

THE
AMERICAN JOURNAL
OF
INTERNATIONAL LAW



VOLUME 21

1927

PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

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

EDITORIAL AND EXECUTIVE OFFICE:
2 JACKSON PLACE
WASHINGTON, D. C.

COPYRIGHT, 1927
BY
THE AMERICAN SOCIETY OF INTERNATIONAL LAW

CONTENTS OF VOLUME TWENTY-ONE

[No. 1, January, 1927, pp. 1-229; No. 2, April, 1927, pp. 231-416;
No. 3, July, 1927, pp. 417-658; No. 4, October, 1927, pp. 659-893]

	PAGE
THE UNITED STATES AND THE PERMANENT COURT OF INTERNATIONAL JUSTICE. <i>Quincy Wright</i>	1
THE FIFTH YEAR OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE. <i>Manley O. Hudson</i>	26
DISARMAMENT. <i>Tasker H. Bliss</i>	36
THE RIGHT OF APPEAL IN NATURALIZATION CASES IN THE FEDERAL COURTS. <i>Henry B. Hazard</i>	40
THE NATURE OF AMERICAN FOREIGN POLICY. <i>Pitman B. Potter</i>	53
NEUTRALIZATION AS A MOVEMENT IN INTERNATIONAL LAW. <i>Malbone W. Graham, Jr.</i>	79
THE INTERNATIONAL MIXED COURT OF TANGIER. <i>Manley O. Hudson</i>	231
THE APPLICATION OF SOVIET LAWS AND THE EXCEPTION OF PUBLIC ORDER. <i>Max Habicht</i>	238
CONSULAR PRIVILEGES AND IMMUNITIES UNDER THE TREATIES OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS. <i>Irvin Stewart</i>	257
THE EFFECT OF CHANGES OF SOVEREIGNTY ON NATIONALITY. <i>C. Luella Gettys</i>	268
HOW TO FIGHT SAVAGE TRIBES. <i>Elbridge Colby</i>	279
THE GRADUAL AND PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW. <i>James Brown Scott</i>	417
THE RENDITION OF THE INTERNATIONAL MIXED COURT AT SHANGHAI. <i>Manley O. Hudson</i>	451
THE MIXED CLAIMS COMMISSION AND GERMAN PROPERTY IN THE UNITED STATES OF AMERICA. <i>Arthur Burchard</i>	472
DOMINION STATUS IN INTERNATIONAL LAW. <i>V. Kenneth Johnston</i>	481
RECENT DEVELOPMENT IN THE LAW OF UNNEUTRAL SERVICE. <i>Norman L. Hill</i>	490
PROGRESS OF THE WORK OF THE LEAGUE OF NATIONS CODIFICATION COMMITTEE. <i>Jesse S. Reeves</i>	659
NATIONAL ECONOMIC INDEPENDENCE IN THE LIGHT OF THE INTERNATIONAL ECONOMIC CONFERENCE. <i>Wallace McClure</i>	668
PROBLEMS OF INTERNATIONAL LAW IN THE MEXICAN CONSTITUTION OF 1917. <i>John P. Bullington</i>	685
THE PERSONAL DIPLOMACY OF COLONEL HOUSE. <i>Lester H. Woolsey</i>	706
THE INSTITUTE OF INTERNATIONAL LAW. <i>James Brown Scott</i>	716
EDITORIAL COMMENT:	
The British Commonwealth of Nations. <i>James Brown Scott</i>	95
The law of territorial waters. <i>Philip Marshall Brown</i>	101
The denationalization of American citizens. <i>James W. Garner</i>	106
The immunity of public ships employed in trade. <i>Edwin D. Dickinson</i>	108
The future of international arbitration only. <i>L. H. Woolsey</i>	111
Projects of the American Institute of International Law:	
Immigration, Responsibility of governments, Diplomatic protection, Extradition. <i>Edwin M. Borchard</i>	118
Transit by land, waterways, and air. <i>Arthur K. Kuhn</i>	123
Maritime neutrality. <i>Quincy Wright</i>	127
Pacific settlement and Pan American Court of Justice. <i>William C. Dennis</i> ..	137
Measures of repression and conquest. <i>David J. Hill</i>	145
China's termination of unequal treaties. <i>L. H. Woolsey</i>	289

