little is used. These facts offer fine opportunity for comparison of the way in which forests and climate combine to aid or hinder man in getting out wood. This also shows again the dependence of the lumber industry upon transport.

In conclusion we may say that geography is a complex subject. It is saved from being a chaos when we remember that geography is an interpretation, not merely a mass of facts.

This interpretation is made easier by the use of the applied-science or psychological method which starts with explanation and correlation—the reason why, the soul of memory. This runs naturally into comparison, which is the soul of understanding.

The applied-science method is especially adapted to the use of the actual story of human life. This story method, as a method of teaching the principles of geography, is the soul of interest. It reaches the child and awakens enthusiasm, as a father told me, who wrote that his little girl wanted to stay up late at night to read a new geography book written in this way.

J. RUSSELL SMITH

MENCKEN LAYS ON AGAIN

Henry L. Mencken, editor and Professor of Things in General, wields his shillalah with characteristic vigor in the March *American Mercury*. "Pedagogy," he asseverates, "is fast descending to the estate of a childish necromancy." On the basis of evidence gleaned from Dr. Pendleton's *The Social Objectives of School English*, Mencken further states that "some of the worst idiots, even among pedagogues, are among the teachers of English." The gloomy view he takes is not altogether to be wondered at in view of the disclosures made in Dr. Pendleton's study, a review of which is to be found elsewhere in this issue.

THE PERMANENT COURT OF INTERNATIONAL JUSTICE

DURING the past year a growing interest in the World Court has been apparent in the United States, and in the near future the Senate will be called upon to vote on a resolution that would make the United States a member of the Court.

The idea of a World Court is nearly a century old in America. William Ladd, who founded the American Peace Society, published his "Essay on a Congress of Nations' (1840) in which he advocated a congress of ambassadors of all nations and a court composed of the most able citizens to arbitrate or judge such cases as should be brought before it. The congress was to be the legislature, and the court the judiciary in the government of nations. The executive functions of this plan were to be left with public opinion. Various societies in America have given considerable publicity to this plan since its proposal.

At the First Hague Conference in 1899, the American representatives presented a plan for a World Court before the assembled delegates. The American proposal was as follows: "A court to be created by not less than nine sovereign states. One judge to be elected from each state, chosen by a majority of the members of the highest court of that state. A bench of judges, not less than three or more than seven, to be chosen by the tribunal for each case. The states to agree to submit all questions of disagreement between them, except such as 'might relate to their political independence or territorial integrity.' The court to be open to all states and open at all times, and its records to be accessible. . . . . This plan was modified into a court of arbitration with a panel of judges from which a special court might be selected for each case."

At the second Hague Conference in 1907, the American delegates were again instructed to work for a permanent tribunal composed of judges who would devote their entire time to the trial of international cases by judicial methods. This conference, however, was unable to agree as to the method of selecting the judges, and the plan did not materialize.

Between 1907 and the World War, the government of the United States made efforts to work out with other principal powers some solution of the problem, but no decision was reached.

When the Conference of Versailles met, peace through the rule of law was the prevailing idea throughout the world. Consequently the time was ripe for action, and provision was made for a Permanent Court of International Justice by the Covenant of the League of Nations, in Article 14, which reads, "The Council shall formulate and submit to the members of the League for adoption plans for the establishment of a Permanent Court of International Justice." The formation of the Court was entrusted to a committee of ten jurists, the United States being represented by Elihu Root. His plan was adopted by the Assembly of the League of Nations, and the Court was created in September, 1921.

The plan provides for a court of fifteen members, eleven judges, and four deputy judges, no two of whom can be from the same country. The place of an absent judge is filled by a deputy judge. When it is not possible to get the full Court of eleven judges, nine constitute a quorum. All questions are to be decided by a majority of the judges.

The committee of ten was again confronted with the problem of a method of selecting judges which would be acceptable to all nations. To Elihu Root goes the credit of solving the problem. Ex-Secretary of State Hughes in a recent speech in New York City says, "If you ask me what I consider to be the crown of his (Root's) endeavor, I should say it was his skill in cutting through the entanglements which stood in the way of the establishment of a Permanent Court of International Justice. His suggestion as to the method of selecting judges made that Court possible, and this successful endeavor in the interest of international peace through promoting the reign of law will ever enshrine his memory."

Mr. Root proposed that the nations represented in the Permanent Court of International Arbitration should nominate candidates for judges of the Permanent Court of International Justice. Each national group is required to name four candidates, only two of whom may be of its particular nationality. Members of the League of Nations unrepresented in the Permanent Court of Arbitration draw up lists of candidates by means of national groups under the same conditions as those prescribed for members of the Court of Arbitration. These lists of nominees are then laid before the Council and the Assembly of the League of Nations. The final election of judges is made by these two bodies voting separately. The eleven persons receiving the highest number of votes are elected judges and four others are chosen as deputy judges. When the Council and Assembly fail to agree on the election of judges, a conference committee is provided for, to make elections possible. Vacancies which may occur shall be filled by the same method as that laid down for the first election.

The judges are elected for nine years and may be re-elected. They have diplomatic privileges and immunities. The Court elects its president and vice-president for three years and both are eligible for re-election.

The seat of the Court is at the Hague and its sessions begin on June 15 and continue until the cases on the list are completed. The president may summon special meetings when necessary. The expenses of the Court are borne by the League of Nations.

