THE

AMERICAN JOURNAL

OF

INTERNATIONAL LAW



VOLUME 31

1937

PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

Publication Office: THE RUMFORD PRESS Concord, N. H. Editorial and Executive Office: 700 JACKSON PLACE, N.W. Washington, D. C.

Copyright, 1937, by the American Society of International Law

BOARD OF EDITORS OF THE AMERICAN JOURNAL OF INTERNATIONAL LAW

EDWIN M. BORCHARD, Yale Law School.

PHILIP MARSHALL BROWN, Princeton University.

J. REUBEN CLARK, JR., Salt Lake City, Utah.

EDWIN D. DICKINSON, University of California School of Jurisprudence.

CLYDE EAGLETON, New York University.

CHARLES G. FENWICK, Bryn Mawr College.

James W. Garner, University of Illinois.

Manley O. Hudson, Cambridge, Mass.

CHARLES CHENEY HYDE, Columbia University Law School.

PHILIP C. JESSUP, Columbia University Law School.

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

JESSE S. REEVES, University of Michigan.

ELLERY C. STOWELL, American University.

ROBERT R. WILSON, Duke 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, 700 Jackson Place, N. W., Washington, D. C.

The object of the American Society of International Law is to foster the study of international law and promote the establishment of international relations on the basis of law and justice. For this purpose it will coöperate with other societies in this and other countries having the same object.

THE AMERICAN JOURNAL OF INTERNATIONAL LAW is supplied to all members of the Society 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 outside the domestic postal zone pay one dollar extra per annum for foreign postage; Canada fifty cents extra.)

The annual subscription to non-members of the Society is five dollars per annum (plus the above mentioned sums for foreign postage) and should be placed with the AMEBICAN SOCIETY OF INTERNATIONAL LAW, 700 Jackson Place, N. W., Washington, D. C.

Single copies of the JOURNAL will be supplied at \$1.50 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, Secretary and Managing Editor, 700 Jackson Place, N. W., Washington, D. C.

CONTENTS OF VOLUME THIRTY-ONE

[No.]	1, January	, 1937, pp. 1–200	; No. 2, April,	1937, pp.	201-384; No.	3, July, 1937,	pp.
		385-570: N	Vo. 4. October	. 1937, pp.	571-7811		

000-010, 110. 1, 0000001, 1001, pp. 011 101,	
FIFTEENTH YEAR OF PERMANENT COURT OF INTERNATIONAL JUSTICE. M. O. Hudson	PAGE 1
THE UNITED STATES AND THE RIGHTS OF NEUTRALS, 1917–1918. Alice M. Morrissey	17
Convention for Suppression of Traffic in Dangerous Drugs. J. G. Starke	31
RECTIFICATION OF RIO GRANDE IN EL PASO-JUAREZ VALLEY. G. F. Reinhard	44
INTERNATIONAL COOPERATION OF U.S.S.R. IN LEGAL MATTERS. T. A. Taracouzio	55
Inter-American Conference for Maintenance of Peace. C. G. Fenwick	201
	226
INTERNATIONAL LAW AND THE SPANISH CIVIL WAR. Norman J. Padelford	
THE PROBLEM OF AGGRESSION AND THE PREVENTION OF WAR. L. Kopelmanas	244
NEUTRALITY LAWS OF THE UNITED STATES. Edward Dumbauld	258
INTERNATIONAL LAW IN TREATIES OF THE UNITED STATES. Robert R. Wilson	271
THE UNITED STATES NEUTRALITY ACT OF 1937. James W. Garner	385
RECOGNITION OF BELLIGERENCY AND THE SPANISH WAR. Vernon A. O'Rourke	398
REPRESENTATION IN DANUBE INTERNATIONAL COMMISSION. Ruth E. Bacon	414
THE BASES OF INTERNATIONAL RELATIONS. Denys P. Myers	431
THE GROWTH OF PURPOSE IN THE LAW OF DIPLOMATIC IMMUNITY. Montell Ogdon	491
FORBIDDEN TREATIES IN INTERNATIONAL LAW. Alfred von Verdross	574
Non-Intervention Agreement and the Spanish Civil War. N. J. Padelford	578
THE END OF A PERIOD OF TRANSITION. Quincy Wright	604
THE ITALIAN-ETHIOPIAN DISPUTE AND THE LEAGUE OF NATIONS. John H. Spencer	614
English and American Courts and the Definition of War. William J. Ronan	642
Editorial Comment: Questions of international law in the Spanish civil war. J. W. Garner The United States and the Spanish civil war. George A. Finch Belgium and neutrality. Charles Cheney Hyde The Inter-American Conference for the Maintenance of Peace. P. C. Jessup The ban on alien marriages in the Foreign Service. Ellery C. Stowell Protection of nationals charged with crime abroad. A. K. Kuhn The Ecuador-Peru boundary controversy. Lester H. Woolsey. Periodic consultative treaty reconsideration. George Grafton Wilson The Anti-Smuggling Act of 1935. Philip C. Jessup Executive discretion in the conduct of foreign relations. J. W. Garner England and Egypt. Philip Marshall Brown. The new treaties between the United States and Panama. L. H. Woolsey. Respect due to foreign sovereigns. Ellery C. Stowell. "Neutrality" and civil wars. Edwin M. Borchard. Neutrality legislation—1937. Philip C. Jessup. "Non-intervention" and personal freedom. Ellery C. Stowell. Canada's "water-tight compartments." Charles Cheney Hyde. The emancipation of Egypt. Philip Marshall Brown	81 85 91 94 97 100 101 289 293 297 301 304 306 313 466
The company to the Times with man some	iii

