

of the whole course of international rivers, from the point where each of them becomes navigable as far as the open sea, shall be entirely free, and may not be interdicted to any flag whatsoever. Art. 1 improves the usual stipulations by imposing on the contiguous States the obligation of regulating, by common accord and in the interest of all, everything that concerns the navigation of the river they have in common. In reserving to each State the right of concession with respect to "le petit cabotage," I think the Institute would have done well in accepting the definition of that term proposed by M. Engelhardt as "the exclusive and regular traffic between different ports belonging to the same State." The last article proposes that property on board ships navigating international rivers shall, in time of war, enjoy the same protection as private property on land.

The debate on extradition did not lead to the modification of any of the twenty-six articles adopted by the Institute at its Oxford meeting, of which art. 13 declares that extradition is not to take place for acts of a political nature, while art. 14 lays down that acts bearing the character of crimes, according to common law (murder, arson, theft), are not to be excepted from extradition for the sole reason of their originating in a political motive, and that before giving up a criminal a State will have to consider whether an act committed during a political rebellion, a civil war, or an insurrection would or would not be excused by the customs of war. We are told that in Italy a new law of extradition is being prepared, which will return to the old principle, and refuse extradition for all cases in which the crime partakes of a political character. It would be sad to see such a reaction taking place in Europe at the very time when public opinion in England and America has become aware of the harm done to civilization by the protection accorded to the Irish dynamiters and Prof. Mezeroff.

The Institute made a vigorous step towards reform of maritime law by adopting, with slight modifications, the whole code drawn up by Prof. von Bulmerincq, and containing 122 paragraphs. They embody an entirely novel and highly important principle, viz.: that the upper prize courts should be, not national, but international. The author does not abandon his notion that, as no one ought to be judge in his own cause, the reform should be pushed still further, so that the lower prize courts should equally contain judges selected from neutral nations. But against the opinion of Prof. Martens and others, that few Powers are as yet likely to acknowledge international jurisdiction in this matter, he was glad to obtain a majority in favor of the establishment of prize courts of appeal. When war breaks out, each belligerent is to create such a court, of which he names the president and one member besides, at the same time inviting three neutral Powers to appoint the remaining three judges. Thus the Institute has again attempted to bring the usages of war into accordance with the postulates of modern civilization, just as it voted in former sessions that none but the men-of-war and the military forces of belligerent States should in future have authority to detain, visit, search, or seize merchant vessels during naval warfare; that privateering be forbidden, except as a means of retaliation against States employing privateers, and that private property at sea be not liable to seizure, whether belonging to neutrals or to the enemy, except in cases specially provided for, such as when a vessel assists in hostilities or breaks a blockade, or where the cargo is intended for the enemy, etc., etc.

A very interesting debate sprang up on the further question of pacific blockades. M. Geffcken denied that a blockade could ever be anything except a warlike measure. To persons maintaining the opposite view he was ready to reply in the words addressed by the Turkish Minister to the foreign representatives after the battle of Navarino in 1827: "You first break a man's head and then declare that you are his friend!" Prof. Brusa supported the view that a pacific blockade should only be admissible as a measure of police resorted to by a majority of the great Powers of Europe against one of the smaller European States, of which they must more or less be considered the natural superintendents or guardians. All were agreed that where no state of war, but only a state of reprisals, existed, the commerce of third Powers could not justly be interfered with or restricted—except, possibly, with regard to arms and ammunition. France had certainly tried to go beyond this line during the blockade of Chinese ports in 1884, but England protested at once against the idea that a pacific blockade could confer on the blockading Power a right to seize neutral vessels. Prof. Martens pointed out that during the blockade of Greek ports in 1886 by the great Powers, foreign vessels were not prohibited from entering the ports—in fact, that they were not visited at all, so that they were even able to import contraband of war during the blockade. Mr. Westlake maintained that a State should always have the liberty to treat a pacific blockade as an act of warfare, if it felt inclined to do so. A majority declared in favor of recognizing pacific blockades as legitimate, for the sake of preventing a greater evil, war. Finally the following resolution was adopted:

"The establishment of a blockade when there is no war (*en dehors de la guerre*) is not to be considered as contrary to international law if the following rules are adhered to: (1.) A pacific blockade must be officially declared and notified and must be kept up by a sufficient force. (2.) Ships of the blockaded Power which do not respect such a blockade may be sequestered. When the blockade is over, they must be returned to their owners with their cargoes, but no indemnity need be paid. (3.) Vessels belonging to other Powers may freely circulate, notwithstanding the blockade."

