

The Making of a Peace Treaty Between Hostile Nations

Now that the initial preliminaries looking toward a peace conference between Russia and Japan have been definitely arranged and the place of meeting has been agreed upon, the subject of the making of peace treaties becomes of general interest. Since the procedure in the case of every peace convention made during the last five centuries has been practically the same, it is safe to infer that the coming proceedings at Portsmouth, N. H., will not vary greatly from the established custom.

It will be as keen a contest after its own peculiar fashion as was the slow and murderous land siege of Port Arthur. The weapons are the thin edged tools of diplomacy, and they will be wielded quite as dexterously as were the arms at Port Arthur. The importance of the work cannot be overestimated—upon the negotiations made at Portsmouth depend the results of one of the greatest wars of modern times. Upon the diplomatic ability of the men chosen to represent the Japanese nation in this great final conflict of words much that is vital to the empire must be contingent. They will decide finally whether or not the empire is to reap in full the fruits of her splendid victory. The responsibility which will rest upon the Russian commissioners will be equally weighty. They must fight with great skill than was shown upon the field by Kuroshiki or upon the sea by the ill-fated Makarov. They must combat a firm and important demand for both territory and treasure. It will be the one remaining opportunity to rescue the Russian nation from utter rout and helplessness. The fiction of her prowess in war has been settled definitely. She must prove, if she is able, that her old-time reputation for diplomacy had a better foundation. It would seem that a cessation of hos-

portant documents sometimes consumes the time allotted to several sessions.

After the status of all the members is fully established the chairman and chief spokesman of the Japanese delegation will begin the practical part of the negotiations by reading at length the demands and ultimatum of his government. An adjournment will then be taken in order to give the Russian commission time to communicate with the home government by cable and to receive its reply and instructions as to further procedure. Should the Japanese present any unyielding demand for territorial distribution and show a disposition to continue the war until the ratification of the treaty there may be an adjournment of the commission, the delegates returning home and reporting failure to their respective governments. The opportunity for parleying and quibbling will be unlimited and frequently much time is consumed.

If Japan and Russia conform to the usual custom the treaty will be drawn upon large sheets of the heaviest white linen paper, folio size. It will be in manuscript throughout. The entire text of the instrument will be in two columns, one in Japanese, and the other, an exact translation, in Russian. All treaties are written by the most expert penmen procurable, and if the coming document is to be of Japanese

Under international law the treaty is not binding if the commissioners have exceeded the authority which was granted them. Neither is the government allowed to exceed its constitutional powers, and every treaty made outside the country must be subjected to the proper test. It is very rare, however, for a nation to repudiate the work of its commissioners.

Peace treaties of the present age are an outgrowth of the amenities of modern warfare. In the ancient days the negotiation of a treaty was a "stand and deliver" affair. Take, for example, the one made by Julius Caesar at the close of his eight years' campaign in Gaul, as told by himself in his famous "Commentaries." He admits frankly that he took everything that was movable and carried it into Italy, leaving peace behind him, but little else.

One of the most important of old-time peace treaties was that of Westphalia, concluded Oct. 24, 1648. It ended the Thirty Years' war, in which Gustavus Adolphus fought so valiantly. This long and bloody conflict had its beginning in a religious controversy. The Protestants had begun to assert themselves and had seized church lands and converted them to their own purposes. Ferdinand of Austria, a faithful son of the church, and he was also a shrewd political schemer. He coaxed Spain to become his partner in a cam-

obliged to relinquish rather more than he had acquired.

The celebrated treaty of Utrecht put an end to a war which had lasted for fourteen years. It was all about the Spanish succession and was caused by the attempt of that chronic peace breaker Louis of France, to seat his son on the Spanish throne, which had been willed to him by Charles II. The allies under Marlborough proved too formidable for Louis, and he finally gave up his scheme and signed the treaties of Utrecht and Rastadt, the parties to the convention being France, Great Britain, Portugal, Prussia, Savoy, Holland and Spain. Many important changes were the result of that treaty and France fared rather poorly. The French prince got the Spanish crown and England got the Hudson bay region, St. Kitts, Nova Scotia and Newfoundland. The Hanoverian succession, as arranged by the powers, was acknowledged by the powers, this shutting off a pack of claimants. Spain ceded Gibraltar to Great Britain and agreed not to transfer to France or any other continental power any further territory in America. There were many other provisions, one of them being that a British company was given the exclusive contract for thirty years to supply Spanish America with negro slaves.