I.	AGE
Pan American codification of international law. Edwin Borchard	471 473
Extradition from the United States of American citizens. A. K. Kuhn	476
The Litvinoff assignment and the Belmont case. Philip C. Jessup	481
The annual meeting of the Society. George A. Finch	484
Piracy in the Mediterranean, George A. Finch.	659
Far Eastern policy of the United States. Clyde Eagleton.	665
The Nine Power Treaty and the crisis in China. C. G. Fenwick	671
Confiscations: extraterritorial and domestic. Edwin Borchard	675
Admission of Egypt to the League of Nations. Manley O. Hudson	681
The British courts and Ethiopian recognition. Quincy Wright	683
Secretary of State Hull's pillars of enduring peace. G. A. Finch	688
War without a declaration. C. G. Fenwick.	694
Visits by international tribunals to places in proceedings. M. O. Hudson	696
The first American treatise on international law. J. S. Reeves	697
	001
CURRENT NOTES:	
Walter Schücking. James Brown Scott	107
President Roosevelt's peace argosy. Ellery C. Stowell	
Convention for Regulation of Whaling and Act of Congress. W. R. Vallance	112
Annual meeting of the American Society of International Law	
Admission of Egypt to the International Labor Organization. C. W. Jenks	317
Reservations to multipartite treaties. Valentine Jobst III	318
"Modification" of Iraqi declaration before Council of the League. C. W. Jents	320
Åke Hammarskjöld. Manley O. Hudson	703
Sir Robert Borden. Lionel H. Laing	704
Protection of diplomatic and consular premises against picketing. L. Preuss	705
Reorganization of the State Department. D. P. Myers and C. F. Ransom	713
Termination of treaties of the German States. S. Riesenfeld	720
CHRONICLE OF INTERNATIONAL EVENTS. M. Alice Matthews	,726
Judicial Decisions Involving Questions of International Law:	
U. S. Supreme Court:	
Valentine et al. v. U. S. ex rel. Neidecker	134
United States v. Curtiss-Wright Export Corp. et al	334
Shapleigh v. Mier	528
Cummings v. Deutsche Bank und Disconto-Gesellschaft	532
United States v. Belmont	537
Great Britain, Court of Appeal: International Trustee for Protection of Bond-	
holders v. The King	142
for Ontario, et al	348
House of Lords: The King v. International Trustee for Bondholders	499
High Court of Justice: Bank of Ethiopia v . National Bank of Egypt and Liguori	742
German Supreme Court: Extradition Treaties of the German States	739
Book Reviews and Notes	
Books Received	, 776
PERIODICAL LITERATURE OF INTERNATIONAL LAW. Eleanor H. Finch196, 381, 566	, 779
INDEX	782
SUPPLEMENT SECTION OF OFFICIAL DOCUMENTS. (Separately paged and indexed.)	

