

SERIES E.—No. 5

FIFTH ANNUAL REPORT
OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE
(June 15th, 1928—June 15th, 1929)

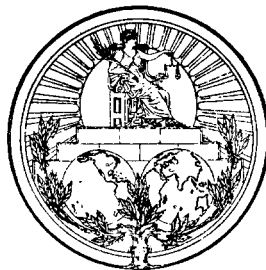
PUBLICATIONS OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

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FIFTH
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(JUNE 15th, 1928—JUNE 15th, 1929)



A. W. SIJTHOFF'S PUBLISHING COMPANY—LEYDEN

PUBLICATIONS OF
THE PERMANENT COURT OF INTERNATIONAL JUSTICE

SERIES E., No. 5 (ENGLISH)

FIFTH ANNUAL REPORT
OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE
(June 15th, 1928—June 15th, 1929).

ERRATA

Certain errors which might lead to misunderstanding having been noticed after the printing of the Report, a list of corrections is given below :

- Page 28, add: RAHIM. Sir Abdur, India.
,, 48, in the case of LILLELUND, date of nomination should be :
January 6th, 1922.
,, 49, in the case of PHOCAS, date of nomination should be :
December 23rd, 1921.
,, 77, last line but one, for "*Third Annual Report*" read: *First...*
,, 78, line 4, for "*Third Annual Report, pp. 112-117*", read :
First Annual Report, pp. 104-119.
,, 82, third line of note, for "solution" read: *situation.*
,, 88, line 10: delete [Article] 16.
,, 90, line 7, the heading II should be transferred to the
beginning of the last paragraph of this article.
,, 95, note 2, read: *Fourth Annual Report, p. 166.*
,, 138, line 6, for "*December 6th, 1928*", read: *February 13th, 1929.*
,, 140, note 6, page reference should read: p. 180.
,, note 7, " " " " : p. 184.
,, 161, note, " " " " : p. 151.
,, 181, line 16 should read: "*Orders of December 24th, 1928,*
and March 26th, 1929, the..."
,, 183, last line but one, read: *May 15th, 1922.*
,, 184, line 9, read: *March 3rd.*
,, 194, line 6, read: *June 30th, 1931.*
,, 210, lines 3 and 4, read: "*the bonds and coupons*".
,, 214, last paragraph but one, second line, read: *April 19th.*
,, 389, Conditions for renewal by the Netherlands should read :
"For all future disputes excepting those in regard to
which the Parties may have agreed, since the coming
into force of the Court's Statute, to have recourse...."
,, 471, third line should read: "*If the Parties so agree....*"
,, 472, note 3, read: page 31.
,, 488, note 1, date should read: *March 11th, 1929.*

The Hague, September 1929.

INTRODUCTION.

The Court's Fifth Annual Report covers the period June 15th, 1928, to June 15th, 1929¹. The plan adopted is the same as that of the preceding Reports.

Amongst the matters with which it deals, the following should be noted: the death of M. André Weiss and of Lord Finlay (pp. 17-23); the taking up of his duties by Mr. Charles Evans Hughes, elected in 1928 (p. 17); the transformation of the premises in which the Court and its services are installed (pp. 78-80); the meeting of a Committee of Jurists instructed to examine the Court's Statute (pp. 82-94) and the situation with regard to the adherence of the United States of America to the Protocol of Signature of the Court's Statute (pp. 142-150); applications from private persons between June 15th, 1927, and June 15th, 1929 (pp. 162-165).

Chapters IV and V contain summaries of the three judgments, three orders and the advisory opinion rendered by the Court since June 15th, 1928.

Chapter VI completes the Digest which appeared in the Third Annual Report (Chapter VI), incorporating in it decisions taken during the period 1928-1929; this Digest had already been brought up to date, as regards decisions taken during the period 1927-1928, by Chapter VI of the Fourth Annual Report. The analytical index which follows this Chapter covers the whole of the decisions, both those mentioned in the Third Annual Report and those given in the Fourth Annual Report and in this volume.

Chapter VII describes the efforts made to increase the circulation of the Court's publications.

Chapter VIII mentions amendments to the Financial Regulations and an opinion on a question of principle in connection with the budget given by the Supervisory Commission.

Like that contained in the Third and Fourth Annual Reports, the bibliographical list given in Chapter IX is additional to that

¹ The decisions, however, given by the Court after June 15th in cases in progress at that date have been included.

in the Second Annual Report. It is completed to June 15th, 1929, and also makes good certain omissions in previous lists. The two indexes to the bibliography cover all four lists.

Chapter X constitutes the third addendum to the third edition of the *Collection of Texts governing the Court's jurisdiction*, which appeared on December 15th, 1926¹. It contains, in a first section, supplementary information regarding the instruments mentioned in the *Collection* and in the first and second addenda; a second section contains the text of the relevant clauses of the various international instruments which have come to the knowledge of the Court during the period 1928-1929. Chapter X is followed by a list in chronological order of the new instruments given in Section II. A complete list, also in chronological order, of all international instruments mentioned both in the third edition of the *Collection* and in the three addenda is given in Chapter III.

* * *

It is to be understood that the contents of the volumes of Series E. of the Court's Publications, which are prepared and published by the Registry, in no way engage the Court. It should, in particular, be noted that the summary of judgments and advisory opinions contained in Chapters IV and V, which is intended simply to give a general view of the work of the Court, cannot be quoted against the actual text of such judgments and opinions and does not constitute an interpretation thereof.

The Hague, July 15th, 1929.

Å. HAMMARSKJÖLD,
Registrar.

¹ The first addendum is Chapter X of the Third Annual Report, and the second addendum, Chapter X of the Fourth Annual Report.

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CHAPTER I.

THE COURT AND REGISTRY.

I.

THE COURT.

(I) COMPOSITION OF THE COURT.

The Fourth Annual Report contained mention of the resignation of Mr. John Bassett Moore, addressed to the Secretary-General of the League of Nations by a letter dated April 11th, 1928, and accepted by the Council subject to the concurrent approval of the Assembly. On September 4th, 1928 (third full meeting of the IXth Assembly, No. 20), the Assembly accepted Mr. Moore's resignation ; at the same time it decided that the election of Mr. Moore's successor would be held on September 8th, 1928. The Assembly Resolution was notified to the Court by a letter from the Secretary-General to the Registrar, dated September 6th, 1928.

Resignation
of Mr. Moore.

On September 8th, as the result of elections held simultaneously by the Assembly and by the Council, the President of the Assembly announced the election of Mr. Charles Evans Hughes in succession to Mr. Moore. On the same day, the Secretary-General of the League of Nations requested Mr. Hughes to inform him whether he accepted this appointment and also notified the Court of the appointment through the Registry. On September 12th, he communicated to the Registrar Mr. Hughes' reply, which was in the affirmative.

Election of
Mr. Hughes.

On August 31st, 1928, during the XIVth Session, the death occurred at The Hague of M. André Weiss, Vice-President of the Court, aged 69 years. At the express desire of the family of the deceased, the Court declined the offer of a public funeral made to it by the Dutch Government.

Death of
M. Weiss.

In opening the IXth public sitting of the XIVth (ordinary) Session (September 13th, 1928), the President of the Court made the following speech as a tribute to the memory of M. Weiss :

Since its last public sitting, the Court has suffered a very heavy loss in the death of its Vice-President, André Weiss.

This is not the time or the place to describe the services rendered by André Weiss to legal science or to seek to measure the great gap left by this disappearance in circles devoted to the study of law. It rests with others better qualified than myself to point to the number, extent and variety of the works which constitute his contribution to the science of law ; the valuable assistance given by him to many and various learned societies which were proud to have him as a member and sometimes as a founder ; the influence which long years of teaching enabled him to exercise over a whole generation of jurists, some of whom have now obtained eminence, who venerated and looked up to him as an incomparable master.

But the Court must publicly pay tribute to the just and wise judge who, for more than six years and until the very last days of his life, has devoted to its service, with unflinching devotion, a high intelligence and moral uprightness beyond all praise.

Trained in the great Romano-civilist school which formed the basis of French juridical culture in the XIXth century, André Weiss widened his intellectual training and—if I may use the expression—gave suppleness to his intellect by the study of private international law to which he soon devoted almost the whole of his labours as writer and professor.

In this, his chosen field of study, he was mainly influenced by that Italian school of the second half of the last century, of which the programme, formulated by Mancini in a celebrated report submitted to the Institute of International Law in 1874, was mainly characterized by the close connection which it established between private international law and public law and the conception of the State itself. Accordingly, when the time came, our lamented colleague was able to devote to the service of the ideal, which was the crown of his illustrious career, a legal education which combined with a lofty openness of mind, essential for the understanding of the special nature of interstate relations, the technical precision necessary in dealing with such relations *sub specie juris*.

However essential they may be, the qualities of intelligence and culture are not the only, nor even perhaps the most important of those necessary for the fulfilment of the arduous task entrusted to us. An institution such as ours can only hope to survive if it is capable of rising to a plane above national egoisms and controversies, and attain a degree of impartiality and justice as lofty as

it is possible for human impartiality and justice to reach. And in this respect also—I am even tempted to say especially in this respect—how heavy and how sorrowful is the loss the Court has suffered! For André Weiss brought to it a mind freed from any sentiments save those of justice and impartiality. No one I think felt more profoundly than he did the greatness of our mission and the crushing responsibility which is ours; no one more than he was the loyal and devoted servant of the idea which the Court represents, the idea of international justice in the noblest and most lofty sense of the word. This supreme tribute, which to-day we are solemnly paying to the memory of our departed colleague, had moreover already been rendered to him by the Court during his lifetime: for only absolute confidence in the moral worth of the man could have led to his election as Vice-President in 1922 and still more to his re-election in 1924 and again in 1927.

Whilst the Court deplores the loss of a wise and just magistrate, we his colleagues also deplore the loss of a man never to be forgotten. To the gifts of a rare intelligence and culture, of a nobility and uprightness of character, André Weiss added a kindness which never failed, a natural distinction accompanied by a reserve which caused one to appreciate it the more, and finally a charm which it was impossible not to feel. I felt the charm for the first time almost twenty years ago. It was in Florence during the session of the Institute of International Law; we were together descending one of the smiling hillsides which surround that city, our eyes absorbing the vista of monuments and places sacred to the history of civilization which stretched before us, and on which the last rays of the October sun were falling. I felt the same charm in my last conversation with him a few days before his death. He spoke to me of his attachment to the Court, of his regret at being away from it, of his desire, God willing, to fulfil his task, whilst I, with bitterness in my heart, sought to nourish a hope which, alas! was vain. This charm which never failed, always the same in times of joy and of sorrow, was but the outward expression of a soul which owing to its profound kindness always saw the best side of men and things; of a soul which opened with enthusiasm to beauty and resigned itself to suffering with the serenity of the just, which sees, beyond the approaching shadows of evening, the coming of the great light.

Such was the colleague and friend whom we have lost and on whose tomb, together with the gratitude, admiration and sorrow of the Court, we place the tribute of our deep, sincere and unfading affection.

Viscount Finlay of Nairn died in London on March 9th, 1929, at the age of 86. Death of
Lord Finlay.

In opening the first public sitting of the XVIth (extraordinary) Session (May 15th, 1929), the President paid the following tribute to Lord Finlay's memory:

In opening the Sixteenth Extraordinary Session of the Court, I have a painful duty to fulfil.

Only a few months have passed since the day when in this very hall on a similar occasion I had to express the sad loss inflicted on the Court by the death of its Vice-President, André Weiss. And now yet another is missing from amongst us. The Right Honourable Viscount Finlay, in age the senior member of the Court, the most beloved and the most respected of its judges, died in London on Saturday March 10th, last, as the result of an operation which he had insisted on undergoing so that he might be able to continue to work amongst us.

The office of judge of the Permanent Court of International Justice was for our lamented colleague the crowning point of a long life during which he had successively occupied in his own country the highest positions to which a jurist can aspire. Others better qualified than I have already spoken, or will speak, of this, by far the widest field of his activities, of the services rendered to the administration of justice and to his country, of the authority and prestige acquired by his high intellectual and moral qualities. It is for the Court in whose name I have the honour to speak to declare that the sacred trust conferred on us—which was for our departed colleague the highest fulfilment of his mission in this world—has never been exercised with purer or nobler motives, with a greater spirit of devotion or a greater consciousness of responsibility than by him.

Many of those who hear me have themselves been in a position to observe the assiduity with which our regretted colleague took part in the work of the Court. During his seven years of office he only missed one single session out of the fifteen that were held, and that on account of serious illness. May I add that he was always ready to answer any call, whatever the inconveniences occasioned or sacrifices necessitated thereby for him. "The Court first", was his motto, and to that motto he remained faithful to the last moments of his life. In a letter, the last which he wrote me, on January 19th, from Malaga, whither he had gone for his health, he spoke of his approaching departure for London and his decision to place himself on his arrival in the hands of oculists, in order to undergo the operation which was to enable him to begin reading again and thus to sit with us at the session which, alas! is opening deprived of his presence.

What I have just referred to shows the manner in which Lord Finlay conceived of his duties as judge of this Court. Those duties moreover he had only undertaken after much hesitation and with full knowledge of the difficulties accompanying them and the heavy responsibilities which they involve. I learnt this from his own lips much later and I do not consider that I am committing any breach of confidence in mentioning it. Although for certain personal reasons he would have wished to be elected to the

Court, he hesitated long before consenting to become a candidate; and it was not his great age—he was then nearly eighty—which made him so hesitate; those who knew him have observed that age played practically no part in his decisions, to such an extent were intellectual and moral vigour combined in him with an almost marvellous physical energy. If he hesitated, it was that the responsibilities to be assumed by him in taking part in the earliest steps of the new institution seemed to him very serious, and because he feared he had not the qualifications necessary ably to fulfil his duties. Happily for the Court, that hesitation was overcome, and there remained of it no trace save the lively and profound consciousness of the duties which he had undertaken in accepting.

That hesitation is the more significant and worthy of mention in that, in reality, it would not be easy to find a man possessing the qualifications necessary for sitting on this Court to a greater extent than Lord Finlay. It is only too true to say that often a choice has to be made between persons whose judicial experience has been in municipal Courts and who have not had an opportunity for profound study and application of international law, and persons who, having devoted themselves to the study of international law, have no experience of judicial duties. Such however was not the case with Lord Finlay who, while holding the highest judicial offices in his country, had also to study and apply international law. The ten years during which he was a Law Officer gave him many occasions for applying the principles of international law to particular cases: this is easily realized when we consider that Lord Finlay had been Solicitor-General during the Spanish-American War and Attorney-General during the South African and Russo-Japanese Wars, the latter war having given rise to the celebrated Dogger Bank incident. It may be remembered that that incident gave rise to most interesting questions in the domain of the law of war and neutrality; this was the first occasion that the system of "Commissions of Enquiry", which had been established by the First Hague Conference, was made use of. To this must be added the fact, specially to be noted, that he had been entrusted with the defence of his country's interests in certain international arbitrations which are amongst the most remarkable of our time, such as those relating to the Alaska Boundaries, the Venezuelan Claims, the Frontiers of British Guiana, and the North American Fisheries.

In the same connection, two other qualities must be mentioned which made Lord Finlay specially suited to sit on this Court. One of these was his knowledge of languages; if his mother tongue alone was familiar in the strict sense of the word, he could however not only read and understand but also speak German and French; further he had a knowledge of Italian and Spanish more than sufficient to read and appreciate even the most difficult authors who have written in those languages. The other quality to

which I feel that I must here refer, for I think that it contributed much towards enabling him to acquire and maintain to a very advanced age that broadness and suppleness of mind so necessary to understanding international questions difficult and complex as they, if any, are—the other quality was his classical and literary culture. I still remember vividly the impression made on me when a few months after making his acquaintance I heard him repeat fluently and by heart long passages of Homer and of Virgil, or when as sole response to certain arguments put forward in the Court during a discussion in which he had not taken part, he quoted to me without a single mistake certain remarkably appropriate lines of the *Divina Commedia*.

A man so highly qualified and enjoying a prestige afforded by a life without blemish or reproach and by the very eminent position attained by him in his country—a prestige to which his age, greater than the average age of his colleagues, added almost a halo—could not fail to have in the Court a great authority. This authority impressed itself from the very outset and never diminished. The opinion of Lord Finlay was always in the eyes of his colleagues without exception of the greatest weight; one was pleased to find oneself in agreement with him; if one did not agree, one required time for reflection. And without any doubt the members of this Court would have been happy to give him some more striking external mark of their confidence, if this had not been constantly and definitely refused by him.

This confidence was based not only on the value and intellectual qualities of the man, but also on his moral qualities which placed him above any other considerations than impartiality and justice. I think I am paying the greatest tribute to our lamented colleague—and I am glad if I may at the same time correct erroneous opinions which appear from time to time in the press with regard to this Court—by saying here publicly that Lord Finlay did not hesitate to vote against the views put forward by his Government's representatives when he was convinced that right lay on the other side. And I desire to add, in order to give special emphasis to this fact, that on those occasions—two at least—opinions were divided in the Court; I remember for instance that on one of the occasions to which I refer, I, with other judges, voted in favour of the British Government's contentions, whereas Lord Finlay voted against. That shows that the question was certainly open to discussion and that the opinion of our lamented colleague was determined only by a fixed desire to render justice, by a mind superior to any national egoism.

In truth no one understood better than Lord Finlay that he was not here to represent his great country but to render justice and nothing but justice. What Lord Finlay truly represented in this Court, as it was his duty to do, was the legal system in which he was brought up. It is in particular thanks to him that certain

principles and institutions of Anglo-Saxon Law, particularly as regards procedure, which seem best destined to meet the requirements of international justice have, with the appropriate limitations and modifications, found a place in the Rules of Court. And there is no need to add that in the course of the sometimes difficult tasks which we have to fulfil, he never failed to help us with those ideas of flexibility and of equity which are the basis and almost the life-breath of the English legal system and which in certain respects are so well suited to fill the gaps and make good the imperfections that exist in international law.

If, on the one hand, the influence which the Anglo-Saxon legal system has justly exercised on our work is mainly due to Lord Finlay, on the other hand, the undisputed authority of our departed colleague in the countries that make use of that system contributed much to enhance the prestige of the Court in those countries, at the moment when that prestige was most necessary. That is a great debt of gratitude which our Institution owes to the illustrious member of the earliest hour; may that debt never be forgotten!

As regards ourselves, who have had the rare privilege of working with him in the great task of promoting international justice, we shall consider it as a sacred duty to pay to his memory our tribute of veneration and affection. Veneration and affection, are not these the feelings inspired by the colleague and friend we have just lost? I could with difficulty say whether in the feelings inspired by Lord Finlay the veneration was greater than the affection or the affection greater than the veneration. It is perhaps because he inspired them both to the same degree: veneration because of his superior intelligence, his eminence of character, his absolute devotion to duty, his uprightness which never failed; affection because of his great kindness, his constant benevolence, his incapacity for any ill-feeling or animosity, his perfect loyalty and cordiality of manner. The man in whom these qualities are united to a degree of perfection rarely attained by others will always live in the thoughts of those who knew him; his loss will be for all time a cause of the profoundest regret.

The Secretary-General of the League of Nations has taken the steps laid down by the Court's Statute with a view to the election at the Xth Session of the Assembly of new members of the Court to fill the vacancies resulting from the death of M. Weiss and Lord Finlay for the unexpired portion of the period of office of the latter, that is to say until December 31st, 1930.

Supplement-
ary elections.

Having regard to these changes and to the replacement of M. Barbosa, who died on March 1st, 1923, by M. Epitacio da Silva Pessôa, the Court is now composed as follows:

Composition
of the Court.

<i>Judges :</i>	<i>Nationality :</i>
MM. ALTAMIRA	Spanish
ANZILOTTI	Italian
DE BUSTAMANTE	Cuban
HUBER	Swiss
HUGHES	American
LODER	Dutch
NYHOLM	Danish
ODA	Japanese
PESSÔA	Brazilian.
 <i>Deputy-Judges :</i>	
MM. BEICHMANN	Norwegian
NEGULESCO	Roumanian
WANG CHUNG-HUI	Chinese
YOVANOVITCH	Serbian.

(2) PRECEDENCE, THE PRESIDENCY AND VICE-PRESIDENCY.

(See First Annual Report, pp. 12-13.)

List of
Judges.

Judges :
 MM. ANZILOTTI, *President*¹,
 HUBER, *Vice-President*²,
 LODER,
 NYHOLM,
 DE BUSTAMANTE,
 ALTAMIRA,
 ODA,
 PESSÔA,
 HUGHES.
³
³

Deputy-Judges :
 MM. YOVANOVITCH,
 BEICHMANN,
 NEGULESCO,
 WANG CHUNG-HUI.

¹ Until end of 1930.² M. Huber, Former President (January 1st, 1925—December 31st, 1927), was appointed Vice-President on September 12th, 1928, to succeed M. André Weiss, deceased. His period of appointment ends on December 31st, 1930.³ Two vacancies resulting from the death of M. Weiss and Lord Finlay.

(3) BIOGRAPHICAL NOTES CONCERNING THE JUDGES.

(For biographies of MM. Altamira, Anzilotti, Beichmann, de Bustamante, Huber, Loder, Negulesco, Nyholm, Oda, Pessôa, Wang Chung-Hui and Yovanovitch, see First Annual Report, pp. 14-26. For biographies of the late MM. Barbosa, Weiss and Lord Finlay, see First Annual Report, pp. 26, 15 and 16. For the biography of Mr. Moore, resigned, see First Annual Report, p. 17.)

The Honourable CHARLES EVANS HUGHES, Judge.

Charles Evans Hughes was born at Glens Falls, New York, on April 11th, 1862. He was graduated at Brown University in 1881, and at the School of Law of Columbia University in 1884. He held a fellowship in law at Columbia University from 1884 to 1887, was Professor of Law at Cornell University from 1891 to 1893 and was special lecturer on legal topics at Cornell University and New York Law School from 1893 to 1896. He holds the degree of Doctor of Laws from many American universities, including Brown, Columbia, Harvard, Yale, Princeton, Williams, Dartmouth, Amherst and University of Michigan, and the degree of Doctor of Civil Law from New York University.

He was elected Governor of the State of New York in 1906 and served two terms (1907-1910). He was appointed Associate Justice of the Supreme Court of the United States in 1910 and remained on the Bench until 1916, when he resigned to accept the Republican nomination for President of the United States. On his defeat, he returned to private practice in New York City. In 1921, he became Secretary of State of the United States under President Harding and continued in that office under President Coolidge. He resigned in 1925 and resumed practice at the bar.

He was head of the delegation of the United States at the Conference in Washington (1921-1922) on the Limitation of Armaments, and was Chairman of that Conference. He was also plenipotentiary delegate of the United States at the Sixth International Conference of American States at Habana, Cuba (1928), and at the Pan-American Conference on Conciliation and Arbitration at Washington (1928-1929).

He was President of the New York State Bar Association (1917-1918); of the American Bar Association (1924-1925); of the Association of the Bar of the City of New York (1927-1929); and of the American Society of International Law (1925-1929).

He has published: *Conditions of Progress in Democratic Government* (Yale Lectures, 1909); *The Pathway of Peace* (Addresses while Secretary of State, 1925); *The Supreme Court of the United States* (Columbia Lectures, 1927); *Our Relations to the Nations of the Western Hemisphere* (Princeton Lectures, 1928); and *Pan-American Peace Pacts* (Yale Lectures, 1929).

(4) NATIONAL JUDGES.

(Cf. First Annual Report, p. 27.)

The following persons have been nominated in accordance with Articles 4 and 5 of the Statute, either in 1921 (election of members of the Court) or in 1923 (replacement of M. Barbosa, deceased) or in 1928 (replacement of Mr. Moore, resigned):

(For details regarding these persons and the circumstances in which they were nominated, see First Annual Report, pp. 27-52. The names printed in **fatfaced letters** are those of candidates elected to the Court; names printed in *italics* are those of candidates whose death has been reported to the Court.)

<i>Ador</i> , Gustave	Switzerland
AIYAR, Sir P. S. Sivaswami	India
ALFARO, Ricardo J.	Panama
Altamira , Rafael	Spain
ALVAREZ, Alexandre	Chile
AMEER ALI, Saiyid	India
ANDRÉ, Paul	France
ANGLIN, Franck A.	Canada
Anzilotti , Dionisio	Italy
ARENDT, Ernest	Luxemburg
<i>Barbosa</i> , Ruy	Brazil
DE LA BARRA, F. L.	Mexico
BATLLE Y ORDOÑEZ, José.	Uruguay

Beichmann , Frederik Waldemar N.	Norway
BEVILAQUA, Clovis	Brazil
BONAMY, Auguste	Haiti
BORDEN, Sir Robert	Canada
BOREL, Eugène	Switzerland
BORNO, Louis	Haiti
BOSSA, Simon	Colombia
<i>Bourgeois</i> , Léon	France
BRUM, Baltasar	Uruguay
BUERO, Juan A.	Uruguay
de Bustamante , Antonio S.	Cuba
BUSTILLOS, Juan Francisco	Venezuela
CHINDAPIROM, Phya	Siam
CHYDENIUS, Jacob Wilhelm	Finland
CRUCHAGA TOCORNAL, Miguel	Chile
DANEFF, Stoyan	Bulgaria
DAS, S. R.	India
DESCAMPS (Le baron)	Belgium
DOHERTY, Charles	Canada
DUFF, Lyman Poore	Canada
<i>Dupuis</i> , Charles	France
ERICH, Rafael	Finland
FADENHEHT, Joseph	Bulgaria
<i>Fauchille</i> , Paul	France
<i>Finlay</i> , Robert Bannatyne, Viscount	Great Britain
FRIIS, M. P.	Denmark
FROMAGEOT, Henri	France
GODDYN, Arthur	Belgium
<i>Gonzales</i> , Joaquin V.	Argentina
GRAM, G.	Norway
GUERRERO, J. Gustavo	Salvador
<i>Halban</i> , Alfred	Poland
HAMMARSKJÖLD, Hj. L.	Sweden
HANSSON, Michael	Norway
HASSAN KHAN MOCHIROD DOWLEH (H.H.)	Persia
HERMANN-OTAVSKY, Charles	Czechoslovakia
HONTORIA, Manuel Gonzales	Spain
Huber , Max	Switzerland
Hughes , Charles Evans	U.S. of America
HYMANS, Paul	Belgium

KADLETZ, Karel	Czechoslovakia
<i>Klein</i> , Franz	Austria
KRAMARZ, Charles	Czechoslovakia
KRITIKANUKORNKITCH, Chowphya Bij- aiyati	Siam
LAFLEUR, Eugène	Canada
LANGE, Christian	Norway
DE LAPRADELLE, Albert	France
LARNAUDE	France
LESPINASSE, Edmond de	Haiti
LIANG, Chi-Chao	China
Loder , B. C. J.	Netherlands
<i>de Magyary</i> , Géza	Hungary
MANOLESKO RAMNICEANO	Roumania
MARKS DE WURTEMBERG, Baron Erik Teodor	Sweden
MASTNY, Vojtěch	Czechoslovakia
MEDINA, Benjamin Fernandez Y.	Uruguay
MOHAMMED ALI KHAN ZOKAOL MOLK	Persia
Moore , John Bassett	U.S. of America
MORALES, Eusebio	Panama
Negulesco , Demètre	Roumania
Nyholm , Didrik Galtrup Gjedde	Denmark
DE OCA, Manuel Montès	Argentina
OCTAVIO DE LANGAARD MENEZES, Rodrigo	Brazil
Oda , Yorozu	Japan
PAPAZOFF, Theohar	Bulgaria
Pessôa , Epitacio da Silva	Brazil
<i>Phillimore</i> , Lord Walter George Frank	Great Britain
PIOLA-CASELLI, Edoardo	Italy
POINCARÉ, Raymond	France
POLITIS, Nicolas	Greece
POUND, Roscoe	U.S. of America
REYES, Pedro Miguel	Venezuela
RIBEIRO, Arthur Rodrigues de Almeida	Portugal
<i>Richards</i> , Sir Henry Erle	Great Britain
ROLIN-JAEQUEMYS, Baron	Belgium
ROOT, Elihu	U.S. of America
ROSTWOROWSKI, Michel	Poland

<i>Rougier</i> , Antoine	France
SCHEY, Joseph	Austria
SCHLYTER, Karl	Sweden
SCHÜCKING, Walther	Germany
SCHUMACHER, Franz	Austria
SCOTT, James Brown	U.S. of America
SIMONS, Walther	Germany
SOARES, Auguste Luis Vieira	Portugal
STREIT, Georges	Greece
<i>Struycken</i> , A. A. H.	Netherlands
TYBJERG, Erland	Denmark
VARELA, José Pedro	Uruguay
VELEZ, Fernando	Colombia
VILLAZON, Eliodoro	Bolivia
WALKER, Gustave	Austria
WALLACH, William	India
Wang Chung-Hui	China
<i>Weiss</i> , André	France
WESSELS, Sir Johannes Wilhelmus	South Africa
WREDE, Baron R. A.	Finland
Yovanovitch , Michel	Serb-Croat-Slovene State
<i>Zeballos</i> , Estanislás	Argentine
ZEPEDA, Maximo	Nicaragua
<i>Zolger</i> , Ivan	Serb-Croat-Slovene State
ZORILLA DE SAN MARTIN, Juan	Uruguay

As indicated in previous Annual Reports, judges *ad hoc* Judges *ad hoc* have sat on the Court in the following contested cases:

- “*Wimbledon*”¹,
Mavrommatis (jurisdiction and merits)²,
German interests in Polish Upper Silesia (jurisdiction and merits)³,
Claim for indemnity in connection with the factory at Chorzów (jurisdiction)⁴,

¹ See First Annual Report, p. 163.

² “ ” ” ” ” ” 169.

³ “ ” Second ” ” ” ” 99.

⁴ “ ” Fourth ” ” ” ” 155.

"*Lotus*"¹,
*Readaptation of the Mavrommatis Jerusalem Concessions*²,
Rights of Minorities in Polish Upper Silesia (minority schools)³,

and in the following question for advisory opinion (Article 71 (revised) of the Rules of Court):

*Jurisdiction of the Danzig Courts*⁴.

Since June 15th, 1928, the Court has heard four cases—three contested and one for advisory opinion—which have necessitated the appointment of judges *ad hoc*, namely: the case concerning the claim for indemnity in regard to the factory at Chorzów (merits)⁵, heard at the Fourteenth (ordinary) Session, which forms the subject of Judgment No. 13 given on September 13th, 1928; the question of the interpretation of Article IV of the Final Protocol of the Greco-Turkish Agreement of December 1st, 1926⁶, heard at the Fourteenth (ordinary) Session, which forms the subject of Advisory Opinion No. 16, given on August 28th, 1928; the case concerning the payment of various Serbian loans issued in France⁷, heard at the Sixteenth (extraordinary) Session, which forms the subject of Judgment No. 14, given on July 12th, 1929; and the case concerning the payment in gold of the Brazilian Federal loans issued in France⁸, heard at the Sixteenth (extraordinary) Session, which forms the subject of Judgment No. 15, given on July 12th, 1929.

In the first of these cases (the Chorzów case), the following sat on the Court: for the German Government, M. Rabel, Professor of Law at the University of Berlin, who had already sat in the case concerning certain German interests in Polish Upper Silesia (jurisdiction and merits) and in the case of the factory at Chorzów (jurisdiction); for the Polish Government, M. Louis Ehrlich, Professor of International Law at the

¹ See Fourth Annual Report, p. 166.

² " " " " " 176.

³ " " " " " 191.

⁴ " " " " " 213.

⁵ " p. 183.

⁶ " " 227.

⁷ " " 205.

⁸ " " 216.

University of Lwów, who had already sat in the case concerning the claim for indemnity in regard to the factory at Chorzów (jurisdiction). A biographical sketch of M. Rabel (Germany) will be found in the Second Annual Report¹, and one of M. Ehrlich (Poland) in the Fourth Annual Report².

In the second of these cases (interpretation of the Greco-Turkish Agreement), the interested Parties—the Greek and Turkish Governments—having been notified in the customary manner by the Registry of the Court of their right to appoint a judge *ad hoc*, both informed the Registry, through their diplomatic representatives at The Hague, that they did not intend to avail themselves of this right. The representatives of the Greek and Turkish Governments before the Council of the League of Nations had, in fact, already made a similar communication.

The last two cases—those of the Serbian loans and the Brazilian Federal loans—were respectively between the French Government and the Government of the Serb-Croat-Slovene State, and between the French Government and the Brazilian Government. Owing to the death of M. André Weiss, Vice-President of the Court, the French Government no longer has a judge of its nationality upon the bench. On being notified of its right to make an appointment, it appointed as judge *ad hoc* for these two cases M. Henri Fromageot, Legal Adviser to the French Ministry for Foreign Affairs. A biographical note concerning M. Fromageot is contained in this volume³. Further, for the case of the Serbian loans, the Government of the Serb-Croat-Slovene State, a Party to the case, which possesses, not an ordinary judge, but a deputy-judge of its nationality, had been notified of its right to appoint that deputy-judge—M. Yovanovitch—to sit in the case as a judge *ad hoc*. Subsequently, circumstances led to the summons of M. Yovanovitch in his capacity as a deputy-judge for the XVIth (extraordinary) Session which began on May 13th, 1929, and on the list for which was entered the case of the Serbian loans; accordingly, the Court would have included on the bench a judge of Serb-Croat-Slovene nationality and

¹ See p. 19.

² " " 34.

³ " " 33.

there was no longer any need for the appointment of a judge *ad hoc* by the Serb-Croat-Slovene Government. Shortly before the opening of the session, however, M. Yovanovitch announced that he was unable to comply with the summons sent him. In view of this new situation, the Court on May 13th, 1929, recognized the right of the Serb-Croat-Slovene Government to appoint a national judge other than M. Yovanovitch to sit in the case. Availing itself of this right, that Government appointed in this capacity M. Mileta Novacovitch, Professor of International Law at the University of Belgrade. A biographical note concerning M. Novacovitch will be found in this volume¹.

There are also two cases pending before the Court which have called for the appointment of judges *ad hoc* and which are entered on the list for its XVIIth (ordinary) Session. The first of these is that of the Free Zones of Upper Savoy and the District of Gex, submitted by a Special Agreement between the French and Swiss Governments dated October 30th, 1924. As already stated, the French Government has no judge of its nationality upon the bench, and accordingly it has appointed as judge *ad hoc* for this case M. Eugène Dreyfus, First President of the Court of Appeal at Paris. A biographical note concerning M. Dreyfus will be found in this volume¹.

The second of these cases is that concerning the territorial extent of the jurisdiction of the International Commission of the Oder, submitted to the Court by a Special Agreement, dated October 30th, 1928, between the British, Czechoslovak, Danish, French, German and Swedish Governments, on the one hand, and the Polish Government, on the other. Having regard to paragraph 4 of Article 31 of the Statute, according to which, when there are several Parties in the same interest, they will be reckoned as one Party only for the purpose of the application of the provisions concerning the appointment of judges *ad hoc*, only the Polish Government was entitled to appoint a judge; that Government has chosen Count Rostworowski, who had already sat in the cases concerning certain German interests in Polish Upper Silesia

¹ See p. 34.

(jurisdiction and merits) and in the case of the Minority Schools. A biographical note concerning Count Rostworowski is contained in the Second Annual Report¹.

M. HENRI FROMAGEOT.

M. Fromageot was born at Versailles on September 10th, 1864. He studied successively at Paris, Leipzig and Oxford; he is Doctor of Law of the Faculty of Law at Paris and obtained the first gold medal of the Faculty of Law at Paris and the first gold medal at the general competitive examinations of the Faculties of Law (1891).

M. Fromageot who, besides being legal adviser to the Ministry for Foreign Affairs, is also a member of the Prize Court, a Member of the Permanent Court of Arbitration and of the Conciliation Commission between Switzerland and Denmark, has taken part as arbitrator, agent or counsel in numerous international arbitrations and commissions of enquiry, amongst others: the case of the blockade of Venezuela (1903), the case of the perpetual leases in Japan (1903-1905), the Dogger Bank incident (1905), the case of the Russo-Turkish war indemnity (1910), the *Carthage* and *Manouba* cases (1912), the case concerning Church Property in Portugal (1914-1919), the case of the mining concessions in Morocco (1920-1921). From 1913 to 1922, he was President of the Anglo-American Arbitral Tribunal for Pecuniary Claims.

M. Fromageot has attended, as French governmental delegate, assistant delegate, technical delegate or expert, numerous international political, legal or technical conferences, amongst others the Second Peace Conference at The Hague, the Naval Conference in London, the Maritime Law Conferences at Brussels, the Peace Congress at Paris, the Washington Naval Conference, the Conferences of Spa, Boulogne, San Remo, Cannes, Genoa, London, Lausanne, Locarno, etc., as also the sessions of the Assembly, Council and commissions of the League of Nations since 1920. He has often been entrusted with legal or diplomatic missions by the French Government.

He has published various works on Civil Law, on Commercial Maritime Law, on Comparative Law and International Law.

¹ See p. 18.

M. EUGÈNE DREYFUS.

M. Eugène Dreyfus was born at Mülhausen (Upper Rhine) on March 16th, 1864. He completed the whole of his legal studies at the University of Paris. He is Doctor of Law and laureate of the Faculty of Law of Paris in Roman law and commercial law. He was first of all Counsel before the Court of Appeal of Paris, then attached to the Ministry of Justice and entered the magistracy in 1893. He successively held the following posts: Assistant to the *procureur de la République* before the Court of Le Havre, Assistant to the *procureur général* and *avocat général* before the Court of Appeal of Rouen, Judge and Vice-President of the Court of the Seine, *avocat général* before the Court of Appeal of Paris, Director at the Ministry of Justice and, finally, first President of the Court of Appeal of Paris since 1925.

M. Dreyfus has published with M. Le Sueur, now member of the Court of Cassation, a treatise on nationality. He has collaborated for many years in several legal reviews, amongst others, the *Journal du Droit international* of Clunet.

M. MILETA NOVACOVITCH.

M. Novacovitch was born at Belgrade on December 11th, 1878. He was educated at the elementary school and at the high school gymnasium of that city and, after matriculation, studied law at the University of Paris where he became Doctor of Law in 1905, his thesis being upon international arbitrations from the XIIth to XVth centuries. In 1906 he was entrusted with the course of lectures on public international law at the Faculty of Law of Belgrade and was appointed to the titular professorship in that subject in 1908. In 1920, M. Novacovitch was entrusted with the teaching of public international law at the Higher Military School of Belgrade, whilst retaining his professorship at the University, and in 1922 he was appointed a member of the examining Committee at the Ministry for Foreign Affairs.

M. Novacovitch has been on several occasions entrusted by his Government with missions abroad. In 1920, he was

counsel for the Serb-Croat-Slovene Government before the American arbitrator, Mr. Hines, who, in pursuance of the Treaty of Saint-Germain, allocated the Danube River flotilla; in 1921 and 1924 he was Serb-Croat-Slovene Delegate at the Assemblies of the League of Nations; in 1923 he was President of the Commission entrusted with the liquidation of questions at issue between Serbia and Bulgaria.

M. Novacovitch has published: in the *Jahrbuch für Völkerrecht*, Vol. II (1914), an article on pacific blockade; a work on the occupation of Serbia (Paris, 1917); an article on arbitration in Serbian private law (published in the *Annuaire de l'Arbitrage*, published under the management of Professor Nussbaum of Berlin). He has published in Serbian numerous works and articles on arbitration, the Hague Conferences, the League of Nations and the Permanent Court of International Justice. In 1920, in consideration of his scientific work, he received the degree of Doctor *honoris causa* of the University of Strassburg. Since 1928, he has been President of the Serb-Croat-Slovene International Law Society, which is affiliated to the International Law Association of London.

(5) SPECIAL CHAMBERS.

(See First Annual Report, p. 55.)

Following upon the resignation of Mr. Moore and the deaths of M. André Weiss and Lord Finlay, the composition of the Special Chambers is as follows:

Composition of the Chamber for Labour cases.

Chamber for
Labour cases.

Until December 31st, 1930:

Members:

MM. Anzilotti, *President*,
Huber,
Hughes¹,
de Bustamante,
Altamira.

¹ Elected July 29th, 1929, to fill the vacancy caused by the death of Lord Finlay.

Substitute Members :

MM. Nyholm,
Oda.

Chamber for
Transit cases. *Composition of the Chamber for Communications and Transit cases.*

Until December 31st, 1930 :

Members :

MM. Loder, *President*,
Nyholm,
Altamira,
Oda,
Pessôa.

Substitute Members :

MM. Anzilotti,
Huber.

Chamber for
Summary
Procedure

Composition of the Chamber for Summary Procedure.

From January 1st, 1929, to December 31st, 1929 :

Members :

MM. Anzilotti, *President*,
Huber,
Loder.

Substitute Member :

M. Altamira.

From June 15th, 1928, to June 15th, 1929, no case has been brought before a Chamber of the Court.

(6) ASSESSORS.

(See First Annual Report, p. 57.)

The following tables give the list, as on June 15th, 1929, of assessors for labour cases appointed by Members of the League of Nations and by the Governing Body of the International Labour Office, and of assessors for transit and communication cases appointed by Members of the League of Nations.

The First Annual Report (pp. 58-78) sets out the qualifications of assessors included in the list in June 1925.

As regards assessors appointed from June 15th, 1925, to June 15th, 1928, see the lists in the Second, Third, and Fourth Annual Reports.

For assessors appointed since June 15th, 1928, see notes to the following lists.

A.—LIST OF ASSESSORS FOR LABOUR CASES¹.
(CLASSIFICATION BY COUNTRIES.)

Assessors for Labour cases.	Country.	Name.	Nominated by:	Represent- ing:
	<i>Austria.</i>	ADLER, Emmanuel, MAYER-MALLENAU, Felix, KAISER, Dr. M., HUEBER, Antoine,	Government. Government. I.L.O. I.L.O.	Employers. Workers.
	<i>Belgium.</i>	JULIN, Armand, MAHAIM, Ernest, DALLEMAGNE, G., MERTENS, Corneille,	Government. Government. I.L.O. I.L.O.	Employers. Workers.
	<i>Bolivia.</i>	— — GARCIA, E., IBANEZ, Juan,	— — I.L.O. I.L.O.	— — Employers. Workers.
	<i>Brazil.</i>	PELLES, Godefredo Silva, PEREIRA, Manoel Carlos Goncalves, DUTRA, Ildefonso, BEZERRA, Andrade,	Government. Government. I.L.O. I.L.O.	Employers. Workers.
	<i>Bulgaria.</i>	NICOLOFF, A., NICOITCHOFF, V., BOUROFF, Ivan D., DANOFF, Grigor,	Government. Government. I.L.O. I.L.O.	Employers. Workers.
	<i>Canada.</i>	— — PARSONS, S. R., GIBBONS, Joseph,	— — I.L.O. I.L.O.	— — Employers. Workers.

Country.	Name.	Nominated by:	Representing:
<i>Chile.</i>	VICUÑA, Manuel Rivas,	Government.	
	—	—	—
	—	—	—
<i>China.</i>	HOO-CHI-TSAI,	Government.	
	TCHOU YIN,	Government.	
	—	—	—
<i>Colombia.</i>	RESTREPO, Antonio José,	Government.	
	URRUTIA, Dr. Francisco,	Government.	
	—	—	—
<i>Czecho-slovakia.</i>	FRANCKE, Emil,	Government.	
	HOROWSKY, Zdenek,	Government.	
	WALDES, Henri, TAYERLE, Rudolf,	I.L.O. I.L.O.	Employers. Workers.
<i>Denmark.</i>	BERGSOE, J. Fr.,	Government.	
	HANSEN, J. A.,	Government.	
	VESTESSEN, H., HEDEBOL,	I.L.O. I.L.O.	Employers. Workers.
<i>Finland.</i>	MANNIO, Niilo Anton,	Government.	
	HALLSTEN, Gustaf Onni Immanuel,	Government.	
	PALMGREN, Axel, PAASIVUORI, Matti,	I.L.O. I.L.O.	Employers. Workers.
<i>France.</i>	—	—	—
	—	—	—
	LEMARCHAND, M., MILAN, Pierre,	I.L.O. I.L.O.	Employers. Workers.

Country.	Name.	Nominated by:	Representing:
<i>Germany.</i>	—	—	—
	—	—	—
	VOGEL ¹ ,	I.L.O.	Employers.
	GRASSMANN, P.,	I.L.O.	Workers.
<i>Great Britain.</i>	CHAMBERLAIN, Sir Arthur Neville,	Government.	
	MACASSEY, Sir Lynden Livingstone,	Government.	
	DUNCAN, Sir Andrew Rae,	I.L.O.	Employers.
	THOMAS, The Right Hon. J. H.,	I.L.O.	Workers.
<i>Greece.</i>	CHOIDAS,	Government.	
	TOTOMIS, M. D.,	Government.	
	ZANNOS, M.,	I.L.O.	Employers.
	LAMBRINOPOULOS, Timoléon,	I.L.O.	Workers.
<i>Haiti.</i>	DENNIS, Fernand,	Government.	
	—	—	—
	—	—	—
<i>Hungary.</i>	—	—	—
	—	—	—
	TOLNAY, Kornel de,	I.L.O.	Employers.
	JASZAI, Samu,	I.L.O.	Workers.
<i>India.</i>	CHOU DHURI,	Government.	
	Low, Sir Charles Ernest,	Government.	
	KAY, J. A.,	I.L.O.	Employers.
	JOSHI, N. M.,	I.L.O.	Workers.
<i>Italy.</i>	PERASSI, Tomaso ² ,	Government.	
	MICELI, Giuseppe ² ,	Government.	

¹ Appointed on March 16th, 1929, by the Governing Body of the International Labour Office to replace M. Poensgen. M. Vogel is a Commercial Counsellor.

² By letter dated October 20th, 1928, the Italian Government has given notice of the appointment of MM. Perassi and Miceli to replace MM. Griziotti and Beneduce. M. Perassi is Professor of International Law at the Faculty of Economic and Commercial Science at Rome, and M. Miceli is a barrister.

Country.	Name.	Nominated by:	Representing:
<i>Italy (cont.).</i>	BALELLA, Dr. Giovanni,	I.L.O.	Employers.
	CUCINI, Bramante ¹ ,	I.L.O.	Workers.
<i>Japan.</i>	KAWANISHI, Jitsuzo,	Government.	
	YOSHIZAKA, Shunzo,	Government.	
	MUTO, Sanji,	I.L.O.	Employers.
	MATSUMOTO, Uhei,	I.L.O.	Workers.
<i>Latvia.</i>	SCHUMANS, V.,	Government.	
	ROZE, Fr.,	Government.	
	—	—	—
<i>Lithuania.</i>	SLIZYS, François,	Government.	
	RAULINAITIS, François,	Government.	
	—	—	—
<i>Luxemburg.</i>	—	—	—
	—	—	—
	MAYRISCH, Emile,	I.L.O.	Employers.
	SCHETTLE, Michel,	I.L.O.	Workers.
<i>Netherlands.</i>	NOLENS, Mgr.,	Government.	
	VOOYS, J. P. DE,	Government.	
	VERKADE, A. E.,	I.L.O.	Employers.
	FIMMEN, E.,	I.L.O.	Workers.
<i>Norway.</i>	BACKER, M. C.,	Government.	
	BERG, Paal,	Government.	
	PAUS, G.,	I.L.O.	Employers.
	LIAN, Ole O.,	I.L.O.	Workers.

¹ Appointed on March 16th, 1929, by the Governing Body of the International Labour Office to replace M. Buoizzi who has been struck off the list, provided for in Article 412 of the Treaty of Versailles, by the Italian Government.

Country.	Name.	Nominated by :	Representing :
<i>Panama.</i>	—	—	—
	—	—	—
	ZUBIETA, José Antonio, ADAMES, Enoch,	I.L.O. I.L.O.	Employers. Workers.
<i>Poland.</i>	KUMANIECKI, Dr. Casimir Ladislav,	Government.	Employers. Workers.
	MLYNARSKI, Dr. Felix,	Government.	
	ZAGLENICZNY, Jan,	I.L.O.	
	ZULAWSKI, Sigismund,	I.L.O.	
<i>Roumania.</i>	JANCOVICI, Dimitrie,	Government.	Employers. Workers.
	VOINESCU, Barvu,	Government.	
	CERCHEZ, Stefan,	I.L.O.	
	MAYER, Josif,	I.L.O.	
<i>Serb-Croat-Slovene State.</i>	—	—	—
	—	—	—
	YOVANOVITCH, Vasa V., KRISTAN, Etbin,	I.L.O. I.L.O.	Employers. Workers.
<i>South Africa.</i>	—	—	—
	—	—	—
	GEMMIL, W., CRAWFORD, A.,	I.L.O. I.L.O.	Employers. Workers.
<i>Spain.</i>	ORMAECHEA, Rafael Garcia,	Government.	Employers. Workers.
	OYUELOS, Ricardo,	Government.	
	SALA, A.,	I.L.O.	
	CABALLERO, Francisco Largo,	I.L.O.	
<i>Sweden.</i>	ELMQUIST, Gustaf Henning,	Government.	Employers. Workers.
	RIBBING, Sigurd,	Government.	
	HAY, B.,	I.L.O.	
	JOHANSSON, E.,	I.L.O.	

Country.	Name.	Nominated by:	Representing:
<i>Switzerland.</i>	MERZ, Leo,	Government.	Employers. Workers.
	RENAUD, Edgar,	Government.	
	SAVOYE, Baptiste,	I.L.O.	
	SCHURCH,	I.L.O.	
<i>Uruguay.</i>	BERNARDEZ, Manuel,	Government.	Employers. Workers.
	BLANCO, Dr. Juan Carlos,	Government.	
	ALVAREZ-LISTA, Dr. Ramon,	I.L.O.	
	DEBENE, Alejandro,	I.L.O.	

B.—LIST OF ASSESSORS FOR COMMUNICATIONS
AND TRANSIT CASES.

(CLASSIFICATION BY COUNTRIES.)

Assessors for Transit cases.	COUNTRY.	NAME.
	<i>Austria.</i>	SCHEIKL, Gustav RINALDINI, Théodore
	<i>Belgium.</i>	LAMALLE V. U. PIERRARD, A.
	<i>Brazil.</i>	PERRETI, Medeiros Joao RIBEIRO, Edgard
	<i>Bulgaria.</i>	BOCHKOFF, Lubomir DINTCHEFF, Urdan
	<i>Chile.</i>	ALVAREZ, Alejandro AMUNATEGUI, Francisco Lira
	<i>China.</i>	SHU-CHE LIN-KAI
	<i>Colombia.</i>	—
	<i>Czechoslovakia.</i>	MUELLER, Bohuslav FIALA, Ctibor
	<i>Denmark.</i>	ANDERSEN, N. J. U. LILLELUND, C. F.
	<i>Finland.</i>	SNELLMAN, Karl WREDE, Gustav Oskar Axel (Baron)
	<i>France.</i>	SIBILLE, M. FONTANEILLES, P.
	<i>Great Britain.</i>	DENT, Sir Francis MANCE, Lieut.-Col. H. O.
	<i>Greece.</i>	PHOCAS, Démétrius VLANGHALI, Alexandre
	<i>Haiti.</i>	ADDOR, M.
	<i>Hungary.</i>	MÁTRAY, Elemer NEUMANN, Charles

COUNTRY.	NAME.
<i>India.</i>	BARNES, Sir George Stapylton Low, Sir Charles Ernest
<i>Italy.</i>	CIAPPI, Anselmo MAURO, Francesco
<i>Japan.</i>	IZAWA, Michio TAKATORI, Yasutaro
<i>Latvia</i>	ALBAT, G. PAULUKS, J.
<i>Lithuania.</i>	SIDZIKAUSKAS, Vanceslas SIMOLIUNAS, Jean
<i>Norway.</i>	RUUD, N. SMITH, G.
<i>Netherlands.</i>	ELIAS, Jonkheer P. EYSINGA, Jonkheer W. J. M. van
<i>Poland.</i>	TYSZYNSKI, M. Casimir WINIARSKI, Dr. Bohdan
<i>Roumania.</i>	PERIETZEANU, Alexandre POPESCU, Georges
<i>Spain.</i>	MACHIMBARRENA, Vicente PUIG DE LA BELLACASA, Narcise
<i>Sweden.</i>	HANSEN, Fredrik Vilhelm PEGELow, Fredrik Vilhelm Henrik
<i>Switzerland.</i>	NIQUILLE SCHRAFL
<i>Uruguay.</i>	FERNANDEZ Y MEDINA, Benjamin GUANI, Alberto, Dr.

C.—GENERAL LIST OF ASSESSORS.

List in alphabetical order of assessors for Labour and Transit cases.

Name.	Country.	Labour or Transit.	Date of nomination.
ADAMES, E.	Panama	Labour	Nov. 11th, 1921
ADDOR, M.	Haiti	Transit	Nov. 26th, 1921
ADLER, Em.	Austria	Labour	Nov. 11th, 1921
ALBAT, G.	Latvia	Transit	Dec. 23rd, 1921
ALVAREZ, A.	Chile	"	Dec. 10th, 1921
ALVAREZ-LISTA, R.	Uruguay	Labour	Nov. 11th, 1921
AMUNATEGUI, Fr.	Chile	Transit	Dec. 10th, 1921
ANDERSEN, N. J. U.	Denmark	"	Jan. 6th, 1922
BACKER, M. C.	Norway	Labour	Nov. 10th, 1921
BALELLA, G.	Italy	"	Nov. 11th, 1921
BARNES, G. S.	India	Transit	Oct. 12th, 1921
BERG, P.	Norway	Labour	Nov. 10th, 1921
BERGSOE, J. Fr.	Denmark	"	Jan. 6th, 1922
BERNARDEZ, M.	Uruguay	"	Nov. 4th, 1921
BEZERRA, A.	Brazil	"	June 12th, 1923
BLANCO, J. C.	Uruguay	"	Nov. 4th, 1921
BOCHKOFF, L.	Bulgaria	Transit	Dec. 23rd, 1921
BOUROFF, I. D.	"	Labour	Nov. 11th, 1921
CABALLERO, F. L.	Spain	"	Nov. 11th, 1921
CERCHEZ, St.	Roumania	"	Nov. 11th, 1921
CHAMBERLAIN, A. N.	Great Britain	"	Dec. 23rd, 1921
CHOIDAS	Greece	"	Feb. 17th, 1922
CHOUDHURI	India	"	Oct. 12th, 1921
CIAPPI, A.	Italy	Transit	Nov. 15th, 1921
CRAWFORD, A.	South Africa	Labour	Nov. 11th, 1921
CUCINI, B.	Italy	"	March 16th, 1929
DALLEMAGNE, G.	Belgium	"	Nov. 11th, 1921
DANOFF, Gr.	Bulgaria	"	Nov. 11th, 1921
DEBENE, A.	Uruguay	"	Nov. 11th, 1921
DENNIS, F.	Haiti	"	Nov. 26th, 1921
DENT, Fr.	Great Britain	Transit	Dec. 23rd, 1921
DINTCHEFF, U.	Bulgaria	"	Dec. 23rd, 1921
DUNCAN, A. R.	Great Britain	Labour	Nov. 11th, 1921
DUTRA, I.	Brazil	"	June 12th, 1923
ELIAS, P.	Netherlands	Transit	Dec. 2nd, 1921
ELMQUIST, G. H.	Sweden	Labour	Nov. 25th, 1921
EYSINGA, M. v.	Netherlands	Transit	Dec. 2nd, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
FERNANDEZ Y MEDINA, B.	Uruguay	Transit	Nov. 4th, 1921
FIALA, C.	Czechoslova- kia	"	Nov. 27th, 1925
FIMMEN, E.	Netherlands	Labour	Nov. 11th, 1921
FONTANEILLES, E.	France	Transit	Nov. 7th, 1921
FRANCKE, E.	Czechoslova- kia	Labour	April 13th, 1922
GARCIA, E.	Bolivia	"	Nov. 11th, 1921
GEMMIL, W.	South Africa	"	Nov. 11th, 1921
GIBBONS, J.	Canada	"	Nov. 11th, 1921
GRASSMANN, P.	Germany	"	Nov. 11th, 1921
GUANI, AL.	Uruguay	Transit	Nov. 4th, 1921
HALLSTEN, G. O. I.	Finland	Labour	March 27th, 1922
HANSEN, J. A.	Denmark	"	Jan. 6th, 1922
HANSEN, F. V.	Sweden	Transit	Nov. 25th, 1921
HAY, B.	"	Labour	Nov. 11th, 1921
HEDEBOL	Denmark	"	Nov. 11th, 1921
HOO-CHI-TSAI	China	"	Dec. 23rd, 1921
HOROWSKY, Z.	Czechoslova- kia	"	Nov. 15th, 1921
HUEBER, A.	Austria	"	Nov. 11th, 1921
IBANEZ, J.	Bolivia	"	Nov. 11th, 1921
IZAWA, M.	Japan	Transit	Nov. 4th, 1921
JANCOVICI, D.	Roumania	Labour	Dec. 12th, 1921
JASZAI, S.	Hungary	"	June 12th, 1923
JOHANSSON, E.	Sweden	"	Nov. 11th, 1921
JOSHI, N. M.	India	"	Nov. 11th, 1921
JULIN, A.	Belgium	"	Oct. 21st, 1921
KAISER, M.	Austria	"	Nov. 11th, 1921
KAWANISHI, J.	Japan	"	Nov. 4th, 1921
KAY, J. A.	India	"	Nov. 11th, 1921
KRISTAN, E.	Serb-Croat- Slovene State	"	Nov. 11th, 1921
KUMANIECKI, C. L.	Poland	"	Dec. 7th, 1921
LAMALLE, V. U.	Belgium	Transit	Nov. 12th, 1925
LAMBRINOPOULOS, T.	Greece	Labour	Nov. 11th, 1921
LEMARCHAND, M.	France	"	Nov. 11th, 1921
LIAN, O.	Norway	"	Nov. 11th, 1921

Name.	Country.	Labour or Transit.	Date of nomination.
LILLELUND, C. F.	Denmark	Transit	Nov. 6th, 1922
LIN KAI	China	"	Dec. 23rd, 1921
LOW, Ch. E.	India	Labour	Oct. 12th, 1921
LOW, Ch. E.	"	Transit	Oct. 12th, 1921
MACASSEY, L. L.	Great Britain	Labour	Dec. 23rd, 1921
MACHIMBARRENA, V.	Spain	Transit	Nov. 21st, 1921
MAHAIM, E.	Belgium	Labour	Oct. 21st, 1921
MANCE, H. O.	Great Britain	Transit	Dec. 23rd, 1921
MANNIO, N. A.	Finland	Labour	March 27th, 1922
MÁTRAY, E.	Hungary	Transit	May 4th, 1926
MATSUMOTO, U.	Japan	Labour	Nov. 11th, 1921
MAURO, Fr.	Italy	Transit	Nov. 15th, 1921
MAYER, J.	Roumania	Labour	Nov. 11th, 1921
MAYER-MALLENAU, F.	Austria	"	Nov. 11th, 1921
MAYRISCH, E.	Luxemburg	"	Nov. 11th, 1921
MERTENS, C.	Belgium	"	Nov. 11th, 1921
MERZ, L.	Switzerland	"	Dec. 8th, 1921
MLYNARSKI, F.	Poland	"	Dec. 7th, 1921
MICELI, G.	Italy	"	Oct. 20th, 1928
MILAN, P.	France	"	Nov. 11th, 1921
MUELLER, B.	Czechoslova- kia	Transit	Nov. 15th, 1921
MUTO, S.	Japan	Labour	Nov. 11th, 1921
NEUMANN, Ch.	Hungary	Transit	May 4th, 1926
NICOITCHOFF, V.	Bulgaria	Labour	Jan. 2nd, 1922
NICOLOFF, A.	"	"	Jan. 2nd, 1922
NIQUILLE	Switzerland	Transit	Jan. 6th, 1922
NOLENS, Mgr.	Netherlands	Labour	Nov. 23rd, 1921
ORMAECHEA, R. G.	Spain	"	Nov. 21st, 1921
OYUELOS, R.	"	"	Nov. 21st, 1921
PAASIVUORI, M.	Finland	"	Nov. 11th, 1921
PALMGREN, A.	"	"	Nov. 11th, 1921
PARSONS, S. R.	Canada	"	Nov. 11th, 1921
PAULUKS, J.	Latvia	Transit	Sept. 28th, 1925
PAUS, G.	Norway	Labour	Nov. 11th, 1921
PEGELow, F. W. H.	Sweden	Transit	Nov. 25th, 1921
PELLES, G. S.	Brazil	Labour	Dec. 24th, 1921
PERASSI, T.	Italy	"	Oct. 20th, 1928

Name.	Country.	Labour or Transit.	Date of nomination.
PEREIRA, M. C. G.	Brazil	Labour	Dec. 24th, 1921
PERIETZEANU, A.	Roumania	Transit	Nov. 24th, 1921
PERRETI, M. J.	Brazil	"	Dec. 24th, 1921
PHOCAS, D.	Greece	"	Dec. 29th, 1921
PIERRARD, A.	Belgium	"	Nov. 12th, 1925
POPESCU, G.	Roumania	"	Nov. 24th, 1921
PUIG DE LA BEL- LACASA, N.	Spain	"	Nov. 21st, 1921
RAULINAITIS, Fr.	Lithuania	Labour	July 5th, 1922
RENAUD, Ed.	Switzerland	"	Dec. 8th, 1921
RESTREPO, A. J.	Colombia	"	—
RIBEIRO, Ed.	Brazil	Transit	Dec. 24th, 1921
RIBING, S.	Sweden	Labour	Nov. 25th, 1921
RINALDINI, Th.	Austria	Transit	Nov. 14th, 1921
ROZE, Fr.	Latvia	Labour	Aug. 12th, 1926
RUUD, N.	Norway	Transit	Nov. 10th, 1921
SALA, A.	Spain	Labour	Nov. 11th, 1921
SAVOYE, B.	Switzerland	"	Nov. 11th, 1921
SCHIEKL, G.	Austria	Transit	Nov. 14th, 1921
SCHETTLE, M.	Luxemburg	Labour	Nov. 11th, 1921
SCHRAFL	Switzerland	Transit	Jan. 6th, 1922
SCHUMANS, V.	Latvia	Labour	Dec. 23rd, 1921
SCHURCH	Switzerland	"	Nov. 11th, 1921
SHU-CHE	China	Transit	Dec. 23rd, 1921
SIBILLE, M.	France	"	Nov. 7th, 1921
SIDZIKAIUSKAS, V.	Lithuania	"	July 5th, 1922
SIMOLIUNAS, J.	"	"	July 5th, 1922
SLIZYS, Fr.	"	Labour	July 5th, 1922
SMITH, G.	Norway	Transit	Nov. 10th, 1921
SNELLMAN, K.	Finland	"	Oct. 29th, 1921
TAKATORI, Y.	Japan	"	Nov. 4th, 1921
TAYERLE, R.	Czechoslova- kia	Labour	Nov. 11th, 1921
TCHOU YIN	China	"	Dec. 23rd, 1921
THOMAS, J. H.	Great Britain	"	Nov. 11th, 1921
TOLNAY, K. de	Hungary	"	June 12th, 1923
TOTOMIS, M. D.	Greece	"	Feb. 17th, 1922
TYSZYNSKI, M. C.	Poland	Transit	Dec. 7th, 1921
URRUTIA, Fr.	Colombia	Labour	—

Name.	Country.	Labour or Transit.	Date of nomination.
VERKADE, A. E.	Netherlands	Labour	Nov. 11th, 1921
VESTESSEN, H.	Denmark	„	Nov. 11th, 1921
VICUÑA, M. R.	Chile	„	Dec. 10th, 1921
VLANGHALI, Al.	Greece	Transit	Dec. 23rd, 1921
VOGEL	Germany	Labour	March 16th 1929
VOINESCU, B.	Roumania	„	Dec. 12th, 1921
VOOYS, J. P. de	Netherlands	„	Nov. 23rd, 1921
WALDES, H.	Czechoslova- kia	„	Nov. 11th, 1921
WINIARSKI, B.	Poland	Transit	Dec. 7th, 1921
WREDE, G. O. A.	Finland	„	Oct. 29th, 1921
YOSHIZAKA, Sh.	Japan	Labour	Nov. 4th, 1921
YOVANOVITCH, V.	Serb-Croat- Slovene State	„	Nov. 11th, 1921
ZAGLENICZNY, J.	Poland	„	Nov. 11th, 1921
ZANNOS, M.	Greece	„	Nov. 11th, 1921
ZUBIETA, J. A.	Panama	„	Nov. 11th, 1921
ZULAWSKI, S.	Poland	„	Nov. 11th, 1921

(7) EXPERTS.

