

There were no further amendments offered and the treaty as modified was reported to the Senate. Senator Lodge thereupon proposed a resolution of ratification which took note of the action of the Senate, including Senator Chamberlain's proviso.

Senator Bacon moved as a substitute for this proviso his former amendment of Article I which had been defeated by the casting vote of the Vice-President, and now changed to the form of a proviso to the resolution of ratification. This time he was more successful as the substitute was carried by a vote of 46 to 36 and as adopted it became the official interpretation of the Senate. The resolution as amended was then agreed to by a vote of 76 to 3 and the French treaty was without objection advised and consented to upon like conditions. Included in the resolution of ratification the substitute has practically the force of an amendment of the treaty for it was held by the Supreme Court in the case of *Doe v. Braden* (16 Howard 635, 656), that

where one of the parties to a treaty, at the time of its ratification annexes a written declaration explaining ambiguous language in the instrument or adding a new and distinct stipulation, and the treaty is afterwards ratified by the other party with the declaration attached to it, and the ratifications duly exchanged, the declaration thus annexed is a part of the treaty and as binding and obligatory as if it were inserted in the body of the instrument.

It is of course for the President to determine whether or not he considers the action of the Senate as impairing the value of the treaties. Should he be of the opinion that ratifications thereof should be exchanged, and if Great Britain and France are willing to accept the treaties in their present form, ratifications may be exchanged at any time agreed upon and the treaties be proclaimed. The question is one of expediency for the President and the Secretary of State to decide.

MEDIATION IN THE TURKO-ITALIAN WAR.

The war between Italy and Turkey has for some months past been reduced to a situation which may be compared to a stalemate. Both parties seem able to hold their own, yet neither party is able to push the other any further. Italy is in secure possession of the town of Tripoli and the surrounding country, but she is unable to push further back and conquer the entire territory. Turkey is still in possession of the mountains in southern Tripoli but cannot drive the Italians from the coast. Italy has thus far limited the scene of operations to Tripoli

and Cyrenaica. She might strengthen her position and bring Turkey to terms if she carried the war into the Eastern Mediterranean and captured important towns in Europe and Asia Minor, but for the present she is apparently precluded from doing so by a desire not to interfere with neutral commerce in that section. Turkey, on the other hand, might take effective action in ousting the Italians if she were able to send troops by land either to the scene of action or to Italian territory in Europe.

This being the situation, it is now an opportune time for the Powers to intervene. Having apparently delayed their good offices to prevent the war from breaking out, the Powers may now take steps to put an end to it when it has become a public nuisance. Mediation at this point will not deprive Italy of any substantial advantages she has gained, and it will enable Turkey to retire gracefully before the decree of a conference of the Powers rather than to submit to dictation from Italy. It is perhaps somewhat less humiliating for a man to be deprived of his property by a higher power exercising a right of "eminent domain" than to be plundered by a single individual. This does not imply that Italy had no ground of war against Turkey. Her alleged grievances may have been very real ones, only they were not stated before the world in clear and definite terms before the war began. Meanwhile some little light has been thrown upon Italy's motives. In the preamble to the bill ratifying the decree of annexation, it is stated that,

Italy has always regarded the equilibrium of political influences in the Mediterranean as her vital interest and has constantly held her possession of a free hand economically and politically in Tripoli and Cyrenaica to be essential thereto. Italy had for years striven to attain this end by fair and peaceful means, and would not have had recourse to arms, had any other solution been possible and had all forms of Italian activity in Lybia not met with persistent and systematic opposition from the Ottoman Government.

This statement adds no details as to the character of that "systematic opposition" to Italian enterprises in Tripoli which figured as the chief complaint in the ultimatum to Turkey. What is meant by the "possession of a free hand * * * politically" it is difficult to say, but it suggests some sort of a protectorate over Tripoli which Italy asserts to be necessary to the maintenance of an equally vague "equilibrium of political influences in the Mediterranean." The Italian premier in his defense of the annexation bill went a step further and is reported as saying that in Italy, as in all civilized countries, the colonial problem made itself felt

as a supreme necessity, and that Italy could never have tolerated the occupation by others of Tripoli, her steadfast goal. The two motives are quite distinct. On the one hand, Italy feels that colonial expansion is a national necessity, and, on the other hand, she fears that the one opportunity open to her may be seized by others. The occupation of Tripoli is thus regarded as analogous to the occupation by the other Powers of the lower portion of the African continent. Italy claims that as Turkey had done nothing to improve the territory it was right that Italy should be allowed to do so. Being prevented from doing so by alleged Turkish opposition to Italian enterprises, Italy enters upon the war, and she is all the more prompt to take this step for fear lest other Powers should anticipate her on a similar civilizing mission. All this seems very plausible, but we are still confronted with the question in the Turkish reply to the ultimatum as to the "nature of the guarantees" which Italy would have considered sufficient for the protection of her economic interests in Tripoli. To this question no reply has been given and apparently none can be given. Ancient Rome looms large on the modern horizon and is not Italy heir-at-law of the unoccupied or adjacent provinces of the wondrous Empire?

