

THE
AMERICAN JOURNAL
OF
INTERNATIONAL LAW



VOLUME 19

1925

PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

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

EDITORIAL AND EXECUTIVE OFFICE:
2 JACKSON PLACE
WASHINGTON, D. C.

COPYRIGHT, 1925
BY
THE AMERICAN SOCIETY OF INTERNATIONAL LAW

CONTENTS OF VOLUME NINETEEN

[No. 1, January, 1925, pp. 1-250; No. 2, April, 1925, pp. 251-459;
No. 3, July, 1925, pp. 461-673; No. 4, October, 1925, pp. 675-859.]

	PAGE
GROTIUS AND THE STUDY OF LAW. <i>C. Van Vollenhoven</i>	1
THE FIRST EDITION OF GROTIUS' DE JURE BELLI AC PACIS, 1625. <i>Jesse S. Reeves</i> ...	12
THE INELIGIBLE TO CITIZENSHIP PROVISIONS OF THE IMMIGRATION ACT OF 1924. <i>A. Warner Parker</i>	23
THE THIRD YEAR OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE. <i>Manley O. Hudson</i>	48
THE OUTLAWRY OF WAR. <i>Quincy Wright</i>	76
THE MEANING OF PAN-AMERICANISM. <i>Joseph B. Lockey</i>	104
GROTIUS' DE JURE BELLI AC PACIS: A BIBLIOGRAPHICAL ACCOUNT. <i>Jesse S. Reeves</i>	251
RECENT RECOGNITION CASES. <i>Edwin D. Dickinson</i>	263
REGISTRATION AND PUBLICATION OF TREATIES. <i>Manley O. Hudson</i>	273
THE RESPONSIBILITY OF THE STATE FOR THE PROTECTION OF FOREIGN OFFICIALS. <i>Clyde Eagleton</i>	293
INTERNATIONAL LAW AND NATIONAL LAW IN THE UNITED STATES. <i>Pitman B. Potter</i>	315
GROTIUS' DE JURE BELLI AC PACIS: THE WORK OF A LAWYER, STATESMAN AND THEOLOGIAN. <i>James Brown Scott</i>	461
DIPLOMATIC PREROGATIVES OF NON-DIPLOMATS. <i>C. Van Vollenhoven</i>	469
THE LEAGUE OF NATIONS AND UNANIMITY. <i>Sir John Fischer Williams</i>	475
THE TREATY-MAKING POWER IN CANADA. <i>N. A. M. Mackenzie</i>	489
INTERNATIONAL SANCTIONS AND AMERICAN LAW. <i>J. Whilla Stinson</i>	505
THE RED RIVER BOUNDARY DISPUTE. <i>W. Clayton Carpenter</i>	517
THE CODIFICATION OF INTERNATIONAL LAW. <i>Elihu Root</i>	675
GROTIUS IN THE SCIENCE OF LAW. <i>Roscoe Pound</i>	685
GERMAN-AMERICAN COMMERCIAL RELATIONS. <i>Wallace McClure</i>	689
AERIAL LAW AND WAR TARGETS. <i>Elbridge Colby</i>	702
JUSTINIAN AND THE FREEDOM OF THE SEA. <i>Percy Thomas Fenn, Jr.</i>	716
THE MAVROMMATHIS CONCESSIONS CASES. <i>Edwin M. Borchard</i>	728
EDITORIAL COMMENT:	
The commemoration of Grotius. <i>David Jayne Hill</i>	118
The Geneva Protocol for the pacific settlement of international disputes. <i>James W. Garner</i>	123
The opinions of the Mixed Claims Commission, United States and Germany. <i>Edwin M. Borchard</i>	133
The scope of domestic questions in international law. <i>C. G. Fenwick</i>	143
Meeting of the Institute of International Law at Vienna, 1924. <i>James Brown Scott</i>	147
The Irish boundary question. <i>Manley O. Hudson</i>	150
Codification of international law and the Fifth Assembly. <i>Arthur K. Kuhn</i> ..	155
International political questions in national courts. <i>Edwin D. Dickinson</i>	157
The Central American policy of non-recognition. <i>Chandler P. Anderson</i> ..	164, 361
Some observations on the codification of international law. <i>James W. Garner</i> ..	327
The codification of American international law. <i>James Brown Scott</i>	333

