# AMERICAN JOURNAL of INTERNATIONAL LAW



**VOLUME 40** 

# 1946

#### PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

PUBLICATION OFFICE: THE RUMFORD PRESS CONCORD, N. H. EXECUTIVE AND EDITORIAL OFFICE: 700 JACKSON PLACE, N.W. WASHINGTON 6, D. C.

Copyright, 1946, by the American Society of International Law

# BOARD OF EDITORS

Honorary Editor-in-Chief GEORGE GRAFTON WILSON, Harvard University

Editor-in-Chief GEORGE A. FINCH, 700 Jackson Place, Washington, D. C.

Managing Editor PITMAN B. POTTER, 700 Jackson Place, Washington, D. C.

EDWIN BORCHARD Yale Law School HERBERT W. BRIGGS **Cornell University** PHILIP MARSHALL BROWN \* Washington, D. C. WILLIAM C. DENNIS \* Richmond, Ind. FREDERICK S. DUNN Yale University **CLYDE EAGLETON** New York University CHARLES G. FENWICK Washington, D. C. MALBONE W. GRAHAM University of California, Los Angeles 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. JOSEF L. KUNZ **Toledo University** LLEWELLYN E. PFANKUCHEN University of Wisconsin LAWRENCE PREUSS University of Michigan **ELLERY C. STOWELL \*** American University EDGAR TURLINGTON Washington, D. C. JOHN B. WHITTON **Princeton University** ROBERT R. WILSON Duke University LESTER H. WOOLSEY \* Washington, D. C.

QUINCY WRIGHT University of Chicago

#### \* Honorary

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 coöperates with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in the JOURNAL 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 JOURNAL is supplied to all members of the American Society of International Law without extra charge (except as indicated below). The annual subscription to non-members of the Society is five dollars per annum. Members residing outside of the United States, the British Isles, Canada, and Latin-America pay one dollar extra per year for foreign postage; residents of Canada pay fifty cents extra. 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 Pitman B. Potter, Secretary and Managing Editor, 700 Jackson Place, N. W., Washington 6, D. C.

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 40	CONTENTS	1946
[No. 1, January, 1946	6, pp. 1–255; No. 2, April, 1946, pp. 256–512; No. 3, July, 1946 513–698; No. 4, October, 1946, pp. 699–879]	
THE TWENTY-FOURTE	YEAR OF THE WORLD COURT. Manley O. Hudson,	page 1
RESOURCES OF THE CO	ONTINENTAL SHELF. Edwin Borchard	53
MULTIPLE REPRESEN	TATION IN INTERNATIONAL ASSEMBLIES. Louis B. Sohn	71
	INISTRATION OF EUROPEAN INLAND WATERWAYS. Louis B.	100
	THE CALVO DOCTRINE AND THE CHALLENGE TO INTERNATIONAL	121
Two Armistices and	A SURRENDER. Malbone W. Graham	148
	CENTS CONCERNING JURISDICTION OVER FRIENDLY FOREIGN	257
	F THE INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL	280
TRANSFER OF CIVILIA	AN MANPOWER FROM OCCUPIED TERRITORY. John H. E. Fried	<b>3</b> 03
THE INTERNATIONAL	ORGANIZATION IMMUNITIES ACT. Lawrence Preuss	332
	OF THE GENERAL ASSEMBLY. Walter H. C. Laves and Francis O.	346
THE JURISDICTION OF	THE SECURITY COUNCIL OVER DISPUTES. Clyde Eagleion	513
	BILLA FORCES UNDER THE LAWS OF WAR. Lester Nurick and	563
MANCHURIAN BOOTT	AND INTEBNATIONAL LAW. Daniel H. Lew.	584
THE UNITED NATION	S AND SPECIALIZED AGENCIES. Gustav Pollaczek	<b>592</b>
THE UNITED STATES	ACCEPTS COMPULSORY JURISDICTION. Francis O. Wilcox	699
	COURT OF JUSTICE, THE SENATE, AND MATTERS OF DOMESTIC NUTERICE Preuss	720
THE EGYPTIAN MIXE	ED COURTS AND FOREIGN ARMED FORCES. Jasper Y. Brinton.	737
THE SECOND WORLD	WAR AND INTERNATIONAL LAW. Eugene A. Korovin	742
THE ARAB LEAGUE A	IS A REGIONAL ARRANGEMENT. Majid Khadduri	756
The Atomic Bomb International Cont Has the Supreme ( Sovereign Immuni	ip Marshall Brown ip Marshall Brown . Edwin Borchard trol of the Atomic Bomb. Edgar Turlington Court Abdicated One of Its Functions? Philip C. Jessup ity Limited to Essential Government Functions: New York v. Arthur K. Kuhn	165 168 374
		iii