When England was forced to acknowledge to herself and to the world

ment, was signed at Paris and on Jan. 1, 1784, it was confirmed by the American congress. So slow were the means of communication and so delicate was his Britannic majesty in affixing his signature that it did not become effective until April 9.

Although it was not appreciated at the time, there is no doubt whatever that Adams, Franklin, Jay and Laurens was a victory quite as remarkable in its way as was that of Washington at Yorktown. Independence of the colonies once agreed upon, the most vital and hotly disputed point was the determination of boundaries. Britain made a strenuous attempt to restrict the American commissioners to the original colonies, but they clung doggedly to the Mississippi as a boundary. Dr. Franklin refused flatly to concede any western land to the Tories. No mention was made of the fisheries, and the omission caused much subsequent dispute.

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There was a brave scattering when the news was made public. Each man of words made haste to get under cover and diplomacy languished. After Waterloo, however, the way was clear. The peace that was made lasted for forty years and was really the foundation of public law, long held sacred as the common basis of right of every member of the European family.

After General Scott had won the war with Mexico, President Polk sent Nicholas Trist, chief clerk of the state department, to that country to negotiate a treaty of peace. General Scott resented the president's action and he was no outspoken in his wrath that Trist was officially recalled, but remained to complete his work. The Mexican president, Santa Anna, was not on hand to conduct the Mexican end of the conference, but the president of the provisional congress assumed power and a treaty of peace was made and signed at Guadalupe Hidalgo, a little suburb of the city of Mexico. By the terms of this convention Mexico lost California and New Mexico.

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upon which they would be granted parole. The gallant Virginian accepted, and that, in effect, was all the peace treaty that has ever existed between the federal government and the Confederacy.

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One of the most important peace treaties negotiated in modern times was that of Simonski, between China and Japan. It is especially noteworthy because it was the first peace treaty between oriental nations conducted after the European fashion. It is interesting to Americans because John W. Foster, once the head of the American department of state, was one of the representatives of China. By its terms Japan received an indemnity of \$200,000,000 and acquired the rich island of Formosa.

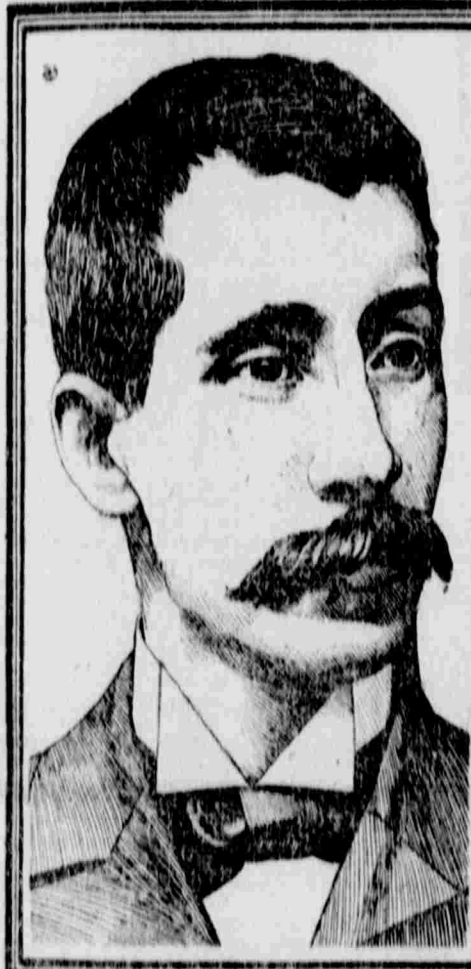
The Spanish-American war treaty, signed and ratified in 1898, was the latest addition to the collection of such documents on file in the library of the state department. On July 26, 1898, Spain made overtures for peace through the French ambassador at Washington, who was authorized to act for Spain during the preliminary. On Aug. 12 the protocol was concluded and arrangements were made for the meeting of a peace commission at Paris. The representatives of the United States were William R. Day, chairman; Cushman K. Davis, William P. Fry, Whitehall Reid, and George Gray. After many prolonged discussions and threatened failures the treaty was signed by the commissioners Dec. 10, 1898. It was ratified by the American senate Feb. 6 and signed by the queen regent of Spain March 17. When the proceedings opened it was evident that the Spanish commissioners had come to Paris determined to obtain whatever advantage the dictatorial tactics of peninsular diplomacy could bring about. It was also patent to the American members of the commission that the other side had no intention of adhering to the terms of the protocol if by any means they could be avoided. The firm stand assumed by the Americans at the outset and maintained throughout the discussions gave the dons little opportunity to exercise their peculiar type of diplomacy.

