

Activities of the Division of International Law of the Carnegie Endowment for International Peace

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The words "having full confidence in my wife and hereby request" that at her death she will divide among our children the residue of the property, were in *Knox v. Knox*³ held sufficient to create a trust.

In *Swarthout v. Swarthout*⁴ "it is my wish" that certain property mentioned and devised to his wife should go to the children at her decease, was held to be sufficient.

*Will of Olson*⁵ follows the above case.

In other jurisdictions the following phrases have been held to be mandatory:

"In the full faith" was so held in *Noe v. Kern*.⁶

"Feeling assured and having full confidence," in *Gully v. Cregoe*.⁷

"Under the firm conviction," in *Barnes v. Grant*.⁸

"In the fullest confidence," has been twice adjudicated. *Wright v. Athynes*⁹ and *Curnich v. Tucker*.¹⁰

The general rule seems to be that where the words express entire confidence in the beneficiary they are sufficient.

HOWARD KALUPSKE

Activities of the Division of International Law of the Carnegie Endowment for International Peace.—The work of the Division of International Law of the Carnegie Endowment for International Peace as outlined in the annual report just issued by its director, Dr. James Brown Scott, falls roughly into four groups: (1) The activities of the Institute of International Law, and the American Institute of International Law, both of which receive generous financial aid from the Endowment; (2) the sessions of the Academy of International Law at the Hague, and the traveling fellowships granted to teachers and students; (3) publications and translations, and (4) financial aid to journals and societies of international law, and help in meeting the cost of publication of meritorious works on this subject.

During the past year the two Institutes have been mainly concerned with the tremendous work of codifying international law. At a meeting held in Paris in September, 1926, fifteen commissions appointed by the Institute of International Law to study various phases of the subject gave reports covering a large part of the international law of peace.

The American Institute of International Law met at Montevideo on March 21, 1927, and reconsidered projects of codification that it had adopted at Lima in 1924. These projects are now to be submitted to the Commission of Jurists which is to assemble at Rio de Janeiro during the present month. Dr. Scott, the director of the Division of International Law, is also president of the American Institute, and he has

³ 59 Wis. 172, 18 N.W. 155.

⁴ 111 Wis. 102, 86 N.W. 558.

⁵ 165 Wis. 409, 162 N.W. 429.

⁶ 93 Mo. 367, 6 S.W. 239.

⁷ 42 Bev. 185.

⁸ 26 L. J. Ch. (N.S.) 92.

⁹ 17 Ves. 255.

¹⁰ L.R. 17 Eq. 320.

been chosen as one of the two American delegates to the meeting of the Commission of Jurists.

The Academy of International Law at the Hague reports a successful year. Last summer 429 students representing thirty-five countries were enrolled under teachers of sixteen different nationalities. Frequent gatherings of the professors, of the students, and of professors and students together, constituted a series of informal peace conferences.

Foreign governments showed an increasing interest in the work of the Academy. Prussia sent thirty students, most of them young magistrates, and fellowships were granted by the governments of France, Germany, Chile, Denmark, Danzig, Egypt, Spain, the Netherlands, Poland and Roumania, as well as by the University of Sao Paolo, Brazil, the Royal Academy of Jurisprudence at Madrid, and a Czechoslovak foundation.

In January, 1926, the stipend of the traveling fellowships issued by the division to teachers and students of international law was increased to \$1,000 for students, and \$1,500 for teachers. Ninety applications were considered during the year. Since the fellowships were established ten years ago, 110 awards have been made, twenty-eight of which were renewals. Of the eighty-two recipients, forty-two were teachers, and forty were students.

The division reports several publications in preparation. A translation of the works of Hugo Grotius brings the number of books in the series of "classics of international law" up to eleven. In addition, Hon. John Bassett Moore is making a collection of all the known international arbitrations. Much of this material is now in the hands of the printer. Foreign translations include a French edition of the proceedings of the Hague conference of 1899 and 1907; a French translation of selected speeches by Elihu Root; and a Spanish edition of *Diplomatic Correspondence of the United States concerning the Independence of Latin-American Nations*, by William R. Manning.

Subventions have been granted to leading journals of international law in France, Germany, Italy and Latin-America, and to such organizations as the Grotius Society and the Societe de Legislation Comparee. Aid has also been given to help to meet the cost of publication of several important books. Among these are the lectures delivered at the Hague Academy of International Law in 1923 and 1924, *Prize Law during the World War*, by James W. Garner of the University of Illinois, and *The Law and Procedure of International Tribunals*, by Jackson H. Ralston. The requests for financial aid are so numerous that the Division is able to grant only a small part of them.

A large part of the work of the Division of International Law is, and must be, highly technical, but there is no doubt, in the mind of the director, that it bears abundant fruit in the wider fields of international co-operation and good will.

Academy of International Law at the Hague: Founded with the Support of the Carnegie Endowment for International Peace. Fifth Year: 1927.—The Academy was inaugurated on July 14, 1923. As an institution of higher international teaching it at once justified the expectations to which it had given rise.

The 1926 session began on Monday, July 5, and ended on Saturday, August 28. It was divided into two periods from July 5 to July 31, and from August 2 to 28, respectively.

