occupied the port of Guayaquil. The war terminated and peaceful relations were resumed without a peace treaty. What effect did this war have upon the treaties of 1829 and 1832, and have they since been reaffirmed by act or deed?

While the so-called "right of self-determination" probably may not be called a principle of international law, yet it may have a bearing on this controversy. When the districts of Mainas, Túmbez and Jaén were emancipated from Spain, were they free to adhere to any group they chose with a view to forming an independent state regardless of their prior political connections in colonial times?

Finally, is the principle of prescription applicable to this case? Authorities say that even illegal or violent possession if maintained long enough will be transformed into a legal and honorable title. Is a century of possession sufficient, and must possession be actual or constructive? Must possession be in opposition to an adverse claim of right, and how may that claim be maintained between nations short of going to war?

It would seem that the solution in the pending negotiations of these various questions of difference and of principle will require the patience of understanding and liberality of wisdom worthy of the statesmanship of peace.

L. H. WOOLSEY

PERIODIC CONSULTATIVE TREATY RECONSIDERATION

Some recent treaties have made provision for periodic reconsideration with a view to revision if deemed desirable. Such treaties may be easily adapted to changing conditions, and in international relations changes are inevitable. The larger the number of states parties to a treaty, the greater the probability of the need of revision. This is illustrated by recent action relating to the Covenant of the League of Nations.

The Assembly of the League of Nations on July 4, 1936, expressed the conviction "that it is necessary to strengthen the real effectiveness of the guarantees of security which the League affords its members." A prime objective of the League had been "to promote international coöperation and to achieve international peace and security." A review of events since the coming into force of the Treaty of Versailles, January 10, 1920, justifies the Assembly in the opinion that the hopes of 1919 have not been fully realized. The forecasts for the future of the Allied and Associated Powers under the treaty were generally too optimistic.

The Assembly accordingly recommended on July 4, 1936, that the Council canvass the members of the League as far as possible before September 1, 1936, for proposals with a view to improving the application of the principles of the Covenant. Many members of the League in their replies suggested that provisions for collective security should be emphasized. Some suggested that these provisions be operative regionally, while others, recognizing that inter-

national law was a universal system, argued for a single standard and for its support. The Soviet Government saw greater effectiveness in operation of the Covenant if decisions under Article 16 should be made on a three-quarters vote, not including the two parties involved in the controversy. The government of neighboring Latvia saw grave difficulties in establishing collective security while many important states were not bound to coöperate in the measures prescribed. Norway pointed out that the growth of national armaments made the problem of enforcing the Covenant more difficult and that regional pacts for mutual assistance might easily become new alliances. Peru refers to the distinction between the intention to act upon the maxim *pacta sunt servanda* and the capacity to keep international engagements.

A large number of the members of the League hope for some universalizing of the League or for a coöperative scheme with non-member states. Democratization of the Council is often demanded. The separation of the Covenant from the other parts of the Treaty of Versailles is also mentioned, though it is admitted that to a considerable extent this has already occurred.

That such a pact as the Covenant of the League of Nations, revolutionary in many of its provisions, should, after a period of years, need reconsideration would seem inevitable, and China refers to the action of the Assembly as "opportune and of great significance."

Doubtless it would have been advantageous if the Covenant of the League of Nations had made some provision for periodic reconsideration of its articles. Weaknesses in the Covenant could to a degree have been discovered and remedied in advance and misleading confidence in the operation of the League machinery could have been avoided. A periodic consideration with view to adaptation of the Covenant to changing conditions might have resulted in strengthening international organization and order, while delayed regard for changing conditions has resulted in the weakening of an organization upon which the world had placed so much hope. GEORGE GRAFTON WILSON

THE ANTI-SMUGGLING ACT OF 1935

The "Anti-Smuggling Act" was passed on August 5, 1935.[1] Its principal purpose was to facilitate the more adequate enforcement of the revenue laws of the United States, particularly against vessels smuggling liquor from the sea into the United States. Extensive hearings were held on the bill before the Committee on Ways and Means of the House.[2] The bill was sponsored by the Treasury Department, and despite repeated efforts on the part of the House Committee to obtain a statement of the views of the Department of State, no statement was made on behalf of that Department. A letter to the Chairman of the Committee from Secretary of State Hull was read into the record. This letter declared that "Such communications as this Department

[1] Public No. 238, 74th Congress.

[2] 74th Congress, First Session, Hearings on H. R. 5496, March 8–13 and May 1–2, 1935.