All of the members of the diplomatic quartet, which will meet at Portsmouth, are men of international reputation. Baron Komura, the foreign minister of Japan, was educated at Harvard and has many warm friends in America. He was formerly Japanese minister at Washington, having been succeeded by Kogoro Takahira, the other Japanese member of the commission. Baron Komura has been minister to St. Petersburg and has had a long and rather intimate acquaintance with Baron Rosen, who was Russian minister at Tokyo when the present war began. These clever gentlemen have held many long and momentous conferences in the past, and they will come to the present discussion with a clear understanding of the merits of their respective causes. Mr. Takahira is also an excellent English scholar, having lived several years in America in various diplomatic capacities, including the office of consul general at New York. Baron Rosen has likewise occupied the post of consul general at New York and has recently succeeded Count Cassini as ambassador to the United States.

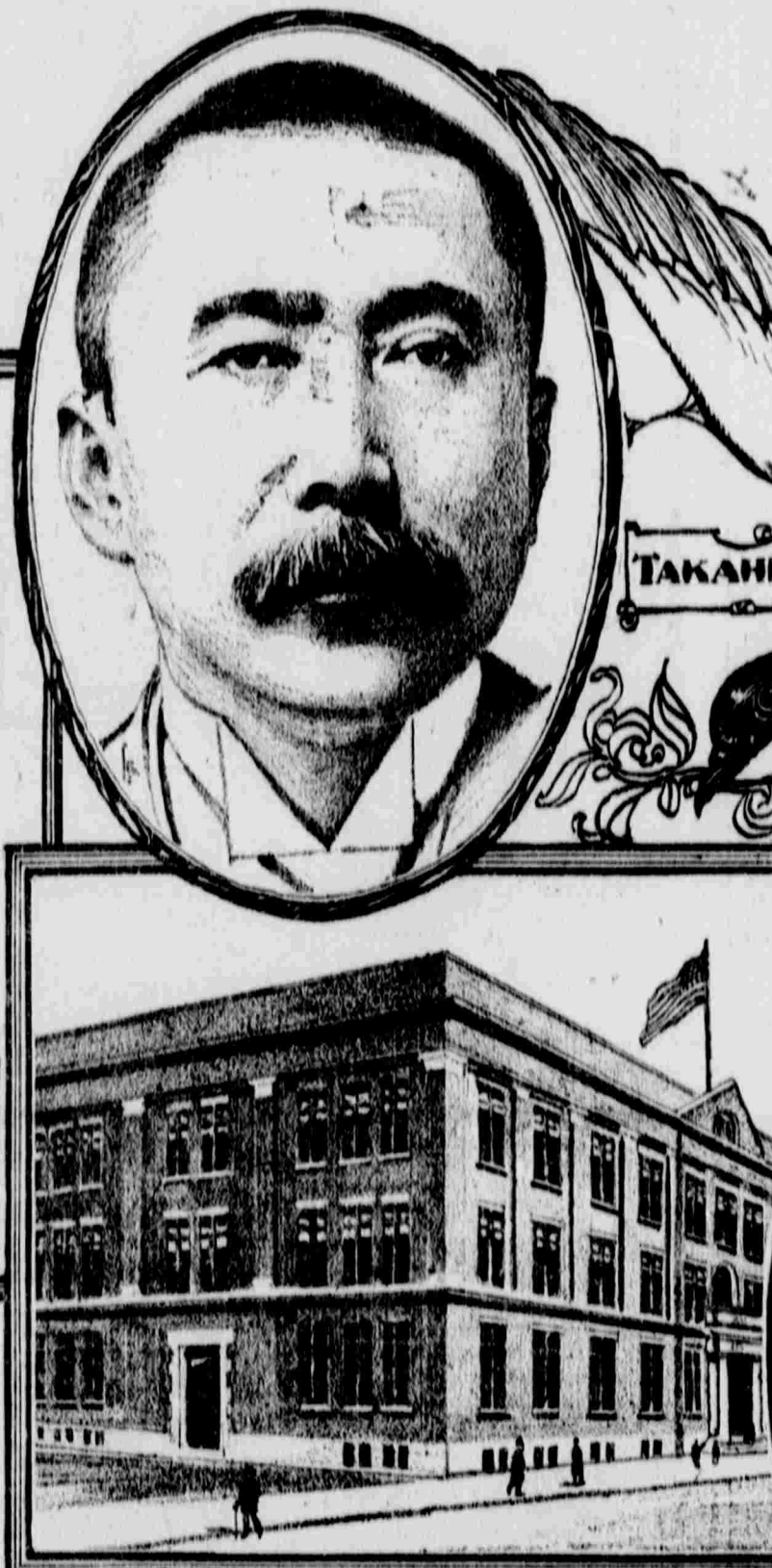
Sergius Witte may be regarded as the leading liberal Russian statesman. He is not of noble birth and has won his position through sheer merit and persistence. He has not traversed the immense distance between the position of an underpaid railway porter and that of the leading statesman of a great empire without making hosts of enemies. Another reason of his unpopularity may be found in the fact that he has very little Muscovite blood in his veins, his father being a Dutchman. Witte himself was born in Lithuania. At the time of the breaking out of the war he was minister of finance, but he was removed on account of his lack of sympathy with the war party. He will be most acceptable to Japan as a peace commissioner, for he has long been regarded by that country as a frank opponent of the policy of the great dukes. He was also most decided in his denunciation of the outrages at Kishineff and elsewhere against the Jews.