Article 50 of the Statute provides that the Court may at any time entrust any individual, body, bureau, commission or other organization that it may select with the task of carrying out an enquiry or giving an expert opinion.

The Court availed itself of this right in the case concerning the claim for indemnity in regard to the factory at Chorzów (merits). When giving judgment in that case (Judgment No. 13, September 13th, 1928¹), it also made an Order instituting an expert enquiry², with a view to enabling it to fix, with a full knowledge of the facts, in conformity with the principles laid down in that judgment, the amount of the indemnity to be paid by the Polish Government, Respondent, to the German

¹ See p. 183.

² „ „ 196.

Government, Applicant. The Order of Court fixed the number of experts whom the President was instructed to appoint; it provided for the appointment by the Parties of assessors who were to take part in an advisory capacity in the proceedings of the experts and the appointment by the Registrar of the Court of a higher official of the Registry who was to be responsible for liaison between the Committee and the Court. The following persons were selected:

Experts :

MM. Emile Collett (Norway),
Hans Herzog (Switzerland),
Iver Hoey (Norway) ;

Assessors :

M. Janisch (German Government),
M. Joseph Zawadzki (Polish Government) ;

Official for liaison :

M. de Janasz, Editing Secretary to the Court.

Before the handing in of the experts' report, an agreement was concluded on November 12th, 1928, between the Polish Treasury, on the one hand, and the Bayerische Stickstoffwerke A.-G. and the Oberschlesische Stickstoffwerke A.-G., on the other, to which agreement the two Governments gave their consent by an exchange of notes dated November 27th. The proceedings of the Committee of Experts were therefore suspended by an Order made by the President on December 15th, 1928¹.

¹ See p. 200.

II.

THE REGISTRAR.

(See First Annual Report, p. 79.)

Present holder of the post :

M. ÅKE HAMMARSKJÖLD, Counsellor of Legation of H.M. the King of Sweden, Associate of the Institute of International Law.

He was appointed on February 3rd, 1922, and his term of office expires on December 31st, 1929.

In succession to M. Paul Ruegger, resigned, who occupied the post of Deputy-Registrar of the Court from January 1st, 1926, to December 31st, 1928, the Court appointed as Deputy-Registrar as from January 1st, 1929, M. JULIO LOPEZ OLIVÁN, Counsellor of Legation of His Catholic Majesty.

III.

THE REGISTRY.

(Cf. First Annual Report, p. 79.)

The officials of the Registry at present holding *permanent* contracts are as follows:

Name.	Date of appointment.	Nationality.
<i>Deputy-Registrar :</i>		
M. J. Lopez Oliván	January 1st, 1929	Spanish
<i>Editing Secretaries :</i>		
M. J. Garnier-Coignet, Secretary to the Presidency	March 1st, 1922	French
Mr. C. Hardy	June 1st, 1922	British
M. T. M. A. d'Honincthun	January 1st, 1925	French
Mr. G. de Janasz	January 1st, 1928	British
<i>Private Secretaries :</i>		
Miss M. Recaño	March 1st, 1922	British
Mme F. Beelaerts van Blokland	March 1st, 1922	Dutch
Mlle L. Brunetti	(temporary)	Italian
<i>Establishment :</i>		
M. D. J. Bruinsma, Accountant-Establishment Officer, Head of Department	August 1st, 1922	Dutch
<i>Printing Department :</i>		
M. M. J. Tercier, Head of Department	May 19th, 1924	Swiss
<i>Archives :</i>		
Mlle L. Loeff, Head of Department	January 1st, 1925	Dutch
Miss A. Welsby	January 1st, 1927	British
Miss C. Olden	January 1st, 1929	Irish Free State
<i>Shorthand, typewriting and roneo- graphing Department :</i>		
Mlle J. Lamberts, Head of Department	March 1st, 1922	Belgian
Mlle M. Estoup, Verbatim Reporter	January 1st, 1927	French
Miss A. D. Driscoll		British
Miss E. M. F. Fisher		
<i>Messengers :</i>		
M. G. A. van Moort, Chief Messenger	March 1st, 1922	Dutch
M. Pronk	January 1st, 1929	"
M. van der Leeden	" " "	"

The Staff Regulations, reproduced in the First Annual Report, pp. 81-85, and of which a revised edition dated January 1st, 1926, is given in the Second Annual Report, pp. 36-39, have been amended in accordance with Article 21 of the Rules of Court. The text now in force is as follows:

PREFACE.

The present Statute for the Staff has been drawn up in accordance with Article 21 of the Rules of Court. It applies to all officials of the Registry, but does not apply to the Registrar and the subordinate personnel except where they are expressly referred to.

Article 1.

The appointments may be on probation or permanent.

Appointments on probation shall be made on conditions which shall be communicated to the person concerned in each individual case.

Permanent appointments shall be subject to the provisions of the present regulations.

Article 2.

Appointments shall be made by means of a letter addressed by the Registrar to the person concerned and replied to by the latter. This letter shall, with express reference to the present Regulations, state the position offered and the commencing salary, together with the special conditions, if any, applicable to the case; it shall constitute the contract between the Court and the official.

Any question relating to the rights and duties arising out of this contract which is not provided for in the present Regulations shall be dealt with by the Registrar, subject to a right of appeal by the person concerned to the President, having regard to the provisions of the Staff Regulations of the Secretariat of the League of Nations and of the International Labour Office, and to decisions and recommendations of the Supervisory Commission and of the Assembly.

Article 3.

Failing provisions to the contrary in the letter, the period of appointment shall be for seven years, but may be cancelled by three months' notice on either side. Should the Registrar cancel an appointment, the official concerned shall however be entitled, should he or she so desire, to appeal to the Court.

At the expiration of a period of seven years the appointment will be automatically renewed for a similar period unless it is cancelled in accordance with the conditions stated above.

Article 4.

The salaries shall be fixed in Dutch florins and payable in that currency. The same shall apply to subsistence allowance and travelling expenses, if any.

Article 5.

A commencing salary fixed in a letter of appointment is subject to annual increases under the following conditions :

(a) If the commencing salary is fls. 14,000 or more, the annual increase will be fls. 500 up to a maximum of fls. 17,000.

(b) If the commencing salary is from fls. 10,000 to fls. 12,000, the annual increase will be fls. 400 up to a maximum of fls. 15,000.

(c) If the commencing salary is fls. 7,000 or more, the annual increase will be fls. 400 up to a maximum of fls. 10,000.

(d) If the commencing salary is from fls. 5,625 to fls. 6,500, the annual increase will be either fls. 150 up to a maximum of fls. 7,200, or fls. 250 up to a maximum of fls. 8,125.

(e) If the commencing salary is from fls. 4,350 to fls. 5,000, the annual increase will be fls. 125 up to a maximum of fls. 5,625.

(f) If the commencing salary is fls. 3,750, the annual increase will be fls. 125 up to a maximum of fls. 5,000.

(g) If the commencing salary is from fls. 2,700 to fls. 3,000, the annual increase will be fls. 87.50 up to a maximum of fls. 4,000.

(h) If the commencing salary is fls. 2,000, the annual increase will be fls. 75 up to a maximum of fls. 3,500.

Should it be found desirable to make appointments at commencing salaries falling between two of the categories above enumerated, the scale of annual increases and of maxima shall be fixed according to the principle laid down in Article 2, paragraph 2, of the present Regulations, it being understood that for the purpose of the conversion into Dutch florins of a scale drawn up in Swiss francs, 1 florin is to be considered as equivalent to 2 Swiss francs.

It is understood that the salaries fixed in the letters of appointment, including subsequent increases, are subject to any deductions provided for in the Regulations of the Staff Provident Fund of the League of Nations.

Article 6.

Subsistence allowance shall be at the rate of :

- Fls. 30 for the Registrar for the first ten days ;
- Fls. 22.50 for the Registrar } for any further number of days
 passed in the same place ;
- Fls. 20 for the Categories (a), } for the first ten days ;
 (b), (c) and (d) of Article 5 }
- Fls. 15 for the Categories (a), } for any further number of days
 (b), (c) and (d) } passed in the same place ;
- Fls. 15 for the Categories (e), (f) } for the first week ;
 and (g) }
- Fls. 12.50 for the Categories (e), } for the two following weeks ;
 (f) and (g) }
- Fls. 10 for the Categories (e), (f) } for any further number of days
 and (g) } passed in the same place.

The reduction in the rate of allowance in the case of missions occupying more than ten consecutive days is not applicable as regards missions to the Assembly of the League of Nations. It may also be suspended by the Registrar in other special cases.

If officials are engaged in the conditions set forth in the penultimate paragraph of Article 5, their subsistence allowance will be fixed having regard to the principle referred to therein.

Travelling expenses incurred on official business will be refunded, according to the same principle, on presentation of a detailed statement approved by the Registrar.

Article 7.

The hours of work shall be forty-two per week. The Registrar may, however, in so far as the pressure of work permits, reduce this number to thirty-eight by deciding that the office shall be closed on Saturday afternoon.

The office hours shall, in general, be from 9.30 a.m. to 6 p.m.

These hours may be modified by the Registrar as the work of the Office may require.

The luncheon interval is one hour and a half.

If, between sessions, the Registrar considers it possible to reduce the hours of work of the members of the Staff in receipt of less than 5,625 florins to thirty-three hours per week, he is authorized to do so.

If this privilege is granted, as a general rule, no claim can be entertained for payment for overtime.

Article 8.

Members of the Staff whose commencing salary is less than 5,625 florins a year shall be entitled to twenty-eight working days holiday a year ; the rest of the Staff to thirty-six working days. The holidays of staff engaged locally or on probation will be fixed by the Registrar in each particular case, with due regard to the principles indicated above. The Registrar shall prepare a roster of

these holidays. The Registrar may also grant short periods of leave in special circumstances.

The public holidays observed in the Netherlands shall not be regarded as working days.

The members of the Staff engaged on an international basis, as also the Registrar, shall be entitled to one free return ticket each year for the purpose of returning to their respective countries. In order to take advantage of this right, each member of the Staff must have informed the Registrar, as soon as possible after his appointment, of the name of the place which is to be regarded as his or her place of origin.

Article 9.

Sick leave is granted in accordance with conditions to be determined after paying due regard to each particular case.

In principle this leave shall be granted without reduction of salary. Should the leave be of long duration, a reduction may be considered. Any decision as to a reduction of salary shall be taken by the Registrar, subject to the approval of the President.

In the event of absence on the ground of illness extending over more than three consecutive days, the person concerned must furnish a medical certificate.

Article 10.

The officials of the Registry shall be members of the Staff Provident Fund of the League of Nations, under the conditions and with the rights and obligations resulting from the Regulations of this Fund, as in force at any given time.

The Court undertakes to refund 50 % of the premiums payable on sickness insurance policies taken out by officials of the Registry and duly approved for the purpose by the Registrar.

Article 11.

The Registrar may, with the approval of the President, adopt disciplinary measures in regard to any official of the Registry consisting, in the first instance, of suspension with or without reduction of salary, and in the second place of dismissal.

The official concerned shall have the right of appeal to the full Court.

Article 12.

The present Statute of the Staff may be modified by the Registrar with the approval of the President. The Registrar shall take into consideration any proposal made to this effect by at least three members of the Staff.

If the majority of the Staff agree to a modification, such modification shall enter into force forthwith; if not it shall come into force after a period of three months.

* * *

The Instructions for the Registry were reproduced in the First Annual Report, pp. 86-102. Some articles were amended in 1928 and published in the Second Annual Report, pp. 40-42; further modifications were made on December 20th, 1928. The text of the Instructions now in force is as follows:

PREAMBLE.

The present instructions are drawn up in accordance with Article 26, paragraph 3, of the Rules of Court.

PART I.

The Registrar.

Article 1.

The Registrar is responsible for all departments of the Registry. The Staff is under his control and he alone is authorized to direct the work of the Registry of which he is the Head.

Article 2.

The Deputy-Registrar will replace the Registrar, amongst other things in his capacity as Head of the Registry, as laid down in Article 17 of the Rules of Court.

Should both the Registrar and the Deputy-Registrar be unable to perform their duties, a substitute as provided in Article 22 of the Rules will be appointed. His powers will be those of the Registrar in his capacity as the Head of the Registry.

The letter from the Registrar or Deputy-Registrar proposing the name of the substitute, bearing duly noted upon it the latter's appointment by the President, will, should the appointment take place when the Court is not sitting, constitute the substitute's authority; otherwise the minute of the Court's decision will constitute such authority.

The officials of the Registry will have the same duties towards the Deputy-Registrar and towards the substitute referred to in the preceding paragraphs, when replacing the Registrar, as towards the Registrar himself.

The provisions of the present article do not preclude the exercise by the Registrar of the right to appoint a deputy in the circumstances contemplated in Article 26 of the Rules of Court.

PART II.

Duties of the Registrar.*(a) GENERAL.**Article 3.*

I.—The Registrar is responsible for the preparation of cases for consideration by the Court. He assists the Drafting Committee appointed by the Court for the preparation of the text of judgments or opinions.

II.—The official correspondence of the Court is prepared under the responsibility of the Registrar in conformity with Article 25 of the Rules. Letters not reserved for the President's signature are signed by the Registrar, or by the Deputy-Registrar or Heads of Services, in so far as he may delegate this duty to them.

Notes drawn up in the third person are prepared in the Registrar's name.

The following are to be considered as reserved for the President's signature :

(a) answers to letters addressed to the President otherwise than under Article 25 of the Rules of Court ;

(b) letters prepared by the President not expressly reserved by him for the Registrar's signature.

Article 4.

The Registrar will make the necessary arrangements for the temporary engagement of the additional staff required during sessions, in particular under the terms of Article 44 of the Rules of Court. Such staff is not included in the expression "Officials of the Registry".

Article 5.

The Registrar will inform the members of the Court of the date fixed for the commencement of each session.

Article 6.

The Registrar will prepare the agenda setting out the administrative questions to be dealt with during a session and will append explanatory notes relating to them.

The list of cases and the agenda with explanatory notes will, after receiving the approval of the President, be distributed to the members of the Court.

Administrative questions not included on the agenda thus distributed may be added before or during the session with the permission of the President.

Article 7.

The Registrar will place on the administrative agenda for ordinary sessions of the Court the appointment of a representative to be present at meetings of the Supervisory Commission and of the Assembly and its Financial Commission when those bodies discuss questions concerning the Court.

He will, if necessary, also place on the administrative agenda of ordinary sessions the question of granting the President all powers for the approval of the budget estimates for the next year but one and on the agenda of extraordinary sessions meeting in a given year before the month of April, the approval of the budget estimates for the next year.

Similarly he will place on the agenda of ordinary sessions the election of members of the Chamber for Summary Procedure for the following year and, every third year commencing with the ordinary session of 1924, the election of the President and Vice-President and of members of the Chambers mentioned in Articles 26 and 27 of the Statute.

Article 8.

Whenever, on the list for any session, a case appears which has already been considered, the Registrar will notify any judge who has already had cognizance of the case, even if he is not called upon to attend the whole of the session in question.

Article 9.

The Registrar will collect for submission to the President all information with regard to technical assessors likely to be of use for the purpose of the application of Article 7 of the Rules of Court.

Article 10.

Should a session be held in a place other than that in which the seat of the Court is established, the Registrar will cause the necessary preparations to be made.

Article 11.

The Registrar will issue the notifications and communications referred to in Article 40 of the Statute and Articles 36 and 73 of the Rules of Court; he will also inform States which are parties

to a convention the interpretation of which constitutes the subject of a dispute brought before the Court.

Article 12.

The relevant information referred to in paragraph 5 of Article 26 of the Statute will be supplied through the intermediary of the Registrar.

Article 13.

For each case the Registrar will prepare for the use of members of the Court and the Parties a statement of the rules of procedure applicable in the particular case, in conformity with Article 32 of the Rules of Court.

Article 14.

The Registrar will inform all concerned of the dates and hours of sittings. He will communicate to the judges the agenda, which must include all questions to be dealt with during the sitting, including elections (if any).

He will cause the dates and times of all public sittings to be published; in the case of a public sitting for the reading of a judgment or advisory opinion, he will send a special notification to all agents whose appointment and address at the seat of the Court have been duly brought to his knowledge.

Article 15.

For every document of procedure filed with the Registry, a receipt upon a special form, prepared in accordance with the terms of Article 25 of the Rules, will be given.

Article 16.

Should an application—whether instituting proceedings, or for permission to intervene, or for revision—or a request for an advisory opinion, or a case, counter-case, reply or rejoinder addressed to the Court, not be prepared in accordance with the forms prescribed by the Rules of Court, the Registrar will inform the Party which has deposited the document in question; if the document is not amended within the time fixed for its presentation, he will inform the Court.

Article 17.

In the case of a request of the nature contemplated in Article 72 of the Rules of Court, the Registrar may ask the Secretary-General of the League of Nations for any additional information.

Article 18.

The Registrar will obtain from witnesses or experts called at the instance of the Court a statement of their expenses and of the subsistence allowance claimed by them. He will cause the amount of the expenses and allowances to be paid to the persons concerned.

The Registrar will take the necessary steps to recover from the Parties to a suit concerning a question of transit or communications the amount of any expenses and allowances which he may have paid to technical assessors sitting at their request.

Article 19.

The Registrar must ascertain the language used by witnesses called at the instance of the Court, in order if necessary to be able to arrange for interpretation.

Article 20.

The Registrar will obtain the Court's approval in respect of any interpreter called upon to translate at a sitting who is not an official of the Registry.

Article 21.

The Registrar will be responsible for the preparation of the record of the evidence given by witnesses and for the drawing up of the minutes referred to in Article 47 of the Statute.

Article 22.

The Registrar will place the necessary staff at the disposal of any individual or body entrusted with an enquiry or with the preparation of an expert opinion, under the terms of Article 50 of the Statute.

Article 23.

The communication of the text of judgments, in accordance with Article 63 of the Rules, and of the text of advisory opinions, in accordance with Article 74 of the Rules, shall be undertaken by the Registrar. Opinions will, like judgments, be communicated to any States entitled to appear before the Court.

Article 24.

The Registrar will communicate to the Press information concerning the activities of the Court in accordance with Article 24 of the Rules.

Before the 25th of each month he will supply to the Secretariat at Geneva all information concerning the Court's activities, the publication of which in the *Monthly Bulletin* of the Secretariat of the League of Nations appears desirable.

Article 25.

The Registrar will arrange for the printing of separate collections of the judgments, advisory opinions and minutes of public sittings, and of any other documents relating to cases, the publication of which is not prohibited by decision of the Court. Similarly, he will be responsible for the publication of the Court's annual reports, and for such other volumes as the Court may from time to time decide to issue. For this purpose he will conclude the necessary printing contracts.

Of each publication the Registrar will reserve not less than 750 copies for gratuitous distribution by the Court. This distribution will be as follows:

- | | |
|---|--|
| (1) Members of the Court. | } (Through the
Secretariat at
Geneva.) |
| (2) Members of the League of Nations. | |
| (3) Organizations of the League of Nations. | |
| (4) National associations for the League of Nations. | |
| (5) States not Members of the League of Nations which are entitled to appear before the Court. | |
| (6) Persons or institutions making special application, in accordance with a decision taken by the Registrar in each particular case in agreement with the Court's publisher. | |

Article 26.

The Registrar will bring to the knowledge of the Court, or of the President if the Court is not sitting, any clerical error which may be found in an order, judgment or opinion, in order that it may be corrected in accordance with Article 75 of the Rules.

Article 27.

The Registrar will inform the Secretary-General of any vacancy which may occur amongst the members of the Court and of any sentence of dismissal pronounced in accordance with Article 18 of the Statute.

(b) FINANCIAL ADMINISTRATION.

Article 28.

The Registrar is responsible for estimating the financial requirements of the Court and for submitting such estimates first to the

Court or the President, as the case may be, and then to the Supervisory Commission. He will be responsible for the expenditure of all funds voted and for the appropriation of such expenditure to the proper items of the budget.

Article 29.

Budget estimates for each year will be divided into two sections, one including ordinary expenditure and the other capital expenditure.

The sections will be sub-divided into chapters corresponding to the various categories of expenditure.

Article 30.

The budget estimates will consist of :

- (a) a summary of chapters ;
- (b) a full statement of items indicating in each case, in addition to the sum asked for, the sum voted for the current year and the sum voted for and the amount actually expended in the preceding year ;
- (c) whenever possible, detailed schedules and explanatory statements.

Important differences in the amounts estimated for the same items in successive years will be fully explained by means of notes.

Article 31.

Receipts other than funds obtained from the League of Nations (such as interest or contributions from States not Members of the League) will, if possible, be estimated in advance and be deducted, as appropriations in aid, from the budget estimates.

Article 32.

Budget estimates will be submitted for approval to the Court or, if the Court is not sitting, to the President, in the last week of March.

Article 33.

Budget estimates duly approved will be communicated by the Registrar to the Secretary-General of the League of Nations, for transmission to the Supervisory Commission, upon a date between April 1st and May 1st to be agreed upon between the Registrar and the Secretary-General.

Article 34.

When the Supervisory Commission considers the Court's budget, the latter will be represented before the Commission by the Registrar or such other official as the Court may appoint for the purpose.

Article 35.

In order to prevent any excess of expenditure over the amount voted for each item of the budget, the Registrar will cause a record to be prepared of all appropriations made and of liabilities incurred, showing at any time the balance available under each item.

Article 36.

If necessary, the Registrar may ask the Court to authorize by a special resolution transfers from one item to another of the same chapter of the budget. He will immediately communicate such resolutions to the Secretary-General of the League of Nations, in order to enable the latter to take the measures necessary under Article 29 of the League's Financial Regulations.

The Registrar may himself authorize any transfers, which circumstances may render necessary, as between sub-heads of the same item of the budget. Such transfers need not be communicated to the Secretary-General.

Article 37.

Between March 1st and 15th of each year the Registrar will submit to the Court, or to the President if the Court is not sitting, the accounts of the previous year, with annexes.

Between March 15th and April 1st he will forward the documents in question to the Supervisory Commission.

Article 38.

The Registrar alone is entitled to incur liabilities in the name of the Court. It is for him to judge in what cases he should obtain previous authorization from the Court or the President.

Article 39.

The Registrar will cause an accurate record to be kept of all capital acquisitions and of all supplies purchased and used during each year. He will submit to the Auditor of the League of Nations between 15th and 30th January a statement showing the

stores in hand on December 31st, distinguishing the stores purchased from capital and the stores purchased from revenue.

The Registrar will cause to be submitted annually to the Auditor, before January 15th, a statement of unpaid debts incurred during the preceding year; should the accounts not be received in sufficient time, the orders or deliveries will be entered in the statement for an approximate amount.

Article 40.

The Registrar will hold at the disposal of the Auditor, should he make a request to that effect, any document which may be of use to him in his examination of the accounts or other duties.

The Registrar will send to the Auditor, on or about the 10th of each month, a statement of receipts and expenditure for the preceding month.

Article 41.

The funds of the Court will be placed by the Registrar on deposit at interest with the Amsterdamsche Bank (Hague branch). The interest obtained will be taken to account in accordance with Article 32.

PART III.

The Officials of the Registry.

Article 42.

Appointments in the Registry which are provided for in the Staff Regulations, shall be filled, in the case of the appointment as Deputy-Registrar, in accordance with the procedure laid down in Article 17 of the Rules of Court, and in the case of any other appointment, in accordance with Article 20 of those Rules.

The Registrar may, if desirable, make announcements in the publications of the Court or of the League of Nations in order to obtain applications calculated to facilitate the preparation of the lists of candidates; due regard shall also be had to the Court's waiting lists.

Article 43.

Before entering upon his duties, every official of the Registry will make the following declaration before the President, the Registrar being present:

"I solemnly declare that I will perform the duties conferred upon me as an official of the Permanent Court of International Justice in all loyalty, discretion and good conscience."

A record of this declaration will be made by the Registrar, signed by the President and the Registrar and deposited in the archives of the Court.

Article 44.

The Registrar will take all steps necessary to preserve the diplomatic character conferred upon officials of the Registry under Article 7 of the Covenant of the League of Nations.

Article 45.

The Deputy-Registrar shares the duties of the Registrar, both as regards his functions in connection with the exercise of the judicial and advisory powers of the Court (Rules of Court, Articles 26 and 31) and as concerns his functions as Head of the Registry (Part II above).

The manner in which the work is divided between the Registrar and the Deputy-Registrar during periods when both are present will be settled from time to time by the Registrar.

The arrangement of the work shall be such that both the Registrar and the Deputy-Registrar shall at all times be fully acquainted with all branches of the work of the Court and of the Registry.

Article 46.

The officials of the Registry are intended to serve as a framework for the absorption of the staff temporarily engaged for the duration of a session or in similar circumstances.

In this respect, in addition to one of the editing secretaries being entrusted with the duties of Secretary to the Presidency, another will be responsible for interpretation and editing and a third for translation.

Similarly, one of the shorthand-secretaries will be in charge of typing and roneography; another will be detached for duty to the Drafting Committee; finally, yet another will have the qualifications of a verbatim reporter.

PART IV.

The duties of the Officials of the Registry.

A.—THE EDITING SECRETARIES.

Article 47.

The Editing Secretary entrusted with the duties of Secretary to the Presidency will in the first place perform tasks entrusted to

him by the President or the Registrar, as the case may be. He is in charge of the editing, under the Registrar's control, of the Court's Confidential Bulletin.

The Editing Secretary, who is amongst other things in charge of editing, is responsible for the editing of the manuscript of all documents which have to be printed, unless another official has also been made responsible for the printing of a document the preparation of which has been entrusted to him.

The Editing Secretary in charge of translations will, as far as possible, prepare them himself with the assistance of another editing secretary whose native language is the official language of the Court which is not the native language of the editing secretary responsible for translation.

B.—THE ARCHIVIST.

Article 48.

The Court's Archivist is responsible to the Registrar for keeping the archives and the library in accordance with the following provisions.

She is assisted by an Assistant or Assistants appointed for this purpose.

The Archivist is likewise responsible for the handling and distribution of documents in accordance with the system provided for under Article 57 below.

Article 49.

No file or original of any document registered in the archives may be taken out of the offices of the Registry without express permission from the Registrar.

Article 50.

The archives will contain amongst other things files duly kept up to date containing information as to the following:

(1) The States Members of the League of Nations or mentioned in the Annex to the Covenant which have accepted the compulsory jurisdiction of the Court, together with the text of the declarations of acceptance, also the list of States outside the League of Nations which have made the general declaration, in accordance with the Council Resolution of May 12th, 1922, to accept the jurisdiction of the Court, together with a statement whether this acceptance does or does not include compulsory jurisdiction.

(2) The articles of treaties, conventions or international agreements, including mandates, in which provision is made for recourse to the Court, together with the text of the articles, a list of the States affected and the conditions governing the competence of the Court in each case.

(3) The channel to be used for direct communications between the Court and each Government.

Subject to the above provisions and to Article 23 of the Rules of Court, the distribution of subject matter in the various files will be decided by the Registrar.

Article 51.

In addition to the registers mentioned in Article 23 of the Rules, the archives shall contain :

(1) A list of judges.

(2) A list of deputy-judges.

(These two lists shall mention: (a) the age of each judge; (b) whether they have or have not made the solemn declaration provided for in Article 20 of the Statute of the Court, and (c) their successive addresses.)

(3) The list in chronological order of substitutes or deputy-judges who have been summoned to complete the Chambers and the Court respectively.

A reference to the file of each case dealt with by him shall be entered against the name of each judge.

(4) The lists of technical assessors for labour cases in the alphabetical order of the Members of the League of Nations by whom they have been nominated, and in alphabetical order of names within each list.

(5) The lists of technical assessors for transit and communications cases in the alphabetical order of the Members of the League of Nations by whom they have been nominated, and in alphabetical order of names within each list.

(6) The lists of nominations referred to in Articles 4 and 5 of the Court's Statute.

Article 52.

Every incoming document will be handed to the Archivist, who will open official letters. Every document will be immediately registered and submitted to the Registrar, together with previous correspondence (if any).

Every outgoing document bearing the signature or initials of the Registrar, in token of its official character, will be handed, together with the necessary number of copies, any enclosures and the requisite envelope, to the Archivist for registration and despatch.

Article 53.

Incoming documents will be registered by writing in the register entitled "In Register" the particulars indicated by the various

columns of this register, and by writing upon the document itself the date of receipt, the consecutive number in the register, the reference to the file concerned and the reference number within this file.

Outgoing documents will be registered by entering similar particulars in the register entitled "Out Register" and by writing on the document itself the consecutive number in the "Out Register" and the reference number of the document, if any, to which the outgoing document is a reply. On the copies kept in the archives will also be written the consecutive number in the "In Register" of the document, if any, which has given rise to the preparation of the outgoing document. The entry of the reference numbers and of the "in" numbers will be made by the typist in accordance with the instructions of the person drafting the document.

To each of the files to which the various documents are allotted will be attached a list of the documents contained therein (file register).

In the case of outgoing letters a second copy will be inserted in the chronological file.

The card indexes provided for in Article 23 of the Rules of Court, as also the file registers, will be brought up to date as each document is registered. Nevertheless, in order to prevent delay in the despatch of outgoing documents, the necessary entries concerning them, except those which must appear on the documents themselves, may be made as soon as possible from the copies.

Article 54.

The Archivist will keep a diary in which will be entered at the required date a note to the effect that a given document is to be handed to the official who has given instructions for the note to be made.

Article 55.

The Archivist is responsible for the despatch of any document inscribed in the "Out Register". She will ascertain that the required annexes are attached thereto; she will also satisfy herself that every letter, note or telegram is duly signed or initialled.

A confirmation of every telegram, upon a special form, will be immediately sent by post to the person to whom the telegram is addressed.

Within the town, any packet which is not sent by post will be delivered in return for a receipt, to be made out according to the detailed provisions in the Annex.

Article 56.

Every book belonging to the Court Library will be stamped with the stamp of the Court and entered in an "In Register"; it will be furnished with a consecutive number. Card indexes will be prepared by names of authors and by subjects. These card indexes will contain, in addition to a reference to the register, particulars enabling each book to be readily found (shelf and consecutive number).

C.—CORRESPONDENCE AND DISTRIBUTION OF DOCUMENTS.

Article 57.

(Article 57 regulates the preparation, translation and distribution of documents; it is not reproduced here.)

Article 58.

(Article 58 and its annex set out the rules to be observed for the preparation of letters, including modes of address, etc.; it is not reproduced here.)

D.—LIAISON WITH THE PRESS.

Article 59.

Communications intended for the public and concerning the Court's activities may be issued by the Registrar in accordance with the agreement entered into between him and the Director of the Geneva Information Section and approved by the President. Whenever held to be necessary, the Registrar shall submit such communications to the President for approval.

E.—ACCOUNTANT-ESTABLISHMENT OFFICER.

Article 60.

The Accountant-Establishment Officer is responsible to the Registrar for the following:

- (1) accounts,
- (2) payments,
- (3) purchases,
- (4) equipment and supplies.

Article 61.

The following ledgers will be kept :

- (1) budget ledger,
- (2) bank book,
- (3) current account ledger,
- (4) cash book.

In the budget ledger will be inscribed under headings corresponding to the chapters and items of the budget : (a) the credit originally voted ; (b) this credit with modifications resulting from possible transfers ; and twice weekly (c) actual expenditure chargeable to the various chapters and items.

For the purpose of keeping this ledger, every cheque issued by the Court shall be regarded as expended, whether or not it has been presented to the Bank for payment.

In the bank book will be inscribed all operations affecting the Court's banking account, in particular the issue of cheques and their presentation for payment according to the notification forms sent by the Bank.

In the current account ledger will be inscribed, on receipt of notification from the Bank, cheques issued by the Court which have been presented for payment.

In the cash book will be noted all payments in cash as they are made.

Article 62.

The budget ledger will be kept so as to show at any time payments made as regards each member of the Court and each official. Each person concerned has the right to inspect his personal account.

Article 63.

The cash shall be checked at the commencement of each working day. It will be controlled by the Registrar at intervals to be fixed by him. He will approve the accounts by means of his signature in the cash book.

Article 64.

The Accountant-Establishment Officer will prepare in the first week of each month a summary of the accounts of the preceding month upon a special form.

Article 65.

All payments shall be made in return for receipts, which in the case of transactions falling under the jurisdiction of the Courts of the Netherlands will be stamped in accordance with local legislation. Other receipts will be prepared on a special form.

Payment of subsistence allowance and travelling expenses to the judges will only be made on presentation of a claim for repayment upon a special form duly signed by the person concerned, countersigned by the Registrar and approved by the President.

Payment of salaries of members of the permanent and temporary staff will be made in accordance with lists duly signed by the Registrar.

Payments to the staff of subsistence allowance and refunds of travelling expenses (including journeys authorized to an official's native country) shall be made upon receipt of a detailed application drawn up on a special form signed by the person concerned and by the Registrar, in token of his approval. In the case of journeys on duty, the application, to be valid, must be accompanied by a signed letter from the Registrar instructing the person concerned to undertake the journey in question.

Except with the approval of the Registrar, accounts for supplies will only be paid if the account is accompanied by the order form signed by him.

Salaries of less than 6,000 florins per annum will be paid half monthly; other salaries will be paid monthly in arrears.

Except with the written permission of the Registrar, payment of advances is forbidden; should an advance be made, interest from the date of payment until the day the sum advanced falls due will be deducted.

Article 66.

All purchases will be made by means of an order form signed by the Registrar.

Whenever necessary, the Accountant-Establishment Officer will obtain at least three tenders for submission to the Registrar for his decision.

Article 67.

Every Monday the Chief messenger will receive a sum to cover postage and telegrams and other minor expenses. He will enter postal and telegraph charges in a book which will be verified every morning by the Archivist.

Every Monday the account will be balanced.

Every Monday the Hall porter will receive a sum for minor expenses. He will render an account on a special form.

Article 68.

The Registrar will ensure that no expenditure is incurred which is not provided for in the Budget, that no payment is made except where an obligation actually exists and that the strictest economy is observed in incurring liabilities.

Article 69.

The Accountant-Establishment Officer will prepare and keep up to date separate inventories (a) for the supplies of stationery and the like, and (b) for furniture and equipment.

The inventory of supplies will be brought up to date each week and submitted to the Registrar.

The inventory of furniture, etc., will be kept up to date as purchases are made or losses occur.

Article 70.

Every Monday the Accountant-Establishment Officer will place at the disposal of the staff in the various offices supplies of stationery sufficient to meet the consumption estimated for the week.

Every person who uses the stationery thus made available will immediately enter on the control-sheet attached to the particular species the quantity taken, and will sign his name.

The Accountant-Establishment Officer will verify the entries when bringing the inventory up to date.

Article 71.

Officials are forbidden to use stationery belonging to the Court for private purposes.

Members of the Court may apply to the Registrar for the use of the Court's services and stationery for work which is not strictly speaking within the domain of the Court. As regards the Court's services, the Registrar will comply in so far as it is compatible with the requirements of the work of the Court; as regards stationery, he will comply subject to repayment by the member concerned of the cost price. The amount will be deducted from the next monthly payment of salary to the member.

Article 72.

The Accountant-Establishment Officer is responsible that a sufficient stock of all necessary material is available both for the normal work of the Registry and for sessions of the Court.

F.—PRINTING DEPARTMENT.

Article 73.

The duties of the Head of the Printing Department include :

- (1) preparation and examination of all estimates, “dummies”, etc., relating to the Court’s publications ;
- (2) correction of proofs and supervision of time devoted to the author’s corrections ;
- (3) preparation of the manuscript of the alphabetical and analytical indexes inserted at the end of volumes and of general indexes to be published by the Court ;
- (4) verification of costs of printing.

Generally speaking, the Head of the Printing Department shall act as intermediary in all dealings between the Registry and the printers of the Court’s publications.

Furthermore, the Head of the Printing Department will keep in close and permanent contact with the Publisher, with a view to the elaboration and carrying out of all measures calculated to ensure a wider circulation of the publications of the Court.

In this respect he is in particular entrusted with the preparation and bringing up to date of the catalogues of these publications.

Article 74.

The order to print may only be given when the Registrar’s approval, after inspection of definitive, paginated proofs, has been obtained.

Article 75.

With regard to the correction of proofs and the verification of charges, the Head of the Printing Department shall ensure that the conditions of the printing contract and the *Typographical Rules for the Publications of the Court* are strictly complied with. He is also responsible for concordance between the French and English texts of each publication.

Article 76.

As regards the printing of documents urgently required (judgments, advisory opinions, preliminary volumes, etc.), the Head of the Printing Department shall take all measures necessary to ensure that the work is carried out as promptly as possible.

As the Court’s publications are printed at Leyden, he may proceed to that town whenever he may consider it necessary to

do so to ensure satisfactory performance of the work. He must on each occasion inform the Registrar beforehand.

PART V.

Amendments.

Article 77.

The present instructions may be modified by means of amendments to be approved by the President.

Stabilization
of Salaries.

In its report of November 7th, 1927, the Hague Salaries' Adjustment Committee¹, whilst recording that the cost of living in that town had fallen by 11.78 % as compared with the cost of living during the basic period, stated that it was unanimously of opinion that it would be preferable to substitute for the existing system (involving a division into two parts, one of which varied in accordance with the fluctuations of the cost of living), a system of fixed salaries. In this connection and having particular regard to the fact that the whole question regarding the best method of fixing salaries was, according to the decision of the Eighth Assembly, submitted for investigation to the Supervisory Commission of the League of Nations, the Committee recommended the Court to cause a similar investigation to be made as regards The Hague.

In accordance with this recommendation, the Court instructed the Registrar to undertake this investigation, which was carried out with the collaboration of the Municipal Bureau of Statistics at The Hague. In July 1928, the Supervisory Commission examined the results of the investigation, and in a report dated Geneva, August 1st, 1928, decided to recommend the Assembly to stabilize the salaries of officials of the Permanent Court of International Justice at the nominal rates of 1922. At the same time it recommended stabilization at the nominal rates of 1921 for the officials of the Geneva organizations and added that, if the officials (at Geneva and The Hague) did not unanimously accept this proposal before January 1st, 1929, the old system would remain in force.

¹ Reproduced in the Fourth Annual Report, pp. 327-329.

On September 26th, 1928, the Ninth Assembly adopted the conclusions of the Supervisory Commission.

On January 2nd, 1929, the Secretary-General of the League of Nations informed the Registrar of the Court that the officials of the General-Secretariat and of the International Labour Office had accepted the new system; the position being the same as regards the officials of the Registry of the Court, it was held that the system of variable salaries was abolished, and that as from January 1st, 1929, the system of stabilized salaries indicated above became applicable.

* * *

(See Third Annual Report, p. 32, and Fourth Annual Report, p. 52.)

In 1929 the composition of the Administrative Tribunal of the League of Nations is as follows:

The Administrative Tribunal of the League of Nations.

Judges :

M. Raffaele Montagna (Italian), *President*,
 M. Froelich (German), *Vice-President*,
 M. Albert Devèze (Belgium).

Deputy-Judges :

M. de Tomcsanyi (Hungarian),
 M. Eide (Danish),
 M. van Ryckevorsel (Dutch).

IV.

DIPLOMATIC PRIVILEGES AND IMMUNITIES OF JUDGES
 AND OFFICIALS OF THE REGISTRY.

(See Third Annual Report, pp. 103-104,
 and Fourth Annual Report, pp. 53-63.)

V.

PREMISES.

(See Third Annual Report, pp. 112-117, Second Annual Report, pp. 42-43, and Fourth Annual Report, pp. 63-70.)

The premises placed at the Court's disposal in the Peace Palace, at The Hague, under the arrangement of 1924 between the League of Nations and the Carnegie Foundation did not enable a separate office to be allocated to each judge on the bench.

In 1927, following an exchange of views between the League of Nations and the Carnegie Foundation, the latter suggested, in a letter to the Secretary-General of the League of Nations, that the following works should be carried out: transfer of the Court's central services to new premises to be constructed in the roof of the Palace; transfer of the book store of the Peace Palace Library to a special building to be erected in the garden; the fitting up in the space thus left free of a dozen suitable offices. The Foundation proposed that these works, which were estimated to cost 240,000 Dutch florins, should be financed by means of a loan to be obtained by it from the Dutch Government, and that the League of Nations should enable it to pay off this loan by means of an increase in the annual contribution paid by the Court to the Foundation.

The Secretary-General of the League of Nations submitted these proposals to the Assembly (Eighth Session) which approved them. By a letter dated October 21st, 1927, he notified the Carnegie Foundation of this approval; he also informed it that the repayment of the loan of 240,000 florins would be effected in twenty-four annual payments of 10,000 florins each, included in the Court's budget as a supplementary contribution; this would increase the annual contribution paid to the Foundation from 40,000 to 50,000 florins. The Secretary-General added that the additional credit of 10,000 florins would be payable as from 1929, it being understood that the alterations to be made in the premises were to be completed before June 10th, 1928; he further indicated that the work in question was to be carried out within the time fixed in a manner satisfactory to the Court.

On November 29th, 1927, the Second Chamber of the Dutch Parliament consented to the loan above mentioned, and on January 30th, 1928, the plans for the reconstruction of the Palace were submitted for approval to the Court's competent authorities. At the same time, however, it became clear that a portion of the programme of work could not be completed within the time fixed. The financial consequences of this situation were indicated in a letter of the Registrar of the Court to the Carnegie Foundation, dated May 3rd, 1928, which contained the following paragraph with regard to the proceedings of the Supervisory Commission of the League of Nations concerning the delay in the carrying out of the work (minutes of the 27th session of the Supervisory Commission, April 1928):

"... It has been expressly agreed that the supplementary contribution to be included in the Court's budget for 1929 cannot actually be paid over to the Foundation until it has been duly ascertained that the works contemplated by the arrangement of September 2nd/October 21st, 1927, have been carried out in their entirety to the satisfaction of the Court, according to the terms of the Secretary-General's letter of October 21st, 1927. It has also been agreed, on the basis of your letter of February 29th, 1928, that the portion of these works which will not be completed before June 10th, 1928, as intended by the Assembly in 1927, will be so in good time before the opening of the Court's ordinary session in 1929."

At the second meeting (May 14th, 1929) of its XVIth (extraordinary) Session, the Court was called upon to express its opinion in regard to the work done, in accordance with the terms of the letter of the Secretary-General of the League of Nations of October 21st, 1927. No judge having made any objection, the Court was held to have given its approval. The Registrar on May 23rd, 1929, notified the Secretary-General of the League of Nations, requesting him to confirm that the additional sum provided for was to be paid over to the Carnegie Foundation.

On May 28th, 1929, the Secretary-General replied that in these conditions, there was no longer any reason why the above-mentioned additional sum should not be paid to the Carnegie Foundation. On May 31st, 1929, the Registrar remitted this sum to the Carnegie Foundation, with a letter explaining

that this payment could be regarded as implying that the works contemplated by the arrangements of September 2nd/October 21st, 1927—in so far as certain alterations inside the Palace were concerned (letter of the Chairman of the Committee of Directors to the Secretary-General of September 2nd, 1927), alterations designed to meet the Court's desire "that each judge of the Court should have at his disposal in the Peace Palace a separate office" (*ibidem*)—had been carried out in their entirety to the satisfaction of the Court, according to the terms of the above-mentioned letter of the Secretary-General of the League of Nations of October 21st, 1927.

* * *

As a result of the new building operations, fourteen rooms serving as offices for the judges, in addition to the office which the President of the Court has occupied since 1922, as also a waiting room, have become available.

CHAPTER II.
 THE STATUTE AND RULES OF COURT.

I.

THE STATUTE.

(See First Annual Report, pp. 121-125.)

On June 15th, 1929, fifty-two Members of the League of Nations had signed the Protocol of Signature of the Statute, drawn up in accordance with the Assembly decision of December 13th, 1920, which remains open for signature by the States mentioned in the Annex to the Covenant. The signatory States are :

Albania	Guatemala
Australia	Haiti
Austria	Hungary
Belgium	India
Bolivia	Irish Free State
Brazil	Italy
Bulgaria	Japan
Canada	Latvia
Chile	Liberia
China	Lithuania
Colombia	Luxemburg
Costa Rica	Netherlands
Cuba	New Zealand
Czechoslovakia	Norway
Denmark	Panama
Dominican Republic	Paraguay
Esthonia	Persia
Ethiopia	Poland
Finland	Portugal
France	Roumania
Germany	Salvador
Great Britain	Serb, Croats and Slovenes
Greece	(Kingdom of the—)

Siam	Switzerland
South Africa	Uruguay
Spain	Venezuela
Sweden	

Ratifications. All the above States have ratified except Bolivia, Colombia, Costa Rica, the Dominican Republic, Guatemala, Liberia, Luxemburg, Paraguay, Persia and Salvador.

* * *

Revision of Statute. On September 20th, 1928, the Ninth Assembly adopted the following Resolution :

“The Assembly,

Considering the ever-increasing number of matters referred to the Permanent Court of International Justice ;

Deeming it advisable that, before the renewal of the term of office of the members of the Court in 1930, the present provisions of the Statute of the Court should be examined with a view to the introduction of any amendments which experience may show to be necessary ;

Draws the Council's attention to the advisability of proceeding, before the renewal of the term of office of the members of the Permanent Court of International Justice, to the examination of the Statute of the Court with a view to the introduction of such amendments as may be judged desirable, and to submitting the necessary proposals to the next ordinary session of the Assembly.”

In pursuance of this Resolution, the Council, at its Fifty-third Session, adopted on December 13th, 1928, a report made by M. Scialoja (Italy) according to which a small Committee of Jurists was to be appointed to make a preliminary study of the question ; according to this report, the Committee was to have wide terms of reference, namely, to report what amendments appeared desirable in the various provisions of the Court's Statute. It would be competent to examine such suggestions as might reach it during its work from authoritative sources. Further, it would fall to the Committee to ascertain the opinion of the Permanent Court of International Justice as regards the functioning of the Court¹.

¹ On March 9th, 1929, at its Fifty-fourth Session, the Council of the League of Nations extended the scope of the task entrusted to the Committee by instructing it to examine the existing solution with regard to the adherence of the United States of America to the Protocol of Signature of the Court's Statute. See pp. 142-150 of this volume.

On December 14th, 1928, the Council decided that the Committee should be composed as follows: MM. van Eysinga (Netherlands), Fromageot (France), Gaus (Germany), Sir Cecil Hurst (Great Britain), MM. Ito (Japan), Politis (Greece), Raestad (Norway), Rundstein (Poland), Scialoja (Italy), Urrutia (Colombia). The Council also entrusted its President and rapporteur with the appointment of a jurist of the United States of America: Mr. Elihu Root, former Secretary of State of the United States of America, was subsequently appointed. Lastly, the Council invited MM. Anzilotti and Huber, President and Vice-President of the Court, to participate in the work of the Committee; MM. Anzilotti and Huber accepted the Council's invitation¹, after consulting their colleagues as to the advisability of so doing.

M. Pilotti (Italy) was added to the Committee by decision of the Council on March 9th, 1929; on the same occasion, M. Osusky, President of the Supervisory Commission, was also invited to assist at its proceedings.

The Committee met at Geneva from March 11th to 19th, 1929. At the opening of its proceedings, M. Anzilotti made the following statement:

“Before we take up the work that has been entrusted to this Committee, I think that I ought to explain in a few words the conditions in which my colleague, M. Huber, and myself will take part in your work.

On December 14th last, the Council of the League adopted a Resolution under which it invited us to take part *inter alia* in the work of the Committee set up to report ‘what amendments appeared desirable in the various provisions of the Court's Statute’. These terms of reference were amplified the other day to comprise as well the consideration ‘of the present situation as regards the accession of the United States of America to the Protocol of Signature of the Statute’.

We are glad to be able to accept this invitation, since our presence will enable the Committee in its proceedings to take into account such experience as we have acquired, as Presidents in turn of the Court, of the practical value of the Statute which was adopted in 1920 after careful and exhaustive preparation.

Our attendance, however, should not be regarded as implying that we share in all respects the point of view in regard to the Statute which has resulted in the setting up of the present Committee. It is true that in many respects a system other than

¹ They were accompanied by M. Hammarskjöld, Registrar of the Court

that which was set up by the Statute might obviously be considered, but in view of the actual terms of the report relative to the Resolution of the Assembly of the League under date of September 20th, 1928, it is not a reform of this kind that is at present under consideration. All that is to be done is to re-examine the Statute with the object of correcting certain imperfections which may have come to light as a result of experience. It would appear to us to be certain that the majority of these imperfections might be overcome within the limits of the Statute as it was drafted in 1920 either by the passing of concurrent decisions by the Council and the Assembly or by the exercise by the Court itself of its regular powers. In this respect I should like incidentally to take note of the declaration made to the Assembly by the rapporteur, according to which 'the Committee agreed unanimously in the first place that it could not interfere in any way in the question of the Rules of the Court. That is a matter for the Court itself and.... the Rules cannot be affected by any examination of the Statute.'

Nevertheless, the work of the examination of the Statute with a view to its revision having been initiated, we think it our duty not only to give information on points of fact and to state our opinion on any proposals that may be made from other sources, but also, if necessary, to propose ourselves certain amendments.

Our proposals, however, should not be regarded as emanating from the Court itself. On the contrary, I must in concluding state that the members of the Court have not failed to attach great importance to the sentence which was inserted in the report adopted by the Council on December 13th last, and under which it would fall to the Committee to ascertain the opinion of the Permanent Court of International Justice in respect of the working of the Court."

The Committee prepared two reports and a draft protocol. The draft protocol and one of the two reports adopted on March 18th, 1929, relate to the adherence of the United States of America to the Protocol of Signature of the Court's Statute, subject to the five reservations made by the United States in the Resolution passed by the Senate on January 27th, 1926. This part of the Committee's work is described in this volume, pages 145-150.

The other report concerns the revision of the Court's Statute. The Committee proposes that the Assembly should make the following amendments in the Statute :

Replace Article 3 by the following :

The Court shall consist of fifteen members.

Replace Article 8 by the following :

The Assembly and the Council shall proceed independently of one another to elect the members of the Court.

Replace Article 13 by the following (paragraphs 4 and 5 new) :

The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

In the case of the resignation of a member of the Court, the resignation will be addressed to the President of the Court for transmission to the Secretary-General of the League of Nations.

This notification makes the place vacant.

Replace Article 14 by the following :

Vacancies which may occur shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General of the League of Nations shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Council at its next session.

Replace Article 15 by the following :

A member of the Court elected to replace a member whose period of appointment has not expired, will hold the appointment for the remainder of his predecessor's term.

Replace Article 16 by the following :

The members of the Court may not exercise any political or administrative function, nor engage in any other occupation of a professional nature. Any doubt on this point is settled by the decision of the Court.

Replace Article 17 by the following :

No member of the Court may act as agent, counsel or advocate in any case of an international nature.

No member may participate in the decision of any case in which he has previously taken an active part as agent, counsel or advocate for one of the contesting Parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

Replace Article 23 by the following :

The Court shall remain permanently in session except during the judicial vacations, the dates and duration of which shall be fixed by the Court at the end of each year for the following year.

Members of the Court whose homes are situated at more than five days' normal journey from The Hague shall be entitled, apart from the judicial vacation, to six months' leave every three years.

Members of the Court shall be bound, unless they are on regular leave or prevented from attending by illness or other serious reason duly explained to the President, to hold themselves permanently at the disposal of the Court:

Replace Article 25 by the following :

The full Court shall sit except when it is expressly provided otherwise.

Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of Court may provide for allowing one or more judges, according to circumstances, and in rotation, to be dispensed from sitting.

Provided always that a quorum of nine judges shall suffice to constitute the Court.

Replace Article 26 by the following :

Labour cases, particularly cases referred to in Part XIII (Labour) of the Treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the Court under the following conditions :

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the Parties so demand, cases will be heard and determined by this Chamber. In the absence of any such demand, the full Court will sit. In both cases, the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to ensuring a just representation of the competing interests.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Labour cases", composed of two persons nominated by each Member of the League of Nations and an equivalent number nominated by the Governing Body of the Labour Office. The Governing Body will nominate, as to one-half, representatives of the workers and, as to one-half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding articles of the other treaties of peace.

Recourse may always be had to the summary procedure provided for in Article 29, in the cases referred to in the first paragraph of the present article, if the Parties so request. In Labour cases, the International Office shall be at liberty to furnish the Court with all relevant information, and for this

purpose the Director of that Office shall receive copies of all the written proceedings.

Replace Article 27 by the following :

Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the Treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the Court under the following conditions :

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the Parties so demand, cases will be heard and determined by this Chamber. In the absence of any such demand, the full Court will sit. When desired by the Parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Transit and Communications cases", composed of two persons nominated by each Member of the League of Nations.

Recourse may always be had to the summary procedure provided for in Article 29, in the cases referred to in the first paragraph of the present article, if the Parties so request.

Replace Article 29 by the following :

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges who, at the request of the contesting Parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit.

Replace Article 31 by the following :

Judges of the nationality of each of the contesting Parties shall retain their right to sit in the case before the Court.

If the Court includes upon the bench a judge of the nationality of one of the Parties, the other Party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the bench no judge of the nationality of the contesting Parties, each of these Parties may proceed to select a judge as provided in the preceding paragraph.

The present provision shall apply to the case of Articles 26, 27 and 29. In such cases, the President shall request one or, if

necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the Parties concerned, and, failing such or if they are unable to be present, to the judges specially appointed by the Parties.

Should there be several Parties in the same interest, they shall for the purpose of the preceding provisions be reckoned as one Party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected as laid down in paragraphs 2, 3 and 4 of this article shall fulfil the conditions required by Articles 2, 16, 17 (paragraph 2), 20 and 24 of this Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Replace Article 32 by the following :

The members of the Court shall receive an annual salary. The President shall receive a special annual allowance. The Vice-President shall receive a special allowance for every day on which he acts as President. The judges appointed under Article 31, other than members of the Court, shall receive an indemnity for each day on which they sit.

These salaries, allowances and indemnities shall be fixed by the Assembly of the League of Nations on the proposal of the Council. They may not be decreased during the term of office.

The salary of the Registrar shall be fixed by the Assembly on the proposal of the Court.

Regulations made by the Assembly shall fix the conditions under which retiring pensions¹ may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded¹.

The above salaries, indemnities and allowances shall be free of all taxation¹.

The French text of No. 4 of Article 38 to be amended as follows :

4. Sous réserve de la disposition de l'article 59, les décisions judiciaires et la doctrine des publicistes les plus qualifiés des différentes nations, comme moyen auxiliaire de détermination des règles de droit.

Replace Article 39 by the following (paragraph 3 amended) :

¹ See, following the amendments to the Statute, the two draft resolutions which the Committee proposes to the Assembly, one relating to salaries, indemnities and allowances, and the other to pensions, as also an extract from the Committee's report concerning these drafts.

The Court may, at the request of any Party, authorize a language other than French or English to be used.

Replace Article 40 by the following (paragraph 4 amended) :

He shall also notify the Members of the League of Nations through the Secretary-General, and also any States entitled to appear before the Court.

Replace Article 45 by the following (amendment to English text only) :

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if both are unable to preside, the senior judge shall preside.

Further, the Committee proposes the addition to the Statute of the following new articles relating to advisory procedure which transfer to the Statute the essential features of the provisions contained in Articles 72, 73, and 74 of the Rules of Court¹ :

CHAPTER IV.—ADVISORY OPINIONS.

Article 65.

Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request, signed either by the President of the Assembly or the President of the Council of the League of Nations, or by the Secretary-General of the League under instructions from the Assembly or the Council.

The request shall contain an exact statement of the question upon which an opinion is required and shall be accompanied by all documents likely to throw light upon the question.

Article 66.

I.—The Registrar shall forthwith give notice of the request for an advisory opinion to the Members of the League of Nations, through the Secretary-General of the League, and to any States entitled to appear before the Court.

The Registrar shall also, by means of a special and direct communication, notify any Member of the League or State admitted

¹ For the text of the Rules of Court, amended on July 31st 1926 (revision), and on September 7th, 1927 (modification to Article 71—advisory procedure), see Vol. I of Series D. of the Court's Publications and addendum.

to appear before the Court considered by the Court (or, should it not be sitting, by the President) as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

II.—Should any State or Member referred to in the first paragraph have failed to receive the communication specified above, such State or Member may express a desire to submit a written statement, or to be heard; and the Court will decide.

States or Members having presented written or oral statements or both shall be admitted to comment on the statements made by other States or Members in the form, to the extent and within the time-limits which the Court or, should it not be sitting, the President shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to States or Members having submitted similar statements.

Article 67.

The Court shall deliver its advisory opinions in open^rCourt, notice having been given to the Secretary-General of the League of Nations and to the representatives of States and Members of the League immediately concerned.

Article 68.

In the exercise of its advisory functions, the Court shall apply Articles 65, 66 and 67. It shall further be guided by the provisions of the preceding chapters of this Statute to the extent to which it recognizes them to be applicable to the case.

Next, with reference to Article 32 of the Statute which is to be amended as indicated above, the Committee submits to the Assembly two draft resolutions in regard to which its report contains the following :

“This regulation [the regulation governing the grant of pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice, adopted by Resolution of the Assembly on September 30th, 1924¹] will require revision; the Supervisory Commission will lay the matter before the Assembly, but on account of certain proposed amendments to the Statute of the Court, of which a brief summary was given at the head of this section, the Committee is of opinion that the Assembly's attention should be specially drawn to the desirability of redrafting paragraph 5 of Article 1 of the 1924 regulation in the terms indicated in the attached draft resolution as to pensions.”

The draft resolutions are as follows :

“Draft Resolution concerning salaries :

In accordance with the provisions of Article 32 of the Statute, the Assembly of the League of Nations fixes the salaries, allowances and indemnities of the members and judges of the Permanent Court of International Justice as follows :

<i>President :</i>	Dutch florins.
Annual salary	45,000
Special indemnity	15,000
<i>Vice-President :</i>	
Annual salary	45,000
Allowance for each day on duty (100 × 100)	10,000 (max.)
<i>Members :</i>	
Annual salary	45,000
<i>Judges referred to in Article 31 of the Statute :</i>	
Indemnity for each day on duty	100
Allowance for each day of attendance	50

Draft Resolution amending paragraph 5 of Article 1 of the regulation regarding pensions :

The payment of a pension shall not begin until the person entitled to such pension has reached the age of 65. Should, however, the person entitled to a pension, before attaining that age, reach the end of his term of office without being re-elected, his pension may, by a decision of the Court, be made payable to him, in whole or part, as from the date on which his functions cease.”

Finally, the Committee suggests the adoption by the Assembly of the following recommendation :

“The Secretary-General, in issuing the invitations provided for in Article 5 of the Statute, will request the national groups to satisfy themselves that the candidates nominated by them possess recognized practical experience in international law and that they are at least able to read both the official languages of the Court and to speak one of them; he will recommend the groups to attach to each nomination a statement of the career of the person nominated showing that he possesses the required qualifications.”

As regards the procedure for bringing into force the amendments proposed by the Committee, the report contains the following passage :

"If the Council approves the conclusions of the report, it will no doubt find it convenient to communicate them to the Members of the League of Nations and the States mentioned in the Annex to the Covenant and to transmit them to the Assembly; it would be desirable that, if the amendments secure general approval, the Protocol accepting them which must be concluded between the Parties which have ratified the 1920 Statute should be made in the course of next Assembly.

On this point, the Committee must call the attention of the Council to the necessity for taking appropriate measures to secure the entry into force of the amendments a sufficient time before the election of the members of the Court in September 1930, on account, more particularly, of the changes which are made in regard to the number of the members of the Court and the rules as to the occupations which are incompatible with membership."

* * *

At the final meeting of the Committee, the President of the Court made, on his own behalf and that of M. Huber, a statement, the following passages of which relate to the proceedings of the Committee in regard to the revision of the Statute :

"The second part of your work¹ has also been devoted to perfecting the Court as an instrument of international justice, but from a different point of view. Experience alone can show how far your efforts in this domain have been crowned with success. It would, at all events, be premature to venture an opinion in this respect at a moment when the work of analysis and synthesis to which you have devoted the last few days is scarcely finished, and when consequently the necessary perspective is still lacking. Nevertheless, it is at all events possible to say at once that if the will to accomplish a good piece of work, a sincere desire to achieve the aim in view, and a sympathetic atmosphere are powerful factors militating towards success, there is every reason to believe that you have succeeded. It therefore only remains for me, on behalf of M. Huber and myself, to pay tribute to the great ability with which you have devoted yourselves to the fulfilment of your task and to thank you for the kind attention with which you have received our contributions to your discussions.

It is however my duty to add an observation to the foregoing: our contributions to the discussions—as I have already had the

¹ The first part of the work of the Committee was devoted to examining the situation in regard to the adherence of the United States of America to the Protocol of Signature of the Court's Statute. See pages 142-150 of this volume.

honour to say at the outset of your work—can only be regarded as representing our individual opinions; they cannot in any way be regarded as expressing the views of the Court.”

At the same meeting, the President of the Court referred to the report on the revision of the Statute adopted by the Council at its meeting on December 13th, 1928¹—in which it was laid down that it would be for the Committee to obtain the advice of the Court in regard to the manner in which it performed its duties—and made the following statement: As M. Huber and he had not taken part in the work of the Committee as official representatives of the Court, he thought that it would perhaps be in order to submit the draft revised Statute and the corresponding report to the Court in May, since the Court would meet during that month, while the Council would not meet till June.

In the course of the exchange of views which ensued, it was observed that the Council alone could decide whether the draft of the revised Statute should be submitted to the Court after it had been approved by the Council, and also that the Committee's terms of reference in no way bound it to submit its draft to the Court.

* * *

On June 12th, 1929 (second meeting of the Fifty-fifth Session), the Council of the League of Nations, on the report of the Italian representative, adopted the following Resolution:

“The Council adopts the considerations and suggestions put forward by its rapporteur. In view of the report which the Committee of Jurists has submitted to it on the question of the revision of the Statute of the Permanent Court of International Justice,

The Council decides:

1. To instruct the Secretary-General to communicate the report of the Committee to the Members of the League of Nations and to the States mentioned in the Annex to the Covenant.
2. To convoke a conference of States parties to the Statute of the Permanent Court of International Justice to meet at Geneva on Tuesday, September 10th, 1929, with a view to examining the amendments to the Statute and recommendations formulated by the Committee of Jurists.

