

Justice of England is something of a mystery. He need not be a lord, and is not really "Chief" of the judiciary.

Unless the Lord Chief Justice is already a peer or receives a peerage he has not even a seat on the Supreme Court of England; for that consists of peers in the House of Lords who have held judicial office. It is the Lord Chancellor who presides over the House of Lords and who is also an officer in the Cabinet. Thus the Lord Chief Justice of England enjoys no such status as that of the Chief Justice of the Supreme Court of the United States. Over Scotland and Ireland the Lord Chief Justice of England has no jurisdiction at all. Moreover, there is no tribunal in the United Kingdom that can invalidate a statute by Parliament on the ground that it is unconstitutional; all that any court can do is to *interpret* the law.

Directly under the House of Lords, which furnishes the Supreme Court of Great Britain, there is a Court of Appeal, over which the Master of the Rolls presides. Next there is a High Court of Justice. This court consists of judges who may sit in London or go on circuit at assizes. The High Court is made up of three divisions:

(1) The Chancery division deals wholly with cases involving property, and each judge has his own court.

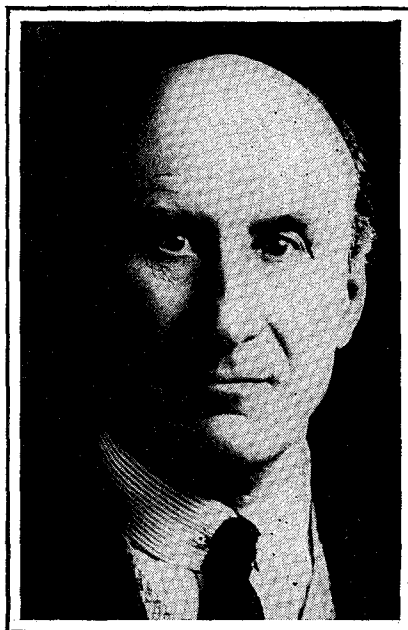
(2) The King's Bench division handles more general cases, and here the Lord Chief Justice arranges assizes and generally adjusts business.

(3) The Probate, Divorce, and Admiralty division deals with the subjects indicated, a rather strange assortment of damages due to collisions, both nautical and matrimonial. Over this court there is a President.

Frequently the appointment of the Lord Chief Justice of England is political—the appointments of Lords Russell and Reading are instances of this. Once appointed, however, the "Lord Chief" is supposed to forget his political opinions and associations. He is not supposed to sit in the Cabinet or to hold any other office—the Ambassadorship of the Earl of Reading at Washington was purely an extraordinary war measure.

When Lord Reading resigned, his post was claimed, as the usual promotion, by the Attorney-General, Sir Gordon Hewart, who, however, could not be spared from the Attorney-Generalship.

When Sir A. T. Lawrence was appointed to the bench by that stout Tory, Lord Chancellor Halsbury, there was at first criticism on the ground that Sir Alfred's knowledge of law could hardly be called profound. But it has often been found in England that the best place to learn one's law is on the bench, sitting as a judge, listening to the arguments of the most brilliant men in the



Bain

CHIEF JUSTICE LAWRENCE, OF ENGLAND

profession, and many a judge has thus developed his experience.

Mr. P. W. Wilson, correspondent in America of the London "Daily News," who has furnished us with most of these facts about the English courts, writes us: "In the only case in which indirectly I have ever been interested in a legal proceeding, many years ago, the solicitor was one called David Lloyd George, the counsel engaged was Rufus Isaacs, afterwards the Earl of Reading, and the judge was Lawrence. The effect of two days' hard work by these eminent men was exactly one farthing damages, which my friends had to pay. One of these collaborators is to-day Prime Minister of the British Empire, another is Viceroy of India, and the third is Lord Chief Justice."

## DISARMAMENT AND THE FAR EAST

**E**XCEPT Japan, all the countries invited by President Harding to a conference in Washington on the limitation of armaments and the problems of the Far East have accepted the invitation with evident gratification. Japan too has accepted, but somewhat grudgingly. Willing enough to discuss the problem of limiting armaments, Japan is very reluctant to engage in a general discussion concerning affairs in her quarter of the globe.

