to special immunities which their private competitors do not enjoy, only serves to accentuate the necessity of an international agreement which will remove the anomalous and unjust inequality which, in the opinion of the Supreme Court of the United States, is still the law of the United States, if not the law of nations.

J. W. GARNER.

JAPANESE DRAFT CODE OF INTERNATIONAL LAW

Inspired no doubt by the invitation of the League of Nations Committee of Experts for the Progressive Codification of International Law, the Japanese branch of the International Law Association, jointly with the International Law Association of Japan, has prepared and adopted a series of nine projects as parts of a Draft Code of International Law. They are entitled as follows:

I. Principles concerning the acquisition and loss of nationality.
II. Rules concerning responsibility of a state in relation to the life, person and property of aliens.
III. Rules concerning the jurisdiction of offences committed abroad and concerning extradition.
IV. Rules concerning the extent of littoral waters and of powers exercised therein by the littoral state.
V. Rules concerning the status of men-of-war and other public vessels.
VI. Rules concerning the privileges and immunities of diplomatic agents.
VII. Rules concerning the functions and privileges of consuls.
VIII. Rules concerning the treatment of aliens, their admission and expulsion by a state.
IX. Principles for the equitable treatment of commerce.

Seven of these are upon the first tentative list of subjects adopted by the Geneva Commission as more or less suitable for codification. Two others, one as to the status of ships of war, the other as to the admission and treatment of aliens, are added, the latter of extreme interest. Taken as a whole, these draft projects exhibit the great difficulties of such undertakings, and direct attention to the wisdom of the procedure adopted by the Geneva Commission in laying the foundation for ultimate formulation by preliminary studies, questionnaires, and reports. To some extent the drafts represent the law as it is, or, in other words, they are statements by a group of experts of the positions which an international court might reasonably take, were cases involving the legal propositions actually before it. Others express what it is conceived the law ought to be, not necessarily as regards so-called "gaps" in the law, but as changing fairly definite rules of law as recognized in state practice.

It would be scarcely less than human if national proclivities, if not national policies, failed to make their impression, and to that extent adoption by

general consent of such draft rules is unlikely. This is best illustrated by the Draft Convention concerning the admission and treatment of aliens, wherein it is proposed that a state be forbidden "without reasonable cause" to refuse the admission of aliens to its territory, but more particularly (Article X) "in all that relates to the admission of aliens, their treatment, expulsion, and any other matter provided in these rules, no state shall have the right to establish any discrimination either directly or indirectly on the sole ground that an alien is of a certain nationality or belongs to a certain race." The same situation confronts Article VI of the draft rules on nationality: "A state shall not make any discrimination between individuals on the ground of race, nationality or religion in the matter of naturalization or other mode of the acquisition of nationality."

Space does not permit a detailed examination of these projects, which deserve wide circulation and study. They are an additional indication of the thoughtful attention which the problem of codification is receiving in all parts of the world.

J. S. REEVES.

SOME RECENT CASES ON THE STATUS OF MANDATED AREAS

Recent decisions from Palestine serve to illustrate the legal distinction between territories under mandate and colonies.

The Urtas Springs case aroused considerable popular interest in Palestine in the fall of 1925 because the Palestine Supreme Court's decision[1] encouraged the Arabs to believe that the British courts were prepared to give them the full protection of the mandate against Zionist encroachments. This decision, though reversed with respect to the immediate subject matter, on appeal to the Judicial Committee of the Privy Council[2] was sustained with respect to the legal character of the mandate.

During the drought in May, 1925, the District Governor of Jerusalem diverted water from Urtas Springs, some distance out of Jerusalem, to Solomon's Pond, within the walls, in order to supply Jerusalem with necessary water, or, as the Arabs contended, to assist Zionist immigrants to build houses. This was done under authority of the Urtas Springs Ordinance, issued by the High Commissioner on May 25, in pursuance of the Palestine (Amendment) Order in Council of May, 1923. The ordinance authorized the taking of water from Urtas Springs, leaving enough for drinking and domestic purposes and for watering animals and irrigating permanent plantations. A procedure of arbitration was provided for determining the amount of water necessary for these purposes, but there was no provision for compensation in case this amount fell short, though compensation was

[1] Murra *v.* The District Governor of Jerusalem, June 25, 1925. Not reported, but opinion seen in manuscript.

[2] Jerusalem-Jaffa District Governor *v.* Murra, L. R. (1926), A. C. 321.