	PAGE
Mexican land laws. <i>Philip Marshall Brown</i>	294
Concerning attempts by contract to restrict interposition. <i>Charles Cheney Hyde</i>	298
Limitations on coercive protection. <i>Edwin M. Borchard</i>	303
Projects of the American Institute of International Law:	
Preamble, General declarations, Declaration of Pan American unity and coöperation, Fundamental bases of international law, Nations, Recog- nition of new nations and new governments, Declaration of rights and duties of nations, Fundamental rights of American Republics, Pan American Union. <i>Chandler P. Anderson</i>	306
Treaties, Diplomatic agents, Consuls. <i>Ellery C. Stowell</i>	313
The elimination of the loopholes in arbitration treaties. <i>C. G. Fenwick</i>	499
The Lausanne Treaty. <i>Philip Marshall Brown</i>	503
The Supreme Court interprets the liquor treaties. <i>Edwin D. Dickinson</i>	505
The doctrine of <i>rebus sic stantibus</i> and the termination of treaties. <i>J. W. Garner</i>	509
Important decisions of the Mixed Claims Commission, United States and Mexico. <i>Edwin M. Borchard</i>	516
Francis W. Kelsey—In memoriam. <i>James Brown Scott</i>	522
Institute of Pacific Relations, 1927. <i>George Grafton Wilson</i>	524
Basis of the law against confiscating foreign-owned property. <i>Chandler P. Anderson</i>	525
The classification of diplomatic agents. <i>David Jayne Hill</i>	737
Competence of the courts in regard to foreign states. <i>Arthur K. Kuhn</i>	742
The case of the Irish Republic's funds. <i>Edwin D. Dickinson</i>	747
A question of state succession. <i>J. W. Garner</i>	753
The three-Power naval conference. <i>C. G. Fenwick</i>	757
The most-favored-nation clause. <i>Quincy Wright</i>	760
Institute of Pacific Relations. <i>George Grafton Wilson</i>	763
The neutrality claims against Great Britain. <i>Edwin M. Borchard</i>	764
Note: <i>L'Institut international de droit public</i>	768
CURRENT NOTES:	
Postponement of the annual meeting of the Society	147
Oscar S. Straus—In memoriam. <i>James Brown Scott</i>	147
Mr. Hughes appointed to the Permanent Court of Arbitration	150
Carnegie Endowment fellowships in international law	151
Fellowships at The Hague Academy of International Law	151
Prize competition of Leiden University	152
French office of foreign legislation and international law	152
An analysis of the Bulgarian nationality law. <i>Theodore Geshkoff</i>	534
Annual meeting of the American Society of International Law	537
Peace in Nicaragua	539
Payment of American share of the Dawes annuities	541
War claims settled by Great Britain and the United States	542
Copyright between Czechoslovakia and the United States	544
Carnegie Endowment fellowships in international Law	545
CHRONICLE OF INTERNATIONAL EVENTS. <i>M. Alice Matthews</i>	154, 317, 547, 770
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
General Claims Commission, United States and Mexico:	
Hopkins <i>v.</i> Mexico	160
Home Insurance Co. <i>v.</i> Mexico	167
Parker <i>v.</i> Mexico	174
Faulkner <i>v.</i> Mexico	349
Adler <i>v.</i> Mexico	354