Considering the intolerant and inhuman proceedings of Spain in the Caroline Islands, and the sad refusal of the United States to join England and Germany in prohibiting the liquor traffic in Australasia, it is a pity that the Institute found no time to take in hand the excellent codes proposed by M. Engelhardt and Prof. von Martitz with reference to the occupation of new territories, treated in chapter vi. of the African Conference in Berlin (February 26, 1885). The principal rules proposed by Martitz are: Every region that is not effectively under the sovereignty or the protectorate of one of the States forming the international community is considered as no man's land. Possession is taken by establishment of a responsible local power provided with the necessary means for maintaining order, and for insuring the regular exercise of its authority within the limits of the occupied territory. The authority established in an occupied territory is bound to respect and to insure the respect of acquired rights, . . . both of the natives and of subjects of civilized States. International law imposes on the occupying nation the duty of conserving and educating the native population, and of furthering its moral and material welfare. . . . In order to protect the natives against the evils consequent upon the abuse of strong drinks, the sale of such drinks shall be duly regulated and controlled. M. Engelhardt has further proposals to make,

e. g., that liberty of conscience and religious tolerance shall be guaranteed as well to the natives as to the citizens of the occupying Power or to foreigners; that all flags shall have free access not only to the coast of such territories, but also to navigable waters in the interior which are in direct communication with the sea.

I may conclude by mentioning that Dr. Mittermaier sent a paper recommending inter-State arrangements for preserving the purity of river water as regards international rivers. As the *vis inertiae* opposes itself with so much force in many countries to the adoption of efficacious measures for the above object, it seems rather a good idea to try to bring international opinion to bear upon it. Questions of universal interest may possibly sometimes be solved by coöperation, which it has been vainly tried to remedy by the action of public opinion in an individual State. THEODOR VON BUNSEN.

Correspondence.

THE COUNCIL OF NICÆA.

TO THE EDITOR OF THE NATION :

SIR: Is it really true that the Council of Nicæa was surrounded with such an awe as you describe, and that the fact of serious disagreement among its members was so carefully and successfully concealed? I am not deep in church history, but from a good many accounts of the Council which I have read, Protestant and Catholic, I had always supposed that the whole Eastern Church at least became in a very short time possessed of the news that a considerable part of the Nicene bishops, and a large part of the bishops generally, inclined strongly to Arianism, in spite of the Council. And how could the schism have maintained itself for so many years within the Empire, and for generations outside of it, if the mere decision of a General Council was held as precluding further inquiry, or as valid except so far as it actually did express Scripture and oecumenical tradition? Do we not too easily transfer the notions of the Vaticanum to the early times?

Baur, at least, cannot be accredited with any superstitious reverence for a General Council, and he treats the collapse of Arianism as inevitable, from its being essentially in contradiction to the absoluteness of Christianity. At the same time, he treats the less complete success of Ephesus and Chalcedon, which had every formal claim to oecumenical reception, as due neither to the smaller attendance of bishops nor to intrigue or imperial will, but to their less successful solution of the problems before them. If these councils deserve in many respects to be compared to our political conventions, it seems that they may very well be compared with them in this also, that their decrees never settled into final acceptance until the matter of which they treated had come as near a final decision as was possible during the centuries through which the Catholic Church had no essentially new materials of thought.

As to the Council of Springfield, it must be said for the majority, that its overwhelming victory was fully assured beforehand, and that it does not seem to have the slightest wish to disguise the intensity of the schism. If the minority were only as well inclined to accept the challenge to division as the majority to deliver it, there are at least a few adherents of the losing cause who would be greatly delighted.

Faithfully yours, CHARLES C. STARBUCK.
ANDOVER, MASS., October 31.

[We did not imagine that our illustrative

allusion to certain aspects of the Council of Nicea would be pressed as if meant for a full description of that gathering. Our opinion remains unchanged that its contrast with the Springfield meeting, in the points we suggested, and in the general terms we used, can be successfully maintained.—ED. NATION.]

LIBERALIZING THE PENSION SYSTEM.

TO THE EDITOR OF THE NATION:

SIR: I enclose a cutting from a circular that has come into my hands in my character as an "old soldier" (which I am proud to be in the honorable sense of the phrase). I also clip out for you the display lines, intended, I suppose, to "whoop up" "the boys" against the meeting of Congress.

