

THE
AMERICAN JOURNAL
OF
INTERNATIONAL LAW



VOLUME 4

1910

Reprinted with the permission of The American Society of International Law

JOHNSON REPRINT CORPORATION
NEW YORK AND LONDON

COPYRIGHT, 1910.
BY
THE AMERICAN SOCIETY OF INTERNATIONAL LAW.

First reprinting, 1962, Johnson Reprint Corporation

TABLE OF CONTENTS, VOLUME FOUR

[No. 1, January, 1910, pp. 1-263; No. 2, April, 1910, pp. 264-515; No. 3, July, 1910, pp. 516-776; No. 4, October, 1910, pp. 777-1036.]

A COMPARATIVE STUDY OF THE SOUTH AFRICAN CONSTITUTION. <i>Lester H. Woolsey</i>	1
COMPULSORY ARBITRATION AT THE SECOND HAGUE CONFERENCE. <i>Heinrich Lammasch</i>	83
THE LAW OF THE AIR-SHIP. <i>Simeon E. Baldwin</i>	95
THE BEGINNINGS OF AN AERIAL LAW. <i>Arthur K. Kuhn</i>	109
PRESCRIPTION. <i>Jackson H. Ralston</i>	133
NOTES ON RIVERS AND NAVIGATION IN INTERNATIONAL LAW. <i>Charles Cheney Hyde</i>	145
THE ARCTIC AND ANTARCTIC REGIONS AND THE LAW OF NATIONS. <i>Thomas Willing Balch</i>	265
THE CRETAN QUESTION. <i>Theodore P. Ion</i>	276
HOW THE GREAT LAKES BECAME "HIGH SEAS," AND THEIR STATUS VIEWED FROM THE STANDPOINT OF INTERNATIONAL LAW. <i>Harry E. Hunt</i>	285
THE REAL STATUS OF THE PANAMA CANAL AS REGARDS NEUTRALIZATION. <i>H. S. Knapp</i>	314
THE "ACT OF STATE" DOCTRINE. <i>Howard Thayer Kingsbury</i>	359
SOVEREIGNS AS DEFENDANTS. <i>Nathan Wolfman</i>	373
THE HISTORY OF THE DEPARTMENT OF STATE. <i>V. Gaillard Hunt</i>	384
THE CHINESE NATIONALITY LAW, 1909. <i>Tsai Chutung</i>	404
THE BASIS OF PROTECTION TO CITIZENS RESIDING ABROAD. <i>Elihu Root</i>	517
THE UNITED STATES AND LIBERIA. <i>Roland P. Falkner</i>	529
THE SANITARY COMMISSION — THE RED CROSS. <i>George W. Davis</i>	546
PRESIDENT'S ADDRESS ON OPENING THE NORTH ATLANTIC FISHERIES ARBITRATION AT THE HAGUE, JUNE 1, 1910. <i>Henri Lammasch</i>	567
THE LEGAL BASIS OF THE RULES OF BLOCKADE IN THE DECLARATION OF LONDON. <i>Denys P. Myers</i>	571
THE HISTORY OF THE DEPARTMENT OF STATE. Part VI, Sec. 1. <i>Gaillard Hunt</i>	596
THE SLAVE-TRADE IN THE SPANISH COLONIES OF AMERICA: THE ASSIENTO. <i>G. Scelle</i>	612
THE FOURTH INTERNATIONAL CONFERENCE OF AMERICAN REPUBLICS. <i>Paul S. Reinsch</i>	777
THE ABOLITION OF SLAVERY IN THE CHINESE EMPIRE. <i>E. T. Williams</i>	794

PRINCIPLES OF INTERNATIONAL LAW APPLIED BY THE SPANISH TREATY CLAIMS COMMISSION. <i>Samuel B. Crandall</i>	806
EARLY CASES ON THE DOCTRINE OF CONTINUOUS VOYAGES. <i>Lester H. Woolsey</i>	822
CHINA AND THE POWERS SINCE THE BOXER MOVEMENT. <i>William R. Manning</i> .	848
BOARD OF EDITORS.....	156, 412, 662, 903
EDITORIAL COMMENT:	
The Secretary of State and the Japanese Honorary Commercial Commissioners.....	156
Meeting of President Taft and President Diaz on October 16, 1909.....	159
William Insko Buchanan.....	160
Proposal to Modify the International Prize Court and to Invest it as Modified with the Jurisdiction and Functions of a Court of Arbitral Justice....	163
Proposed Exchange Professorships with Latin-America.....	166
The Classics of International Law.....	168
Abatement of an International Nuisance.....	170
Appointments and Promotions in the Diplomatic Service.....	173
International Celebrations.....	175
Secretary Knox and International Unity.....	180
Unveiling of the Monument Commemorating the Foundation of the Universal Postal Union.....	185
The Norway-Sweden Boundary Arbitration.....	186
The Nobel Peace Award.....	187
The Annual Meeting.....	188
The Third International Conference on Maritime Law.....	412
The Second Central American Peace Conference.....	416
The Belgian Law on the Acquisition and Loss of Nationality.....	417
The Fourth International American Conference.....	420
Ball in Extradition Cases.....	422
The Jurisdiction of the Rio de la Plata.....	430
Edward VII.	662
Fourth Annual Meeting of the American Society of International Law.....	664
Boundary Waters between the United States and Canada.....	668
The Execution of Cannon and Groce in Nicaragua.....	674
The United States at the Hague Court of Arbitration.....	675
William L. Penfield.....	677
Dedication of the Pan-American Building.....	679
Railways in China.....	687
The Sixteenth Annual Lake Mohonk Conference on International Arbitration..	689
Consular Administration of Estates of Deceased Aliens.....	693
The International Committee on the Legal Problems of Aviation.....	696
The New England Arbitration and Peace Congress.....	698
Mr. Roosevelt's Nobel Address on International Peace.....	700
The North Atlantic Coast Fisheries Arbitration.....	903
Melville Weston Fuller—David Josiah Brewer. Memorial Note.....	909
The Fourth International American Conference.....	921
The Annexation of Korea to Japan.....	923
"El Chamizal" Dispute between the United States and Mexico.....	925
The American Society for the Judicial Settlement of International Disputes..	930
CHRONICLE OF INTERNATIONAL EVENTS. <i>Otis G. Stanton</i>	191, 432, 704, 933
PUBLIC DOCUMENTS RELATING TO INTERNATIONAL LAW. <i>Philip de Witt Phair and George A. Finch</i>	201, 440, 712, 943
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
The Schooner "Endeavor".....	204

JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW — <i>Con.</i>	
Georgia v. Tennessee Copper Company	222
Decision of the Permanent Court of Arbitration in the matter of the Maritime Boundary Dispute between Norway and Sweden	226
Mather v. Cunningham	446
Guillermo Alvarez y Sanchez v. United States	463
Hennebique Const. Co. v. Myers <i>et al.</i>	467
<i>In re Mitchell</i>	484
In the Matter of the Estate of Giuseppe Ghio	716
Same case on appeal	727
United States v. C. A. Engelbracht	735
Bencini and Quistas v. The Egyptian Government and the Government of Soudan	745
Decision of the Permanent Court of Arbitration at the Hague in the North Atlantic Coast Fisheries Arbitration between Great Britain and the United States	948
Dissenting opinion of Dr. Luis M. Drago	988
BOOK REVIEWS:	
Lehr: <i>Nationalité dans les principaux Etats du Globe</i>	237
Boidin: <i>Les Lois De La Guerre et Les Deux Conférences De La Haye</i>	238
Ashburner: <i>The Rhodian Sea-Law</i>	240
Fried: <i>Der kranke Krieg</i>	242
Van Dyne: <i>Our Foreign Service. The A B C of American Diplomacy</i>	244
Rapisardi-Mirabelli: <i>L'ordine publico nel Diritto Internazionale</i>	247
Lawrence: <i>A Handbook of Public International Law</i>	250
Oppenheim: <i>International Incidents for Discussion in Conversation Classes</i> ..	251
Mead: <i>The Great Design of Henry IV</i>	252
Stowell: <i>Consular Cases and Opinions from the Decisions of the English and American Courts and the Opinions of the Attorneys-General</i>	253
Holland: <i>Letters to "The Times" upon War and Neutrality</i>	254
Foster: <i>Diplomatic Memoirs</i>	255
van Stipriaan: <i>L'Avenir De L'Arbitrage International</i>	486
Ottolenghi: <i>La frode alla legge e la questione dei divorzi fra Italiani naturalizzati all'estero</i>	489
Croly: <i>The Promise of American Life</i>	492
Hastings: <i>A Vindication of Warren Hastings</i>	495
Diena: <i>Principi di Diritto Internazionale: Parte Prima—Diritto internazionale Pubblico</i>	503
A Diplomatist: <i>American Foreign Policy</i>	506
Lucas: <i>A History of Canada, 1763—1812</i>	752
Beer: <i>British Colonial Policy, 1754—1765</i>	758
Torres: <i>Vers La Paix Etudca sur l'Etablissement de la Paix Générale et sur l'Organisation de l'Ordre International</i>	761
Mell: <i>Die moderne Fortbildung des Internationalen Privat-rechts</i>	764
Huber: <i>Die Gleichheit der Staaten</i>	766
Laprade: <i>England and the French Revolution, 1789—1797</i>	767
Hodgins: <i>The Prerogative Right of Revoking Treaty Privileges to Alien Subjects</i>	770
Bustamente: <i>La Seconde Conférence de la Paix Reunie a La Haye en 1907</i> ..	770
Lobingier: <i>The People's Law</i>	771
Wilson and Tucker: <i>International Law</i>	772
Cobbett: <i>Cases and Opinions on International Law</i>	1001
Holland: <i>A Valedictory Retrospect (1874—1910)</i>	1005
Balch: <i>The New Cyneas of Emerig Crucé</i>	1006
Rapisardi-Mirabelli: <i>Lo Stato Soggetto Del Diritto Internazionale</i>	1008
Phillipson: <i>The Effect of War on Contracts and on Trading Associations in Territories of Belligerents</i>	1011
Fried: <i>Annuaire de la Vie Internationale</i>	1012

PERIODICAL LITERATURE OF INTERNATIONAL LAW. <i>W. Clayton Carpenter</i> and <i>George A. Finch</i>	261, 512, 774, 1019
---	---------------------

SUPPLEMENT — IMPORTANT TEXTS OF AN INTERNATIONAL CHARACTER.

THE AMERICAN JOURNAL OF INTERNATIONAL LAW is supplied to all members of the American Society of International Law 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.

The annual subscription to non-members of the Society is five dollars per annum (one dollar extra is charged for foreign postage), and should be placed with the publishers, Baker, Voorhis & Company, 45 and 47 John Street, New York City.

Single copies of the JOURNAL will be supplied by the Publisher at \$1.25 per copy.

Applications for membership in the Society, correspondence with reference to the JOURNAL, and books for review should be sent to James Brown Scott, Editor in Chief, P. O. Box 226, Washington, D. C.