

itself cuts in two directions; it leaves that state to fix its own standards but it also leaves other states free to refrain from accepting, for either theoretical or practical purposes, those standards.

On the other hand, the mere assertion that the assistance desired is rendered impossible by the law of the neighboring state would seem to beg the question unless it can be asserted that in the premises the latter state is free to maintain such law. If the activity to be suppressed is one against which general international law or practice prescribes protection and assistance such a claim would have little force. Similarly for the offer to permit a state to obtain information—even to provide it with information—which will enable it by its own action by force to prevent the alleged assault upon its rights or interests; there seems to emerge here the same type of logical inconsistency which is latent in the proposition that export of contraband may legally be permitted by one state but may legally be prevented by another, the injured, state; if the trade were illegal at international law the latter state could ask assistance in its prevention by the former, considerations of pecuniary profit, which are also important in the present problem, to be contrary notwithstanding.

It would hardly seem that international coöperation could rightly be demanded in the efforts of a state to maintain standards of law and conduct not accepted and prescribed internationally. The persons injuriously affected by such coöperation on the part of the neighboring state—or their government if they be aliens—might reasonably protest against interference in their commercial activities when such activities are legal in the neighboring state and in most of the states of the world. The whole history of efforts to suppress the traffic in slaves might be reread with profit in this connection; the only remedy for the state seeking assistance is to secure international agreements to that end, which will operate within the neighboring state to limit freedom of action on the part of those within its jurisdiction, or legislation within that state in the same sense, and perhaps both.

PITMAN B. POTTER.

THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

The diplomatic conference called to conclude a convention on safety of life at sea met at London, April 16, to May 31, 1929, with eighteen nations officially represented. The delegation of the United States consisted of its chairman, Hon. Wallace H. White, Jr., chairman of the House Committee on Merchant Marine and Fisheries, together with representatives of the Departments of State, Navy and Commerce, respectively, and the president of the American Steamship Owners' Association, the president of the National Council of American Shipbuilders and the president of the American Bureau of Shipping. A convention was signed on May 31, 1929, consisting of 66 articles, to which is added an Annex (I) of 46 regulations having the

same force and taking effect at the same time as the convention itself. The convention supersedes the convention which was signed in London, January 20, 1914, which though ratified by some states, yet, because of the war and for other reasons, never became effective except through partial legislative enactment. Since the earlier convention, many changes have been made in the types and method of construction of seagoing ships. Technical advances have also been made in radiotelegraphy in its application to the operation of ships at sea. These considerations led the British Government in 1927 to transmit to the other maritime nations a memorandum embodying a survey of these new conditions and containing tentative suggestions for the revision of the 1914 convention.

The present convention deals with means for ensuring safety under the following headings: construction, life-saving appliances, radiotelegraphy, safety of navigation and certificates. The provisions, so far as they regulate the construction of ships, apply generally to ships built after July 1, 1931, but each government undertakes to consider the arrangements upon existing ships, with a view to improvements to provide increased safety where practicable and reasonable. With a few exceptions, the laws of the United States do not embody the construction requirements here set out, although the main principles may have been followed to some extent. The part of the convention dealing with life-saving appliances, fire detection and extinction raises both the domestic and foreign standards as now existing. The convention requires that all passenger ships of whatever size and all cargo ships of 1600 gross tonnage engaged on international voyages shall be fitted with radio installation. This is an important advance over the existing law of the United States and the 1914 convention, both of which provide compulsory radio installation only for ships having fifty or more persons on board. The part of the convention dealing with navigation in general (Chapter V) applies, unless express exception is made, to all ships on all voyages. Provision is made for the collection and dissemination of meteorological data and for the North Atlantic ice patrol; also for the equipment with radio compass of all passenger ships over 5,000 tons. The chapter also covers helm orders, alarm, distress and urgency signals, the misuse of distress signals, the speed of transmission of messages of distress, the procedure in handling such messages, and includes an undertaking by each government to adopt or maintain measures ensuring that, from the point of view of safety of life at sea, all ships shall be sufficiently and efficiently manned.

Probably the most significant feature of the convention so far as navigation is concerned is the agreement contained in Article 40 that alterations ought to be made in the international regulations for preventing collisions at sea. The proposed alterations appear in Annex II of the convention but do not necessarily come into force with the convention itself. An effort is to be made to endeavor to have the various governments adopt the revised regulations so that they may come into force on July 1, 1931. We shall not

undertake to pass judgment upon the technical content of the new regulations. We draw attention, however, to the provision of Article 2 by which "naval vessels of special construction" are permitted to follow the requirements as to the position of lights or their range of visibility "as closely as circumstances will permit," where it is not possible to comply fully with the provisions demanded of other vessels. If this paragraph refers to submarines, which it probably does, there would seem to be considerable danger in its facultative character. Submarines with lights improperly carried, or hung so low as not to be readily visible, have been the cause of accidents which have taken a gruesome toll of human lives. The mere inconvenience of carrying proper lights should not weigh in favor of exempting naval vessels in time of peace from the salutary rules applicable to other vessels. The Maritime Law Association of the United States opposed such exemptions in its report in 1928 prior to the International Shipping Conference held in London in June of that year. A wise course is proposed in the Final Act of the present convention in respect of the application of the regulations to aircraft on the surface of the high seas and on other waters navigable by seagoing vessels. The conference recommends that the problem of aircraft be studied and that an endeavor be made to regulate the subject by further international agreement.

The convention is to come into force on July 1, 1931, as between the governments which have deposited their ratifications prior to that date, provided at least five have thus ratified it. As the technical arrangements involved in the execution of a convention such as the present are changing with the progress of the art, it is important that they be subject to amendment in accordance with the requirements dictated by actual experience. Accordingly, conferences are to be convoked from time to time for the revision of the convention after it has been in force for five years, whenever one-third of the contracting governments express a desire to that effect.

As the commerce of the high seas is international in character, so also must its regulation be international. Conflicting national regulations are indeed a positive danger. The present convention is doubtless the most forward-looking international agreement that has thus far been elaborated for ensuring safety of life at sea. If and when it goes into effect, it will still remain a duty incumbent upon the signatory states to make its detailed salutary provisions really effective by maintaining an adequate and efficient inspection service, without which even the most perfect technical regulation of the subject-matter will prove to be only a pious but futile aspiration.

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INTERNATIONAL CONVENTION FOR THE REPRESSION OF COUNTERFEITING

On April 20, 1929, a draft convention consisting of 28 articles for making more effective the prevention and punishment of the counterfeiting of