¹ See above, p. 82.

3. To request the Supervisory Commission to present to the Assembly at its next ordinary session its opinion as to the measures proposed in paragraph 14¹ of the report of the Committee of Jurists."

II.

THE RULES OF COURT.

(1) *Preparation of the Rules.*

(See First Annual Report, pp. 126-127.)

The minutes with annexes of the meetings of the Preliminary Session of the Court devoted to the preparation of the Rules of Court (January 30th—March 24th, 1922) have been published in Series D., No. 2.

(2) *Revision of the Rules.*

(See Third Annual Report, pp. 36-37,
and Fourth Annual Report, pp. 72-78.)

The Revised Rules are reproduced in Series D., No. 1. The minutes of meetings relating to the revision of the Rules have been published in the form of an addendum to Volume No. 2 of Series D. (Preparation of the Rules); this addendum also contains notes, observations and suggestions submitted on the subject by members of the Court.

Further, Article 71 of the Revised Rules was amended in September 1927 (extension to advisory procedure of the provisions regarding the appointment of judges *ad hoc*). The text of Article 71 as amended is published as an addendum to Volume No. 1 of Series D. above mentioned. The Fourth Annual Report (pp. 72-78) reproduces the documents and extracts from minutes of meetings of the Court relating to this amendment.

¹ This paragraph is devoted to the salaries, pensions and travelling allowances of judges. See p. 91.

CHAPTER III.

THE COURT'S JURISDICTION.

I.

JURISDICTION IN CONTESTED CASES.

(1) *Jurisdiction* *ratione materiae*.

According to the first paragraph of Article 36 of the Statute, the jurisdiction of the Court comprises all cases which the Parties refer to it and all matters specially provided for in treaties and conventions in force. As regards cases which the Parties submit to the Court by special agreement, the document instituting proceedings is that giving notice of the compromis setting out the terms of the agreement. In order that a case may be validly brought before the Court, notice of the special agreement must be given by all the Parties, unless it is expressly laid down in one of the clauses of the special agreement that the Court may take cognizance of the case upon notice being given by one Party only.

In 1924, the case concerning the interpretation of certain clauses of the Treaty of Neuilly between the Bulgarian and Greek Governments¹ was brought before the Court by special agreement. In 1926, the French and Turkish Governments signed at Geneva a special agreement referring to the Court the so-called *Lotus* case². Up till June 15th, 1928, the following had been notified to the Court: a special agreement between the French and Swiss Governments concerning the Free Zones of Upper Savoy and the District of Gex; a special agreement between the Brazilian and French Governments concerning the payment in gold of the Brazilian Federal loans contracted in

Jurisdiction
in virtue of
a special
agreement.

¹ See First Annual Report, p. 180.

² „ Third „ „ „ „ 122.

France¹; and a special agreement between the French and Serb-Croat-Slovene Governments concerning the payment of certain Serbian loans².

On October 30th, 1928, a special agreement submitting to the Court a dispute concerning the territorial extent of the jurisdiction of the International Commission of the Oder was signed between the British, Czechoslovak, Danish, French, German and Swedish Governments, on the one hand, and the Polish Government on the other. This special agreement was notified to the Registrar of the Court on November 29th, 1928, by the representative at The Hague of His Britannic Majesty's Government in Great Britain and Northern Ireland, this unilateral notice being valid under Article 3 of the special agreement. The cases of the Serbian loans and of the Brazilian loans were taken at the Sixteenth (extraordinary) Session (May 13th—July 12th, 1929); the cases of the Free Zones and of the Commission of the Oder are included in the list for the Seventeenth (ordinary) Session.

Jurisdiction
under treaties
and conven-
tions.

As regards treaties and conventions in force, there is a special publication of the Court entitled *Collection of Texts governing the jurisdiction of the Court*, which enumerates them and gives extracts from the relevant portions³. This publication, which is periodically brought up to date and completed, is based entirely on official information of two different kinds: official publications issued either by the League of Nations or its organizations, or by the various governments; direct communications from the same sources.

In this respect it should be noted that on March 24th, 1927, the Registrar of the Court transmitted a note to all the governments entitled to appear before the Court. In this note, it was pointed out to each government that it would be most advantageous if it would be so good as to consent to transmit to the Registry the text of agreements concluded by it and containing clauses relating to the Court's jurisdiction (this procedure being moreover analogous to that provided for in

¹ See p. 216.

² „ Fourth Annual Report, pp. 150-152; see also p. 205 of this volume.

³ The first edition of this publication appeared on May 15th, 1923 (Series D., No. 3). The second edition is dated June, 1924 (Series D., No. 4). The third edition is dated December 15th, 1926 (Series D., No. 5). This third edition is supplemented by three addenda: the first forming Chapter X of the Third Annual Report, the second forming Chapter X of the Fourth Annual Report, and the third, Chapter X of this volume.

Article 43 of the Hague Convention of 1907 for the Pacific Settlement of International Disputes, with regard to the communication of any agreements concerning arbitration to the International Bureau of the Permanent Court of Arbitration). On the other hand, as the *Collection* also comprises the text of agreements which, being signed but not ratified, constitute inchoate international engagements, each government was also requested to be good enough to notify such agreements to the Registrar of the Court even before their coming into force, and to keep the Registrar informed of any changes which might subsequently take place, particularly as regards ratification.

On June 5th, 1928, a reminder referring to the communication of March 24th, 1927, was sent to those governments which had not yet replied. On June 15th, 1929, the Governments of the thirty-eight States enumerated below (in the order of receipt of their replies) had answered :

Spain	Sweden
Netherlands	New Zealand
Monaco	Czechoslovakia
Austria	Hungary
Germany	Latvia
Russia	India
Norway	Denmark
Italy	Poland (for Poland and
Turkey	the Free City of Danzig)
Great Britain	Egypt
Switzerland	France
Finland	Panama
Mexico	Chile
Esthonia	Ecuador
China	Brazil
Belgium	Venezuela
Peru	Colombia
United States of America	South Africa
Siam	Lithuania.

The Governments of the following States have not yet replied :

Albania	Costa Rica
Argentina	Cuba
Australia	Ethiopia
Bolivia	Greece
Bulgaria	Guatemala
Canada	Haiti

Honduras	Persia
Ireland	Portugal
Iceland	Roumania
Japan	St. Dominique
Liberia	San Salvador
Luxemburg	Kingdom of the Serbs, Croats and Slovenes
Nicaragua	Uruguay.
Paraguay	

The instruments set out in the *Collection of Texts governing the jurisdiction of the Court* and its addenda may be divided into several categories :

A.—*Peace Treaties.*

(For the list, see Third Annual Report, p. 40.)

B.—*Clauses concerning the protection of Minorities.*

(For the list, see Third Annual Report, pp. 40-42.)

C.—*Mandates for various colonies and territories entrusted to certain Members of the League of Nations under Article 22 of the Covenant.*

(For the list, see Third Annual Report, pp. 42 and 43.)

D.—*General International Agreements.*

The general international agreements which had come to the knowledge of the Registry on June 15th, 1928, are indicated in the Third Annual Report (pp. 44-46) and the Fourth Annual Report (p. 81); to this list are to be appended, as on June 15th, 1929, the following agreements :

International Agreement relating to the exportation of Hides and Skins.—Geneva, July 11th, 1928.

International Agreement relating to the exportation of Bones.—Geneva, July 11th, 1928.

General Act for Conciliation, Judicial Settlement and Arbitration.—Geneva, September 26th, 1928.

International Convention for the suppression of counterfeiting currency.—Geneva, April 20th, 1929.

Furthermore, Article 423 of the Treaty of Versailles and the corresponding articles of the other peace treaties give the Court jurisdiction to deal, amongst other things, with any question or dispute relating to the interpretation of conventions concluded, after coming into force of the treaties and in pursuance of the Part entitled "Labour", by the Members of the International Labour Organization. Those of these conventions which were adopted by the first nine Labour Conferences are enumerated in the Third Annual Report (pp. 45 and 46); those adopted by the Tenth Conference are enumerated in the Fourth Annual Report (p. 81). Since then, the following Convention has been adopted by the Eleventh Conference (Geneva, 1928):

Convention concerning the creation of minimum wage-fixing machinery.

*E.—Political Treaties (of alliance, commerce,
navigation) and others.*

A complete list of agreements of this nature which had come to the knowledge of the Registry on June 15th, 1928, is given in the Fourth Annual Report (pp. 81-85). As on June 15th, 1929, the following are to be added which, together with those contained in the Fourth Annual Report, affect thirty-eight Powers:

Treaty regarding the delimitation of the frontier between Germany and France.—Paris, August 14th, 1925.

Convention of commerce and navigation between Chile and Norway.—Oslo, February 9th, 1927.

Treaty of commerce and navigation between Great Britain and Northern Ireland and the Kingdom of the Serbs, Croats and Slovenes.—London, May 12th, 1927.

Treaty of commerce between Esthonia and Czechoslovakia.—Tallinn, June 20th, 1927.

Commercial Agreement between France and Germany.—Paris, August 17th, 1927.

Treaty of commerce between Austria and Denmark.—Vienna, April 6th, 1928.

Treaty of neutrality, conciliation and judicial settlement between Italy and Turkey.—Rome, May 30th, 1928.

Convention of commerce and navigation between Denmark and Greece.—Berlin, August 22nd, 1928.

Treaty of commerce and navigation between Germany and the Union of South Africa.—Pretoria, September 1st, 1928.

Convention regulating the introduction of Native Labour from Mozambique into the Province of the Transvaal, etc., between Portugal and the Union of South Africa.—Pretoria, September 11th, 1928.

Treaty of commerce and navigation between Germany and Lithuania.—Berlin, October 30th, 1928.

F.—*Various Instruments and Conventions concerning transit, navigable waterways and communications generally.*

A list of the various instruments and conventions concerning transit, navigable waterways and communications in general, which had come to the knowledge of the Registry on June 15th, 1927, is given in the Third Annual Report, pp. 49 and 50. To this list the following was added on June 15th, 1928:

Convention concerning aerial navigation between Germany and Great Britain.—Berlin, June 29th, 1927.

On June 15th, 1929, the following conventions are also to be appended:

Convention concerning the future Kembs Derivation between France and Switzerland.—Berne, August 27th, 1926.

General Convention for Air Navigation between France and Spain.—Madrid, March 22nd, 1928.

Convention concerning Air Navigation between Austria and Italy.—Rome, May 11th, 1928.

G.—*Treaties of arbitration and conciliation.*

On pages 85-89 of the Fourth Annual Report, a complete list of instruments of this nature which had come to the knowledge of the Registry on June 15th, 1928, is given. On June 15th, 1929, the following are to be added which, together with those set out in the Fourth Annual Report, affect thirty-three Powers:

Treaty of judicial settlement between Brazil and Liberia.—Paris, July 15th, 1925.

Treaty of conciliation and judicial settlement between Chile and Italy.—Rome, February 24th, 1927.

- Treaty of conciliation, judicial settlement and arbitration between Belgium and Portugal.—Brussels, July 9th, 1927.
- Treaty of conciliation, judicial settlement and arbitration between Spain and Portugal.—Lisbon, January 18th, 1928.
- Treaty of arbitration and conciliation between France and the Netherlands.—Geneva, March 10th, 1928.
- Treaty of neutrality, conciliation and judicial settlement between Italy and Turkey.—Rome, May 30th, 1928.
- Treaty of conciliation, judicial settlement and arbitration between Finland and Spain.—Helsinki, May 31st, 1928.
- Treaty of conciliation between France and the Netherlands.—Geneva, June 9th, 1928.
- Treaty of conciliation, judicial settlement and arbitration between Austria and Spain.—Vienna, June 11th, 1928.
- Treaty of conciliation and judicial settlement between Finland and Italy.—Helsinki, August 21st, 1928.
- Protocol amending the Treaty of arbitration and conciliation between Germany and Switzerland.—Berne, August 29th, 1928.
- Treaty of conciliation, judicial settlement and arbitration between Portugal and Switzerland.—Berne, October 17th, 1928.
- Treaty of judicial settlement and conciliation between the Netherlands and Siam.—The Hague, October 27th, 1928.
- Protocol amending the Treaty of arbitration and conciliation between Germany and Finland.—Helsinki, December 3rd, 1928.
- Treaty of conciliation, judicial settlement and arbitration between Switzerland and Turkey.—Angora, December 9th, 1928.
- Treaty of conciliation and arbitration between Finland and Hungary.—Budapest, December 12th, 1928.
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TABLE IN CHRONOLOGICAL ORDER
OF INSTRUMENTS IN FORCE, OR SIGNED ONLY,
GOVERNING THE COURT'S JURISDICTION ¹.

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919.					D²	
June	28th	Versailles	Treaty of Peace	Allied and Associated Powers and Germany	No. 5	11
June	28th	Versailles	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Poland	"	12
Sept.	10th	Saint-Germain-en-Laye	Treaty of Peace	Allied and Associated Powers and Austria.	"	13
Sept.	10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and the Kingdom of the Serbs, Croats and Slovenes	"	14
Sept.	10th	Saint-Germain-en-Laye	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Czechoslovakia	"	15

¹ The relevant clauses of these instruments are reproduced either in the *Collection of Texts governing the jurisdiction of the Court*, third edition (Publications of Court, Series D., No. 5), or in Chapter X of the Court's *Third Annual Report* (Publications of Court, Series E., No. 3) which forms the first addendum to the third edition of that *Collection*, or in Chapter X of the *Fourth Annual Report* (Publications of Court, Series E., No. 4) which forms the second addendum to the third edition of the *Collection*, or in Chapter X of the present volume (Publications of Court, Series E., No. 5) which forms the third addendum to the *Collection*. The two last columns of the present table indicate the number which each instrument bears and the volume in which it is mentioned.

² The abbreviation D., No. 5, means: The *Collection of Texts governing the jurisdiction of the Court* (third edition). The abbreviation E., No. 3, means: *Third Annual Report of the Court* (June 15th, 1926—June 15th, 1927), Chapter X. The abbreviation E., No. 4, means: *Fourth Annual Report of the Court* (June 15th, 1927—June 15th, 1928), Chapter X. The abbreviation E., No. 5, means: *Fifth Annual Report of the Court* (June 15th, 1928—June 15th, 1929), i.e. the present volume.

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919					
<i>(Cont.)</i>					
Sept. 10th	Paris	Convention for the control of the trade in arms and ammunition	Collective Treaty	D No. 5	16
Sept. 10th	Saint-Germain-en-Laye	Convention relating to the liquor traffic in Africa	Belgium, British Empire, France, Italy, Japan, Portugal, United States of America	„	17
Oct. 13th	Paris	Convention for the regulation of air navigation	Collective Treaty	„	18
Nov. 27th	Neuilly-sur-Seine	Treaty of Peace	Allied and Associated Powers and Bulgaria	„	19
Nov. 28th	Washington	Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week	Collective Treaty	„	20
Nov. 28th	Washington	Convention concerning unemployment	Collective Treaty	„	21
Nov. 28th	Washington	Convention concerning night work of women	Collective Treaty	„	22
Nov. 28th	Washington	Convention fixing the minimum age for admission of children to industrial employment	Collective Treaty	„	23
Nov. 28th	Washington	Convention concerning the night work of young persons employed in industry	Collective Treaty	„	24

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1919					
<i>(Cont.)</i>					
Nov. 29th	Washington	Convention concerning employment of women before and after childbirth	Collective Treaty	D No. 5	25
Dec. 9th	Paris	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Roumania	„	26
1920.					
March 26th	Stockholm	Convention concerning the establishment of a conciliation commission	Chile and Sweden	E No. 4	203
June 4th	Trianon	Treaty of Peace	Allied and Associated Powers and Hungary	D No. 5	27
July 9th	Genoa	Convention fixing the minimum age for admission of children to employment at sea	Collective Treaty	„	28
July 9th	Genoa	Convention concerning unemployment indemnity in case of loss or foundering of the ship	Collective Treaty	„	29
July 10th	Genoa	Convention for establishing facilities for finding employment for seamen	Collective Treaty	„	30

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920 <i>(Cont.)</i>				D	
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied and Associated Powers and Greece	No. 5 31
Aug.	10th	Sèvres	Treaty (so-called "Minorities")	Principal Allied Powers and Armenia	„ 32
Nov.	9th	Paris	Convention	Poland and the Free City of Danzig	„ 33
Dec.	17th	Geneva	Mandate for German South-West Africa	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Union of South Africa	„ 34
Dec.	17th	Geneva	Mandate for German Samoa	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Dominion of New Zealand	„ 35
Dec.	17th	Geneva	Mandate for Nauru	Conferred on His Britannic Majesty	„ 36
Dec.	17th	Geneva	Mandate for the German possessions in the Pacific Ocean situated south of the Equator other than German Samoa and Nauru	Conferred on His Britannic Majesty to be exercised in His name by the Government of the Commonwealth of Australia	„ 37

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1920 (Cont.).					D	
Dec.	17th	Geneva	Mandate for the former German Colonies in the Pacific Ocean situated north of the Equator	Conferred on His Majesty the Emperor of Japan	No. 5	38
1921.						
April	20th	Barcelona	Convention and Statute on freedom of transit	Collective Treaty	„	39
April	20th	Barcelona	Convention and Statute on the régime of navigable waterways of international concern	Collective Treaty	„	40
June	24th	Geneva	Agreement in regard to the Aaland Islands	Finland and Sweden	„	41
July	23rd	Paris	Convention on the Statute of the Danube	Austria, Belgium, Bulgaria, Czechoslovakia, France, Germany, Great Britain, Greece, Hungary, Italy, Kingdom of the Serbs, Croats and Slovenes, Roumania	„	42
July	27th	Copenhagen	Convention on air navigation	Denmark and Norway	„	43

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921 (Cont.).					D	
Oct.	2nd	Geneva	Declaration made before the Council of the League of Nations in regard to the protection of minorities in Albania	Albania	No. 5	44
Oct.	29th	Helsingfors	Treaty of commerce and navigation	Esthonia and Finland	„	45
Nov.	11th	Geneva	Convention concerning the compulsory medical examination of children and young persons employed at sea	Collective Treaty	„	46
Nov.	11th	Geneva	Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers	Collective Treaty	„	47
Nov.	12th	Geneva	Convention concerning workmen's compensation in agriculture	Collective Treaty	„	48
Nov.	12th	Geneva	Convention concerning the rights of association and combination of agricultural workers	Collective Treaty	„	49

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1921					
<i>(Cont.)</i>					
Nov. 16th	Geneva	Convention relating to the age at which children are to be admitted to agricultural work	Collective Treaty	D No. 5	50
Nov. 17th	Geneva	Convention concerning the application of the weekly rest in industrial undertakings	Collective Treaty	„	51
Nov. 19th	Geneva	Convention concerning the use of white lead in painting	Collective Treaty	„	52
Nov. 23rd	Portorose	Agreement for the regulation of international railway traffic	Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes	„	53
Dec. 16th	Prague	Political Agreement	Austria and Czechoslovakia	„	54
1922.					
Feb. 22nd	Dresden	Convention instituting the Statute of navigation of the Elbe	Belgium, Czechoslovakia, France, Germany, Great Britain, Italy	„	55
March 17th	Warsaw	Political Convention	Esthonia, Finland, Latvia, Poland	„	56

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922 (Cont.).					D	
May	12th	Geneva	Declaration before the Council of the League of Nations concerning the protection of minorities in Lithuania	Lithuania	No. 5	57
May	15th	Geneva	Agreement with reference to Upper Silesia	Germany and Poland	„	58
June	26th	Warsaw	Commercial Convention	Poland and Switzerland	„	59
July	20th	London	Mandate for East Africa	Conferred on His Majesty the King of the Belgians	„	60
July	20th	London	Mandate for East Africa	Conferred on His Britannic Majesty	„	61
July	20th	London	Mandate for the Cameroons	Conferred on His Britannic Majesty	„	62
July	20th	London	Mandate for the Cameroons	Conferred on the French Republic	„	63
July	20th	London	Mandate for Togoland	Conferred on His Britannic Majesty	„	64
July	20th	London	Mandate for Togoland	Conferred on the French Republic	„	65
July	24th	London	Mandate for Palestine	Conferred on His Britannic Majesty	„	66
July	24th	London	Mandate for Syria and Lebanon	Conferred on the French Republic	„	67
Oct.	4th	Geneva	Protocols Nos. II and III relating to the restoration of Austria	Austria, British Empire, Czechoslovakia, France, Italy	„	68-69

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1922 (Cont.).					D	
Oct.	7th	Prague	Commercial Treaty	Czechoslovakia and Latvia	No. 5	70
Oct.	10th	Bagdad	Treaty of alliance	Great Britain and Iraq	„	71
Oct.	19th	Tallinn	Commercial Treaty	Esthonia and Hungary	„	72
1923.						
Jan.	20th	The Hague	Commercial Convention	Czechoslovakia and The Netherlands	„	73
Feb.	24th	Montevideo	Convention concerning the establishment of a conciliation commission	Sweden and Uruguay	No. 4	204
Feb.	28th	Montevideo	General compulsory Arbitration Treaty	Uruguay and Venezuela	No. 5	74
April	10th	Budapest	Agreement relating to arbitration	Austria and Hungary	„	75
May	26th	Stockholm	Convention relating to air navigation	Norway and Sweden	„	76
June	23rd	Washington	Agreement for the renewal of Arbitration Convention	British Empire and the United States of America	„	77
July	7th	Geneva	Declaration to the Council of the League of Nations concerning the protection of minorities	Latvia	„	78

INSTRUMENTS GOVERNING THE COURT'S JURISDICTION III

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923 <i>(Cont.)</i>					D	
July	19th	Washington	Agreement for the renewal of Arbitration Convention	France and the United States of America.	No. 5	79
July	24th	Lausanne	Treaty of Peace	British Empire, France, Greece, Italy, Japan, Roumania, Turkey	„	80
July	24th	Lausanne	Declaration relating to the administration of justice	Turkey	„	81
July	24th	Lausanne	Convention relating to the compensation payable by Greece to Allied nationals	British Empire, France, Greece, Italy	„	82
Aug.	23rd	Washington	Agreement for the renewal of Arbitration Convention	Japan and the United States of America	„	83
Sept.	5th	Washington	Agreement extending the Arbitration Convention	United States of America and Portugal	E No. 3	170
Sept.	12th	Geneva	Convention for the suppression of the circulation of and traffic in obscene publications	Collective Treaty	D No. 5	84
Sept.	17th	Geneva	Resolution of the Council of the League of Nations relating to the protection of minorities in Esthonia	—	„	85

112 INSTRUMENTS GOVERNING THE COURT'S JURISDICTION

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
Nov.	1st	Tallinn	Treaty of defensive alliance	Esthonia and Latvia	D No. 5 86
Nov.	1st	Tallinn	Preliminary Treaty for Economic and Customs Union	Esthonia and Latvia	E No. 3 171
Nov.	3rd	Geneva	International Convention for the simplification of customs formalities	Collective Treaty	D No. 5 87
Nov.	19th	Riga	Treaty of commerce and navigation	Hungary and Latvia	„ 88
Nov.	26th	Washington	Agreement for the renewal of Arbitration Convention	Norway and the United States of America	„ 89
Dec.	9th	Geneva	Convention and Statute on the international régime of railways	Collective Treaty	„ 90
Dec.	9th	Geneva	Convention and Statute on the international régime of maritime ports	Collective Treaty	„ 91
Dec.	9th	Geneva	Convention relating to the transmission in transit of electric power	Collective Treaty	„ 92
Dec.	9th	Geneva	Convention relating to the development of hydraulic power	Collective Treaty	„ 93

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
Dec.	18th	Paris	Convention regarding the organization of the Statute of the Tanger Zone	D No. 5	94
1924.					
Jan.	25th	Paris	Treaty of alliance and friendship	Czechoslovakia and France	„ 95
Feb.	13th	Washington	Agreement for the renewal of Arbitration Convention	The Netherlands and the United States of America	„ 96
March	14th	Geneva	Protocol No. II relating to the financial reconstruction of Hungary	Hungary	„ 97
April	14th	Bucharest	Convention concerning the Hydraulic System of the Coterminous Territories and the dissolution of the Floods Protection Associations, divided by the frontier	Hungary and Roumania	E No. 3 172
April	28th	Oslo	Convention relating to the frontier between Finmark and Petsamo	Finland and Norway	D No. 5 98
May	8th	Paris	Convention relating to the transfer of the Memel territory	British Empire, France, Italy, Japan, Lithuania	„ 99

114 INSTRUMENTS GOVERNING THE COURT'S JURISDICTION

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 <i>(Cont.)</i>				D	
May	30th	Warsaw	Treaty of commerce and navigation	The Netherlands and Poland	No. 5 100
June	2nd	Stockholm	Treaty of conciliation	Sweden and Switzerland	„ 101
June	6th	Copenhagen	Treaty of conciliation	Denmark and Switzerland	„ 102
June	10th	Kovno	Exchange of notes constituting a provisional arrangement with regard to commerce and navigation	Lithuania and The Netherlands	„ 103
June	18th	Budapest	Treaty of conciliation and arbitration	Hungary and Switzerland	„ 104
June	23rd	Rio de Janeiro	Treaty concerning the judicial settlement of disputes	Brazil and Switzerland	„ 105
June	24th	Washington	Arbitration Convention	United States of America and Sweden	E No. 3 173
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Sweden	D No. 5 106
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	Denmark and Norway	„ 107

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924					
<i>(Cont.)</i>					
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	D No. 5	108
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	E No. 3	174
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	„	175
June	27th	Stockholm	Convention concerning the establishment of a conciliation commission	„	176
July	2nd	Riga	Treaty of commerce	D No. 5	109
July	9th	Copenhagen	Convention concerning Eastern Greenland	„	110
July	22nd	Tallinn	Provisional Commercial Treaty	„	111
Aug.	9th	Riga	Treaty of commerce and navigation	E No. 4	205
Aug.	14th	Oslo	Treaty of commerce and navigation	D No. 5	112

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924 (Cont.).					D	
Aug.	21st	Washington	Convention respecting the regulation of the liquor traffic	The Netherlands and the United States of America	No. 5	113
Aug.	29th	Berlin	Arbitration and Conciliation Treaty	Germany and Sweden	„	114
Aug.	30th	London	Agreement relating to the arrangement of August 9th, 1924, between the German Government and the Reparation Commission	Allied Governments and German Government	„	115
Aug.	30th	London	Agreement	Allied Governments and German Government	„	116
Aug.	30th	London	Agreement	Allied Governments	„	117
Sept.	20th	Rome	Treaty of conciliation and judicial settlement	Italy and Switzerland	„	118
Sept.	27th	Geneva	Decision of the Council of the League of Nations relating to the application to Iraq of the principles of Article 22 of the Covenant (British Mandate for Iraq)	British Empire	„	119

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1924					
<i>(Cont.)</i>					
Oct.	2nd	Geneva	Resolutions relating to the pacific settlement of international disputes adopted by the 5th Assembly of the League of Nations	D No. 5	120
Oct.	11th	Vienna	Treaty of conciliation	Austria and Switzerland	„ 121
Nov.	3rd	Riga	Treaty of commerce and navigation	Denmark and Latvia	„ 122
Nov.	9th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Sweden	„ 123
Dec.	2nd	London	Treaty of commerce and navigation	Germany and Great Britain	„ 124
Dec.	4th	Berlin	Commercial Convention	Latvia and Switzerland	„ 125
Dec.	9th	The Hague	Treaty of commerce	Hungary and The Netherlands	„ 126
Dec.	26th	Tokio	Treaty of judicial settlement	Japan and Switzerland	„ 127
1925.					
Jan.	17th	Helsingfors	Conciliation and Arbitration Convention	Esthonia, Finland, Latvia, Poland	„ 128
Feb.	13th	Brussels	Treaty of conciliation and judicial settlement	Belgium and Switzerland	„ 129

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					E	
Feb.	14th	Oslo	Convention concerning the international legal régime of the waters of the Pasvik (Patsjoki) and of the Jakobselv (Vuoremajoki)	Finland and Norway	No. 3	177
Feb.	14th	Oslo	Convention concerning the floating of timber on the Pasvik (Patsjoki)	Finland and Norway	„	178
					D	
Feb.	14th	Paris	Treaty of friendship, commerce and navigation	France and Siam	No. 5	130
Feb.	19th	Geneva	Convention concerning opium	Collective Treaty	„	131
March	7th	Berne	Treaty of conciliation and arbitration	Poland and Switzerland	„	132
March	28th	Riga	Conciliation Convention	Latvia and Sweden	„	133
April	6th	Paris	Treaty of conciliation and of compulsory arbitration	France and Switzerland	„	134
April	17th	Warsaw	Exchange of notes constituting a provisional commercial Convention	Greece and Poland	„	135
April	23rd	Warsaw	Treaty of conciliation and arbitration	Czechoslovakia and Poland	„	136

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					D	
May	13th	London	Agreement for the renewal of Arbitration Convention	Great Britain and Norway	No. 5	137
May	29th	Tallinn	Treaty of conciliation	Esthonia and Sweden	„	138
June	5th	Geneva	Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents	Collective Treaty	„	139
June	8th	Geneva	Convention relating to night work in bakeries	Collective Treaty	„	140
June	8th	The Hague	Treaty of friendship, commerce and navigation	The Netherlands and Siam	„	141
June	10th	Geneva	Convention concerning workmen's compensation for accidents	Collective Treaty	„	142
June	10th	Geneva	Convention concerning workmen's compensation for occupational diseases	Collective Treaty	„	143
June	11th	Kovno	Treaty of conciliation	Lithuania and Sweden	„	144
June	17th	Geneva	Convention concerning the supervision of the in-	Collective Treaty	„	145

120 INSTRUMENTS GOVERNING THE COURT'S JURISDICTION

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).					
July	7th	Brussels	International trade in arms and ammunition and implements of war Treaty of commerce and navigation	The Economic Union of Belgium and Luxemburg and Latvia	E No. 4 206
July	12th	London	Agreement for the renewal of Arbitration Convention	Great Britain and The Netherlands	D No. 5 146
July	14th	London	Treaty of commerce and navigation	United Kingdom and Siam	E No. 3 179
July	15th	Paris	Treaty of judicial settlement	Brazil and Liberia	E No. 5 251
Aug.	3rd	Madrid	Treaty of friendship, commerce and navigation	Spain and Siam	E No. 4 207
Aug.	14th	Paris	Frontier Delimitation Treaty	France and Germany	E No. 5 252
Aug.	14th	Lisbon	Treaty of friendship, commerce and navigation	Portugal and Siam	E No. 4 208
Aug.	21st	Oslo	Treaty of conciliation	Norway and Switzerland	D No. 5 147
Sept.	1st	Copenhagen	Treaty of friendship, commerce and navigation	Denmark and Siam	E No. 3 180
Sept	21st	Geneva	Treaty of conciliation and judicial settlement	Greece and Switzerland	D No. 5 148
Oct.	14th	Berne	Commercial Convention	Esthonia and Switzerland	E No. 3 181
Oct.	16th	Locarno	Arbitration Convention	Belgium and Germany	D No. 5 149

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1925 (Cont.).				D	
Oct.	16th	Locarno	Arbitration Convention	France and Germany	No. 5 150
Oct.	16th	Locarno	Arbitration Treaty	Germany and Poland	„ 151
Oct.	16th	Locarno	Arbitration Treaty	Czechoslovakia and Germany	„ 152
Oct.	23rd	Stockholm	Exchange of notes prolonging and interpreting the Arbitration Convention of October 26th, 1905	Norway and Sweden	„ 153
				E	
Nov.	3rd	Stockholm	Treaty of conciliation and arbitration	Poland and Sweden	No. 4 209
				D	
Nov.	25th	Oslo	Convention for the pacific settlement of disputes	Norway and Sweden	No. 5 154
				E	
Nov.	25th	London	Arbitration Convention	Great Britain and Siam	No. 3 182
Nov.	26th	Berlin	Protocol attached to Customs and Credit Treaty	Germany and The Netherlands	„ 183
				D	
Dec.	12th	The Hague	Treaty of conciliation	Switzerland and The Netherlands	No. 5 155
				E	
Dec.	19th	Stockholm	Treaty of friendship, commerce and navigation	Siam and Sweden	No. 4 210
1926.				D	
Jan.	2nd	Prague	Treaty of conciliation and arbitration	Czechoslovakia and Sweden	No. 5 156

122 INSTRUMENTS GOVERNING THE COURT'S JURISDICTION

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (Cont.).						
Jan.	14th	Stockholm	Convention for the peaceful settlement of disputes	Denmark and Sweden	E No. 3	184
Jan.	15th	Copenhagen	Convention for the peaceful settlement of disputes	Denmark and Norway	„	185
Jan.	29th	Helsingfors	Treaty for the peaceful settlement of disputes	Finland and Sweden	D No. 5	157
Jan.	30th	Helsingfors	Arbitration Treaty	Denmark and Finland	„	158
Feb.	2nd	Jerusalem	Agreement to facili- tate neighbourly relations	Palestine, Syria and the Lebanon	E No. 4	211
Feb.	3rd	Berne	Treaty of compul- sory concilia- tion, of judicial settlement and of arbitration	Roumania and Switzerland	D No. 5	159
Feb.	3rd	Helsingfors	Convention for the peaceful settlement of disputes	Finland and Norway	E No. 3	186
Feb.	10th	Monrovia	Arbitration Con- vention	United States of America and Liberia	„	187
March	4th	Havana	Convention for prevention of smuggling of in- toxicating liquors	United States of America and Cuba	„	188
March	5th	Vienna	Treaty of concilia- tion and arbitra- tion	Austria and Czechoslovakia	D No. 5	160

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926					
<i>(Cont.)</i>					
April 16th	Vienna	Treaty of conciliation and arbitration	Austria and Poland	E No. 3	189
April 20th	Madrid	Treaty of conciliation and arbitration	Spain and Switzerland	D No. 5	161
April 23rd	Copenhagen	Treaty of conciliation and arbitration	Denmark and Poland	„	162
April 30th	Brussels	Treaty of conciliation and arbitration	Belgium and Sweden	E No. 4	212
May 4th	Prague	Convention concerning the execution of life insurance and life annuity contracts	Italy and Czechoslovakia	„	213
May 9th	Rome	Treaty of friendship, commerce and navigation	Italy and Siam	„	214
May 12th	Athens	Commercial Convention	Greece and The Netherlands	E No. 3	190
May 20th	The Hague	Treaty of arbitration and conciliation	Germany and The Netherlands	D No. 5	163
May 28th	Stockholm	Treaty of conciliation and arbitration	Austria and Sweden	„	164
May 30th	Angora	Convention of friendship and neighbourly relations	France and Turkey	E No. 4	215

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (Cont.).					D	
June	2nd	Berlin	Treaty of arbitration and conciliation	Denmark and Germany	No. 5	165
June	4th	London	Convention renewing the Arbitration Convention of October 25th, 1905	Denmark and Great Britain	No. 3	191
June	4th	London	Convention renewing, as far as Iceland is concerned, the Anglo-Danish Arbitration Convention of October 25th, 1905	Great Britain and Iceland	„	192
June	5th	Geneva	Convention for the simplification of the inspection of emigrants on board ship	Collective Treaty	No. 5	166
June	10th	Paris	Convention for the pacific settlement of disputes	France and Roumania	No. 3	193
June	19th	Paris	Agreement regarding the sanitary control over Mecca Pilgrims at Kamaran Island	United Kingdom and The Netherlands	No. 4	216
June	23rd	Geneva	Convention concerning the repatriation of seamen	Collective Treaty	No. 5	167

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926					
<i>(Cont.)</i>					
June	24th	Geneva	Convention concerning seamen's articles of agreement	Collective Treaty	D No. 5 168
June	28th	Riga	Treaty concerning the establishment of economic relations	Germany and Latvia	E No. 4 217
July	5th	Paris	Treaty of arbitration	Denmark and France	„ 218
July	16th	London	Treaty of commerce and navigation	Great Britain and Greece	E No. 3 194
July	16th	Oslo	Treaty of friendship, commerce and navigation	Norway and Siam	„ 195
July	23rd	London	Treaty of commerce and navigation	United Kingdom and Hungary	E No. 4 219
Aug.	7th	Madrid	Treaty of friendship and arbitration	Italy and Spain	D No. 5 169
Aug.	27th	Berne	Convention regulating the relations with regard to certain clauses of the legal régime of the future Kembs Derivation	France and Switzerland	E No. 5 253
Sept.	7th	Port-au-Prince	Treaty of commerce	Haiti and The Netherlands	E No. 3 196

126 INSTRUMENTS GOVERNING THE COURT'S JURISDICTION

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1926 (Cont.)				E	
Sept. 10th	Athens	Provisional Commercial Convention	Greece and Sweden	No. 4	220
Sept. 18th	Geneva	Treaty of conciliation and arbitration	Poland and Kingdom of the Serbs, Croats and Slovenes	„	221
Sept. 25th	Geneva	Convention regarding slavery	Collective Treaty	E No. 3	197
Sept. 28th	Brussels	Treaty of commerce and navigation	Esthonia and the Economic Union of Belgium and Luxemburg	„	198
Nov. 29th	Athens	Provisional Commercial Convention	Greece and Switzerland	E No. 4	222
Nov. 30th	Prague	Arbitration Treaty	Denmark and Czechoslovakia	„	223
Dec. 11th	Kovno	Treaty of conciliation and arbitration	Denmark and Lithuania	„	224
Dec. 18th	Tallinn	Treaty of conciliation	Esthonia and Denmark	E No. 3	199
Dec. 29th	Lisbon	Exchange of notes concerning the abrogation of the Arbitration Convention of November 15th, 1907	Portugal and Sweden	E No. 4	225
Dec. 29th	Rome	Treaty of conciliation and arbitration	Germany and Italy	„	226

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927.					
Jan.	4th	London	Agreement renewing the Arbitration Convention	Great Britain and Portugal	E No. 3 200
Feb.	5th	Riga	Treaty carrying into effect the Customs Union	Esthonia and Latvia	„ 201
Feb.	9th	Oslo	Convention of commerce and navigation	Chile and Norway	E No. 5 254
Feb.	24th	Rome	Treaty of conciliation and judicial settlement	Chile and Italy	„ 255
Feb.	25th	Riga	Convention of commerce and navigation	Greece and Latvia	E No. 4 227
March	3rd	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Denmark	„ 228
March	4th	Stockholm	Treaty of conciliation and arbitration	Belgium and Finland	„ 229
March	24th	Brussels	Convention concerning the application of maritime health regulations	Belgium and The Netherlands	„ 230
April	5th	Rome	Treaty of friendship, conciliation and arbitration	Hungary and Italy	E No. 3 202
May	12th	Guatemala	Treaty of commerce	Guatemala and The Netherlands	E No. 4 231

Date.		Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927 (Cont.).					E	
May	12th	London	Treaty of commerce and navigation	Great Britain and the Kingdom of the Serbs, Croats and Slovenes	No. 5	256
May	20th	Berlin	Convention regarding air navigation	Germany and Italy	No. 4	232
May	21st	The Hague	Treaty of conciliation	The Netherlands and Sweden	„	233
June	15th	Geneva	Convention concerning sickness insurance for workers in industry and commerce and domestic servants	Collective Treaty	„	234
June	15th	Geneva	Convention concerning sickness insurance for agricultural workers	Collective Treaty	„	235
June	20th	Tallinn	Treaty of commerce	Czechoslovakia and Esthonia	No. 5	257
June	29th	Berlin	Convention concerning air navigation	Germany and Great Britain	No. 4	236
July	9th	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Portugal	No. 5	258
July	12th	Geneva	International Convention establishing an international Relief Union	Collective Treaty	No. 4	237
July	19th	Brussels	Treaty of conciliation, judicial settlement and arbitration	Belgium and Spain	„	238

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1927					
<i>(Cont.)</i>					
Aug.	17th	Paris	Commercial Agreement	France and Germany	E No. 5 259
Aug.	20th	Berne	Treaty of conciliation, judicial settlement and arbitration	Colombia and Switzerland	E No. 4 239
Sept.	13th	London	Treaty of conciliation	Colombia and Sweden	„ 240
Sept.	17th	Rome	Treaty of conciliation and judicial settlement	Italy and Lithuania	„ 241
Nov.	8th	Geneva	Convention for the abolition of Import and Export Prohibitions and Restrictions	Collective Treaty	„ 242
Nov.	16th	Berne	Treaty of conciliation and judicial settlement	Finland and Switzerland	„ 243
1928.					
Jan.	2nd	Madrid	Convention of commerce and navigation	Denmark and Spain	„ 244
Jan.	18th	Lisbon	Treaty of conciliation, judicial settlement and arbitration	Spain and Portugal	E No. 5 260
Jan.	28th	The Hague	Draft Protocol bestowing on the Court jurisdiction to construe conventions of private international law	(Adopted by the Sixth Session of the Conference of Private International Law)	E No. 4 245

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
March	3rd	Paris	Treaty of conciliation and arbitration	France and Sweden	E No. 4 246
March	10th	Geneva	Treaty of arbitration and conciliation	France and The Netherlands	E No. 5 261
March	14th	Copenhagen	Treaty of conciliation, judicial settlement and arbitration	Denmark and Spain	E No. 4 247
March	22nd	Madrid	General Convention for air navigation	France and Spain	E No. 5 262
April	6th	Vienna	Treaty of commerce	Austria and Denmark	„ 263
April	19th	Paris	Arbitration Agreement	France and Kingdom of the Serbs, Croats and Slovenes	E No. 4 248
April	26th	Madrid	Treaty of conciliation, judicial settlement and arbitration	Spain and Sweden	„ 249
May	11th	Rome	Convention regarding air navigation	Austria and Italy	E No. 5 264
May	16th	Paris	Commercial Agreement	Austria and France	E No. 4 250
May	30th	Rome	Treaty of neutrality, conciliation and judicial settlement	Italy and Turkey	E No. 5 265

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928				E	
<i>(Cont.)</i>					
May	31st	Helsinki	Treaty of conciliation, judicial settlement and arbitration	Finland and Spain	No. 5 266
June	9th	Geneva	Treaty of conciliation	Finland and The Netherlands	„ 267
June	11th	Vienna	Treaty of conciliation, judicial settlement and arbitration	Austria and Spain	„ 268
June	16th	Geneva	Convention concerning the creation of minimum wage-fixing machinery	Collective Treaty	„ 269
July	11th	Geneva	International Agreement relating to the exportation of hides and skins	Collective Treaty	„ 270
July	11th	Geneva	International Agreement relating to the exportation of bones	Collective Treaty	„ 271
Aug.	21st	Helsinki	Treaty of conciliation and judicial settlement	Finland and Italy	„ 272
Aug.	22nd	Berlin	Convention of commerce and navigation	Denmark and Greece	„ 273
Aug.	29th	Berne	Protocol amending the Treaty of arbitration and conciliation of December 3rd, 1921	Germany and Switzerland	„ 274

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1928 (Cont.).					
Sept. 1st	Pretoria	Treaty of commerce and navigation	Germany and Union of South Africa	E No. 5	275
Sept. 11th	Pretoria	Convention regulating the introduction of native labour from Mozambique into the Province of the Transvaal, etc.	Portugal and Union of South Africa	„	276
Sept. 26th	Geneva	General Act for conciliation, judicial settlement and arbitration	Collective Treaty	„	277
Oct. 17th	Berne	Treaty of conciliation, judicial settlement and arbitration	Portugal and Switzerland	„	278
Oct. 27th	The Hague	Treaty of judicial settlement and conciliation	The Netherlands and Siam	„	279
Oct. 30th	Berlin	Treaty of commerce and navigation	Germany and Lithuania	„	280
Dec. 3rd	Helsinki	Protocol amending the Treaty of arbitration and conciliation of March 14th, 1925	Finland and Germany	„	281
Dec. 9th	Angora	Treaty of conciliation, judicial settlement and arbitration	Switzerland and Turkey	„	282

Date.	Place of signature.	Title of the act.	Contracting Parties.	Volume.	Numbers.
1923					
<i>(Cont.)</i>					
Dec. 11th	Warsaw	Treaty of commerce	Austria and Esthonia	E No. 5	283
Dec. 12th	Budapest	Treaty of conciliation and arbitration	Finland and Hungary	„	284
1929.					
April 20th	Geneva	International Convention for the suppression of counterfeiting currency	Collective Treaty	„	285

* * *

Jurisdiction
in other dis-
putes.

In addition to cases submitted by the Parties and matters specially provided for in treaties and conventions in force, the Court's jurisdiction extends to other disputes, firstly, under paragraphs 2 and 3 of Article 36 of the Statute, and, secondly, under the general declaration contemplated in paragraph 2 of the Resolution adopted by the Council on May 17th, 1922.

Compulsory
jurisdiction
under the
Optional
Clause.

The first of these provisions, namely paragraphs 2 and 3 of Article 36 of the Statute, is as follows :

“The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the Protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning :

- (a) the interpretation of a treaty ;
- (b) any question of international law ;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.”

The declaration in question is made by means of the signature of a special protocol annexed to the Statute of the Court and entitled “Optional Clause”. This “Optional Clause” is as follows :

“The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, under the following conditions :”

Below the Optional Clause is affixed the declaration in which the governments enumerate the conditions under which they recognize the Court's jurisdiction as compulsory.

The table included in Chapter X of the present Report (under No. 9) indicates the names of the twenty-nine States which have signed, or have renewed, their adherence to the Optional Clause, and gives the conditions of their acceptance or of their renewed adherence¹. The date on which declarations were affixed is entered on the table in those cases where it is known from documentary evidence.

On pages 73 *et seq.* of the *Collection of Texts governing the jurisdiction of the Court* (third edition; Series D., No. 5) are reproduced the declarations of the Governments of Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Denmark (signature and renewal), the Dominican Republic, Esthonia, Ethiopia, Finland, France, Haiti, Latvia, Liberia, Lithuania, Luxemburg, Norway (signature and renewal), Panama, the Netherlands (signature and renewal), Portugal, Salvador, Sweden (signature and renewal), Switzerland (signature and renewal) and Uruguay. On page 341 of the *Third Annual Report of the Court* (Chapter X, first addendum to the third edition of the Collection) will be found the declarations of the Governments of Austria (renewal), Finland (renewal) and Guatemala. On page 422 of the *Fourth Annual Report* (Chapter X, second addendum to the third edition of the Collection) will be found the declarations of Germany (signature) and of Esthonia (renewal). Under No. 10 of Chapter X (third addendum to the third edition of the Collection) of this volume will be found the declarations of Hungary and Spain.

The actual position resulting from the information afforded by the table above mentioned is as follows:

¹ At the eighteenth plenary meeting of the Ninth Session of the Assembly (September 25th, 1928), M. Politis, Greek delegate, rapporteur to the Third Assembly Committee, made the following statement:

"I am in the happy position of being able to add to this list [the list of Powers which have signed the Optional Clause] the name of my own country which has recently promulgated a law authorizing the Government to accede to the Optional Clause of Article 36 of the Statute of the Court." (Acts of the Ninth Ordinary Session of the Assembly, *Official Journal of the League of Nations, Special Supplement No. 64*, Geneva, 1928, p. 169.)

I.

A. *States which have signed the Optional Clause :*

Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Denmark, Dominican Republic, Esthonia, Ethiopia, Finland, France, Germany, Guatemala, Haiti, Hungary, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Portugal, Salvador, Spain, Sweden, Switzerland, Uruguay.

II.

B. *Of these the following have signed, subject to ratification, and have ratified :*

Belgium, Denmark, Ethiopia, Finland, Germany, Norway, Switzerland.

C. *States having signed subject to ratification, but not ratified :*

Dominican Republic, France, Guatemala, Hungary, Latvia, Liberia, Luxemburg.

D. *States having signed without condition as to ratification¹ :*

Austria, Brazil², Bulgaria, China, Costa Rica, Esthonia, Haiti, Lithuania, Netherlands, Panama, Portugal, Salvador, Spain, Sweden, Uruguay.

E. *States having signed without any condition as to ratification, but not ratified the Protocol of signature of the Statute :*

Costa Rica, Salvador.

F. *Cases in which the time for which Clause accepted has expired :*

China (date of expiration : May 13th, 1927), Lithuania (date of expiration : May 16th, 1927).

III.

G. *States at present bound by the Clause :*

Austria, Belgium, Bulgaria, Denmark, Esthonia, Ethiopia, Finland, Germany, Haiti, Netherlands, Norway, Panama, Portugal, Spain, Sweden, Switzerland, Uruguay.

The above data are summarized in the synoptic table hereafter.

¹ Some of these States have ratified their declarations although such ratification was not required according to the terms of the Optional Clause.

² Brazil's undertaking is given, subject, *inter alia*, to the acceptance of compulsory jurisdiction by two at least of the Powers permanently represented on the Council of the League of Nations.

STATES WHICH HAVE SIGNED THE OPTIONAL CLAUSE (29)				
without any condition as to ratification or other suspensive conditions			subject to ratification or other suspensive conditions	
but in the case of which the period of engagement has expired.	but which have not ratified the Protocol of Signature of the Court's Statute.	and which have ratified the Protocol of Signature of the Court's Statute.	and in the case of which the condition or conditions are fulfilled.	and in the case of which the condition or conditions were not fulfilled on June 15th, 1929.
China Lithuania	Costa Rica Salvador	Austria Bulgaria Esthonia Haiti Netherlands Panama Portugal Spain Sweden Uruguay	Belgium Denmark Ethiopia Finland Germany Norway Switzerland	Brazil Dominican Republic France Guatemala Hungary Latvia Liberia Luxemburg
States not bound by the Clause.		STATES BOUND BY THE CLAUSE (17).		States not bound by the Clause.

One case has been submitted to the Court under the Optional clause for Compulsory jurisdiction: namely, the case of the denunciation of the Treaty of November 2nd, 1865, between China and Belgium, in which proceedings were instituted by unilateral application filed by the Belgian Government on November 25th, 1926¹. On December 6th, 1928, the Belgian Government filed with the Registry a request for permission to withdraw the case, whereupon the Court made an Order on May 25th, 1929, officially recording the request and declaring that the proceedings instituted in the suit were terminated.

* * *

Resolution adopted by the Council of the League of Nations on May 17th, 1922.

As has been stated above, there is another general provision of a similar nature: namely the one embodied in paragraph 2 of the Resolution adopted by the Council on May 17th, 1922. This Resolution, taken by the Council in pursuance of the powers conferred upon it by paragraph 2 of Article 35 of the Statute of the Court², and reproduced in the First Annual Report on pages 142-144, contains the following paragraph:

“2. Such declaration may be either particular or general.

A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen.

A general declaration is one accepting the jurisdiction generally in respect of all disputes, or of a particular class or classes of disputes which have already arisen or which may arise in the future.

A State making such a general declaration may accept the jurisdiction of the Court as compulsory, *ipso facto* and without special convention, in conformity with Article 36 of the Statute of the Court; but such acceptance may not, without special convention, be relied upon *vis-à-vis* Members of the League or States mentioned in the Annex

¹ See Third Annual Report, pp. 125-130, Fourth Annual Report, p. 151. and pp. 203-204 of this volume.

² This paragraph runs as follows:

“The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the Parties in a position of inequality before the Court.”

to the Covenant which have signed or may hereafter sign the "optional clause" provided for by the Additional Protocol of December 16th, 1920."

The Court has not yet had to deal with cases in which its jurisdiction is founded on the general declaration contemplated in paragraph 2 of the Resolution of May 17th, 1922. But, on the other hand, in the *Lotus* case, the Turkish Government, one of the Parties, has filed with the Registry of the Court, through the intermediary of its Chargé d'affaires at The Hague, a "particular" declaration, by which it has accepted the jurisdiction of the Court in this case.

* * *

Article 41 of the Statute empowers the Court to indicate, Provisiona
measures of
interim pro-
tection.
if it considers that the circumstances of a case so require, any provisional measures which ought to be taken to preserve the respective rights of either Party.

Recourse has been had to the terms of this article on two occasions: firstly, by Belgium in the case concerning the denunciation by China of the Sino-Belgian Treaty of November 2nd, 1865¹, and secondly, by the German Government in the case concerning the Factory at Chorzów (indemnities)².

In the first of these cases, after making an Order indicating measures of protection (January 8th, 1927), the President made a fresh Order cancelling the first (February 15th, 1927); in the second case, the Court decided by an Order dated November 21st, 1927, that effect could not be given to the request of the German Government.

¹ See Third Annual Report, p. 125, and pp. 203-204 of this volume.

² „, Fourth „, „, pp. 163-165.

* * *

Power to determine its own jurisdiction.

The Court is competent to determine its own jurisdiction under the last paragraph of Article 36 of the Statute, which runs as follows:

"In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court."

The Court has passed judgment upon objections to its jurisdiction in the Mavrommatis case (August 30th, 1924)¹; in the case concerning certain German interests in Polish Upper Silesia (August 25th, 1925)²; in the Chorzów (indemnities) case (July 26th, 1927)³; in the case of the readaptation of the Mavrommatis concessions (October 10th, 1927)⁴, and in the case of the Minority Schools in Upper Silesia (April 26th, 1928)⁵. In Judgment No. 14 concerning the payment of various Serbian loans issued in France, and in Judgment No. 15 concerning the payment in gold of the Brazilian Federal loans issued in France, both given on July 12th, 1929, the Court has passed *ex officio* upon its jurisdiction.

Interpretation of judgments.

Furthermore, it rests with the Court, at the request of any Party, to construe a judgment which it has given. On March 26th, 1925, the Court gave judgment (No. 4) upon a point of interpretation arising out of Judgment No. 3 (September 12th, 1924) given in the case concerning the interpretation of certain clauses of the Treaty of Neuilly, submitted to the Court by special agreement between the Bulgarian and Greek Governments⁶. The Court also gave judgment on December 16th, 1927 (Judgment No. 11), at the application of the German Government, upon a request for the interpretation of its Judgments Nos. 7 (May 25th, 1926) and 8 (July 26th, 1927)⁷.

(2) *Jurisdiction* *ratione personæ*.

Only States or Members of the League of Nations can be Parties in cases before the Court⁸. The Statute makes a

¹ See First Annual Report, p. 169.

² " Second " " " " 99.

³ " Fourth Annual Report, p. 155.

⁴ " " " " " 176.

⁵ " " " " " 191.

⁶ " First " " " " 184.

⁷ " Fourth " " " " 180.

⁸ Article 34 of Statute.

distinction between States, according to whether they are, on the one hand, Members of the League of Nations or mentioned in the Annex to the Covenant, or, on the other hand, outside the League of Nations¹.

A.—The Members of the League of Nations are, on June 15th, 1929²:

Members of
the League of
Nations.

Albania	Italy
Argentine Republic	Japan
Australia	Latvia
Austria	Liberia
Belgium	Lithuania
Bolivia	Luxemburg
British Empire	Netherlands
Bulgaria	New Zealand
Canada	Nicaragua
Chile	Norway
China	Panama
Colombia	Paraguay
Cuba	Peru
Czechoslovakia	Persia
Denmark	Poland
Dominican Republic	Portugal
Esthonia	Roumania
Ethiopia	Salvador
Finland	Serbs, Croats and Slovenes
France	(Kingdom of the—)
Germany	Siam
Greece	South Africa
Guatemala	Spain
Haiti	Sweden
Honduras	Switzerland
Hungary	Uruguay
India	Venezuela
Irish Free State	

B.—The States mentioned in the Annex to the Covenant which do not belong to the League of Nations are:

States men-
tioned in the
Annex to the
Covenant.

¹ Article 35 of Statute.

² Communication from the Secretary-General of the League of Nations.

Brazil¹
Ecuador

Hedjaz
United States of America

To the above-mentioned States, the Court is open as of right, and they have the right to sign the Protocol of December 16th, 1920, to which the Statute of the Court is attached.

The United
States of
America.

In the preceding Annual Reports an account has been given of the events following upon the adoption by the United States on January 27th, 1926, of a resolution advising and consenting to the adherence of the United States to the Protocol of Signature of the Statute of the Court (together with the Statute) upon certain conditions².

The Secretary of State of the United States of America, on February 19th, 1929, addressed to each of the Governments signatory to the Protocol of Signature of the Statute of the Permanent Court of International Justice, dated December 16th, 1920, and also to the Secretary-General of the League of Nations, the following note :

“Washington, February 19, 1929.

I have the honor to refer to the communication of this Department dated March 2, 1926, informing you of the Resolution of the Senate of the United States setting forth the conditions and understandings on which this Government might become a signatory to the Protocol of Signature of the Statute of the Permanent Court of International Justice, and to inform you that I am today transmitting to each of the signatories of the Protocol a communication which, after referring to my previous communication on the subject, reads as follows :

“Five Governments unconditionally accepted the Senate reservations and understandings, three indicated that they would accept but have not formally notified my Government of their acceptance, fifteen simply acknowledged the receipt of my Government’s note of February 12, 1926, while twenty-four have communicated to my Government replies as hereinafter indicated.

¹ Brazil, on June 10th and 12th, 1926, stated that she intended to withdraw from the League of Nations ; her withdrawal became effective in June 1928 (Article 1 of the Covenant).

² For the text of the resolution, see Second Annual Report, p. 84. For the communication sent by the United States Government in pursuance of this resolution, see *op. cit.*, p. 85. For the Conference of signatories of the Protocol of Signature of the Statute, held at Geneva in September 1926 see Third Annual Report, pp. 92-97.—For the status on May 1st, 1928, or replies to the communications of the American Government, see Fourth Annual Report, pp. 126-127.

“At a conference held in Geneva in September 1926 by a large number of the States signatories to the Protocol of Signature of the Statute of the Permanent Court of International Justice, a Final Act was adopted in which were set forth certain conclusions and recommendations regarding the proposal of the United States, together with a preliminary draft of a Protocol regarding the adherence of the United States, which the Conference recommended that all the signatories of the Protocol of Signature of December 16, 1920, should adopt in replying to the proposal of the United States. Twenty-four of the Governments adopted the recommendations of the Conference of 1926 and communicated to the Government of the United States in the manner suggested by the Conference. By these replies and the proposed Protocol attached thereto the first four reservations adopted by the Senate of the United States were accepted. The fifth reservation was not accepted in full but so much of the first part thereof as required the Court to render advisory opinions in public session was accepted, and the attention of my Government was called to the amended Rules of the Court requiring notice and an opportunity to be heard.

“The second part of the fifth reservation therefore raised the only question on which there is any substantial difference of opinion. That part of the reservation reads as follows :

‘... Nor shall it [the Court] without the consent of the United States entertain any request for any advisory opinion touching any dispute or question in which the United States has or claims an interest.’

“It was observed in the Final Act of the Conference that, as regards disputes to which the United States is a party, the Court had already pronounced upon the matter of disputes between a member of the League of Nations and a State not a member, and reference was made to Advisory Opinion No. 5 in the Eastern Carelia case in which the Court held that it would not pass on such a dispute without the consent of the non-member of the League. The view was expressed that this would meet the desire of the United States.

“As regards disputes to which the United States is not a party but in which it claims an interest, the view was expressed in the Final Act that this part of the fifth reservation rests upon the presumption that the adoption of a request for an advisory opinion by the Council or the Assembly requires a unanimous vote. It was stated that since this has not been decided to be the case it can not be said with certainty whether in some or all cases a decision by a majority may not be sufficient but that in any case where a State represented on the Council or in the Assembly would have a right to prevent by opposition in either of these bodies the adoption of a proposal to request an advisory opinion from the Court, the United States should enjoy an equal

right. Article 4 of the draft Protocol states that 'should the United States offer objection to an advisory opinion being given by the Court, at the request of the Council or the Assembly, concerning a dispute to which the United States is not a party or concerning a question other than a dispute between States, the Court will attribute to such objection the same force and effect as attached to a vote against asking for the opinion given by a member of the League of Nations either in the Assembly or in the Council', and that 'the manner in which the consent provided for in the second part of the fifth reservation is to be given, should be the subject of an understanding to be reached by the Government of the United States with the Council of the League of Nations.

"The Government of the United States desires to avoid in so far as may be possible any proposal which would interfere with or embarrass the work of the Council of the League of Nations, doubtless often perplexing and difficult, and it would be glad if it could dispose of the subject by a simple acceptance of the suggestions embodied in the Final Act and draft Protocol adopted at Geneva on September 23, 1926. There are, however, some elements of uncertainty in the bases of these suggestions which seem to require further discussion. The powers of the Council and its modes of procedure depend upon the Covenant of the League of Nations which may be amended at any time. The ruling of the Court in the Eastern Carelia case and the Rules of the Court are also subject to change at any time. For these reasons, without further inquiry into the practicability of the suggestions, it appears that the Protocol submitted by the twenty-four Governments in relation to the fifth reservation of the United States Senate would not furnish adequate protection to the United States. It is gratifying to learn from the proceedings of the Conference at Geneva that the considerations inducing the adoption of that part of Reservation 5 giving rise to differences of opinion are appreciated by the Powers participating in that Conference. Possibly the interest of the United States thus attempted to be safeguarded may be fully protected in some other way or by some other formula. The Government of the United States feels that such an informal exchange of views as is contemplated by the twenty-four Governments should, as herein suggested, lead to agreement upon some provision which in unobjectionable form would protect the rights and interests of the United States as an adherent to the Court Statute, and this expectation is strongly supported by the fact that there seems to be but little difference regarding the substance of these rights and interests."

(Signed) FRANK B. KELLOGG."

The Council of the League of Nations had this note before it at its meeting on March 9th, 1929, and, after observing with lively satisfaction that this note made it possible to envisage the finding of a solution to the difficulties which had prevented the adherence of the United States in 1926, it adopted the following Resolution :

“The Council requests the Committee appointed by the Resolution of December 14th, 1928, to consider the present situation as regards accession of the United States of America to the Protocol of Signature of the Statute of the Permanent Court of International Justice and to make any suggestions which it feels able to offer with a view to facilitating such accession on conditions satisfactory to all the interests concerned.”

The Committee, which included amongst its members Mr. Elihu Root (United States of America)¹, sat at Geneva from March 11th to March 19th, 1929. As regards the accession of the United States of America to the Court, it adopted on March 18th, 1929, a draft protocol containing provisions which might be accepted by, on the one hand, the States signatory to the Protocol of Signature of the Court's Statute and, on the other, the United States of America, with a view to securing this accession subject to the Senate's five reservations, and also a report giving an account of the deliberations leading up to the formulation of the draft protocol above mentioned. The draft protocol is as follows :

“The States signatories of the Protocol of Signature of the Statute of the Permanent Court of International Justice, dated December 16th, 1920, and the United States of America, through the undersigned duly authorized representatives, have mutually agreed upon the following provisions regarding the adherence of the United States of America to the said Protocol subject to the five reservations formulated by the United States in the Resolution adopted by the Senate on January 27th, 1926.

Article 1.

The States signatories of the said Protocol accept the special conditions attached by the United States in the five reservations mentioned above to its adherence to the said Protocol upon the terms and conditions set out in the following articles.

¹ See pp. 82 *et seq.* of this volume for the constitution and composition of this Committee.

*Article 2*¹.

The United States shall be admitted to participate, through representatives designated for the purpose and upon an equality with the signatory States, Members of the League of Nations, represented in the Council or in the Assembly, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice, provided for in the Statute of the Court. The vote of the United States shall be counted in determining the absolute majority of votes required by the Statute.

*Article 3*².

No amendment of the Statute of the Court may be made without the consent of all the contracting States.

*Article 4*³.