Japan's reluctance is easy to understand. Her position as the dominant naval and military Power of the Far East is in many respects uncomfortable. She is very close to the seat of trouble. Passive China and cumbersome Russia have long been and continue to be sources of temptation to rapacious Powers and of danger likewise. And

Japan has been where she can see very clearly the effect of the contact between the Occidental and the Oriental. Her nearness to these problems gives her a special interest in them. Her national safety is involved in them. Her concern at the suggestion that she engage with four other Powers, all of them Occidental, in a discussion of these problems ought to surprise nobody.

What is surprising is that any one should suppose that Japan would jump at the chance to discuss matters vital to her with nations to which they are not in the same sense vital. Americans certainly ought to understand Japan's point of view. For over a century the United States has held firm to the doctrine that affairs in the Western Hemisphere are of special concern to the people of this country and attempts on the part of the nations of the Old World to gain territory in the New would be regarded as unfriendly. The analogy between the relation of the United States to the rest of the hemisphere and the relation of Japan to Asia is very far from perfect, but it is close enough to enable Americans, if they wish, to understand how the Japanese feel about such a proposal as this of a conference at Washington.

Japan, however, is not the only country to which problems of the Far East carry a menace of conflict. Every nation which is seeking foreign markets and has established its commercial outposts in China and elsewhere among the dense population of Asia must recognize the possibilities of war in the problems of the Pacific. The competition for foreign markets has repeatedly led to political action dangerously bordering on the aggressive and bellicose. The effort of European Powers, partly successful, to dismember China and to get monopolistic privileges of trade and a political control in her territory has led to controversies so acute as to be alarming. Some of the roots of the World War are to be found in the soil of Asia. Some doubt has been expressed whether it is wise on this account, as well as from Japan's point of view, to expand the proposed conference from one concerning the limitation of armaments alone to one to include the dissentious questions of Far Eastern policy. So involved are these questions that some of the Japanese newspapers go so far as to include the question of Japanese immigration into America as one of the vital questions of the Pacific, and one that should be discussed if any Pacific question is included in the conference. Of course, if President Harding has in mind that by means of this conference he can bring the nations to work together, so as to get all that is good out of the plan for a League of Nations without adhering

to the League itself, he would like to see the conference expand in this fashion; but it is feared in some quarters that the conference may expand so greatly as to lessen the practical value. If Japan has to postpone any reduction of her fleet until she knows where she stands about the Pacific, other nations will act in the same way, it is argued, and we shall get nowhere.

From the point of view, therefore, of many who are strongly interested in reducing armaments and the consequent intolerable cost of Government, as well as from the point of view of Japan, the argument against including Far Eastern problems in the proposed conference at Washington seems very strong. From these points of view it would seem better to proceed at once to the discussion of the needs of limiting, or even reducing, armaments and to postpone the more dissentious and dangerous questions to a later time.

Men, however, do not fight because they are armed; they arm themselves and fight because they have a mutual quarrel in their minds and hearts. The cave man lived in a more constant state of warfare than the modern man, though his weapons were but sticks and stones. Warfare between nations cannot be stopped simply by depriving the nations of their customary instruments of war. The surest way to secure peace is not to substitute feebleness for strength, but to substitute reason and justice for unreason and injustice. Canada and the United States live in peace with one another, but it is not simply because they have mutually disarmed; they have mutually disarmed because they have established a sufficiently common understanding and a sufficiently common rule of justice to make it natural for them to live at peace. If there is to be any effective and lasting limitation of armament or reduction of armament, it will be because the nations will have found a way of agreeing among themselves and of arriving at a commonly accepted rule of law.

