American law in China as it is today, *i.e.*, a confused congeries of federal statutes, English common law, and judicially adopted territorial codes, gives every reason to believe that our consular officers would do at least as well in administering any reasonable scientific code.

With respect to courts such as the United States Court for China and H. B. M.'s Supreme Court for China, the experienced judges who preside in these courts could be trusted either to have or to speedily acquire the requisite facility in handling the Chinese codes which, like the Japanese codes, will doubtless owe much to the civil law and the codes of continental Europe.

In conclusion the prediction is ventured that in the very nature of things extraterritoriality in China is bound to go sooner or later as a result of evolution or revolution. The step suggested in this editorial is put forward as a modest installment on the evolutionary plan.

WILLIAM C. DENNIS.

TREATIES CONFERRING RIGHTS IN MANDATED TERRITORIES

On July 2, 1924, the President proclaimed two treaties signed with France on February 13, 1923, relating to rights in the French mandated territories of Cameroons and Togoland.[1] A similar treaty was made with Japan on February 11, 1922,[2] and Secretary of State Hughes has announced the policy of securing "fair and equal opportunities" in all the mandated territories.[3]

The first feature to strike attention is the year and a half interval between signature and proclamation. Apparently *The Federalist's* confidence that the constitution would permit greater "dispatch" in treaty-making has not been fully justified.[4]

The two treaties are practically identical. They recite the terms of the French mandates, "the United States consents to the administration" of the territory by France; the United States is accorded "the rights and benefits" enjoyed by members of the League of Nations under Articles 2 to 9 of the mandates; vested American property rights in the territories is not to be impaired; a duplicate of the annual report to the mandatory commission is to be sent to the United States; American rights under the treaty are to be unaffected by modifications of the mandate unless the United States shall have assented; and extradition treaties with France shall apply to the territories.

These treaties differ from the Japanese treaty of February 11, 1922, in some additions to the preamble, in the omission of provision for special

[1] Treaty Series (U. S.), Nos. 690, 691; Supplement, this JOURNAL, pp. 189 and 193.

[2] U. S. Treaties, 1910–1923, Vol. 3, p. 2723, and comments by C. N. Gregory, this JOURNAL, Vol. 15, pp. 419–427, Vol. 16, pp. 248–251.

[3] Address at Philadelphia, Nov. 30, 1923, *Current History Magazine*, Jan. 1924, p. 579, and address at New York, Jan. 23, 1924, this JOURNAL, Vol. 18, p. 243. See also notes appended to Japanese treaty, Feb. 11, 1922, U. S. Treaties, Vol. 3, p. 2728.

[4] *The Federalist*, No. 64 (Jay), No. 70 (Hamilton), Ford ed., pp. 429, 467.

protection to American missionaries, and of course, in the omission of the special articles with regard to American cable and radio rights in Yap. Furthermore, the Japanese treaty provided that "existing treaties between the United States and Japan shall be applicable to the mandated islands," whereas the French treaties provide only for such application of "extradition treaties and conventions." Thus Articles 7 and 12 of the French consular convention of 1853, which confer most favored national treatment with regard to consuls and national treatment with respect to private real and personal property rights and inheritances is not applicable in the Cameroons and Togoland. Treatment equal to that of Frenchmen in respect to personal and property rights and other privileges are, it is true, assured to nationals of League Members by Article 6 of the mandates in question, and, by the present treaties, to American citizens, but other privileges (apart from extradition) not thus specified in the mandates, which Americans now enjoy in France under treaty, would not be enjoyed by Americans in the mandated territories. In this respect, therefore, the United States gets less than it did under the Japanese treaty.

It should be noticed that the Japanese mandated islands fall in Class C under the League Covenant, to be "administered under the laws of the mandatory as integral portions of its territory," subject to specified safeguards for the benefit of the natives. Thus Japan probably has the right to extend all treaty privileges of foreign nations to them.[5] The covenant, however, does not appear to give so extensive powers to mandatories of Class B territories, like the Cameroons and Togoland. There might, therefore, be a question of the right of France as mandatory to extend all treaty privileges of foreigners to the territory. In fact, however, Article 9 of the mandates for these two territories does give the mandatory the right to administer them "as an integral part of his territory."

From the standpoint of international law the most interesting feature of these treaties is: (1) the assumption that American consent is necessary for French administration of the mandates and (2) the assumption that France can grant permanent rights with respect to the territories.[6]

QUINCY WRIGHT.

THE LEAGUE OF NATIONS' REPORT ON THE UNIFICATION OF THE LAW OF NEGOTIABLE INSTRUMENTS

The Conference of Financial Experts held at Brussels in September, 1920, recommended to the League of Nations as part of its scheme of financial rehabilitation "that the activities of the League might usefully be directed towards promoting certain reforms," the first of which was that

[5] Question might be raised whether, without the consent of the Council, she could exercise such sovereign powers as treaty-making with respect to mandated territory.

[6] Wright, "Sovereignty of the Mandates," this JOURNAL, Vol. 17, 699–700.