The lectures were given, as a rule, during five days of every week (Saturdays and Sundays excepted), two in the morning and two in the afternoon.

The total number of lectures or lessons was 158, delivered by twenty-four specialists, professors or former professors, magistrates of high rank, or lawyers, historians or men of letters, belonging to thirteen different countries.

The course was attended by 429 students, of thirty-six nations, and truly representing an *élite*: three-fourths of them were university graduates, already belonging to the professions.

While most of these scholars had come to The Hague at their own expense, some had enjoyed the benefit of the scholarships already existing; others, holding official positions in their respective countries, as members of the diplomatic and consular services, or of administrative bodies, had been sent by their governments, and entrusted with the mission of following the courses and reporting on the advantages derived from the teaching at the Academy.

The results obtained by the Academy have fully answered the expectations of its promoters.

It has been shown that combined endeavors with a view to spreading and developing a knowledge of international law are within practical possibilities, and that it is by no means chimerical to hope that people may thus be led to think "internationally."

In an atmosphere so remarkable for the diversity of race, thought and language, it has been possible, thanks to the common objects aimed at by all, and to the concurrence of every good will, to establish a cordial scientific intercourse between the teachers and their audience, and links between the students allowing of lasting co-operation.

The success achieved by the first four sessions has proved that the Academy can rely on the confidence of Governments, on the assistance of all experts in international law and on the attendance of growing audiences. The work undertaken in the preceding years will be carried on in 1917 without any doubt as to its increasing success.

The Academy is administered by a managing Board, composed of the members of the Carnegie Endowment Directing Committee for the Palace of Peace,¹ and assisted by a Financial Committee.² From the

¹ The managing Board of the Academy is composed in the following manner: S. E. Cort van der Linden, ancien Président du Conseil des Ministres des Pays-Bas, *président*; M. le baron J. A. H. van Sulen van Nyevelt; Jonkheer L. van Bronkhorst Sandberg, membre du Conseil d'État des Pays-Bas; Jonkheer A. M. Snouck Hurgronje, Secrétaire général au Ministère des Affaires étrangères à La Haye; J. P. A. François, chef de division au Ministère des Affaires étrangères à La Haye, professeur de droit international à l'École des Hautes études commerciales de Rotterdam, *membres*; E. N. van Kleffens, directeur au Ministère des Affaires étrangères à La Haye, *secrétaire*; M. L. H. J. J. Mazel, *secrétaire adjoint*; M. J. E. Boddart, secrétaire du Curatorium de l'Université de Leyde, *trésorier*.

² The members of the Financial Committee are MM. B. C. J. Loder, Juge et

scientific standpoint, it is placed under a Curatorium of twelve members drawn from different countries.³

According to its statute (article 2), the Academy "is constituted as a center of higher studies in international law (public and private) and cognate sciences, in order to facilitate a thorough and impartial examination of questions bearing on international juridical relations."

"To this end, the most competent men of the various states will be invited to teach, through regular courses and lectures, or in seminaries, the most important questions, from the point of view of theory and practice, of international legislation and jurisprudence, as they arise *inter alia* from the deliberations of conferences, and arbitral awards" (article 3 of statute).

In order to insure the co-operation of all competent persons and give facilities to future students from every country, the courses of the Academy are held in summer (article 3, paragraph 2), during the period which coincides with the long vacation in Universities, and holidays in general.

In the year 1927 the term will consist of eight weeks, divided into two periods, from July 4 to July 30, and from August 2 to August 27, respectively, with the same number of lessons in each.

The main subject will be public international law, in relation to peace.

Private international law will also find a place in the syllabus.

During each of the two periods, fundamental courses will be given on the historical development and general principles of international

ancien président de la Cour permanente de justice internationale; D. A. P. N. Koolen, ancien président de la Seconde Chambre des États généraux; C. J. Haselman, membre du Conseil d'État des Pays-Bas.

³The Curatorium of the Academy includes: *Président*, M. Ch. Lyon-Caen, Doyen honoraire de la Faculté de Droit de Paris, Secrétaire perpétuel de l'Académie des Sciences morales et politiques de l'Institut de France; *Vice-Président*, M. N. Politis, Ministre plénipotentiaire, Ancien Ministre des Affaires étrangères de Grèce, Professeur honoraire à la Faculté de Droit de Paris; *Membres*: M. A. Alvarez, Conseiller du Ministère des Affaires étrangères du Chili, membre de la Cour permanente d'arbitrage de La Haye; M. Anzilotti, Juge à la Cour permanente de justice internationale; M. le Baron DesCamps, Ministre d'État, Sénateur du Royaume de Belgique, professeur à l'Université de Louvain; M. L. de Hammarskjöld, Gouverneur de la province d'Upsal, ancien Président du Conseil des Ministres de Suède; M. Heemskerck, ministre d'État, ancien Ministre de la Justice des Pays-Bas; lord Phillimore, ancien lord de la Justice d'appel, membre du Conseil Privé, Président au Tribunal des Prises, membre de la Chambre des Lords; Dr. W. Schucking, professeur à l'École supérieure de commerce de Berlin, membre du Reichstag et de la Cour permanente d'arbitrage de La Haye; M. James Brown Scott, Président de l'Institut de droit international, Secrétaire général de la Dotation Carnegie pour la paix internationale; Dr. Strisower, ancien Président de l'Institut de Droit international, professeur à l'Université de Vienne; M. le Baron de Taube, ancien professeur à l'Université de Pétrograd; *Secrétaire général*, M. le Baron Albéric Rolin, Professeur émérite à l'Université de Gand, Président d'honneur de l'Institut de Droit international; *Secrétaire de la Présidence*, M. G. Gidel, professeur à la Faculté de Droit de l'Université de Paris et à l'École des Sciences politiques.

