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PREFACE

THE present volume marks a change—which is of a less drastic nature than the alteration of the title would seem to suggest—in the history of this publication. This Series, which first appeared in 1929 as the *Annual Digest of Public International Law Cases* and which in 1940 was renamed *Annual Digest and Reports of Public International Law Cases*, appears now and will in the future appear as *International Law Reports*. The change adopted in 1940 was intended to give effect to a policy which aimed at the gradual transformation into full reports of what started as a digest of decisions of international courts and tribunals and of national courts applying public international law. That aim can now be regarded as achieved. The year 1950 seems a proper date for registering, through an express change in the title of the publication, the development thus accomplished. It is fitting that international law should possess a regular series of reports not only in substance but also in name.

It has been thought desirable to preserve the form of the reports as reproduced in the past, in particular their division into *Facts* and *Held*. The *Facts* include not only the factual basis of the case, but also the legal contentions of the parties—a method which is intended to assist the reader from the outset in gauging the nature and the importance of the legal issues involved in the case. As in the past, the *Held*, before reproducing the decision verbatim, usually states briefly the effect of and the principle upon which the decision is based. Apart from that, the judgment is as a rule transcribed, or translated, in full in so far as it is relevant to any question of international law decided by it. In the case of decisions given in a language other than English, the policy has been, and will continue, to give as literal a translation as possible and thus to preserve the original character of the decision, even if occasionally the literal translation may create the impression of a rendering which is somewhat artificial. It is not easy—and probably not desirable—to avoid that impression. There exist in the administration of justice in various countries differences in terminology, in method, and in the mental processes of arriving at a decision. The preservation of these differences adds to both the interest and the usefulness of the *International Law Reports*. It would serve no useful purpose to attempt to

attenuate them for the sake of a superficial uniformity of expression. What is of greater, and decisive, importance is that behind the divergencies of method, language, and procedure, there reveals itself more often than not a general consensus of approach and attitude which testifies to the vitality and the unifying influence of the law of nations throughout the world.

The present volume, which covers the year 1950, is being published in 1956. Steps are now being taken to publish in 1957 four volumes covering the years 1951 to 1954, and in 1958 two further volumes covering the years 1955 and 1956. The accomplishment of this object would bring the *International Law Reports* up to date as far as is feasible having regard to the considerable time-lag in the availability of reports from various countries and to the exigencies of printing. In future every effort will be made to reduce the time-lag to a minimum.

Moreover, I cherish the larger hope that we may be able before long to retrace our steps and publish a series of volumes of the *International Law Reports* for the long period between the inception of modern international case law and 1918 (the period covered by the *Annual Digest* begins in 1919). This is at present no more than a hope, and it is therefore not necessary to resolve now the difficulty of deciding which of two crucial dates should be regarded as marking the beginning of modern international case law. One of these is the year 1764, when, in the case of *Triquet v. Bath*, Lord Mansfield first judicially affirmed the unity of municipal law and the law of nations—a unity expressed in the notion that international law is part of the law of the land. That notion, whose validity has been fully accepted by courts in the United States, constitutes one of the most significant contributions of the common law to the practice and the doctrine of international law. The second possible date is the year 1794. In that year Great Britain and the United States of America concluded the Jay Treaty which marks the commencement of a long and sustained practice of arbitral settlement between the two countries and, with it, the commencement of the true growth of international arbitration. A series of international law reports going back to one of these two dates would, I believe, be of inestimable practical and scientific value. It would also give fitting expression to a significant aspect of the judicial tradition of the common law countries and of its

influence, in this respect, upon the judicial practice of many other countries. Above all, it would complete the task of placing at the disposal of Governments as well as of the scholar and the practitioner the entire *corpus juris* of international law in so far as it is embodied in judicial and arbitral decisions. More than a quarter of a century has now elapsed since the first volume of the *Annual Digest of Public International Law Cases* appeared. Experience has fully confirmed, in the words of the Preface to that volume, "the suspicion that there is more international law in existence and daily accumulating 'than this world dreams of' and the conviction that it is more international law that this world wants".