CONTENTS

v

	PAGE
Roberts <i>v.</i> Mexico	357
Janes <i>v.</i> Mexico	362
Neer <i>v.</i> Mexico	555
Swinney <i>v.</i> Mexico	562
Falcon <i>v.</i> United States	566
Quintanilla <i>v.</i> United States	568
Youmans <i>v.</i> Mexico	571
Connelly <i>v.</i> Mexico	579
García and Garza <i>v.</i> United States	581
Davies <i>v.</i> Mexico	777
Roper <i>v.</i> Mexico	777
Brown, Sanders and Small <i>v.</i> Mexico	782
Corrie <i>v.</i> Mexico	782
Massey <i>v.</i> Mexico	783
Johnson <i>et al v.</i> Mexico. (Daylight case)	791
Putnam <i>v.</i> Mexico	798
American Short Horn Breeders' Assn. and Waukesha County Holstein- Friesian Breeders' Assn. <i>v.</i> Mexico	802
Mallen <i>v.</i> United States	803
Supreme Court of the United States:	
Liberato <i>et al v.</i> Royer <i>et al.</i>	180
Supreme Court of Panama:	
Panama <i>v.</i> Wilbert L. Schwartzfiger	182
Arbitral award in divergence of opinion between German Government and Com- missioner of Controlled Revenue	326
Award No. II of Arbitral Tribunal of Interpretation between Reparation Com- mission and German Government	344
Tripartite Claims Commission (United States, Austria, and Hungary):	
Administrative decision No. I	599
Administrative decision No. II	610
Correctional Tribunal of the Seine:	
Zizianoff <i>v.</i> Kahn and Bigelow	811
BOOK REVIEWS AND NOTES:	
Baak: <i>Der Inhalt des Modernen Völkerrechts</i>	188
Barnes: <i>The Genesis of the World War</i>	189
Bonde: <i>Traité Élémentaire de Droit International Public</i>	191
Chirol: <i>India</i>	192
Ewart: <i>The Roots and Causes of the War</i>	194
Goodnow: <i>China</i>	195
Gorgé: <i>Une Nouvelle Sanction du Droit International</i>	196
Gutierrez: <i>Es la Guerra Susceptible de Represion?</i>	197
Hill: <i>The Danish Sound Dues</i>	198
Hoijer: <i>La Solution Pacifique des Litiges Internationaux</i>	199
Isay: <i>Die privaten Rechte und Interessen im Friedensvertrag</i>	200
Leibholz: <i>Die Gleichheit vor dem Gesetz</i>	201
Driault and Lhéritier: <i>Histoire Diplomatique de la Grèce</i>	201
Morey: <i>Diplomatic Episodes</i>	202
Olaya: <i>La Clausula de la Nacion mas Favorecida</i>	203
Pella: <i>La Criminalité Collective des États</i>	205
Pena y Reyes: <i>Lord Aberdeen, Texas y California</i>	206
Pila: <i>Le Trafic des stupéfiants</i>	207
Puente: <i>The Foreign Consul</i>	208