law, both public and private, while a certain number of special lectures will be devoted to carefully defined subjects, selected according to the special competence of professors, and as far as possible amongst the juridical problems that are at the present time of international interest.

The regulations issued by the Curatorium indicate the courses considered as compulsory and those that may be freely chosen by the students who wish to obtain a certificate of regular attendance.

This certificate may be applied for at the Secretariat of the managing Board of the Academy, Palais de la Paix, at The Hague.

The teaching is given in French. Conceived in a spirit that aims at being both very practical and highly scientific, it differs essentially from the similar teaching given in universities or great national establishments. It seeks greater variety, more definite specialization and above all greater thoroughness. Each subject is studied in all its bearings, and with all desirable objectivity, to avoid giving offense to the natural susceptibilities of any nation.

In order to make their lessons more accessible to the students for whom they are intended, the professors circulate abstracts of their lectures, before they deliver them, with all useful references.

This form of teaching is offered to all those who, already possessing some elements of international law, are prompted by a wish to improve their knowledge of that science, whether from a professional point of view, or a desire for information.

"Admittance to the Academy will be liberally granted, with the only reservation of the indispensable supervision to be exercised by the Board, which grants leave to attend the courses, conferences or seminaries, and can withdraw such leave for reasons of discipline." (Article 9).

Every person therefore wishing to follow the courses of the Academy has only to send to the Secretary of the managing Board at The Hague, an application for admission, mentioning names and surname, nationality, occupation and address.

"The Board may demand, on admission, the payment of fees that shall not exceed 12 florins" (Article 9, Paragraph 3 of the statute). But in 1927 as in the preceding years the teaching will be entirely free. No fees will be charged either for attendance at courses, lectures and seminaries or for access to the great library of the Palace of Peace.

A certain number of scholarships have been founded to facilitate studies at the Academy. Following the suggestion made by the Government of the Netherlands, several States have already sent students to the Academy in the preceding years with financial support; it will be for intending students wishing to avail themselves of such facilities to apply to the proper authorities in their own countries.

Moreover, in certain countries, the benevolence of learned societies, or of enlightened friends of the Academy, already begins to make itself felt in its favor.

The Government of the Netherlands has most generously decided to offer five exhibitions of 400 florins each to *non-Dutch* students. These exhibitions will be awarded, after a selection entrusted to the Curatorium to persons who have written, essays or articles in reviews, or books of value on a matter of international law.

Lastly, the Managing Board, acting on the proposal of the Curatorium, and with the assent of the Financial Committee, has created as in 1926 five other scholarships, also of 400 florins each.

The procedure and regulations followed in the award of the two last categories of exhibitions may be obtained, free of charge, from the offices of the Managing Board of the Academy, Palais de la Paix, at The Hague.

Certificates of regular attendance may be delivered to the students. The above-mentioned regulations state the conditions under which they will be granted by the Curatorium.

The lectures delivered at the Academy are published officially. This publication was started in 1925; nine volumes have already been issued, including most of the lectures delivered in 1923 and 1924. (Librarie Hachette, Paris.)

At the seat of Academy, students may use, free of charge, a reading-room where they will be able to write their letters and find the leading newspapers of the whole world.

Special facilities are offered to all persons attending the Academy during their stay at The Hague, or at Scheveningen, thanks to the Association founded at the very outset under the title of "Association of students and former students of the Academy."

Arrangements have been made with several hotels and boarding-houses, making it possible to reduce expenses to the average cost of living in other European towns. All necessary information in this respect will be supplied on application to the Secretary of the above-mentioned Association, Palace of Peace (Room 50) at The Hague.

Le Bureau du Curatorium de l'Académie:

Ch. Lyon-Caen, *Secrétaire perpétuel de l'Académie des Sciences morales et politiques de l'Institut de France Doyen honoraire de la Faculté de Droit de l'Université de Paris*, Président du Curatorium.

N. Politis, *Ministre plénipotentiaire, Ancien Ministre des Affaires étrangères de Grèce, professeur honoraire à la Faculté de Droit de l'Université de Paris*, Vice-Président du Curatorium.

Baron Albéric Rolin, *Président d'honneur de l'Institut de Droit International, professeur émérite à l'Université de Gand, Secrétaire générale de l'Académie*.

G. Gidel, *Professeur à la Faculté de Droit de l'Université de Paris et à l'École des Sciences politiques*, Secrétaire de la Présidence.