The Court shall render advisory opinions in public session after notice and opportunity for hearing substantially as provided in the now existing Articles 73 and 74 of the Rules of Court.

Article 5.

With a view to ensuring that the Court shall not without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest, the Secretary-General of the League of Nations shall, through any channel designated for that purpose by the United States, inform the United States of any proposal before the Council or the Assembly of the League for obtaining an advisory opinion from the Court, and thereupon, if desired, an exchange of views as to whether an interest of the United States is affected shall proceed with all convenient speed between the Council or Assembly of the League and the United States.

Whenever a request for an advisory opinion comes to the Court, the Registrar shall notify the United States thereof among other States mentioned in the now existing Article 73 of the Rules of Court stating a reasonable time-limit fixed by the President within which a written statement by the United States concerning the request will be received. If for any reason no sufficient

¹ A reproduction, without any essential modification, of Article I of the 1926 Draft.

² A reproduction, without any essential modification, of Article II of the 1926 Draft.

³ See Article 3 of the 1926 Draft.

opportunity for an exchange of views upon such request should have been afforded, and the United States advises the Court that the question upon which the opinion of the Court is asked is one that affects the interests of the United States, proceedings shall be stayed for a period sufficient to enable such an exchange of views between the Council or the Assembly and the United States to take place.

With regard to requesting an advisory opinion of the Court in any case covered by the preceding paragraphs, there shall be attributed to an objection of the United States the same force and effect as attached to a vote against asking for the opinion given by a Member of the League of Nations in the Council or in the Assembly.

If, after the exchange of views provided for in paragraphs 1 and 2 of this article it shall appear that no agreement can be reached, and the United States is not prepared to forego its objection, the exercise of the powers of withdrawal provided for in Article 8 hereof will follow naturally without any imputation of unfriendliness or unwillingness to co-operate generally for peace and goodwill.

Article 6.

Subject to the provisions of Article 8 below, the provisions of the present Protocol shall have the same force and effect as the provisions of the Statute of the Court and any future signature of the Protocol of December 16th, 1920, shall be deemed to be an acceptance of the provisions of the present Protocol.

Article 7¹.

The present Protocol shall be ratified. Each State shall forward the instrument of ratification to the Secretary-General of the League of Nations, who shall inform all the other signatory States. The instruments of ratification shall be deposited in the archives of the Secretariat of the League of Nations.

The present Protocol shall come into force as soon as all States which have ratified the Protocol of December 16th, 1920, and also the United States, have deposited their ratifications.

Article 8².

The United States may at any time notify the Secretary-General of the League of Nations that it withdraws its adherence to the Protocol of December 16th, 1920. The Secretary-General shall

¹ This article is substantially the same as Article 6 of the 1926 Draft.

² This article is substantially the same as Article 7 of the 1926 Draft.

immediately communicate this notification to all the other States signatories of the Protocol.

In such case the present Protocol shall cease to be in force as from the receipt by the Secretary-General of the notification by the United States.

On their part, each of the other contracting States may at any time notify the Secretary-General of the League of Nations that it desires to withdraw its acceptance of the special conditions attached by the United States to its adherence to the Protocol of December 16th, 1920. The Secretary-General shall immediately give communication of this notification to each of the States signatories of the present Protocol. The present Protocol shall be considered as ceasing to be in force if and when, within one year from the date of receipt of the said notification, not less than two-thirds of the contracting States other than the United States shall have notified the Secretary-General of the League of Nations that they desire to withdraw the above-mentioned acceptance."

In its report, the Committee indicates in the following terms the steps which would be necessary in order to put into force the Protocol which it has drafted :

"If the terms of the Protocol are approved by the Council, it will be advisable that the Secretary-General should be directed, when answering Mr. Kellogg's note of February 19th, 1929, to communicate the draft to the Government of the United States. Since the Protocol if approved covers the entire ground of Mr. Kellogg's note, its transmission with a statement of the Council's approval would seem to constitute an adequate reply to that note. It should at the same time be communicated to all the States which signed the Protocol of December 16th, 1920, together with a copy of the Resolution of the Senate of the United States, dated January 27th, 1926, containing the reservations of the United States.

It should also be communicated to the Assembly in which the proposal for the appointment of this Committee originated, in order that, if its terms are acceptable to that body, a resolution approving it may be passed by the Assembly in the course of its ensuing session. Any action taken by the Assembly should be communicated to the signatory States which are called upon to determine whether or not to sign the new Protocol now proposed.

If the replies from the various Governments indicate a desire for a further exchange of views with regard to the nature of the proposed arrangement with the United States or to the terms of the draft Protocol, it will be for the Council to decide whether such exchange of views should proceed through the diplomatic channel or whether it is necessary to convoke a further special conference for the purpose, at which States not Members of the

League might be represented. In any event, such exchange of views should, if possible, be completed before the conclusion of the Assembly, in order that the approval by the Assembly may be obtained in 1929. A copy of the Protocol in the terms approved will then be prepared for signature, and every effort should be made to secure that delegates to the meeting of the Assembly or of the special conference, if there should be one, should be authorized to sign the instrument and should actually sign it before they leave Geneva. The signature of representatives of States not Members of the League should be obtained at the same time.

As provided in Article 7 of the draft, the Protocol will come into force as soon as it has been ratified by the States which have ratified the Protocol of December 16th, 1920, and by the United States, and as soon as it has come into force, it will be possible for the United States to take the necessary steps to become a Party to the Protocol of December 16th, 1920, and to any further protocol which may have been concluded for introducing amendments into the Statute of the Court."

The Council considered the result of the Committee's deliberations at its Fifty-fifth Session. In this connection, it adopted, on the report of the Italian representative, the following Resolution (second meeting, June 12th, 1929) :

"The Council adopts, together with the draft Protocol annexed thereto, the report submitted to it by the Committee of Jurists on the question of the accession of the United States of America to the Protocol of Signature of the Statute of the Permanent Court of International Justice.

Accordingly, it instructs the Secretary-General :

(1) to reply to Mr. Kellogg's note of February 19th, 1929, and to communicate to the United States Government, together with the present Council resolution, the text of the said report and of the said draft Protocol ;

(2) to make the same communication to the States signatories of the Protocol of December 16th, 1920, and to transmit also to those States the text of the resolution of the Senate of the United States, dated January 27th, 1926, embodying the latter's reservations.

In order that the Assembly, being, like the Council, a body whose procedure in regard to the method of seeking advisory opinions from the Court would be affected by the adoption of the Protocol proposed by the Committee of Jurists, may have an opportunity of expressing its opinion thereon, the Council decides to instruct the Secretary-General to transmit to the Assembly the report of the Committee and the draft Protocol and to place

the question on the supplementary agenda of the Tenth Ordinary Session of the Assembly."

Other States
to which the
Court is open.

C.—As concerns States not Members of the League of Nations nor mentioned in the Annex to the Covenant, Article 35 of the Statute provides that the conditions under which the Court will be open to them are, subject to the special provisions of treaties in force¹, to be laid down by the Council; but in no case will such provisions place the Parties in a position of inequality before the Court.

In accordance with this article, the Council, on May 17th, 1922, adopted a Resolution which regulates this matter.

(See First Annual Report, p. 142 ;
see also Third Annual Report, p. 89.)

The States neither Members of the League of Nations nor mentioned in the Annex to the Covenant, which have been notified by the Court of the Resolution of the Council to the effect that they are entitled to appear before it, are now as follows :

Afghanistan, Free City of Danzig (through the intermediary of Poland), Egypt, Georgia, Iceland, Liechtenstein, Mexico, Monaco, Russia, San Marino, Turkey.

Costa Rica, which is not mentioned in the Annex to the Covenant, and which was admitted into the League of Nations by a Resolution of the Assembly dated December 16th, 1920, notified the Secretary-General on December 24th, 1924, that it had decided to withdraw from the League, this decision taking effect as from January 1st, 1927. The Resolution of May 17th, 1922, referred to above, was adopted at a time when Costa Rica was still a Member of the League of Nations, and was accordingly communicated to that country at the time by the Secretary-General of the League of Nations.

Contributions
towards the
expenses of
the Court.

Paragraph 3 of Article 35 of the Statute of the Court provides that when a State which is not a Member of the League of Nations is a Party to the dispute, the Court will

¹ The following passage of the report in regard to the Statute, adopted by the First Assembly of the League of Nations on December 13th, 1920, explains the clause analysed in the text: "The access of other States to the Court will depend either on the special provisions of the treaties in force (for example, the provisions of the treaties of peace concerning the right of minorities, labour, etc.) or else on a resolution of the Council."

fix the amount which that Party is to contribute towards the expenses of the Court.

In the Fourth Annual Report (p. 128), mention was made of the cases in connection with which there has been occasion to consider the application of this provision (the *Wimbledon* case, the case concerning certain German interests in Polish Upper Silesia, the *Lotus* case).

Since June 15th, 1928, the Court has dealt with a case in which one of the Parties concerned was not a Member of the League of Nations, namely, the case concerning the payment in gold of the Brazilian Federal loans contracted in France, between Brazil, whose withdrawal from the League became effective in June 1928, and France. The Court decided on July 8th, 1929 (twenty-ninth meeting of the Sixteenth Extraordinary Session), that, Brazil having referred the case to the Court at a time when she was still a Member of the League of Nations (the Franco-Brazilian Special Agreement submitting the case to the Court was concluded on August 27th, 1927, ratified on February 23rd, 1928, and notified to the Registry on April 26th and 27th, 1928), the provision of Article 35, paragraph 3, of the Statute should not be applied to her, although she had ceased to be a Member during the proceedings.

In the report concerning the revision of the Court's Statute¹, the Committee of Jurists instructed to examine this Statute observed that in view of the third reservation placed by the United States of America upon their accession to the Protocol of Signature of the Court's Statute, paragraph 3 of Article 35 should not be applied in the special case of the United States².

(3) *Channels of communications with governments.*

During the preliminary session, the Court decided that it would be well to have the procedure for communications which it might have to send to the various governments definitely laid down, so that a communication transmitted to

¹ See pp. 82 *et seq.*

² „ Second Annual Report, pp. 84 *et seq.*, for the text of the American reservations.

a government in the manner indicated by that government could be regarded as having been duly effected. The Registrar in a letter of March 27th, 1922, requested the Secretary-General of the League of Nations to ask the governments of States Members of the League to state their wishes in regard to the procedure to be adopted. He also wrote direct to States not Members of the League for similar information.

Certain governments not having replied to this request, the Registrar of the Court sent them a reminder on May 15th, 1928. According to the replies received up to June 15th, 1929, as a result of the steps taken in 1922 or in 1928, the channels to be used for direct communications emanating from the Court are as follows :

America (United States of)	The Secretary of State, Washington.	Through the U.S. Legation at The Hague.
Australia	The Prime Minister of the Common- wealth of Australia, Melbourne.	
Argentine Republic	Ministry for Foreign Affairs.	Through the Argentine Legation at The Hague.
Austria	The Federal Chancel- lory, Department for Foreign Affairs, Vienna.	
Belgium	The Minister for For- eign Affairs, Brus- sels.	
Brazil	The Ministry for For- eign Affairs.	Through the Brazilian Legation at The Hague.
Bulgaria	The Ministry for For- eign Affairs, Sofia.	

Canada	The Secretary of State for Foreign Affairs, Ottawa.	
Chile	The Ministry for Foreign Affairs, Santia- go.	
China	The Chinese Legation at The Hague.	
Colombia	The Ministry for Foreign Affairs, Bogota.	
Cuba	The Secretary of State for Foreign Affairs, Havana.	
Czechoslovakia	The Minister for Foreign Affairs, Prague—Hrad.	
Danzig	The Polish Minister at The Hague.	
Denmark	The Danish Legation at The Hague.	In case of extreme urgency : The Minister for Foreign Affairs, Copen- hagen.
Dominican Republic	The Secretary of State for Foreign Affairs, San Domingo.	
Ecuador	The Ministry for Foreign Affairs, Quito.	

Egypt	The Ministry for Foreign Affairs, Cairo.	
Esthonia	The Ministry for Foreign Affairs, Tallinn.	
Finland	The Finnish Chargé d'affaires at The Hague.	
France	The Ministry for Foreign Affairs, French Service for the League of Nations, Paris.	
Germany	The German Legation at The Hague.	
Great Britain	The Secretary of State for Foreign Affairs, Foreign Office, Whitehall, London, S.W.1.	
Greece	The Ministry for Foreign Affairs, Athens.	Copy to the Greek Chargé d'affaires at Berne.
Haiti	The Secretary of State for Foreign Affairs, Port-au-Prince.	
Honduras	The Ministry for Foreign Affairs, Tegucigalpa.	
Hungary	The Hungarian Chargé d'affaires, The Hague.	For communications under Article 44 of the Statute : The Royal Ministry of Justice, Budapest.

India	The India Office, Whitehall, London, S.W.1.	
Irish Free State	Ministry for Foreign Affairs, Dublin.	
Italy	Ministry for Foreign Affairs—League of Nations Section, Rome.	
Japan	The Minister for For- eign Affairs.	Through the Japan- ese Office for mat- ters concerning the League of Nations, Paris.
Latvia	Ministry for Foreign Affairs, Riga.	
Liberia	The Liberian Secret- ary of State, Mon- rovia.	
Lithuania	The Minister for For- eign Affairs of the Lithuanian Repub- lic, Kovno.	
Luxemburg	The Minister of State, President of the Grand-ducal Gov- ernment, Luxem- burg.	(By registered letter.)
Mexico	The Secretary of State for Foreign Affairs, Mexico.	Through the Mexican Legation at The Hague.

Monaco	The Secretary of State, Director of the foreign relations and judicial administration of the Principality of Monaco.	
Netherlands	The Minister for Foreign Affairs, The Hague.	
New Zealand	The High Commissioner for New Zealand, New Zealand Government Offices, Strand, London, W.C. 2.	
Nicaragua	The Department of Foreign Affairs, Managua.	
Norway	The Ministry for Foreign Affairs, Oslo.	
Panama	The Ministry for Foreign Affairs, Panama.	
Persia	The Ministry for Foreign Affairs (3rd Section), Teheran.	
Peru	The Peruvian Chargé d'affaires at The Hague.	The Court's publications are sent direct to the Ministry for Foreign Affairs at Lima.
Poland	The Polish Minister at The Hague.	

Roumania	The Minister for Foreign Affairs, Bucharest.	Copy to the Roumanian Minister at The Hague, with the request to transmit it to Bucharest.
Salvador	The Ministry for Foreign Affairs, San Salvador.	
Serb-Croat-Slovene State	The Minister for Foreign Affairs, Belgrade.	
Siam	The Ministry for Foreign Affairs, Bangkok.	Through the Siamese Legation in London.
South Africa (Union of—)	The Prime Minister of the Union of South Africa, Capetown.	
Spain	The Ministry of State, Madrid.	Through the Spanish Legation at The Hague.
Sweden	The Swedish Minister at The Hague.	
Switzerland	The Swiss Legation at The Hague.	Communications such as notices of steps in judicial proceedings should be sent, by registered post, direct to the Federal Political Department at Berne.
Turkey	The Minister for Foreign Affairs, Angora.	Through the Turkish Legation at The Hague.
Uruguay	The Minister for Foreign Affairs, Montevideo.	
Venezuela	The Venezuelan Legation at The Hague.	

In the cases of governments not appearing in the above list, the Court communicates with them either through their Legations at The Hague, or, where necessary, through their respective Ministries for Foreign Affairs.

II.

JURISDICTION AS AN ADVISORY BODY.

(See First Annual Report, pp. 148-150.)

The seventeen requests for advisory opinion which the Council has submitted to the Court may be divided into two categories: those really originating with the Council itself and those—more numerous—submitted at the instigation or request of a State or international organization.

The following belong to the first category:

Requests
from the
Council *pro-*
prio motu.

The question concerning the German settlers in Poland (Opinion No. 6).

The question concerning the acquisition of Polish nationality (Opinion No. 7).

The question of the Polish postal service at Danzig (Opinion No. 11).

The question of the expulsion from Constantinople of the Œcumenical Patriarch (this question having been withdrawn, the Court was not called upon to give an opinion upon it).

The Mosul question (Opinion No. 12).

The question of the jurisdiction of the Danzig Courts (Opinion No. 15).

Other
requests.

The following belong to the second category:

The question of the appointment of the Workers' Delegate to the Third Session of the International Labour Conference (Opinion No. 1).

The question of the competence of the International Labour Organization in regard to agricultural labour (Opinion No. 2).

The question of the competence of the International Labour Organization in regard to agricultural production (Opinion No. 3).

- The question of the nationality decrees in Tunis and Morocco (Opinion No. 4).
- The question of the status of Eastern Carelia (Opinion No. 5).
- The Jaworzina question (Opinion No. 8).
- The St. Naoum question (Opinion No. 9).
- The question concerning the exchange of Greek and Turkish Populations (Opinion No. 10).
- The question of the competence of the International Labour Organization incidentally to regulate the personal work of the employer (Opinion No. 13).
- The question concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila (Opinion No. 14).
- The question concerning the interpretation of Article IV of the Final Protocol to the Greco-Turkish Agreement of December 1st, 1926 (Opinion No. 16).

* * *

At the Ninth Session of the Assembly, the Swiss Delegation submitted the following draft resolution (Minutes of eighth meeting, September 8th, 1928, No. 41):

Procedure for voting upon requests for opinions.

“The Assembly recommends the Council to consider whether it would not be desirable to submit to the Permanent Court of International Justice, for an advisory opinion, the question whether the Council or the Assembly can, by a simple majority, request an advisory opinion under Article 14 of the Covenant of the League of Nations.”

At its ninth meeting (September 8th, 1928, minute 44), the Assembly decided to refer this proposal to its first Committee (Legal Questions). In Committee, the Swiss delegation amended its proposal, which was subsequently adopted by the Assembly on September 24th, 1928 (sixteenth meeting, minute 82) in the following form:

“The Assembly,

Noting the divergencies of opinion which exist as regards the requirements for voting in the Council or Assembly a resolution requesting an advisory opinion from the Permanent Court of International Justice,

Expresses the desire that, when circumstances permit, the Council may have a study made of the question whether the Council or the Assembly may, by a simple majority, ask for an advisory opinion within the meaning of Article 14 of the Covenant of the League of Nations."

On receipt of this resolution the Council, on December 10th, 1928 (53rd Session, minutes of 1st meeting, No. 2309), decided that each of its members should make an individual study of the question in order that an exchange of views might be held at one of its future sessions. This exchange of views had not taken place on June 15th, 1929.

III.

OTHER ACTIVITIES.

On several occasions the Court or its President have been entrusted with certain missions—such, for instance, as the appointment of arbitrators or experts—either under an international legal instrument or under a private legal instrument.

The synopsis, which precedes the third edition of the *Collection of Texts governing the jurisdiction of the Court*, contains an analysis and a classification of those of the various clauses which were known at the time.

The Third Annual Report gives a complete list of instruments of international law, which had come to the knowledge of the Court on June 15th, 1927, and which confer powers of this kind upon the Court or the President. The Fourth Annual Report brings the list up to date to June 15th, 1928. On June 15th, 1929, the following additions are to be made:

(a) APPOINTMENTS BY THE COURT.

(See Third Annual Report, p. 104,
and Fourth Annual Report, p. 136.)

(b) APPOINTMENTS BY THE PRESIDENT.

I.—*Under an instrument of public international law.*

(See Third Annual Report, pp. 105-108,
and Fourth Annual Report, pp. 136-137.)

The President has been requested by the Greek Government, under the terms of Article 92 of the Treaty of Lausanne, to appoint the President of the Greco-Turkish Mixed Arbitral Tribunal, Baron Nordenskjöld, who had previously been appointed President of the Greco-Turkish and Roumano-Turkish Mixed Arbitral Tribunals having resigned¹. The President has selected M. Niels Wilhelm Boeg, of Danish nationality, judge of the Mixed Court of Cairo.

Agreements for the pacific settlement of international disputes.

Appointment in certain circumstances of the presidents of conciliation commissions:

Treaty of conciliation and judicial settlement between Finland and Italy, August 21st, 1928.

General Act of conciliation, judicial settlement and arbitration, September 26th, 1928.

Treaty of conciliation, judicial settlement and arbitration between Switzerland and Turkey, December 9th, 1928.

Treaties of commerce.

Appointment in certain circumstances of a third arbitrator:

Convention of commerce and navigation between Greece and Latvia, February 25th, 1927.

Treaty of commerce between Czechoslovakia and Esthonia, June 20th, 1927.

Treaty of commerce and navigation between Germany and the Union of South Africa, September 1st, 1928.

Commercial Convention between Portugal and the Union of South Africa, September 11th, 1928.

Treaty of commerce and navigation between Germany and Lithuania, October 30th, 1928.

Treaty of commerce between Austria and Esthonia of December 11th, 1928.

Appointment in certain circumstances of three of the arbitrators and of the president of an arbitral tribunal of five members:

Convention of commerce and navigation between Denmark and Greece, August 22nd, 1928.

¹ See First Annual Report, p. 150.

Treaties of peace and various conventions.

General Convention on air navigation between France and Spain, March 22nd, 1928.

Convention concerning air navigation between Austria and Italy, May 11th, 1928.

Draft Convention concerning the jurisdiction of the European Commission of the Danube, between the Governments of France, Great Britain, Italy and Roumania, March 20th, 1929.

2.—*Under a contract of private law.*

(See Second Annual Report, pp. 95-96,
and Third Annual Report, p. 108.)

Between June 15th, 1928, and June 15th, 1929, the President of the Court has received one request from private juristic persons for the appointment in certain circumstances of arbitrators.

* * *

Applications
from private
persons
against a
government.

It often happens that private individuals apply to the Court with the object of laying before it matters at issue between them and some government. These are generally claims for compensation for dispossession and arise as a rule from the fact that the applicants have lost their original national status and have not acquired another, and, for this reason, have met with a refusal, on the part of the courts to which they have applied, to entertain their claims. Most of these disputes have arisen in countries which have undergone territorial readjustments; for instance, persons entitled to pensions (former officials, war-cripples, widows) who have changed their nationality complain that payment of their pensions is refused both by the State in whose service they were and by the succession State. Very often also claims are received for compensation for injuries resulting from the war, for debts dating from before the war and for the depreciation of assets in specie and in securities.

The First Annual Report (pp. 155 *et seq.*) and the Third Annual Report (pp. 109 *et seq.*) gave several examples showing what is, as a general rule, the nature of such cases; in

response to such applications the Registry invariably states that, under the terms of Article 34 of the Statute of the Court, "only States or Members of the League of Nations can be Parties in cases before the Court".

Some new examples are given below¹:

The interested person, of German origin and now become a citizen of the Free City of Danzig, claims compensation for damage done to his property in Belgium in 1918. The German Government refuses to compensate him because he is no longer German; the Belgian Government also refuses, as according to Belgian law the communes are not financially responsible for damage done before and during the departure of the German troops.

The interested person, of Dutch origin and become German by marriage, requests the Court to intervene with the German *Reichsentschädigungsamt* in regard to the fixing of the indemnity for the liquidation by the French authorities of her father's estate, her father being a Dutch subject; the will was proved at Paris, where he died in 1915.

The interested person, widow of an officer in the Austrian army, complains that the succession State which now has sovereignty over the territory in which she resides, after at first recognizing her rights, now refuses to recognize her as one of its nationals and consequently also to pay her pension as a widow. She asks the Court to intervene on her behalf.

The interested person, of Austrian origin, was in the service of the Hungarian Government. He was retired before the war and later transferred his domicile to a territory which changed its sovereignty as a result of the war. The Hungarian Government and the Government of the succession State both refuse to pay the pension, contending that he is not their national. He asks the Court to say which of these two Governments should pay the pension.

The interested person, of German nationality, possesses Bulgarian pre-war securities. He asks the Court to remove the prohibition imposed by the Allied Powers forbidding Bulgaria to treat German creditors on the same footing as others, and to authorize Bulgaria to pay to Germans the interest which she owes them in virtue of her contractual obligations.

The interested person, before the war a national of Austria and now of one of the succession States of the old Austro-Hungarian Monarchy, at the beginning of the war entered the service of that succession State. The authorities of this State refuse to pay him

¹ These summaries give the facts as stated in the applications received; the Registry assumes no responsibility for their accuracy.

a debt dating from 1914-1915, contending that at that time he was Austrian. He asks the Court to inform him whether it has jurisdiction and as to the procedure to adopt.

The interested person, a national of one of the succession States of the old Austro-Hungarian Monarchy, was guardian to a natural child of a mother who is now of the nationality of another succession State of that Monarchy and had, in that capacity, brought an action against the father of the natural child. He asks the Court to intervene with a view to obtaining from this other State repayment of his expenses, disbursements, fees, etc.

The interested person, a Hungarian, served in the Hungarian army until 1922. On being retired he transferred his domicile to another State. Hungary refuses to pay him his pension because it contends that he has lost his nationality as a result of having transferred his domicile; the other State contends that he was still in the service of Hungary when the Treaty of Trianon came into force. He asks the Court to decide which of these two States should pay his pension.

The interested person, a national of one of the States established after the war of 1914-1918, and a former official of the German Reich's railways, was retired in 1922. Being compelled to relinquish the quarters attached to his post and being unable to find another dwelling, he proceeded, with the permission of the competent authority, to enter the territory of the State of which he is a national and where his son resides. As from July 1st, 1925, the German authorities have ceased to pay his pension. In 1926, he applied for the nationality of the country in which he now lives; but the authorities of that country refuse to pay his pension because he had not submitted his claims within the time fixed by their law in regard to pensions. He asks the Court to decide which of the two States should pay his pension.

The interested person, a national of one of the States established after the war of 1914-1918, previously in Hungarian service, has subscribed the whole of his fortune to the Hungarian war loan. Both the Hungarian Government and the Government of the State whose national he now is, refuse him the benefit of revalorization. He asks the Court to say which of the two Governments should be responsible for payment of the bonds of the loan.

The interested person, a former German subject, now without nationality, was domiciled before the war in France. At the declaration of war his house was pillaged. His claim for compensation has been refused by the German Government on the ground that he has lost his German nationality in consequence of an absence of more than ten years. He asks the Court to obtain recognition of his right to compensation either by the German Government or by the French Government.

The interested person, born in 1886 in a territory at the time German which, as a result of the war of 1914-1918, changed its sovereignty, of parents domiciled in that territory, whose wife and children were also born in Germany, resided in Westphalia from 1914 until 1924, when he emigrated to Alsace-Lorraine. At his request, the German authorities then sent him a *Heimatschein* (certificate of origin); but after his return to Germany (in 1927), these authorities refused to recognize him as a German on the ground that he had lost that nationality under the decrees of August 30th, 1924, and June 3rd, 1928. On the other hand, certain authorities of the State now exercising sovereignty over the territory where he was born have refused to recognize him as a national of that State. He asks the Court to say what his nationality and that of his family is.

The interested person, a Pole, asks the Court whether the Polish Government is within its rights in claiming from ex-German settlers payment of the rent fixed in the *Rentengutsverträge* concluded with the German Government.

The interested person, whose mother tongue is German and who is now a national of one of the "new" States formed as a result of the war of 1914-1918, was a prisoner of war in England. His pay was transmitted by the British authorities to the authorities of that State, from whom he cannot obtain satisfaction. He asks the Court to give judgment that the Government of that State is under an obligation to pay the sums in question to him.

The interested person, who did not retain his original German nationality, having failed to register as required, and who by process of law acquired British nationality of which he was subsequently deprived during the war, asks for compensation for the internment which he underwent in a British Dominion.

The federation concerned, composed of retired officials domiciled in a territory which has changed hands as a result of the war, claims that the Government whose nationals they have become should, in accordance with the provisions of the relevant treaties, pay the pensions due to its members at their value in gold and not in paper.

The interested person, who was employed for twenty-five years by a German company in Anatolia, was dismissed and deprived of his pension rights as a result of the liquidation of the concern by the action of the Government whose troops occupied that territory during the war; he claims compensation.

INTRODUCTION TO CHAPTERS IV AND V.

In accordance with Article 23 of the Statute, the Court holds a session annually beginning on June 15th. Furthermore, whenever circumstances require it, the President convenes an extraordinary session of the Court.

DATES OF THE FIRST SIXTEEN SESSIONS OF THE COURT.

Order number.		Year.	Date	
			of opening.	of closure.
<i>Preliminary</i>	—	1922	January 30th	March 24th
First	O*	„	June 15th	August 12th
Second	E	1923	January 8th	February 7th
Third	O	„	June 15th	Sept. 15th
Fourth	E	„	Nov. 12th	December 6th
Fifth	O	1924	June 16th	Sept. 4th
Sixth	E	1925	January 12th	March 26th
Seventh	E	„	April 14th	May 16th
Eighth	O	„	June 15th	June 19th
			July 15th	August 25th
Ninth	E	„	October 22nd	Nov. 21st
Tenth	E	1926	February 2nd	May 25th
Eleventh	O	„	June 15th	July 31st
Twelfth	O	1927	June 15th	Dec. 16th
Thirteenth	E	1928	February 6th	April 26th
Fourteenth	O	„	June 15th	Sept. 13th
Fifteenth	E	„	Nov. 12th	Nov. 21st
Sixteenth	E	1929	May 13th	July 12th

The following table gives a list of the fifteen judgments and sixteen opinions, as also of certain orders mainly in the nature of judgments made in the cases dealt with in the course of the first sixteen sessions, and it indicates the page of the Annual Report in which each has been summarized, the serial numbers of the Court's publications in which the relevant documents have been printed; finally, it gives a summary of the main points which were considered.

* O: Ordinary Session.
E: Extraordinary Session.

LIST OF JUDGMENTS AND OPINIONS GIVEN BY THE COURT
DURING ITS FIRST SIXTEEN SESSIONS.

Name of the case.	Short report.	Full report and relevant documents.	Summary.
Judgments.			
<i>Judgment No. 1 :</i>			
The S.S. <i>Wimbledon</i> . (August 17th, 1923.)	Series E., No. 1, p. 163	Series A., No. 1 ; Series C., No. 3, vol. I, II, and additional volume.	Admissibility of the suit.—Ré- gime of the Kiel Canal ; inland waterways and maritime canals ; time of peace and of war ; belligerents and neu- trals.—Restrictive interpreta- tion.—Neutrality and sover- eignty. The right of intervention under Article 63 of the Court Statute.
<i>Judgment No. 2 :</i>			
The Mavrommatis concessions in Palestine (juris- diction). (August 30th, 1924.)	Series E., No. 1, p. 169	Series A., No. 2 ; Series C., No. 5.	Nature of an objection to the jur- isdiction of the Court.—Negotia- tions a condition preced- ent to judicial proceedings.— The notion of "public control". —International obligations accepted by the Mandatory.— What concessions are main- tained by Protocol XII of Lausanne—Retroactivity and considerations of form in international law.
<i>Judgments Nos. 3 and 4 :</i>			
Treaty of Neuilly, Article 179, Annex, paragraph 4 (interpretation). (September 12th, 1924, and March 26th, 1925.)	Series E., No. 1, p. 180	Series A., Nos. 3 and 4 ; Series C., No. 6 and additional volume.	Scope of the application of paragraph 4 as regards persons and territory.—Relations be- tween said paragraph and repa- rations.—Request for an inter- pretation under Article 60 of the Statute.

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Judgment No. 5:</i></p> <p>The Mavrommatis concessions at Jerusalem (merits). (March 26th, 1925.)</p>	<p>Series E., No. 1, p. 176</p>	<p>Series A., No. 5; Series C., No. 7—II.</p>	<p>The conditions for the validity of the Mavrommatis Jerusalem concessions.—A partial and transient violation of international obligations suffices to establish responsibility.—Indemnity not payable when no causal relation between violation and damage proved.—Protocol XII: right to readaptation of valid concessions.</p>
<p><i>Judgment No. 6:</i></p> <p>Certain German interests in Polish Upper Silesia (jurisdiction). (August 25th, 1925.)</p>	<p>Series E., No. 2, p. 100</p>	<p>Series A., No. 6; Series C., No. 9—I.</p>	<p>Diplomatic negotiations as a condition precedent to the institution of proceedings.—Interpretation of Article 23 of the Upper Silesian Convention.—Power of the Court to base its judgment on objections upon elements belonging to the merits of the suit.—Its competence incidentally to construe for the same purpose instruments other than the convention relied upon.—Litispendency: the Court and the Mixed Arbitral Tribunals.—Notice of intention to expropriate constitutes a restriction on rights of ownership.</p>
<p><i>Judgment No. 7:</i></p> <p>Certain German interests in Polish Upper Silesia (merits). (May 25th, 1926.)</p>	<p>Series E., No. 2, p. 109</p>	<p>Series A., No. 7; Series C., No. 11, Vols. I, II and III.</p>	<p>The Court may give declaratory judgments.—Compatibility of the Polish law of July 14th, 1920, and the Upper Silesian Convention.—Derogation from the principle of respect for vested rights are in the nature</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p style="text-align: center;"><i>Order :</i></p> <p>Request for interim measures of protection in the case of the denunciation by China of the Treaty of November 2nd, 1865, between China and Belgium. (January 8th, 1927.)</p> <p style="text-align: center;"><i>Order :</i></p> <p>The rescission, on the request of the Applicant, of the interim measures</p>	<p>Series E., No. 3, p. 125</p> <p>Series E., No. 3, p. 129</p>	<p>Series A., No. 8.</p> <p>Series A., No. 8.</p>	<p>of exceptions.—Right of Poland to avail herself of the Armistice Convention and the Protocol of Spa of December 1st, 1918.—Germany's capacity to alienate property after the Treaty of Versailles.</p> <p>Form of notice of expropriation.—Interpretation of Article 9 of the Upper Silesian Convention: the conception of "subsidence".—The conception of "control" in the Upper Silesian Convention.—Proofs of the acquisition of nationality.—For questions of liquidation, a municipality may be assimilated to a person.—The conception of domicile.</p> <p>The necessity for interim measures of protection in this particular case.—The purpose of interim measures of protection is to safeguard the rights of the Parties pending the decision of the Court, in order to prevent any injury arising from an infringement of such rights becoming irremediable.—The Court indicates the interim measures in question.</p> <p>Owing to the conclusion between the Parties of a <i>modus vivendi</i> including a provisional settlement of the situation, independently of the rights at issue,</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p>indicated by the Order of January 8th, 1927. (February 15th, 1927.)</p> <p><i>Judgment No. 8:</i></p> <p>Claim for indemnity in respect of the Factory at Chorzów (jurisdiction). (July 26th, 1927.)</p>	<p>Series E., No. 4, p. 155</p>	<p>Series A., No. 9; Series C., No. 13—I.</p>	<p>the Applicant could not be subsequently allowed to claim that one of his rights had been infringed; the previous order being intended to safeguard these rights, it thenceforward ceases to have any purpose.</p> <p>Meaning and scope of the Geneva Convention, and particularly of Article 23.—By virtue of this article, the Court takes cognizance of disputes relating to the application as well as to the applicability of Articles 6-22 of that Convention; the meaning of "application" in relation to failure to apply, and jurisdiction as regards application in relation to jurisdiction over suits for compensation for injury based on a failure to apply.—Conflicts of jurisdiction in the international sphere.</p>
<p><i>Judgment No. 9:</i></p> <p>Case of the <i>Lotus</i>. (September 7th, 1927.)</p>	<p>Series E., No. 4, p. 166</p>	<p>Series A., No. 10; Series C., No. 13—II.</p>	<p>The terms of the Special Agreement.—The principles of international law within the meaning of Article 15 of the Convention of Lausanne.—The sovereignty of States, the basis of international law, as a criterion for the jurisdiction of the tribunals of one of those States: Claim to jurisdiction based on (1) the nationality of the victim; (2) the flag flown by the ship on which the</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Judgment No. 10 :</i></p> <p>Case of the re-adaptation of the Mavrommatis Jerusalem concessions (jurisdiction). (October 10th, 1927.)</p>	<p>Series E., No. 4, p. 176</p>	<p>Series A., No. 11 ; Series C., No. 13—III.</p>	<p>victim was present at the time.—The principle of the freedom of the seas.—The indivisible character of the elements constituting a wrongful act as giving rise to concurrent jurisdictions.</p> <p>Mandate for Palestine (Article 26).—The Court has jurisdiction to consider an alleged violation of the terms of the Protocol of Lausanne in all those cases—but only in those—where the violation would arise from an exercise of the full powers to provide for “<i>public control</i> of the natural resources of the country” (Article 11).—This condition not being present in the case, there was no need to consider the other arguments of the Defendant.</p>
<p><i>Order :</i></p> <p>Request for measures of interim protection in the case relating to the Factory at Chorzów (indemnities). (November 21st, 1927.)</p>	<p>Series E., No. 4, p. 163</p>	<p>Series A., No. 12 ; Series C., No. 15—II.</p>	<p>Request for interim measures of protection and submissions as regards the merits.—Composition of the Court.</p>
<p><i>Judgment No. 11 :</i></p> <p>Interpretation of Judgments Nos. 7 and 8 (case relating</p>	<p>Series E., No. 4, p. 184</p>	<p>Series A., No. 13 ;</p>	<p>Conditions requisite in order that a request for interpretation should be admissible (Article 60 of the Statute of the</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p>to the Factory at Chorzów). (December 16th, 1927.)</p>		<p>Series C., No. 13—V.</p>	<p>Court); the meaning of interpretation.—Meaning and scope of the point at issue in Judgment No. 7.—The Court in that particular case had not rendered a conditional decision; the principle of <i>res judicata</i> (Article 59 of the Statute).</p>
<p><i>Judgment No. 12:</i> Case relating to certain rights of minorities in Upper Silesia (minority schools). (April 26th, 1928.)</p>	<p>Series E., No. 4, p. 191</p>	<p>Series A., No. 15; Series C., No. 14—II.</p>	<p>Plea to the jurisdiction: stage of the proceedings at which it may be raised.—The jurisdiction of the Court rests on the consent of the Parties, either express, tacit or implicit.—The fact of pleading to the merits showed an intention of obtaining a judgment on the merits.—Inadmissibility of the suit (<i>fin de non-recevoir</i>): Nature of the jurisdiction of the Council of the League of Nations and that of the Court.—Interpretation of the German-Polish Convention: Conditions to which children entering the minority schools are subject.</p>
<p><i>Judgment No. 13:</i> The Factory at Chorzów (claim for indemnities—merits). (September 13th, 1928.)</p>	<p>Series E., No. 5, p. 183</p>	<p>Series A., No. 17; Series C., No. 15—II.</p>	<p>Import of the Application.—A violation of a right involves an obligation to make reparation.—Reparation at international law: injury suffered by a State; injury suffered by a private person. Relevance of Article 256 of the Treaty of Versailles in this case.—Establishment of the fact that the Companies concerned have suf-</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Order :</i></p> <p>The Factory at Chorzów (claim for indemnities—merits). (September 13th, 1928.)</p>	<p>Series E., No. 5, p. 196</p>	<p>Series A., No. 17 ; Series C., No. 15—II.</p>	<p>ferred injury.—Appraisalment of this injury ; determination of principles and institution of an expert enquiry.—Method of payment ; set-off under international law.</p> <p>Institution of an expert enquiry.—Determination of the subject-matters of the enquiry.—Composition of the Committee of experts ; its procedure.—Allocation of expenses.</p>
<p><i>Order :</i></p> <p>Case of the denunciation by China of the Treaty of November 2nd, 1865, between China and Belgium. (May 25th, 1929.)</p>	<p>Series E., No. 5, p. 203</p>	<p>Series A., No. 18 ; Series C., No. 16—I.</p>	<p>Termination of proceedings by renunciation.</p>
<p><i>Order :</i></p> <p>Case concerning the Factory at Chorzów (claim for indemnities—merits). (May 25th, 1929.)</p>	<p>Series E., No. 5, p. 200</p>	<p>Series A., No. 19 ; Series C., No. 16—II.</p>	<p>Termination of proceedings by agreement.</p>
<p><i>Judgment No. 14 :</i></p> <p>Case concerning the payment of various Serbian loans issued in France. (July 12th, 1929.)</p>	<p>Series E., No. 5, p. 205</p>	<p>Series A., No. 20 ; Series C., No. 16—III.</p>	<p>Jurisdiction of the Court : admissibility of the suit, capacity of the Parties, subject-matter of the dispute.—Interpretation of contracts: the preliminary documents and the execution</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Judgment No. 15 :</i> Case concerning the payment in gold of the Brazilian Federal loans issued in France. (July 12th, 1929.)</p>	<p>Series E., No. 5, p. 216</p>	<p>Series A., No. 21 ; Series C., No. 16— IV.</p>	<p>of the contracts.—Existence of the gold clause: its significance; whether effective.—Law applicable to the loans.</p> <p>Jurisdiction of the Court.—Interpretation of the contracts; the preliminary documents and the execution of the contract.—Existence of the gold clause: its significance; whether effective.—The law applicable to the loans; estimation by the Court of the weight to be attached to the doctrine of the French courts under the terms of the Special Agreement.</p>
<p>Advisory Opinions.</p>			
<p><i>Opinion No. 1 :</i> The nomination of the workers' delegate for the Netherlands at the third session of the International Labour Conference. (July 31st, 1922.)</p>	<p>Series E., No. 1, p. 185</p>	<p>Series B., No. 1 ; Series C., No. 1.</p>	<p>International Labour Conferences.—Nomination of non-government delegates; duties of governments. Article 389, paragraph 3, of Treaty of Versailles.</p>
<p><i>Opinion No. 2 :</i> Competence of the International Labour Organization in regard to agriculture. (August 12th, 1922.)</p>	<p>Series E., No. 1, p. 189</p>	<p>Series B., Nos. 2 and 3 ; Series C., No. 1.</p>	<p>International Labour Organization.—Its competence in regard to agriculture.—“Industry” (Part XIII, Treaty of Versailles) includes agriculture.—Sources for the interpretation of a text: the manner of its application and the work done in preparation of it.</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Opinion No. 3 :</i> Competence of the International Labour Organization in regard to agricultural production. (August 12th, 1922.)</p>	<p>Series E., No. 1, p. 189</p>	<p>Series B., Nos. 2 and 3; Series C., No. 1.</p>	<p>International Labour Organization.—Its competence in regard to production (agricultural or otherwise).</p>
<p><i>Opinion No. 4 :</i> Nationality decrees in Tunis and Morocco. (February 7th, 1923.)</p>	<p>Series E., No. 1, p. 195</p>	<p>Series B., No. 4; Series C., No. 2 and additional volume.</p>	<p>Council of League of Nations.—Domestic jurisdiction of a Party to a dispute (Art. 15, para. 8, of Covenant).—Questions of nationality are in principle of domestic concern.—But a question which involves the interpretation of international instruments is not of domestic concern.</p>
<p><i>Opinion No. 5 :</i> The Status of Eastern Carelia. (July 23rd, 1923.)</p>	<p>Series E., No. 1, p. 200</p>	<p>Series B., No. 5; Series C., No. 3, Vols. I and II.</p>	<p>Dispute between a Member and a non-Member of the League of Nations (Article 17 of the Covenant).—The consent of States as a condition for the legal settlement of a dispute.—Refusal by the Court to give an opinion for which it is asked.—Grounds for this refusal.</p>
<p><i>Opinion No. 6 :</i> German Settlers in Poland. (September 10th, 1923.)</p>	<p>Series E., No. 1, p. 204</p>	<p>Series B., No. 6; Series C., No. 3,</p>	<p>Council of the League of Nations.—Its competence in minority questions.—Private law contracts and State succession.—Determination of the date of</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Opinion No. 7 :</i> Acquisition of Polish Nationality. (September 15th, 1923.)</p>	Series E., No. 1, p. 210	<p>Vols. I, III^I and III^{II}.</p> <p>Series B., No. 7 ; Series C., No. 3, Vols. I, III^I and III^{II}.</p>	<p>the transfer of sovereignty over a ceded territory.—Polish Treaty of Minorities.—Treaty of Versailles, Article 256.</p> <p>Council of the League of Nations.—Its competence under Minority Treaties.—Effect of the transfer of a territory upon the nationality of the inhabitants.—Conditions for the acquisition of nationality : origin, domicile (Treaty of Minorities with Poland, Article 4).</p>
<p><i>Opinion No. 8 :</i> Delimitation of the Polish and Czechoslovak frontiers. (The Jaworzina question.) (December 6th, 1923.)</p>	Series E., No. 1, p. 215	Series B., No. 8 ; Series C., No. 4.	Conference of Ambassadors.—Contractual character of its decisions.—Its competence to interpret its decisions.—The fixing of a frontier line.—Powers of delimitation commissions.
<p><i>Opinion No. 9 :</i> Question of the Monastery of Saint-Naoum. (September 4th, 1924.)</p>	Series E., No. 1, p. 221 Series E., No. 2, p. 137	Series B., No. 9 ; Series C., No. 5—II.	Conference of Ambassadors.—Definitive character of certain of its decisions.—Its competence to revise them.—Existence of a material error or a new fact.
<p><i>Opinion No. 10 :</i> The Exchange of Greek and Turkish populations. (February 21st, 1925.)</p>	Series E., No. 1, p. 226	Series B., No. 10 ; Series C., No. 7—I.	Establishment and domicile.—National legislation as a means for the interpretation of international instruments.—Mixed Commission : concurrent jurisdiction of national courts.

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Opinion No. 11:</i></p> <p>The Polish Postal Service at Danzig. (May 16th, 1925.)</p>	<p>Series E., No. 1, p. 231 Series E., No. 2, p. 139</p>	<p>Series B., No. 11; Series C., No. 8.</p>	<p>Final character of a decision under international law.—Binding effect of motives and of operative part of an award.—Relative value of the text of an award and the intention of the arbitrator.—Restrictive interpretation of a text: conditions.</p>
<p><i>Opinion No. 12:</i></p> <p>Interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq—Mosul question). (November 21st, 1925.)</p>	<p>Series E., No. 2, p. 140</p>	<p>Series B., No. 12; Series C., No. 10.</p>	<p>Council of League of Nations.—Nature of its powers under Article 3 of Treaty of Lausanne; arbitral award, recommendation, mediation.—The common consent of the Parties, source of competence.—In case of doubt, decisions of Council, other than those on matters of procedure, must be unanimous (Art. 5 of Covenant), the votes of interested Parties not being taken into account (Art. 15 of Covenant).</p>
<p><i>Opinion No. 13:</i></p> <p>Competence of the International Labour Organization to regulate incidentally the personal work of the employer. (July 23rd, 1926.)</p>	<p>Series E., No. 3, p. 131</p>	<p>Series B., No. 13; Series C., No. 12.</p>	<p>The International Labour Organization.—Its incidental competence in regard to work done by the employer.—Parallel with Advisory Opinion No. 3.—Discretionary powers of the Organization and their limit; Article 423 of the Treaty of Versailles.</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<p><i>Opinion No. 14:</i></p> <p>Case relating to the jurisdiction of the European Commission of the Danube between Galatz and Braila. (December 8th, 1927.)</p>	<p>Series E., No. 4, p. 201 Series E., No. 5, p. 223</p>	<p>Series B., No. 14; Series C., No. 13— IV (4 vols.)</p>	<p>The law in force on the Danube.— As regards the jurisdiction of the E. C. D., the Definitive Statute confirms the <i>de facto</i> situation existing prior to the war.—This situation defined.—Principles of freedom of navigation and equality of flags; these principles, the application of which the Commission has to ensure, allow of a delimitation between the jurisdiction of the Commission and that of the territorial State.</p>
<p><i>Opinion No. 15:</i></p> <p>Jurisdiction of the Danzig Courts. (March 3rd, 1928.)</p>	<p>Series E., No. 4, p. 213</p>	<p>Series B., No. 15; Series C., No. 14—I.</p>	<p>An international instrument does not constitute a direct source for rights or obligations in regard to persons subject to municipal law unless a contrary intention of the Parties appears (1) from the terms of the instrument itself and (2) from the facts relating to its application.—Basis of the jurisdiction of the tribunals of Danzig.—Duty to carry out judgments rendered, subject to a right of recourse of an international character.—A Party before the Court cannot base its claim on its own failure to carry out its international undertakings.</p>

Name of the case.	Short report.	Full report and relevant documents.	Summary.
<i>Opinion No. 16:</i> Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV). (August 28th, 1928.)	Series E., No. 5, p. 227	Series B., No. 16 ; Series C., No. 15 —I.	Analysis of the request submitted to the Court.—Formulation of the question to which the Court's opinion is intended to reply.—Powers of the Mixed Commission of Exchange as regards the settlement of disputes.—Interpretation of the relevant instruments ; spirit of these instruments.

* * *

The Seventeenth (ordinary) Session (June 15th, 1929).

The list of cases for the Seventeenth (ordinary) Session which begins on June 17th, 1929, includes :

the case of the Free Zones of Upper Savoy and the District of Gex ;

the case of the territorial extent of the jurisdiction of the International Commission of the Oder.

* * *

The Free Zones' case.

The case of the Free Zones of Upper Savoy and the District of Gex was submitted for judgment by a special agreement between the French and Swiss Governments, dated at Paris October 30th, 1924¹. In accordance with the times fixed by the President's Order of May 5th, 1928, the written proceedings in the case were concluded on June 12th, 1929.

* * *

Case concerning the jurisdiction of the

The case of the jurisdiction of the International Commission of the Oder was submitted for judgment by a special

¹ See Fourth Annual Report, page 151.

agreement between the British, Czechoslovak, Danish, French, German and Swedish Governments, of the one part, and the Polish Government, of the other. This special agreement, which is dated at London on October 30th, 1928, was filed with the Registry by His Britannic Majesty's Chargé d'affaires at The Hague, unilateral notice being authorized under Article 3 of the special agreement. The Court is asked to give judgment on the following questions :

International
Commission
of the Oder.

“According to the provisions of the Treaty of Versailles, does the jurisdiction of the International Commission of the Oder extend to those portions of the Warta and Netze, tributaries of the Oder, which are situated in Polish territory, and, if so, what is the law which should govern the determination of the upstream limits to which this jurisdiction extends?”

In accordance with the times fixed by the President's Order of December 24th, 1928, the written proceedings in the case were concluded on June 10th, 1929.

* * *

The following summaries of judgments and orders of the Court and of its advisory opinions, the purpose of which is merely to give a general view of the Court's work, may not be cited in argument against the actual texts of the judgments, orders and opinions, and do not constitute an interpretation of them. Like the remainder of the present volume, Chapters IV and V, which have been prepared by the Registry, do not in any way commit the Court.

CHAPTER IV.

JUDGMENTS AND ORDERS.

JUDGMENT No. 13.

CASE OF THE FACTORY AT CHORZÓW
(INDEMNITIES—MERITS).

Import of the Application.—A violation of a right involves an obligation to make reparation.—Reparation at international law: injury suffered by a State; injury suffered by a private person.—Relevance of Article 256 of Treaty of Versailles in this case.—Establishment of the fact that the Companies concerned have suffered injury.—Appraisal of this injury: determination of principles and institution of an expert enquiry.—Method of payment; set-off under international law.

When the Court, by its Judgment of May 25th, 1926 (No. 7¹), in the case between the German Government, Applicant, and the Polish Government, Respondent, had decided that the attitude of the Respondent, who had taken certain measures of dispossession against two industrial concerns—the Oberschlesische Stickstoffwerke A.-G., owner of the factory at Chorzów, and the Bayerische Stickstoffwerke A.-G., which operated this factory—had not been in conformity with the Convention concerning Upper Silesia concluded at Geneva on May 22nd, 1922, the two Parties to the dispute entered into negotiations with a view to establishing a situation

Outline of
the case.

¹ Judgment No. 7 of May 25th, 1926, concerning certain German interests in Polish Upper Silesia (see Second Annual Report, p. 109). This judgment had been preceded by another in which, in consequence of preliminary objections taken by the Polish Government, the Court decided the question of its jurisdiction to deal with the case (Judgment No. 6 of August 25th. 1925; see Second Annual Report, p. 100).

corresponding both in fact and in law to the Court's conclusions. Irreconcilable differences of opinion soon arose between them, and the German Government, calling the attention of the Polish Government to the fact that throughout the negotiations it had reserved the right to have recourse to the Court failing the conclusion of an agreement, instituted fresh proceedings by means of an Application dated February 8th, 1927. The Applicant having filed a Case on May 3rd of the same year, the Polish Government, the Respondent, proceeded to raise a preliminary objection. The Court, by its Judgment (No. 8) of July 26th, 1927¹, overruled the objection and reserved the case for judgment on the merits.

Furthermore, Judgment No. 8 also instructed the President of the Court to fix the times for the filing of the Counter-Case, Reply, and Rejoinder; and the case on the merits was entered on the list for the Fourteenth Ordinary Session of the Court which began on June 15th, and ended on September 13th, 1928. In the course of public sittings held on June 21st, 22nd, 25th, 27th and 29th, 1928, the Court heard the arguments of the representatives of the Parties.

Hearings.

Composition
of the Court.

The Court, on this occasion, was constituted as follows:

MM. ANZILOTTI, <i>President</i> ,	
HUBER, <i>Former President</i> ,	
Lord FINLAY,	} <i>Judges</i> ,
MM. LODER,	
NYHOLM,	
DE BUSTAMANTE,	
ALTAMIRA,	
ODA,	
PESSÔA,	
M. BEICHMANN, <i>Deputy-Judge</i> .	

MM. RABEL and EHRLICH, who were appointed as judges *ad hoc* by the German and Polish Governments respectively, also sat on the Court in this case.

¹ See Fourth Annual Report, p. 155. See also, in regard to this question, the Order of November 21st, 1927, rejecting a request for the indication of measures of protection in the Chorzów case (Fourth Annual Report, p. 163) and Judgment No. 11 of December 16th, 1927, upon a request for the interpretation of Judgments Nos. 7 and 8 (Fourth Annual Report, p. 184).

* * *

The Court's judgment was given on September 13th, 1928. Judgment of
the Court
(analysis).
 Before proceeding with its judgment, the Court observes that the Parties, and in particular the Applicant, have several times in the course of the written and oral proceedings amended their submissions. In this case the Court has not availed itself of its right, under Article 48 of the Statute, to lay down by order the form and time in which each Party must conclude its arguments; accordingly it allows these amendments in the present case, subject only to the condition that the other side must always have had an opportunity of commenting upon them. It follows, however, that, in order to ascertain the points at issue upon which it has to pass judgment, the Court is obliged to determine what the final submissions on both sides are.

The Court formulates as follows the final submissions of the Applicant :

“(1) That by reason of its attitude in respect of the Oberschlesische Stickstoffwerke and Bayerische Stickstoffwerke Companies, which attitude has been declared by the Court not to have been in conformity with the provisions of Article 6 and the following articles of the Geneva Convention, the Polish Government is under an obligation to make good the consequent injury sustained by the aforesaid Companies from July 3rd, 1922, until the date of the judgment sought ;

(2) (a) that the amount of the compensation to be paid to the German Government is 58,400,000 Reichsmarks, plus 1,656,000 Reichsmarks, plus interest at 6 % on this sum as from July 3rd, 1922, until the date of judgment (for the damage caused to the Oberschlesische Stickstoffwerke A.-G.) ;

(b) that the amount of the compensation to be paid to the German Government is 20,179,000 Reichsmarks for the damage caused to the Bayerische Stickstoffwerke A.-G. ;

(3) that until June 30th, 1931, no nitrated lime and no nitrate of ammonia should be exported to Germany, to the United States of America, to France or to Italy ;

in the alternative, that the Polish Government should be obliged to cease from exploiting the factory or the chemical equipment for the production of nitrate of ammonia, etc. ;

(4) (a) that the Polish Government should pay, within one month from the date of judgment, the compensation due to the Oberschlesische Stickstoffwerke A.-G. for the taking

possession of the working capital and the compensation due to the Bayerische Stickstoffwerke A.-G. for the period of exploitation from July 3rd, 1922, to the date of judgment ;

(b) that the Polish Government should pay the remaining sums at latest within fifteen days after the beginning of the financial year following the judgment ; in the alternative, that, in so far as payment may be effected by instalments, the Polish Government should within one month from the date of judgment, give bills of exchange for the amounts of the instalments, including interest, payable on maturity to the Oberschlesische Stickstoffwerke A.-G. and to the Bayerische Stickstoffwerke A.-G. ;

(c) that from the date of judgment, interest at 6 % per annum should be paid by the Polish Government ;

(d) that the Polish Government is not entitled to set off against the above-mentioned claim for indemnity of the German Government, its claim in respect of social insurances in Upper Silesia ; that it may not make use of any other set-off against the said claim for indemnity ; and that the payments mentioned under (a) to (c) should be made without any deduction to the account of the two Companies with the Deutsche Bank at Berlin ;

in the alternative, that set-off is only permissible if the Polish Government puts forward for this purpose a claim in respect of a debt recognized by the German Government or established by a judgment given between the two Governments."

As regards the Respondent, the Court holds that his final submissions may be set down as under :

"A. As regards the Oberschlesische :

- (1) that the claim of the applicant Government should be dismissed ;
- (2) in the alternative, that the claim for indemnity should be provisionally suspended ;
- (3) as a further alternative, in the event of the Court awarding some compensation, that such compensation should only be payable after the previous withdrawal by the said Company of the action brought by it and pending before the German-Polish Mixed Arbitral Tribunal in regard to the Chorzów factory, and after the formal abandonment by it of any claim against the Polish Government in respect of the latter's taking possession and exploitation of the Chorzów factory.
- (4) In any case, it is submitted that the German Government should, in the first place, hand over to the Polish Government the whole of the shares of the Oberschlesische Stickstoffwerke Company, of the nominal value of 110,000,000

Marks, which are in its hands under the contract of December 24th, 1919.

B. As regards the Bayerische :

- (1) (a) that the applicant Government's claim for compensation in respect of the past, in excess of 1,000,000 Reichsmarks, should be dismissed ;
 - (b) that, *pro futuro*, an annual rent of 250,000 Reichsmarks, payable as from January 1st, 1928, until March 31st, 1941, should be awarded ;
 - (c) that these indemnities should only be payable after previous withdrawal by the said Company of the claim pending before the German-Polish Mixed Arbitral Tribunal in respect of the Chorzów factory and after the formal abandonment by it of any claim against the Polish Government in respect of the latter's taking possession and exploitation of the Chorzów factory ;
- (2) that the applicant Government's third submission to the effect that until June 30th, 1931, no exportation of nitrate of lime or nitrate of ammonia should take place to Germany, the United States of America, France or Italy, should be dismissed.

C. As regards the Oberschlesische and Bayerische jointly :
that submission No. 4—to the effect that it is not permissible for the Polish Government to set off against the above-mentioned claim for indemnity of the German Government its claim in respect of social insurances in Upper Silesia, that it may not make use of any other set-off against the above-mentioned claim for indemnity, and that the payments mentioned under 4 (a)—(c) should be made without any deduction to the account of the two Companies with the Deutsche Bank at Berlin—should be rejected.”

Such therefore are the opposing submissions. Other claims have indeed been put forward ; but in so far as they do not constitute developments of the original submissions or alternatives to them, the Court will regard them as mere suggestions as to the procedure to be adopted and will not pass upon them. It will confine itself to taking them into account, when considering the arguments of the Parties for the purposes of the judgment which it has to give.

The Court then briefly outlines the facts of the case. These facts had already been set out in the previous judgments given in regard to the same case¹ ; but it is necessary to do

¹ See Second Annual Report, pp. 100 and 109, and Fourth Annual Report, pp. 155, 163 and 184.

so again, because the standpoint which the Court must now adopt is a different one: it must consider the nature—and, if necessary, the amount and method of payment—of the reparation which may be due by Poland. In the next place the Court analyses the application in order to determine its nature and scope: in the light of the results of this investigation, it will consider the submissions of the Parties.

As regards the nature and scope of the Application, the Parties are at variance in regard to the following point: In the view of the Respondent, the German Government had in the first place, acting as representative of the two injured Companies, defined the subject of the dispute as the obligation directly to compensate the two Companies; it had altered the subject of the dispute when, finally, acting on its own behalf, it claimed compensation for the injury which it had itself sustained by the violation of the Geneva Convention committed in respect of its nationals. The Applicant contended that there had been no change of attitude, for it held that a Government could content itself with reparation in any form which it considered proper, and that reparation need not necessarily consist in the compensation of the individuals concerned. The Court holds that even if the Application and certain of the subsequent submissions of the Applicant can be construed as contemplating compensation due directly to the two Companies for the injury suffered by them and not reparation due to Germany for a breach of the Geneva Convention, it follows from the conditions in which the Court has been seized of the suit and from the considerations which led the Court to reserve it for decision on the merits, that the object of the Application can only be to obtain reparation due for a wrong suffered by Germany in her capacity as a contracting Party to the Geneva Convention. This reparation may consist in an indemnity corresponding to the damage which the nationals of the injured State have suffered as a result of the act which is contrary to international law. But when it takes this form—which is moreover the most usual—, that is to say when the damage sustained by a private person is taken as the measure, the reparation does not therefore change its character: the rules of international law apply and not the

law governing relations between the State at fault and the individual injured. Accordingly, the Applicant, in asking for payment of the indemnity to the accounts of the two Companies with the Deutsche Bank, simply had in view the *locus solutionis* and consequently had no intention, in so doing, of disturbing the purely inter-State character of the suit.

The nature and scope of the Application having been thus elucidated, several questions arise: Does an obligation to make reparation exist? Have the two Companies suffered damage? As regards the first point, it is a principle of international law, or even of law in general, that any breach of an engagement involves such an obligation; and in this case, as the Court has decided, there has been a violation of an engagement and the wrongful act is established. As regards the second point concerning the existence of the damage alleged by the Applicant, the Respondent denies it as concerns the Oberschlesische, and admits it as concerns the Bayerische, whilst however disputing its extent. The Court must therefore, in the first place, pass upon the former issue.

As regards the Oberschlesische, the Polish Government maintains that that Company did not suffer damage as a result of dispossession, because its right of ownership was never valid, or because in any case it ceased to be so in virtue of a judgment subsequently given by the competent Polish civil court, which declared the entry in the land register of the transfer of ownership to be null and void. For the Court to accept the first of these arguments as well-founded would, however, be incompatible with its Judgment No. 7, in which it based its decision that the Oberschlesische had been unlawfully dispossessed and consequently that a breach of the Geneva Convention had taken place on that Company's rights of ownership in the factory, which rights it declared were not fraudulently acquired. As regards the municipal judgment cited—which moreover was entered by default and (according to the text submitted to the Court) contained no statement of reasons—, whatever its effect may be at municipal law, it can neither render in-existent the violation of the Geneva Convention nor destroy one of the grounds on which Judgment No. 7 is based.

Furthermore, the Court rejected the argument that, since the Reich had certain rights, which the Polish Government described as rights of ownership, over most of the shares of the Oberschlesische, this Company was in fact identical with the German Government, and that consequently it has suffered no damage since under Article 256 of the Treaty of Versailles such rights would pass automatically to the Polish Government. The grounds upon which the Court refuses to allow this argument are firstly, that the German Government was in law not the owner of the shares, and secondly, that it can not be said that in fact the Oberschlesische was controlled by the German Reich within the meaning of Article 6 of the Geneva Convention and would thus come under Article 256, since Judgment No. 7 was based on the undisputed ground that the Oberschlesische was controlled by German nationals as opposed to the German Reich, and, moreover, in any case the Oberschlesische might sooner be said to have been controlled by the Bayerische than by the Reich.