	PAGE
Ramel: <i>Le Moratorium de la Lettre de Change</i>	210
Sauser-Hall: <i>Les Traités de Paix et les Droits Privés des Neutres</i>	211
Scott: <i>The United States and France</i>	213
Seton-Watson: <i>Sarajevo, A Study in the Origins of the Great War</i>	189
Spaight: <i>Aircraft and Commerce in War</i>	214
Strisower: <i>L'Extraterritorialité</i>	214
Strupp: <i>Grundzüge des Positiven Völkerrechts</i>	215
Toynbee: <i>Survey of International Affairs, 1924</i>	215
Usteri: <i>Das öffentlichrechtliche Schiedsgericht in der Schweizerischen Eidgenossenschaft des 13-25 Jahrhunderts</i>	217
Waldkirch: <i>Das Völkerrecht</i>	191
Waller: <i>Paths to World Peace</i>	219
Willoughby: <i>The Fundamental Concepts of Public Law</i>	219
Abbott: <i>Historical Aspects of the Immigration Problem</i>	381
Buell: <i>International Relations</i>	382
Colombos: <i>A Treatise on the Law of Prize</i>	383
Coudenhove-Kalergi: <i>Pan-Europe</i>	384
Driault and Lhéritier: <i>Histoire Diplomatique de la Grèce de 1821 à nos jours</i>	386
Greer: <i>The Ruhr-Lorraine Industrial Problem</i>	387
Haftler: <i>Lehrbuch des Schweizerischen Strafrechts</i>	388
Henry-Couannier: <i>Légitimité de la Guerre Aérienne</i>	389
Heyking: <i>L'exterritorialité</i>	390
Lindley: <i>The Acquisition and Government of Backward Territory in International Law</i>	392
Manning: <i>Diplomatic Correspondence of the United States concerning the Independence of the Latin American Nations</i>	394
Moon: <i>Imperialism and World Politics</i>	396
Oppenheim: <i>International Law</i>	397
Poupard: <i>L'Occupation de la Ruhr et le Droit des Gens</i>	398
Radovanovitch: <i>Le Danube et l'application du principe de la liberté de la navigation fluviale</i>	399
Saenz and Priestly: <i>Some Mexican Problems</i>	401
Schindler: <i>Les Traités de Conciliation et d'Arbitrage conclus pas la Suisse de 1921 à 1925</i>	403
Schneider: <i>Das Völkerrechtliche Mandat</i>	404
Siu: <i>Le Droit des Gens et la Chine Antique</i>	405
Sze: <i>Geneva Opium Conferences: Statements of the Chinese Delegation</i>	407
Vasconcelos and Gamio: <i>Aspects of Mexican Civilization</i>	401
Wilson: <i>The New Democracy</i>	408
Yoshitomi: <i>Les Conflits Nippo-Américains et le Problème du Pacifique</i>	409
Grotius: <i>De Jure Belli ac Pacis, Translations by Kelsey and Ripoll</i>	628
Clyde: <i>International Rivalries in Manchuria, 1689-1922</i>	633
Durand: <i>Le Problème de Tanger</i>	635
Fenn: <i>Origin of the Right of Fishery in Territorial Waters</i>	636
Fiddes: <i>The Dominions and Colonial Offices</i>	637
Magnus: <i>Tabellen zum internationalen Recht</i>	638
Marburg: <i>Staatsangehörigkeit und feindlicher Character Juristischer personen</i>	638
Pena y Reyes: <i>El Congreso de Panamá y Algunos Otros Proyectos Unión Hispano-Americana</i>	639
Ralston: <i>The Law and Procedure of International Tribunals</i>	641
Ram: <i>Comparative Colonial Policy</i>	642
Stickney: <i>Southern Albania in European Affairs, 1912-1923</i>	644

