

"Law Only Can Bring About Peace Between Nations," Schulte Says

"Peace is order and order cannot exist without law. The real basis, then, of international law will be a universally recognized international law which is regarded as binding on all the Nations of the earth. Law will have to regulate the ways in which the various nations deal with one another. Unless these mutual relations are definitely regulated, conflicts and clashes are unavoidable."

"Only law can bring order into the present international chaos. There is only one way, accordingly, in which we can work for world peace and that is by trying to bring about the establishment of international law. As long as there is no law, each nation will deal with the other as it pleases, as its interests seem to demand or as the mood of the hour may dictate. If the nations of the earth wish henceforth to live together on this little globe, daily growing smaller, they will have to work out in minute detail a code of laws that will govern all their actions. The contacts between the nations have increased to such an extent that they must be regulated if they are not to become occasions of friction. The manner in which nation will meet nation can no longer be left to mere chance. The only salvation of mankind is international law. Only in a law-governed world can nations live together peacefully."

"Even good will alone is not sufficient to guarantee peace. Undefined rights are always a cause of dispute and bitter controversy. They invariably lead to hostility even among the well intentioned. We find that in our social life, in the realm of social life that are well regulated by established law we enjoy comparative peace. In those departments that have as yet not come under the influence of law we have unrest and frequent disturbances."

Must Understand Justice
"Man cannot be guided by general notions of justice in order to be of practical value in the determining of his conduct these general notions must be made concrete and definite. It is not enough for me to wish to be just to my neighbors; I must also know how I can be just, just to him. It is the same thing with nations. It is easy to say that there would be peace in the world if there existed justice between nations. That is as it stands, an absolutely meaningless phrase. Of course, there will be peace if each nation strives to be just towards all others. But the point is this: How can it be just? What does justice between nations mean in concrete terms? What exactly does justice forbid a nation to do? That can only be determined by law, for law is the concrete expression of justice and the concrete formulation of rights and duties. Without such a concrete expression the concept of justice remains entirely too vague effectually to govern human behavior."

Law Must Aid
"Law will have to tell us what justice between nations actually is, what it means in certain definite circumstances that may arise and how it is to be realized under practical conditions. If we have had wars in the past, they were not all due to ill-will, to rapacity and to the desire of conquest. Many of them no doubt were due to ignorance. A nation making war on its neighbor often thought that it was in the right. Its aggression in its mind was merely the defense of a sacred right. There was no concrete rule by which it could judge its action. The purpose of law is precisely to make clear to those concerned what justice is in their particular case. Men often want to do what is right, but do not know what is right. That difficulty always turns up where there is no law to cover the case in question. We can imagine then how bewildering states and nations must be since there is no concrete law by which they are guided in their relations with other states and nations."

Respect For Law
"Man has an inherent respect for law, especially for those laws that can be deduced from the natural order, behind which stands the sanction of the Supreme Ruler of the universe. The average individual does not flout the law but recognizes its inviolability. An ingrained respect for law is a heritage of our race. Now this is also true of nations. Nations are not naturally lawless. If they understand that a definite law exists they will accord it a measure of reverence. Consequently if a code of international law were

elaborated, the nations would look upon it with an increasing degree of respect. They would gradually learn to bow to its majesty and accept it as a binding rule. This will particularly be the case if they discover that the existence of such an international law makes for their security and general welfare. It would not take them long to find that out. They would quickly detect that safety through law is infinitely better than precarious safety through armaments. Tremendously much is won if only the nations get together and begin the formulation of an international code of law. This law will make itself respected in course of time. One of the aims with which this code must deal, is war. It will have to set forth under what conditions what is just and when it is unjust. A war engaged in under conditions not approved of by the international law will be branded as a crime against humanity and civilization, after public opinion has become organized on this subject, not even the mightiest nation will care to incur the odium that attaches to such a crime."

"The establishment of international law is not enough; Law is nothing when there is not a court of justice to interpret and apply the law. Law is the first foundation of world peace, an international court is the second foundation. Upon these two pillars world peace will rest, a code of international law and on a world court. If we expect to secure world peace in any other manner we are deluding ourselves. Opposition to an international court is a disgusting sign. The nation that opposes such an institution must be suspected of harboring nefarious mental reservations. The honest man has little to fear from the courts; the honest nation has equally little to fear from a world court."

Churches Need Courts
"Even in the churches, where you may presuppose a generous measure of good will, courts are necessary. It is ridiculous to think that nations can get along without such an institution. The trouble in the past was precisely this, that each nation decided for itself whether it was in the right. No one can be a judge in his own case. Force cannot decide questions of justice. It cannot settle anything. To throw the sword into the scales of justice is the purest folly. There was a time when force was the only means to which an aggrieved state could resort. Evidently it was then a legitimate procedure. But the world has become sufficiently organized in our days to substitute a better and more reasonable means. The time is approaching when war can be outlawed. 'War'—writes Mr. John H. Wigmore, 'is and is a method of procedure for settling controversies between nations. It was like a wager of battle in the middle ages, which persisted for some time in Norman and England and was originally due to the lack of reliable courts to give rational decisions between powerful rivals; its vogue disappeared as such courts arose and gained strength and received confidence. War had to be, between dynasties and between nations because there was no available impartial tribunal of settlement. Note that it was a legitimate method of procedure—legitimate in extremity, because no other procedure was available. But the World War convinced all (for the moment) of the folly of not providing a non-violent procedure which could be substituted for war.'"