The decision to bridge the existing gap and thus to make possible the publication of the *International Law Reports* within the necessary time limits has been made practicable largely through the generosity of the Ford Foundation, which has put at the disposal of the Advisory Committee a substantial grant for a limited period of years. The Advisory Committee and the Editor take this opportunity of expressing their warm thanks to the Foundation. This is also the place for gratefully acknowledging grants made, for the purpose of expanding the Series, by the Trustees of the International Law Fund and by the Trustees of the Humanitarian Trust Studentship in International Law in the University of Cambridge.

In preparing both the present volume and the plans for the future development of the *International Law Reports* I have relied on the constant advice and encouragement of Lord McNair, Chairman of the Advisory Committee, who was Joint Editor with me of the first volumes of the *Annual Digest* and who has been closely associated with its work throughout the entire period of its activity.

To the Contributors—the true authors of this and other volumes—a list of whose names appears in the forefront of the volume, I am deeply grateful for the devotion with which they fulfil what is substantially a labour of love involving not only wide and painstaking research but also, frequently, the laborious task of translation.

My grateful thanks are due to Dr. F. Honig who, in addition to his extensive and valuable work as contributor, read the proof and rendered other assistance in seeing the volume through the press; to Mr. D. J. Latham Brown, LL.B., for

his part in reading the proof ; and to Mr. A. B. Lyons, M.A., LL.B., for his generous assistance in revising many of the cases and in preparing the Index. Mrs. Gladys Lyons, B.Sc. (Econ.), has—as in the past—read the proof and seen the volume through the press in all stages. She also prepared the Tables of Cases and helped to conduct a great deal of correspondence. I am grateful to her for her able and devoted help. I am also indebted to Mrs. E. E. Jansen, who has borne the brunt of the secretarial work, and to Mr. C. J. Staines for patient clerical assistance.

Finally, I desire to express my thanks to Messrs. Butterworth & Co., the Publishers, and to Messrs. R. & R. Clark, the Printers, for their unfailing courtesy and efficiency.

H. LAUTERPACHT

THE PEACE PALACE,
THE HAGUE
March 1956

LIST OF ABBREVIATIONS

OF TITLES OF COLLECTIONS OF DECISIONS, LAW
REPORTS, PERIODICALS, ETC., QUOTED IN THE TEXT

A. (or Atl.)	= Atlantic Reporter (United States).
A.C.	= British House of Lords and Judicial Committee of the Privy Council.
A.D.	= Supreme Court of the Union of South Africa, Appellate Division.
A.I.R.	= The All India Reporter.
All E.R.	= The All England Law Reports.
A.L.R. 2d	= American Law Reports, Second Series.
Annual Digest	= Annual Digest [and Reports] of Public International Law Cases.
App. Div.	= Supreme Court Reports (New York), Appellate Division.
B.G.	= Bundesgericht.
B.G.E.	= Entscheidungen des Bundesgerichts.
Can. C.C.	= Canadian Criminal Cases.
C.A. (U.S.C.) (A.H.C.)	= Court of Appeals, United States Courts of the Allied High Commission for Germany (from vol. VII (January 1950) onwards).
C.A. (USMG)	= Court of Appeals of the United States Military Government in Germany (vols. I-VI).
CC.Cr.App.R.	= Control Commission Criminal Appeal Reports.
C. (or Ch.) Rob.	= C. Robinson's Admiralty Reports (1799-1808).
Ch. App. Cases	= Law Reports: Appeal Cases, Chancery Division.
Ch. (or Ch.D.)	= Chancery Division of the English High Court of Justice.
Clunet	= Clunet, Journal du Droit international.
C.P.A.	= Civil Procedure Act.
C.P.D.	= Supreme Court of the Union of South Africa, Cape Provincial Division.
Dalloz	= Recueil périodique et critique de Jurisprudence, de Législation et de Doctrine (founded by Dalloz).
D.L.R.	= Dominion Law Reports (Canada).
Dods.	= Dodson's Admiralty Reports (1811-22).
Edw.	= Edward's Admiralty Reports (1808-12).
Eq.	= Law Reports: Equity.
Ev. Bl.	= Evidenzblatt der Österreichischen Juristenzeitung.
F. (or Fed.)	= Federal Reporter (United States).
F. 2d	= Federal Reporter (Second Series).
F.C.R.	= Federal Court Reports (India).
F. Supp.	= Federal Supplement (United States).
Gaz. Pal.	= Gazette du Palais (France).
H.K.L.R.	= Hong Kong Law Reports.
H. of L. App. Cas.	= House of Lords, Appeal Cases.

