

# PROCEEDINGS

OF THE

## American Society of International Law

AT ITS

### FIFTH ANNUAL MEETING

HELD AT

WASHINGTON, D. C.

APRIL 27-29, 1911

---

BAKER, VOORHIS & CO., PUBLISHERS,  
NEW YORK CITY  
1911

COPYRIGHT, 1911, BY  
THE AMERICAN SOCIETY OF INTERNATIONAL LAW.

## TABLE OF CONTENTS.

CONSTITUTION OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW.....	6
OFFICERS FOR THE YEAR 1911-1912.....	10
REPORT OF THE FIFTH ANNUAL MEETING.....	13

### FIRST SESSION

*Thursday, April 27, 1911, 8 o'clock p. m.*

Opening remarks of the President of the Society.....	13
<i>President's Address:</i> The Function of Private Codification in International Law .....	19
<i>General Subject:</i> The Status of Resident Aliens in International Law —	
<i>Topic:</i> How far is the position of resident aliens recognized and protected by international law?	
<i>Speaker:</i> Mr. Charles Cheney Hyde.....	32

### SECOND SESSION

*Friday, April 28, 1911, 10 o'clock a. m.*

<i>Topic:</i> The principles governing national legislation affecting aliens.	
<i>Speakers:</i> Mr. S. Mallet-Prevost.....	44
Mr. James Barclay .....	57
<i>Topic:</i> Admission and restrictions upon the admission of aliens.	
<i>Speakers:</i> Honorable Charles Earl.....	66
Mr. Theodore Marburg .....	88
Mr. Clement L. Bouvé.....	95
RECEPTION BY THE PRESIDENT OF THE UNITED STATES, <i>Friday, April 28, 1911,</i>	
<i>at 2:45 o'clock p. m.</i> .....	116
MEETING OF THE EXECUTIVE COUNCIL, <i>Friday, April 27, 1911, 4 o'clock p. m.</i>	116

### THIRD SESSION

*Friday, April 28, 1911, at 8 o'clock p. m.*

<i>Topic:</i> Expulsion of Aliens.	
<i>Speakers:</i> Professor Charles Noble Gregory.....	119
Mr. Frederick Van Dyne.....	140
<i>Topic:</i> The right of the alien to participate in the social and economic life of the community.	
<i>Speakers:</i> Professor Edward Elliott .....	150
Professor Jesse S. Reeves.....	157

<i>Topic:</i> Participation of the alien in the political life of the community.	
<i>Speakers:</i> Professor J. W. Garner.....	172
Mr. Alpheus H. Snow.....	183
<i>Topic:</i> The rights and remedies of aliens in national courts.	
<i>Speaker:</i> Mr. Frederic R. Coudert.....	192
<i>Remarks:</i> Mr. Arthur K. Kuhn.....	210

## FOURTH SESSION

*Saturday, April 29, 1911, 10 o'clock a. m.*

<i>Topic:</i> The right of a government to impose burdens and limitations upon the alien for governmental purposes, that is, for the benefit of the community as a whole.	
<i>Speaker:</i> Mr. Howard Thayer Kingsbury.....	214
RESOLUTION ON THE DEATH OF CHIEF JUSTICE FULLER.....	226
<i>Topic:</i> The effect of the most-favored-nation clause upon the status of aliens.	
<i>Speakers:</i> Professor N. Dwight Harris.....	226
Mr. Samuel B. Crandall.....	240
<i>Remarks:</i> Professor N. Dwight Harris.....	253
ELECTION OF HONORARY MEMBER.....	254
Report of Committee on Honorary Members.....	254
Remarks of Senator LaFontaine of Belgium.....	254
ELECTION OF OFFICERS.....	255
Report of Committee on Nominations.....	255
REPORT OF COMMITTEE ON CODIFICATION.....	256
ADDRESSES ON SUB-DIVISIONS OF COMMITTEE'S REPORT:	
<i>Topic:</i> The primary sources of international obligations.	
<i>Speakers:</i> Professor Lawrence B. Evans.....	257
Doctor Harry Pfatt Judson.....	275
Professor William I. Hull.....	280
<i>Topic:</i> The relative value of authorities.	
<i>Speakers:</i> Honorable Frank C. Partridge.....	289
Mr. Jackson H. Ralston.....	300
<i>Topic:</i> Suggestions concerning preliminary report on codification with outline of a code of international law.	
<i>Speaker:</i> Professor Paul S. Reinsch.....	312
<i>Topic:</i> The proposed codification of international law and the relation of codification to the proposed establishment of a supreme international court of arbitral justice, with suggestions concerning a system of division and classification of the principles of international law regarded as the federal customary law of the society of nations.	
<i>Speaker:</i> Mr. Alpheus H. Snow.....	320
MEETING OF THE EXECUTIVE COUNCIL, <i>Saturday, April 29, 1911, 12:20 o'clock p. m.</i> .....	338

## ANNUAL BANQUET

Remarks of the Honorable Elihu Root, <i>Toastmaster</i> .....	339, 341, 345, 360, 365, 367, 371
Responses:	
The President of the United States.....	340
The Japanese Ambassador.....	342
The Chief Justice of Canada.....	345
The British Ambassador.....	360
Senator La Fontaine, of Belgium.....	365
Honorable Martin A. Knapp.....	367
REPORTS OF THE TREASURER:	
1907 .....	372
1908 .....	373
1909 .....	377
1910 .....	380
LIST OF MEMBERS.....	383