#### THE

# AMERICAN JOURNAL

OF

### INTERNATIONAL LAW



**VOLUME 36** 

1942

#### 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, 1942, by the American Society of International Law

#### BOARD OF EDITORS

EDWIN BORCHARD, Yale Law School.
HERBERT W. BRIGGS, Cornell University.
PHILIP MARSHALL BROWN, Washington, D. C.
CLYDE EAGLETON, New York University.
CHARLES G. FENWICK, Bryn Mawr College.
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.
ELLERY C. STOWELL, American University.
EDGAR TURLINGTON, Washington, D. C.
ROBERT R. WILSON, Duke University.
LESTER H. WOOLSEY, Washington, D. C.
QUINCY WRIGHT, University of Chicago.

Honorary Editor-in-Chief
JAMES BROWN SCOTT, Annapolis, Md.

## 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 to promote the establishment and maintenance of international relations on the basis of law and justice. For this purpose it will coöperate with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notices, and other contributions, which appear in these pages are those of the individual authors and are not to be taken as representing the views of the Board of Editors or of the American Society of International Law.

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.

### AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 36 CONTENTS	1942
[No. 1, January, 1942, pp. 1–168; No. 2, April, 1942, pp. 169–368; No. 3, July, 194 369–538; No. 4, October, 1942, pp. 539–754]	
20th Year of Permanent Court of International Justice. Manley O. Hudson	PAGE 1
REPEAL OF THE NEUTRALITY ACT. Quincy Wright	8
International Law in French Jurisprudence 1939–1941. Martin Domke	24
REQUISITION OF SHIPS DURING THE SPANISH CIVIL WAR. Lawrence Preuss	37
JURISPRUDENCE OF NATIONAL CLAIMS COMMISSIONS. Robert R. Wilson	56
Third Meeting of Ministers of Foreign Affairs at Rio de Janeiro. C. G. Fenwick	169
British Prize Cases, 1939-1941. Josef L. Kunz	204
Organization of the Community of Nations. Clyde Eagleton	229
Joint Action to Protect an American State from Axis Subversive Activity.  Willard B. Cowles	242
Exclusion and Expulsion of Aliens in Latin America. J. Irizarry y Puente	252
DRAFTING OF NEUTRAL ALIENS BY THE UNITED STATES. Fitzhugh and Hyde	369
COPYRIGHT IN WAR AND PEACE. Wallace McClure	383
THE NORTH PACIFIC FISHERIES. Gordon Ireland	400
THE U.S.S.R. AND INTERNATIONAL ORGANIZATIONS. Charles Prince	425
JURISDICTION OVER FRIENDLY FOREIGN ARMED FORCES. Archibald King	539
GOVERNMENTS AND AUTHORITIES IN EXILE. F. E. Oppenheimer	
Civil Aviation After the Wab. D. Goedhuis	596
INTERNATIONAL LAW AND COLOMBIAN CONSTITUTIONALISM. William M. Gibson	
Editorial Comment:	
War between the United States and the Axis Powers. L. H. Woolsey Law in war. Charley Cheney Hyde.  Japan attacks the United States. Ellery C. Stowell.  The Attorney General invokes rebus sic stantibus. H. W. Briggs. Capture of the German steamship Odenwald. L. H. Woolsey.  Courtesy to our neighbors. Ellery C. Stowell.  Permissive sanctions against aggression. Quincy Wright The effects of recognition. Philip Marshall Brown Recognition and non-recognition. Edwin Borchard International legislation. George Grafton Wilson The execution of hostages. Arthur K. Kuhn	83 87 89 96 99 103 106

	PAGE
Extraterritorial confiscations. Edwin Borchard	275
The Litvinov assignment and the Pink case. Philip C. Jessup	282
Questions relating to Irish neutrality. Robert R. Wilson	
The fundamental principles of international law. Charles G. Fenwick	446
Duration of treaties. George Grafton Wilson	
Private versus public international law. Philip Marshall Brown	
A British view of international law. Quincy Wright	450
Prize rules. Philip C. Jessup.	
Facilitation of neutralization through military service. Robert R. Wilson	
Vesting orders under the First War Powers Act, 1941. Edgar Turlington	
A pattern of world order. L. H. Woolsey	
The place of force in international law. Edwin Borchard.	
The renovation of international law. Philip M. Brown	
Re-examination of international law. Herbert W. Briggs	
Forces which will shape the rebuilding of international law. Clyde Eagleton	
Military reprisals and sanctions of the laws of war. E. C. Stowell	
Effect of declaration of foreign policy upon private litigation. A. K. Kuhn	
Norwegian maritime courts in England. Philip C. Jessup	
International responsibility during martial rule. Robert R. Wilson	
Friendly aliens. Clyde Eagleton	661
CURRENT NOTES:	
	0 400
Annual Meeting of the Society. George A. Finch	
Annual Meeting message. James O. Murdock	115
Developing fishery protection. Edward W. Allen	
The United States-Mexican settlement. L. H. Woolsey	
Repeal of the Neutrality Act. Statement of Secretary Hull	
"Austro-Hungarians." E. de Hofmannsthal	
Accidents to war prisoners employed in private enterprises. Curt H. Rosenberg.	
Peacemaking in 1815 Joachim von Elbe	
Nicolas Politis, 1872–1942. Rudolf Holsti	
Work of the Section of International and Comparative Law of the American Bar	<b>:</b>
Association	664
CHRONICLE OF INTERNATIONAL EVENTS. Dorothy R. Dart	00 606
CHRONICLE OF INTERNATIONAL EVENTS. Dorothy R. Dart	JU, 080
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
Sullivan v. State of São Paulo	131
United States v. Pink.	
Ex parts Don Ascanio Colonna.	
U.S.S.R. v. S.S. Ramava, Otto, Piret, Mall, Everoja.	
Estate of Breitung v. United States.	
Ulen & Co. v. Bank Gospodarstwa	
Anderson v. N. V. Transandine Handelmaatschappij	
Pugh v. Panama	
BOOK REVIEWS AND NOTES	l <b>3</b> , 723
BOOKS RECEIVED	<b>34, 7</b> 51
PERIODICAL LITERATURE OF INTERNATIONAL LAW. Wilbur S. Finch166, 366, 56	36, 753
INDEX	. 755
Supply The The Supply of Dootte Carter (Separately pered and indexed)	