	PAGE
The Geneva Protocol. <i>Philip Marshall Brown</i>	338
The Isle of Pines treaty. <i>Quincy Wright</i>	340
The meaning of nationality in the recent Immigration Acts. <i>Edwin D. Dickinson</i>	344
The American withdrawal from the Opium Conference. <i>Quincy Wright</i>	348
Sequestered private property and American claims—the Treaties of Versailles and Berlin. <i>Edwin M. Borchard</i>	355
International regulation of legal assistance for the poor. <i>Arthur K. Kuhn</i>	359
Annual meeting of the American Society of International Law. <i>George A. Finch</i>	530
The progressive codification of international law. <i>George A. Finch</i>	534
Conference of American teachers of international law. <i>Ellery C. Stowell</i>	542
Uniformity of law in respect to nationality. <i>J. W. Garner</i>	547
The new commercial treaty with Germany. <i>Arthur K. Kuhn</i>	553
Waiver of state immunity. <i>Edwin D. Dickinson</i>	555
The Opium Conferences. <i>Quincy Wright</i>	559
International control and distribution of raw materials. <i>Chandler P. Anderson</i>	739
The non-recognition and expatriation of naturalized American citizens. <i>Charles Cheney Hyde</i>	742
Legal status of state-owned ships employed in trade. <i>J. W. Garner</i>	745
China and the Powers. <i>George A. Finch</i>	748
The Russian Reinsurance Company Case. <i>Edwin D. Dickinson</i>	753
Institute of Pacific Relations. <i>George Grafton Wilson</i>	757
The Institute of International Law. <i>James Brown Scott</i>	758
The Foreign Service School. <i>Ellery C. Stowell</i>	763
The Hague Academy of International Law. <i>James Brown Scott</i>	768
CURRENT NOTES:	
President Coolidge's annual message to Congress, December 3, 1924.....	167
American note on the Treaty of Mutual Assistance.....	170
Amendments to the Covenant of the League of Nations	170
Tripartite claims agreement signed with Austria and Hungary.....	171
The Academy of International Law at The Hague.....	172
International Law Association.....	173
Institute for the Unification of Private Law.....	173
Fellowships in international law.....	174, 577
The Reference Service on International Affairs of the American Library in Paris, Inc.....	175
Inter-American Committee on Electrical Communications.....	176
Exporting arms to Juarez or Maximilian. <i>Elbridge Colby</i>	177
International law teaching.....	362
Settlement of boundary controversies between Brazil, Colombia and Peru	363, 579
American-British Claims Arbitral Tribunal.....	363
Mixed Claims Commission, United States and Germany.....	363
Mixed Claims Commission, United States and Mexico.....	364
Mr. Root's eightieth birthday.....	365
Relations of United States with Latin America. <i>Charles E. Hughes</i>	367
War seizures by the British Government of German owned stock in American corporations. <i>Frederic R. Coudert</i>	369
Dano-Norwegian conflict over Greenland. <i>Paul Knaplund</i>	374
Paris agreement regarding distribution of the Dawes annuities—Official comment	377
Withdrawal of the United States from the Opium Conference—Official statement	380
Double taxation on shipping. <i>Arnold D. McNair</i>	569
Le Comité Maritime International. <i>Sir Graham Bower</i>	573
Italian Institute of International Law.....	578

CONTENTS

V

	PAGE
William Jennings Bryan. <i>James Brown Scott</i>	772
Leon Bourgeois. <i>James Brown Scott</i>	774
Edgar A. Bancroft.....	776
The International Telegraph Conference.....	777
Remission of the Boxer Indemnity by the United States.....	778
Miscellaneous notes.....	581, 779
CHRONICLE OF INTERNATIONAL EVENTS. <i>M. Alice Matthews</i>.....	181, 382, 584, 782
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
<i>American and British Claims Arbitration Tribunal:</i>	
Robert E. Brown Claim.....	193
Rio Grande Claim.....	206
Union Bridge Company Claim.....	215
Adolph G. Studer <i>v.</i> Great Britain.....	790
Canadian Claims for Refund of Hay Duties.....	795
The R. T. Roy <i>v.</i> Great Britain.....	800
<i>In the Matter of the Tacna-Arica Arbitration:</i>	
Award of President Coolidge, March 4, 1925.....	393
Memorial of Peru, Ruling and Observations of the Arbitrator, Appointment of Peruvian member of Plebiscitary Commission.....	633
<i>Mixed Claims Commission—United States and Germany:</i>	
Life-Insurance Claims. Sept. 18, 1924.....	593
Estate Claims. Administrative Decision No. IV. Oct. 2, 1924.....	609
Nationality of Claims. Administrative Decision No. V. Oct. 31, 1924	612
Claims of American Nationals for Deaths of Aliens. Administrative Decision No. VI. Jan. 30, 1925.....	630
Maud Thompson de Gennes <i>v.</i> Germany.....	803
Mary Barchard Williams <i>v.</i> Germany.....	806
Edward A. Hilson <i>v.</i> Germany.....	810
Christian Damson <i>v.</i> Germany.....	815
Eisenbach Brothers & Co. <i>v.</i> Germany.....	821
BOOK REVIEWS AND NOTES:	
Alexander: The Revival of Europe: Can the League of Nations Help?.....	220
Alvarez: The Monroe Doctrine.....	221
Bülow: Der Versailler Völkerbund, eine vorläufige Bilanz.....	224
Burns: A Short History of International Intercourse.....	226
Pillet and Niboyet: Manuel de droit international privé à l'usage des Etudiants de Licence.....	228
Poole: The Conduct of Foreign Relations under modern democratic conditions .	229
Potter: The Freedom of the Seas.....	231
Schücking and Wehberg: Die Satzung des Völkerbundes. 2d ed.....	233
Soule and McCauley: International Law for Naval Officers.....	233
De Visscher: Le Droit International des Communications.....	238
Ward and Gooch: The Cambridge History of British Foreign Policy, 1783–1919.	239
Bewes: The Romance of the Law Merchant.....	433
Hudson: The Permanent Court of International Justice.....	434
Isay: Völkerrecht.....	435
Lay: The Foreign Service of the United States.....	436
Matsunami: Immunity of State Ships.....	441
McClure: A New American Commercial Policy.....	442
Nathan: The Renascence of International Law.....	444
Parmelee: Blockade and Sea Power.....	444

