THE

AMERICAN JOURNAL

OF

INTERNATIONAL LAW



VOLUME 33

1939

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, 1939, by the American Society of International Law

BOARD OF EDITORS

EDWIN M. BORCHARD, Yale Law School.
HERBERT W. BRIGGS, Cornell University.
PHILIP MARSHALL BROWN, Washington, D. C.
J. REUBEN CLARK, JR., Salt Lake City, Utah.
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.
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 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.

CONTENTS OF VOLUME THIRTY-THREE

[No. 1, January, 1939, pp. 1–256; No. 2, April, 1939, pp. 257–440; No. 3, July, 1939, pp. 441–652; No. 4, October, 1939, pp. 653–860]

, , , , , , , , , , , , , , , , , , , ,	PAGE
17th Year of Permanent Court of International Justice. M. O. Hudson	
MUNICH SETTLEMENT AND INTERNATIONAL LAW. Quincy Wright	12
PROBLEM OF REVISION IN INTERNATIONAL LAW. Josef L. Kunz	33
Rule of Law and International Society. G. Schwarzenberger	56
RESPONSIBILITY OF STATES FOR ACTS OF INSURGENT GOVERNMENTS. H. Silvanie	78
THE MONROE DOCTRINE AND THE DECLARATION OF LIMA. C. G. Fenwick	257
THE "COMMITTEE OF EXPERTS" AT THE LIMA CONFERENCE. Edwin Borchard	
RELATIONS BETWEEN THE NAVY AND THE FOREIGN SERVICE. C. H. Woodward	
BRITISH CONTROL OVER THE EXPORT OF WAR MATERIALS. Ellon Atwater	
NATIONAL SUBSIDY OF INTERNATIONAL ORGANS. Denys P. Myers	
FUTURE INTERNATIONAL LAWS OF WAR. W. L. Rodgers	
STATUS OF OUTER MONGOLIA IN INTERNATIONAL LAW. Louis Nemzer	
THE AALAND ISLANDS QUESTION. Padelford and Andersson	
RESERVATIONS TO MULTILATERAL TREATIES. William Sanders	
THE NEW STATE DEPARTMENT. August C. Miller, Jr	
THE TREND OF INTERNATIONAL LAW. Thomas Baty	
CONCEPT OF JUST WAR IN INTERNATIONAL LAW. Joachim von Elbe	
DE FACTO AND DE JURE RECOGNITION: THE ARANTZAZU MENDI. H. W. Briggs	
LEGAL STATUS ADEN COLONY AND ADEN PROTECTORATE. R. R. Robbins	
25th Session of International Labor Conference. Smith Simpson	
Editorial Comment:	• 10
James Wilford Garner. In memoriam. J. S. Reeves. Grotius, 1625–1939. G. G. Wilson. Outlook for international law. C. G. Fenwick. Compensation for expropriations. C. C. Hyde. Proscription of German professors of international law. J. W. Garner. Revision of the Neutrality Act. Clyde Eagleton. Settlement of the Chaco dispute. L. H. Woolsey. Pacific coast fisheries. P. C. Jessup. Amendment of League Covenant. M. O. Hudson. Gradations of citizenship and international reclamations. R. R. Wilson. The United States and Europe, 1939. G. A. Finch. Changing field of international law. G. G. Wilson. International standards of criminal justice. A. K. Kuhn. The mandates in 1938. Quincy Wright. Antarctic sectors. J. S. Reeves. Agreement over Canton and Enderbury Islands. J. S. Reeves. Japanese in Kulangsu. L. H. Woolsey.	105 108 112 119 126 129 138 146 332 337 338 342 519
Concerning the Navemar. C. C. Hyde	
	111

PAG
Citizenship by birth not lost through naturalization of parent abroad. Edwin Borchard
Undeclared wars. P. M. Brown. 53
Some aspects of treaty interpretation. R. R. Wilson 54
International law and public order. Clyde Eagleton
Reconsideration of neutrality legislation. P. C. Jessup 54
Neutrality. P. M. Brown
Revision of neutrality legislation in time of foreign war. C. G. Fenwick 72
Aërial bombardments of food ships. A. K. Kuhn
Humanitarian intervention. E. C. Stowell
Internment. G. G. Wilson
Arbitration of Sabotage Claims against Germany. L. H. Woolsey
Doctrine of Erie R. R. v. Tompkins applied to international law. P. C. Jessup. 74
· · · · · · · · · · · · · · · ·
International law and lawless nations. C. G. Fenwick
CURRENT NOTES:
Annual meeting of the American Society of International Law. P. M. Brown. 14
The Supplement. G. A. Finch
Italian war and neutrality legislation. H. A. Steiner
The Soviet citizenship law of 1938. T. A. Taracouzio
The Statue of the International Public Works Committee. C. W. Jenks 16
Annual meeting of the Society
Foreign sovereigns. Thomas Baty
British Commonwealth Relations Conference. N. MacKenzie
Arbitration of the Aaroo Mountain. Quincy Wright
Secretary Hull elected President of the Society
Proposed amendments to the Society's Constitution 56
Student membership in the Society
Closure of Spain's delegation to League of Nations. N. J. Padelford 56
James Wilford Garner Memorial Library
Struggle for recognition of Dominion autonomy. L. H. Laing
Goal of Japanese expansion. A E. Hindmarsh
CHRONICLE OF INTERNATIONAL EVENTS. Dorothy R. Dart
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:
Chaco Arbitral Award
Trail Smelter Arbitral Decision
Judicial Committee of Privy Council: Chung Chi Cheung v. The King
U. S. Ct. of Cust. and Pat. App.; George E. Warren Corp. v. United States 38
Great Britain: Court of Appeal. Haile Selassie v. Cable & Wireless, Ltd 58
House of Lords. Spain v. S. S. Arantzazu Mendi
Philippson and Others v. Imperial Airways, Ltd
Supreme Court of Norway. Spain v. Campuzano
Mixed Claims Commission. U. SGermany: Black Tom and Kingsland Cases
U. S. Supreme Court: Elg v. Perkins, et al
District of Columbia v. Paris
Book Reviews and Notes
Books Received
Periodical Literature of International Law. Eleanor H. Finch253, 437, 648, 82
Index
SUPPLEMENT SECTION OF OFFICIAL DOCUMENTS. (Separately paged and indexed.)