Neither can the alternative Polish submission, to the effect that the value of the rights possessed by the Reich over the shares in question should be deducted from the indemnity, as coming within the scope of Article 256 or of paragraph 10 of the Annex to Articles 297 and 298 of the Treaty of Versailles, be allowed. The shares must, the Court holds, be regarded as localized at the registered office of the Company at Berlin and consequently cannot be said to have been "situated" in ceded German territory according to the terms of Article 256, nor can the Company be said to have been "incorporated" within the meaning of paragraph 10 of the Annex in question.

The Court also disallows an alternative claim made by Poland to the effect that the Court's judgment be provisionally suspended. In making this claim the Polish Government relies, firstly, on the Armistice Convention of Spa and, secondly, on Article 248 of the Treaty of Versailles which reserves to the Reparation Commission a right of control over the property and resources of the Reich. But Poland is not amongst the signatories of the first of these instruments and consequently cannot base a claim upon it, whilst the second would only become applicable in this case after payment by

Poland of an indemnity, failing which the rights of the German Government in the enterprise would probably lose all value.

The objections raised by the Respondent with regard to the existence of any damage which would justify compensation to the Oberschlesische having been set aside, and that Party having recognized the existence of damage to be made good in respect of the Bayerische, the Court next proceeds to determine the amount of the compensation due. In regard to this, the Court lays down that in accordance with international practice, it is only the value of the property, rights and interests affected and the owner of which is the person on whose behalf compensation is claimed, or the person who has suffered the damage which serves as a means of gauging the reparation claimed, that must be taken into account. This compensation being for a seizure of property, rights and interests which could not be expropriated, need not necessarily be limited to the value of the undertaking. In principle, restitution must be in kind, or if that is not possible, a sum must be paid corresponding to the value of the thing which cannot be restored: for the reparation must as far as possible wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed. The economic unity of the Chorzów undertaking makes necessary the fixing of a lump sum for the damage to be made good to the two Companies, whilst not excluding such damages as the Bayerische may have sustained through the dispossession but outside the undertaking itself.

As regards the actual estimation of the value of the undertaking, neither the cost of construction of the factory nor the price in the contract of December 24th, 1919, nor the price offered for the factory in 1922 could be taken as criteria, nor could the sum agreed upon between the Parties, in the course of the negotiations which followed Judgment No. 7, serve as an indication.

In these circumstances and in order to obtain further enlightenment, the Court decides to arrange an expert enquiry in regard to two questions, the first having for its purpose the determination of the monetary value, both of the object

which should have been restored in kind and of the additional damage, on the basis of the estimated value of the undertaking, including stocks, at the moment of taking possession by the Polish Government, together with any probable profit that would have accrued to the undertaking between the date of taking possession and that of the expert enquiry; the second being directed to the ascertainment of the present value on the basis of the situation at the moment of the expert enquiry and leaving aside the situation presumed to exist in 1922. The Court further lays down that the Chorzów factory to be valued by the experts includes also the chemical factory (for the conversion, amongst other things, of nitrated lime into nitrate of ammonia, etc.).

As regards the possibility referred to above of the Bayerische having suffered damage outside the undertaking itself, the Court observes that no such damage from competition or through the narrowing of the field in which the Bayerische could carry out its experiments, etc., had been sufficiently proved in the course of the case.

The prohibition of the exportation of nitrated lime and nitrate of ammonia asked for by the German Government is refused by the Court, since the questions put to the experts cover indirectly the value which such a clause limiting the exploitation of the factory might present to the Bayerische. Furthermore, as the value of the undertaking to be ascertained by the experts' enquiry covers its future prospects, the German Government's claim that the Court should prohibit the further exploitation of the factory is likewise rejected.

The Court then goes on to reserve the question of the method of payment of the compensation to be awarded until the replies of the experts are received.

As regards the German Government's submission that the Polish Government should be prohibited from setting off against the damages arising from this claim debts due or owing to the Polish Government from the German Government on other claims, the Court abstains from passing upon it, since no specific plea of set-off depriving the claimant of the effectiveness of his remedy has been raised by the Respondent, and the Court cannot generally prohibit set-off, as the Court's jurisdiction to award monetary compensation cannot reasonably be

made to extend to any question whatever of international law, even if foreign to the particular convention under consideration, simply because the manner in which such question is decided might have an influence on the effectiveness of the reparation asked for. The fact that a specific plea to set-off was put forward by the Polish Government in the negotiations following upon Judgment No. 7 makes no difference, since the Court cannot take cognizance of declarations, admissions or proposals made by the Parties in the course of direct negotiations between them, nor is there anything to justify the Court in thinking that the Polish Government would wish to put forward, against a judgment, claims which it may have thought fit to raise during negotiations.

The operative part of the judgment is as follows :

“The Court,

(1) gives judgment to the effect that, by reason of the attitude adopted by the Polish Government in respect of the Oberschlesische Stickstoffwerke and Bayerische Stickstoffwerke Companies, which attitude has been declared by the Court not to have been in conformity with the provisions of Article 6 and the following articles of the Geneva Convention, the Polish Government is under an obligation to pay, as reparation to the German Government, a compensation corresponding to the damage sustained by the said Companies as a result of the aforesaid attitude ;

(2) dismisses the pleas of the Polish Government with a view to the exclusion from the compensation to be paid of an amount corresponding to all or a part of the damage sustained by the Oberschlesische Stickstoffwerke, which pleas are based either on the judgment given by the Tribunal of Katowice on November 12th, 1927, or on Article 256 of the Treaty of Versailles ;

(3) dismisses the submission formulated by the Polish Government to the effect that the German Government should in the first place hand over to the Polish Government the whole of the shares of the Oberschlesische Stickstoffwerke Company, of the nominal value of 110,000,000 marks, which are in the hands of the German Government under the contract of December 24th, 1919 ;

(4) dismisses the alternative submission formulated by the Polish Government to the effect that the claim for indemnity, in so far as the Oberschlesische Stickstoffwerke Company is concerned, should be provisionally suspended ;

(5) dismisses the submission of the German Government asking for judgment to the effect that, until June 30th, 1921, no nitrated lime and no nitrate of ammonia should be exported to Germany, to the United States of America, to France or to Italy ; or, in the alternative, that the Polish Government should be obliged to cease working the factory or the chemical equipment for the production of nitrate of ammonia, etc. ;

(6) gives judgment to the effect that no decision is called for on the submissions of the German Government asking for judgment to the effect that the Polish Government is not entitled to set off, against the above-mentioned claim for indemnity of the German Government, its claim in respect of social insurances in Upper Silesia ; that it may not make use of any other set-off against the said claim for indemnity, and, in the alternative, that set-off is only permissible if the Polish Government puts forward for this purpose a claim in respect of a debt recognized by the German Government or established by a judgment given between the two Governments ;

(7) gives judgment to the effect that the compensation to be paid by the Polish Government to the German Government shall be fixed as a lump sum ;

(8) reserves the fixing of the amount of this compensation for a future judgment, to be given after receiving the report of experts to be appointed by the Court for the purpose of enlightening it on the questions set out in the present judgment and after hearing the Parties on the subject of this report ;

(9) also reserves for this future judgment the conditions and methods for the payment of the compensation in so far as concerns points not decided by the present judgment."

* * *

Dissenting
opinions.

The Court's judgment was adopted by nine votes to three. MM. de Bustamante and Altamira, judges, declared that they

were unable to concur, the former as regards No. 8 of the operative part reproduced above, in that he held that certain questions which it was proposed to put to the experts should not be put to them, and the latter as regards No. 6 of the operative part.

Lord Finlay, judge, and M. Ehrlich, judge *ad hoc*, being unable to concur in the judgment, delivered separate opinions which were attached thereto. M. Nyholm, judge, desired to append to the judgment certain observations, as also did M. Rabel, judge *ad hoc*.

ORDER.

INSTITUTING AN EXPERT ENQUIRY
IN THE CASE CONCERNING THE FACTORY
AT CHORZÓW (INDEMNITIES—MERITS).

Institution of an expert enquiry.—Points to be covered by it.—Composition of the committee of experts; its procedure.—Allocation of expenses.

On September 13th, 1928, after the delivery of Judgment No. 13 in the case of the claim for indemnity in respect of the factory at Chorzów (merits), the Court made an Order instituting an expert enquiry in this case, its object being to enable the Court to fix with a full knowledge of the facts, in conformity with the principles laid down in Judgment No. 13, the amount of the indemnity to be paid by the Polish Government to the German Government under the terms of that judgment.

Composition
of the Court.

On this occasion, the following judges composed the Court :

MM. ANZILOTTI, <i>President</i> ,	
HUBER, <i>Former President</i> ,	
Lord FINLAY,	
MM. LODER,	}
NYHOLM,	
DE BUSTAMANTE,	
ALTAMIRA,	
ODA,	
PESSÔA,	<i>Judges,</i>
M. BEICHMANN, <i>Deputy-Judge</i> .	

MM. RABEL and EHRLICH, appointed as judges *ad hoc* by the German and Polish Governments respectively, also sat on the Court in this case.

Order of
Court (ana-
lysis).

In its Order, the Court sets out the object of the enquiry; it indicates the points to be covered by it, which are as follows :

“I. A.—What was the value, on July 3rd, 1922, expressed in Reichsmarks current at the present time, of the undertaking for the manufacture of nitrate products of which the factory was situated at Chorzów in Polish Upper Silesia, in the state in which that undertaking (including the lands, buildings, equipment, stocks and processes at its disposal, supply and delivery contracts, goodwill and future prospects) was, on the date indicated, in the hands of the Bayerische and Oberschlesische Stickstoffwerke ?

B.—What would have been the financial results, expressed in Reichsmarks current at the present time (profits or losses), which would probably have been given by the undertaking thus constituted from July 3rd, 1922, to the date of the present judgment, if it had been in the hands of the said Companies ?

II.—What would be the value at the date of the present judgment, expressed in Reichsmarks current at the present time, of the same undertaking (Chorzów) if that undertaking (including lands, buildings, equipment, stocks, available processes, supply and delivery contracts, goodwill and future prospects) had remained in the hands of the Bayerische and Oberschlesische Stickstoffwerke, and had either remained substantially as it was in 1922, or been developed proportionately on lines similar to those applied in the case of other undertakings of the same kind, controlled by the Bayerische, for instance, the undertaking of which the factory is situated at Piesteritz ?”

The enquiry is entrusted to a committee composed as follows: The President of the Court shall appoint by order three experts. Each of the Parties shall have the right to appoint, within fifteen days from the date of that order, an assessor who will take part in the work of the committee in an advisory capacity. The experts appointed by the President of the Court shall elect the chairman of the committee from amongst themselves.

On accepting their task, the experts and assessors are to make a solemn declaration. The Registrar is to be responsible

for the secretarial arrangements of the committee and for liaison¹ between it and the Court. For this purpose he shall in particular detach, for duty with the committee of experts, one of the higher officials of the Registry. This official shall act as intermediary for all communications between the Court and its services on the one hand and the committee of experts on the other.

The committee of experts is to receive the full record of the previous proceedings in the case. The committee is to be entitled to ask for the production of any document and any explanations which it may consider useful for the fulfilment of its task; in this respect, its decisions shall be taken by a majority. Such requests shall be addressed to the Registrar of the Court, who will comply with them within the limits fixed by Article 24 of the Rules or, if necessary, submit them to the President of the Court for the purposes of Article 49 of the Statute.

The committee of experts shall likewise be entitled to ask for any other facilities which it may consider useful for the fulfilment of its task; in particular it may ask for authorization to inspect the premises; in that case, the procedure laid down for the production of documents shall be applied.

A first meeting of the committee of experts shall be convened by the President of the Court. The committee shall file its report, in two original copies, with the Registrar of the Court, within a period, commencing from this first meeting, to be fixed by the President after hearing the views of the experts. The report, to which shall be attached all documents referred to therein, shall contain the reasoned opinion, in regard to each question put, of each member of the committee. It shall be communicated, with the attached documents, by the Registrar to the members of the Court and to the Agents of the Parties. The Court, or if it is not sitting, the President, shall fix a date for a public sitting of the Court, which the experts will be summoned to attend and the object of which will be to enable the Agents of the Parties to discuss the report and to enable the Court and the said Agents to ask the experts for explanations.

¹ See p. 51 of this volume for the names of the experts, assessors and liaison officer appointed.

The fees of the experts appointed by the President of the Court, the amount of which shall be fixed by the President after hearing the views of the experts, shall be paid to the latter by the Registrar at the conclusion of the enquiry. The fees shall include subsistence and entertainment expenses of the experts but not travelling expenses, etc. Such expenses shall be refunded to those concerned by the Registrar upon the production of accounts submitted at the conclusion of the enquiry, subject to the deduction of any advances made on account of such expenses.

Each Party shall pay the expenses and fees of the assessor appointed by it. All other fees, costs and expenses, including secretariat and establishment expenses, as also expenses for the services of technical staff which the committee may secure with the consent of the President of the Court, shall be advanced by the Court and refunded by the Parties in the proportion to be fixed by the Court in accordance with Article 64 of the Statute.

The Parties are invited to pay to the Registrar of the Court, within fifteen days from the date of this Order, the sum of 25,000 florins each on account towards the expenses of the expert enquiry.

The Court reserves to itself or, if it is not sitting, to the President, power to construe and, if necessary, to supplement the foregoing provisions.

In the event of a request for an extension of the times laid down in the foregoing provisions, Article 33 of the Rules of Court shall apply.

ORDER.

TERMINATION OF PROCEEDINGS
IN THE CASE CONCERNING THE FACTORY
AT CHORZÓW (INDEMNITIES—MERITS).

Agreement between the Parties regarding the settlement of the dispute.—Notification of agreement to Court.—Termination of proceedings.

By the Order made on September 13th, 1928, instituting an expert enquiry in the case concerning the factory at Chorzów (indemnities—merits), the President of the Court was instructed to appoint experts. The President made an Order for this purpose on October 16th, 1928. The experts, assisted by assessors and a liaison officer¹, held five meetings at The Hague, from November 10th to 12th, 1928; they decided amongst other things to make an inspection of the premises (visits to the factories at Chorzów, Piesteritz and Trostberg). And on November 14th, 1928, the President made a further Order fixing February 28th, 1929, as the date for the presentation of the experts' report.

On December 6th, 1928, however, the Agent for the German Government, referring to Article 61 of the Rules of Court, informed the Registrar of the Court that "in the case concerning the factory at Chorzów, the Parties had concluded an agreement regarding the settlement of the dispute". The German Agent's letter was accompanied by two documents: the German translation of an agreement reached between the Polish Government, on the one hand, and the Bayerische Stickstoffwerke A.-G. and the Oberschlesische Stickstoffwerke A.-G., on the other, and a copy of two letters exchanged on November 27th, 1928, by the German and Polish Governments, the purport of which letters was that the German Government noted the agreement above men-

¹ For composition of the Committee, see p. 51.

tioned and declared that in regard to the Chorzów case, no further difference of opinion existed between the German Reich and Poland and that the suit pending before the Court would be withdrawn as having no further purpose.

On December 13th, 1928, the Agent for the Polish Government sent to the Registrar a communication in the same terms and referring to the documents filed by the German Agent.

The Registrar acknowledged the communications received from the Parties' Agents and at the same time informed the latter that the President of the Court preferred to leave it to the Court, when it met, officially to record the agreement concluded between the Parties and thus formally to terminate the proceedings instituted before the Court by the German Government on February 8th, 1927. On December 15th, 1928, however, the President made an Order terminating the expert enquiry. It was stated in this Order that the agreement concluded must be considered as settling the whole of the dispute submitted to the Court and that, as written notice of the agreement between the Parties had been given to the Court before the close of the proceedings, it merely remained for the Court, under Article 61 of the Rules, officially to record the conclusion of the agreement.

The question was placed on the list for the Sixteenth (Extraordinary) Session (May 13th—July 12th, 1929), and the Court dealt with it by means of an Order made on May 25th, 1929.

The following judges composed the Court :

MM. ANZILOTTI,	<i>President,</i>	
HUBER,	<i>Vice-President,</i>	
LODER,		} <i>Judges,</i>
NYHOLM,		
DE BUSTAMANTE,		
ALTAMIRA,		
ODA,		
PESSÔA,		
HUGHES,		} <i>Deputy-Judges.</i>
BEICHMANN,		
NEGULESCO,		

The Order—considering that the notes exchanged on November 27th, 1928, between the Polish Minister for Foreign Affairs and the German Minister at Warsaw constitute in this case the “agreement regarding the settlement of the dispute”, written notice of which to the Court is, under Article 61, paragraph 1, of the Rules, one of the conditions governing the application of that provision—places on record the agreement regarding the settlement of the dispute concluded on November 27th, 1928, between the Government of the German Reich and the Government of the Polish Republic, Applicant and Respondent respectively, in the case concerning the Factory at Chorzów (indemnities), and declares that the proceedings in regard to the said suit are terminated.

ORDER.

TERMINATION OF PROCEEDINGS
IN THE CASE BETWEEN BELGIUM AND CHINA.

Abandonment of proceedings.—Force of a unitateral declaration of intention by Applicant to abandon proceedings when Respondent has taken no proceeding in the case.—Termination of proceedings.

The circumstances which led to the filing by the Belgian Government on November 25th, 1926, with the Registry of the Court, of an Application instituting proceedings against the Chinese Government in regard to the denunciation by China of the Sino-Belgian Treaty of November 2nd, 1865, have been described in the Third Annual Report¹.

In addition to the Order of January 8th, 1927, indicating provisional measures of protection and the Order of February 15th of the same year revoking the first—both of which Orders were made at the request of the Belgian Government, Applicant—, the Sino-Belgian case gave rise to several extensions of the times for the filing of the documents of the written proceedings (other than the Applicant's Case which was filed on January 5th, 1927, within the time fixed). Ultimately, the Court, by means of an Order dated August 13th, 1928, decided finally to fix the times as follows:

For the Counter-Case, by the Respondent,	February 15th, 1929 ;
For the Reply, by the Applicant,	April 1st, 1929 ;
For the Rejoinder, by the Respondent,	May 15th, 1929.

The Agent for the Belgian Government in this case, however, by a letter dated February 13th, 1929, and filed with the Registry on February 14th, requested the Registrar to inform the Court that the dispute between Belgium and China was virtually settled by the conclusion of a prelimin-

¹ See pp. 125 *et seq.*

ary treaty signed at Nanking on November 22nd, 1928, the ratification of which would shortly take place, and that, accordingly, the Belgian Government withdrew the action brought by it and asked that it should be removed from the Court's list. In a subsequent letter of March 4th, 1929, the Belgian Government's Agent added that the preliminary treaty had been ratified.

The Registrar replied to the Belgian Government's Agent that the President of the Court had decided to leave it to the Court itself officially to record the fact that Belgium intended to break off the proceedings instituted by her. The Registrar also duly communicated the letters of the Belgian Agent to the Chinese Government, through the Chinese Legation at The Hague, which confined itself to an acknowledgment of receipt.

The question was placed on the list for the Sixteenth (Extraordinary) Session (May 13th—July 12th, 1929), and the Court dealt with it by means of an Order made on May 25th, 1929. The following judges composed the Court :

MM. ANZILOTTI,	<i>President,</i>	
HUBER,	<i>Vice-President,</i>	
LODER,		} <i>Judges,</i>
NYHOLM,		
DE BUSTAMANTE,		
ALTAMIRA,		
ODA,		
PESSÔA,		
HUGHES,		} <i>Deputy-Judges.</i>
BEICHMANN,		
NEGULESCO,		

The Order states that as the Chinese Government, Respondent, has never taken any proceeding in the suit, there is nothing to prevent the unilateral withdrawal of the suit by the Applicant; and that, in these circumstances, the request made for the removal of the case from the list should be complied with. Accordingly, the Court records the fact that Belgium intends to break off proceedings, declares that the proceedings begun in regard to the said suit are thus terminated and instructs the Registrar to remove the case from the list.

JUDGMENT No. 14.

CASE CONCERNING THE PAYMENT
OF VARIOUS SERBIAN LOANS ISSUED IN FRANCE.

The Court's jurisdiction: admissibility of the suit; capacity of the Parties; subject-matter of the dispute: the competence of the Court to decide questions other than those of international law (matters of fact, application of municipal law).—Interpretation of the contracts: the weight to be attached to the preliminary documents and to the manner in which the contract has been executed in determining the intention of the Parties; the principle of estoppel.—Existence of the gold clause: its significance and whether it is effective.—The law applicable to the substance of the debt, and to the methods of payment; French legislation and the jurisprudence of French courts: the scope of these.

On April 19th, 1928, the Governments of the French Republic and of the Kingdom of the Serbs, Croats and Slovenes concluded a Special Agreement with a view to the submission to the Court of the following questions: Outline of
the case.

“(a) Whether, as held by the Government of the Kingdom of the Serbs, Croats and Slovenes, the latter is entitled to effect in paper francs the service of its 4 % 1895, 5 % 1902, 4½ % 1906, 4½ % 1909 and 5 % 1913 loans, as it has hitherto done;

(b) or whether, on the contrary, the Government of the Kingdom of the Serbs, Croats and Slovenes, as held by the French bondholders, is under an obligation to pay in gold or in foreign currencies and at the places indicated

hereinafter, the amount of bonds drawn for redemption but not refunded and of those subsequently drawn, as also of coupons due for payment but not paid and of those subsequently falling due for payment of the Serbian loans enumerated above, and in particular :

1. With regard to the Serbian 4 % loan of 1895, whether holders of bonds of this loan are entitled, whatever their nationality may be, to obtain, at their free choice, payment of the nominal amount of their coupons due for payment but not paid and of those subsequently falling due for payment, as also of their bonds drawn for redemption but not refunded and of those subsequently drawn, at Paris, London, Berlin, Vienna, Geneva and Belgrade, in the currency in circulation at one of these places ;

2. With regard to the 5 % 1902, 4½ % 1906, 4½ % 1909 and 5 % 1913 loans and, subsidiarily with regard to the above-mentioned 4 % loan of 1895, whether holders of these bonds are entitled to obtain payment of the nominal amount of their coupons due for payment but not paid and of those subsequently falling due, as also of their bonds drawn for redemption but not refunded and of those subsequently drawn, in gold francs at Belgrade, Paris, Brussels and Geneva, or at the equivalent value of the said amount at the exchange rate of the day in the local currency at Berlin, Vienna and Amsterdam, in so far as concerns the 1902, 1906 and 1909 loans ;

3. Lastly, how the value of the gold franc is to be determined as between the Parties for the above-mentioned payments."

The 4 % loan of 1895 was a conversion loan intended to replace the existing 5 % loans, the securities appropriated to the latter being maintained for the benefit of the new loan ; it was of a nominal capital of over 355 millions of francs. The 5 % loan of 1902 was designed to liquidate a portion of the floating debt ; the nominal amount of this loan was 60 million francs. The 4½ % loan of 1906 (nominal amount 95 million francs) was destined for the construction of railways and the acquisition of war material. The 4½ % loan of 1909 (150 million francs) was intended for the same purpose as that of 1906. Lastly, the 5 % loan of 1913 (250 million francs) was as to one half to be devoted to the payment of the expenditure resulting from the wars of 1912 and 1913, and as to the remaining half to expenditure in connection with the requirements of the public services and

the economic development of the Kingdom and especially of the new territories.

All these loans were issued in France either in their entirety or for the greater part. Their yield was credited to Serbia in French paper francs and Serbia, in her turn, effected the service of the loans in the same currency both before the war and during the war—when it was met by means of funds advanced by the British and French Governments—as well as subsequently, including the first period of the depreciation of the franc, without any apparent manifestation of dissatisfaction on this ground on the part of the bondholders.

Seeing, however, that the bonds of these loans and the documents relating thereto contain references to gold or to the gold franc, the bondholders, in view of the increasing depreciation of the French franc, were induced to claim payment of their coupons and redemption of their bonds on a gold basis.

As from 1924 or 1925, the French Government, whose attention had been drawn to the situation, took up the case of the bondholders and entered into diplomatic negotiations with the Serb-Croat-Slovene Government. The negotiations, however, did not lead to the settlement of the dispute between the two Governments, which dispute, according to certain documents appertaining to the negotiations, concerned the question whether, as held by the French Government, the French bondholders were justified in their claim to obtain payment in gold currency, or whether the Serbian Government was right in maintaining that payment was only due in French paper currency.

This was the position when the Special Agreement of April 19th, 1928, was concluded which, having been ratified on May 16th, was notified to the Registry by means of letters dated May 24th, 1928, from the representatives at The Hague of the Governments concerned.

The two Parties each filed a Case and a Counter-Case within the times laid down, and the case was entered in the list for the Court's Fifteenth (Extraordinary) Session. Owing to the illness of a judge, however, the Court was unable to assemble the necessary quorum, and this session had to be declared closed by order of the President. The case was then transferred to the list for the Sixteenth (Extraordinary)

Hearings. Session (May 13th—July 12th, 1929). The Court heard the arguments presented orally on behalf of the Parties at sittings held on May 15th, 16th, 17th, 18th, 22nd, 23rd and 24th, 1929.

Composition of the Court. The following judges composed the Court for this case:

MM. ANZILOTTI,	<i>President,</i>	
HUBER,	<i>Vice-President,</i>	
LODER,		} <i>Judges,</i>
DE BUSTAMANTE,		
ALTAMIRA,		
ODA,		
PESSÓA,		
HUGHES,		} <i>Deputy-Judges.</i>
BEICHMANN,		
NEGULESCO,		

MM. FROMAGEOT and NOVACOVITCH, respectively appointed as judges *ad hoc* by the French and Serb-Croat-Slovene Governments¹, also sat on the Court for this case.

* * *

Judgment of the Court (analysis).

The Court's judgment was given on July 12th, 1929. The Court in the first place describes the origin of the dispute before it. But before approaching the question submitted to it, the Court feels called upon to define the task entrusted to it under the Special Agreement in relation to the provisions governing its jurisdiction and working. This is made necessary by the fact that the Special Agreement defines the dispute by formulating, on the one hand, the contentions of the Yugoslav Government, and on the other, those of the bondholders of the loans; whence it follows that the jurisdiction which the Court is called upon to exercise would seem to constitute a departure from the principles laid down by the Court in previous judgments with regard to the conditions under which a State may bring before it cases relating to the private rights of its nationals.

¹ See pp. 31-32, for the circumstances in which M. Novacovitch was appointed judge *ad hoc*.

As regards considerations of form, the case is admissible, as it has been brought before the Court by an agreement signed by the two Governments. Nevertheless, according to the strict terms of the Special Agreement, this dispute is not between two Governments, but between a Government and private individuals. But if the dispute were to be regarded as a dispute between the Serb-Croat-Slovene Government and certain bondholders of the loans, one of the essential conditions of procedure before the Court, namely, the legal capacity of the Parties, would be unfulfilled: for the Statute lays down that only States can be Parties in cases before the Court.

In this connection the Court recognizes that the controversy is solely concerned with relations between the borrowing State and private persons; but it also observes that once the French Government had stated that it did not share the views of the Serbian Government to the effect that the latter was fulfilling all its obligations by paying in French paper francs, there is, side by side with the dispute between the Serbian Government and its creditors, another dispute between the Serbian Government and the French Government, the latter acting in the exercise of its right to protect its nationals. And the Court holds that it is really the second of these two disputes which is submitted to it by the Special Agreement. Accordingly, there is no further question as to its jurisdiction, provided that the actual subject of the dispute referred to it, which relates only to questions of fact and of municipal law, does not prevent the Court from dealing with it.

In regard to this question, the Court says that though its true function is to decide disputes on the basis of international law, nevertheless, under paragraph 2 of Article 36 of the Statute, it may have to pass upon pure matters of fact and, when two States agree to have recourse to it, its duty to exercise its jurisdiction must remain unaffected in the absence of a clause in the Statute to the contrary. The Court's jurisdiction therefore is unimpaired; but since the dispute, which is definitely restricted to the relations between the borrowing State and the bondholders, exclusively concerns a *nexus* of law between the former and the latter, the Court cannot, in arriving at a decision, take into account acts of the French Government.

Having thus established its own jurisdiction, the Court proceeds to consider the dispute on its merits. As a result of a detailed analysis of the documents relating to the coupons of the various loans, it observes that in regard to each of the loans there is a promise to pay in gold. The fact that mention is sometimes made of francs without specification of gold cannot be regarded as detracting from the force of this promise, for according to elementary principles of interpretation, the special words control the general expressions. As the bonds themselves are not ambiguous, there is no occasion for reference to the documents preceding the issue of the loans; moreover, if these are examined it will appear that they tend to confirm the agreement for payment in gold.

The Yugoslav Government, on various grounds, argued that this promise should be construed as a mere promise to pay in French currency. As it is fundamental that the terms of a contract qualifying the promise are not to be rejected as superfluous and as the definitive use of the word "gold" cannot be ignored, the Court then has to decide what is the significance of the expression *gold franc*.

It cannot, as contended by the Serbian Government, indicate a mere modality of payment, that is to say, in gold coin: to treat it thus would be to destroy the gold clause, and moreover, having regard to the amount of the half-yearly interest payable per bond (12 frs. 50), such payment would have been impracticable, for no gold pieces of this value existed. It is therefore manifest that the Parties, in providing for gold payments, were referring, not to payment in gold coin, but to gold as standard of value. It would be in this way, naturally, that they would seek to avoid, as was admittedly their intention, the consequences of fluctuations in the Serbian dinar.

Was there then at the time when the loans were issued a standard of value which was properly denoted by the term gold franc? The Court holds that there was. This standard, which was international in that it was adopted by three countries, and had been made the subject of the Convention of the Latin Union, was the twentieth part of the French gold piece of twenty francs, a coin defined in the French

law of the 17th Germinal of the Year XI; this was the standard of value to which the loan contracts referred.

The Serb-Croat-Slovene Government however contended that the contracts provided for payment at certain places "at the sight rate of exchange on Paris", that therefore the engagement was for payment of the number of francs stated on the bond or coupon at the sight rate of exchange on Paris on the date that payment fell due, and that consequently payment was to be made on the basis of French francs, or French paper francs, of whatever value they might be at the time. The Court, however, only regards this as a subsidiary provision which must be construed in the light of the principal stipulation which is for payment at gold value. The purpose of this provision is plainly not to alter the amount agreed to be paid, but to place the equivalent of that amount, according to banking practice, at the command of the bondholders in the foreign money at the designated cities. Only the holders of bonds belonging to a special issue of the 1895 loan are entitled to payment in sterling in London.

Against this view, the Serbian Government, in the course of the proceedings, has argued that, by the tacit consent of the Parties, the loan-service was conducted on the basis of the paper franc; that, in accordance with the familiar principle applicable to ambiguous agreements, this method of executing the contract should be deemed to be controlling in determining the intention of the Parties, and that, consequently, this intention was not to provide for payment in gold francs. In the view of the Court, this argument has no force since the contracts are not ambiguous. If the subsequent conduct of the Parties is to be considered, it must be not to ascertain the terms of the loans, but whether the Parties by their conduct have altered or impaired their rights.

In regard to the latter point of view, the Serb-Croat-Slovene Government has sought to apply the principle known in Anglo-Saxon law as estoppel. The Court holds that when the requirements of the principle of estoppel to establish a loss of right are considered, it is quite clear that no sufficient basis has been shown for applying the principle in this case. The Serbian debt remains as it was originally incurred; the contract between borrower and lender finds its expression in

bearer bonds which entitle the bearer to claim, simply because he is a bearer, all the rights accruing under the bonds.

Finally, the Serbian Government has invoked *force majeure*: it contends that under the operation of the forced currency régime in France, pursuant to the law of August 5th, 1914, payment in gold francs became impossible. But as the loan contracts are to be deemed to refer to the gold franc as a standard of value, payments of the equivalent amount of francs, calculated on that basis, could still be made.

Having thus established the meaning which, on a reasonable construction, is to be attached to the terms of the bonds, the Court proceeds to consider the subsidiary contentions of the Serb-Croat-Slovene Government to the effect that the obligations entered into are subject to French law which, it is alleged, renders a clause for payment in gold or at gold value null and void, at all events in so far as payment is to be effected in French money and in France. This leads the Court to determine what law is applicable to the loans; this it must do—as municipal courts must also do in the absence of rules for the settlement of conflicts of law—by reference to the nature of the obligations in question and to the circumstances attendant upon their origin, though it may also take into account the expressed or presumed intention of the Parties.

In regard to this point, the Court, on various grounds, arrives at the conclusion that the law governing the obligations at the time when they were entered into was Serbian law. Of course, Serbia might have wished to make its loans subject to some other law, either generally, or in certain respects; but there are no circumstances which make it possible to establish that such was its intention. But though the substance of the debt is certainly governed by Serbian law, the Court recognizes that the application of this law in France may be prevented by French public policy legislation and further that, even apart from this possibility, the methods of payment may be governed by some law other than that applicable to the substance of the debt. The Court however does not consider in detail the possible consequences of these two contingencies, as it holds—contrary to the contentions of the Serbian Government—that French law does not in any case prevent compliance with the gold clause.

The Court bases this conclusion on the manner in which the French legislation has been construed by the courts of that country, for in the Court's opinion it is French legislation, as actually applied in France, which really constitutes French law. And the Court holds that though the doctrine of the French courts is that any gold stipulation is null and void when it relates to a domestic transaction, this does not hold good in the case of international contracts, even when payment is to be effected in France. In these circumstances, there is nothing to prevent the creditors in this case from requiring payment in France of the gold value stipulated for. Furthermore, the forced currency law promulgated in 1914 has been abrogated by the currency law of June 25th, 1928; according to this new law, no obstacle resulting from the forced currency régime will for the future exist, and the reduction of the metallic value of the franc, as newly defined, to about one-fifth of its original value, will not affect the payments involved by the Serbian loans at issue which are undoubtedly international payments.

For these reasons, the Court gives judgment as follows:

(1) That, in regard to the Serbian 4 % loan of 1895, the holders of bonds of this loan are entitled, whatever their nationality may be, to obtain, at their free choice, payment of the nominal amount of their coupons due for payment but not paid and of those subsequently falling due, as also of their bonds drawn for redemption but not refunded and of those subsequently drawn, at Paris, Berlin, Vienna and Belgrade, in the currency in circulation at one of these places;

(2) That, in regard to the 4 % 1895, 5 % 1902, 4½ % 1906, 4½ % 1909 and 5 % 1913 Serbian loans, the holders of these bonds are entitled to obtain payment of the nominal amount of their coupons due for payment but not paid and of those subsequently falling due, as also of their bonds drawn for redemption but not refunded and those subsequently drawn, in gold francs, in the case of the 1895 loan, at Belgrade and Paris, and, in the case of the 1902, 1906, 1909 and 1913 loans, at Belgrade, Paris, Brussels and Geneva, or at the equivalent value of the said amount

at the exchange rate of the day in the local currency at Berlin and Vienna, in the case of the 1913 loan, and at Berlin, Vienna and Amsterdam, in the case of the 1902, 1906 and 1909 loans.

(3) That the value of the gold franc shall be fixed between the Parties, for the above-mentioned payments, as equivalent to that of a weight of gold corresponding to the twentieth part of a piece of gold weighing 6 grammes 45161, 900/1000 fine.

* * *

Dissenting
opinions.

The Court's judgment was adopted by nine votes to three; MM. de Bustamante (judge), Pessoa (judge) and Novacovitch (judge *ad hoc*), being unable to concur with the judgment, delivered separate opinions which are attached thereto.

* * *

Action to be
taken upon
the judgment.

Under Article 2 of the Special Agreement concluded between the French and Serb-Croat-Slovene Governments on April 29th, 1928—under which Special Agreement the case was submitted to the Court—, the Serb-Croat-Slovene Government and the representatives of the bondholders, within one month from the date of the Court's judgment, are to enter upon negotiations with a view to concluding an arrangement which will make to the Serb-Croat-Slovene Government, having regard to its economic and financial situation and capacity for payment, certain concessions as compared with that which the bondholders would be strictly entitled to claim.

Failing the conclusion of such an arrangement within three months from the commencement of the negotiations contemplated, either of the two contracting Parties may submit the question of the concessions referred to in the preceding paragraph and of the method of giving effect to them to one or more arbitrators, who shall be appointed within two months from the expiration of the preceding time-limit, by agreement between the French Government and the Government of the

Kingdom of the Serbs, Croats and Slovenes, or, failing such agreement, by the President of the Permanent Court of International Justice.

This arbitral award shall be given and complied with within one year from the delivery of the award of the Permanent Court of International Justice, even in the event of one of the Parties failing to enter an appearance.

JUDGMENT No. 15.

CASE CONCERNING THE PAYMENT IN GOLD
OF BRAZILIAN FEDERAL LOANS ISSUED IN FRANCE.

The Court's jurisdiction.—Interpretation of the contracts: Weight to be attached to the preliminary documents and to the manner of performance of the contract.—Existence of the gold clause: its significance and whether effective.—The law applicable to the substance of the debt and to the methods of payment; French legislation and the jurisprudence of French courts: the scope of these and estimation of the weight to be attached thereto by the Court under the terms of the Special Agreement.

Outline of
the case.

On August 27th, 1927, the Governments of the French Republic and of the Republic of the United States of Brazil concluded a Special Agreement submitting to the Court the following question:

“With regard to the Brazilian Federal Government's 5 % loan of 1909 (Port of Pernambuco), 4 % loan of 1910, and 4 % loan of 1911, is payment of coupons which have matured and are not barred by prescription at this date, and coupons which shall mature, as also repayment of bonds drawn for redemption but not actually paid which are not barred by prescription on the date of the Court's decision, or of bonds subsequently to be redeemed, to be effected by delivery to the French holders, in respect of each franc, of the value corresponding, in the currency of the place of payment at the rate of exchange on the day, to one-twentieth of a gold piece weighing 6.45161 grammes of 900/1000 fineness, or is such payment or repayment to be effected as hitherto in paper francs, that is to say, in the French currency which is compulsory legal tender?”

The 5 % loan of 1909 was issued to finance works to be carried out at Recife (Port of Pernambuco); it was for a

nominal amount of 40 million francs. The 4 % loan of 1910 consisted of bonds issued to an amount of 100 millions of francs, for the construction of certain railway lines at Goyaz. The 4 % loan of 1911 (60 millions of francs) was designed to finance a system of railways in the State of Bahia. These three loans were issued under the following conditions: The Federal Government in each case concluded with a company of contractors or a railway company a concession contract under which the company undertook to carry out certain works in consideration of payment in bonds of the Federal Debt to be issued by the Government, which bonds were then to be negotiated and sold by the company. This the three companies concerned did by means of flotation contracts concluded with French banks.

The loans were issued, at all events for the most part, in France. The yield of the loans was credited to those entitled to receive it in French paper francs at the current value, and the bondholders, for a large number of years including the first years of the depreciation of the franc, accepted, without apparent protest, payment of the service of these loans in that currency. The increasing depreciation of the franc, however, ultimately led to the taking of steps by the bondholders with a view to inducing the French Government to intervene. According to the Brazilian Government, this attitude on the part of the bondholders dates only from 1924 and is explained by speculative aims; whereas, according to the French Government, the discontent of the bondholders and its earliest manifestations date from an earlier period. However that may be, in 1924, the French Government intervened with the Brazilian Government on behalf of the holders of the three Brazilian loans and at their instance, claiming that payment of the interest upon and redemption of the capital of these loans should be effected on a gold basis. Diplomatic conversations then took place which, however, did not succeed in disposing of the controversy.

Then it was that the Special Agreement of August 27th, 1927, was concluded which was ratified on February 23rd, 1928, and notified to the Registry of the Court by letters from the French and Brazilian Ministers at The Hague dated April 26th and 27th, 1928. The two Parties each filed a Case

and a Counter-Case within the times fixed, and the suit was placed on the list for the Sixteenth Extraordinary Session of the Court which was held from May 13th to July 12th, 1929. The case was heard on May 25th, 27th, 28th and 29th, 1929.

Composition of the Court. The following judges composed the Court for this case:

MM. ANZILOTTI, <i>President</i> ,	
HUBER, <i>Vice-President</i> ,	
LODER,	
DE BUSTAMANTE,	} <i>Judges</i> ,
ALTAMIRA,	
ODA,	
PESSÔA,	
HUGHES,	} <i>Deputy-Judges</i> .
BEICHMANN,	
NEGULESCO,	

M. FROMAGEOT, appointed as judge *ad hoc* for the purpose of this case by the French Government, also sat on the Court.

* * *

Judgment of the Court (analysis).

The Court's judgment was given on July 12th, 1929. The Court first of all describes the origin of the dispute before it. It then observes that the terms in which the Franco-Brazilian Special Agreement formulates the question submitted to the Court—the Special Agreement, in fact, speaks of "a dispute which has arisen between the Brazilian Federal Government and French holders"—call for observations in regard to its jurisdiction similar to those made in Judgment No. 14 in the case of the Serbian loans; the Court therefore refers to those observations in so far as concerns the reasons for which it holds that it has jurisdiction in this case.

The Court next approaches the merits of the dispute. As concerns the 1910 and 1911 loans, it observes that the bonds contain an explicit promise for the payment in gold of bonds drawn for redemption and of interest. There is therefore no need to refer to the documents preceding the issue of these loans; but it may be observed that these documents do not disclose any clause which could be regarded as contradicting the bonds.

As regards the 1909 loan, the position is different, for the bonds of this loan, though they contain an explicit promise to pay interest in gold, do not provide for payment in gold of the principal. In these circumstances, the Court refers to the prospectus which invites subscriptions to this loan. As regards the weight to be attached to this document, the Court says, first, that it is a prospectus for which the Brazilian Government has expressly assumed responsibility. Accordingly, it may be regarded as a continuing offer, to the terms of which each bondholder is entitled to refer, in case ambiguity is found in the statements of the bonds: for it is not to be supposed that the original subscribers are to be in a more favoured position with respect to their rights under the bonds than those who later obtain the bonds by transfer. Next, after analysing the prospectus, the Court concludes that persons taking bonds on the faith of the prospectus would undoubtedly understand that they were receiving gold bonds both as to principal and interest. It therefore concludes that the bonds of the 1909 loan, like those of 1910 and 1911, are to be construed as providing for payment of principal and interest in gold.

The existence of the gold clause having thus been established, it remains to ascertain its significance. One argument put forward by the Brazilian Government against its efficacy is that it is simply a clause of "style" or a routine form of expression. The Court rejects this argument, observing that it amounts to ignoring the promise; and this promise must be construed, not ignored. The Court also rejects another objection of the Brazilian Government to the effect that "according to the legislative financial system" of Brazil, a gold loan signifies a "foreign loan" in sterling, French francs or American dollars. For, as in the case of the Serbian loans, the Court holds that the promise to pay in gold obviously refers not to gold coin but to a gold standard of value.

What was this standard? Before answering this question, the Court, in the first place, observes that it must be a standard existing at the time of the bond issues, because the engagement would be meaningless if it referred to an unknown standard of a future day. Secondly, rejecting the Brazilian argument to the effect that the contracting Parties' sole object was to

safeguard against the depreciation of Brazilian currency, a fall in French francs being unforeseeable at the time, the Court considers that the standard of value must have been intended as a safeguard against depreciation in value in general and not against that of any particular currency. Such being the nature of the standard of value, the Court concludes that it can be no other than the "gold franc" as defined by the French currency legislation at that time, that is to say, the twentieth part of the twenty franc gold piece weighing 6 grammes 45161, 900/1000 fine. This standard, which was also adopted by certain other countries, was in fact well adapted for selection by a Government for its external loans. Consequently, the bonds are to be construed as providing for payment in gold francs as thus defined.

It has however been argued—with the inference that the loan contracts contemplated payment in paper francs—that at all times before, during and after the war, payment was made in the ordinary manner, that is, in bank-notes, and it has been sought to apply the familiar principle that where a contract is ambiguous, resort may be had to the manner of performance to ascertain the intention of the Parties. But there is no ambiguity either in the contracts of 1910 and 1911, the terms of which are explicit, or in that of 1909, which must be read in conjunction with the prospectus. Moreover, where reference is had to the conduct of the Parties, it is necessary to consider whether that conduct permits of but one inference: this is not so in the present case. The acceptance by the bondholders of payment in French francs can be explained otherwise than as acquiescence. Moreover, the bonds are bearer bonds which entitle the bearer to claim, simply because he is a bearer, all the rights accruing under the bond.

The Brazilian Government has also argued that even if the conclusion were arrived at that the intention of the contracting Parties was to set aside the French franc and adopt a gold standard of value, the loans are governed by French law which would not permit payments in France on the basis of gold value. The Court holds that this is not so. Having regard to the nature of the obligations and the circumstances attendant upon their creation, there seems no doubt that it is Brazilian law which governs them, at all events as regards the

substance of the debt and the validity of the clause defining it. There is neither an express provision nor any circumstances conclusively showing that it was Brazil's intention to subject the validity of her obligations to some foreign law. Of course, the currency in which payment must or may be made may be governed by French law. The application of this law involves no difficulty so long as it does not affect the substance of the debt to be paid and does not conflict with the law governing such debt. But in this case this situation need only be envisaged if French law rendered it impossible to claim payment otherwise than in bank-notes which are compulsory tender: this however is not so, for, as the Court has observed in the case of the Serbian loans, the doctrine of the French courts is that a gold clause is null and void in respect of a domestic transaction but not in respect of international contracts, even when payment is to be effected in France.

The Court however observes in this connection that, according to the terms of the Special Agreement, "in estimating the weight to be attached to any municipal law the Court shall not be bound by the decisions of the respective courts". But this cannot alter the conclusion at which the Court has arrived on the basis of these decisions. For, having regard particularly to the implications of a proper appreciation of its nature and functions in relation to the problems arising in connection with the application by it of some municipal law, the Court construes this clause of the Special Agreement to mean that, whilst the Court is authorized to depart from the jurisprudence of the municipal courts, it remains free to decide that there is no reason for so doing.

The Court concludes with the observation that the forced currency régime established in 1914 has been terminated by the currency law of June 25th, 1928; that, under this new law, no obstacle resulting from the forced currency régime will for the future exist and the reduction of the metallic value of the franc, as newly defined, to about one-fifth of its original value will not affect the payments involved by the Brazilian loans at issue which are undoubtedly international payments.

For these reasons the Court decides that with regard to the Brazilian Federal Government's 5 % loan of 1909 (Port of

Pernambuco), 4% loan of 1910, and 4 % loan of 1911, payment of coupons which have matured and are not barred by prescription at the date of the Special Agreement and of coupons subsequently maturing, as also repayment of bonds drawn for redemption but not actually repaid which are not barred by prescription on the date of the present judgment, or of bonds subsequently to be redeemed, must be effected by delivery to the French holders, in respect of each franc, of the value corresponding in the currency of the place of payment at the rate of exchange of the day, to one-twentieth part of a gold piece weighing 6.45161 grammes, 900/1000 fine.

* * *

Dissenting
opinions.

The Court's judgment was adopted by nine votes to two; MM. de Bustamante and Pessôa (judges), being unable to concur, delivered separate opinions which are appended to the judgment

CHAPTER V.

ADVISORY OPINIONS.

ACTION TAKEN UPON ADVISORY OPINION No. 14.

QUESTION CONCERNING THE JURISDICTION
OF THE EUROPEAN COMMISSION OF THE DANUBE
BETWEEN GALATZ AND BRAILA.

The Opinion given by the Court on December 8th, 1927, in the question of the jurisdiction of the European Commission of the Danube between Galatz and Braila, was duly submitted to the Council of the League of Nations, which, on March 7th, 1928, decided to send it to the President of the Advisory and Technical Committee of Communications and Transit for transmission to the Governments which had signed the Arrangement of September 18th, 1926, whereby they requested the Council to ask the Court for an opinion. Negotiations were entered into between these Governments with a view to the conclusion of an agreement regarding the régime of the maritime Danube.

A special committee, set up for this purpose by the Committee of Communications and Transit, working in conjunction with the delegates upon the European Commission, drew up a draft convention which is dated at Geneva, March 20th, 1929.

This draft lays down that, on the maritime Danube, that is to say, from the sea up to the port of Braila (174 kms.), the police regulations for navigation are promulgated by the European Commission of the Danube; the police regulations for the ports and banks are promulgated and carried into effect by the territorial authority subject to the jurisdiction of the European Commission of the Danube. The provisions constituting the police regulations for the ports and banks may not encroach upon the application of the police regulations for navigation.

The Roumanian Government will set up for the purpose of carrying into effect the convention, one or more navigation tribunals, the seats of which will be towns situated on the maritime Danube. These navigation tribunals will have sole jurisdiction over all breaches of the police regulations for navigation, as well as of the police regulations for the ports and banks of the maritime Danube, and their jurisdiction will be limited to such breaches. Nevertheless, proceedings cannot be taken nor any sanctions enforced against the agents of the European Commission and the Roumanian Government except by the European Commission or the Roumanian authorities respectively.

Article 4 of the draft runs as follows :

“A Court of navigation is constituted at Galatz.

This Court will be composed of the first president of the Court of Appeal at Galatz, who will act as president, and of two other members nominated as follows : one, the national of a State represented on the European Commission, will be nominated by the Commission by a majority vote ; the other, a national of a State not represented on the European Commission, will be nominated by the Commission by a unanimous vote.

If the European Commission has not made any nomination within six months from the date when a vacancy has occurred, the nomination shall be made by the President of the Permanent Court of International Justice under the conditions as regards nationality provided for by the preceding paragraph and upon the request of one of the States represented on the European Commission.

The members thus nominated will be appointed for four years by the head of the State of Roumania so that they shall enter upon their official duties three months after their nomination.

In the event of an appointment not having taken place within this time-limit, they will provisionally take up their duties three months after the date of their nomination, whilst awaiting appointment.

The non-Roumanian members of the Court enjoy the same immunities as the non-Roumanian members of the European Commission.

The official languages of the Court shall be Roumanian and French.”

Any judgment of a navigation tribunal may be appealed from but only to the Court of navigation, whose decision is final.

The draft moreover defines more closely the jurisdiction of the inspector of navigation and of the captains of the port, who will have sole power, each within the limit of his jurisdiction, to investigate and record either personally or through their duly qualified agents, breaches of the pertinent regulations, and to take proceedings for their suppression in first and second instance.

The head of the Roumanian State agreeing to represent for this purpose all the other contracting Parties, the latter agree in the terms of the convention that the judgments of the tribunals and of the Court of navigation will be given in that State's name. The Roumanian authorities and the European Commission will lend their assistance for the preliminary investigation of cases and for the carrying into effect of the judgments. The costs of the tribunals and of the Court of navigation, as provided for in the convention, will be equally divided between the Roumanian Government and the European Commission, who will also share equally in the amount resulting from fines.

Persons amenable to justice of all nationalities will have equal treatment before the tribunals of the Court of navigation. They will be allowed to conduct their own defence or to be represented or assisted; no tax or duty will be charged in respect of the procedure and judgment.

The Powers represented on the European Commission of the Danube renounce the rights which the treaties in force confer upon them as regards police vessels in the maritime waters of the Danube.

The terms of Article 12 of the draft are as follows:

“Every State interested may submit for examination by the European Commission difficulties relating either to the interpretation or the application of the treaty provisions relating to the maritime Danube or to points of international law which concern the régime of this waterway.

The difficulties referred to in the preceding paragraph which are found incapable of settlement by the Commission within a reasonable time-limit and which have assumed the form of a dispute between States, will be settled upon the request of any interested State according to the procedure provided for in Article 22 of the General Convention relating to the Régime of Navigable Waterways of International Concern.

The same procedure will be followed upon the request of one of the States represented on the European Commission if, in cases other than those provided for above, there arises between these States a difficulty relating to the interpretation or the application of the regulations or of the decisions of that Commission which the Commission has been unable to settle by means, for example, of a modification of its rules or its decisions.

The decisions of the Commission cannot form the subject of a dispute unless it is contended that such decisions have not been taken by the Commission in the regular exercise of its powers or are not in conformity with the law in force.

The difficulties contemplated in the preceding paragraphs include those which may arise as a result of decisions having the force of *res judicata* by a tribunal of navigation or by the Court of navigation. These decisions themselves remain final in conformity with Article 5, but the tribunals and the Court of navigation will in future be obliged to follow the interpretation given to the texts by the Permanent Court of International Justice, as well as to observe the rules of international law as determined by that Court.

The procedure provided for by the present article shall take precedence over any other procedure provided for by any other treaty of conciliation, arbitration or judicial settlement.

The present article in no way affects the relations between the Commission and private individuals."

Article 13, the last one of the draft, stipulates that the texts of all conventions applicable to the maritime Danube and in force at the date of the signature of the present convention shall be maintained in force as regards all provisions which are not abrogated or modified by the stipulations of this convention.

ADVISORY OPINION No. 16.

INTERPRETATION OF THE GRECO-TURKISH
 AGREEMENT OF DECEMBER 1st, 1926
 (FINAL PROTOCOL, ARTICLE IV).

Article 72 of Rules: formulation of the question put to the Court.—The spirit of an instrument, as a factor for the interpretation of one of its clauses.—As a general rule, every judicial body is judge of its own jurisdiction.—Definition of the term arbitration.—Powers of the Mixed Commission and of the Governments concerned, according to the terms of the clause to be construed.

On December 1st, 1926, an agreement was concluded at Athens between the Greek Republic and the Turkish Republic the express object of which was to settle difficulties which had arisen in regard to the application of certain clauses of the Peace Treaty of Lausanne of July 24th, 1923, and of the Declaration (No. IX) annexed to that Treaty, concerning Moslem properties in Greece. With this object, the Agreement bestowed certain powers—including the duty of applying the Agreement—upon the Mixed Commission for the Exchange of Greek and Turkish Populations. This Mixed Commission, which had been established by the Convention for the Exchange of Greek and Turkish Populations concluded at Lausanne on January 30th, 1923, already derived powers from two other sources, namely, the instrument to which it owed its creation, and the Declaration (No. IX) already alluded to above.

Outline of the case.

The Greco-Turkish Agreement was supplemented by a Final Protocol signed at the same time and forming an integral part of the Agreement itself. Article IV of the Final Protocol is as follows:

“Article IV.—Any questions of principle of importance which may arise in the Mixed Commission in connection

with the new duties entrusted to it by the Agreement signed this day and which, when that Agreement was concluded, it was not already discharging in virtue of previous instruments defining its powers, shall be submitted to the President of the Greco-Turkish Arbitral Tribunal sitting at Constantinople for arbitration.

The arbitrator's awards shall be binding."

The arbitral tribunal referred to in this clause had been established between Greece and Turkey by the Peace Treaty of Lausanne. It sat at Constantinople, and its mission was to deal with all disputes relating to the identity or the restitution of certain property, rights and interests, and with claims designed to obtain an addition to the proceeds of liquidation in cases where the property, rights and interests in question had been liquidated.

In September 1927, the members of the Mixed Commission found themselves unable to agree as to the interpretation of the conditions of reference (conditions for appeals) to the arbitrator provided for by Article IV of the Protocol. In connection with a difference of opinion between them as to the wording of the communications in which the Commission was to record the names of persons allowed to benefit by the Greco-Turkish Agreement of December 1st, 1926, a difference which the Greek members had proposed should be referred to arbitration under Article IV, the latter contended that the two States which had signed the Agreement and Protocol were alone entitled to appeal to the arbitrator; on the other hand, in the opinion of the Turkish members, a previous decision by the Mixed Commission was essential. Being unable to settle this point, the Mixed Commission decided by a majority on December 22nd, 1927, to ask the Council of the League of Nations to request the Court to give an advisory opinion. After a discussion, the Mixed Commission, on February 1st, 1928, decided upon the terms of its request which was transmitted by its President to the Secretary-General of the League of Nations by a letter dated February 4th.

The Request
for an
opinion.

Upon receiving the request, the Council decided, at its meeting of March 5th, 1928, and before including the question upon its agenda, first of all to seek the consent of the Greek

and Turkish Governments to the submission of the question for an advisory opinion. Both Governments having given a favourable answer, the Council submitted the question to the Court under its Resolution of June 5th, 1928.

In accordance with the customary procedure, notice of the Request for an advisory opinion was given to Members of the League of Nations and to the States entitled to appear before the Court. Furthermore, the Registrar sent to the Greek and Turkish Governments, considered as likely, in accordance with Article 73 of the Rules of Court, to be able to furnish information on the question, a special and direct communication to the effect that the Court was prepared to receive from them written statements and, if necessary, to hear oral statements made on their behalf. Notice of the Request was also given to the Mixed Commission, which informed the Registrar that it would be represented by its President, should the Court see fit to hear its views; the Court however did not find this necessary.

Notifications,
memorials
and hearings.

The two Governments each filed with the Registry a written statement, and the question was placed in the list for the Fourteenth (ordinary) Session of the Court which began on June 15th and terminated on September 13th, 1928. Public sittings were held on August 6th and 7th, 1928, for the purpose of hearing the Greek and Turkish representatives.

The Court was composed as follows for the consideration of the question :

Composition
of the Court.

MM. ANZILOTTI, <i>President</i> ,	
HUBER, <i>Former President</i> ,	
Lord FINLAY,	
MM. LODER,	} <i>Judges</i> ,
NYHOLM,	
DE BUSTAMANTE,	
ALTAMIRA,	
ODA,	
PESSÔA,	
M. BEICHMANN, <i>Deputy-Judge</i> .	

It will thus be seen that, though neither of the two Governments concerned (that is to say the Greek and Turkish Governments) had upon the bench a judge of its nationality

and though the question constituted an existing dispute between two States, under the terms of Article 71 of the Rules, the Court sat as normally composed. This is explained by the fact that having been duly informed by the Court of their right under Article 31 of the Statute each to appoint a judge of their nationality to sit on the case, the two Governments informed the Court that they waived this right.

* * *

Opinion of
the Court
(analysis).

The Court's Opinion was given on August 28th, 1928.

The Court, in its Opinion, first of all proceeds to define the question put to it. It considers this to be indispensable for the following reason: Article 72 of the Rules lays down that a request must contain an exact statement of the question; but, in this case, the letter sent by the President of the Mixed Commission to the Secretary-General of the League of Nations on February 4th, 1928, with a view to obtaining an opinion from the Court concerning "the conditions for appeals to the arbitrator"—to which letter the Council in its Request is content to refer—, does not meet the requirements of Article 72. The Court must determine what the question is upon which its opinion is sought and formulate an exact statement thereof, in order more particularly to avoid dealing with points of law upon which it was not the intention of the Council or Commission to obtain its opinion. In this case it is possible to do this owing to the relatively simple nature of the case: it may not however always be so.

In these circumstances, having regard to the documents submitted to it and particularly to the terms of Article IV of the Final Protocol, which lays down the conditions for appeals to the arbitrator—there being no doubt that the word *recours* (appeals) is to be considered as simply meaning "reference" or "submission", since the arbitrator is not in the position of a superior court—, and having regard also to the statements submitted by the interested Governments, the Court considers that it may express the points on which, in substance, its opinion is required, as follows:

"(1) Is it for the Mixed Commission for the Exchange of Greek and Turkish Populations to decide whether the conditions laid down by Article IV of the Final Protocol annexed

to the Agreement concluded at Athens on December 1st, 1926, between the Greek and Turkish Governments, for the submission of the questions contemplated by that article to the arbitration of the President of the Greco-Turkish Mixed Arbitral Tribunal at Constantinople, are or are not fulfilled? or is it for the arbitrator contemplated by that article to decide this?

(2) The conditions laid down by the said Article IV having been fulfilled, to whom does the right of referring a question to the arbitrator contemplated by the article belong?"

It is to these questions and these alone that the Court's opinion constitutes a reply: in so far as the points in dispute fall outside the scope of these questions the Court cannot deal with them.

In order to be able to give the required answer, the Court first of all examines the general structure and duties of the Mixed Commission. This body, the decisions of which are taken by a majority vote, consists of eleven members, four appointed by Greece, four by Turkey and three by the Council of the League of Nations from amongst the nationals of Powers which did not take part in the war of 1914-1918. These members take part in the work of the Commission in an individual capacity and do not constitute delegations, as the minutes of the Mixed Commission and the statements submitted to the Court would seem erroneously to indicate: whether neutrals, Greeks or Turks, they vote independently, so that eleven separate votes are cast in the Commission. This conclusion is imposed by the tenor of the clauses establishing the Commission; moreover, it is corroborated by practice, since it is found that on a particular question two Turkish members have voted on opposite sides.

As regards the duties of the Mixed Commission, these are, as has already been seen, derived from three sources. Under Article 12 of the Convention for the Exchange of Greek and Turkish Populations of January 30th, 1923, the Mixed Commission's task is the supervision and facilitation of the emigration and the carrying out of the liquidation of certain movable and immovable property; in addition to these essentially administrative functions, it has others of a regulatory or legislative nature (settlement of the details of the rules to be followed in regard to emigration and liquidation) and

of a judicial nature (final settlement of certain disputes concerning property, rights and interests to be liquidated). Under the Declaration of July 24th, 1923, relating to Moslem properties in Greece, the Mixed Commission is empowered to deal with certain claims respecting the property rights of Moslem persons who are not covered by the Convention of January 30th, 1923. Lastly, under the Greco-Turkish Agreement of December 1st, 1926, it has to regulate the disposal of certain categories of immovable property, and for this purpose it is given certain jurisdictional and general powers in regard to the application of the Agreement. It is clear from the tenor of these instruments that, though distinct from one another, the same intention underlies them all three, namely, the facilitation of the exchange of populations and the overcoming of difficulties connected with the application of certain provisions of the Peace Treaty of Lausanne and of the Declaration (No. IX). Adopting a standpoint already taken by it in another case, the Court observes that any measure capable of impeding the work of the Commission in this domain must be regarded as contrary to the spirit of these instruments, to which spirit due importance must be attached in order to arrive at a correct interpretation of Article IV of the Final Protocol, which article it then proceeds to analyse.

In the eyes of the Court, the meaning of this article is clear: though it contains no express provision designed to settle the question by whom or when a question may be referred to the President of the Mixed Arbitral Tribunal, it is possible and natural to deduce that the power to do so rests with the Mixed Commission itself when that body finds itself confronted with questions of the kind contemplated by the article. For, according to the very terms of the article, the questions contemplated are questions arising within the Mixed Commission, i.e. those arising in the course of its deliberations. This being so, it is clear—having regard amongst other things to the principle that, as a general rule, any body possessing jurisdictional powers has the right in the first place itself to determine the extent of its jurisdiction—that questions affecting the extent of the jurisdiction of the Mixed Commission must be settled by the Commission itself without action by any other body being necessary.

Article IV provides for the special reference to another authority of a certain class of questions: in the case of questions of principle of some importance and arising in certain defined circumstances, it is not for the Mixed Commission, but for another authority, the President of the Mixed Arbitral Tribunal, to decide such questions on their merits. Nevertheless, the right of reference can only belong to the Mixed Commission, for it is a matter of determining the extent of its own competence. Accordingly, it rests with the Mixed Commission alone to decide whether the conditions requisite for the reference of a question are fulfilled. Moreover, whatever the legal nature of these conditions may be, their appreciation and the decision whether they are duly fulfilled, both of which are left to the absolute discretion of the Commission, undoubtedly fall within the category of questions naturally arising in the course of the Commission's deliberations. Finally, in practice, the Commission alone is in a position to undertake this. This being so, its duty is to refer a question to the arbitrator if the requisite conditions are fulfilled, and, if not, to decide the disputed point itself. On the other hand, once the President of the Mixed Arbitral Tribunal is satisfied that a question has been referred to him by a decision of the Mixed Commission, he must decide that question without considering whether the requisite conditions are in fact fulfilled. This eliminates any danger of a negative conflict of jurisdiction.