It seems to me that "general liberalization of the whole pension system" might be best effected by tacking on to the scheme of the National Pension Committee the plans of other classes of people who, while not having served in the army or navy, would like to reduce the surplus in the Treasury and secure an annuity to themselves at the same time. To that end, I hope you will find room for the clipping that summarizes the views of the Pension Committee.

A VETERAN.

WASHINGTON, November 3, 1887.

LET THE BUGLES BLOW!

SOUND THE "ASSEMBLY"!

COMRADES, RALLY ON THE COLORS!

The National Pension Committee of the G. A. R. has formulated a part of the wishes of the veterans for an immediate liberalization of the pension laws into the following recommendations:

- (1.) A pension of \$12 a month to all men who served three months, and who are now physically or mentally disabled.
- (2.) Continuance of pension of deceased soldier to widow or minor children; and if there be none, then to dependent parents.
- (3.) All of the recommendations for increase and equalization of pensions for special disabilities made in his recent report by Pension Commissioner Black.
- (4.) Increased pension for all the severer disabilities.
- (5.) Pensions for the survivors of rebel prisons, substantially as presented in the bill of the National Association of Prisoners of War.
- (6.) Increased Pensions for loss of hearing or eyesight.
- (7.) A reenactment of the arrears law.
- (8.) An equitable equalization of bounties, and a general liberalization of the whole pension system.

TEACHERS' AGENCIES.

TO THE EDITOR OF THE NATION:

SIR: To judge from the newspapers, the number of persons who profess to find positions for teachers in this country is increasing. I should like to hear some discussion of the question how this increase of middlemen affects the parties immediately concerned, teachers and their employers. One very rarely sees advertisements of schools wanting teachers; the advertisements are generally those of teachers seeking positions. And I am inclined to believe that heads of schools often pay no attention to these advertisements, but apply at once to a teachers' agency when they have a vacancy to fill. The agency may then recommend the same man whom they might have heard of through his advertisement. This is a matter of no consequence to the head of the school, who pays nothing in either case. But it makes a good deal of difference to the poor teacher. If he gets a position through an advertisement, he pays but a small sum, the cost of the advertisement. If he obtains an appointment through a teachers' agency, he must pay, besides his registration

fee of two or three dollars, five per cent. of his first year's salary, or from forty dollars upward. This is a heavy tax on a class little able to pay it.

In many cases all the teachers' agency does is to furnish the addresses of candidates to the master of a school who is seeking a teacher. The whole business could be transacted just as well without this intervention. X.

NOVEMBER 4, 1887.

Notes.

It is proposed to establish a society for the study of Folk Lore, and in connection with it a scientific journal devoted chiefly to preserving the fast vanishing remains of Folk Lore in America, but also to the subject in general. Old English, Negro, Indian, Canadian, and Mexican Folk Lore is embraced in the scope of the first department. The membership fee, three dollars, will entitle one to the journal. Notice in regard to organization may be expected shortly. Subscribers will please send their names to the Temporary Secretary, Mr. William Wells Newell, 175 Brattle Street, Cambridge, Mass. At least one hundred more than those already obtained will be needed. Mr. Newell's name would of itself be a guarantee of the high conduct of this movement, but the circular of the projected Folk Lore Publication Society is signed also by Dr. D. G. Brinton, Prof. F. J. Child, Prof. T. F. Crane, and O. T. Mason.

From W. K. Morton, 27 High Street, Horn-castle, England, we have received the prospectus of *Lincolnshire Notes and Queries*, a quarterly journal devoted to the antiquities, parochial records, family history, folk-lore, quaint customs, etc., of the county, edited by Ernest L. Grange and the Rev. J. Clare Hudson. This publication ought to possess an interest for a large body of Americans, particularly those of New England descent, as Lincoln contributed freely to the stream of colonial emigration.

Blank G of the American Society for Psychological Research (Committee on Experimental Psychology) seeks to collect "accounts of cases where one person has had some remarkable experience, such as an exceptionally vivid and disturbing dream, or a strong waking impression amounting to a distinct hallucination," concerning some other person at a distance "passing through some crisis" at the time. It may be had of the Secretary, Richard Hodgson, 5 Boylston Place, Boston, Mass.

A 'Hand-Book of Volapük,' by Charles E. Sprague, will shortly be issued by the author at 1271 Broadway. Mr. Sprague will hereafter conduct the *Volapük Department of the Office*, a commercial periodical, published at 37 College Place, N. Y.

