

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 1919 to 1922

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LECTURER IN PUBLIC INTERNATIONAL LAW IN THE
LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

LONGMANS, GREEN AND CO.
LONDON · NEW YORK · TORONTO

1932

This reprinted edition published by
GROTIUS PUBLICATIONS LTD.,
LLANDYSUL, WALES, U.K.

First impression published by
Messrs. Longmans, Green & Co.

Reprinted by photolitho
by Gomer Press, Llandysul, Wales, U.K.

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PREFACE

THE appearance of this volume of the *Digest*, in the present financial and economic conditions, would not have been possible had it not been for the very generous help of the Carnegie Endowment for International Peace (Division of International Law under the direction of Dr. James Brown Scott), of the Benchers of the Four Inns of Court, of the Warden and Fellows of All Souls College, Oxford, and of the Governors and the Director of the London School of Economics and Political Science, under whose auspices the *Digest* is published. To all of these, pious founders and benefactors of what the Editors trust will be a work of permanence and confidently believe to be a work of utility, the Editors and the Advisory Committee tender most grateful thanks.

A capital contribution of essential importance to the usefulness of the present volume has also been supplied by the co-operation of Professor Dickinson, with the approval and active backing of the Law School of the University of Michigan. Professor Dickinson (who has accepted a place on the Advisory Committee), with the assistance of Mr. William W. Bishop, junior, undertook the collection and digesting of the cases from the United States and from all countries of the American Continent other than Canada; the University of Michigan with signal generosity has borne the whole of the expense thus involved. Those who use this volume will readily understand that the Editors are guilty of no exaggeration when they say that the value of the help thus given is inestimable.

The general scheme and arrangement of the volume follow closely the volumes already published.

As announced in the Preface to the volume for 1927-1928, there has been a partial change in the personality of the editorship. The pressure of other work has compelled Dr. McNair—without whom the *Digest* would not have existed—to put his share of the editorial work into other hands, but with the continued presence of Dr. Lauterpacht every possible effort has been (and will be) made to maintain the character and reputation of the series. The Advisory Committee, where Dr. McNair has taken a place which he has found to be no sinecure, has been strengthened by the presence of eight additional members, including Lord Atkin and Lord Tomlin.

It will be noticed that this volume differs from its predecessors in including the work of four years (1919-1922), whereas the previous volumes and that now in preparation for 1923 and 1924 cover each two years only. The years 1919 to 1922 were in fact less fertile in public international law cases, apart from the law of Prize, than the years which followed. In the earlier of those years peace after the World War had not, or had hardly, been re-established, and the international tribunals created by, or with reference to, the peace treaties—such as the Mixed Arbitral Tribunals or the German-American Claims Commission—had not been instituted or had not got into the full swing of their work.

Prize cases have as a general rule not been included in the *Digest*. The decision not to deal with Prize Law was based on several considerations—the very special nature of this branch of law, the accessibility of full reports, the serious additional expense involved, and the fact that, unless the date chosen for the commencement of the *Digest* had been altered, and thus a departure made from the fundamental intention to make this a digest of post-war public international law, only prize cases decided after the cessation of hostilities in the World War would have been included, and so only a very incomplete and imperfect picture of the contemporary developments of this branch of the international law of war would

have been given. But in one or two cases, such as the famous affair of *The Blonde, Prosper and Hercules*¹ in the British Privy Council, where important points of general public international law were decided, the Editors have used their liberty to make exceptions to the general rule.

Readers will notice that in some cases it has been thought well to call attention to dissentient minority judgments recorded in the original report.

Our contributors from overseas have again been unstinting of that loyal assistance which alone makes possible the work of preparing the *Digest*, and which brings little beyond itself for reward. We have to thank them in particular for notes and further references which increase the value of this publication and which it would be impossible to compile in England.

The acknowledgment contained in the Prefaces to previous volumes of the value of the work done by the publishers, Messrs. Longmans, Green and Co., and the printers, Messrs. T. and A. Constable Limited, of the University Press, Edinburgh, is equally due on this occasion.

The help of members of the Advisory Committee, particularly in the work of revision, has been given as ungrudgingly as before, and often in the midst of pressing work of a public character ; the Editors are in special duty bound to recognise a co-operation which is all the more generous as the final word of decision has been left with themselves.

Reviewers and users of the volumes which have already appeared have been helpful in suggestions, and we have endeavoured to profit by them. If we may adapt and adopt words which Professor Maitland uses on a similar occasion,² we can say that " if those who have occasion to use this *Digest* " will speak their minds, every volume of the *Digest* henceforth " may be better than the last." But we may perhaps be

¹ See Case No. 288 of this volume.

² Introduction to the Year Book Series of the Selden Society.

allowed to repeat what was said in effect in the Preface to the 1927-1928 volume, that a *Digest* is not and cannot be either a reprint in full of reports or a case book, and that when one case, as often happens, contains decisions or discussions of more than one legal topic, the classification of material makes it necessary to treat of it in more than one entry. We have endeavoured to minimise any inconvenience which may result from this necessity, but it is a necessity and we cannot avoid it.

It may be useful to repeat that only those notes which are followed by the indication "Ed." are the work, and imply the responsibility, of the Editors ; all other notes are supplied by contributors.

Cross-references are, as a general rule, limited to the contents of the present volume. The adherence throughout the *Digest* to the same system of classification will, it is thought, make it easy for the reader to follow the stream or streams of decision on any one subject.

JOHN FISCHER WILLIAMS.
H. LAUTERPACHT.

1st December, 1932.

The correct method of citation of cases in this volume is :

Annual Digest, 1919-1922, Case No.

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