The judges receive a fixed salary of about $6,000 a year, besides subsistence and traveling expenses aggregating approximately $6,000 more a year.

According to Article 14 of the Covenant of the League of Nations, "The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or Assembly." States not members of the League may join the World Court. At the present time there are forty-eight nations in its membership. Only twenty-one of the smaller countries have accepted the optional clause giving the Court compulsory jurisdiction in the following matters:

1. Interpretation of treaty.
2. Any question of international law.
3. The existence of any fact which if established would constitute a breach of an international obligation.
4. The nature or extent of the reparation to be made for the breach of international obligation.

Obviously there is a wide difference in the status of those nations accepting and those refusing this optional clause.

President Harding in February, 1923, proposed American adherence to the protocol establishing the Court with certain reservations suggested by Secretary of State Hughes. The reservations recommended by Mr. Hughes provide that

1. No legal relation be involved in adherence to the protocol.
2. The United States may participate in the election of judges on an equality with other nations.
3. The United States shall pay a fair share of the expenses of the Court.
4. The statutes shall not be amended without the consent of the United States.

Believing that the United States Senate would be opposed to our adopting the optional clause for compulsory jurisdiction, President Harding did not propose that the United States embrace this measure. President Coolidge in his message to Congress in December, 1923, and again in his inaugural address recommended American adhesion to the court with the Hughes reservations.

Opponents of the Court have based their arguments against it largely upon its close relationship to the League of Nations, claiming that our adhesion to the Court is equivalent to our entering the League "by the back door." Judge Cohalan in a speech made in 1923 declared, "That the World Court of which they talk is created by the League of Nations is admitted even by Mr. Harding and Mr. Hughes; that anything which is created by another is the creature of that other is a thing concerning which there can be no dispute. The entire plan of the League of Nations as outlined contemplates that the World Court should come into existence. I maintain that it is only a splitting of hairs; that it is flying in the face of fact to say that a World Court constituted in that way is not essentially a part of the League of Nations, of which it is a creation. I maintain that that which is created by another body is necessarily a creature of that body, and in this case the World Court is not only a creature of the League of Nations; is one of the bodies of the League of Nations; is recognized in the plan of the League of Nations as one of its component parts. Because of that, I contend that an entrance into the World Court is necessarily and essentially an entrance into the League of Nations, and any introduction into the League of Nations is an entrance from which we never can extricate ourselves. The World Court is as much to be avoided as the League of Nations."

The position of contenders for the Court is well set forth in a recent editorial published in *The New York Times*. "By a majority of 301 to 28 the House of Rep-

resentatives has approved our adherence to the protocol under which the World Court was established. The importance of this cannot be exaggerated. It must now be evident that our high legislative chamber, which the fathers of the Constitution intended to inform and guide public opinion, has persistently obscured and thwarted it.

"For over one hundred years such a court has been the dream and the aspiration of our liberal and far-sighted lovers of peace. Successive Republican Administrations labored to prepare the way—labored largely in vain, yet with an intelligence equaled only by their patience and wisdom. Under a Democratic Administration the organized co-operation among nations was established which alone could afford a permanent basis for the Court, and this led to the discovery of fair and practicable means of electing judges. Still, the Senate found wiredrawn objections, invented them where they did not exist. Almost without exception our foremost ministers of the gospel of peace, the presidents of our leading universities, urged adherence to the Court. Organizations of high and varied character memorialized Congress, from American Legion posts to the Federated Council of Churches and the American Bar Association. The Senate seemed to regard them merely as irresponsible and misguided enthusiasts. The Administration drew up a program for our adherence to the Court which met all possible objections. The Senate countered with alternative plans which were offensive to common sense and which effectually blocked progress. The other branch of our Legislature was devised not to guide public opinion, but to reflect clearly and responsibly the will of the people. It has now rebuked the Senate by a stinging majority of over ten to one.

"The Court has today an importance of which Theodore Roosevelt and Woodrow Wilson could have been only dimly conscious. Whatever may be the fate of the protocol framed last September at Geneva, it has already to its credit one service which is fundamental. For the first time it gives comprehensive expression to the truth that international peace and the disarmament of rival nations can be based only upon international law, steadily and justly interpreted. A workable 'league to enforce peace' may still be further off than the World Court was from the first Hague Convention, but the day of our adherence to the Court will bring it appreciably nearer."

John N. McIlwraith

LAW-BREAKING TO THE GLORY OF GOD

THERE is no great novelty in the action of the Tennessee legislature in passing a bill prohibiting the teaching of evolution in the public schools and tax-supported institutions of that state. Other legislatures have attempted to do the same. But the governor of Tennessee has made a contribution to the science of jurisprudence in connection with his message to the legislature on the subject. The governor favors the bill; he has signed it; it is now law in the sovereign state of Tennessee. It is now unlawful to teach at the tax-payer's expense "any theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals." It is unlawful not only to deny the fact of the divine creation of man but even to deny the story of it as found in Genesis. Genesis is not only good theology; it is also good history. The legislature and the governor have said it.

The governor's contribution is two-fold: first, a definite course of reasoning as to the place the Bible holds in the legal system of his state; second, and much more important, a statement of what he means to accomplish by the passage of this bill. The closing words of his message are as follows: