

THE
AMERICAN JOURNAL
OF
INTERNATIONAL LAW



VOLUME 40

1946

PUBLISHED BY
THE AMERICAN SOCIETY OF INTERNATIONAL LAW

PUBLICATION OFFICE:
THE RUMFORD PRESS
CONCORD, N. H.

EXECUTIVE AND EDITORIAL OFFICE:
700 JACKSON PLACE, N.W.
WASHINGTON 6, D. C.

Copyright, 1946, by the American Society of International Law

BOARD OF EDITORS

Honorary Editor-in-Chief

GEORGE GRAFTON WILSON, Harvard University

Editor-in-Chief

GEORGE A. FINCH, 700 Jackson Place, Washington, D. C.

Managing Editor

PITMAN B. POTTER, 700 Jackson Place, Washington, D. C.

EDWIN BORCHARD

Yale Law School

HERBERT W. BRIGGS

Cornell University

PHILIP MARSHALL BROWN *

Washington, D. C.

WILLIAM C. DENNIS *

Richmond, Ind.

FREDERICK S. DUNN

Yale University

CLYDE EAGLETON

New York University

CHARLES G. FENWICK

Washington, D. C.

MALBONE W. GRAHAM

University of California, Los Angeles

MANLEY O. HUDSON

Cambridge, Mass.

CHARLES CHENEY HYDE *

Columbia University Law School

PHILIP C. JESSUP

Columbia University Law School

ARTHUR K. KUHN *

New York, N. Y.

JOSEF L. KUNZ

Toledo University

LLEWELLYN E. PFANKUCHEN

University of Wisconsin

LAWRENCE PREUSS

University of Michigan

ELLERY C. STOWELL *

American University

EDGAR TURLINGTON

Washington, D. C.

JOHN B. WHITTON

Princeton University

ROBERT R. WILSON

Duke University

LESTER H. WOOLSEY *

Washington, D. C.

QUINCY WRIGHT

University of Chicago

* Honorary

The object of the American Society of International Law is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. For this purpose it cooperates with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in the JOURNAL are those of the individual authors and are not to be taken as representing the views of the Board of Editors or of the American Society of International Law.

The JOURNAL is supplied to all members of the American Society of International Law without extra charge (except as indicated below). The annual subscription to non-members of the Society is five dollars per annum. Members residing outside of the United States, the British Isles, Canada, and Latin-America pay one dollar extra per year for foreign postage; residents of Canada pay fifty cents extra. Single copies of the JOURNAL will be supplied at \$1.50 per copy.

Applications for membership in the Society, correspondence with reference to the JOURNAL, and books for review should be sent to Pitman B. Potter, Secretary and Managing Editor, 700 Jackson Place, N. W., Washington 6, D. C.

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 40

CONTENTS

1946

[No. 1, January, 1946, pp. 1-255; No. 2, April, 1946, pp. 256-512; No. 3, July, 1946, pp. 513-698; No. 4, October, 1946, pp. 699-879]

	PAGE
THE TWENTY-FOURTH YEAR OF THE WORLD COURT. <i>Manley O. Hudson</i>	1
RESOURCES OF THE CONTINENTAL SHELF. <i>Edwin Borchard</i>	53
MULTIPLE REPRESENTATION IN INTERNATIONAL ASSEMBLIES. <i>Louis B. Sohn</i>	71
INTERNATIONAL ADMINISTRATION OF EUROPEAN INLAND WATERWAYS. <i>Louis B. Wehle</i>	100
RECENT ASPECTS OF THE CALVO DOCTRINE AND THE CHALLENGE TO INTERNATIONAL LAW. <i>Alwyn V. Freeman</i>	121
TWO ARMISTICES AND A SURRENDER. <i>Malbone W. Graham</i>	148
FURTHER DEVELOPMENTS CONCERNING JURISDICTION OVER FRIENDLY FOREIGN ARMED FORCES. <i>Archibald King</i>	257
PENDING PROJECTS OF THE INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS. <i>Stephen Latchford</i>	280
TRANSFER OF CIVILIAN MANPOWER FROM OCCUPIED TERRITORY. <i>John H. E. Fried</i>	303
THE INTERNATIONAL ORGANIZATION IMMUNITIES ACT. <i>Lawrence Preuss</i>	332
THE FIRST MEETING OF THE GENERAL ASSEMBLY. <i>Walter H. C. Laves and Francis O. Wilcox</i>	346
THE JURISDICTION OF THE SECURITY COUNCIL OVER DISPUTES. <i>Clyde Eagleton</i>	513
QUESTIONS OF GUERRILLA FORCES UNDER THE LAWS OF WAR. <i>Lester Nurick and Roger W. Barrett</i>	563
MANCHURIAN BOOTY AND INTERNATIONAL LAW. <i>Daniel H. Lew</i>	584
THE UNITED NATIONS AND SPECIALIZED AGENCIES. <i>Gustav Pollaczek</i>	592
THE UNITED STATES ACCEPTS COMPULSORY JURISDICTION. <i>Francis O. Wilcox</i>	699
THE INTERNATIONAL COURT OF JUSTICE, THE SENATE, AND MATTERS OF DOMESTIC JURISDICTION. <i>Lawrence Preuss</i>	720
THE EGYPTIAN MIXED COURTS AND FOREIGN ARMED FORCES. <i>Jasper Y. Brinton</i> ..	737
THE SECOND WORLD WAR AND INTERNATIONAL LAW. <i>Eugene A. Korovin</i>	742
THE ARAB LEAGUE AS A REGIONAL ARRANGEMENT. <i>Majid Khadduri</i>	756
EDITORIAL COMMENT:	
World Law. <i>Philip Marshall Brown</i>	159
The Atomic Bomb. <i>Edwin Borchard</i>	161
International Control of the Atomic Bomb. <i>Edgar Turlington</i>	165
Has the Supreme Court Abdicated One of Its Functions? <i>Philip C. Jessup</i>	168
Sovereign Immunity Limited to Essential Government Functions: New York v. United States. <i>Arthur K. Kuhn</i>	374

iii

The Leaders' Agreement of Yalta. <i>Herbert W. Briggs</i>	376
Guatemala vs. Great Britain: in re Belice. <i>Josef L. Kunz</i>	383
The Demand for World Government. <i>Clyde Eagleton</i>	390
The Alternative to Appeasement. <i>Pitman B. Potter</i>	394
Due Process and International Law. <i>Quincy Wright</i>	398
The Effect of War on Law. <i>Edwin Borchard</i>	620
A Plea for More Study of International Law in American Law Schools. <i>Josef L. Kunz</i>	624
The United States Accepts the Optional Clause. <i>Charles Cheney Hyde</i>	778
The Draft Treaties of Peace. <i>Malbone W. Graham</i>	781
The Administrative Procedure Act and the State Department. <i>Arthur K. Kuhn</i> ..	784
The Legal Position of the Secretary General of the United Nations. <i>Josef L. Kunz</i>	786
"As Determined by the United States." <i>Pitman B. Potter</i>	792
CURRENT NOTES:	
The Continental Shelf and the Marginal Belt. <i>Joseph Walter Bingham</i>	173
Italian Society for International Organization. <i>Mario Scerni</i>	178
Training American Civilian Personnel for Occupation Duties. <i>John Brown Mason</i>	180
Jackson H. Ralston, 1857-1945. <i>William C. Dennis</i>	182
Revue Egyptienne de Droit International. <i>George A. Finch</i>	407
Boletim do Sociedade Brasileira de Direito Internacional. <i>P. B. P.</i>	408
The International Status of India. <i>Albert E. Kane</i>	408
The Transmigration of a Law. <i>Haim Margalith</i>	411
Meeting of the American Council of Learned Societies. Rye, N. Y., January 23-25, 1946. <i>Pitman B. Potter</i>	414
Dr. Scott a Patron of the Society. <i>George A. Finch</i>	630
Recent Activities of the Section of International and Comparative Law of the American Bar Association. <i>Edgar Turlington</i>	630
Academia de Estudios Internacionales, Colombia. <i>Pitman B. Potter</i>	633
Procedure for Accepting the Optional Clause of the Statute of the International Court of Justice. <i>Honoré Catudal</i>	634
The Soviet Union and the International Monetary Fund. <i>Ervin Hexner</i>	637
A Form Book for Standard Treaty Clauses. <i>Henry Reiff</i>	640
Regional Meetings Authorized by Executive Council. <i>P. B. P.</i>	795
General Note on the Law of War Booty. <i>Alwyn V. Freeman</i>	795
American Military Government Courts in Germany. <i>Eli E. Nobleman</i>	803
The Legal Status of Germany. <i>Egon Schwelb</i>	811
Local Enemy Assets and the Paris Agreement on Reparation. <i>Kurt H. Nadelmann</i>	813
Arbitration Between the Netherlands and United States Postal Administrations. <i>Martin Domke</i>	817
Inter-American Academy of Comparative and International Law. <i>G. A. F.</i>	819
Lawyers of the Americas Will Meet in Lima. <i>William Roy Vallance</i>	820
Miscellaneous Notes. <i>P. B. P.</i>	821
CHRONICLE OF INTERNATIONAL EVENTS. <i>Dorothy R. Dart</i>	184, 417, 645, 823
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
<i>Fields v. Predionica I Tkanica</i>	197
United States of Mexico <i>et al. v. Schmuck, et al.</i>	205
<i>Rex v. Joyce</i>	210
<i>in re Yamashita</i>	432
<i>in re Homma</i>	480

CONTENTS OF VOLUME 40

v

Reisig and Popple <i>v.</i> Associated Jewish Charities of Baltimore and the Hebrew University of Jerusalem	483
Joyce <i>v.</i> Director of Public Prosecutions	663
Schering, Limited (in Liquidation) <i>v.</i> Stockholms Enskilda Bank Aktiebolag and others	841
The Tolten	856
BOOK REVIEWS AND NOTES	218, 491, 680, 860
BOOKS RECEIVED	250, 509, 694, 876
PERIODICAL LITERATURE OF INTERNATIONAL LAW. <i>Wilbur S. Finch</i>	254, 511, 696, 878
INDEX	880
SUPPLEMENT SECTION OF DOCUMENTS. (Separately paged and indexed.)	