spondence which passed between the Department of State and the Italian Government concerning this case, from which it appeared that the Department considered this provision of the treaty still in force as regards the United States. The court quoted authorities on international law and decisions of American courts to the effect that a treaty violated by one of the contracting parties does not become void but only voidable at the option of the injured party and that the question of the termination of such a treaty was one for the political branch of the government. The court therefore concluded:

> The executive department having thus elected to waive any right to free itself from the obligation to deliver up its own citizens, it is the plain duty of this court to recognize the obligation to surrender the appellant as one imposed by the treaty as the supreme law of the land and as affording authority for the warrant of extradition.

There has thus been rendered a decision by the highest court in the United States setting at rest the important questions both of municipal and international law relating to the extradition of fugitives raised by this case. While all of the questions are important and interesting, and a final decision upon them is very desirable, the principal one involved, namely, whether in view of the fact that the Federal Government seems to lack authority to surrender a fugitive criminal to another country in the absence of statutory or treaty provision, the persistent refusal of Italy to surrender Italian subjects who commit crimes in the United States and flee to their native country prevents the United States, on the ground of lack of mutuality in the treaty obligation, from surrendering its citizens who commit crimes in Italy and return to this country. The case was tried by eminent counsel and the decision was well considered and founded on international law and previous judicial decision in the United States. Its reasoning is convincing and the questions brought up for decision seem to be authoritatively settled for the future.

PROFESSOR JOHN WESTLAKE (1828–1913)

The science of international law has lost in the death of Professor John Westlake one of its most unquestioned authorities. But he was not merely an international lawyer; his *Treatise on Private International Law* has been long known as the best English treatment of that subject. He was a trained and seasoned lawyer, and fifty years ago he was suffi-

ciently prominent to be retained in the important and what is now the leading case of the *Emperor of Austria* vs. *Day and Kossuth*. With Mr. Rolin-Jaequemyns and Mr. T. M. C. Asser, he founded in 1869 the first journal devoted to international law (*Revue de Droit International et de Législation Comparée*). Four years later he was a charter member of the Institute of International Law, and at the time of his death was its honorary president. Professor Westlake was not a prolific author. His *Treatise on Private International Law*, much enlarged from its first edition in 1858, is nevertheless a moderate sized volume. His chapters on the *Principles of International Law* (1894), translated into French by Professor Nys, although weighty in matter, is a still smaller volume. His well-known treatise on *International Law* consists of two small volumes, the first of which entitled *Peace* appeared in 1904 (second edition in 1910); the second entitled *War* in 1907 (second edition in press). More recently (1912), and his last literary work, so far as the public knows, he edited, with a valuable introduction of his own, Ayala's *De Jure et Officiis Bellicis et Disciplina Militari Libri III*, for the series entitled "Classics of International Law," published by the Carnegie Institution of Washington. His articles in English and foreign journals on international law and the conflict of laws are numerous and valuable, and some of them at least should be rescued from the oblivion of the periodical by publication in book form. Until his election in 1888 as Whewell Professor of International Law at the University of Cambridge, in which position he served exactly twenty years, he was known as an able practitioner at the bar and as an authority on the conflict of laws, although various articles and his activity at the meetings of the Institute showed him to be interested in public international law. With his election to the Whewell professorship his attention became concentrated on the law of nations, and his reputation will be that of a writer and thinker on this subject. From the statement that Professor Westlake was not a voluminous author, it would be supposed that he was more of a thinker than he was of a writer, and this is true. To the discussion and solution of problems of international law he brought a mind trained and strengthened by years of practice at the bar and a rare gift of subtle, philosophic analysis. His discussion is brief, the style unadorned and free from passion, but the result cannot be overlooked, however difficult it may be to grasp the meaning. His books would not be given to the beginner; the expert could not do without them. And it is safe to predict that his views will be as interesting and enlightening generations

hence as they are to-day. He did not write on the spur of the moment or for the moment.

The following minute, adopted at the last annual meeting of the American Society of International Law, attests the regard in which Professor Westlake was held by its members:

> There are two English publicists, men of high distinction in the field of international law, both professors of the science, both writing freely, very often divergently, upon mooted questions, both honorary members of this Society, — Holland and Westlake. We are called upon to mourn the loss — to England, to our Society, and to our science — of the last mentioned of the two at the ripe age of eighty-four.
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> Professor John Westlake as a writer upon the history and philosophy of the law of nations had no superior in his time. Without largely representing his Government in public he widely influenced public opinion. Careful and temperate in statement, scholarly in method, philosophical in thought, he embodied the highest ethical and legal standards of our profession. He was calm and logical and orderly. He was learned. He was just. The influence of such a man upon the development of the law can hardly be over-estimated.

THE NINETEENTH LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

The death last December of Mr. Albert K. Smiley, the founder and for eighteen consecutive years the host of the Lake Mohonk Conference on International Arbitration, naturally led to speculation as to the future of those unique gatherings. While the publication of the instrument conveying the Lake Mohonk property to Mr. Daniel Smiley and expressing the earnest hope and belief of the testator that conferences at Mohonk would long continue was reassuring, there remained a certain curiosity whether, in the absence of the quiet, forceful and altogether remarkable personality of their founder, the conferences of the future would follow the lines laid down by him.

Whatever doubt existed on this point must have been largely dispelled by the nineteenth annual conference which met at Mohonk Lake, N. Y., May 14th, 15th and 16th. Starting with the earnest declaration of the new host, Mr. Daniel Smiley, that "there is no change of policy for the conference to announce, nor do I think you either expect or wish any," and running through many of the leading addresses, there was constantly apparent a general conviction that the practical policy of the past should be the keynote of the future. In his address as presiding officer of the opening session, Dr. Lyman Abbott reviewed the first two