It will be the first time that a treaty of peace that terminates a war in which the United States is neither directly nor indirectly a party has been signed on American soil. No part in all New England could be freer from distraction and more conducive to the exercise of acute mentality than the charming New Hampshire town which has been chosen as the place of meeting. Portsmouth is a historic town, too, dating from pre-Revolutionary days. The first ship of the line ever built in the western continent, the North America, was launched in its splendid harbor. The town is connected by bridges with Kittery, Me., which is the seat of a government navy yard.

WILLIAM E. MORRIS.



KOMURA



TAKAHIRA

EQUIPMENT BUILDING, PORTSMOUTH, N. H., WHERE PEACE CONFERENCES WILL BE HELD.



ROSEN



WITTE

RUSSO-JAPANESE PEACE COMMISSIONERS AND THE BUILDING IN WHICH THEY WILL MEET.

ilities must in every instance precede the peace overtures. This, however, does not always happen. In the present case the war shows no sign of coming to an immediate end until after the peace negotiations have been fully begun. An armistice would have been of infinite advantage to Russia, but it could not have been granted by her victorious opponent until it was made absolutely certain that the czar was acting in good faith. First in order must come the protocol, or preliminary peace. The protocol is not an armistice. An armistice leaves the question of the war undecided. The protocol confers only after an assurance of redress is obtained and provides the general terms on which the war shall come to an end.

The protocol is a flexible instrument and is intended only as a starting point. In reality, a very wide latitude is given to the peace commissioners. During the period of their official life these men rank as envoys extraordinary. There is no limitation as to what branch of the public service they shall occupy or to the number chosen. An inspection of the peace treaties made of them is signed by a commission equally divided. Japan and Russia have each named two. It is not requisite that a peace commissioner should be in public life; he may be any suitable civilian whom his government chooses to select. It is the custom, however, for a nation to send men to a peace conference who are of equal rank with those selected by the other power. It was charged that at the treaty of Ghent, which closed the war of 1812, the British attempted to show their contempt for America by sending men to the conference who were of little importance. Uncle Sam's peace commissioners thus far have included some of the nation's most distinguished diplomats, a speaker of the House of Representatives, an ex-United States senator, a chief clerk of the state department and a private citizen.

Each peace commission will have attached to it a secretary, with several assistants, private secretaries, stenographers, interpreters and messengers. The initial meeting of the commissions will open with a ceremonious exchange of credentials, each member being his certificate properly certified to by his minister of foreign affairs or secretary of state. These credentials are usually written out at great length, giving in full the titles and rank of the bearer and a great deal of other information deemed necessary to the occasion. The reading of these im-

portant documents sometimes consumes the time allotted to several sessions. After the status of all the members is fully established the chairman and chief spokesman of the Japanese delegation will begin the practical part of the negotiations by reading at length the demands and ultimatum of his government. An adjournment will then be taken in order to give the Russian commission time to communicate with the home government by cable and to receive its reply and instructions as to further procedure. Should the Japanese present any unyielding demand for territorial distribution and show a disposition to continue the war until the ratification of the treaty there may be an adjournment of the commission, the delegates returning home and reporting failure to their respective governments. The opportunity for parleying and quibbling will be unlimited and frequently much time is consumed.