Reason To Rule
"The times are ripe for the arrival of the rule of reason in international affairs. Law and court symbolize this rule of reason. To no other scheme can we pin our faith. If the world wishes to insure itself against a repetition of the horrors of wars, are still fresh in our memories it must formulate and adopt a code of international law and erect an international tribunal of justice to which they agree to abide. This code of law must cover all subjects that may become a matter of controversy between states and this tribunal of high justice must be competent with regard to all questions. No silly loopholes must be left about honor or vital interests. There is no other road to peace. Every other road will end in disaster and in the breakdown of civilization."

John J. Schulte, Jr.
(1). The League of Nations from a Lawyer's Point of View in the International Journal of Ethics, January, 1924.

A Few Roses, More or Less

By CLARISSA MACKIE

TABITHA came slowly down the wide stairway, her small gray suede shoes braced with her buckles, her demure gray velvet frock Quakerish in its soft simplicity. Her golden hair shimmered in the gloom of the vast hall, and to Gerald Lang, standing at the foot of the stairs, her gray-blue eyes were blue, and as true as love's own flower.

As she reached the bottom of the stairs, Gerald bent to kiss her fingers with a gallant foreign gesture that amused and pleased her at the same time. Tabitha was sure that he had come to propose to her again. He followed her into the drawing room, where vases and bowls were filled with American Beauty roses. Tabitha took the largest vase in her arms. Her lips touched the roses.

"You dear things," she whispered, then to Lang, "Did you send them, Gerry?"

He nodded.

"Your birthday—two for every year." His dark eyes sought her face eagerly—for something—he scarcely knew what.

She was counting the roses. "Forty-eight," she sighed.

Gerry looked uncomfortable. "Perhaps there should have been more," he hesitated.

"There are too many!" she smiled brilliantly—a dart of blue-gray eyes reproached him, ridiculed him.

"Does it matter, Tabitha, a few roses more or less?"

"It matters a great deal; I am only eighteen today, Gerry. With two roses for every year, three dozen would be just right."

His gaze crystallized on her eyes, more gray now than blue, and rather cold and hard. "Six years ago when I was last home," he said coldly, "you were eighteen, but I am a poor mathematician, Tabitha."

"Rather!"

Tabitha rang for a servant and ruthlessly pulling out a dozen of the roses, ordered them to be thrown out, and when the man had gone, she turned to Gerald. "Now I am happy with your roses, Gerry!"

"I am glad you are happy, Tabitha," and his voice changed. "I have come to make my adieux, Tabitha—I am joining the Blitzen exploration party after all."

"Into Asia?" she faltered.

She was pale now and not so pretty. She had been sure that Gerry was going to propose—she wondered why he had not.

He said good-by and went, and forgot to kiss her hands. He had first refused to join the expedition because he had promised to marry Tabitha—but now, things were changed. Tabitha had had a birthday—she had lied to him, and no Lang of Lang's had ever wedded a deceitful woman, or one who wasted precious roses.

Twenty years after he came home from Asia, a lean, silent brown man of fifty. One of the first things he did was to order roses for Tabitha. She had never married, and he wondered why. It so occurred to him that she could care, after all.

She came to him under softly shaded lights, looking not a year over twenty-four.

"Has time stood still?" he inquired, and he felt the old thrill at touch of her hand.

She smiled and shook her head. "Does it ever? I am having another birthday, Gerald—must you always come on anniversaries?"

"They are anniversaries for me, too," he retorted.

They talked about some amazing discoveries he had made in Tibet, and he had brought her a small ornament of milk-white jade. "For your birthday," he said.

"And my roses? You see I am spoiled."

"I believe Jenkins is bringing them now," said Lang.

Tabitha was counting roses again, and he saw her reach out with a handful for Jenkins, but Gerald's long arm interposed and he squeezed these flowers in with the others.

"Tabitha," said Gerald firmly, "I came home to marry you. If you would accept me—you know I love you—and we have wasted twenty years—if you are forty-eight years old, I want to marry you."

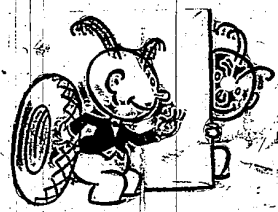
Tabitha grew very pink indeed, tears came into her lovely razz-blue eyes. "If you should hold my hands, Gerry," she whispered, "it would help a lot!"

His hands swiftly sought and found hers, so small and warm. He held them tightly. "Does it matter—these years, love—if you feel young—and your heart is young enough to love me as of old?" he murmured.

She leaned toward him, fluttering, foolish Tabitha, who had been so tender of her years. "Ah, Gerry, darling; if I had known—if I had only known," she whispered contritely. "But I have suffered, dear, suffered in the waiting for you—wasn't me quickly, Gerry, so that I can go away with you on your next voyage?"

"There will be no next voyage for me," declared Gerald happily—"only our wedding trip, if you wish to go sailing somewhere, my Tabitha." Her face was very close to his, and her deep eyes were sliding with love. "Ah, Gerry," she whispered, "anywhere—with you—will be heaven to me."

And then Gerald was quite sure.



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