Article IV, however, employs the word "arbitration"; but the Court attributes no special importance to the use of this term, though it regards it as a not very happy way of expressing the idea underlying the article. For there is no question of an arbitration in the true sense of the word, as the characteristics of arbitration are certainly not present in this case. In the first place, there are no Parties to bring their dispute before the tribunal; again, the submission of a question to the arbitrator does not necessarily presuppose a difference of opinion between members of the Commission, since the reference of a question may be decided upon even if all the members of the Commission are agreed as to the solution which, in their opinion, should be given to a question of principle which has arisen.

The Greek Government however has sought to show that Article IV constitutes an arbitration clause and that for this reason only a State may invoke it. This conclusion would be correct if the premiss were so; but it is not: for not only have the terms used in Article IV nothing in common with those of arbitration clauses properly so called, but also the conditions in which questions of the kind under consideration may arise are foreign to the nature of an arbitration between States. The only argument in favour of the Greek contention is the use of the word "arbitration"; but, as has been seen above, no special importance is to be attached to this term.

The spirit underlying the instruments concerning the exchange of Greek and Turkish populations has already been indicated. The article in dispute is likewise framed in the same spirit: the restriction placed by it upon the general powers of the Mixed Commission cannot constitute an impediment to the fulfilment by the latter of the important duties assigned to it, but must be construed in such a way as to accelerate and facilitate the progress made by it with its work. Speed must be regarded as an essential factor in the work of the Commission, both in the interest of the populations concerned and that of the Greek and Turkish Governments. And whilst the terms of Article IV are undoubtedly based on the idea that, the Mixed Commission being mainly an administrative body and its members not being necessarily and in the first place jurists, it is not perhaps the most suitable body for the settlement of legal questions of some importance, those terms may also have been dictated by a desire to secure a measure of consistency as between the decisions of the Mixed Commission and those of the Mixed Arbitral Tribunal which—as has been seen—are both competent to some extent in matters of liquidation.

On the basis of the foregoing considerations—which are deduced from the actual terms of Article IV of the Protocol and from the spirit of the relevant international instruments—, the Court arrives at the conclusion with regard to the disputed points submitted to it, firstly, that it is for the Mixed Commission alone to decide whether the requisite conditions for reference to the arbitrator are fulfilled, and, secondly, that

when these conditions are fulfilled, it also rests with the Mixed Commission alone to refer a question to the arbitrator. The Court however would arrive at the same result even leaving aside these considerations; for an individual member or a group among the Greek or Turkish members of the Commission can have no power to take action outside the Commission. It would be contrary to an accepted principle of law to allow the members of an organization constituted as a corporate body any right to take action of any kind outside the sphere of proceedings within that organization. A further observation must also be made: the treaty provisions entrust the application and carrying out of the clauses governing the exchange of Greek and Turkish populations, not to the contracting States, but to the Mixed Commission. The latter acts in the interests of the two contracting States; accordingly, it does not rest with the latter to apply and carry out the clauses governing the matter, each for its own part and in the exercise of its sovereign rights.

* * *

The Court's Opinion was adopted by a unanimous vote of the judges. It was duly transmitted to the Council of the League of Nations which, by a Resolution dated September 8th, 1928, placed it on record and instructed its Secretary-General to forward the Opinion on its behalf to the President of the Mixed Commission for the Exchange of Greek and Turkish Populations.

Effects of the
Opinion.

ANNEX TO CHAPTERS IV AND V.

 ADDENDUM TO THE ANALYTICAL INDEX
 OF JUDGMENTS AND OPINIONS.

SERIES A. **Collection of Judgments.**

<i>Number.</i>	<i>Title.</i>
A—13	Case concerning the Chorzów Factory (Claim for indemnity—merits).

SERIES B. **Collection of Advisory Opinions.**

B—16	Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV) ¹ .
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A.

AGREEMENT, GRECO-TURKISH OF DECEMBER 1ST, 1926 (AGREEMENT OF ATHENS) : B 16, *passim*.

Object of this Agreement : B 16, pp. 9, 19 ; Art. 14 : B 16, p. 9.

Final Protocol attached to this Agreement : B 16, *passim*.

Text of Article IV of this Protocol : B 16, pp. 5, 6, 19-20.

Interpretation of this article : B 16, pp. 19-21.

See also *Arbitration*.

ALTAMIRA (M.—), Judge of the Court : A 17, pp. 4, 65 (partial dissent), 99.—B 16, p. 4.

ANZILOTTI (M.—), Judge of the Court and President (1928-....) : A 17, pp. 4, 65, 99, 103.—B 16, pp. 4, 27.

APPLICATION (*Nature and scope of an—*) :

Divergence of views as to nature and scope of the Application instituting the proceedings leading up to Judgment

No. 13 : A 17, pp. 25-29.

Amendment of the submissions made in an application : A 17, pp. 6-13.

Partial withdrawal of an application : A 17, pp. 14-15.

¹ This addendum constitutes the continuation of the Analytical Index published in the preceding Report (Series E., No. 4, p. 220), and which it completes for the year 1928. The judgments in the case of the Serbian loans and in that of the Brazilian loans (both given on July 12th, 1929) and the orders terminating the proceedings in the Chorzów case and in the Sino-Belgian case (May 25th, 1929) will be dealt with in the Analytical Index of the next Annual Report.

ARBITRAL TRIBUNAL (GERMANO-POLISH MIXED—, at Paris): A 17, pp. 14, 15, 22-23.

Nature of its jurisdiction in relation to that of the Court:
A 17, p. 27.

ARBITRAL TRIBUNAL (GRECO-TURKISH MIXED—), *established under the Treaty of Lausanne of July 24th, 1923*: B 16, p. 8.

Rôle conferred upon the President of this Tribunal by the Greco-Turkish Agreement of December 1st, 1926, and the Final Protocol attached thereto: B 16, pp. 5, 6, 16, 22-23.
Conditions for the reference of a disputed question to the President of this Tribunal: B 16, pp. 5, 6, 15, 16, 22.

ARMISTICE CONVENTION of *November 11th, 1918*: A 17, pp. 43-44, 45.

ATHENS (*Agreement of—*): See *Greco-Turkish Agreement of December 1st, 1926*.

B.

BAYERISCHE STICKSTOFFWERKE A.-G. of Trostberg (Upper Bavaria):
A 17, *passim*, and especially pp. 18-24.

Rights and indemnities claimed or admitted in respect of—:
A 17, pp. 6, 7, 8, 9, 12, 14, 15-16, 29-30, 46, 51-52, 55-59.

BEICHMANN (M.—), Deputy-Judge: A 17, pp. 4, 99.—B 16, p. 4.

BUSTAMANTE (M. DE—), Judge of the Court: A 17, pp. 4, 65 (partial dissent), 99.—B 16, p. 4.

C.

CHORZÓW (*Case of the Factory of—, Indemnities*): A 17, p. 4, *passim*.
See also *Expert enquiry*.

CHORZÓW (*Factory of—*):

History of the facts concerning this factory: A 17, pp. 18-24.
Nature and installations of this factory: A 17, pp. 48-49, 51-53, 54.

COMMISSION (MIXED) FOR EXCHANGE (*established under Article 11 of the Convention of Lausanne of January 30th, 1923*): B 16, pp. 4-14, 16-17, *passim*.

Duties of this Commission under the instruments establishing it: B 16, pp. 8-9, 17-19, 24-25.

Competence of the Mixed Commission under Article IV of the Final Protocol attached to the Greco-Turkish Agreement of December 1st, 1926: B 16, pp. 19-25.

COMPENSATION: see *Indemnities*.

COMPOSITION OF THE COURT :

Renunciation by interested States of their right to appoint a judge *ad hoc* of their nationality in proceedings for advisory opinions : B 16, pp. 7-8.

COUNCIL OF THE LEAGUE OF NATIONS :

Resolution deciding to ask the Court for an advisory opinion : B 16, pp. 4-6.

COUNTER-CLAIMS :

(1) at international law ; (2) under Article 40 of the Rules of Court : A 17, pp. 38-39.

COVENANT OF THE LEAGUE OF NATIONS, Article 14 : B 16, p. 6.

D.

DECLARATION No. IX ANNEXED TO THE PEACE TREATY OF LAUSANNE OF JULY 24th, 1923 : B 16, p. 4, and *passim*.

Powers conferred by it upon the Mixed Commission for Exchange : B 16, p. 9.

Singular situation of the States signatory to the Final Protocol of December 1st, 1926, arising from this Declaration : B 16, pp. 25-26.

DAMAGES claimed for alleged injury : see *Indemnities*.

E.

EHRlich (M.—), Judge *ad hoc* in the case of the Chorzów Factory (indemnities) : A 17, pp. 4, 65, 99.

Dissenting opinion in same case : A 17, pp. 75-91.

EXPERT ENQUIRY (Statute, Article 50), ordered by Court in case of Chorzów Factory (indemnities) :

Reasons for this expert enquiry : A 17, pp. 49-51.

Scope assigned to it : A 17, pp. 51-54.

Direction for the holding of—given in an Order of September 13th, 1928 : A 17, pp. 99-103.

F.

FINLAY (Lord—), Judge of the Court : A 17, pp. 4, 65, 70-74 (dissenting opinion), 99.—B 16, p. 4.

G.

GENEVA CONVENTION of May 15th, 1922, concerning Upper Silesia :

A 17, p. 5, and *passim*.

Articles 6-22 : A 17, pp. 27, 28, 29, 46, 57.

Article 23 : A 17, pp. 27, 28, 29, 62.

GERMANY (*Government of—*), Applicant in case of the Chorzów Factory (indemnities): A 17, p. 4, and *passim*.

GOVERNMENTS *accorded a hearing in Court or having furnished information in writing in advisory proceedings*: B 16, p. 7.

GREECE (*Government of—*), directly interested in the question concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV): B 16, pp. 4-8, and *passim*.

H.

HUBER (M.—), Judge of the Court; President (1925-1928) and Vice-President (1928-....): A 17, pp. 4, 99.—B 16, p. 4.

I.

ILLEGAL ACT (*Conception of—*) at international law, as a ground for reparation: A 17, p. 47.

INDEMNITIES claimed by Germany in the case concerning the Chorzów Factory: A 17, pp. 6-11.

Principles adopted by the Court in fixing these indemnities: A 17, pp. 46-49.

Factors put forward or accepted as entering into the calculation of these indemnities: A 17, pp. 29, 49-63.

See also *International Law* (Principles of—) in regard to reparations.

INSURANCES (SOCIAL—) in Polish Upper Silesia (Question of—): A 17, pp. 10, 13, 16, 60.

INTERNATIONAL LAW (*Principles of—*):

In regard to reparations: A 17, pp. 27-30.

Application to a particular case (Factory of Chorzów, indemnities): A 17, pp. 29-30, 46-48.

INTERPRETATION OF THE GRECO-TURKISH AGREEMENT OF DECEMBER 1ST, 1926 (Final Protocol, Art. IV):

Question submitted to Court for advisory opinion: B 16, pp. 4-6, *passim*.

Circumstances of the case: B 16, pp. 8-12.

See also *Agreement* (Greco-Turkish—) of December 1st, 1926,—*Declaration IX,—Lausanne* (Convention of—), and *Lausanne* (Treaty of—).

J.

JURISDICTION OF THE COURT:

(c) in respect of the Parties to a suit: A 17, pp. 25-29.

JURISDICTION OF THE COURT *under the Geneva Convention of May 15th, 1922*: A 17, pp. 26-28, 38-39.

K.

KATOWICE (*Civil Court of—*): A 17, pp. 22, 32-34.

Has its judgment of November 12th, 1927, any effect with regard to the proceedings instituted before the Court concerning the Chorzów Factory? : A 17, pp. 31-34.

L.

LAUSANNE (*Convention of—*) of January 30th, 1923, concerning the Exchange of Greek and Turkish Populations : B 16, pp. 8, 16, 18, 25.

Articles 9 and 10 : B 16, p. 17.

Article 11 : B 16, p. 17.

„ 12 : B 16, pp. 8-9, 17.

Singular situation created by this Convention and in which the States signatory to the Final Protocol attached to the Agreement of December 1st, 1926, are placed : B 16, pp. 25-26.

LAUSANNE (*Treaty of—*) of July 24th, 1923 : B 16, pp. 4, 8, 9.

See also *Declaration IX*.

LAW (PRUSSIAN—OF 1861), concerning the carrying on of an industry by legal persons of foreign nationality (par. 18) : A 17, p. 54.

LOCARNO (*Treaty of October 16th, 1925, initialled at—*), as a source of jurisdiction for the Court : A 17, pp. 36-37.

LODER (M.—), Judge of the Court and President (1922-1925) : A 17, pp. 4, 99.—B 16, p. 4.

“LUCRUM CESSANS” : see *Indemnities*.

N.

NEGOTIATIONS :

Value, from the point of view of the examination of a case by the Court, of the elements of unsuccessful negotiations preceding the reference of the case to the Court : A 17, p. 51.

NEGOTIATIONS preceding the reference of a question to the Court for advisory opinion : B 16, pp. 4-5, 10-12.

NYHOLM (M.—), Judge of the Court : A 17, pp. 4, 65, 92 (observations), 99.—B 16, p. 4.

O.

OBERSCHLESISCHE STICKSTOFFWERKE A.-G., founded at Berlin, December 24th, 1919 : A 17, *passim*.

Its relations with the *Stickstoff Treuhand Gesellschaft* : A 17, pp. 20-21, 39-40.

With the Bayerische Stickstoffwerke A.-G.: A 17, p. 40.

Rights and indemnities claimed or admitted in respect of—:
A 17, pp. 6-13.

Rights recognized by the Court notwithstanding the objections
of the Polish Government: A 17, pp. 31-48.

ODA (M.—), Judge of the Court: A 17, pp. 4, 99.—B 16, p. 4.

P.

PESSÔA (M.—), Judge of the Court: A 17, pp. 4, 99.—B 16, p. 4.

POLAND (*Government of—*), Respondent in the case of the Chorzów
Factory (indemnities): A 17, p. 4, and *passim*.

PRUSSIA: see *Law (Prussian—of 1861)*.

R.

RABEL (M.—), Judge *ad hoc* in the case concerning the Chorzów
Factory (indemnities): A 17, pp. 4, 65, 66 (observations), 99.

REICH (THE GERMAN—):

Its relations with the Oberschlesische Stickstoffwerke: A 17,
pp. 39-40.

See also *Germany (Government of—)*.

REPARATION IN INTERNATIONAL LAW: see *International Law (Prin-
ciples of—)*.

REPARATION COMMISSION: A 17, pp. 11, 43, 45, 46.

REQUEST FOR ADVISORY OPINION:

Right of the Court, in virtue of Article 72, paragraph 2, of
the Rules of Court, to formulate an exact statement of a
question submitted to it for advisory opinion: B 16, pp. 14-16.

RULES OF COURT:

Article 24: A 17, p. 101.

„ 33: „ „ „ 103.

„ 35: „ „ „ 5.

„ 40: „ „ „ pp. 7, 38.

„ 55: „ „ „ p. 7.

„ 66: „ „ „ „ 24.

„ 71: B 16, „ 8.

„ 72: „ „ „ „ 14.

„ 73: „ „ „ pp. 6, 7.

S.

SECRETARY-GENERAL OF THE LEAGUE OF NATIONS: B 16, pp. 4, 5,
6, 7, 8, 10, 12, 16.

SET-OFF AT INTERNATIONAL LAW: A 17, pp. 60-63.

See also *Insurances (Social—) in Polish Upper Silesia*.

STATUTE OF THE COURT :

- Article 31 : B 16, p. 8.
 „ 36 : A 17, „ 37.
 „ 40 : „ „ „ 5.
 „ 41 : „ „ „ 24.
 „ 43 : „ „ „ 6.
 „ 48 : „ „ pp. 7, 100.
 „ 50 : „ „ „ 51, 100.
 „ 57 : „ „ p. 65.
 „ 60 : „ „ „ 24.
 „ 64 : „ „ „ 103.

SUBMISSIONS (FINAL—) of the Parties taken by the Court as basis of its deliberations : A 17, pp. 12-13, 15-17.

SUBMISSIONS filed in advisory proceedings by States directly interested : B 16, pp. 13-14.

T.

TURKEY (*Government of—*), directly interested in the question concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV) : B 16, pp. 4-8, and *passim*.

V.

VERSAILLES (*Treaty of—*) :

- Article 248 : A 17, pp. 43, 44, 45.
 „ 256 : A 17, pp. 22, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46.
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CHAPTER VI.

SECOND ADDENDUM TO DIGEST
OF DECISIONS TAKEN BY THE COURT
IN APPLICATION OF
THE STATUTE AND RULES.

(See Third Annual Report, p. 173,
and Fourth Annual Report, p. 269.)

This Chapter consists in a second addendum to the *Digest of Decisions of the Court*, contained in Chapter VI of the Third Annual Report (Volume No. 3 of Series E. of the Court's Publications), the same chapter in the Fourth Annual Report (Volume No. 4 of the same Series) constituting the first addendum. The second addendum, like the first, contains, grouped under the relevant articles of the Statute, (1) new matter, and (2) matter already given in the *Digest* (and in the first addendum) where it has been found desirable to amend the statements contained in those volumes. Furthermore, a complete analytical index embodying the original *Digest* of the Third Annual Report and both the addenda, and consequently superseding the index in the Fourth Annual Report, is appended to the present Chapter.

SECTION I.

STATUTE.

ARTICLE 1.

(See Chapter II of this volume.)

ARTICLE 2.

Qualification of judges. In connection with this article, it may be useful to refer to the biographical notes concerning the judges contained in the volumes of the E. Series as follows: No. 1, pp. 14-27; No. 2, pp. 18-19; No. 4, pp. 34-36, and present volume, pp. 25-26.

ARTICLES 4-6.

Nomination of candidates for election. For procedure adopted in 1921, see the letter of the Secretary-General of the League of Nations to Members of the League (*Official Journal of the League of Nations*, January-June 1921, p. 246); letter of Secretary-General to Members of League not Members of the Permanent Court of Arbitration (*idem*, p. 315); also documents III, IV and V, *Official Journal*, July-October 1921, pages 418, 426 and 428. For procedure in 1923, see *Official Journal*, May-June 1923, page 554, Nos. 889-890.

In 1928, the Secretary-General having received from a member of the Court a letter tendering his resignation—a case not expressly provided for by the Statute—the Council decided to accept the resignation conditionally, subject to the Assembly's concurrence, and the Secretary-General of the League of Nations provisionally took the usual steps to obtain nominations in time to enable the election of a successor to take place during the Assembly session of that year. The Assembly, when it met, approved the resignation and the election was proceeded with¹.

¹ The Committee of Jurists appointed by the Council to examine the Court's Statute has proposed the following new paragraph dealing with resignations to be inserted in Article 13 of the Statute:

"In the case of the resignation of a member of the Court, the resignation will be addressed to the President of the Court for transmission to the Secretary-General of the League of Nations.

"This notification makes the place vacant."

ARTICLE 7.

For procedure adopted in 1921, see memorandum by the Secretary-General (*Official Journal*, July-October 1921, p. 803), also annex to this memorandum. For procedure in 1923, see *Official Journal* (October-December 1923, p. 1302). The procedure in 1928 was the same and is described in the League of Nations document A. 32. 1928. V. Preparation
of list of
candidates.

ARTICLES 8-11.

See Records of Second Assembly (1921), Plenary Meetings, pages 222-223, 235-255; Fourth Assembly (1923), pages 22, 165, 194; *Ninth Assembly (1928), pages 33-34, 72; and *Official Journal* (October 1928), page 1489. Election.

ARTICLE 13.

(See Third Annual Report, p. 175.)

At the Fifteenth Extraordinary Session in November 1928 which was brought to a conclusion owing to the illness of a judge which deprived the Court of a quorum, the President, in closing the session by means of an order, also decided that, as the hearing of the case had hardly begun, it was not necessary for the Court to be composed in the same manner when the hearing was once more proceeded with. (See also *Statute*, Article 23.)

ARTICLE 14.

(See Third Annual Report, p. 175,
and Fourth Annual Report, p. 270.)

In the case of the death of M. Weiss, Vice-President of the Court, who died at The Hague during the Fourteenth Session of the Court, the normal procedure was followed and the Registrar notified the Secretary-General of the death of M. Weiss. Notifications were sent: 1° to the Secretary-General of the League of Nations for the information of the Council; 2° to the Secretary-General in order that steps might be taken to fill the vacancy; 3° to the Doyen of the Diplomatic Corps at The Hague, and 4° to the Netherlands Foreign Minister for the information of the Dutch Government and indirectly of the Court of Her Majesty the Queen of The Netherlands. The same procedure was followed in the case of Lord Finlay's death in March 1929.

ARTICLES 16 AND 17.

(See Third Annual Report, pp. 177-178,
and Fourth Annual Report, p. 270.)

On July 9th, 1928, the Court authorized M. Loder to accept a decoration conferred on him for services as president of a conference, his functions in this capacity being independent of his position as member of the Court.

On May 14th, 1929, the Court gave similar permission to M. Hammarskjöld (services rendered to the Red Cross).

ARTICLE 21, paragraph 1.

(See Third Annual Report, p. 179,
and Fourth Annual Report, p. 271.)

On September 12th, 1928, at the Fourteenth Ordinary Session, the Court proceeded to elect a Vice-President in succession to M. Weiss, deceased, for the remainder of the latter's term as Vice-President.

ARTICLE 21, paragraphs 2 and 3.

(See Third Annual Report, p. 180.)

Following upon the death of Baron Michiels van Verduynen, Secretary-General of the Permanent Court of Arbitration, the Administrative Council of that Court was called upon to appoint his successor. Accordingly the Registrar of the Court wrote the following letter to the President of the Administrative Council:

"I have just been informed that the Administrative Council of the Permanent Court of Arbitration will, on March 20th, consider the appointment of a successor to the late regretted Baron Michiels van Verduynen as Secretary-General of the Court.

It has at the same time come to my knowledge that doubts would seem to exist in the minds of some members of the Council as to the importance to be attached in this connection to the clause contained in the last paragraph of Article 21 of the Statute of the Permanent Court of International Justice which runs as follows:

'The duties of Registrar of the Court shall not be deemed incompatible with those of Secretary-General of the Permanent Court of Arbitration.'

In these circumstances I feel it my duty to inform Your Excellency, requesting you also to inform the members of the Council, that under the terms of the clause above quoted, it is the duty of the Registrar of the Permanent Court of International Justice, should the Administrative Council desire to call upon him also to fulfil the functions of Secretary-General of the Permanent Court of Arbitration, to hold himself at the disposal of the Council.

I have, etc.¹

RULES, ARTICLE 17.

On August 17th, 1928, at the Fourteenth Session, in connection with the question of the appointment of a successor to the resigning Deputy-Registrar, the question was raised whether the Registrar, whose appointment was for seven years but who was re-eligible under the relevant provisions, should in principle actually be re-elected. The practice in the Secretariat of the League of Nations for posts of the same grade was opposed to this.

Re-eligibility
of Registrar.

The Court agreed that the limitation of the Registrar's appointment to a period of seven years was only intended to enable the Court, if necessary, to terminate it at the expiration of that period, and that the principle of stability was the only one applicable in the case of the staff of the Court, the system of rotation seeming more suited to the Secretariat of the League of Nations, which was a political organization.

On the same date, the Deputy-Registrar having sent in his resignation as from the end of the current year, the Court proceeded to elect his successor in accordance with Article 17 of the Rules of Court. It was decided that, as the resigning Deputy-Registrar was returning to the Diplomatic Service of his country, the President of the Court might inform the Government of that country of the high opinion formed by the Court of his services.

Resignation
of Deputy-
Registrar and
appointment
of successor.

(See Third Annual Report, pp. 181-182.)

RULES, ARTICLE 21.

See Chapter I, p. 76, of this volume, concerning the stabilization of salaries.

¹ No reply was received to this letter. According to Press reports, another person was eventually appointed.

ARTICLE 23.

(See Third Annual Report, p. 184,
and Fourth Annual Report, p. 272.)

RULES, ARTICLE 28.

Inclusion of
questions for
advisory
opinion in
list.

At the Fourteenth Session the President, in connection with the inclusion on the list for that session of the question concerning the interpretation of the Annex to the Greco-Turkish Agreement of December 1st, 1926 (Advisory Opinion No. 16), raised the question of the interpretation of Article 28 of the Rules. He said that at first the Court's practice was to interpret strictly literally the wording of the article and therefore to include in the list all questions for advisory opinion in regard to which a request had been submitted to the Court before the beginning of a session. Experience gained, however, had led the President to envisage a broader interpretation of Article 28 of the Rules, harmonizing with the tendency to assimilate advisory cases to contested cases. The Court approved this interpretation, which was confirmed by certain particulars given with regard to the origin of Article 28, *inter alia* that in 1922 written proceedings were not contemplated in advisory cases.

Closure of the
session.

The practice has been for the President at the last public sitting of each session to declare it closed.

At the Fifteenth Extraordinary Session, however, in November 1928, there being no quorum owing to the illness of a judge, the President issued an order declaring the session to be closed, at the same time deciding that—the hearing of the case being hardly begun—it was not necessary for the Court to be composed in the same manner when the hearing was once more proceeded with, and accordingly that the rule laid down in Statute, Article 23, paragraph 2, need not in that case be applied by analogy.

(See also *Statute*, Articles 13, 25, 45 and 48.)

ARTICLE 23, paragraph 3.

(See Third Annual Report, p. 186.)

In the case of the Thirteenth Extraordinary Session (February-April 1928), the necessity for such a session was considered and agreed upon by the Court in December 1927 at the end of the Twelfth Ordinary Session, and the summonses to attend were issued by the retiring President in agreement with the newly elected President, whose period of office began on January 1st, 1928. In this case also the main

reason for the convocation of the Court was that the Council had filed a request for an advisory opinion which had to be dealt with urgently.

In view of the fact that the written proceedings in the case concerning the Rights of Minorities in Upper Silesia (Minority Schools), brought by Germany against Poland, were to be concluded on March 10th and that that case was regarded as urgent, the extraordinary session convoked for the purpose of giving Advisory Opinion No. 15 was not declared closed after the rendering of that opinion (March 3rd) and, on March 12th, the case was entered in the list for the Thirteenth (Extraordinary) Session.

In the case of the Fifteenth Extraordinary Session (November-December 1928), circumstances were brought to the knowledge of the President by one of the Parties to a case ready for hearing, which circumstances, in the President's opinion, made it important to hold an extraordinary session calculated to enable the Court to decide the case in question before a certain date (December 15th).

The premature termination of the Fifteenth Extraordinary Session (see under Article 25, "Quorum", pp. 251-252) prevented the Court from dealing with the case for which that session had been convened. Shortly after the termination of that session, another case became ready for hearing. From a study of the documents in the two cases, the President formed the opinion that it was necessary for the Court to deal with both at the same session. Accordingly, one of them being regarded as urgent, the President decided to summon an extraordinary session to deal with both cases immediately before the ordinary session in 1929 (Sixteenth Extraordinary Session, May 13th, 1929).

ARTICLE 25.

(See Third Annual Report, pp. 186-188,
and Fourth Annual Report, pp. 273-274.)

At the Fourteenth Session, during the hearing of the question concerning the interpretation of the Final Protocol annexed to the Agreement of Athens between Greece and Turkey (Advisory Opinion No. 16), one of the Agents having asked for time to prepare his speech, it was found that if the time sought were granted, a judge would be unable to sit on the day for which the resumption of the hearing was contemplated. It was therefore agreed with the Parties that the judge in question should continue to sit in the case notwithstanding his absence from Court on the day in question.

During the hearing of the Serbian loans case at the Sixteenth Session, a judge having fallen ill, the Parties were asked, in accordance with the usual practice, whether they would agree to the judge in question resuming his seat on the bench when he recovered, notwithstanding his absence from one or more sittings. One of the Agents asked for time to refer to his Government, whereupon the hearings were adjourned to enable him to do so. Subsequently, the Agent informed the Court that his Government agreed. In this connection it was observed at a meeting of the Court that it was desirable that agents should have the necessary powers to deal with questions of procedure without reference to their Governments.

Similar action was taken in regard to the Franco-Brazilian loans case.

RULES, ARTICLE 3, paragraph 1.

Convocation
of deputy-
judges.

On December 15th, 1927, the President, in reply to a question, indicated the order in which, under Article 3 of the Rules, deputy-judges would be summoned during the next year. M. Wang would be the first to be called on, because his turn had several times been passed over, as, in the opinion of the President, a summons would not have reached him in sufficient time. On the other hand, M. Yovanovitch had received a summons with which he had been unable to comply. The order for 1928 would therefore be: MM. Wang, Beichmann, Negulesco, Wang and Yovanovitch.

As a result of steps taken by the President to arrange in good time the composition of the Court for the Sixteenth (Extraordinary) and Seventeenth (Ordinary) Sessions, two questions arose at the Sixteenth (Extraordinary) Session and were considered on May 31st, 1929:

1° The first was as to what constituted a summons; in the case under discussion, it was admitted that a communication concerning the probable attendance of a deputy-judge at the later session did not constitute a formal summons, and it was agreed that a definite formula should be used for summonses.

2° In the same connection, the question arose whether in the case of a deputy-judge who had been convoked for a future session (in this case the ordinary session for 1929) and who, as a result of the failure of another judge to attend a preceding session (in this case the Sixteenth—Extraordinary—Session), was subsequently summoned to attend this preceding session, such deputy-judge thereby exhausted his turn for convocation and the summons for the later session was automatically cancelled. The matter was discussed by the Court on the same occasion, but in view of the decision arrived at in regard to question 1°, which rendered a decision

upon the point unnecessary in this case, no conclusion was reached. It was however agreed that no hard and fast rule should for the moment be laid down and the President should be left some latitude, as he was bound to have regard to special circumstances and to take steps in good time to assemble a sufficient number of judges for any given session.

Deputy-judges have attended sessions of the Court as follows:

1. Preliminary Session ¹	3
2. First (Ordinary) Session	2
3. Second (Extraordinary) Session	2
4. Third (Ordinary) Session	1
5. Fourth (Extraordinary) Session	3
6. Fifth (Ordinary) Session	None
7. Sixth (Extraordinary) Session	3
8. Seventh (Extraordinary) Session	4
9. Eighth (Ordinary) Session	1
10. Ninth (Extraordinary) Session	3
11. Tenth (Extraordinary) Session	3
12. Eleventh (Ordinary) Session	None
13. Twelfth (Ordinary) Session	1
	2
14. Thirteenth (Extraordinary) Session	4
15. Fourteenth (Ordinary) Session	1 (June 15th—September 13th, 1928)
16. Fifteenth (Extraordinary) Session	3 (November 12th—November 21st, 1928) ²
17. Sixteenth (Extraordinary) Session	2 (May 13th—July 12th, 1929)
18. Seventeenth (Ordinary) Session	2 ³ (June 15th—....., 1929)

RULES, ARTICLE 30.

At the Fifteenth Extraordinary Session summoned by the President under Article 23, paragraph 3 (see under that article), the Court was obliged to meet with a bare quorum apart from the French judge *ad hoc*. At the first public sitting a judge fell ill, whereupon the Court adjourned under Rule 30, pending the recovery of the judge in question, it being impossible for a summons to reach any member of the Court not present in sufficient time. At first it was confidently expected from the reports of the doctors that the indisposed judge would be able to resume his seat within a few days, and the resumption of the hearings was actually arranged and again post-

¹ At this session, it was decided to summon all deputy-judges for the original drafting of the Rules of Court.

² One of these judges fell ill on November 14th, 1928, and was unable to take any further part in the work of the Court; see below under "Quorum".

³ Two summoned.

poned three times. Ultimately, it proved impossible to say with certainty when the judge in question would resume his seat, and it was impossible both from the Court's point of view and that of the Parties to continue to postpone the resumption from day to day. Accordingly, it being impossible for the Court, in the absence of a quorum, either to continue to sit or to take any decision, the President made an order closing the session. (See under *Statute*, Articles 23, 45 and 48.)

In the interval between the hearing at which the above-mentioned judge fell ill and the date on which the President made his order closing the session, a number of private meetings were held at which the President discussed the situation with the available members of the Court, but in the absence of a quorum, the Court as such could take no decisions. The minutes of meetings at which a quorum was not present were not treated as official but were annexed to the minutes of full meetings of the Court and they were approved by the Court at its Sixteenth Session on May 14th, 1929. (*Rules*, Article 31.)

ARTICLE 31.

(See Third Annual Report, pp. 192-193,
and Fourth Annual Report, pp. 274-275.)

At the Sixteenth (Extraordinary) Session, as a result of the absence of the deputy-judge of Serb-Croat-Slovene nationality who had in the first place accepted the summons to attend, the Serb-Croat-Slovene Government was without a judge of its nationality upon the bench for the Franco-Serbian loans case. The Court had to consider the situation thus created and whether the Serb-Croat-Slovene Government should be allowed to appoint another judge *ad hoc*, and in the first place to decide whether the French judge *ad hoc* should take part in the discussion of this matter. It decided on May 13th, 1929, that the French national judge should not do so.

In regard to the question under discussion, the Court decided on the same date that in view of the absence of the deputy-judge of Serb-Croat-Slovene nationality and having regard to the terms of Article 31, paragraph 2, of the Statute, the Serb-Croat-Slovene Government should be allowed to appoint a judge *ad hoc* for the case.

ARTICLE 32.

(See Third Annual Report, pp. 193-195.)

See Chapter VIII (The Court's Finances) of this volume, p. 295, concerning the question of payment of expenses of removal of the body of a deceased judge from The Hague to his native country for burial.

ARTICLE 33.

(See Third Annual Report, pp. 195-196,
and Fourth Annual Report, p. 275.)

As in 1927, the Court was in session at the opening of the Assembly in 1928; owing however to the fact that the Deputy-Registrar had sent in his resignation, the Registrar was appointed to represent the Court before the Assembly and the Supervisory Commission, subject to a right on his part to have himself replaced by some other duly qualified person elected by him in agreement with the President.

See Chapter VIII (The Court's Finances) of this volume, p. 293, concerning certain amendments to the Financial Regulations of the League of Nations.

ARTICLE 35.

(See Third Annual Report, pp. 197-199, and Fourth Annual Report, p. 276. See also pp. 145-150 of this volume for the record of the proceedings of the Committee instructed by the Council of the League of Nations to consider the conditions for the adherence of the United States of America to the Court's Statute.)

RULES, ARTICLE 42, paragraph 1.

Several governments having expressed a wish to see the documents of the written proceedings in the cases pending before the Court, the Registrar, with a view to obtaining a general authorization from the Court (or the President) in this respect, under Article 42 of the Rules, wrote to the two agents asking whether their Governments had any objection, and received a reply in the negative. Whereupon the President authorized the communication of the documents in question to governments expressing a desire to have them.

Communications of Cases, Counter-Cases, etc., to States other than the Parties.

ARTICLES 36, 37, 38.

(See Third Annual Report, pp. 199-200,
and Fourth Annual Report, pp. 276-277.)

RULES, ARTICLE 38.

In its judgment upon the case concerning Rights of Minorities in Upper Silesia (Minority Schools) (Series A., No. 15), the Court had to consider the admissibility of an objection to the jurisdiction raised by the Polish Government in its written

Preliminary objections.

Rejoinder, in view of the fact that Rule 38 provides that preliminary objections must be filed within the time fixed for the filing of the *Counter-Case*. In regard to this point, the Court decided that Article 38 lays down what the procedure should be and that it should be different from that on the merits only in cases where the objection is submitted as a preliminary question, that is to say, when the Respondent asks for a decision upon the objection before any subsequent proceedings on the merits. The Court however added that it does not follow from this that an objection to the jurisdiction which is not filed as a preliminary objection in the sense indicated, can be taken at any stage of the proceedings.

RULES, ARTICLE 61.

Termination
of proceed-
ings by agree-
ment between
the Parties.

In the case concerning the Chorzów Factory (indemnities), following upon the Court's judgment of September 13th, 1928, and the order of the same date concerning the holding of an expert enquiry, the Polish Fiscus and the German Companies concerned concluded an agreement regarding the settlement of the dispute, which agreement was duly ratified by the States Parties to the suit. The President thereupon (December 15th, 1928) made an order terminating the expert enquiry but left it to the Court when it met officially to record the conclusion of the agreement and to terminate the proceedings.

On May 25th, 1929, the Court made an order placing on record the agreement regarding the settlement of the dispute concluded between the two Governments and declaring the proceedings to be terminated (see Series A., Nos. 18/19).

Both this order and the one terminating proceedings in the case between Belgium and China (see below) were read at a public sitting of the Court, the representatives of the Parties having been duly notified in accordance with Article 58 of the Statute which was applied by analogy.

Termination
of proceedings
by withdrawal
of Applicant.

In the suit concerning the denunciation by China of the Sino-Belgian Treaty of 1865, brought by application of the Belgian Government filed on November 26th, 1926, after several successive extensions of the time-limits, according to the last of which (Order of Court, August 13th, 1928) the time for the filing of the first document of the written proceedings by the Chinese Government, the Respondent, was fixed to expire on February 15th, 1929, the Agent for the Applicant, by a letter dated February 13th, 1929, addressed to the Registrar, informed the Court that the dispute had been settled by the conclusion of a preliminary treaty and that his Government did not intend to continue the action and asked that the suit should be removed from the Court's list of cases.

In view of the fact that the Court was to meet on May 13th, 1929 (Sixteenth Extraordinary Session), the President left it to the Court officially to record, in accordance with Article 61, paragraph 2, of the Rules, the fact that Belgium intended to break off the proceedings instituted by her. On May 25th, 1929, the Court made an order recording the fact that the Belgian Government intended to break off the action and declaring the proceedings begun to be terminated (see Series A., Nos. 18/19). This order was made under the second paragraph of Rule 61, the Court observing that, the Respondent (China) having taken no proceeding in the suit, there was nothing to prevent the unilateral withdrawal of the suit by the Applicant (Belgium).

ARTICLE 40.

(See Third Annual Report, pp. 202-203.)

For withdrawal of Application, see under *Statute*, Articles 36-38, Rule 61.

ARTICLE 42.

(See Third Annual Report, p. 204,
and Fourth Annual Report, p. 279.)

As regards powers of Agents, see under *Statute*, Article 25 *in fine*.

ARTICLE 43, paragraph 1.

(See Third Annual Report, p. 205.)

RULES, ARTICLE 32.

In the Oder case, the Special Agreement between the Parties received by the Registry on November 29th, 1928, contained no details as regards procedure. Accordingly the President, the Court not being in session, in making an order on December 24th, 1928, fixing the times for the completion of the various proceedings, reserved "the Court's right to modify the times thus fixed in the event of the Parties availing themselves of the right conferred upon them under Article 32 of the Rules".

Modification
of procedure
proposed by
Parties.

Subsequently, on February 23rd, 1929, a request was received from the Agent of one of the Parties in this case, with the support of the remaining Parties, for the modification of the times fixed by the above-mentioned order, and asking that the submission of Replies should be dispensed with. The President, on February 25th, 1929, made an order complying with this request.

ARTICLE 43, paragraph 2.

(See Third Annual Report, p. 205,
and Fourth Annual Report, pp. 279-281.)

RULES, ARTICLES 33, 34.

To the list on pages 280-281 of the Fourth Annual Report,
the following should be added :

<i>Case or question.</i>	<i>Documents printed by Court.</i>
Free Zones of Upper Savoy and District of Gex.	Swiss Case and Annexes. Swiss Counter-Case. Swiss Reply.
Franco-Brazilian case concerning payment of Brazilian Federal loans.	Brazilian Case.

ARTICLE 43, paragraphs 3 and 4.

(See Third Annual Report, pp. 205-207,
and Fourth Annual Report, pp. 281-285.)

Sino-Belgian
case.

See under *Statute*, Articles 36, 37, 38 ; *Rules*, Article 61.

The Oder
case.

On March 26th, 1929, the Polish Government requested an extension by one month, i.e. until May 1st, 1929, of the time fixed for the filing of the Cases in this suit by the order of February 25th, 1929 (see under *Statute*, Article 43, paragraph 1), such an extension also involving a corresponding postponement of the date previously fixed for the filing of the Counter-Cases (June 1st). In view of the fact that this would render the completion of the written proceedings before the opening of the ordinary session impossible, so that the suit could not, in accordance with the terms of Article 28 of the Rules, be automatically included in the list for the session, the President, by a further order of March 26th, did not fully comply with the Polish Government's request but granted the maximum extension which would not affect arrangements for the ordinary session, fixing times which would bring the written proceedings to a close on June 10th, 1929, or just before the opening of the ordinary session.

Recognition
of validity of
proceeding
taken after
expiration of
time-limit.

RULES, ARTICLE 33.

In the Franco-Brazilian case concerning the payment of certain Brazilian Federal loans, the time-limit for the filing of the French Counter-Case expired on October 1st, 1928.

On that date a telegram was received from the French Agent asking the President to consider the Counter-Case to have been validly filed notwithstanding the fact that a slight delay in submission would be likely to occur. The Counter-Case was actually filed on October 3rd, and the President decided, under Article 33 of the Rules, that this proceeding should be regarded as valid.

In the case of the Free Zones of Upper Savoy and the District of Gex, certain maps annexed to the French Case were delayed and not submitted at the same time as the Case. The Party concerned was informed that on receipt of these documents the Court would be asked to authorize their acceptance under Article 33, paragraph 2, of the Rules, and would doubtless do so provided the other Party had no objection. When the maps arrived, the Court, although in session, was not able to give a decision (see *Statute*, Article 25); the necessary authorization was granted by the Court at the beginning of its Seventeenth (Ordinary) Session, the other Party having declared that it had no objection to the filing of these documents, although delayed.

At the same time the Court decided in the same case, under Article 33 of the Rules, to accept the French Government's Reply which had been filed on the day following the expiration of the time-limit.

ARTICLE 45.

(See Third Annual Report, pp. 208-209.)

RULES, ARTICLES 10, 29.

The President of the Court, in declaring the Fifteenth (Extraordinary) Session of the Court closed in consequence of the absence of a quorum, relied on the terms of these articles of the Statute and Rules and embodied his decision in an order under Article 48 (see that article, also Articles 23 and 25).

ARTICLE 48.

(See Third Annual Report, pp. 210-211,
and Fourth Annual Report, pp. 287-289.)

At the Fourteenth (Ordinary) Session, during the deliberations on the Chorzów case (indemnities, merits), the Court had to consider the question as to what were the submissions on which it was called upon to give judgment, the Parties having amended their original submissions in the course of the proceedings. This question had already arisen, although in a

Amendment
of pleadings.
—Question
until what
moment of
time this
should be
permitted.

different form, on some previous occasions, on which the Court had assumed the task of preparing a precise statement of the submissions of the Parties, including those made in the oral proceedings. The Court now maintained its practice in this respect (cf. Judgment No. 7) as regards the case before it, but reserved the right for the future to indicate to the Parties at what moment of time and in what form they must present their final submissions. (Minute 24 of 11th meeting.)

Order by
President
closing ses-
sion.

On November 21st, 1928, the President made an order closing the Fifteenth (Extraordinary) Session of the Court.

For orders terminating proceedings in the Sino-Belgian and Chorzów Factory (indemnities) cases, see under *Statute*, Articles 36-38, Rule 61.

ARTICLE 50.

(See Third Annual Report, p. 212.)

Appointment
of a commit-
tee of experts.

On September 13th, 1928, simultaneously with the delivery of Judgment No. 13, the Court made an order for the holding of an expert enquiry designed to enable it to fix the amount of the indemnity to be paid under the terms of Judgment No. 13. (See Series A., No. 17.)

On October 16th, the President of the Court, in pursuance of the above-mentioned order, made a further order appointing those experts who would form the Committee of Experts, and subsequently convened a first meeting of the Committee at The Hague. Under the terms of the same order, each of the two Parties appointed an assessor to sit with the experts in an advisory capacity. (For the Court's Order of September 13th, 1928, see page 196 of this volume.) The fees of the experts were fixed by the President after hearing the views of the experts at the first meeting called by him. Subsequently, the Parties having concluded an agreement regarding the settlement of the case, the President made an order terminating the proceedings of the Committee of Experts.

After obtaining the views of the experts, the President fixed the proportion of the fees originally arranged which was to be paid to the experts for the work already done and having regard to the engagements cancelled or abandoned by them.

ARTICLE 53.

(See Third Annual Report, p. 214,
and Fourth Annual Report, p. 289.)

So far the terms of Article 53 have not yet been applied, but in the suit concerning the denunciation by China of the

Treaty of November 1865 brought by Application of the Belgian Government filed with the Registry on November 26th, 1926, the possibility of its application has had to be considered. In this suit Belgium had asked for judgment "whether the aforesaid Government (China) is present or absent", that is to say she had claimed judgment under the terms of Article 53 in advance.

Nevertheless, the latter country was undoubtedly entitled to abandon this claim of her own accord, either completely or conditionally; and in effect the successive requests submitted by Belgium for an extension of the time-limits, though made as being in accordance with the desire of the Chinese Government, amounted to the abandonment of the Belgian Government's claim for judgment by default.

ARTICLE 54.

(See Third Annual Report, pp. 214-216,
and Fourth Annual Report, pp. 289-290.)

Chorzów case (indemnities—merits). In this case, at the Fourteenth (Ordinary) Session, the usual procedure of the Court as regards its deliberations was varied in some respects: At the preliminary exchange of views it was decided that the President, with the assistance of the former President, should prepare a list of preliminary questions to be considered, in order to determine the lines on which the individual notes of members of the Court were prepared. It was also agreed that there might be two series of notes, one on questions of principle and one on questions of application. (In fact there was a second series of notes preceded by a second preliminary discussion.) It also was understood that judges might make any suggestions regarding this list of questions. In the same case, the President did not make the usual summary of the various notes, as all the judges had adopted the plan followed in his list of questions. The Court therefore then proceeded to discuss the President's list point by point. In the deliberations on this case, a point was also raised concerning the submissions of the Parties. (See under *Statute*, Article 48.)

In this case for advisory opinion, the Court departed from its usual practice and dispensed with both preliminary discussion and individual notes. Allowing two days for study of the documents, a day was fixed for the discussion of the question and adoption of final conclusions. At the termination of this discussion a Drafting Committee was appointed.

Interpretation
of Art. IV of
Final Protocol
annexed to
Agreement of
Athens (Ad-
visory Opin-
ion No. 16).

ARTICLE 60.

(See Third Annual Report, pp. 218-219,
and Fourth Annual Report, pp. 293-295.)

RULES, ARTICLE 66.

In the suit brought by the German Government with a view to obtaining an interpretation of Judgments Nos. 7 and 8, as it was possible to regard the observations submitted in accordance with Article 66 of the Rules by the Polish Government as raising certain preliminary objections, though at the same time as entering upon a discussion of the merits, the Court, on November 9th, 1927, adopted a resolution referring to Article 60 of the Statute and Articles 66 and 38 of the Rules and inviting the German Government to submit, by November 21st, "together with further explanations (cf. *Rules*, Article 66, clause 4 of paragraph 2) regarding the submissions of its applications, its observations (cf. *Rules*, Article 66, clause 3 of paragraph 2) and conclusions (cf. *Rules*, Article 38, paragraph 3) in regard to the observations filed by the Polish Government"; and the Polish Government to submit by the same date "further explanations regarding the submissions of the German application".

In applying the provisions of Article 66 of the Rules, therefore, the Court has considered that in proceedings for the interpretation of a judgment, the time-limit for the submission of objections coincides with that fixed for the filing of the "observations" mentioned in the third paragraph of head 2 of Article 66. This really means that in such proceedings the request itself is regarded as corresponding also to the Case opening proceedings before the Chamber of Summary Procedure. (Article 69 of the Rules.)

In the letters sent to the two Governments concerned, the special and urgent nature of proceedings for the interpretation of a judgment was emphasized.

The question of oral proceedings was left open, but a date was provisionally fixed for their commencement, should it be decided to hold them.

In the same case the Court, on November 23rd, 1927, decided that there should be oral proceedings, it being, however, observed that the Rules left the Court an entirely free hand in the matter.

At the hearings, the Parties would be free to argue the whole case (preliminary objection, if any, and merits).

ARTICLE 64.

(See Third Annual Report, p. 221.)

The Court, in the order instituting an expert enquiry (see Series A., No. 17) in the case concerning the Chorzów Factory (indemnities—merits), laid down that the whole of the expenses of the enquiry were to be advanced by it and refunded by the Parties in the proportion to be fixed by the Court.

SECTION II.

ADVISORY PROCEDURE.

RULES, ARTICLE 71. (See Third Annual Report, pp. 222-224, and Fourth Annual Report, p. 296.)

Renunciation
by interested
Governments
of right to
appoint judges
ad hoc.

In the case of the question submitted by the Council for advisory opinion concerning the interpretation of Article IV of the Final Protocol of the Agreement of Athens of December 1st, 1926, between Greece and Turkey (Advisory Opinion No. 16) and taken at the Fourteenth (Ordinary) Session, the two interested States had stated before the Council of the League of Nations that they waived their right to appoint judges *ad hoc*. The Court was duly informed of this declaration; it was however held that the Court could not take cognizance of such a declaration before the Council, and accordingly letters were addressed by the Registrar to the interested States drawing their attention as usual to their right under Article 31 of the Statute and Article 71 of the Rules of Court to appoint a judge *ad hoc*. In reply, the interested States informed the Court of the agreement arrived at between them to waive the right to appoint judges *ad hoc*.

RULES, ARTICLE 72. (See Third Annual Report, p. 222.)

Exact form-
ulation of
question by
Court.

In its Opinion (No. 16) on the question of the interpretation of the Greco-Turkish Agreement of December 1st, 1926, the Court, being of opinion that the question upon which its opinion is sought had not been exactly stated, in accordance with the terms of Article 72 of the Rules, proceeded to determine what this question was and to formulate an exact statement of it, in order more particularly to avoid dealing with points of law upon which it was not intended to obtain its opinion.

SECTION III.

OTHER ACTIVITIES.

Under Article 92 of the Peace Treaty signed at Lausanne on July 24th, 1923, a Mixed Arbitral Tribunal is to be established between, amongst other countries, Greece and Turkey. The President of this Tribunal, failing agreement between the two Governments concerned, is to be appointed, at the request of either of them, from amongst the nationals of the Powers which remained neutral during the war, by the President of the Permanent Court of International Justice at The Hague.

Greco-Turkish
Mixed Arbitral
Tribunal.

The first holder of this post was appointed in 1925. He resigned in 1928, and in January 1929 the Greek Government called upon the President of the Court to appoint his successor. The President of the Court agreed to do so. Nevertheless, in order to enable him, in performing this duty, to make the best choice possible, he invited the first magistrates of the Supreme Courts of the Powers above mentioned to submit the names of candidates to him. On May 1st, 1929, the President of the Court made the appointment, selecting one of the candidates thus put forward.

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ABBREVIATIONS:

I. L. O. International Labour Office.

L. N. League of Nations.

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¹ 3 = Third Annual Report.

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CHAPTER VII.

PUBLICATIONS OF THE COURT.

In the First Annual Report of the Court, at page 273, the method followed in the printing and publication of documents relating to the Court's judicial, advisory, and administrative functions was outlined. In the Fourth Annual Report, at page 315, it is stated that the Registrar of the Court had submitted to the Supervisory Commission of the League of Nations, in accordance with its wishes¹, a report on the method which had been followed in order to consider whether it was not possible to effect some improvements therein. Question of printing.

This report dealt with the three following points :

- (a) the possibility of reducing the sale prices ;
- (b) the possibility of increasing the circulation ;
- (c) the possibility of effecting economies.

This report was considered in June 1928 by the Supervisory Commission which in its report to the Assembly² stated that it was convinced that the sale prices of the Court's publications were normal, that considerable efforts were being made to obtain as large a sale as possible, and that the method which had so far been followed appeared to be the most economical.

Since June 15th, 1928, fresh measures have been taken to increase the circulation of the Court's publications. Catalogue No. 7 of these publications, which was issued at the end of January 1929 in French and English, had been widely circulated by the editor and the agents for sale. As a result, the majority of the latter have asked for a special edition of the catalogue, the number of copies of which has reached the figure of 12,000. The Publications Section of the League of Nations has also undertaken the distribution of 2500 copies of this catalogue. Catalogues.

¹ The Supervisory Commission had simultaneously instituted a similar enquiry as regards the Secretariat of the League of Nations and the International Labour Office.

² The Fourth Annual Report of the Court, on pages 316-318, summarizes and quotes from the portion of the Report stating the position as regards the Court.

In order to help the editor in the work of distribution, the Registrar of the Court has written to the Administrative Bodies of five reviews of International Law in different countries in Europe and America with the object of obtaining the inclusion of Catalogue No. 7 in one of the early issues for 1929.

Owing to the measures summarized above, the number of copies of Catalogue No. 7 considerably exceeds 20,000, excluding copies sent as a matter of course to the agents for sale and copies distributed in the normal way by the editor.

* * *

It was thought desirable that the agents for sale of the Court's publications should be informed in advance with regard to the various stages of the different series of publications, particularly as regards cases actually proceeding and the publications in press. For that purpose, the Registrar now sends to all agents for sale the communiqués sent unofficially to the press at The Hague, Geneva, Paris, Berlin and London. This system was put into force as from the opening of the Sixteenth (Ordinary) Session of the Court on May 13th, 1929.

* * *

Series of
Publications.

The Court's publications are issued in the six following series :

- Series A.* : Collection of Judgments.
- „ *B.* : Collection of Advisory Opinions.
- „ *C.* : Acts and Documents relating to Judgments and
Advisory Opinions given by the Court.

The volumes of the latter series are divided into six sections. The first contains the minutes of public sittings; the second, speeches made and documents read in Court; the third, other documents submitted to the Court or procured by it; the fourth, correspondence in regard to the case; the fifth and sixth parts are devoted to a table of contents and an alphabetical index. From volume No. 5—I of Series C. onwards, this alphabetical index is to be found at the end of each volume; as regards Nos. 1 to 4, it has been issued in the form of addenda which, where necessary, include a bibliography as an annex.

Series D. : Acts and Documents concerning the organization
of the Court.

„ *E.* : The Court's Annual Reports.

The present volume is the fifth of this series.

Series F. : General Indexes.

These indexes, the object of which is set out in the preface to the first of the Series, published in October 1927, and in the Fourth Annual Report (p. 319), are published at alternate intervals of four and five years. Volume No. 1 having been issued in 1927, Volume No. 2 will appear in 1931 and No. 3 in 1936. They refer to the subject matter contained in the volumes of Series A., B. and C., and consequently they do not overlap with the indexes attached to the end of each volume of Series C. nor with the analytical index of the judgments and opinions which appears in the Annual Reports as an annex to Chapters IV and V, since the latter serve a particular purpose only.

* * *

The following volumes have already appeared :

SERIES A.—*Collection of Judgments.*

Publications
already
issued.

- No. 1. The S.S. *Wimbledon*.
- No. 2. The Mavrommatis Palestine Concessions.
- No. 3. Treaty of Neuilly, Article 179, Annex, paragraph 4 (Interpretation).
- No. 4. Interpretation of Judgment No. 3.
- No. 5. The Mavrommatis Jerusalem Concessions.
- No. 6. Case concerning certain German interests in Polish Upper Silesia (Question of jurisdiction).
- No. 7. Case concerning certain German interests in Polish Upper Silesia (The Merits).
- No. 8. Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.—Orders of January 8th, February 15th and June 18th, 1927. (Indication of measures of interim protection.—Report with regard to this indication.)
- No. 9. Case concerning the Factory at Chorzów (Judgment No. 8.) (Claim for indemnity—Jurisdiction).
- No. 10. The *Lotus* case. (Judgment No. 9.)
- No. 11. Case of the readaptation of the Mavrommatis Jerusalem Concessions (Jurisdiction). (Judgment No. 10.)
- No. 12. Case concerning the Factory at Chorzów (Indemnity).—Order of November 21st, 1927, in regard to the request made by the German Government for the indication of a measure of interim protection.
- No. 13. Interpretation of Judgments Nos. 7 and 8 (Judgment No. 11.) (Factory at Chorzów).

- No. 14. Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.—Order of February 21st, 1928.
- (Judgment No. 12.) No. 15. Case concerning certain rights of minorities in Upper Silesia (Minority Schools).
- No. 16. Case relating to the denunciation of the Treaty between Belgium and China of November 2nd, 1865.—Order of August 13th, 1928.
- (Judgment No. 13.) No. 17. Case relating to the Factory at Chorzów. (Claim for indemnity—Merits).
- Nos. 18/19. Case concerning the denunciation by China of the Sino-Belgian Treaty of November 2nd, 1865.—Case concerning the Factory at Chorzów (Indemnities).—Orders of May 25th, 1929.
- (Judgment No. 14.) (Judgment No. 15.) Nos. 20/21. Case relative to certain questions concerning the payment of various Serbian loans issued in France.—Case concerning the payment in gold of the Brazilian Federal loans issued in France.

SERIES B.—*Collection of Advisory Opinions.*

- No. 1. Advisory Opinion relating to the designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, given by the Court on July 31st, 1922.
- Nos. 2 and 3. Advisory Opinions relating to the competence of the International Labour Organization in regard to international regulation of the conditions of labour of persons employed in agriculture, and examination of proposals for the organization and development of the methods of agricultural production and other questions of a like character, given by the Court on August 12th, 1922.
- No. 4. Advisory Opinion relating to the Nationality Decrees issued in Tunis and Morocco (French zone) on November 8th, 1921, given by the Court on February 7th, 1923.
- No. 5. Advisory Opinion relating to the Statute of Eastern Carelia, given by the Court on July 23rd, 1923.
- No. 6. Advisory Opinion on certain questions relating to settlers of German origin in the territory ceded by Germany to Poland, given by the Court on September 10th, 1923.

- No. 7. Advisory Opinion on the question concerning the acquisition of Polish nationality, given by the Court on September 15th, 1923.
- No. 8. Advisory Opinion regarding the delimitation of the Polish-Czechoslovakian Frontier (question of Jaworzina), delivered by the Court on December 6th, 1923.
- No. 9. Advisory Opinion relating to the question of the Monastery of Saint-Naoum (Albanian Frontier), given by the Court on September 4th, 1924.
- No. 10. Advisory Opinion relating to the exchange of Greek and Turkish populations, given by the Court on February 21st, 1925.
- No. 11. Advisory Opinion relating to the Polish Postal Service in Danzig, given by the Court on May 16th, 1925.
- No. 12. Advisory Opinion concerning the interpretation of Article 3, paragraph 2, of the Treaty of Lausanne (Frontier between Turkey and Iraq), given by the Court on November 21st, 1925.
- No. 13. Advisory Opinion regarding the competence of the International Labour Organization to regulate, incidentally, the personal work of the employer, given by the Court on July 23rd, 1926.
- No. 14. Advisory Opinion concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila, given by the Court on December 8th, 1927.
- No. 15. Advisory Opinion concerning the jurisdiction of the Courts of Danzig (Pecuniary claims of Danzig railway officials who have passed into the Polish service, against the Polish railways Administration), delivered by the Court on March 3rd, 1928.
- No. 16. Advisory Opinion concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV), given by the Court on August 28th, 1928.

SERIES C.— *Acts and Documents relating to Judgments and Advisory Opinions given by the Court.*

- No. 1. First (ordinary) Session (June 15th—August 12th, 1922).
Documents relating to Advisory Opinions Nos. 1, 2 and 3.

- No. 2. Second (extraordinary) Session (January 8th—February 7th, 1923).
Documents relating to Advisory Opinion No. 4.
Supplementary volume :
Nationality Decrees in Tunis and Morocco.
Documents of the written proceedings.
- No. 3. Third (ordinary) Session (June 15th—September 15th, 1923).
Vol. I. Documents (Minutes and speeches) relating to Advisory Opinions Nos. 5, 6 and 7, and Judgment No. 1.
Vol. II. Documents (other than minutes and speeches) relating to Advisory Opinion No. 5 and Judgment No. 1.
Vol. III¹. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
Vol. III^{II}. Documents (other than minutes and speeches) relating to Advisory Opinions Nos. 6 and 7.
Supplementary volume :
Case of the S.S. *Wimbledon*. Documents of the written proceedings.
- No. 4. Fourth (extraordinary) Session (November 13th—December 6th, 1923).
Documents relating to Advisory Opinion No. 8 (Jaworzina).
- No. 5. Fifth (ordinary) Session (June 15th—September 14th, 1924).
Vol. I. Documents relating to Judgment No. 2 (Case of the Mavrommatis Palestine Concessions).
Vol. II. Documents relating to Advisory Opinion No. 9 (Question of the Monastery of Saint-Naoum—Albanian frontier).
- No. 6. Chamber for Summary Procedure.
Documents relating to Judgment No. 3. (Treaty of Neuilly, Part IX, Section IV, Annex, paragraph 4—Interpretation).
Supplementary volume :
Documents relating to interpretation of Judgment No. 3.
- No. 7. Sixth (extraordinary) Session (January 15th—March 21st, 1925).
Vol. I. Documents relating to Advisory Opinion No. 10 (Exchange of Greek and Turkish Populations).

- Vol. II. Documents relating to Judgment No. 5 (Case of the Mavrommatis Jerusalem Concessions).
- No. 8. Seventh (extraordinary) Session (April—May, 1925).
Documents relating to Advisory Opinion No. 11 (Polish Postal Service at Danzig).
- No. 9^I. Eighth (ordinary) Session (June—August, 1925).
Documents relating to Judgment No. 6 (Case concerning certain German interests in Polish Upper Silesia).
- No. 9^{II}. Eighth (ordinary) Session (June—August, 1925). Expulsion of the Œcumenical Patriarch (Request eventually withdrawn).
- No. 10. Ninth (extraordinary) Session (October—November, 1925).
Documents relating to Advisory Opinion No. 12 (Treaty of Lausanne, Article 3, paragraph 2—Frontier between Turkey and Iraq).
- No. 11. Tenth (extraordinary) Session (February—
(3 vol.) May, 1926).
Documents relating to Judgment No. 7 (Case concerning certain German interests in Polish Upper Silesia—Merits).
- No. 12. Eleventh (ordinary) Session (June—July, 1926).
Documents relating to Advisory Opinion No. 13 (Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer).
- No. 13^I. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 8 (Case concerning the Factory at Chorzów—Claim for Indemnity—Jurisdiction).
- No. 13^{II}. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 9 (The *Lotus* case).
- No. 13^{III}. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 10 (Case of the readaptation of the Mavrommatis Jerusalem Concessions—Jurisdiction).
- No. 13^{IV}. Twelfth (ordinary) Session (June—December,
(4 vol.) 1927).
Documents relating to Advisory Opinion No. 14 (Jurisdiction of the European Commission of the Danube between Galatz and Braila).

- No. 13^V. Twelfth (ordinary) Session (June—December, 1927).
Documents relating to Judgment No. 11 (Interpretation of Judgments Nos. 7 and 8—Factory at Chorzów).
- No. 14^I. Thirteenth (extraordinary) Session (February—April 1928).
Documents relating to Advisory Opinion No. 15 (Jurisdiction of Danzig Courts—Claim by certain railway officials against the Polish Administration) ¹.
- No. 14^{II}. Thirteenth (extraordinary) Session (February—April 1928).
Documents relating to Judgment No. 12 (Minority rights in Upper Silesia—Minority Schools) ².
- No. 15^I. Fourteenth (ordinary) Session (June—September 1928).
Documents relating to Advisory Opinion No. 16 (Interpretation of Greco-Turkish Agreement of December 1st, 1926—Final Protocol, Article IV) ³.
- No. 15^{II}. Fourteenth (ordinary) Session (June—September 1928).
Documents relating to Judgment No. 13 (The Chorzów Factory—Claim for indemnity—Merits) ⁴.

SERIES D.—*Acts and Documents concerning the organization of the Court.*

- No. 1. Statute of the Court.—Rules of Court (as amended on July 31st, 1926).
- No. 2. Preparation of the Rules of Court.—Minutes of meetings during the preliminary session of the Court, with annexes.
Addendum to No. 2:
Revision of the Rules of Court (Minutes of meetings of the Court; report by the President; notes, observations and suggestions by members of the Court; report by the Registrar).
- No. 3. Collection of Texts governing the jurisdiction of the Court.

¹ See Fourth Annual Report, page 213.

² " " " " " " 191.

³ " " " " " " 227.

⁴ " " " " " " 183.

- No. 4. Collection of Texts governing the jurisdiction of the Court.
Second edition (June 1st, 1924).
- No. 5. Collection of Texts governing the jurisdiction of the Court.
Third edition (brought up to date, October 1st, 1926).

SERIES E.—*Annual Reports.*

- No. 1. Annual Report of the Permanent Court of International Justice (January 1st, 1922—June 15th, 1925).
- No. 2. Second Annual Report of the Permanent Court of International Justice (June 15th, 1925—June 15th, 1926).
- No. 3. Third Annual Report of the Permanent Court of International Justice (June 15th, 1926—June 15th, 1927).
- No. 4. Fourth Annual Report of the Permanent Court of International Justice (June 15th, 1927—June 15th, 1928).
- No. 5. Fifth Annual Report of the Permanent Court of International Justice (June 15th, 1928—June 15th, 1929).

SERIES F.—*General Indexes.*

- No. 1. First General Index to the Publications of the Court (Series A., B. and C.).—First—eleventh Sessions (1922-1926). English and French in one volume.

* * *

As stated in the Fourth Annual Report (page 325), the *Institut für Internationales Recht* at Kiel has undertaken to publish a German edition of certain volumes of the Court's publications, namely: (a) all the volumes of Series A. (Judgments) and B. (Advisory Opinions), in the form of collections containing, in chronological order, the translation of judgments and opinions rendered or given in the course of a single year; (b) a summary in German of the volumes of Series E. (Annual Reports) so far published; (c) a German translation of the introduction ("Synopsis") to volume No. 5 of Series D. (*Collection of Texts governing the jurisdiction of the Court*).

This German edition is published with the authorization of the Registrar of the Court and subject to his control, and its

sale has been entrusted to the agent for sale of the official publications of the Court in Germany. The following volumes will appear in 1929: I (Judgments and Opinions 1922-1923), II (1924) and III (1925).

Spanish
edition.

A Spanish edition of Series A. and B. is published by the *Instituto Ibero-Americano de Derecho comparado* at Madrid.

CHAPTER VIII.

THE COURT'S FINANCES.

1.

RULES FOR FINANCIAL ADMINISTRATION.

A.—BASIS AND HISTORICAL SKETCH.

(See First Annual Report, p. 279.)

B.—THE FINANCIAL REGULATIONS.

The Court's First Annual Report (pp. 281-289) quoted or analysed the provisions of the League of Nations Financial Regulations. Certain of the articles of these Regulations were amended during the Sixth and Ninth Sessions of the Assembly of the League of Nations (1925 and 1928). Below are reproduced those of the amended articles which affect the Court's finances.

The present text of Article 16 is as follows¹:

Article 16.

(1) The Commission shall annually examine the budget and prepare a report thereon in time for both documents to be despatched to the Council and the Members of the League three months before the regular annual session of the Assembly.

(2) The observations of the Council upon the budget and upon the report of the Commission shall be despatched to the Members of the League in time for them to be received at least one month before the regular annual session of the Assembly.

¹ For the original text of Article 16, see page 283 of the First Annual Report.

(3) When the Commission is considering their respective budgets, the autonomous organizations shall be represented before the Commission in such manner as they may decide and the Commission approve. A non-autonomous organization shall be represented by the Secretary-General, assisted by one of the officials especially responsible for its work, and, if so requested, by a member of the Advisory Committee.

(4) The Commission may not amend the budget, as presented to it, but may propose modifications. The Commission will discuss such modifications (if any) with the competent official or authority, and report its conclusions to the Council and the Assembly.

(5) Proposed credits which in the opinion of the Commission require special examination by the Assembly may form the object of special reports by the Commission which shall be dealt with by the procedure laid down in Article 16 c below. If the credit forms part of the budget of an autonomous organization, the special report shall be communicated to the competent authority of the organization.

Following Article 16, certain new articles have been inserted :

Article 16 a.

(1) Proposals involving an increase in the budget as originally communicated to the Members of the League must be placed in the hands of the Secretary-General at least one month before the date fixed for the opening of the Assembly's session. The Secretary-General, or the competent official of the autonomous organization concerned, shall draw up as accurate an estimate as possible of the amount of the necessary increase. If a proposal received later than one month before the opening of the session is found to involve an increase in the budget, it shall be adjourned until the next session of the Assembly, unless the Assembly, by a two-thirds majority, decides otherwise.

(2) The Secretary-General shall incorporate the estimates referred to in paragraph (1) above, and estimates for any increases in the budget of the Secretariat which he himself considers it necessary to propose, in a single supplementary budget, which shall be circulated to the Members of the League and to the Supervisory Commission not later than two weeks before the opening of the Assembly's session.

Article 19 has been deleted¹.

¹ See pp. 283-284 of the First Annual Report for text of Article 19.

C.—OTHER REGULATIONS.

(I) MEMBERS OF THE COURT.

(See First Annual Report, p. 289; see also p. 91 of this volume for the proposals of the Committee instructed to examine the Statute concerning the salaries and pensions of members of the Court.)

As a result of the death at The Hague during an ordinary session of a member of the Court, the Registrar, in the absence of any existing regulations, submitted to the Supervisory Commission the following question of principle: "If a person, entitled to the refund of travelling expenses, is in a foreign country on duty for the League of Nations and dies in the performance of his functions, should the cost of repatriating his body be borne by the League?"

The Supervisory Commission considered this general question at its thirty-first Session held at Geneva on January 18th and 19th, 1929; after consideration it adopted the decision which is set out as follows in the minutes of this session:

"After discussion, the Commission recognized that in connection with this matter it lay with it to decide the question of principle raised, namely, whether the families of persons who died in the performance of their functions in the service of the League of Nations or of its autonomous organizations, were entitled to the refund of the cost of transporting to their home the remains of such persons.

The Commission was of opinion that for the moment it would suffice to limit the question to the case of persons in the service of the League of Nations happening to die at a place where they normally performed their duties.

In regard to this point, the Commission expressed the opinion that the families in question had no right to such refund. Nevertheless, the competent officials of the various autonomous organizations might, in particular cases, at the request of families difficultly placed, consider the possibility of contributing, to an extent to be determined in each case, to the expenses in question."

(2) REGISTRAR.

(See First Annual Report, p. 292.)

(3) OFFICIALS OF THE REGISTRY.

(See Second Annual Report, p. 201, and Fourth Annual Report, p. 327.)

STABILIZATION OF SALARIES.

The present Report (p. 76) describes the circumstances in which the salaries of officials of the Registry as also those of officials of the General Secretariat and of the International Labour Office at Geneva have been stabilized.

2.ANNUAL ACCOUNTS¹.

1928.

1.—BUDGET ESTIMATES.

(See Fourth Annual Report, p. 330.)

¹ For the details of budgets and accounts see :
(a) for the 1928 budget : *League of Nations, Official Journal*, IXth year, No. 1 (January 1928), p. 61 ;
(b) for the 1928 accounts : *League of Nations Document A. 3. 1929. X* ;
(c) for the 1929 budget : *League of Nations, Official Journal*, IXth year, No. 11 (November 1928), p. 1847 ;
(d) for the draft budget for 1930 : *League of Nations Document A. 4(b). 1929. X.*

2.—ACCOUNTS.

	Credits.	Expenditure.
	Dutch florins.	
SECTION I.		
Ordinary expenditure.		
<i>Chapter I.</i>		
Sessions of the Court	557,900.—	483,550.10
<i>Chapter II.</i>		
General services of the Court . . .	474,033.13	463,075.92
<i>Chapter III.</i>		
Cost of administration of the Court's Funds	75.—	3,453.31
<i>Chapter IV.</i>		
Contribution towards the constitu- tion of a Fund to defray the ex- penses resulting from the Pensions Regulations for the personnel of the Court	10,000.—	10,000.—
SECTION 2.		
<i>Chapter V.</i>		
Capital Account	5,500.—	5,170.66
	<u>1,047,508.13</u>	<u>965,249.99</u>
Receipts to be deducted :		
Bank interest	5,211.57	4,437.23
	<u>1,042,296.56</u>	<u>960,812.76</u>

3.--SUMMARY OF ASSETS AND LIABILITIES ON DECEMBER 31st, 1928.

<i>Liabilities.</i>		<i>Assets.</i>	
	Dutch florins.		Dutch florins.
Depreciation Account	66,119.61½	Furniture, typewriters, etc.	75,090.89
Surplus of assets over liabilities	501,470.65	Library	2,498.36½
		Compounded arrears of contributions account :	
		Gold francs 1,180.27	587.56
		Contributions to be received for fifth financial period :	
		Gold francs 160,670.29	79,711.04
		Contributions to be received for sixth financial period :	
		Gold francs 168,183.83	80,652.85
		Contributions to be received for seventh financial period :	
		Gold francs 136,738.33	65,354.76
		Contributions to be received for eighth financial period :	
		Gold francs 115,571.69	55,483.87
		Contributions to be received for ninth financial period :	
		Gold francs 114,512.68	54,975.09
		Contributions to be received for tenth financial period :	
		Gold francs 138,663.41	66,568.96
		Cash in hand and at bank	86,666.88
	<u>Fl. 567,590.26½</u>		<u>Fl. 567,590.26½</u>

THE COURT'S FINANCES

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1929¹.

1.—BUDGET ESTIMATES.

SECTION 1.—ORDINARY EXPENDITURE.

<i>Chapter I.</i>	Dutch florins.
Sessions of the Court	579,600.—
<i>Chapter II.</i>	
General services of the Court	490,164.37
<i>Chapter III.</i>	
Cost of administration of the Court's Funds	75.—
<i>Chapter IV.</i>	
Contribution towards the constitution of a fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court	10,000.—

SECTION 2.—CAPITAL ACCOUNT.

<i>Chapter V.</i>	
Capital Account	10,000.—
	<u>1,089,839.37</u>
Receipts to be deducted :	
Interest at Bank	7,000.—
	<u><u>1,082,839.37</u></u>

¹ In the Fourth Annual Report were given, on page 334, the budget estimates prepared by the Court, the adoption of which had been recommended to the Assembly by the Supervisory Commission, but before they had been finally approved by a vote of the Assembly.

1930¹.

1.—BUDGET ESTIMATES.

SECTION 1.—ORDINARY EXPENDITURE.

<i>Chapter I.</i>	Dutch florins.
Sessions of the Court	579,000.—
<i>Chapter II.</i>	
General services of the Court	498,729.81
<i>Chapter III.</i>	
Cost of administration of the Court's Funds .	75.—
<i>Chapter IV.</i>	
Contribution towards the constitution of a fund to defray the expenses resulting from the Pensions Regulations for the personnel of the Court .	10,000.—

SECTION 2.—CAPITAL ACCOUNT.

<i>Chapter V.</i>	
Capital Account	5,500.—
	<u>1,093,304.81</u>
Receipts to be deducted:	
Interest at Bank	4,500.—
	<u><u>1,088,804.81</u></u>

¹ Presented to the Tenth Session of the Assembly of the League of Nations (September, 1929).

CHAPTER IX.

No. 5.

BIBLIOGRAPHICAL LIST OF OFFICIAL AND UNOFFICIAL
PUBLICATIONS CONCERNING THE PERMANENT COURT
OF INTERNATIONAL JUSTICE¹.

[The present list is a continuation of the bibliographical lists which appeared in the Second, Third and Fourth Annual Reports (Series E., Nos. 2, 3 and 4, ch. IX). It supplements and refers to them, the system of grouping being the same, with the exception of some new sub-headings.]

¹ This list has been prepared, like those of the four preceding Annual Reports, by the Assistant Librarian of the Carnegie Library of the Peace Palace, M. J. DOUMA.

NOTE.

The bibliographical references are uniform only as concerns titles prepared by the author of this list ; the others have been reproduced as they appear in national bibliographies or in the letters of casual correspondents: this explains the slight differences which will be observed in the system followed for these references or as regards the typographical composition of this Bibliography.

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A.—OFFICIAL AND PRIVATE DRAFT PLANS.

I. FROM THE SECOND HAGUE PEACE CONFERENCE (1907) TO THE WORLD WAR.

(See Second Annual Report, pp. 213-216;
also p. 212: footnote¹, and Fourth Annual Report, p. 339.)

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2. DURING THE WORLD WAR.

(See Second Annual Report, pp. 216-219,
and Fourth Annual Report, pp. 339-340.)

¹ This note, in which it was stated that the section did not mention all plans for an International Court, referred readers, as regards plans prior to the Second Hague Peace Conference (1907), to certain catalogues or works including the work of Dr. JACOB TER MEULEN entitled: *Der Gedanke der internationalen Organisation in seiner Entwicklung. I: 1300-1800.* Since then, the first part of the second volume of this work has been published, dealing with the period 1789-1870. (The Hague, Nijhoff, 1929.) See particularly the Index of this work under the heading "Gerichtshof (Internationaler—)".

3. THE PEACE CONFERENCE OF VERSAILLES. PLANS OF THE NEUTRAL POWERS. ADVISORY COMMITTEE OF JURISTS.

(See Second Annual Report, pp. 219-226,
and Fourth Annual Report, pp. 340-342.)

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B.—THE PERMANENT COURT OF INTERNATIONAL JUSTICE.
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(See Second Annual Report, pp. 226-227.)

B.—*Unofficial Publications (1920-1921).*

(See Second Annual Report, pp. 227-232,
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A.—*Official Documents.*

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2282. *Société des Nations. Comité de juristes chargé de l'étude du Statut de la Cour permanente de Justice internationale. Rapports adoptés par le Comité à sa session tenue à Genève, du 11 au 19 mars 1929.*

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2283 *b*. *League of Nations. Committee of Jurists on the Statute of the Permanent Court of International Justice. Minutes of the session held at Geneva from March 11th to 19th 1929.* Series of League of Nations Publications, V. Juridical questions, 1929. V. 5. Official No.: C. 166. M. 66. 1929. V. Geneva, May 1st, 1929. In-f°, 135 pages.

B.—*Unofficial Publications.*

2284. [*Société des Nations. Neuvième Assemblée, 1928.*] *Revision du Statut. Projet de résolution déposé par la délégation française, au nom de certaines délégations, à la séance plénière du vendredi 7 septembre 1928 (après-midi).*
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2289. JONG VAN BEEK EN DONK (B. DE), *Maart in de Volkenbondstad. Om het Wereldgerechtshof....* (De Volkenbond, 4^e jaargang, No. 7, 1929, April, pages 209-213.)
2290. RUEGGER (P.), *Le Statut de la Cour internationale doit-il être révisé ?* (Journal de Genève, 10 décembre 1928.)

2. TEXTS OF THE PROTOCOL OF SIGNATURE AND OF THE STATUTE.

A.—*Official Texts*¹.

(See Second Annual Report, p. 232,
Third Annual Report, p. 260,
and Fourth Annual Report, p. 343.)

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 233-234,
Third Annual Report, p. 261,
and Fourth Annual Report, p. 343.)

3. LEGISLATIVE INSTRUMENTS OF VARIOUS COUNTRIES.—PARLIAMENTARY DOCUMENTS AND DEBATES.—LAWS AND DECREES OF APPROVAL AND PUBLICATION.

(See Second Annual Report, pp. 235-260,
Third Annual Report, pp. 261-270,
and Fourth Annual Report, pp. 344-348.)

¹ See also number 2297 of this list.

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2291. [*League of Nations (Eighth Assembly: Court of International Justice: the Optional Clause, Disarmament, Codification of International Law, etc.)*]. Debate in House of Representatives. The Attorney-General (Hon. J. G. LATHAM) said.... Mr. M. CHARLTON said....
(Journal of the Parliaments of the Empire, Vol. IX, No. 3, 1928, July, pages 701-703, 705-706.)
2292. [In the House of Representatives: Mr. E. A. MANN: "I ask the Prime Minister whether the signing of the outlawry of war pact does not remove some of the difficulties in the way of the adoption of the "Optional Clause" in the Statute of the Permanent Court of International Justice? As the last Imperial Conference decided that....
THE PRIME MINISTER: "It is a matter of opinion how far the signing of the outlawry of war pact alters the position in regard to the "Optional Clause". The whole matter will have to be further considered, because...]
(Journal of the Parliaments of the Empire, Vol. IX, No. 4, 1928, October, pages 974-975.)

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2293. [*Permanent Court of International Justice: "Optional Clause."*]
On February 19th, in the [Canadian] House of Commons.... Mr. J. S. WOODSWORTH (Labour, Winnipeg N. C., Man.) proceeded.... The Prime Minister (*Rt. Hon. W. L. MACKENZIE KING*) recalled....
(Journal of the Parliaments of the Empire, Vol. X, No. 2, 1929, April, pages 312-313.)
2294. [*Foreign Relations. Debate in House of Commons. Permanent Court of International Justice: arbitration.*]
Mr. J. S. WOODSWORTH referring to the Optional Clause asked why, if 28 States were willing to sign, Canada should not?....]
(Journal of the Parliaments of the Empire, Vol. IX, No. 3, 1928, July, p. 650.)
2295. [*Permanent Court of International Justice. (The Optional Clause: Compulsory arbitration.)*]
On April 11th [1928], Mr. ADSHEAD moved the following Resolution in the House of Commons.... Debate in House of Commons. Mr. H. B. ADSHEAD stated.... The Minister of Justice (Hon. E. LAPOINTE) replied....
(Journal of the Parliaments of the Empire, Vol. IX, No. 3, 1928, July, pages 667-668.)

GRANDE-BRETAGNE.—GREAT BRITAIN¹.

2296. [Private Members of Parliament have at various times in 1928 directed questions to Ministers of the Crown on the subject of acceptance of the Optional Clause. These will be found in following volumes of Parliamentary Debates, Official Report.]
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|---|---------------------------------------|
| Lord HENRY CAVENDISH-BENTINCK, House of Commons, 25 April, 1928. Answer of the Prime Minister (Mr. BALDWIN). | } Vol. 216,
pages 908-909. |
| Mr. BUXTON, House of Commons, 16 July, 1928. Answer of Sir A. CHAMBERLAIN. | |
| Lord PARMOOR, House of Lords, 8 February, 1928. Motion for Papers. Reply by Lord CUSHENDUN and speeches by Viscount CECIL of CHELWOOD and Viscount HALDANE. | } Vol. 70, pages 53-59, 64-67, 70-78. |

¹ See also numbers 2647-2648 of this list.

- Viscount CECIL of CHELWOOD, House of Lords, 15 February, 1928. Motion relating to Disarmament and signature of the Optional Clause. Reply by Lord CUSHENDUN and speeches by Lord BUCKMASTER, Lord ASTOR, Lord PHILLIMORE, Lord BALFOUR of BURLEIGH, and the Marquess of SALISBURY. } Vol. 70, pages 104-154.
- Viscount CECIL of CHELWOOD, House of Lords, 19 June, 1928. Motion relating to the Preparatory Commission for Reduction of Armaments. References to the Optional Clause by Lord PARMOOR, Lord CUSHENDUN, and Viscount HALDANE. } Vol. 71, pages 511-512, 520-522, 527-528, 539-540, 542.
- Lord PARMOOR, House of Lords, 15 November, 1928. Motion relating to Disarmament and Arbitration. References to the Optional Clause by Lord CUSHENDUN and Viscount CECIL of CHELWOOD. } Vol. 72, pages 143, 151, 156-158, 162.
- Lord PARMOOR, House of Lords, 10 December, 1928. Motion for Papers. Reference to the signature by Germany of the Optional Clause. } Vol. 72, page 459.
- [See also: Journal of the Parliaments of the Empire, Vol. IX, No. 3, 1928, July, pages 580-581; *ibidem*, Vol. X, No. 1, 1929, January, pages 20-21; La Société des Nations, Revue mensuelle documentaire, publiée par B. de Jong van Beek en Donk, Berne, 10^{me} année, nos 5-6, 1928, mai-juin, pages 291-296; *ibidem*, 10^{me} année, nos 10-11-12, 1928, octobre-novembre-décembre, pages 628-674.]

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2297. *Poder Legislativa. Ley 136 de 1928 (de 31 de Diciembre) por la cual se aprueba el Protocolo de Firma del Estatuto de la Corte Permanente de Justicia Internacional previsto en el Artículo 14 del Pacto de la Liga de Naciones.*

La Asamblea Nacional de Panamá, Decreta: Artículo único. Apruébase... Resolucion.... Protocolo de Firma del Estatuto.... Estatuto de la Corte permanente de Justicia Internacional.... [Spanish texts]. Asamblea Nacional. — Aprobado en primer debate. — Panamá, Diciembre 18 de 1924.

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Dada en Panamá, a los veintinueve días del mes de Diciembre de mil novecientos veintiocho. El Presidente, ... El Secretario....

República de Panamá. — Poder Ejecutivo Nacional. — Panamá, 31 de Diciembre de 1928.

Publíquese y ejecutese.... El Secretaría de Relaciones Exteriores....

(Gaceta Oficial, Republica de Panamá, Año XXVI, Número 5435, 1929, 22 de Enero, pages 18723-18728.)

4. THE ELECTION OF JUDGES. BIOGRAPHIES OF JUDGES.

(See Second Annual Report, pp. 260-261,

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and Fourth Annual Report, p. 348.)

2298. *Resignation of Judge MOORE.* (American Journal of International Law, Vol. 22, No. 3, 1928, July, page 645.)

2299. *J. BASSETT MOORE quits World Court. Question of U.S. participation revived.* (Star, Washington, D.C., April 28, 1928, p. 1.)

2300. JOHN BASSETT MOORE *resigns as American judge on Permanent Court of International Justice*. (Commercial and Financial Chronicle, May 5, 1928, Vol. 128: 2738.)
2301. *Resignation of JOHN BASSETT MOORE*. (New York Times, April 15, 1928, Vol. 8: 118; Christian Science Monitor, May 1, 1928, p. 2.)
2302. *A friend at Court*. [Successor to JOHN BASSETT MOORE.] (Independent, May 12, 1928, Vol. 120: 441.)
2303. CHARLES EVANS HUGHES *elected to World Court at Hague to fill unexpired term of JOHN BASSETT MOORE, resigned*. (Commercial and Financial Chronicle, Sept. 22, 1928, Vol. 127: 1606.)
2304. *Election of Mr. HUGHES*. (New York Times, July 10, 1928, p. 5; July 20, 1928, p. 7; and editorial *ibidem*, p. 18, col. 2.)
2305. GUTHRIE (WILLIAM D.), CHARLES EVANS HUGHES. (American Bar Association Journal, May 1929, Vol. 15: 266-269.)
2306. Mr. HUGHES *a World Court judge-to-be*. (Literary Digest, Vol. 98, Sept. 8, 1928: 12.)
2307. Mr. HUGHES *goes to Permanent Court of International Justice*. (American Bar Association Journal, May 1929, Vol. 15: 263-266.)
2308. HYDE (CHARLES CHENEY), *The election of Mr. Hughes to the World Court*. (The American Journal of International Law, Vol. 22, No. 4, 1928, October, pages 822-823.)
2309. 28 Nations *for HUGHES ... nominate him for World Court seat*. (New York Times, August 7, 1928, p. 1.)
2310. *Record of election of Mr. HUGHES to Court is received*. (United States Daily, Oct. 3, 1928, p. 3.)
2311. WOOLF (S. J.), Mr. *Justice HUGHES of the World Court*. (New York Times, April 21, 1929, Section 5; New York Times Magazine, p. 3, 18.)
2312. BARTIN (ÉTIENNE), ANDRÉ WEISS †. (Journal du Droit international, fondé par Édouard Clunet, 55^{me} année, 4^{me} et 5^{me} livraisons, 1928, juillet-octobre, pages 849-852.)
2313. [BONNECASE (JULIEN)], *Nécrologie: Le professeur A. WEISS (1858-1928)*. (Revue générale du droit, de la législation et de la jurisprudence en France et à l'étranger, 52^{me} année, 4^{me} livraison, 1928, octobre-nov.-déc., pages 241-242.)
2314. DUMAS (JACQUES), ANDRÉ WEISS †. (La Paix par le Droit, 38^{me} année, n° 9, 1928, septembre, pages 403-405.)

2315. GOVARE (JAMES PAUL), ANDRÉ WEISS †. (Bulletin de l'Institut intermédiaire international, tome XX: 2, 1929, avril, pages 267-271.)
2316. LODER (B. C. J.), ANDRÉ WEISS †. (Weekblad van het Recht, Nr. 11861, 1928, 13 September, page 8.)
2317. MARTINEZ FRAGA (PEDRO), ANDRÉ WEISS †. (Revista de Derecho internacional, Número 28, Año VII, tomo XIV, 1928, 31 Diciembre, pages 327-329.)
2318. WEHBERG (H.), ANDRÉ WEISS †. (Die Friedens-Warte, XXVIII. Jahrgang, Heft 10/11, 1928, Oktober-November, p. 321.)
2319. WEHBERG (H.), *Zur Wahl des französischen Mitgliedes des Weltgerichtshofes*. (Die Friedens-Warte, XXIX. Jahrgang, Heft 1, 1929, Januar, p. 17.)
2320. HODGES (CHARLES), *Varied problems in World Court election*. (League of Nations News, Vol. 5, No. 80, 1928, August, pages 11-12.)
- 2320 a. SIEVEKING (ALFRED), B. C. J. LODER zum 80. Geburtstag. (Hanseatische Rechts- und Gerichts-Zeitschrift, 12. Jahrgang, 7. Heft, 1929, Juli, Abt. A., p. 437.)
2321. CAPDEQUI (JOSÉ MARIA OTS), [RAFAEL] ALTAMIRA *historiador y maestro*. (Informacion Española, Año II, Núm. 23, 1º de Diciembre de 1928, pages 1035-1042.)

5. INAUGURATION OF THE COURT.

(See Second Annual Report, pp. 261-262,
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6. PREPARATION OF THE RULES OF COURT. PROCEDURE.

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(See Second Annual Report, p. 262,
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and Fourth Annual Report, pp. 348-349.)

B.—Unofficial Publications.

(See Second Annual Report, pp. 262-263,
Third Annual Report, p. 272,
and Fourth Annual Report, p. 349.)

2322. ROYEN (JAN HERMAN VAN), *De rechtspositie en de Volkenrechtelijke erkenning van nieuwe staten en de facto-regeeringen*. (Thèse, Université d'Utrecht.) 's-Gravenhage, Martinus Nijhoff, 1929. In-8°, XV + 217 pages.
[§ 20. De niet erkende de facto-regeering als gedingvoerende partij, pages 188-196.]

2323. *Come funziona la Corte permanente di Giustizia internazionale all' Aja.* (Il Giornale d'Italia, 11 juillet 1928.)
2324. *Come funziona la Corte dell' Aja.* (La Stampa, 14 juillet 1928.)
2325. *A Limping Court.* (Headway, A Monthly Review of the League of Nations, Vol. XI, No. 2, 1929, February, p. 28.)

7. JURISDICTION OF THE COURT¹.

A.—Official Documents.

(See Second Annual Report, p. 263,
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2326. *Troisième Addendum à la troisième édition de la Collection des Textes gouvernant la compétence de la Cour.* (Chapitre X du Cinquième Rapport annuel de la Cour permanente de Justice internationale.)
2327. *Third Addendum to the Third edition of the Collection of Texts governing the jurisdiction of the Court.* (Chapter X of the Fifth Annual Report of the Permanent Court of International Justice.)
2328. *Uebersicht über den gegenwärtigen Geltungsbereich der fakultativen Bestimmung zu dem Statut des Internationalen Gerichtshofs im Haag.* (Reichstag, 4. Wahlperiode 1928, Drucksachen Nr. 946.) Berlin, Heymann. 3 pages.
2329. *Agreement between His Majesty's Government in Great Britain and the Governments of Germany, Denmark, France, Sweden and Czechoslovakia and the Government of Poland to submit the question of the Territorial limits of the jurisdiction of the International Commission of the Oder to the decision of the Permanent Court of International Justice.* London, October 30, 1928. (Treaty series No. 1, 1929.) Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty. London, H.M.'s Stationery Office, 1929. In-8°.
2330. *Skiljeavtal angående hänskjutande till den fasta mellanfolkliga domstolen av toistetråga beträffande den internationella Oder-kommisionens kompetensområde.* London den 30 oktober 1928. (Sveriges Överenskommelser med främmande Makter, 1928, N.o 32, p. 181-183).

¹ See also Section D (Nos. 2411-2465) of this list.

B.—*Unofficial Publications.*

(See Second Annual Report, pp. 263-264,
Third Annual Report, p. 272,
and Fourth Annual Report, pp. 349-351.)

2331. *Schiedssprechung (Internationale). Eine Sammlung der für das Deutsche Reich verbindlichen Verträge und Vertragsbestimmungen, die sich auf internationale Gerichtsbarkeit, Schiedsgerichtsbarkeit sowie Vergleichsverfahren beziehen, nebst den dazugehörigen deutschen Regierungsdokumenten.* Herausgegeben und eingeleitet von HERBERT KRAUS. (Guttentagsche Sammlung Deutscher Reichsgesetze, Nr. 174.) Berlin und Leipzig, Walter de Gruyter, 1929. In-8°, XXXVI + 348 pages.
[Ständiger Internationaler Gerichtshof im Haag, *passim*.]
2332. STRUPP (KARL), *Die Schiedsgerichts-, Gerichts- und Vergleichsverträge des Deutschen Reichs.* (Stilkes Rechtsbibliothek, Nr. 86.) Berlin, Georg Stilke, 1929. In-8°, 253 pages.
[Völkerbundsgerichtshof, pages 46, 72 ff., 75 ff., 78 ff., 80 ff., 87 f., 94 f.]
2333. KLUYVER (C. A.), *Arbitrage- en conciliatie-verdragen.* 's-Gravenhage, Gebr. Belinfante, 1928. In-8°, 98 pages.
2334. *Schiedsverträge (compromis d'arbitrage) der französischen Republik auf Anhängigmachung des Streitverfahrens vor dem internationalen Haager Gerichtshof. A. — Französisch-Brasilianischer Streitfall. B. — Französisch-Südslawischer Streitfall.* (Niemeyers Zeitschrift für Internationales Recht, XXXIX. Band, 3. bis 5. Heft, 1928, pages 179-190.)
2335. PALLIERI (GIORGIO BALLADORE), *I Mandati della Società delle Nazioni.* Torino, Fratelli Bocca, 1928. In-8°, 88 pages.
[La Competenza della Corte permanente di Giustizia internazionale, pages 81-83.]
2336. SALVIOLI (GABRIELE), *Les rapports entre le jugement sur la compétence et celui sur le fond dans la jurisprudence internationale.* (Revue générale de Droit international public, 36^{me} année, 3^{me} Série, tome III, nos 1-2, 1929, janvier-avril, pages 108-115.)
2337. REUTERSKIÖLD (C. A.), *Le Statut de la Cour permanente et les conventions d'arbitrage et de conciliation.* (« Scientia », année XXII, I-XII, 1928, pages 411-416.)
2338. LIMBURG (J.), *L'autorité de la chose jugée des décisions des juridictions internationales.* [Cours professé à l'Académie de Droit international de La Haye, 1929, à paraître dans le Recueil des Cours (Paris, Hachette).]

2339. SCHÄTZEL (WALTER), *Rechtskraft und Anfechtung von Entscheidungen internationaler Gerichte. Eine kritische Studie der internationalen Praxis, besonders der Rechtsprechung der Gemischten Schiedsgerichte.* (Frankfurter Abhandlungen zum Kriegsverhütungsrecht, Heft 6.) Leipzig, Robert Noske, 1928. In-8°, 191 pages.

8. DIPLOMATIC PRIVILEGES AND IMMUNITIES OF JUDGES
AND OFFICIALS OF THE REGISTRY¹.

(See Second Annual Report, p. 348 (No. 1292),
Third Annual Report, p. 314 (No. 1847),
and Fourth Annual Report, p. 351.)

2340. *Cour permanente de Justice internationale. Situation extérieure des membres de la Cour. Privilèges et immunités diplomatiques des juges et des fonctionnaires du Greffe.* (Bulletin de l'Institut intermédiaire international, tome XIX: 2, 1928, octobre, pages 329-334.)
2341. DEÁK (FRANCIS), *Classification, immunités et privilèges des agents diplomatiques* (2^{me} Partie). (Revue de Droit international et de Législation comparée, 3^{me} série, tome IX, 1928, nos 4-5, pages 522-567.)
2342. FREI (PAUL HENRI), *De la situation juridique des représentants des Membres de la Société des Nations et de ses agents.* (Commentaire de l'article 7, alinéa 4, du Pacte de la Société des Nations.) Paris, Recueil Sirey, 1929, In-8°, 118 pages.
[La situation juridique des juges et des fonctionnaires de la Cour permanente de Justice internationale et le Gouvernement néerlandais, pages 92-95.]
2343. REY (FRANCIS), *Les immunités des fonctionnaires internationaux (suite et fin). II. Privilèges à accorder aux fonctionnaires internationaux en raison des fonctions qu'ils remplissent.* (Revue de Droit international privé, XXIII, 1928, n° 3, pages 432-463.)
2344. SECRETAN (JACQUES), *Les immunités diplomatiques des Représentants, des États membres et des Agents de la Société des Nations.* Lausanne, etc., Payot et Cie, 1928. In-8°, 120 pages.
[Voir entre autres les pages 56-57.]
2345. *Società delle Nazioni — Situazione esteriore dei Membri e dei funzionari della Corte permanente di Giustizia internazionale.* D. A[NZILOTTI], *Nota all'atto precedente.* (Rivista di Diritto internazionale, serie III, vol. VIII, Anno XX, Fasc. IV, 1928, 1° ottobre-31 dicembre, pages 531-535.)

¹ See also number 2431 of this list, on page 29 of which will be found the French and Dutch texts of the exchange of notes between the Dutch Government and the Court.

C.—THE JUDICIAL AND ADVISORY FUNCTIONS
OF THE COURT.

I. ACTS AND DOCUMENTS RELATING TO JUDGMENTS AND OPINIONS.

(See Second Annual Report, pp. 264-266,
Third Annual Report, pp. 274-276,
and Fourth Annual Report, p. 352.)

Publications de la Cour permanente de Justice internationale. Série C. Actes et documents relatifs aux Arrêts et aux Avis consultatifs de la Cour. — Publications of the Permanent Court of International Justice. Series C. Acts and documents relating to Judgments and Advisory Opinions given by the Court. Leyde, Sijthoff, 1927-1928. In-8°.

[Continuation.]

2346. 14 — I. *Treizième Session (extraordinaire) (1928). Documents relatifs à l'Avis consultatif n° 15 (3 mars 1928). Compétence des tribunaux de Dantzig (Recours de certains fonctionnaires ferroviaires contre l'administration polonaise.) — Thirteenth (extraordinary) Session (1928). Jurisdiction of the Danzig Courts. (Actions by certain railway officials against the Polish administration.) 1928.*
2347. 14 — II. *Treizième Session (extraordinaire) (1928). Documents relatifs à l'Arrêt n° 12 (26 avril 1928). Droits de minorités en Haute-Silésie (Écoles minoritaires). — Thirteenth (extraordinary) Session (1928). Documents relating to Judgment No. 12 (April 26th, 1928). Rights of minorities in Upper Silesia (Minority schools). 1929.*
2348. 15 — I. *Quatorzième Session (ordinaire) (1928). Documents relatifs à l'Avis consultatif n° 16 (28 août 1928). Interprétation de l'Accord gréco-turc du 1^{er} décembre 1926 (Protocole final, article IV). — Fourteenth (ordinary) Session (1928). Documents relating to Advisory Opinion No. 16 (August 28th, 1928). Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV). 1929.*
2349. 15 — II. *Quatorzième Session (ordinaire) (1928). Documents relatifs à l'Arrêt n° 13 (13 septembre 1928). Affaire relative à l'usine de Chorzów (Demande en indemnité) (Fond). — Fourteenth (ordinary) Session (1928). Documents relating to Judgment No. 13 (September 13th, 1928). Case concerning the factory at Chorzów (Claim for indemnity) (Merits). 1929.*

2. THE TEXTS OF JUDGMENTS AND OPINIONS.

A.—*Official Texts.*

(See Second Annual Report, pp. 267-268,
Third Annual Report, p. 275,
and Fourth Annual Report, p. 353.)

Publications de la Cour permanente de Justice internationale. Série A, 16-19. Recueil des Arrêts. — Publications of the Permanent Court of International Justice. Series A., 16-19. Collection of Judgments. Leyde, Sijthoff, 1927-1928. In-8°.

[*Continuation.*]

2350. 16. *Affaire relative à la dénonciation du Traité sino-belge du 2 novembre 1865. Ordonnance du 13 août 1928. — Denunciation of the Treaty of November 2nd, 1865, between China and Belgium. Order of August 13th, 1928.*

2351. 17. *Affaire relative à l'usine de Chorzów (Demande en indemnité) (Fond). Le 13 septembre 1928. — Case concerning the factory at Chorzów (Claim for indemnity) (Merits). September 13th, 1928.*

2352. 18/19. *Affaire relative à la dénonciation du Traité sino-belge du 2 novembre 1865. — Affaire relative à l'usine de Chorzów (indemnités). Ordonnances du 25 mai 1929. — Denunciation of the Treaty of November 2nd, 1865, between China and Belgium.— Case concerning the factory at Chorzów (Indemnities). Orders of May 25th, 1929.*

Publications de la Cour permanente de Justice internationale. Série B, 16. Recueil des Avis consultatifs. — Publications of the Permanent Court of International Justice. Series B., 16. Collection of Advisory Opinions. Leyde, Sijthoff, 1927-1928. In-8°.

[*Continuation.*]

2353. 16. *Interprétation de l'Accord gréco-turc du 1^{er} décembre 1926 (Protocole final, article IV). Le 28 août 1928. — Interpretation of the Greco-Turkish Agreement of December 1st, 1926 (Final Protocol, Article IV). August 28th, 1928.*

2354. *Premier Index général des publications de la Cour (Séries A, B et C). 1^{ère}-11^{me} Sessions (1922-1926)*. Leyde (Sijthoff), 1927. In-8°. (Publications de la Cour permanente de Justice internationale, Série F, n° 1.)

2355. *Deutsche Ausgabe der Entscheidungen des Weltgerichtshofes*. (Deutsche Juristen-Zeitung, 34. Jahrgang, Heft 4, 1929, 15. Februar, page 295.)

B.—*Unofficial Publications (in extenso or summarized)*.

(See Second Annual Report, pp. 268-276,
Third Annual Report, pp. 276-277,
and Fourth Annual Report, pp. 354-357.)

2356. *Judgments and advisory opinions of the Permanent Court of International Justice. Judgment No. 8. Delivered July 26, 1927. Case concerning the Factory at Chorzów.—Judgment No. 9. Delivered Sept. 7, 1927. Case of the S.S. "Lotus".—Judgment No. 10. Case of the re-adaptation of the Mavrommatis Jerusalem Concessions.—Advisory Opinion No. 14. Jurisdiction of the European Commission of the Danube*. (British Year Book of International Law, 1928, ninth year of issue, pages 135-155.)

2357. *Arrêts et avis consultatifs de la Cour permanente de Justice internationale. Arrêt n° 12 du 26 avril 1928. Affaire relative à certains droits des minorités en Haute-Silésie (Écoles minoritaires)*. (Bulletin de l'Institut intermédiaire international, tome XIX: 1, 1928, juillet, pages 85-91.)

2358. *Permanent Court of International Justice. [... Judgment in the case of Germany against Poland concerning the admission of children to the minority schools in Polish Upper Silesia.]* (American Journal of International Law, Vol. 22, No. 3, 1928, July, pages 644-645.)

2359. *Arrêts et avis consultatifs de la Cour permanente de Justice internationale. Avis consultatif n° 16, du 28 août 1928. Interprétation de l'Accord gréco-turc du 1^{er} décembre 1926 (Protocole final, article IV). — Arrêt n° 13, du 13 septembre 1928. Affaire relative à l'usine de Chorzów (demande en indemnité) (fond)*. (Bulletin de l'Institut intermédiaire international, tome XIX: 2, 1928, octobre, pages 285-297.)

2360. *Giurisprudenza internazionale. Interpretazione delle sentenze — Articolo 60 dello Statuto della Corte permanente di Giustizia*

internazionale — *Sentenza n° 7: Diritto di proprietà della Società „Oberschlesische” sulle officine di Chorzów; riconoscimento con forza obbligatoria nel caso deciso.* Corte permanente di Giustizia internazionale, 16 dicembre 1927. Germania c. Polonia.
(Rivista di Diritto internazionale, Anno XX, Serie III, Vol. VIII, Fasc. IV, 1928, 1° ottobre-31 dicembre, pages 501-514.)

2361. *Reclami pecuniarii degli ex-impiegati ferroviari di Danzica passati al servizio della Polonia. — Accordo fra la Città libera di Danzica e la Polonia del 22 ottobre 1921 (Beamtenabkommen). Competenza dei tribunali di Danzica. — Corte permanente di Giustizia internazionale, 3 marzo 1928.*
(Rivista di Diritto internazionale, Anno XXI, Serie III, Vol. IX, 1929, Fasc. I, 1° gennaio-31 marzo, pages 63-72.)

2362. *Giurisprudenza internazionale. Corte permanente di Giustizia internazionale, 26 aprile 1928. Germania c. Polonia.*
(Rivista di Diritto internazionale, Anno XXI, Serie III, Vol. IX, 1929, Fasc. II, pages 246-263.)

3. EFFECTS OF JUDGMENTS AND OPINIONS.

(See Second Annual Report, pp. 276-292,
Third Annual Report, pp. 277-279,
and Fourth Annual Report, pp. 357-358.)

ADVISORY OPINION No. 14.—JURISDICTION OF THE EUROPEAN DANUBE COMMISSION BETWEEN GALATZ AND BRAILA.

2363. *Conseil de la Société des Nations. Quarante-neuvième Session, Genève, 5-10 mars 1928. Quatrième séance, 7 mars 1928. Jurisdiction de la Commission européenne du Danube: Avis consultatif de la Cour permanente de Justice internationale. M. ZALESKI donne lecture du rapport et du projet de résolution suivants.... M. ANTONIADE déclare.... Le projet de résolution est adopté.*
(Journal officiel [de la] Société des Nations, IX^{me} année, n° 4, 1928, avril, pages 399-400.)

2364. *Council of the League of Nations. Forty-ninth Session, Geneva, March 5th-10th, 1928. Fourth meeting, March 7th, 1928. Jurisdiction of the European Danube Commission: Advisory opinion of the Permanent Court of International Justice. M. ZALESKI read the following report and draft resolution.... M. ANTONIADE declared.... The draft resolution was adopted.*
(Official Journal [of the] League of Nations, IXth year, No. 4, 1928, April, pages 399-400.)

ADVISORY OPINION No. 16. — INTERPRETATION OF THE
GRECO-TURKISH AGREEMENT OF DECEMBER 1ST, 1926.

2365. *Conseil de la Société des Nations. Cinquante-et-unième Session, Genève, 30 août — 8 septembre 1928. Septième séance, 8 septembre 1928. Commission mixte pour l'échange des populations grecques et turques : Avis consultatif de la Cour permanente de Justice internationale. M. ADATCI donne lecture du rapport et du projet de résolution suivants.... Le projet de résolution est adopté.* (Journal officiel [de la] Société des Nations, IX^{me} année, n° 10, 1928, octobre, pages 1487-1488.)
2366. *Council of the League of Nations. Fifty-first Session, Geneva, August 30th—September 8th, 1928. Seventh meeting, September 8th, 1928. Mixed Commission for the Exchange of Greek and Turkish Populations : Advisory Opinion of the Permanent Court of International Justice. M. ADATCI read the following report and draft resolution.... The draft resolution was adopted.* (Official Journal [of the] League of Nations, IXth year, No. 10, 1928, October, page 1487.)

4. WORKS AND ARTICLES ON JUDGMENTS AND OPINIONS.

(See Second Annual Report, pp. 292-300,
Third Annual Report, pp. 279-283,
and Fourth Annual Report, pp. 358-364.)

2367. YOKOTA (K.), *Judgments of the Permanent Court of International Justice. (1) The Free Passage through the Kiel Canal.* (The Journal of International Law and Diplomacy, Vol. XXVIII, No. 3, 1929, March.)
[In Japanese.]
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2368. BATY (THOMAS), *Domestic jurisdiction* (Traité de Versailles, article 15, paragraphe 8). (Revue de Droit international et de Législation comparée, 3^{me} série, tome X, 1929, n° 1, pages 44-51.)
[See pages 47-48 concerning Advisory Opinion No. 4. Nationality decrees in Tunis and Morocco.]
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2369. YOKOTA (K.), *Judgments of the Permanent Court of International Justice. (2) The Mavrommatis case (Jurisdiction).* (The Journal of International Law and Diplomacy, Vol. XXVIII, No. 4, 1929, April.)
[In Japanese.]

2370. BENTWICH (NORMAN), *The jurisdiction of the International Court of Justice over concessions in a mandated territory*. (The Law Quarterly Review, Vol. XLIV, No. 176, 1928, October, pages 450-463.)

2371. STOYANOVSKY (J.), *The mandate for Palestine. A contribution to the theory and practice of International Mandates*. London, Longmans, Green and Co., 1928. In-8°, XIV + 399 pages.
[Permanent Court of International Justice, pages 135, 137, 138, 141-148, 242, 265, 325-334.]

2372. GLOSE (FRIEDRICH), *Der Griechisch-Bulgarische Streit vor dem Völkerbundsgerichtshof. Ein Beitrag zur Auslegung des Vertrags von Neuilly (Teil 9, Abschnitt V, Anhang, § 4)*. Münster i. W., Helios-Verlag, 1928. In-8°, 89 pages.

2373. GLASGOW (GEORGE), *German interests in Polish Silesia: ruling*. (Contemporary Review, 1926, July, V. 130: 113-115.)

2374. BOMLI (P. E. J.), *L'Affaire de Mossoul*. [Thèse.] (Université d'Utrecht.) Amsterdam, H. J. Paris, 1929. In-8°, 252 pages.
[Chap. III. — Consultation de la Cour permanente de Justice internationale, pages 27-65.]

2375. MANDELSTAM (ANDRÉ), LOUIS LE FUR et A. DE LAPRADELLE, *En droit et en équité, le Gouvernement de la République lituanienne est-il lié, oui ou non, par la décision de la Conférence des Ambassadeurs du 15 mars 1923, concernant les frontières de la Pologne avec la Lituanie?* Consultations de MM. —
(Revue de Droit international, n° 8, 2^{me} année, n° 4, 1928: octobre-novembre-décembre, pages 1075-1131.)
[Voir entre autres les pages 1098-1099 sur l'affaire de Jaworzina et sur l'affaire de Mossoul.]

2376. SKIBOWSKI (FRANZ), *Die polnische Post im Hafen von Danzig*. Dissertation. Jena. Danzig, Westpr. Verlag, 1928. In-8°, 88 pages.

2377. *Affaire (L'—) du « Lotus »*.
(Vida Marittima, 15 sept. 1927, p. 263.)

2378. *Arrêt (L'—) du « Lotus »*.
(Shipping World, 21 sept. 1927, p. 338; 28 sept. 1927, p. 369.)

2379. BROWN (A. L.), *Criminal jurisdiction on the high seas*. [Case of the S.S. "Lotus", Permanent Court of International Justice.] [Boston University Law Review, 8: 152-6, April 1928.]
2380. *Case (The) of the "Lotus"*, by E. (British Year Book of International Law, 1928, ninth year of issue, pages 131-134.)
2381. DEMEY (J.), *L'affaire du « Lotus » devant la Cour permanente de Justice internationale de La Haye*. (Le Port de Dunkerque, IX, n° 102, 1928, 5 février.)
2382. PORTAIL (ROGER), *L'affaire du « Lotus »*. Thèse. (Université de Paris — Faculté de Droit). Paris, Duchemin, 1928. In-8°, 203 pages.
2383. PORTAIL (ROGER), *L'Affaire du « Lotus » devant la Cour permanente de Justice internationale et devant l'opinion publique*. Préface de F. MAS. Paris, Édouard Duchemin, 1928. In-8°, 203 pages.
2384. RAULIN (G. DE), *La leçon du « Lotus »*. (Le Yacht, n° du 17 sept. 1927, p. 469.)
2385. RIPERT (G.), *La compétence pénale au cas d'abordage*. (Le Sémaphore de Marseille, n° du 13 décembre 1927.)
2386. TRAVERS (MAURICE), *L'Affaire du « Lotus »*. (Revue de Droit international et de Législation comparée, 3^{me} série, tome IX, 1928, nos 4-5, pages 400-421.)
2387. WALTHER (HENRI), *L'Affaire du « Lotus » ou de l'abordage hauturier en droit pénal international*. Paris, Les Éditions internationales, 1928. In-8°, 252 pages.
2388. WILLIAMS (J. FISHER), *L'Affaire du « Lotus »*. (Revue générale de Droit international public, 35^{me} année, nos 3-4, 1928, juin-juillet-août, pages 361-376.)
2389. WILLIAMS (J. FISHER), *International Law and the Property of Aliens*. (British Year Book of International Law, 1928, ninth year of issue, pages 1-30.)
[See pages 6-10 commentary on Judgments Nos. 7 and 9. See also page 19 for the "Lotus" case.]
2390. NIBOYET (J.-P.), *Chronique de droit international privé. Décisions rendues de 1926 à 1928*. (Revue critique de législation et de jurisprudence, 68^{me} année, tome XLVIII, nos 9-10, 1928, septembre-octobre, pages 453-474.)
[I. — La Justice internationale et le Droit international privé (Cour Permanente de Justice internationale). A. — Affaire des intérêts allemands en Pologne; affaire du « Lotus ».]

2391. FLORESCO (J. T.), *La question du Danube. — Erreur ou injustice ?* (Roumanie nouvelle, 5 : 1139-1140, 25 avril 1929.)
2392. GLASGOW (GEORGE), *The European Commission of the Danube. Opinion of the Permanent Court of International Justice.* (Contemporary Review, 1928, Jan., V. 133 : 113-116.)
2393. HAJNAL (HENRI), *La Commission européenne du Danube et le dernier avis consultatif de la Cour.* (Revue de Droit international et de Législation comparée, 3^{me} série, tome IX, 1928, nos 4-5, pages 588-645.)
2394. HUDSON (M. O.), *Fourteenth advisory opinion of the Permanent Court of International Justice.— Jurisdiction of the European Commission of the Danube between Galatz and Braila.* (American Bar Association Journal, XIV, p. 163.)
2395. KASAMA (AKIO), *La navigation fluviale en droit international.* Paris, Les Éditions internationales, 1928. In-8°, 240 pages. [Voir chapitre II : Le Danube.]
2396. RAVARD (ROGER), *Le Danube maritime et le port de Galatz.* Thèse (Université de Paris — Faculté de Droit). Paris, Sagot et Cie, 1929. In-8°, 218 pages. [Chapitre V. Le conflit de compétence entre le Gouvernement roumain et la Commission européenne du Danube au sujet du secteur Galatz-Braila, pages 107-129.]
- 2396 a. SERBESCO (S.), *La compétence de la Commission européenne du Danube.* (L'Europe centrale, 1929, 18 mai, p. 666.)
2397. VALLOTTON (JAMES), *Le régime juridique du Danube maritime devant la Cour permanente de Justice internationale. (Compétence de la Commission européenne.)* Lausanne, Éditions Spès, 1928. In-8°, 64 pages.
2398. *Décision de la Cour permanente de Justice internationale sur les pouvoirs de la Commission européenne du Danube.* (Journée industrielle, n° du 9 décembre 1927.)
2399. MIROLUB [S. LUBOMIRSKI.] *Wyrok Statego Trybunatu Sprawiedliwości Międzynarodowej w sprawie szkół mniejszościowych na Górnym Śląsku.* [Judgment of the Permanent Court of International Justice concerning the minority schools in Upper Silesia. In Polish.] (Sprawy Narodowościowe [Minority questions, periodical, devoted to the discussion of minority questions, Warsaw] Rok II, Nr. 5, 1928 1, Listopod, pages 512-533.)

2400. *World Court rules on rights of Germans in Polish Schools (with text of summary of case)*. (United States Daily, June 15, 1928, p. 1, col. 3.)
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2401. KEETON (G. W.), *The development of extraterritoriality in China*. London, etc., Longmans, Green and Co., 1928. In-8°. 2 vols. [Belgian appeal to Permanent Court, Vol. I, pages 295-297.]
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2402. STREIT (G.), *Der Lausanner Vertrag und der griechisch-türkische Bevölkerungsaustausch*. Vortrag. (Aus dem Institut für internationales Recht an der Universität Kiel, Reihe 1: Vorträge und Einzelschriften. Heft 10.) Berlin, G. Stilke, 1929. In-8°, 71 pages.
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2403. SCHMIDT (WALTHER), *Der Rat des Völkerbundes und das Klagerecht der Danziger Eisenbahner gegen die Polnische Staatsverwaltung*. (Zeitung des Vereins deutscher Eisenbahnverwaltungen, 68. Jahrgang, Nr. 23-24.)
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2404. GROTTÉ (MICHEL DE LA), *Les affaires traitées par la Cour permanente de Justice internationale pendant la période 1926-1928*. (Revue de Droit international et de Législation comparée, 3^{me} série, tome X, 56^{me} année, 1929, n° 2, pages 225-276.)
2405. KNUBBEN (ROLF), *Völkerrechtliche Chronik, Die wichtigsten Ereignisse vom Januar 1927 bis Juni 1928*. [VI. Die Tätigkeit des Haager Weltgerichtshofes. — Chorzów-Fall. — Oberschlesischer Minoritäten-Streit. — „Lotus“-Fall.] (Zeitschrift für Völkerrecht, XIV. Band, 1928, pages 583-593; Fortsetzung XV. Band, 1929. [Sous presse.])
2406. HARDER (HANS ADOLF), *Danzig, Polen und der Völkerbund. Eine politische Studie*. Berlin, Georg Stilke, 1928. In-8°, 134 pages.
2407. HUDSON (MANLEY O.), *The seventh year of the Permanent Court of International Justice*. (American Journal of International Law, Vol. 23, No. 1, 1929, January, pages 1-29.)
2408. HUDSON (MANLEY O.), *Opinions of the International Court* [continues the series of reviews published in earlier numbers and surveys the seventh, eighth, ninth and tenth judgments of the Court as well as the thirteenth opinion and an order of the Court in a case between China and Belgium]. (American Bar Association Journal, 1928, January-March, pp. 45-50, 58, 163-165.)

2409. HUDSON (MANLEY O.), *Opinions of the International Courts ... with special reference to the Permanent Court of International Justice*. (American Bar Association Journal, May 1929, Vol. 15 : 297-300.)
2410. HALL (A. B.), *Is this the pathway to international peace? Study of the decisions of the World Court*. (World Review, 1926, May 17, V. 2 : 193-194.)

D.—GENERAL ¹.

I. OFFICIAL SOURCES.

(See Second Annual Report, pp. 301-303,
Third Annual Report, pp. 283-284,
and Fourth Annual Report, pp. 364-366.)

2411. *Journal officiel [de la] Société des Nations*, 1928-1929.
[Voir l'Index sous les mots « Cour permanente de Justice internationale ».]
2412. *Official Journal [of the] League of Nations*, 1928-1929.
[See Index under the heading "Permanent Court of International Justice".]
2413. *Société des Nations*.
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¹ See also No. 2296 of this list.

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[III. Der Ständige Internationale Gerichtshof im Haag, pages 4-6.]

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¹ The present Index, like the Alphabetical Index of Subjects which is to be found on page 375, is cumulative, i.e. it covers the Bibliographies of the Second, Third and Fourth Annual Reports (Series E., Nos. 2, 3 and 4) as well as that of this volume (pages 303-358).

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- Court of Arbitral Justice* 2: 1, 2, 5, 13, 33, 42. 5: 2277.
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- Criminal Justice*, see *Permanent Court of International Criminal Justice*.
- Czechoslovakia*, Legislative instruments 2: 405-406.
- Danube*, see *Jurisdiction of the European Commission of the Danube*.
- Danzig*, see *Polish Postal Service in—*.
- Danzig*, see also *Jurisdiction of the Courts of Danzig*.
- Debates and Documents*, see *Parliamentary—*.
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- Denmark*, Danish Draft Plan for an International Court 2: 81, 84, 88, 91, 111-112. Legislative instruments 2: 258-264. 3: 1341-1343.
- Diplomacy*, Works on— containing chapters on the Court 2: 1036-1046. 4: 2168-2173.
- Diplomatic Privileges and Immunities* 2: 1292. 3: 1847. 4: 1918-1923. 5: 2340-2345.
- Disputes*, see *Settlement of—*.
- Documents relating to Judgments and Advisory Opinions* 2: 451-455. 3: 1413-1415. 4: 1924-1929. 5: 2346-2349.
- Documents*, see *Parliamentary—*.
- Draft plans for an International Court (Official and private—)* 2: 1-127. 4: 1848-1866. 5: 2277-2280.

- Effects of Judgments and Advisory Opinions* 2: 526-626. 3: 1434-1440. 4: 1961-1962. 5: 2363-2366.
- Election of the Judges* 2: 407-424. 3: 1384-1388. 5: 2298-2321.
- Encyclopædias* 2: 1055-1063. 3: 1686.
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- Estonia*, Legislative instruments 2: 265-269.
- Exchange of Greek and Turkish populations* (Advisory Opinion No. 10.). Acts and Documents relating to— 2: 451. Text 2: 457, 510, 512, 513, 514. Effects of the Opinion 2: 594-596. Articles on the Opinion 2: 698 *et sqq.*, 739. 4: 1963-1964, 1973. 5: 2402. See also *Interpretation of the Greco-Turkish Agreement of December 1st, 1926*.
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- Finland*, Legislative instruments 2: 330-342. 3: 1355-1362.
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- German interests in Polish Upper Silesia* (Judgment No. 6). Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 515, 516, 518, 523, 525. Articles on— 2: 714 *et sqq.*, 739. 3: 1472.
- German interests in Polish Upper Silesia* (The Merits). (Judgment No. 7.) Acts and Documents relating to the Judgment 2: 1413. Text of— 2: 456. 3: 1421, 1423. Articles on— 2: 735 *et sqq.* 3: 1476-1478. 5: 2373.
- German interests in Polish Upper Silesia*, see also *Chorzów (Cases concerning the Factory at—)*.
- German Settlers in Poland*, see *Settlers (German—) in Poland*.
- Germany*, Legislative documents 3: 1326. — *and the Court* 3: 1839-1842. 4: 1876-1877. 5: 2660-2661.
- Great Britain*. Parliamentary Debates and Documents 2: 355-356 b. 3: 1363-1364. 4: 1889. 5: 2423-2429.
- Great Britain and the Optional Clause* 2: 356 a-b, 1271-1278. 3: 1821-1822. 4: 2213-2222. 5: 2647-2648.
- Greek and Turkish populations*, see *Exchange of—*.
- Grotius and the Court* 2: 1294.
- Hague (The—)* 3: 1846.
- Hague (The—) and Geneva* 3: 1845.
- Hague Peace Conference (Second—1907)* 2: 1-34. 4: 1848-1852.
- Haiti*, Legislative documents 2: 357-358.
- History*, Works on—, containing chapters on the Court 2: 1055-1063. 3: 1687. 4: 2184-2188. 5: 2551-2554.
- Hungarian-Roumanian Dispute* 4: 2231-2253. 5: 2659.

- Hungary*, Legislative instruments 2: 359-362.
- Immunities (Diplomatic—)* 2: 1292. 3: 1847. 4: 1918-1923. 5: 2340-2345.
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- Iraq*, see *Frontier between Turkey and Iraq*.
- Ireland*, Parliamentary documents 3: 1366.
- Japan*, Legislative documents 4: 1890.
- Jaworzina (Javorina) Question of—* (Advisory Opinion No. 8). Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 492-498. 3: 1419. Effects of— 2: 582-591. Articles on— 2: 681 *et seq.*, 739. 4: 1963-1964, 1968-1969. 5: 2375.
- Jerusalem concessions*, see *Mavromatis concessions*.
- Judges*, Biographies of the— 2: 407-424. 3: 1384-1388. 4: 1897-1901. 5: 2298-2321. Election of— 2: 407-424. 3: 1384-1385. 5: 2298-2321. Diplomatic Privileges and Immunities of— 2: 1292. 3: 1847. 4: 347. 5: 2340-2345.
- Judgments*, Acts and Documents relating to— 2: 451-455. 3: 1413-1415. 4: 1924-1929. 5: 2346-2349. Text of— 2: 451-525. 3: 1416-1433. 4: 1924-1929. 5: 2350-2362. Books and review articles on Judgments 2: 627-740. 3: 1441-1488. 4: 1963-2028. 5: 2363-2366.
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- Jurisdiction of the Courts of Danzig (Pecuniary claims of Danzig railway officials)*. (Advisory Opinion No. 15.) Acts and Documents relating to— 5: 2346. Text of— 4: 1937, 1952-1956. 5: 2361. Effects of— 4: 1961-1962. Review articles on— 4: 2028. 5: 2403.
- Jurisdiction of the European Commission of the Danube* (Advisory Opinion No. 14). Acts and Documents relating to— 4: 1927-1928. Text of— 3: 1429, 1433. 4: 1936, 1949, 1952, 1957. 5: 2356. Review articles on— 4: 2016-2019. 5: 2391-2398. Effects of— 5: 2363-2364.
- Jurists*, see *Committee[s] of Jurists*.
- Justice*, see *Arbitration and Justice*.
- Kellogg Pact* 5: 2544-2546.
- Labour Conference (International—)* see *Nomination of the workers' delegate for the Netherlands*.
- Labour Organization (International—)*. Works on—containing chapters on the Court 2: 927-933. 3: 1614-1617. 4: 2107-2108. 5: 2490-2492. See also *Competence*.
- Latvia*, Legislative instruments 2: 363-364.
- Law of Nations*, see *International Law*.