### THE AMERICAN JOURNAL OF INTERNATIONAL LAW

The Leaders' Agreement of Yalta. Herbert W. Briggs.   Guatemala vs. Great Britain: in re Belice. Josef L. Kunz.   The Demand for World Government. Clyde Eagleton   The Alternative to Appeasement. Pitman B. Potter   Due Process and International Law. Quincy Wright.   The Effect of War on Law. Edwin Borchard   A Plea for More Study of International Law in American Law Schools. Josef L.	376 383 390 394 398 620
Kunz	624
The United States Accepts the Optional Clause. Charles Cheney Hyde The Draft Treaties of Peace. Malbone W. Graham	778
The Administrative Procedure Act and the State Department. Arthur K. Kuhn.	781 784
The Legal Position of the Secretary General of the United Nationals. Josef L.	104
Kunz	786
"As Determined by the United States." Pitman B. Potter	<b>792</b>
CURRENT NOTES:	
The Continental Shelf and the Marginal Belt. Joseph Walter Bingham	173
Italian Society for International Organization. Mario Scent	178
Training American Civilian Personnel for Occupation Duties. John Brown Mason	180
Jackson H. Ralston, 1857-1945. William C. Dennis.	182
Revue Egyptienne de Droit International. George A. Finch	407
Boletim do Sociedade Brasileira de Direito Internacional. P. B. P	408
The International Status of India. Albert E. Kane	408
The Transmigration of a Law. Haim Margalith	411
Meeting of the American Council of Learned Societies. Rye, N. Y., January 23-25,	
1946. Pitman B. Potter	414
Dr. Scott a Patron of the Society. George A. Finch	6 <b>30</b>
Recent Activities of the Section of International and Comparative Law of the	
American Bar Association. Edgar Turlington	6 <b>30</b>
Academia de Estudios Internacionales, Colombia. Pitman B. Potter	633
Procedure for Accepting the Optional Clause of the Statute of the International	
Court of Justice. Honoré Catudal	634
The Soviet Union and the International Monetary Fund. Ervin Hexner	637
A Form Book for Standard Treaty Clauses. Henry Reiff	640 795
Regional Meetings Authorized by Executive Council. P. B. P.	795 795
General Note on the Law of War Booty. Alwyn V. Freeman American Military Government Courts in Germany. Eli E. Nobleman	795 803
The Legal Status of Germany. Egon Schwelb	811
Local Enemy Assets and the Paris Agreement on Reparation. Kurt H. Nadelmann	813
Arbitration Between the Netherlands and United States Postal Administrations.	
Martin Domke	817
Inter-American Academy of Comparative and International Law. G. A. F.	819
Lawyers of the Americas Will Meet in Lima. William Roy Vallance	820
Miscellaneous Notes. P. B. P.	821
CHRONICLE OF INTERNATIONAL EVENTS. Dorothy R. Dart	823
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
Fields v. Predionica I Tkanica	19 <b>7</b>
United States of Mexico et al. v. Schmuck, et al.	205
Rex v. Joyce	210
in re Yamashita	432
<i>in re</i> Homma	480

# CONTENTS OF VOLUME 40

	483 663
	841 856
BOOK REVIEWS AND NOTES	860
BOOKS RECEIVED	876
PERIODICAL LITERATURE OF INTERNATIONAL LAW. Wilbur S. Finch254, 511, 696,	878
Index	880
SUPPLEMENT SECTION OF DOCUMENTS. (Separately paged and indexed.)	

v