CONTENTS

	PAGE
THE INTER-AMERICAN CONFERENCE FOR THE MAINTENANCE OF PEACE. Charles G. Fenwick.	201
INTERNATIONAL LAW AND THE SPANISH CIVIL WAR. Norman J. Padelford	226
THE PROBLEM OF AGGRESSION AND THE PREVENTION OF WAR. L. Kopelmanas	244
NEUTRALITY LAWS OF THE UNITED STATES. Edward Dumbauld	258
INTERNATIONAL LAW IN TREATIES OF THE UNITED STATES. Robert R. Wilson	271
EDITORIAL COMMENT: Executive discretion in the conduct of foreign relations. James W. Garner England and Egypt. Philip Marshall Brown. The new treaties between the United States and Panama L. H. Woolsey. Respect due to foreign sovereigns. Ellery C. Slowell "Neutrality" and civil wars. Edwin M. Borchard Neutrality legislation—1937. Philip C. Jessup "Non-intervention" and personal freedom. Ellery C. Stowell.	289 293 297 301 304 306 313
CURRENT NOTES:	
Annual meeting of American Society of International Law	316
Admission of Egypt to the International Labor Organization. C. W. Jenks Reservations to multipartite treaties. Valentine Jobst III The first "modification" of the Iraqi declaration before the Council of the League	317 318
of Nations. C. W. Jenks	320
CHRONICLE OF INTERNATIONAL EVENTS. M. Alice Matthews	322
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW: U. S. Supreme Court: United States v. Curtiss-Wright Export Corp., et al Great Britain, Judicial Committee of the Privy Council: AttyGen. for Canada v.	334
AttyGen. for Ontario, et al.	348
BOOK REVIEWS AND NOTES: Hudson, Cases and other Materials on International Law, 358; Mowat, Diplomacy and Peace, 359; Manning, U. S. Diplomatic Correspondence, Inter-American Affairs, 360; Bruns, Politische Verträge, 361; Bemis, A Diplomatic History of the United States, 362; Bunyan, Intervention, Civil War, and Communism in Russia, 1918, 363; Neutrality and Collective Security, 364; Collective Security, 364; Linebarger, The Political Doctrines of Sun Yatsen, 366; Post, The Supreme Court and Political Questions, 366; Raphael, The Cape-to-Cairo Dream, 368. Briefer notices: Bustamante, 368; Eppstein, 369; Yepes, 369; Schuster, 370; Prévost, 370; Ullein-Reviczky, 371; Schwarzenberger, 371; Hambro, 372; Stillschweig, 372; Feinberg, 373; Burns, 373; Slocombe, 373; Suche, 374; Puryear, 374; Kalijarvi, 375; Mallory, 375; Weiser, 376; Jahrbuch der Wissenschaftlichen Gesellschaft für Luftfahrt, 376; Schrag, 376; Maspétiol, 377; World Economic Survey, 377.	
Books received	377
Periodical Literature of International Law. Eleanor H. Finch	381
Supplement Section of Opplata, Documents (Separately paged and indexed)	

BOARD OF EDITORS OF THE AMERICAN JOURNAL OF INTERNATIONAL LAW

EDWIN M. BORCHARD, Yale Law School.

PHILIP MARSHALL BROWN, Princeton University.

EDWIN D. DICKINSON, University of California School of Jurisprudence.

CHARLES G. FENWICK, Bryn Mawr College.

JAMES W. GARNER, University of Illinois.

MANLEY O. HUDSON, Cambridge, Mass.

CHARLES CHENEY HYDE, Columbia University Law School.

PHILIP C. JESSUP, Columbia University Law School.

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

JESSE S. REEVES, University of Michigan.

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, 700 Jackson Place, N. W., Washington, D. C.

The object of the American Society of International Law is to foster the study of international law and promote the establishment of international relations on the basis of law and justice. For this purpose it will coöperate with other societies in this and other countries having the same object.

THE AMERICAN JOURNAL OF INTERNATIONAL LAW is supplied to all members of the Society 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 outside the domestic postal zone pay one dollar extra per annum for foreign postage; Canada fifty cents extra.)

The annual subscription to non-members of the Society is five dollars per annum (plus the above mentioned sums for foreign postage) and should be placed with the American Society of International Law, 700 Jackson Place, N. W., Washington, D. C.

Single copies of the Journal will be supplied at \$1.50 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, Secretary and Managing Editor, 700 Jackson Place, N. W., Washington, D. C.