

If a country learns that its subjects are placed in a foreign state in an inferior position to the subjects of other foreign states there resident, then a remedy for this inequitable inferior position is due him.

It is I believe but justice to say that there is no claim and no evidence that Mexico has thus discriminated between aliens. But as the interests of our nationals are large, those interests have suffered largely.

Nor is there direct evidence of confiscation pure and simple. Heavy burdens have been placed by the policy and the legislation of Mexico upon foreign capital which may prove too grievous to be borne. Whether such burdens are tantamount to confiscation, while judicial protection is wanting, whether therefore protection from our own government is due, is a difficult question, which must be determined by the circumstances of each case and the animus shown by local authority.

That Mexico should drive out foreign capital and hinder her own development by burdens of many kinds too heavy to be borne is unjust and foolish, but it is not illegal in the eye of international law. For we must always remember that Mexico is a sovereign State. We must either respect her sovereignty or deny it, placing her in the category of countries which are so devoid of political organization and civilized status that they can be dealt with only by force. We cannot mix the two.

T. S. WOOLSEY.

LANDING AND OPERATION OF SUBMARINE CABLES IN THE UNITED STATES

By an Act of Congress, approved May 27, 1921,¹ license from the President of the United States is required for landing and operating submarine cables connecting the United States with a foreign country, and in general, such submarine cables are placed under administrative control.

This is consistent with the established policy of the United States, particularly since 1869, though occasionally there have been official rulings which were not in complete accord with this policy.

The landing of submarine cables was particularly brought to the attention of the authorities of the United States through the attempt, by the Western Union Telegraph Company, to land at Miami Beach, Florida, without full governmental authorization, a cable connecting with British lines. There is much material upon this matter, such as official correspondence, hearings before the Senate, and court proceedings. Such correspondence as the following shows something of the situation:

¹ Printed in the Supplement to this JOURNAL, p. 35.

ADMIRAL E. A. ANDERSON,
United States Navy,
Miami, Fla.

MIAMI, FLA., August 24, 1920.

DEAR SIR:

The following message has just been received by me from General Traffic Manager Blonheim, New York, with a request that I submit the same to you:

“Acting under the usual form of permit from the War Department, which type of permit has always been sufficient for laying cables in inland waters, we have assembled the labor and materials at Miami and are dredging the trenches at the draws. To delay this work entails unnecessary expense for labor and may render it necessary to redredge, and in the circumstances we should be allowed to proceed.

“This new route between Miami Beach and Miami is much needed for our Key West connection irrespective of what may be the final decision about the Barbados cable.”

Will you kindly reply at your earliest convenience?

Yours truly,

J. F. RICHARDS,
Cable Superintendent.

MR. J. F. RICHARDS,
Cable Superintendent.

MIAMI, FLA., August 24, 1920.

SIR:

Referring to your letter of this date I have to inform you that the Navy Department has taken up the question of running the cable between Miami and Miami Beach with the State Department. I will be informed of the decision. Pending such information my orders will not permit the running of this cable.

Respectfully,

E. A. ANDERSON,
Rear Admiral, United States Navy.

MR. J. F. RICHARDS,
Cable Superintendent.

MIAMI, FLA., August 26, 1920.

SIR:

A dispatch from the Navy Department, received this date, directs me not to permit the laying of the cable between Miami and Miami Beach until instructions are received.

Respectfully,

E. A. ANDERSON,
Rear Admiral, United States Navy.

The Navy Department, thus called upon to prevent landing, carried out instructions.

The Courts were asked to issue an injunction enjoining the Secretary of the Navy from preventing the landing of the cable. The latter passed through the lower courts up to the Supreme Court where the case was pending when the Act of Congress was passed.

This law placing administrative control of the cable landing in the hands of the Executive is in conformity to long practice. Authority to withhold or revoke the license on just ground is retained, while vested interests are protected. There is also provision for initiating procedure

by the Government itself, and the Act is extended to all territory under the jurisdiction of the United States.

The law of May 27, 1921, embodies the accepted principle of the right of a state to exercise jurisdiction within its own boundaries.

GEORGE GRAFTON WILSON.

THE RESOLUTION OF THE CONFERENCE ON LIMITATION OF ARMAMENT RESPECTING EXTRATERRITORIAL RIGHTS IN CHINA

Every friend of China must experience gratification in the Resolution of the Conference on Limitation of Armament, December 10, 1921, dealing with extraterritorial jurisdiction in that country. In its preamble that Resolution takes note of the various treaties whereby the United States and Great Britain and Japan have within a score of years agreed to aid China in judicial reforms with a view to ultimate relinquishment of extraterritorial rights.¹ It announces the sympathetic disposition of the assembled Powers towards the aspirations of China respecting jurisdictional and political and administrative freedom; it emphasizes the circumstance that appropriate action depends upon "the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China" which the Conference is not in a position to determine. It is accordingly resolved:

That the governments of the Powers above named shall establish a commission (to which each of such governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the governments of the several Powers above named their findings of fact in regard to these matters and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China and to assist and farther the efforts of the Chinese government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality.

It is declared that such Commission, to be constituted within three months after the adjournment of the Conference, is to be instructed (in accordance with detailed arrangements to be agreed upon) to submit its

¹See also in this connection Act of March 23, 1874, Chap. 62, 18 Stat. 23, contemplating the relinquishment of the exercise of judicial functions by American officials in certain countries upon receipt by the President of satisfactory information that there were organized therein local courts on a basis likely to secure to citizens of the United States the same impartial justice which they then enjoyed by virtue of the exercise of judicial functions by American officers.