

THE PERMANENT COURT OF
INTERNATIONAL JUSTICE

1920 - 1942

MANLEY O. HUDSON

THE PERMANENT COURT
OF
INTERNATIONAL JUSTICE
1920-1942

A TREATISE

BY

MANLEY O. HUDSON

JUDGE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE
MEMBER OF THE PERMANENT COURT OF ARBITRATION

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To
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CECIL J. B. HURST
J. GUSTAVO GUERRERO

Presidents of the
Permanent Court of International Justice
1922-1942

PREFACE

Since the publication of the author's treatise on the Permanent Court of International Justice in 1934, important developments have taken place and both the structure and the procedure of the Court have been changed. The Revision Protocol of September 14, 1929, which entered into force on February 1, 1936, introduced a number of amendments into the Statute of the Court; new Rules of Court were promulgated on March 11, 1936, effecting significant changes in the Court's practice and procedure; elections of judges were held in 1935, 1936, 1937, and 1938; the Court's jurisprudence has been developed along lines not previously followed; and numerous States have acted to extend the Court's jurisdiction and support.

These events called for an elaboration of the earlier treatise, and when the war led to a suspension of the Court's activities in 1940, the time seemed to be opportune for the work to be undertaken. Two years have been devoted to the task, and an effort has been made to produce a new treatise which would be a more or less complete record of the establishment, the organization, and the accomplishment of the Court during the period from 1920 to 1942. While the present volume follows the general lines of the earlier treatise, it is the result of a fresh approach to the materials. New chapters have been added on the proposed International Criminal Court and the Institution of Proceedings; a chapter on the Exercise of Contentious Jurisdiction has been omitted and the material redistributed; and the original treatise has been rewritten in view of the whole record and in the light of the author's experience.

The present treatise is based upon a conception of the work of the Court as a continuation of the process of international adjudication which began to be developed during the nineteenth century, and it is assumed that in spite of its present inactivity the Court is assured of a continuing existence. Circumstances make it impossible to foretell when and how the activities of the Court will be resumed, but it seems unthinkable that this twenty years of human experience will be disregarded in the course

of the events which are to come. Whether as a history of the past or as a guide for the future, the author ventures to hope that this volume may serve as a starting-point for the investigations of those who are interested in the administration of international justice according to law.

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MANLEY O. HUDSON

Cambridge, Massachusetts,
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