



# ANNUAL DIGEST AND REPORTS OF PUBLIC INTERNATIONAL LAW CASES

Being a Selection from the Decisions of International and  
National Courts and Tribunals given during the

YEARS 1935-1937

EDITED

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ANNUAL DIGEST AND REPORTS OF  
PUBLIC INTERNATIONAL LAW CASES

1935-1937

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## PREFACE

It has been the policy of the Advisory Committee and of the Editor to reduce, as far as possible, the time-lag between the date of the publication of the *Annual Digest and Reports* and the periods covered by each successive volume. The present volume is a further step in this direction. It is hoped to publish in the course of 1942 a further volume covering the years 1938-1940 and thus to bring the *Annual Digest and Reports* nearly up to date. A gap—of one year or so—may have to be reckoned with in the future as unavoidable, having regard to the delay in the publication of the reports of national courts in some countries. Subject to that interval, it will probably be found convenient and useful if, when the existing gap has been reduced, the *Annual Digest and Reports* appear, as the title indicates, as an annual publication providing an almost contemporaneous account of the application and development of international law, in so far as it is reflected in judicial decisions, during the period under review.

The present volume continues, even more emphatically than its predecessor, the transformation of the *Digest* into *Reports*. The paraphrasing of a decision is now the exception, while the *verbatim*, although often abridged, reproduction of the judgments has become the rule. At the same time, the form of the report, with its underlying separation between the statement of facts and the decision, has been preserved and will be maintained in the future. The circumstance that the activity of international tribunals in the period covering this volume was substantially reduced has made it possible to expand the method of *verbatim* reporting without increasing the bulk of the volume.

In the preparation of the present volume I have had the wholehearted and efficient co-operation of contributors in and outside England. A list of these contributors appears at the beginning of the volume. I wish to express to all of them the

sincere thanks of the Advisory Committee and of the Editor for their assistance in the effort to maintain the standard of the *Annual Digest and Reports*. Professor Lawrence Preuss has borne patiently the brunt not only of preparing the bulky contribution from the United States, but also of the additional work caused by irregularities in postal communications. Professor Verzijl managed to dispatch his valuable contribution one week before the invasion of Holland. He has since been reported to have been placed in an internment camp. I know that many international lawyers will share my own anxious hope that this distinguished scholar may soon be restored to freedom. I am also greatly indebted to Dr. G. Kaeckenbeeck, former President of the Upper Silesian Arbitral Tribunal, who, at short notice, helped to enhance the usefulness of this volume by reports of the decisions of the Tribunal whose activities he had guided for many years.

The reports of decisions by the courts in Italy as well as in Germany and in some of the countries, including France, occupied by German forces have been prepared in Cambridge with the help of the resources of the exhaustive collection of foreign law reports and periodicals available in the Library of Comparative Law which Dr. Gutteridge, the first Professor of Comparative Law in the University of Cambridge, has initiated as part of the Squire Law Library.

The members of the Advisory Committee have ungrudgingly found time to help me in the editorial work, both in the selection of cases and in dealing with difficulties arising out of war-time conditions. I am grateful, in particular, to Sir John Fischer Williams and to Dr. McNair for their assistance in these matters.

In their decision to continue at this time the publication of judgments of domestic and international tribunals illustrating the application and the development of the Law of Nations, the Advisory Committee have met with the full understanding and the generous aid of the Trustees of the Carnegie Endowment for International Peace. This encouragement is gratefully acknowledged. Without their support, the publication of this, as well as of the preceding volumes, would not have been possible.

The Advisory Committee and the Editor wish to express

their thanks to the Incorporated Council of Law Reporting for England and Wales for their permission to reproduce fully or in part decisions appearing in the Law Reports.

Practically the entire stock of the volumes of the *Annual Digest* covering the years 1919-1930 and published by Messrs. Longmans, Green & Co. has perished in the fire of London at the end of 1940. It is hoped to reprint these volumes in due course—perhaps in a cumulative edition. Apart from minor mishaps, the material for the present volume has escaped any direct consequences of enemy action either in England or *in transitu* across the Atlantic. The publishers, Messrs. Butterworth & Co., have again given the Editor their helpful co-operation in every respect. I am also indebted to the printers, Messrs. R. & R. Clark of Edinburgh, for their unfailing courtesy and accuracy.

Dr. K. Lipstein, in addition to his contributions in respect of a number of countries, undertook the heavy task of reading the entire proof, of comparing it with the original decisions, and of checking the references and the names of cases—a highly exacting task in a volume of this nature. Mrs. N. Robbins has also ably assisted me in proof reading. Miss Brockhouse, in addition to secretarial help throughout, has given valuable assistance in the preparation of the Tables of Cases. To all of them I extend my sincere thanks.

H. LAUTERPACHT.

TRINITY COLLEGE, CAMBRIDGE  
July, 1941



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## I. DECISIONS OF INTERNATIONAL COURTS AND TRIBUNALS

(The figures in heavier type indicate the page numbers of the actual reports or digests. The ordinary type indicates the page containing the relevant cross-references.)

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