

DEPARTMENT OF INTERNATIONAL STUDIES OF THE
LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE
(UNIVERSITY OF LONDON)

ANNUAL DIGEST OF PUBLIC INTERNATIONAL LAW CASES

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

YEARS 1929 and 1930

EDITED

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PREFACE

THIS volume of the *Digest*—the fifth in succession—covers the years 1929 and 1930. It has been edited on the same lines as its predecessors. The principal changes are of a typographical nature, and they ought perhaps to be mentioned here for the convenience of the reader. The "Facts" are printed in the same way as the rest of the decision; the perpendicular lines distinguishing the international cases have disappeared; the cases decided by the Permanent Court of International Justice are printed in the same type as other cases. In general, both for the sake of economy and in deference to suggestions made by critics, an effort has been made to reduce the variety of the type used in previous editions. But otherwise there has been no substantial change in the method adopted in previous years, except that the dissecting of decisions has been abandoned in a number of cases in order to give a trial to the policy, recommended by some well-wishers of the *Digest*, of reporting the case as a whole and inserting cross-references indicating the various points of law covered by the decision.

Sir John Fischer Williams and Professor McNair were unable, owing to pressure of other work, to assume their share of editorial responsibility. But I have had throughout the benefit of their advice, constant encouragement and assistance. I am also deeply indebted to other members of the Advisory Committee for their help, in particular to Dr. Hammarskjöld, Professor Brierly and Mr. Beckett, who read large portions of the proof.

The *Digest* has now a tried team of contributors in the various countries, and it is a great satisfaction to acknowledge gratefully their ungrudging co-operation. Their circle has been enlarged by the addition of new contributors who have shown full understanding of the object of this work. Dr. Jan Hostie, Secretary of the Central Commission for Rhine Navigation, has become responsible for digesting or advising on cases, both international and municipal, bearing on transit and communications. Judge Brinton, of the Egyptian Mixed Court of Appeal, has, jointly with Professor Bentwich, contributed the reports on Egyptian cases. Dr. L. Gross, of

Vienna and Harvard, digested the German cases. He also assisted the Editor in the preparation of the cases decided by the Mixed Arbitral Tribunals. Professor Daşcovici assumed the responsibility for the Rumanian decisions, and Dr. Pereira da Silva for the decisions of Portuguese courts. Dr. Váli has joined Professor Faluhelyi in the preparation of the digests of Hungarian cases. Mr. A. B. Lyons assumed the responsibility for the French decisions. Professor Gidel very kindly agreed to read the proofs of the French contribution and made most useful suggestions. M. Jacques Secretan, of the International Labour Organisation, was good enough to contribute, at short notice, a number of cases on the immunities of the officials of that Organisation and of the League of Nations, and I am indebted to Mr. C. W. Jenks for translating them.

It may be useful to repeat once more that only those few notes which are followed by the indication "Ed." are the work of the Editor. All other notes are supplied by the contributors.

As in previous years, the publication of the *Digest* has been made possible by the generosity of the Carnegie Endowment for International Peace (Division of International Law under the direction of Dr. James Brown Scott), the Benchers of the four Inns of Court, the Warden and Fellows of All Souls College, Oxford, and the Governors and the Director of the London School of Economics and Political Science, under whose auspices the *Digest* appears. To all these benefactors the Advisory Committee and the Editor tender their warm thanks.

A survey of the cases included in the present volume will show, as is to be expected, that there has been a substantial diminution in the number of "war cases," *i.e.*, cases directly or indirectly concerned with the World War or its liquidation. Nevertheless, when account is taken of the typographical changes, the size of this volume exceeds that of any of its predecessors. This fact, it is submitted, promises well for the process of the judicial development of international law in normal years of peace. The "war cases," it is true, still loom large in this volume. They are responsible for some important cases on the establishment of new States; on State succession; on interpretation of treaties (in particular with reference to so-called preparatory work and the interpretation of bilingual treaties); on the jurisdiction and procedure of arbitral tribunals; and on various questions of the law of war such as the

effect of war on treaties and contracts, occupation of enemy territory, aerial bombardment, destruction of neutral merchantmen, and—a matter of special interest—the admissibility of reprisals affecting neutrals. But the centre of gravity has now definitely shifted to peace-time cases. During the period under review the interpretation of the Peace Treaties has no longer been the primary concern of the Permanent Court of International Justice or of the arbitral tribunals, such as the American-Mexican, French-Mexican, and British-Mexican Claims Commissions and the various special tribunals like those between Poland and France, Italy and Venezuela, United States and Guatemala, and others. The yield of national tribunals consists almost exclusively of “peace-time” cases, among which may be mentioned those bearing on the following matters: jurisdictional immunities of States engaged in commerce—a matter of growing importance in these days; recognition of Governments and effects of non-recognition; the status of mandated territories; freedom of navigation on international rivers and the jurisdiction of international river commissions; jurisdiction at the maritime frontier (especially in connection with the United States prohibition legislation); the various aspects of denial of justice; extradition, in particular of political offenders; the different aspects of diplomatic immunities; and the status and functions of organs of international administration and institutions, like the International Institute of Agriculture, the international telegraph service (in connection with the suppression of the opium traffic), and the international postal service.

I am greatly indebted to Miss G. Bloch, B.Sc. (Econ.), for secretarial assistance in the preparation of the volume and for valuable help in proof-reading. She is also responsible for the translation of a number of cases, and for the Index and the Tables of Cases.

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