W. S. Gottsberger announces directly 'Richard Lepsius; a Biography,' from the German of Georg Ebers by Zoe Dana Underhill.

Prof. Max Müller's new volume, a collection of his articles from *Good Words*, and to be called 'Biographies of Words,' will be published here by Chas. Scribner's Sons. As new matter, it will contain a discussion of the original home of the Aryan race. The same firm announces 'Down the Islands,' a richly illustrated holiday book narrating a cruise among the Caribbee Islands, by Wm. Agnew Paton; 'The English in the West Indies; or, The Bow of Ulysses,' by J. A. Froude; 'Free Joe, and Other Georgian Sketches,' by Joel Chandler Harris; and Robert Louis Stevenson's 'Memoir of Fleeming Jenkin.'

Harper & Bros. publish directly the first volume (of three) of 'A History of the Inquisition of the Middle Ages,' by Henry C. Lea; 'Big Wages and How to Earn Them'; and 'Old Homestead

Poems,' by Wallace Bruce, illustrated for the holidays.

Houghton, Mifflin & Co. promise 'Lyrics and Sonnets,' new poems by Miss Edith M. Thomas; 'Winter,' edited from the Thoreau journals by H. G. O. Blake; 'The Story of Keedon Bluffs,' by Charles Egbert Craddock; 'The Man Who Was Guilty,' by Mrs. Flora Haines Loughead; 'Bird Talk,' poems, with decorative illustrations, by Mrs. A. D. T. Whitney; and a new edition of Mr. Howells's 'Wedding Journey,' with an additional chapter.

Ticknor & Co. have now ready 'The Story of an Enthusiast Told by Himself,' a novel, by Mrs. C. V. Jamison; and 'Sobriquets and Nicknames,' by Albert R. Frey.

'A Descriptive Geometry,' by Prof. C. A. Waldo, is in the press of D. C. Heath & Co., Boston.

Worthington Co. publish immediately a 'Life of Washington,' by Miss Virginia F. Townsend, written principally for the young; and 'Twelve Times One,' an illustrated juvenile, by Miss M. A. Lathbury.

The next volume in the Eminent Women Series will be a sketch of Hannah More by Miss Charlotte M. Yonge.

Mr. Andrew Lang, having received all of the papers and letters of the late Lord Idlesleigh (better remembered in the United States as Sir Stafford Northcote), has undertaken to prepare a biography of the deceased statesman—a novel task even for this versatile man of letters.

M. Ernest Legouvé, the veteran French dramatist, is preparing for the press a complete edition of his plays, with a new preface prefixed to each. The first volume to appear will be 'Comédies en un acte.' The best and the best-known of M. Legouvé's plays is "Adrienne Lecouvreur," written in collaboration with Scribe.

The information is given by the *Journal des Débats* that the French Ministry of the Marine has authorized the *lieutenant de vaisseau*, Julian Viaud (Pierre Loti), to publish a book entitled 'Madame Chrysanthème.'

The first volume of M. Renan's 'Histoire du Peuple d'Israël' was announced to appear October 25 (Paris: Calman Lévy). The work will form, when complete, three large octavo volumes, and it is said to be already finished: The *Revue des Deux Mondes* for October 15 gives a long passage, "Saül et David," the history of the foundation of the royalty of Israel. This is written in M. Renan's most sober and most rapid style, with all the graces of which he can never divest his writings, but almost without adornment. It is a narrative of which the interest and novelty carry the reader along with the swiftness of a romance, but which will bring down upon itself the condemnation to which the author of the 'Vie de Jésus' is accustomed.

James Darmesteter, the successor of Silvestre de Sacy and of Mohl in the chair of Persian at the Collège de France, has recently returned from a visit to the Orient. Among the fruits of his studies is a paper in the *Contemporary* on "Afghan Life in Afghan Songs"—the earnest of a scholarly edition of the songs themselves, which are to follow in the original Pushtu, with translation, etc. The new number of the *Journal Asiatique* (viii. 10. 33-75) brings us to-day a most interesting article by the same savant, entitled "Points of Contact between the Mahābhārata and the Shāh-nāmah," in which he compares the beautiful story of King Yudhishtira in the seventeenth book of the Indian epos with the tale of the Renunciation of Kai Khosru in the Persian Book of the Kings. Darmesteter is convinced that the old view of the isolation of India is false; and he seeks to show that it received, even in ancient