It is for this reason that President Harding's decision to include the dangerous and difficult questions of the Far East at the conference in Washington is to be welcomed. The more difficult and dangerous they are, the more necessary is it that they should be settled. If there is involved in these questions the danger of wrong and injustice, the nation that stands for justice and right has no business to enfeeble itself; and if there is involved in these questions mutual misunderstanding between nations who are equally sincere in their desire for justice, the nation that enfeebles itself will do nothing thereby to gain the understanding of others. And Japan in particular needs to understand

and to be understood by her Western neighbors. Her position is not like that of the United States in the Western Hemisphere. If she were to apply to herself and Asia a real Monroe Doctrine, she would receive in that the support of the United States; but her policy is not the policy of the Monroe Doctrine. The Twenty-one Demands she has made upon China and the course she has pursued in occupying Shantung cannot be interpreted in the words in which President Monroe stated the attitude of America toward European aggression in this hemisphere. Japan needs to be understood by others, but she needs too to understand. It will be for her good as well as the good of the world to face together with the nations of the Occident the questions that are so vital to her. And the more vital they are to her, the more necessary it is for her to take part in this conference.

If, as a result of President Harding's call, the principal Allied Powers come to a better understanding of the perplexing problems of the Orient, the settlement of the question of armament will be comparatively easy.

## ONE BIG FAMILY

**S**AID the Young-Old Philosopher: "I have always rather envied the people who live in small cities and towns; for there must be a satisfaction in walking down street and meeting an acquaintance, if not a friend, on every thoroughfare. The whole community constitutes one big family, and when Robinson's son goes off to war Smith knows of it and cares very deeply. It is so with any other happening which concerns vitally the spirit of the place.

"I find that people read more in these localities than they do in a great metropolis; and, while there is not the inspiration and glamour of two operas being sung at once, there are many other compensations. I have never seen more ardent interest in the real theater than one discovers in, say, a city like Indianapolis; and when a grand opera troupe swings out into the great West it meets with a welcome that it never had before. Because such visits are rare they are doubly appreciated. So people flock to lectures and concerts, and thrive on the itinerant culture that modern conveniences have made possible. They know all about a visiting celebrity long before he or she arrives. Half the audience could give a list of all Galsworthy's or Walpole's books, for instance. Is this so in a hodgepodge place like New York? I doubt it.

"But one need not belittle Manhattan in praising the so-called provinces. The best young blood of the South, the Far

West, and the Middle West often seeks the magnificent inspiration of a city like New York. This is natural, and wholesome, and good. For a great city has become great through this very process of absorption. It is bromidic to say that one seldom finds a born New Yorker in New York. Every inhabitant has come from some small community, with dreams and ideals and enthusiasm in his heart, and thrown these magical possessions in the vast whirlpool; plunging desperately into the currents himself, to sink or to swim gloriously to success. The city gets the best and noblest of all these seekers after glory. The city, then, having taken unto itself the finest product that the country has to offer, necessarily enriches its spiritual and mental dominions. The stuff of high dreams floats over it like a garment; and the hopes and prayers and tears of youth are forever singing and rising and falling where the great town thunders its perpetual song.

"Surely an architect could find all he sought, all he needed, in the lofty skyscrapers that literally ascend to the clouds in the terrible towers that reach up as if to kiss the very heavens. A poet could not walk on Fifth Avenue at dusk and fail to find the wonder his soul was seeking. A musician must hear strange symphonic chords, unknown to you and me, in the eternal footfalls on hard agate pavements. Painters and sculptors must be thrilled by glimpses of sunsets at the end of narrow streets and in all those mammoth buildings closely packed together that shine and gleam in the sun. For the artist the city, as well as the country, is an endless panorama which never wearies, but always inspires; and the man of business, too, though he may be inarticulate about the beauty around him, drinks it in, unconsciously absorbs it, and is all the better for his spiritual gluttony.

"The finest that America has to offer is frequently concentrated in great cities; but that does not mean that the highways and byways, the little off-roads of the land, are emptied of their best. New blood, strong fiber, are always springing up, always being woven; and out of the strength of the growing generation in these beautiful and solid communities is born the nobility of tomorrow—whether in big cities or smaller towns. And just as at times the tides of the city throw back to the prairies and mountains innumerable multitudes who weary of the pavement's roar, so the prairies and the mountains continue to hurl their passionate, aspiring youth toward the tumult of the town.

"This means that, wherever we are, the same kind of people exist. They have come from far and near, from North and South, and East and West,