

THE  
AMERICAN JOURNAL  
OF  
INTERNATIONAL LAW



VOLUME 37

1943

PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

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

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

Copyright, 1943, by the American Society of International Law

## BOARD OF EDITORS

EDWIN BORCHARD, Yale Law School.  
HERBERT W. BRIGGS, Cornell University.  
PHILIP MARSHALL BROWN, Washington, D. C.  
CLYDE EAGLETON, New York University.  
CHARLES G. FENWICK, Bryn Mawr College.  
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.  
ELLERY C. STOWELL, American University.  
EDGAR TURLINGTON, Washington, D. C.  
ROBERT R. WILSON, Duke 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, 700 Jackson Place, N. W., Washington, D. C.\*

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 will cooperate with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notices, and other contributions, which appear in these pages 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 AMERICAN JOURNAL OF INTERNATIONAL LAW is supplied to all members of the SOCIETY 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, 700 Jackson Place, N. W., Washington, D. C.

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 GEORGE A. FINCH, Secretary and Managing Editor, 700 Jackson Place, N. W., Washington, D. C.

\* For changes in officers of the JOURNAL see item below, p. 631.

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 37

CONTENTS

1943

[No. 1, January, 1943, pp. 1-206; No. 2, April, 1943, pp. 207-372; No. 3, July, 1943, pp. 373-558; October, 1943, pp. 559-712.]

	PAGE
TWENTY-FIRST YEAR OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE. <i>Manley O. Hudson</i> .....	1
THE INTER-AMERICAN JURIDICAL COMMITTEE. <i>Charles G. Fenwick</i> .....	5
TREATMENT OF CIVILIAN ALIEN ENEMIES. <i>Robert R. Wilson</i> .....	30
PLACE OF LAW AND COURTS IN INTERNATIONAL RELATIONS. <i>Edwin Borchard</i> .....	46
RECENT CONCEPTS AS TO THE ALIEN AND HIS PROPERTY. <i>Otto C. Sommerich</i> .....	58
ALIEN SEAMEN'S RIGHTS AND THE WAR. <i>Arnold W. Knauth</i> .....	74
WORLD ORDER—AN AGENDA FOR LAWYERS. <i>P. E. Corbett</i> .....	207
SETTLEMENT OF MEXICAN CLAIMS ACT OF 1942. <i>Herbert W. Briggs</i> .....	222
THE RECOGNITION OF LATVIA. <i>Max M. Laserson</i> .....	233
ITALIAN PRIZE COURTS (1866-1942). <i>Angelo Piero Sereni</i> .....	248
THE TREATY OF PARIS AND TURKEY'S STATUS IN INTERNATIONAL LAW. <i>Hugh McKinnon Wood</i> .....	262
THE SUEZ CANAL AS AN INTERNATIONAL WATERWAY. <i>Halford L. Hoskins</i> .....	373
THE COMING OF ECONOMIC SANCTIONS INTO AMERICAN PRACTICE. <i>Benjamin H. Williams</i> .....	386
COMPULSORY ADJUDICATION OF INTERNATIONAL DISPUTES. <i>Hans Kelsen</i> .....	397
THE LEGAL NATURE AND PUNISHMENT OF CRIMINAL ACTS OF VIOLENCE CONTRARY TO THE LAWS OF WAR. <i>George Manner</i> .....	407
PRINCIPLES OF INTERNATIONAL CONTROL OF NARCOTIC DRUGS. <i>Bertil A. Renborg</i> ....	436
JUS PACIS AC BELLII? PROLEGOMENA TO A SOCIOLOGY OF INTERNATIONAL LAW. <i>Georg Schwarzenberger</i> .....	460
AN APPRECIATION OF JAMES BROWN SCOTT. <i>Frederic R. Coudert</i> .....	559
REMINISCENCES OF THE BERING SEA ARBITRATION. <i>William Williams</i> .....	562
NON-RECOGNITION IN THE COURTS: THE SHIPS OF THE BALTIC REPUBLICS. <i>Herbert W. Briggs</i> .....	585
FIFTY YEARS OF ARBITRATION IN THE UNION OF INTERNATIONAL TRANSPORT BY RAIL. <i>Manley O. Hudson and Louis B. Sohn</i> .....	597
LEGISLATION ON TREATMENT OF ENEMY PROPERTY. <i>Mitchell B. Carroll</i> .....	611
<b>EDITORIAL COMMENT:</b>	
Retribution for war crimes. <i>George A. Finch</i> .....	81
Aspects of the saboteur cases. <i>Charles Cheney Hyde</i> .....	88
Control of aerial navigation. <i>George Grafton Wilson</i> .....	91
Nationalization of enemy patents. <i>Edwin Borchard</i> .....	92
International law and the balance of power. <i>Quincy Wright</i> .....	97
Eightieth birthday of the Editor-in-Chief. <i>George A. Finch</i> .....	275
Post-war development of international courts. <i>Arthur K. Kuhn</i> .....	276
Forced transfer of property in enemy occupied territories. <i>L. H. Woolsey</i> .....	282

