

At the same time the President decided to send a diplomatic representative to Mexico to take up through diplomatic channels the questions which the joint commission had been unable to adjust. Mr. Henry P. Fletcher, formerly American Minister to Chile, who had been appointed Ambassador to Mexico on February 25, 1916, and detained in the United States because of the unsatisfactory state of the relations between the two countries, arrived in Mexico on February 17, 1917.

Thus closes the long period of interrupted official intercourse between the United States and Mexico, which started with the refusal of the United States to recognize Huerta after the assassination of Madero, who overthrew Diaz. Many believe that it would have been wiser for the United States to have acted upon the principle that it was not concerned as to the manner in which a Mexican president came into power and promptly to have recognized Huerta. Those who hold this view believe that General Huerta could have pacified the country within a few months and thus saved Mexico many years of bloodshed and the United States much concern and no small expenditure of money. They also assert that the failure to recognize Huerta really amounted to intervention in the internal affairs of the country and that the United States is therefore more or less morally responsible for what took place afterwards.

The purpose of this comment is to continue from previous numbers the narrative of events in Mexico, and space will not permit a consideration of the legal or political aspects of the incidents which have been related in the course of the narrative. It is the belief of the writer, however, that there is no basis for the allegation that the American action with regard to Mexico amounted to intervention. He believes further that the American policy accords with the best American practices and traditions. Whether its application to recent events in Mexico was wise can only be determined by the future course of events in that country.

GEORGE A. FINCH.

#### HAVANA SESSION OF THE AMERICAN INSTITUTE OF INTERNATIONAL LAW

On January 22, 1917, in Havana, the American Institute of International Law began its second session and ended it on January 27th. It was formally invited by the Cuban Government to hold its session in Cuba, and it was the guest of the Cuban Society of International Law.

On the closing day of the session, the Uruguayan Minister to Cuba invited the Institute to hold its next session in the City of Montevideo as the guest of the Republic of Uruguay. This invitation was accepted and the third session of the Institute will accordingly be held in Montevideo in the course of 1918, as the guest of the Uruguayan Government and under the auspices of the Uruguayan Society of International Law.

Without entering into details of the purpose and organization of the Institute, as this has been done in previous issues of the *JOURNAL*, suffice it to say that it is composed of five publicists of each of the twenty-one American republics, recommended in the first instance by the national society of international law of each American republic and elected in the first instance by the charter members, and, after its organization, by the members of the Institute. Its purpose was and is to bring an equal number of publicists of the different American countries together, in order that by an exchange of views and by personal and provisional coöperation principles of justice which should control at least the relations of American countries may be discovered, made known and put into practice.

At the first session, held in Washington in connection with and under the auspices of the Second Pan American Scientific Congress, the Institute adopted on January 6, 1917, its Declaration of the Rights and Duties of Nations, based in every instance upon an adjudged case of the Supreme Court of the United States, thus showing by a concrete example that not only a legal but a judicial basis for a law of nations exists in fact as well as in theory. Without giving the text of this Declaration, which has been printed in a previous number of the *JOURNAL*,<sup>1</sup> or going into further details, particular attention is called to the fact that the Institute's Declaration of the Rights and Duties of Nations is not the product of philosophic speculation, although, if it were, this fact would not deprive it of value; but it is, as previously stated, based in every instance upon solemn judgments of the Supreme Court of the United States, which is not only a prototype of an international court, but is an international court and the only permanent and successful international court which has ever been created. The Institute's Declaration was based upon decisions of this tribunal, in order to show that the fundamental principles of the law of nations are legal, capable of ascertainment, definition, application, and development by a court of justice.

<sup>1</sup> January, 1916, (Vol. 10), p. 124.

The Institute adopted a series of recommendations to be known as the Recommendations of Havana, dealing with international organization. These recommendations are of a more speculative nature, for they could not very well be based upon the decisions of the Supreme Court or indeed of any other court, as they deal with the things of the future, not of the present and of the past. Like the Declaration, they have little or no claim to originality, as they aim to give form and shape to a sequence of proposals, which may be said to be in the air. They were unanimously adopted and will appear in the proceedings of the Institute, accompanied by a commentary, as in the case of the Declaration of the Rights and Duties of Nations.

The Institute considered a series of projects, which, however, it did not adopt, and upon which it refrained from an expression of opinion, as, before taking action, it seemed desirable to refer them to each of the twenty-one national societies of the American republics, in order to obtain an expression of their views in advance. These projects relate to the fundamental bases of international law, the fundamental rights of the American Continent, the regulation of neutrality in naval war, the organization of a court of arbitral justice, a union or league of nations for the maintenance of peace, the rights and duties of nations which are derived from the fundamental rights. The texts of these projects will appear as appendices to the summary statement called the Final Act of the Havana session, and, of as present interest to the readers of the JOURNAL, the text of this Act, containing the Recommendations of Havana and the enumeration of the projects and proposals referred to the national societies, is printed in English translation in the Supplement to this JOURNAL, p. 47.

JAMES BROWN SCOTT.

#### SOCIETY FOR THE PUBLICATION OF GROTIUS

The JOURNAL takes pleasure in publishing the following announcement:

The other day a "Society for the publication of Grotius" was formed at The Hague, with the object of preparing a new edition of the works of Hugo Grotius (1583-1645), the famous Dutch scholar, renowned alike as lawyer, theologian, philosopher and historian. A commencement will be made by publishing the letters written by and to Grotius. A committee has been appointed, consisting of the following gentlemen: Professor Mr. C. van Vollenhoven, of Leiden, President; Mr. G. J. Fabius, of Rotterdam, Treasurer; Professor Dr. J. Huizinga, of Leiden;