, in view of the interests at stake, should not be encouraged.

The eventualities for which the American delegates endeavored to provide are in part illustrated in the case of the *Kronprinzessin Cecilie.*