	PAGE
The end of extraterritoriality in China. <i>Quincy Wright</i> .....	286
A fresh token of coöperation with Britain. <i>Charles Cheney Hyde</i> .....	289
A new technique in international reclamation. <i>Edgar Turlington</i> .....	291
Japanese executions of American aviators. <i>Charles Cheney Hyde</i> .....	480
Executive agreements relating to Panama. <i>L. H. Woolsey</i> .....	482
Status of chaplains with armed forces. <i>Robert R. Wilson</i> .....	490
The guerrilla and the lawful combatant. <i>George Grafton Wilson</i> .....	494
Punishment of war criminals by the United Nations. <i>Clyde Eagleton</i> .....	495
National security and international police. <i>Quincy Wright</i> .....	499
Law and religion. <i>Philip Marshall Brown</i> .....	505
Death of Dr. James Brown Scott.....	508
Changes in officers of the Society and Journal. <i>George A. Finch</i> .....	631
The future of international law. <i>Pitman B. Potter</i> .....	632
Collective naturalization after conquest: non-residents. <i>Edwin Borchard</i> .....	634
The Turkish Institute of International Law. <i>Philip Marshall Brown</i> .....	640
The place of the individual in future international law. <i>Clyde Eagleton</i> .....	642
Inter-American collaboration in law and legislation. <i>Arthur K. Kuhn</i> .....	644
A neglected phase of international judicial organization. <i>Edgar Turlington</i> .....	648
Some current questions relating to neutrality. <i>Robert R. Wilson</i> .....	651
<b>CURRENT NOTES:</b>	
Jesse Siddall Reeves. <i>William C. Dennis</i> .....	104
Post-War Plans of the Inter-American Bar Association. <i>W. R. Vallance</i> .....	106
Address of <i>Frederic R. Coudert</i> .....	115
International law's greatest need. <i>Robert McElroy</i> .....	117
First Inter-American Conference on Social Security. <i>C. W. Jenks</i> .....	120
The future of international commissions. <i>Linden A. Mander</i> .....	126
Annual meeting of the Society in 1943. <i>George A. Finch</i> .....	294
Draft resolutions of legal associations and societies.....	295
The law above nations. <i>Robert H. Jackson</i> .....	297
An international police force. <i>W. L. Rodgers</i> .....	305
The Munich "repudiation." <i>Charles Pergler</i> .....	308
The Department of State in wartime.....	311
Regionalism in international judicial organization. <i>C. Wilfred Jenks</i> .....	314
Nationality in international law. <i>W. R. Bisschop</i> .....	320
International validity of Nevada divorces. <i>E. de Hofmannsthal</i> .....	325
Notice of proposed amendments of the Society's Constitution.....	327
37th annual meeting of the Society. <i>George A. Finch</i> .....	509
New classes of membership in the American Society of International Law. <i>James O. Murdock</i> .....	657
Death of Dr. Viktor Bruns. <i>Edwin Borchard</i> .....	658
Work of the International and Comparative Law Section of the American Bar Association. <i>Edward W. Allen</i> .....	660
Inter-American Bar Association meeting. <i>William Roy Vallance</i> .....	666
International law meeting in England. <i>Pitman B. Potter</i> .....	669
<b>CHRONICLE OF INTERNATIONAL EVENTS.</b> <i>Dorothy R. Dart</i> .....	133, 328, 513, 671
<b>JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:</b>	
The Rigmor Case. Sup. Ct. Sweden.....	141
German Saboteurs' case. U. S. Sup. Ct.....	152
<i>Ex parte Kumezo Kawato</i> (U. S. Supreme Court).....	336
In the matter of Radio-Orient in Egypt (Arbitral decision).....	341

CONTENTS OF VOLUME XXXVII

V

	PAGE
United States <i>v.</i> Fullard-Leo <i>et al.</i> .....	520
Aguilar <i>v.</i> Standard Oil Co. of N. J.....	677
<i>In re</i> Anglo-International Bank, Ltd.....	686
BOOK REVIEWS AND NOTES.....	172, 350, 535, 694
BOOKS RECEIVED.....	201, 370, 555, 708
PERIODICAL LITERATURE OF INTERNATIONAL LAW. <i>Wilbur S. Finch</i> ....	204, 372, 557, 711
INDEX.....	713
SUPPLEMENT SECTION OF DOCUMENTS. (Separately paged and indexed.)	