	PAGE
Reuter: Anglo-American Relations during the Spanish American War	445
Ruyssen: Les Minorités Nationales de l'Europe	445
Spaight: Air Power and War Rights	447
Verzijl: Le Droit des Prises de la Grande Guerre	449
Arminjon: Précis de droit international privé	649
Bethmann-Hollweg: Considérations sur la Guerre Mondiale	650
Brandenburg: Von Bismarck zum Weltkriege	651
Soviet Government: Correspondance entre Guillaume II et Nicolas II, 1894-1914	651
Chirol: The Occident and the Orient	653
Kraus: Germany in Transition	653
De Visscher: The Stabilization of Europe	653
Fooks: Prisoners of War	655
Hall: A Treatise on International Law	656
Kellor: Security against War	657
Miller: The Geneva Protocol	660
Moon: Syllabus on International Relations	661
Politis: La Justice Internationale	662
Roscoe: History of the English Prize Court	663
Warren: The Supreme Court and Sovereign States	664
Baker: The Geneva Protocol for the Pacific Settlement of International Disputes	824
Buchanan: My Mission to Russia and Other Diplomatic Memories	825
Culbertson: Raw Materials and Foodstuffs in the Commercial Policies of Nations	827
Dutcher: The Political Awakening of the East	827
Edmunds: The Lawless Law of Nations	830
Fauchille: Traité de droit international public	832
Grabower: Die Geschichte der Umsatzsteuer und ihre gegenwärtige Gestaltung im Inland und im Ausland	832
Hough: Cases in Vice Admiralty and Admiralty in New York, 1717-1788	834
Mowat: The Diplomacy of Napoleon	835
Pillet: Traité Pratique de Droit International Privé	836
Stoyanovsky: La Théorie Générale des Mandats Internationaux	838
Travers: Le Droit Pénal International	839
Willoughby: Opium as an International Problem—The Geneva Conferences . . .	840
Notes	241, 450, 665
Books received	245, 451, 849
REVIEW OF CURRENT PERIODICALS. Charles G. Fenwick	247, 454, 670, 854
INDEX	860

BOARD OF EDITORS OF THE AMERICAN JOURNAL OF
INTERNATIONAL LAW

CHANDLER P. ANDERSON, New York, N. Y.

EDWIN M. BORCHARD, Yale Law School.

PHILIP MARSHALL BROWN, Princeton University.

WILLIAM C. DENNIS, Washington, D. C.

EDWIN D. DICKINSON, University of Michigan.

CHARLES G. FENWICK, Bryn Mawr College.

JAMES W. GARNER, University of Illinois.

DAVID JAYNE HILL, Washington, D. C.

MANLEY O. HUDSON, Harvard Law School.

CHARLES CHENEY HYDE, Columbia University.

ARTHUR K. KUHN, New York, N. Y.

ELLERY C. STOWELL, American 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, 2 Jackson Place, Washington, D. C.

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. (Members residing in foreign countries pay one dollar extra per annum for foreign postage.)

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 American Society of International Law, 2 Jackson Place, Washington, D. C.

Single copies of the JOURNAL will be supplied by the Society 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 George A. Finch, Recording Secretary and Managing Editor, 2 Jackson Place, Washington, D. C.