I.A.	= Indian Appeals decided in the Judicial Committee of the Privy Council.
I.C.J. Reports	= International Court of Justice, Reports of Judgments, Advisory Opinions and Orders.
I.L.R.	= India Law Reports.
J.Bl.	= Juristische Blätter.
K.B. (or K.B.D.)	= King's Bench Division of the English High Court of Justice.
L. Ed.	= Supreme Court Reporter, Lawyers' Edition.
L.J.C.	= Law Journal: Chancery.
L.J.M.C.	= Law Journal Magistrates' Cases.
L.J.R.	= Law Journal Reports.
Ll.L.Rep.	= Lloyd's List Law Reports.
Ll. P. C.	= Lloyd's Prize Cases.
L.N.T.S.	= League of Nations Treaty Series.
L.R.	= Law Reports (England).
L.T.[R.]	= Law Times [Reports].
M.L.J.	= Malayan Law Journal.
M.L.R.	= Malayan Law Reports.
M.U.L.R.	= Malayan Union Law Reports.
N.D.S.	= Nordiske Dommer i Sjøfartssaker (Norway).
N.E.	= Northeastern Reporter (United States).
N.J.	= Nederlandse Jurisprudentie (Holland).
N.L.R.	= Natal Law Reports.
N.O.R.	= Na-oorlogse Rechtspraak (Holland).
N.P.D.	= Supreme Court of the Union of South Africa, Natal Provincial Division.
N.W.	= North Western Reporter (United States).
N.Y.S.[upp.]	= New York Supplement.
Ob.	= Oberster Gerichtshof (Austria).
OGHZ	= Entscheidungen des Obersten Gerichtshofs für die britische Zone, Zivilsachen (Germany).
OJZ	= Österreichische Juristenzeitung.
P. (or P.D.)	= Probate, Divorce and Admiralty Division of the English High Court of Justice.
P.C.I.J.	= Publications of the Permanent Court of International Justice: Reports of Judgments, Advisory Opinions, Orders, and other Acts and Documents.
Q.B. (or Q.B.D.)	= Queen's Bench Division of the English High Court of Justice.
R.G.D.I.P.	= Revue générale de Droit international public.
R.G.Z.	= Entscheidungen des Reichsgerichts in Zivilsachen.
S.A.L.R.	= South African Law Reports.
S.C.R.	= Supreme Court Reports (Canada).
S.Ct.	= Supreme Court Reporter (United States).
Sirey	= Recueil général des Lois et des Arrêts (founded by Sirey).
SJZ	= Süddeutsche Juristenzeitung.
S.R. & O.	= Statutory Rules and Orders published by authority (England).
T.P.D.	= Supreme Court of the Union of South Africa, Transvaal Provincial Division.

LIST OF ABBREVIATIONS

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U.S.	= United States Reporter (Supreme Court).
U.S.C.A.	= United States Code Annotated.
VfGH	= Sammlung der Erkenntnisse und wichtigsten Beschlüsse des Verfassungsgerichtshofs (New Series) (Austria).
VwGH(A)	= Erkenntnisse und Beschlüsse des Verwaltungs- gerichtshofes, New Series (Administrative Law) (Austria):
VwGH(F)	= Erkenntnisse und Beschlüsse des Verwaltungs- gerichtshofes, New Series (Law relating to Finance) (Austria).

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