Apart from the opportuneness of mediation at this point of the contest it is highly desirable for the Powers to put an end to the war. Italy cannot afford to continue a war in which she is making so little progress. The situation is one where not to advance is to go back. Taxation continues while the opposing forces are resting on their arms. On the other hand, Turkey is faced with the danger of a revolt in her European provinces. Albania, Macedonia, and Crete could want no better moment for a final effort to shake off the Turkish yoke. Europe on its part can not be indifferent to the prospects of a conflagration in the Balkans. The difficulty is in the absence not of a realization on the part of the Powers of the need of mediation but of an agreement as to the basis of such mediation. Italy has committed herself to the annexation of Tripoli as the *sine qua non* of a treaty of peace. Turkey refuses to consider the terms. How can the Powers bring pressure upon Italy to modify her demand or upon Turkey to comply with it as it stands? Russia has her own designs for securing a free egress from the Black Sea to the Mediterranean. Austria is not indifferent to the fate of Albania. Bulgaria, with the backing of a formidable army, can not but sympathize with those of her own race in Macedonia. On the whole, it is very probable that if a European conference should meet to act

upon the situation, not only will the question of Tripoli be disposed of, but a new status will be given to the Turkish provinces west of Constantinople.

In a recent work entitled *The Turco-Italian War and Its Problem*,* Sir Thomas Barclay points out that Italy's real case was not the existence of the grievances referred to in the ultimatum but motives of a deeper character based upon a long-standing sentiment that Tripoli naturally belonged to Italy against all the world except Turkey, — a sentiment which has found expression in the treatment of Tripoli by Italy as practically an Italian dependency. While insisting strongly upon the maintenance of the sanctity of treaties and of good faith between nations, the author thinks that now that the offense has been committed the only course is for the offender to make amends by payment of an indemnity. Following out this idea the author proposes a draft recommendation to be offered to the parties by England as mediator. The document is of such an interesting character that it is reproduced below :

Whereas, under Art. 3, of the Hague Convention for the pacific settlement of international disputes, 1899-1907, Powers strangers to the dispute have the right to offer their good offices or mediation, even during the course of hostilities; and, under Art. 6, good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice, and never have binding force; and, under Art. 7, if mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary;

Whereas Italy and Turkey are unhappily at war, and an Italian army is in occupation of the coast of Tripolitana and Cyrenaica, and Turkey is faced with the alternative of ceding the said provinces, which, owing to Italy's command of the sea, she is unable to defend with any hope of ultimate success or of continuing the war indefinitely with all its attendant miseries and cruelties to a brave and loyal population;

Whereas the Parties have agreed to the mediation of Great Britain and have further agreed to an armistice of three weeks for the purpose of enabling the British Government to formulate suggestions of settlement; —

The British Government, having fully considered the cases of the contending Parties, makes the following recommendations: —

1. Italy shall cancel her decree of annexation of the said provinces and shall undertake to indemnify Turkey for any consequences thereof;

2. She shall also undertake to indemnify Turkey for all damage, direct or indirect, suffered by the Ottoman Government or Ottoman subjects in connexion with the hostilities she has carried on in Tripolitana, Cyrenaica and elsewhere.

* The book will be reviewed in a later issue of the JOURNAL.

3. She shall agree, in case the other Powers shall so agree, to release Turkey from the obligations imposed on her by the Capitulations;

4. The amount of the indemnity payable to Turkey, in respect of the above two sources of loss, shall be submitted for assessment to the International Court of Arbitration at the Hague, such amount not to be less than (say) T. 5,000,000;

5. In consideration of the above undertakings and those set out below, Turkey shall agree to cede Tripolitana and Cyrenaica to Italy;

6. Italy shall grant in perpetuity to the Mussulman inhabitants of the ceded provinces religious freedom and the right to the full external observance of their religious ceremonies; enjoyment of the same civil and political rights as may be possessed by their fellow-inhabitants belonging to other religions; the right to use the name of H. I. M. the Sultan, as Khalif, in public prayers; recognition of Mussulman pious foundations (vakoufs); and untrammelled liberty of communication by Mussulmans with their religious heads at Constantinople, etc., etc.

RECENT POLITICAL DEVELOPMENTS IN CHINA

Events in China have moved with such bewildering rapidity that a brief review of the principal features may be helpful.

The immediate or precipitate cause of the recent disturbances was the adoption by the Imperial Chinese Government in the summer of 1911 of the policy of the nationalization or state ownership of railways; but among the underlying primary causes may be noted (1) Chinese-Manchu mutual antagonism; (2) dissatisfaction with Manchu inefficiency and misrule as exemplified in the weakness and corruption of the Prince Regent and many of his advisers; (3) the inflaming of the Chinese mind by often exaggerated statements in the vernacular press describing the baneful political conditions; (4) the activities of secret societies, and of returned students from Japan, the United States and Europe; and (5) the unrest resulting from successive famines during recent years in the Yangtze Valley, the numerous financial panics, and the plague in the winter of 1910-1911 in Manchuria. In a word, the revolution was essentially anti-dynastic.

On October 10th last five natives charged with being revolutionists were arrested in the Russian concession at Hankow, in the native section of which city a few hours later they were executed. This act resulted during the night in the mutiny of several hundred troops in Wuchang, opposite Hankow, who burned their barracks. The following day all the new army force at Wuchang, numbering 50,000 men, joined the revolutionists. Then followed in rapid succession the seizure of that city, the burning of the Viceroy's yamen, that official barely making good