	PAGE
Strupp: <i>Éléments du Droit International Public Universel, Européen et Américain</i>	645
Watkins: <i>The State as a Party Litigant</i>	646
Wehberg: <i>Die Völkerbundsatzung gemeinverständlich erläutert</i>	647
Académie de Droit International: <i>Recueil des Cours, 1925</i>	816
Alvares Correa: <i>International Controls of Public Finances</i>	818
Archangel: <i>The American War with Russia</i>	819
Bemis: <i>Pinckney's Treaty</i>	820
Fabela: <i>Los Precursores de la Diplomacia Mexicana</i>	822
Foignet: <i>Manuel Élémentaire de Droit International Public</i>	822
Goebel: <i>The Struggle for the Falkland Islands</i>	823
Gonsiorowski: <i>Société des Nations et Problème de la Paix</i>	825
Hill: <i>The Problem of a World Court</i>	827
Jung: <i>l'Islam sous le Joug</i>	830
Kiefe: <i>La Nationalité des Personnes dans l'Empire Britannique</i>	830
Kuhn: <i>Les Effets de Commerce en Droit International</i>	831
Kunz: <i>Die Völkerrechtliche Option</i>	832
Latané: <i>History of American Foreign Policy</i>	833
Makarov: <i>Das russische Zwischenprivatrecht</i>	834
Moller: <i>Folkeretten i Fredstid og Krigstid</i>	835
Niemeyer and Strupp: <i>Jahrbuch des Völkerrechts</i>	836
Norton: <i>China and the Powers</i>	837
Palmer: <i>Statesmanship or War</i>	838
Stewart: <i>Consular Privileges and Immunities</i>	840
Strupp: <i>Die völkerrechtliche Haftung des Staates</i>	841
Temperley: <i>Carriage of Goods by Sea Act</i>	843
Verdross: <i>Die Verfassung der Völkerrechtsgemeinschaft</i>	844
Vermeil: <i>Les Origines de la Guerre</i>	845
Willoughby: <i>Foreign Rights and Interests in China</i>	846
Wilson: <i>Handbook of International Law</i>	848
<i>Zeitschrift für Ausländisches und Internationales Privatrecht</i>	849
Notes: Wolgast, 220; Niemeyer, 220; Spiropoulos, 221; Niemeyer, <i>Ruhland and Spiropoulos</i> , 222; Ostrecht, 222; Bernstein, 222; Strupp, 222; Escarra, 223; <i>International Maritime Committee</i> , 410; Triepel, 411; <i>Zeitschrift für das Gesamte Luftrecht</i> , 648; Freytagh-Loringhoven, 649; Rosales, 649; <i>Grotius Annuaire International pour l'année 1926</i> , 649; <i>International Law documents</i> , 650; Moulton and Pasvolsky, 650; <i>International Problems and Relations</i> , 650; <i>Louisiana State University Conference on Foreign Affairs</i> , 651; <i>British Year Book of International Law</i> , 1926, 651; <i>Consolidated edition of decisions and opinions, Mixed Claims Commission U. S. and Germany</i> , 652; <i>Mandate for Palestine</i> , 652; Stuart, 653; Davis, 653; Sze, 653; <i>Grotius Society Publications</i> , 653; Marshall, 850; Neumeyer, 850; Dennis, 851	
Books Received	654
REVIEW OF CURRENT PERIODICALS. <i>Charles G. Fenwick</i>	224, 412, 852
INDEX	858
SUPPLEMENT SECTION OF OFFICIAL DOCUMENTS (Separately paged and indexed.)	

BOARD OF EDITORS OF THE AMERICAN JOURNAL OF
INTERNATIONAL LAW

CHANDLER P. ANDERSON, New York, N. Y.
EDWIN M. BORCHARD, Yale Law School.
PHILIP MARSHALL BROWN, Princeton University.
WILLIAM C. DENNIS, Washington, D. C.
EDWIN D. DICKINSON, University of Michigan Law School.
CHARLES G. FENWICK, Bryn Mawr College.
JAMES W. GARNER, University of Illinois.
DAVID JAYNE HILL, Washington, D. C.
MANLEY O. HUDSON, Harvard Law School.
CHARLES CHENEY HYDE, Columbia University.
ARTHUR K. KUHN, New York, N. Y.
JESSE S. REEVES, University of Michigan.
ELLERY C. STOWELL, American University.
LESTER H. WOOLSEY, Washington, D. C.
QUINCY WRIGHT, University of Chicago.

Honorary Editor-in-Chief

JAMES BROWN SCOTT, Washington, D. C.

Editor-in-Chief

GEORGE GRAFTON WILSON, Harvard University.

Managing Editor

GEORGE A. FINCH, 2 Jackson Place, Washington, D. C.

The AMERICAN JOURNAL OF INTERNATIONAL LAW is supplied to all members of the American Society of International Law without extra charge, as the membership fee of five dollars per annum includes the right to all issues of the JOURNAL published during the year for which the dues are paid. (Members residing in foreign countries outside the domestic postal zone pay one dollar extra per annum for foreign postage; Canada fifty cents extra.)

The annual subscription to non-members of the Society is five dollars per annum (plus the above mentioned sums for foreign postage) and should be placed with the American Society of International Law, 2 Jackson Place, Washington, D. C.

Single copies of the JOURNAL will be supplied by the Society 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 GEORGE A. FINCH, Recording Secretary and Managing Editor, 2 Jackson Place, Washington, D. C.