Every nation is permitted by international law to use its own language in its treaty, whether for peace or any other purpose. Until the eighteenth century Latin was the only text employed. This was because educated men of all countries were familiar with the Latin, and it was the language of scholars and of the church. At a later period French became the language of diplomacy, but at the time of Frederick the Great the German speaking powers have been using their own tongue. More recently English has become a popular treaty language. Even the treaty between China and Japan was written in English, and it is not at all unlikely that the Portsmouth document—if there should be one—will be written in that language.

When the treaty is concluded it will be signed by all the representatives of the two peacemaking powers. Each delegation will retain a copy. On the Japanese copy the Russian signatures will appear first and on the Russian copy the Japanese names will have the precedence. The signing of the treaty must be followed by its ratification.

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that she could never reconquer her rebellious American colonies negotiations were opened reluctantly and with exceedingly bad grace for concluding a treaty of peace. Paris was chosen as the place of conference, although the English commissioners would have preferred some other point. There were so many and such serious differences at the early meetings of the commissioners that progress was very slow and adjournments were frequent. There were no cables or steamships in those days, and it took a good deal of time to send home for instructions. The commissioners were a long time in agreeing on the provisional articles, and there were many occasions when it seemed as though any sort of agreement would be impossible. On Nov. 13, 1782, the protocol was signed by Richard Oswald, commissioner for King George, and John Adams, Benjamin Franklin, John Jay and Henry Laurens on behalf of the United States. "We hope the terms we have obtained will be satisfactory, though to secure our main points we may have yielded too much in favor of the royalists," wrote Franklin to Livingston.

It soon became evident, however, that the king and his ministers did not see the matter in that light. They were disposed to believe that the American commissioners had not yielded enough. It was not until Aug. 6 of the following year that King George could make up his mind to ratify the treaty. A year and a half later it was practically the same as the preliminary instru-

ment, was signed at Paris and on Jan. 1, 1784, it was confirmed by the American congress. So slow were the means of communication and so delicate was his Britannic majesty in affixing his signature that it did not become effective until April 9.

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THIS AND THAT.

Thirty-nine sailing ships are lost yearly out of every thousand British sailing ships, but of steamers only twenty-nine per thousand.

Hand spun thread, used for the very finest Brussels lace of all, costs some times as much as \$1.20 per pound.

All native born and naturalized Danes over sixty years of age receive pen-

sions of \$2.50 to \$4.50 per month if unable to support themselves or their families.

More curious places for a church could be found than one at Southwold, Del., which stands in the middle of a farmyard. The only means of entrance is by passing through the yard.

The oldest university in the world is at Peking. It is called the "School for the Sons of the Empire." Its antiquity is very great, and a granite register, consisting of stone columns, 320 in number, contains the names of 60,000 graduates.

The vessel of Portsea, England, has no fewer than fifteen curates. No other church in the land can boast of such a number of curates attached to it, even Leeds Parish church, probably the next

best to Portsea in this respect, stops at eleven.

A poor lad whose presence of mind saved a passenger train from destruction on the Rio Grande railway has been rewarded in a novel manner. The directors have given him a free pass for life, and Miss Helen Gould will defray the cost of his education at college.

Under remarkable circumstances John Bird has again become church warden at Towstree, England. In the absence of the vicar and curate he convened the vestry meeting. He was the only person who attended, and he presided and re-elected himself church warden.

Over 11,000,000 worth of diamonds are stolen every year from the South African diamond mines.

It is noticed in England as a curious fact that most of the Jewish soldiers who died in the Boer war, and in whose memory a tablet was erected recently in a London synagogue, belonged to Scottish regiments.

The Vegetarische Worte, a vegetarian journal published at Hamburg, appeals to its readers not to attend Wagner performances nor play any of the master's music. It describes Richard Wagner as "a gross flesh feeder."

and a man who openly ridiculed vegetarian principles.

Plans are being perfected by the State Agricultural college of Iowa whereby a distinctive good roads school will be held in that institution during the summer, which will be under auspices of the State Good Roads association. Township trustees, road supervisors and superintendents are invited to participate in this school.