- Laws and Decrees of approval and publication* 2: 231-406. 3: 1326-1383. 4: 1876-1896. 5: 2291-2297.
- League of Nations, Drafts of Covenant* 2: 72-127. 4: 1860-1861. 5: 2279-2280. Official publications— 2: 741-748. 3: 1489-1496. 4: 2029-2036. 5: 2411-2418. Preparation of the Statute of the Court by the Council and by the First Assembly 2: 128-210. 3: 1300-1318. 4: 1867-1871. Revision of the Statute (Decision of the IXth Assembly) 5: 2281-2289. Text of Covenant 2: 92, 93, 94. 4: 1860-1861. Works on—containing chapters on the Court 2: 870-926. 3: 1572-1613. 4: 2079-2106. (See also 4: 2258). 5: 2466-2489.
- Legislative instruments of various countries* 2: 231-406. 3: 1326-1383. 4: 1876-1896. 5: 2291-2297.
- Locarno agreements* 2: 1024-1027. 3: 1674-1676. 4: 2167. 5: 2533.
- “Lotus”, Case of the S.S.—*(Judgment No. 9). Acts and Documents relating to— 4: 1925. Text of— 4: 1930, 1940-1952. 5: 2356. Review articles on— 4: 1981-2014. 5: 2377-2390.
- Luxemburg, Legislative instruments* 2: 365.
- Macrommatis Jerusalem concessions* (Judgment No. 5). Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 499-507, 511, 513. Articles on— 2: 689 *et seq.*
- Macrommatis Palestine concessions* (Judgment No. 2). Acts and Documents relating to— 2: 451. Text of Judgment 2: 456, 499-507, 513. Articles on— 2: 689 *et seq.*, 739. 5: 2369.
- Macrommatis, Case of the readaptation of the—Jerusalem concessions.* (Judgment No. 10.) Acts and Documents relating to the Judgment 4: 1926. Text of—4: 1931. 5: 2356. Review articles on—4: 2013, 2015. 5: 2370, 2377.
- Minorities* 2: 1297-1299. 3: 1844. 4: 2256-2257.
- Minorities (Rights of—in Upper Silesia)* (Minority Schools). (Judgment No. 12.) Acts and Documents relating to— 5: 2347. Text of— 4: 1935, 1960. 5: 2357, 2358, 2362. Review articles on— 4: 2022-2025. 5: 2399, 2400.
- Monastery of Saint-Naoum*, see *Saint-Naoum*.
- Monographs on the Court in general* 2: 763-869. 3: 1502-1571. 4: 2045-2078. 5: 2432-2465.
- Morocco*, see *Nationality Decrees*.
- Mosul*, see *Frontier between Turkey and Iraq*.
- Nationality* (Polish—), see *Acquisition of Polish Nationality*.
- Nationality Decrees in Tunis and Morocco* (Advisory Opinion No. 4). Acts and Documents relating to— 2: 451. Text of— 2: 457, 469-474, 491, 498. Effects of—2: 534-541. Review articles on— 2: 639 *et seq.*, 739. 4: 1963-1967. 5: 2368.
- Netherlands, Dutch Draft plan for an International Court* 2: 91, 111-112. League of Nations, Official publications on— 2: 750-753. 4: 2057-2059. 5: 2430-2431. Legislative instruments 2: 377-387. 3: 1367. 4: 1891.
- Neutral Powers*, Draft plans of the — for an International Court 2: 72-127. 4: 1860-1866.
- New Zealand, Legislative instruments* 2: 376.
- Nomination of the workers' delegate for the Netherlands at the third Session of the International Labour Conference.* (Advisory Opin-

- ion No. 1.) Acts and Documents relating to— **2**: 456. Text **2**: 457-468, 498. Effects of the Opinion **2**: 526-529, 739. Articles on— **2**: 629 *et seq.*
- Norway, League of Nations, Norwegian official publications **2**: 754-758. Legislative instruments **2**: 366-375. Norwegian Draft plan **2**: 83, 84, 88, 91, 111-112.
- Opinions*, see *Advisory Opinions*.
- Optional Clause*, Great Britain and — **2**: 356 *a-b*, 1271-1278. **3**: 1821-1822. **4**: 2213-2222. **5**: 2647-2648.
- Organization of the Court* **2**: 128-450. **3**: 1300-1412. **4**: 1867-1923. **5**: 2281-2345.
- Organization (Central—) for a durable peace* **2**: 49, 55, 65, 66.
- Pacifism* **2**: 1047-1054. **3**: 1678-1685. **4**: 2174-2183. **5**: 2548-2550.
- Palestine concessions*, see *Mavrommatis concessions*.
- Pamphlets on the Court in general* **2**: 763-780. **3**: 1502-1506. **4**: 2045-2053. **5**: 2432-2436.
- Panama*, Legislative instruments **5**: 2297
- Parliamentary Debates and Documents of various countries* **2**: 231-406. **3**: 1326-1383. **4**: 1876-1896. **5**: 2291-2297.
- Peace Conference of Versailles* **2**: 72-127. **4**: 1860-1866. **5**: 2279-2280.
- Peace Conference (Second Hague—, 1907)* **2**: 1-34. **4**: 1848-1852.
- Permanent Court of International Criminal Justice* **2**: 1279-1288. **3**: 1823-1838. **4**: 2223-2230. **5**: 2649-2658.
- Permanent Court of International Justice*, its constitution, its organization, its procedure, its jurisdiction **2**: 128-450. **3**: 1300-1412. **4**: 1867-1923. **5**: 2281-2345. Judicial and advisory functions of— **2**: 451-740. **3**: 1413-1488. **4**: 1924-2028. **5**: 2346-2410. General **2**: 741-869. **3**: 1489-1571. **4**: 2029-2078. **5**: 2411-2465. Works containing chapters on— **2**: 870-1063. **3**: 1572-1687. **4**: 2079-2188. **5**: 2466-2554. Special questions relating to— **2**: 1064-1299. **3**: 1688-1847. **4**: 2189-2212. **5**: 2555-2661.
- Plans*, see *Draft plans*.
- Poland*, Legislative instruments **2**: 388-392.
- Polish Nationality*, see *Acquisition of—*.
- Polish Postal Service in Danzig (Advisory Opinion No. 11)*. Acts and Documents relating to the Opinion **2**: 451. Text of— **2**: 457, 509-514, 516. Effects of— **2**: 597-602. Articles on— **2**: 705 *et seq.*, 739. **3**: 1452-1458, 1472. **4**: 1963-1964, 1974-1975.
- Politics* **2**: 1036-1046. **3**: 1677. **4**: 2168-2173. **5**: 2547.
- Postal Service in Danzig*, see *Polish Postal Service in Danzig*.
- Privileges (Diplomatic—)* **2**: 1292. **3**: 1847. **4**: 1918-1923. **5**: 2340-2345.
- Prize Court (International—)* **2**: 1, 5, 6, 7, 8.
- Procedure* **2**: 433-439. **3**: 1392-1395. **4**: 1902-1905. **5**: 2322-2425.
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- Protocol of signature*, Text of— **2**: 211-230. **3**: 1319-1325. **4**: 1872-1875.
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- Reports (Annual—) of the Court* **2**: 759-762. **3**: 1498-1501. **4**: 2041-2044. **5**: 2419-2422.

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- Revision of the Statute*, see *Statute*.
- Roumania*, Legislative documents 3: 1368.
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- Rules of Court (Preparation of—)* 2: 433-439. 3: 1392-1395. 4: 1902-1905.
- Saint-Naoum*, Question of Monastery of— (Albanian Frontier). (Advisory Opinion No. 9.) Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 503, 513. Effects of— 2: 592-593. 3: 1434. Articles on— 2: 695 *et seq.*, 739. 5: 1970-1972.
- Settlement (Pacific)— of International Disputes*. (Works on — containing chapters on the Court.) 2: 973-994. 3: 1646-1676. 4: 2152-2188. 5: 2513-2546.
- Settlers (German—) in Poland*, *Certain questions relating to—*. (Advisory Opinion No. 6.) Acts and Documents relating to— 2: 451. Text of— 2: 457, 477-491. Effects of— 2: 554-565. Review articles on— 2: 662 *et seq.*, 739.
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- Status of Eastern Carelia* (Advisory Opinion No. 5). Acts and Documents relating to the Opinion 2: 451. Text of— 2: 457, 475-491. Effects of— 2: 542-553. Articles on— 2: 653 *et seq.*, 739.
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- Statute of the Court*, Text of— 2: 211-230. 3: 1319-1325. 4: 1872-1875.
- Supreme Court*, see *United States, Supreme Court*.
- Sweden*, Legislative instruments 2: 393. 3: 1369-1382. Swedish Draft plan for an International Court 2: 84, 85, 86, 87, 88, 91, 111-112.
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- Treaty between China and Belgium* (Denunciation of—). Orders 3: 1416. 4: 1934. 5: 2350. Review articles 3: 1429-1431, 1433, 1485-1487. 4: 2020-2021. 5: 2401.
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- Treaty of Neuilly*, *Article 179, Annex, paragraph 4 (interpretation)* (Judgment No. 3). Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 503-506. Articles on— 2: 694 *et seq.*, 739. 5: 2372.
- Treaty of Neuilly* (Judgment No. 4, Interpretation of Judgment No. 3). Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 503-506, 511, 513. Articles on— 2: 694 *et seq.*, 739.
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- United States of America*, Arbitration Treaties of 1911 2: 9. Bryan Peace Treaties 2: 10, 11. Legislative instruments 2: 270-329. 3: 1345-1354. 4: 1881-1889.

- United States of America and the Court* 2: 1064-1270. 3: 1365, 1688-1820. 4: 2189-2212. 5: 2555-2646. See also *Kellogg Pact*.
- United States Supreme Court* 2: 37, 38, 68, 69, 141.
- Upper Silesia*, see *German interests in Polish Upper Silesia*, see also *Minorities (Rights of—in Upper Silesia)*.
- Various* 2: 1290-1299. 3: 1839-1847. 4: 2254-2259. 5: 2660-2661.
- Venezuela*, Legislative documents 3: 1383.
- Versailles*, see *Peace Conference of Versailles*.
- Wilson*, Draft plans of President— 2: 73. 4: 1860-1861. 5: 2279-2280.
- “Wimbledon” (The S.S.—) (Judgment No. 1)*. Acts and Documents relating to the Judgment 2: 451. Text of— 2: 456, 458, 486-491, 497, 498. Articles on— 2: 661 *et seq.*, 739. 3: 1441-1446. 5: 2367.
- Workers' delegate*, see *Nomination of—for the Netherlands at the third Session of the International Labour Conference*.
- Works of various kinds containing chapters on the Court* 2: 870-1063. 3: 1572-1687. 4: 2079-2188. 5: 2466-2554.
- Works on the Court in general* 2: 763-780. 3: 1502-1506. 4: 2045-2078. 5: 2432-2436.
- World Court*, see *Permanent Court*.
- World War*, Draft plans published during the— 2: 35-71. 4: 1853-1859.
- Year books* 2: 1055-1063. 3: 1686-1687. 4: 2184-2188. 5: 2551-2554.

CHAPTER X.

THIRD ADDENDUM

TO THE

THIRD EDITION OF THE COLLECTION OF TEXTS
GOVERNING THE JURISDICTION OF THE COURT¹.

The third edition of the *Collection of Texts governing the jurisdiction of the Court* which appeared on December 15th, 1926, and which contains the extracts affecting the Court taken from all the international instruments which had come to the knowledge of the Registry on that date, has already been supplemented by two addenda. These constitute Chapter X of the Third and Fourth Annual Reports respectively. The first addendum contains all information on the subject communicated to the Registry or collected by it between December 15th, 1926, and June 15th, 1927; the second covers the period June 15th, 1927, to June 15th, 1928.

Below is given, in the form of Chapter X of the present Report, and under the heading *Third Addendum*, information obtained between June 15th, 1928, and June 15th, 1929.

Like Chapter X of the Third and Fourth Annual Reports, the plan of which it follows, the present Chapter is therefore intended to complete the third edition of the *Collection*. It is divided into two sections. The first comprises modifications and additions affecting the texts given in the third edition of the *Collection* and in the first and second addenda and arising amongst other things from new signatures, ratifications, etc. The serial numbers refer to the *Collection* and its addenda (Nos. 1-169 to the *Collection*; Nos. 170-202 to the first addendum; Nos. 203-250 to the second addendum). The second section comprises new international instruments concluded or made public since the second addendum appeared, i.e. since June 15th, 1928. They are arranged in chronological order and begin with No. 251 (the last instrument given in the second addendum being No. 250).

The *Collection*, with its addenda, does not claim to be absolutely complete or accurate. It relies, however, exclusively

¹ Publications of the Court, Series D., No. 5.

upon official information both as regards the actual existence of clauses affecting the Court's activity and as regards the text of such clauses, and the position in regard to their signature and ratification. This information is of two different kinds: official publications either by the League of Nations or its organizations, or by the various governments; direct communications, from the same sources¹.

¹ See p. 96 of present Report for an account of the steps taken by the Registrar of the Court with a view to obtaining the consent of all governments entitled to appear before the Court to communicate regularly to the Registry the text of new agreements concluded by them and containing clauses relating to the Court's jurisdiction.

SECTION I.

9.

PROTOCOL OF SIGNATURE OF THE STATUTE OF THE COURT
AND OPTIONAL CLAUSE.

List of signatories and ratifications.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE ¹ .		
	Date of ratification.		Date of signature.	Conditions.	Date of deposit of ratification (if any ²).
Albania Australia Austria	July 13th, 1921 Aug. 4th, 1921 July 23rd, 1921		March 14th, 1922 <i>Renewed on</i> Jan. 12th, 1927	Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from the date of the deposit of the instrument of ratification).	March 13th, 1927
Belgium	Aug. 29th, 1921		Sept. 25th, 1925	Ratification. Reciprocity. 15 years. For any dispute arising after ratification with regard to situations or facts subsequent to such ratification; except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	March 10th, 1926
Bolivia					

¹ Cf. also pp. 134-138 above.

² Ratification is not in fact required under the terms of the Optional Clause.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).	
Brazil	Nov. 1st, 1921	Nov. 1st, 1921	Reciprocity. 5 years. On condition that compulsory jurisdiction is accepted by at least two of the Powers permanently represented on the Council of the League of Nations ¹ .		
British Empire Bulgaria	Aug. 4th, 1921 Aug. 12th, 1921	(1921) ²	Reciprocity.	Aug. 12th, 1921	
Canada Chile China	Aug. 4th, 1921 July 20th, 1928 May 13th, 1922	May 13th, 1922	Reciprocity. 5 years.		
Colombia Costa Rica		(Before January 28th, 1921) ³	Reciprocity.		
Cuba Czechoslovakia	Jan. 12th, 1922 Sept. 2nd, 1921				
Denmark	June 13th, 1921	(Before January 28th, 1921) ³ <i>Renewed on</i> Dec. 11th, 1925	Ratification. Reciprocity. 5 years. Ratification. Reciprocity. 10 years (from June 13th, 1926).	June 13th, 1921 March 28th, 1926	
Dominican Republic		Sept. 30th, 1924	Ratification. Reciprocity.		

¹ Declaration contained in the deed of ratification deposited at Geneva on November 1st, 1921.

² Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

³ Declaration reproduced in the document of the League of Nations No. 21/31/6, A, dated January 28th, 1921.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Esthonia	May 2nd, 1923	May 2nd, 1923	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement. Extension for a period of 10 years as from May 2nd, 1928.	
		<i>Renewed on</i> June 25th, 1928 ¹		
Ethiopia	July 16th, 1926	July 12th, 1926	Reciprocity. 5 years. Future disputes in regard to which the Parties may have agreed to have recourse to some other method of pacific settlement are excepted.	July 16th, 1926
Finland	April 6th, 1922	(1921) ²	Ratification. Reciprocity. 5 years.	April 6th, 1922
		<i>Renewed on</i> March 3rd, 1927	Reciprocity. 10 years (as from April 6th, 1927).	
France	Aug. 7th, 1921	Oct. 2nd, 1924	Ratification. Reciprocity. 15 years. Other reservations ³ .	

¹ Date of the letter by which the Minister for Foreign Affairs of the Esthonian Government informed the Secretary-General of the League of Nations of the extension of the period for which that Government was bound.

² Declaration reproduced in the League of Nations *Treaty Series*, Vol. VI (1921), No. 170.

³ See Third Annual Report, p. 85, note 1, and *Collection of Texts governing the jurisdiction of the Court*, Series D., No. 5, p. 77.

States.	PROTOCOL OF SIGNATURE.	OPTIONAL CLAUSE.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Germany	March 11th, 1927	Sept. 23rd, 1927	Reciprocity. 5 years. For any future dispute arising after ratification regarding situations or facts subsequent to ratification, except in cases where the Parties may have agreed or may agree to have recourse to another method of pacific settlement.	Feb. 29th, 1928
Greece Guatemala	Oct. 3rd, 1921	Dec. 17th, 1926	Ratification. Reciprocity.	
Haiti	Sept. 7th, 1921	(1921) ¹	(Without conditions.)	
Hungary	Nov. 20th, 1925	Sept. 14th, 1928	Ratification. Reciprocity. 5 years (from the date of the deposit of the instrument of ratification).	
India Irish Free State ²	Aug. 4th, 1921 (Before Aug. 27th, 1926)			

¹ Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

² In his circular letter No. 105, the Secretary-General of the League of Nations informed the governments of Members of the League that the Minister for Foreign Affairs of the Irish Free State had informed him by a letter dated August 21st, 1926, that the Irish Free State should be included amongst the Members of the League which had ratified the Protocol of Signature.

On October 12th, 1926, the Secretary-General informed the Registrar of the Court that the letter of August 21st above mentioned had been handed to him on August 26th by the representative of the Irish Free State accredited to the League of Nations, and that, since that date, the Irish Free State has been included on the Secretariat's list as bound by the Protocol of the Court.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.	
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Italy	June 20th, 1921			
Japan	Nov. 16th, 1921			
Latvia	Feb. 12th, 1924	Sept. 11th, 1923	Ratification. Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
Liberia		(1921) ¹	Ratification. Reciprocity. 5 years.	
Lithuania	May 16th, 1922	Oct. 5th, 1921		May 16th, 1922
Luxemburg		(1921) ¹	Ratification. Reciprocity. 5 years.	
Netherlands	Aug. 6th, 1921	Aug. 6th, 1921	Reciprocity. 5 years. For any future dispute in regard to which the Parties have not agreed to have recourse to some other method of pacific settlement.	
		<i>Renewed on</i> Sept. 2nd, 1926	Reciprocity. 10 years. For all future disputes excepting those in regard to which the Parties may have agreed to have recourse to some other method of pacific settlement.	
New Zealand	Aug. 4th, 1921			

¹ Declaration reproduced in the *Treaty Series* of the League of Nations, Vol. VI (1921), No. 170.

States.	PROTOCOL OF SIGNATURE.	OPTIONAL CLAUSE.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).
Norway	Aug. 20th, 1921	Sept. 6th, 1921 <i>Renewed on</i> Sept. 22nd, 1926	Ratification. Reciprocity. 5 years. Reciprocity. 10 years (from Oct. 3rd, 1926).	Oct. 3rd, 1921
Panama Paraguay Persia Poland Portugal	June 14th, 1929 Aug. 26th, 1921 Oct. 8th, 1921	Oct. 25th, 1921 (Before January 28th, 1921) ¹	Reciprocity. Reciprocity.	June 14th, 1929 Oct. 8th, 1921
Roumania Salvador Serbs, Croats and Slovenes (Kingdom of the—) Siam South Africa Spain	Aug. 8th, 1921 Aug. 12th, 1921 Feb. 27th, 1922 Aug. 4th, 1921 Aug. 30th, 1921	(Before January 28th, 1921) ¹ Sept. 21st, 1928	Reciprocity. Reciprocity. Reciprocity. 10 years. For any dispute arising after signature with regard to situation or facts subsequent to such signature; except in cases where the Parties may have agreed or may agree to have recourse to some other method of pacific settlement.	
Sweden	Feb. 21st, 1921	Aug. 16th, 1921 <i>Renewed on</i> March 18th, 1926	Reciprocity. 5 years. Reciprocity. 10 years.	

¹ Declaration reproduced in the document of the League of Nations No. 21/31/6, A, dated January 28th, 1921.

States.	PROTOCOL OF SIGNATURE.		OPTIONAL CLAUSE.		
	Date of ratification.	Date of signature.	Conditions.	Date of deposit of ratification (if any).	
Switzerland	July 25th, 1921	(Before January 28th, 1921) ¹	Ratification. Reciprocity. 5 years.	July 25th, 1921	
		<i>Renewed</i> on March 1st, 1926	Ratification. Reciprocity. 10 years.	July 24th, 1926	
Uruguay	Sept. 27th, 1921	(Before January 28th, 1921) ¹	Reciprocity.	Sept. 27th, 1921	
Venezuela	Dec. 2nd, 1921				

¹ Declaration reproduced in the document of the League of Nations No. 21/31/6, A, dated January 28th, 1921.

10.

DECLARATIONS OF ACCEPTANCE OF THE OPTIONAL
CLAUSE CONCERNING THE COURT'S COMPULSORY
JURISDICTION.(Cont. ¹)**Hungary.**

On behalf of the Royal Hungarian Government, and subject to ratification, I recognize, in relation to any other Member or State accepting the same obligations, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory *ipso facto* and without special convention, in conformity with Article 36, paragraph 2, of the Statute, for a period of five years to be reckoned as from the deposit of the instrument or ratification.

Geneva, September 14th, 1928.

(Signed) LOUIS WALKO.

Spain.

On behalf of the Government of His Majesty the King of Spain, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court for a period of ten years, in any dispute arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the Parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, September 21st, 1928.

(Signed) J. QUIÑONES DE LEÓN.

¹ On pages 73 *et seq.* of the *Collection of Texts governing the jurisdiction of the Court* (third edition; Series D., No. 5) are reproduced the declarations of the Governments of Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Denmark (signature and renewal), the Dominican Republic, Estonia, Ethiopia, Finland, France, Haiti, Latvia, Liberia, Lithuania, Luxemburg, the Netherlands (signature and renewal), Norway (signature and renewal), Panama, Portugal, Salvador, Sweden (signature and renewal), Switzerland (signature and renewal) and Uruguay. On page 341 of the *Third Annual Report of the Court* (Chapter X, first addendum to the third edition of the *Collection*) are given the declarations of the Governments of Austria (renewal), Finland (renewal) and Guatemala. On page 422 of the *Fourth Annual Report of the Court* (Chapter X, second addendum to the third edition of the *Collection*) are given the declarations of the Governments of Germany (signature) and Estonia (renewal).

18.
CONVENTION
FOR THE REGULATION OF AERIAL NAVIGATION
SIGNED AT
PARIS
ON OCTOBER 13th, 1919.

Adhesions (cont.):

Netherlands, Dutch Indies,
Surinam and Curaçao August 22nd, 1928.

20.

CONVENTION

LIMITING THE HOURS OF WORK IN INDUSTRIAL UNDERTAKINGS
TO EIGHT IN THE DAY AND FORTY-EIGHT IN THE WEEK,

ADOPTED AT

WASHINGTON

ON NOVEMBER 28th, 1919,

BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Portugal
Spain¹

July 3rd, 1928.
February 22nd, 1929.

¹ This ratification is subject to ratification of the Convention by France, Germany, Great Britain and Italy.

22.

CONVENTION
CONCERNING NIGHT WORK OF WOMEN
ADOPTED AT
WASHINGTON
ON NOVEMBER 28th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

Cuba

August 6th, 1928.

23.

CONVENTION
FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO INDUSTRIAL EMPLOYMENT

ADOPTED AT
WASHINGTON
ON NOVEMBER 28th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Cuba
Netherlands

August 6th, 1928.
July 21st, 1928.

24.
CONVENTION
CONCERNING
THE NIGHT WORK OF YOUNG PERSONS EMPLOYED
IN INDUSTRY,
ADOPTED AT
WASHINGTON
ON NOVEMBER 28th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Cuba

August 6th, 1928.

25.

CONVENTION
CONCERNING
EMPLOYMENT OF WOMEN BEFORE
AND AFTER CHILDBIRTH

ADOPTED AT
WASHINGTON
ON NOVEMBER 29th, 1919,
BY THE FIRST SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

Cuba

August 6th, 1928.

28.

CONVENTION
FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO EMPLOYMENT AT SEA,
ADOPTED AT
GENOA
ON JULY 9th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Cuba

August 6th, 1928

29.

CONVENTION
CONCERNING UNEMPLOYMENT INDEMNITY IN CASE
OF LOSS OR FOUNDERING OF THE SHIP,
ADOPTED AT
GENOA
ON JULY 9th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Cuba
France

August 6th, 1928.
March 21st, 1929.

30.
CONVENTION
FOR ESTABLISHING FACILITIES FOR FINDING
EMPLOYMENT FOR SEAMEN,
ADOPTED AT
GENOA
ON JULY 10th, 1920,
BY THE SECOND SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

Cuba

August 6th, 1928.

39.

CONVENTION AND STATUTE ON FREEDOM OF TRANSIT
CONCLUDED AT
BARCELONA
ON APRIL 20th, 1921.

Adhesion (cont.) :

France
(For Syria and
the Lebanon)

February 7th, 1929.

46.

CONVENTION
CONCERNING THE COMPULSORY MEDICAL
EXAMINATION OF CHILDREN AND YOUNG PERSONS
EMPLOYED AT SEA,
ADOPTED AT
GENEVA
ON NOVEMBER 11th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Cuba

July 7th, 1928.

47.

CONVENTION
FIXING THE MINIMUM AGE FOR THE ADMISSION
OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS
OR STOKERS,

ADOPTED AT

GENEVA

ON NOVEMBER 11th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

Cuba

July 7th, 1928.

49.

CONVENTION
CONCERNING THE RIGHTS OF ASSOCIATION
AND COMBINATION OF AGRICULTURAL WORKERS,

ADOPTED AT

GENEVA

ON NOVEMBER 12th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.) :

France

March 23rd, 1929.

51.

CONVENTION
CONCERNING THE APPLICATION OF THE WEEKLY REST
IN INDUSTRIAL UNDERTAKINGS,

ADOPTED AT

GENEVA

ON NOVEMBER 17th, 1921,

BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Greece
Portugal

May 11th, 1929.
July 3rd, 1928.

52.

CONVENTION
CONCERNING THE USE OF WHITE LEAD
IN PAINTING,
ADOPTED AT
GENEVA
ON NOVEMBER 19th, 1921,
BY THE THIRD SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.) :

Cuba
Finland

July 7th, 1928.
April 5th, 1929.

54.

POLITICAL AGREEMENT
BETWEEN
THE FEDERAL REPUBLIC OF AUSTRIA AND THE
CZECHOSLOVAK REPUBLIC
CONCLUDED AT
PRAGUE
ON DECEMBER 16th, 1921.

According to a communication addressed to the Secretary-General of the League of Nations on November 6th, 1928, by the permanent delegate of the Czechoslovak Republic at the League, this Agreement was abrogated as from March 15th, 1927.

84.

CONVENTION
FOR THE SUPPRESSION OF THE CIRCULATION OF
AND TRAFFIC IN OBSCENE PUBLICATIONS

SIGNED AT

GENEVA

ON SEPTEMBER 12th, 1923.

Adhesions (cont.) :

Iraq	April 26th, 1929.
Norway	May 8th, 1929.

Ratifications (cont.) :

Hungary	February 12th, 1929.
Kingdom of the Serbs, Croats and Slovenes	May 2nd, 1929.

87.
INTERNATIONAL CONVENTION
RELATING TO
THE SIMPLIFICATION OF CUSTOMS FORMALITIES,
CONCLUDED AT
GENEVA
ON NOVEMBER 3rd, 1923.

Ratification (cont.) :

Kingdom of the
Serbs, Croats
and Slovenes

May 2nd, 1929.

90.
CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF RAILWAYS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Adhesion (cont.) :

Ethiopia	September 20th, 1928.
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Ratifications (cont.) :

Greece	March 6th, 1929.
Hungary	March 21st, 1929.

91.
CONVENTION AND STATUTE
ON THE
INTERNATIONAL RÉGIME OF MARITIME PORTS
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Adhesion (cont.) :

Iraq	May 1st, 1929.
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Ratifications (cont.) :

Hungary	March 21st, 1929.
Norway	June 21st, 1928.

92.
CONVENTION
RELATING TO THE
TRANSMISSION IN TRANSIT OF ELECTRIC POWER
CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Ratification (cont.):

Greece

February 15th, 1929.

93.

CONVENTION
RELATING TO
THE DEVELOPMENT OF HYDRAULIC POWER
AFFECTING MORE THAN ONE STATE, CONCLUDED AT
GENEVA
ON DECEMBER 9th, 1923.

Ratification (cont.) :

Greece

March 14th, 1929.

131.

CONVENTION CONCERNING OPIUM

CONCLUDED AT

GENEVA

ON FEBRUARY 19th, 1925.

Adhesion (cont.) :

Dominican Republic	July 19th, 1928.
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Ratifications (cont.) :

Canada	June 27th, 1928.
Japan	October 10th, 1928.
Latvia	October 31st, 1928.
Spain	June 22nd, 1928.
Switzerland	April 3rd, 1929.

In accordance with the provisions of Article 36 of the Convention, the latter came into force, following its ratification by Canada, on June 27th, 1928.

139.

CONVENTION
 CONCERNING EQUALITY OF TREATMENT FOR NATIONAL
 AND FOREIGN WORKERS AS REGARDS WORKMEN'S
 COMPENSATION FOR ACCIDENTS,

ADOPTED AT

GENEVA

ON JUNE 5th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL
 LABOUR CONFERENCE.

Ratifications (cont.) :

Austria	September 29th, 1928.
Cuba	August 6th, 1928.
Germany	September 18th, 1928.
Japan	October 8th, 1928.
Portugal	March 27th, 1929.
Spain	February 22nd, 1929.
Switzerland	February 1st, 1929.

140.

CONVENTION
CONCERNING NIGHT WORK IN BAKERIES
ADOPTED AT
GENEVA
ON JUNE 8th, 1925,
BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratification (cont.):

Cuba

August 6th, 1928.

142.

CONVENTION
CONCERNING WORKMEN'S COMPENSATION
FOR ACCIDENTS

ADOPTED AT

GENEVA

ON JUNE 10th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Cuba
Portugal
Spain

August 6th, 1928.
March 27th, 1929.
February 22nd, 1929.

143.**CONVENTION
CONCERNING WORKMEN'S COMPENSATION
FOR OCCUPATIONAL DISEASES**

ADOPTED AT

GENEVA

ON JUNE 10th, 1925,

BY THE SEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications (cont.):*

Austria	September 29th, 1928.
Cuba	August 6th, 1928.
Germany	September 18th, 1928.
Japan	October 8th, 1928.
Netherlands	November 1st, 1928.
Portugal	March 27th, 1929.

166.

CONVENTION
CONCERNING THE SIMPLIFICATION OF THE INSPECTION
OF EMIGRANTS ON BOARD SHIP

ADOPTED AT

GENEVA

ON JUNE 5th, 1926,

BY THE EIGHTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Finland
Japan

April 5th, 1929.
October 8th, 1928.

167.

CONVENTION
CONCERNING THE REPATRIATION OF SEAMEN
ADOPTED AT
GENEVA
ON JUNE 23rd, 1926,
BY THE NINTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.):

Cuba
Esthonia
France

July 7th, 1928.
July 9th, 1928.
March 4th, 1929.

168.

CONVENTION
CONCERNING SEAMEN'S ARTICLES OF AGREEMENT
ADOPTED AT
GENEVA
ON JUNE 24th, 1926,
BY THE NINTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.

Ratifications (cont.)

Cuba
Esthonia

July 7th, 1928.
May 10th, 1929.

197.

SLAVERY CONVENTION

SIGNED AT

GENEVA

ON SEPTEMBER 25th, 1926.

Adhesions (cont.):

America (United States of—)	March 21st, 1929.
Iraq	January 18th, 1929.

Ratifications (cont.):

Canada	August 6th, 1928.
Esthonia	May 16th, 1929.
Germany	March 12th, 1929.
Italy	August 25th, 1928.

221.

TREATY OF CONCILIATION AND ARBITRATION
BETWEEN POLAND AND THE KINGDOM OF THE SERBS,
CROATS AND SLOVENES,

SIGNED AT

GENEVA

ON SEPTEMBER 18th, 1926 ¹.

Ratifications: The exchange of ratifications took place at
Belgrade on May 16th, 1928.

¹ *League of Nations, Treaty Series*, Vol. LXXVIII (1928), p. 413.

226.TREATY OF CONCILIATION AND ARBITRATION
BETWEEN GERMANY AND ITALY

SIGNED AT

ROME

ON DECEMBER 29th, 1926¹.

Ratifications: The exchange of ratifications took place at Rome on July 16th, 1928.

¹ *League of Nations. Treaty Series*, Vol. LXXVIII (1928), p. 383.

227.

CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN GREECE AND LATVIA

SIGNED AT

RIGA

ON FEBRUARY 25th, 1927¹.

Ratifications: The exchange of ratifications took place at
Warsaw on February 16th, 1928.

¹ *League of Nations, Treaty Series*, Vol. LXXI (1928), p. 25.

233.

TREATY OF CONCILIATION
BETWEEN THE NETHERLANDS AND SWEDENSIGNED AT
THE HAGUE
ON MAY 21st, 1927¹.

Ratifications: The exchange of ratifications took place at Stockholm on July 27th, 1928.

¹ *League of Nations, Treaty Series*, Vol. LXXIX (1928), p. 148.

234.**CONVENTION CONCERNING SICKNESS INSURANCE
FOR WORKERS IN INDUSTRY AND COMMERCE
AND DOMESTIC SERVANTS**

ADOPTED AT

GENEVA

ON JUNE 15th, 1927,

BY THE TENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications (cont.):*Austria
CzechoslovakiaFebruary 18th, 1929.
January 17th, 1929.

235.CONVENTION CONCERNING SICKNESS INSURANCE
OF AGRICULTURAL WORKERS

ADOPTED AT

GENEVA

ON JUNE 15th, 1927,

BY THE TENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE.*Ratifications* (cont.):Austria
CzechoslovakiaFebruary 18th, 1929.
January 17th, 1929.

237.INTERNATIONAL CONVENTION ESTABLISHING
AN INTERNATIONAL RELIEF UNION

CONCLUDED AT

GENEVA

ON JULY 12th, 1927.

Adhesions (cont.) :

Great Britain	January 9th, 1929.
(and Northern Ireland)	
New Zealand	December 22nd, 1928.

Ratifications :

Belgium	May 9th, 1929.
Ecuador	July 30th, 1928.
Egypt	August 7th, 1928.
Finland	April 10th, 1929.
Hungary	April 17th, 1929.
India	April 2nd, 1929.
Italy	August 2nd, 1928.
Monaco	May 21st, 1929.
Roumania	September 11th, 1928.

242.INTERNATIONAL CONVENTION FOR THE ABOLITION
OF IMPORT AND EXPORT PROHIBITIONS
AND RESTRICTIONS

CONCLUDED AT

GENEVA

ON NOVEMBER 8th, 1927.

Ratifications :

Belgium	April 27th, 1929.
Great Britain (and Northern Ireland)	April 12th, 1929.

250.**COMMERCIAL AGREEMENT
BETWEEN AUSTRIA AND FRANCE**

SIGNED AT

PARIS

ON MAY 16th, 1928.

Ratifications: The exchange of ratifications took place at Paris on March 1st, 1929. In consequence, under Article 26, paragraph 4, of the Agreement, the latter came into force on March 11th.

*SECTION II.***251.****TREATY FOR THE JUDICIAL SETTLEMENT
BETWEEN BRAZIL AND LIBERIA**

SIGNED AT

PARIS

ON JULY 15th, 1925 ¹.**ARTICLE I**

The High Contracting Parties agree to submit to the Permanent Court of International Justice all controversies which may arise between them and which have not been settled by way of diplomacy or by any other way of conciliation, as long as such controversies do not deal with questions that affect constitutional principles of either of the contracting States.

ARTICLE 2.

The High Contracting Parties shall conclude a special agreement, in each particular case, clearly specifying the object of the dispute, any special powers which may be conferred upon the Permanent Court of International Justice, as well as all other conditions agreed upon between them.

The special agreement shall be established by means of an exchange of notes between the Governments of the High Contracting Parties.

It shall be interpreted in all respects by the Permanent Court of International Justice.

If the special agreement is not concluded within six months from the date on which one of the Parties has been notified of a request for judicial settlement, either Party may bring the dispute before the Permanent Court of International Justice by ordinary application, in accordance with Article 40 of its Statute.

¹ Communicated by the Brazilian Government.

ARTICLE 3.

The High Contracting Parties shall abstain, during the course of the judicial procedure, from any measure likely to have a prejudicial effect on the carrying out of the judgment of the Permanent Court of International Justice.

ARTICLE 4.

The High Contracting Parties undertake to comply with and carry out in good faith the judgment given by the Permanent Court of International Justice. Difficulties to which the interpretation or execution of the judgment may give rise shall be settled by the Permanent Court of International Justice, each of the contracting Parties being entitled to have recourse to that Court for this purpose by ordinary application.

ARTICLE 6.

Disputes which may arise concerning the interpretation or the application of this Treaty shall, unless otherwise decided, be submitted direct to the Permanent Court of International Justice by ordinary application.

252.TREATY REGARDING THE DELIMITATION OF THE
FRONTIER BETWEEN FRANCE AND GERMANY

SIGNED AT

PARIS

ON AUGUST 14th, 1925¹.

Ratifications: The exchange of ratifications took place at Paris on May 15th, 1928.

ARTICLE 51.

Any dispute which may arise between the High Contracting Parties as regards the interpretation or application of the present Treaty, and which cannot be settled by friendly agreement or submitted by common consent to a special arbitral tribunal, shall be referred to the Permanent Court of International Justice. If an agreement cannot be reached on the terms of the question to be submitted to the Court, the latter may be seized of the question by an application submitted by one or other of the Parties.

¹ *League of Nations, Treaty Series*, Vol. LXXV (1928), p. 103.

253.

CONVENTION REGULATING THE RELATIONS WITH
REGARD TO CERTAIN CLAUSES OF THE LEGAL
RÉGIME OF THE FUTURE KEMBS DERIVATION
BETWEEN FRANCE AND SWITZERLAND

SIGNED AT

BERNE

ON AUGUST 27th, 1926¹.

Ratifications: The exchange of ratifications took place at Berne on December 29th, 1927.

ARTICLE 12.

Should any dispute arise between the two contracting States as to the application or interpretation of the present Convention or of either of the concessions covered by this Convention, which it has not been possible to settle within a reasonable period of time through the diplomatic channel, such dispute shall be submitted to the Chamber of the Permanent Court of International Justice which, in accordance with the terms of Article 29 of the Statute of the Court, shall determine the question by summary procedure. Nevertheless, at the request of one of the Parties, the dispute shall be submitted to the Court of Justice at a plenary session.

The Parties may also agree to submit the dispute to an arbitral tribunal appointed in conformity with Article 45 of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

¹ *League of Nations, Treaty Series*, Vol. LXXI (1928), p. 63.

254.CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN CHILE AND NORWAY

SIGNED AT

OSLO

ON FEBRUARY 9th, 1927¹.

Ratifications: The exchange of ratifications took place at Santiago de Chile on July 9th, 1928.

ARTICLE 7.

Disputes concerning the interpretation or application of the present Convention which it has been found impossible to settle by negotiation, shall be submitted to the Permanent Court of International Justice, unless the contracting States have, by special agreement, decided to settle them in any other manner.

¹ *League of Nations, Treaty Series*, Vol. LXXX (1928), p. 325.

255.

TREATY OF CONCILIATION AND JUDICIAL SETTLEMENT
BETWEEN CHILE AND ITALY¹

SIGNED AT

ROME

ON FEBRUARY 24th, 1927¹.

Ratifications: The exchange of ratifications took place at Rome on December 2nd, 1927.

ARTICLE 16.

If one of the Parties does not accept the proposals of the Permanent Conciliation Commission, or does not announce its decision within the period prescribed in the report, either Party may request that the dispute be submitted to the Permanent Court of International Justice.

If, in the opinion of the Court, the case is not of a juridical nature, the Parties shall agree to its being settled *ex æquo et bono*.

ARTICLE 17.

In each particular case the contracting Parties shall draw up a special agreement (*compromis*) specifying clearly the subject of the dispute, the particular competence that might devolve upon the Permanent Court of International Justice, and any other conditions fixed between themselves.

The special agreement shall be constituted by an exchange of notes between the Governments of the contracting Parties.

All points contained therein shall be interpreted by the Court of Justice.

If the special agreement is not drawn up within three months from the day on which one of the Parties was requested to submit the matter for judicial settlement, either Party may bring the question before the Court of Justice by a simple application.

¹ *League of Nations, Treaty Series*, Vol. LXIX (1927-1928), p. 277.

ARTICLE 18.

Should the Permanent Court of International Justice find that a decision of a court of law or other authority of one of the contracting States is wholly or partly at variance with international law, and should the constitutional law of that State not allow or only inadequately allow the cancellation of this decision by administrative procedure, the Party prejudiced shall be granted equitable satisfaction in some other form.

ARTICLE 19.

The judgment given by the Permanent Court of International Justice shall be acted upon by the Parties in good faith.

Any difficulties regarding the interpretation of the judgment shall be settled by the Permanent Court upon a simple application for this purpose by either Party.

ARTICLE 20.

During the procedure of conciliation or the judicial procedure, the contracting Parties shall abstain from all measures which might prejudicially affect the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice.

ARTICLE 21.

Any disputes which may arise as to the interpretation or the execution of the present Treaty shall, in the absence of any agreement to the contrary, be submitted direct to the Permanent Court of International Justice by simple application.

256.

TREATY OF COMMERCE AND NAVIGATION
BETWEEN GREAT BRITAIN AND NORTHERN IRELAND
AND THE KINGDOM OF THE SERBS, CROATS
AND SLOVENES

SIGNED AT
LONDON
ON MAY 12th, 1927¹.

Ratifications: The exchange of ratifications took place at London on February 9th, 1928.

ARTICLE 29.

The two contracting Parties agree that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present Treaty shall, at the request of either Party, be referred to arbitration.

The court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless in any particular case the two contracting Parties agree otherwise.

¹ *Treaty Series*, No. 6 (1928), London, H.M.'s Stationery Office.

257.

TREATY OF COMMERCE
BETWEEN ESTHONIA AND CZECHOSLOVAKIA

SIGNED AT

TALLINN

ON JUNE 20th, 1927¹.

Ratifications: The exchange of ratifications took place at Tallinn on July 2nd, 1928.

ARTICLE 23.

Disputes and differences of opinion between the two contracting Parties as to the application and interpretation of the present Treaty shall be settled by a mixed arbitral tribunal. The arbitral tribunal shall be set up *ad hoc* and shall include an equal number of representatives of the two Parties. Should these representatives not arrive at an agreement, they shall apply to a third arbitrator, whom the President of the Permanent Court of International Justice shall, if necessary, be asked to appoint.

¹ *League of Nations, Treaty Series*, Vol. LXXVII (1928), p. 341.

258.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN BELGIUM AND PORTUGAL

SIGNED AT

BRUSSELS

ON JULY 9th, 1927¹.

Ratifications: The exchange of ratifications took place at Brussels on May 11th, 1928.

ARTICLE I.

All disputes concerning a right of any kind claimed by one of the contracting Parties and opposed by the other Party and, in particular, disputes mentioned in Article 13 of the Covenant of the League of Nations, which it may not have been possible to settle amicably by the normal methods of diplomacy within a reasonable time, shall be submitted for decision to the Permanent Court of International Justice.

ARTICLE 2.

The contracting Parties shall, in each particular case, draw up a special agreement (*compromis*) clearly defining the subject of the dispute, the particular jurisdiction to be exercised by the Permanent Court of International Justice and any other conditions as determined between themselves.

The said agreement shall be constituted by an exchange of notes between the Governments of the contracting Parties. The Court of Justice may interpret any point in this agreement.

If the agreement has not been drawn up within three months as from the day on which one of the Parties has received a request for judicial settlement, each Party may bring the dispute direct before the Court of Justice by means of an ordinary application.

¹ *League of Nations, Treaty Series*, Vol. LXXIV (1928), p. 39.

ARTICLE 3.

Previous to the institution of any proceedings before the Permanent Court of International Justice, the dispute may, at the request of either Party, be submitted for conciliation to a permanent international commission, to be known as the Permanent Conciliation Commission, constituted in conformity with the present Treaty.

ARTICLE 17.

Should it be impossible to reach an amicable settlement, the dispute shall, at the request of either Party, be submitted for a decision to a court of arbitration set up under the conditions and according to the procedure defined in the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

The Parties may, however, agree to submit a dispute to the Permanent Court of International Justice, which shall render a decision *ex æquo et bono*.

ARTICLE 18.

If one of the Parties has, in conformity with paragraph 1 of the preceding article, requested that the dispute be submitted to a court set up under the conditions and according to the procedure laid down in Article 45 of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes, the other Party shall be bound to apply to the said court, for the same purpose, in conjunction with the Party which has requested arbitration, and the two Parties shall within three months conclude a special agreement concerning the subject of the dispute and the procedure to be followed.

Should it be impossible to draw up this special agreement within the above-mentioned time-limit, the procedure laid down in Part IV of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes shall be obligatory.

Should a dispute be submitted to the Permanent Court of International Justice, the procedure shall be that provided by the Statute of the Court.

ARTICLE 20.

Should the Permanent Court of International Justice or the court of arbitration find that a decision of a court of law or other authority of one of the contracting Parties is wholly or partly at variance with international law, and should the constitutional law of that Party not allow or only inadequately allow of the annulment of the consequences of this decision by administrative procedure, the judicial or arbitral decision shall state the nature and extent of the compensation to be accorded to the injured Party.

ARTICLE 22.

Any dispute arising as to the interpretation or execution of the present Treaty shall, except as otherwise agreed, be submitted direct to the Permanent Court of International Justice by means of a simple application.

259.**COMMERCIAL AGREEMENT
BETWEEN GERMANY AND FRANCE**

SIGNED AT

PARIS

ON AUGUST 17th, 1927¹.

Entry into force: The Agreement came into force on September 6th, 1927.

ARTICLE 47.

Any dispute relating to the application of the present Agreement which it has not been possible to settle amicably through the ordinary diplomatic channel, shall be settled in accordance with the provisions of the Franco-German Arbitration Convention, dated October 16th, 1925².

¹ *League of Nations, Treaty Series*, Vol. LXXVI (1928), p. 5.

² Arbitration Convention signed at Locarno on October 16th, 1925. See *Collection of Texts governing the jurisdiction of the Court*, third edition, No. 150 (No. 5 of Series D. of the Court's Publications).

260.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN PORTUGAL AND SPAIN

SIGNED AT

LISBON

ON JANUARY 18th, 1928¹.

Ratifications: The exchange of ratifications took place at Lisbon on May 28th, 1928.

ARTICLE I.

The contracting Parties undertake to submit to a procedure of conciliation all disputes and conflicts of every kind which may arise between them and which it may not have been possible to settle through the diplomatic channel within a reasonable time.

Should the procedure of conciliation fail, the dispute or conflict shall be submitted to the Permanent Court of International Justice.

Disputes for the settlement of which a special procedure is provided in other agreements in force between the contracting Parties shall, however, be settled in accordance with such procedure.

ARTICLE 7.

Should the Parties not accept the recommendations of the commission of conciliation, either of them may, within a period prescribed by the commission, request that the dispute or conflict be submitted to the Permanent Court of International Justice.

If, in the opinion of the Court, the dispute is not of a juridical nature, the contracting Parties agree that the Court shall settle the matter *ex æquo et bono*, its judgment being binding on both Parties.

¹ *League of Nations, Treaty Series*, Vol. LXXVII (1928), p. 105.

ARTICLE 8.

The Permanent Court of International Justice shall be competent to take cognizance of any dispute including any discussion which may arise with regard to the interpretation and execution of the present Treaty. The contracting Parties may, however, agree to submit any dispute to a court of arbitration set up in conformity with Articles 55 *et seq.* of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes, or in conformity with any other agreement concluded between them.

ARTICLE 9.

The contracting Parties shall, in conformity with the provisions of the Statute and Rules of the Permanent Court of International Justice, draw up a special agreement specifying the subject of the dispute, the special jurisdiction which may be conferred upon the Court and any other conditions agreed upon between the Parties.

The special agreement shall be constituted by an exchange of notes between the Governments of the contracting Parties, and all points therein shall be interpreted by the Permanent Court of International Justice.

If the special agreement has not been drawn up within three months of the day on which one of the Parties has been requested to submit the matter for judicial settlement, either Party may bring the question before the Court of Justice by simple application.

ADDITIONAL PROTOCOL.

The Treaty of arbitration concluded between Spain and Portugal in 1904¹ and ratified on February 27th, 1909, is abrogated by the present Agreement; the new convention shall apply to all questions and claims in respect of acts, omissions or provisions prior to the date of the ratification of the new Treaty of conciliation, judicial settlement and arbitration to which the Treaty signed in 1904 and ratified

¹ *General Treaties of Arbitration communicated to the International Bureau of the Permanent Court of Arbitration, First Series, The Hague, 1911, p. 57.*

in 1909 could have applied; this shall be done by extending the new rules to the pacific settlement of such questions and claims, and the present Treaty shall accordingly not exclude the possibility of the pacific settlement of previous questions which would normally have been settled by arbitration according to the 1904 Agreement.

261.TREATY OF ARBITRATION AND CONCILIATION
BETWEEN FRANCE AND THE NETHERLANDS

SIGNED AT

GENEVA

ON MARCH 10th, 1928¹.ARTICLE 2².

All disputes of any kind relating to a right claimed by one of the High Contracting Parties and denied by the other, and which cannot be settled amicably by the ordinary methods of diplomacy, shall be submitted for judgment either to the Permanent Court of International Justice or to an arbitral tribunal as hereinafter provided. It is agreed that the disputes referred to above include in particular those mentioned in Article 13 of the Covenant of the League of Nations.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the High Contracting Parties shall be settled in conformity with the provisions of those conventions.

ARTICLE 3.

Before any resort is made to procedure before the Permanent Court of International Justice or to procedure by arbitration, the dispute may, by agreement between the Parties, be submitted for settlement by conciliation to a permanent international commission, styled *Permanent Conciliation Commission*, constituted in accordance with the present Treaty.

ARTICLE 4.

If in the case of a dispute falling under the terms of Article 2 the two Parties have not had recourse to the Permanent Conciliation Commission, or if that body has not been able to bring about an agreement between the Parties, the dispute shall be jointly submitted by special agreement either to the Permanent Court of International Justice, which shall give judgment under the conditions and in accordance

¹ Communicated by the Dutch Government.

² Translation by the Registry.

with the procedure laid down by its Statute, or to an arbitral tribunal which shall give judgment under the conditions and in accordance with the procedure laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

Should the Parties fail to agree either as to the choice of the tribunal, the terms of the special agreement, or, in the case of procedure by arbitration, on the selection of the arbitrators, either of them, upon giving one month's notice, may bring the dispute directly before the Permanent Court of International Justice by means of an application.

ARTICLE 6.

All questions in regard to which the High Contracting Parties differ and which they are unable to settle amicably by the ordinary methods of diplomacy, and the settlement of which cannot be sought by means of a judgment, as provided by Article 2 of this Treaty, or for which no procedure for settlement is already provided by a treaty or convention in force between the Parties, shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose an acceptable settlement to the Parties and in any event to report to them.

Failing agreement between the Parties upon the terms of the request to be laid before the Commission, either of them, upon giving one month's notice, may submit the question direct to the said Commission.

In any case, if the Parties disagree as to whether the controversy is or is not a dispute of the kind contemplated by Article 2 and therefore capable of settlement by means of a judgment, this question shall, prior to any proceedings before the Permanent Conciliation Commission, be submitted for decision to the Permanent Court of International Justice, by agreement between the High Contracting Parties or, failing such agreement, upon the application of one of them.

ARTICLE 20.

In all cases and particularly if the question on which the Parties differ arises out of acts already committed or on the point of commission, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the arbitral tribunal, as the case may be, shall indicate

within the shortest possible time the interim measures to be taken ; the Permanent Conciliation Commission may, if necessary, take similar action after agreement between the Parties.

ARTICLE 22.

Should any controversy arise between the High Contracting Parties regarding the interpretation of this Treaty, such controversy shall be referred to the Permanent Court of International Justice in accordance with the procedure indicated in Article 4, paragraph 2.

ARTICLE 24.

The present Treaty shall come into force as from the exchange of ratifications and its duration shall be ten years from the date of its coming into force. Failing notice of termination six months before the expiration of this period, it shall be regarded as renewed by tacit consent for a further period of five years and so on for successive periods of five years.

If, at the expiration of this Treaty, any proceedings under it are pending before the Permanent Conciliation Commission, the Permanent Court of International Justice or the arbitral tribunal, such proceedings shall be continued until completed.

262.

GENERAL CONVENTION FOR AIR NAVIGATION
BETWEEN FRANCE AND SPAIN

SIGNED AT

MADRID

ON MARCH 22nd, 1928¹.

Entry into force: According to a declaration signed the same day as the Convention, the latter came into force from that day.

ARTICLE 20.

The details as to the application of the present Convention shall be arranged, whenever possible, by direct agreement between the various competent administrations of the two contracting Parties (particularly as regards the regulation of customs formalities).

Any dispute regarding the application of the present Convention which cannot be settled amicably through the usual diplomatic channel shall first be examined by a conciliation commission consisting of one member representing France, one member representing Spain, and a chairman appointed by agreement. The members and the chairman shall be appointed anew whenever a fresh case renders this necessary. If the High Contracting Parties fail to agree upon the appointment of the chairman, or as to the award given by the commission, the dispute shall be submitted to the Permanent Court of International Justice at The Hague.

¹ *League of Nations, Treaty Series*, Vol. LXXIII (1928), p. 63.

263.TREATY OF COMMERCE
BETWEEN AUSTRIA AND DENMARK

SIGNED AT

VIENNA

ON APRIL 6th, 1928¹.

Ratifications: The exchange of ratifications took place on January 19th, 1929.

ARTICLE 21².

Any dispute between the contracting Parties relating to the contents, interpretation or application of this Treaty which cannot be settled through diplomatic channels shall be referred, at the request of one of the Parties, to the Permanent Court of International Justice at The Hague, which shall give a decision thereon in accordance with the summary procedure provided for in Article 29 of the Court's Statute, unless the contracting Parties agree that the ordinary procedure shall be applied.

¹ Communicated by the Austrian and Danish Governments.

² Translation by the Registry.

264.CONVENTION RELATING TO AIR NAVIGATION
BETWEEN AUSTRIA AND ITALY

SIGNED AT

ROME

ON MAY 11th, 1928¹.ARTICLE 20, paragraph 3².

Any dispute relating to the application of this Convention which cannot be settled through diplomatic channels, shall in the first place be referred for examination to a conciliation commission consisting of one Austrian member, one Italian member and a president to be appointed jointly. The members and the president shall be appointed for each case as required. Should the contracting Parties be unable to agree in regard to the selection of the president or the opinion given by the commission, the dispute shall be submitted to the Permanent Court of International Justice.

¹ French text communicated by the Austrian Government.

² Translation by the Registry.

265.

TREATY OF NEUTRALITY, CONCILIATION
AND JUDICIAL SETTLEMENT
BETWEEN ITALY AND TURKEY

SIGNED AT

ROME

ON MAY 30th, 1928¹.

ARTICLE 4².

Disputes which may arise in regard to the interpretation or execution of this Treaty shall be referred direct—by ordinary application—to the Permanent Court of International Justice at The Hague.

PROTOCOL ANNEXED TO THE TREATY.

ARTICLE 5.

Should the Parties not accept the recommendations of the conciliation commission, either of them may, within a time fixed by the commission, request that the dispute be submitted to the Permanent Court of International Justice.

Should the dispute, in the Court's opinion, not be of a legal nature, the Parties agree that it shall be decided *ex æquo et bono*.

ARTICLE 7.

The contracting Parties, conforming to the provisions of the Statute and Rules of the Permanent Court of International Justice, shall draw up a special agreement defining the subject of the dispute, any special powers conferred on the tribunal and any other conditions agreed upon between them.

The special agreement shall be concluded by means of an exchange of notes between the Governments of the two

¹ Communicated by the Italian Government.

² Translation by the Registry.

contracting Parties and shall be construed in all respects by the Court of Justice.

If the special agreement has not been concluded within three months from the date on which the request for judicial settlement has been notified to one of the Parties, either of them may refer the matter to the Court of Justice by ordinary application.

ARTICLE 8.

The judgment given by the Permanent Court of International Justice shall be complied with in good faith by the Parties.

Throughout the conciliation or judicial proceedings the contracting Parties shall abstain, as far as possible, from any measure likely to have a prejudicial effect as regards acceptance of the proposals of the conciliation commission or as regards the carrying out of the judgment of the Permanent Court of International Justice.

266.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN FINLAND AND SPAIN

SIGNED AT

HELSINKI

ON MAY 31st, 1928¹.

Ratifications: The exchange of ratifications took place at Helsinki on November 26th, 1928.

ARTICLE 2².

All disputes of any kind between the High Contracting Parties with regard to which the Parties are in conflict as to their respective rights and which cannot be settled amicably by ordinary methods of diplomacy, shall be submitted for judgment either to an arbitral tribunal or to the Permanent Court of International Justice. Controversies for the settlement of which some special procedure is laid down in other conventions in force between the High Contracting Parties shall be settled in conformity with the provisions of such conventions.

ARTICLE 9.

The duty of the conciliation commission shall be to elucidate the questions in dispute, to collect for this purpose all relevant information by enquiry or otherwise and to endeavour to reconcile the views of the Parties. It may, after examining the question, lay before the Parties the terms of the arrangement which appears to it appropriate and fix a time within which they are to decide whether to accept the arrangement.

Having concluded its proceedings, the commission shall draw up a report recording either that the Parties have come to an agreement and, if so, the conditions of the agreement, or that it has proved impossible to reconcile the views of the Parties, as the case may be.

¹ Communicated by the Finnish Government.

² Translation by the Registry.

The commission shall, unless otherwise agreed between the Parties, complete its task within six months from the date on which the dispute has been referred to it.

If an agreement has not been effected between the Parties, the commission, unless the two members appointed at the free choice of the Parties object, may order, even before the Permanent Court of International Justice, or the arbitral tribunal to which the dispute is submitted has finally given judgment, the publication of a report containing the opinion of each member of the commission.

ARTICLE 17.

Failing conciliation before the Permanent Commission of Conciliation, the dispute shall be referred either to an arbitral tribunal or to the Permanent Court of International Justice, in accordance with the provisions of Article 2 of this Treaty.

In this case, as also when recourse has not in the first place been had to the Permanent Commission of Conciliation, the Parties shall jointly draw up the special agreement submitting the dispute to the Permanent Court of International Justice or appointing arbitrators. The special agreement shall clearly define the subject of the dispute, any special powers which may be conferred upon the Permanent Court of International Justice or the arbitral tribunal and any other conditions agreed upon between the Parties. It shall be concluded by means of an exchange of notes between the two Governments.

The Permanent Court of International Justice, when called upon to give judgment on the dispute, or the arbitral tribunal appointed for the same purpose, as the case may be, shall be competent to construe the terms of the special agreement.

If the special agreement is not concluded within three months from the date on which one of the Parties has received notice of the request for judicial settlement, either Party may, upon giving one month's notice, bring the dispute directly before the Permanent Court of International Justice by means of an application.

For the rest, the procedure applicable shall be that laid down by the Statute of the Permanent Court of International Justice or, in the case of recourse to an arbitral tribunal, that laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

General Provisions.

ARTICLE 21.

Should the Permanent Court of International Justice or the arbitral tribunal find that a decision of a court of law or other authority of one of the contracting Parties is entirely or partially at variance with international law and should the constitutional law of that Party not allow or only allow in part the annulment by administrative action of the consequences of such decision, the judgment or arbitral award shall determine the nature and extent of the reparation to be granted to the injured Party.

ARTICLE 22.

Throughout the conciliation, judicial or arbitral proceedings, the contracting Parties shall abstain from any measures capable of having a prejudicial effect as regards acceptance of the proposals of the conciliation commission or the execution of the judgment of the Permanent Court of International Justice or of the award of the arbitral tribunal. In this connection, the conciliation commission, the Court of Justice, or the arbitral tribunal may, if necessary, indicate what interim measures are to be taken.

ARTICLE 23.

Disputes arising in regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be submitted direct to the Permanent Court of International Justice by ordinary application.

267.

TREATY OF CONCILIATION
BETWEEN FINLAND AND THE NETHERLANDS

SIGNED AT

GENEVA

ON JUNE 9th, 1928¹.

Ratifications: The exchange of ratifications took place at The Hague on February 8th, 1929.

ARTICLE I ².

All disputes of any kind arising between the High Contracting Parties which cannot be settled through diplomatic channels within a reasonable time and which are not capable of judicial settlement or settlement by arbitration, under the terms of Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice, or under any other international convention in force between the High Contracting Parties, shall be submitted at the request of either of them to a permanent conciliation commission for examination and report.

The High Contracting Parties may agree that a dispute which is capable of judicial or arbitral settlement shall in the first place be submitted to procedure by conciliation. If, in a dispute of this kind, one of the Parties does not accept the proposals of the commission within a reasonable time, either Party may submit the dispute to the Permanent Court of International Justice.

¹ Communicated by the Finnish and Dutch Governments.

² Translation by the Registry.

268.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN AUSTRIA AND SPAIN

SIGNED AT

VIENNA

ON JUNE 11th, 1928¹.

Ratifications: The exchange of ratifications took place at Vienna on March 21st, 1929.

ARTICLE 2².

All disputes of any kind between the High Contracting Parties with regard to which the Parties are in conflict as to their respective rights and which cannot be settled amicably by the ordinary methods of diplomacy, shall be submitted for judgment either to an arbitral tribunal or to the Permanent Court of International Justice. Disputes for the settlement of which some special procedure is provided by other conventions in force between the High Contracting Parties shall be settled in accordance with the provisions of such conventions.

ARTICLE 17.

Failing an amicable agreement before the Permanent Conciliation Commission, the dispute shall be submitted either to an arbitral tribunal or to the Permanent Court of International Justice in accordance with the terms of Article 2 of this Treaty.

In this case, as also when there has been no previous recourse to the Permanent Conciliation Commission, the Parties shall jointly draw up the special agreement submitting the dispute to the Permanent Court of International Justice or appointing arbitrators. The special agreement shall clearly

¹ Communicated by the Austrian Government.

² Translation by the Registry.

define the subject of the dispute, any special powers which may be conferred upon the Permanent Court of International Justice or the arbitral tribunal and any other conditions agreed upon between the Parties. It shall be concluded by means of an exchange of notes between the two Governments.

The Permanent Court of International Justice, when called upon to give judgment on the dispute, or the arbitral tribunal appointed for the same purpose, as the case may be, shall be competent to construe the terms of the special agreement.

If the special agreement is not concluded within three months from the day on which one of the Parties has received a request for judicial settlement, either Party may, upon giving one month's notice, bring the dispute directly before the Permanent Court of International Justice by means of an application.

For the rest, the procedure applicable shall be that laid down by the Statute of the Permanent Court of International Justice, or, in the case of recourse to an arbitral tribunal, that laid down by the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

ARTICLE 21.

If the Permanent Court of International Justice or the arbitral tribunal finds that a decision of a court of law or any other authority of one of the High Contracting Parties is entirely or partially at variance with international law, and if the constitutional law of that Party does not allow or only allows in part the annulment by administrative action of the consequences of the decision in question, the judgment or arbitral award shall determine the nature and extent of the reparation granted to the injured Party.

ARTICLE 22.

Throughout the conciliation, judicial or arbitral proceedings, the High Contracting Parties shall abstain from any measure capable of having any effect as regards the acceptance of the proposals of the conciliation commission or the carrying out of the judgment of the Permanent Court of International Justice or the award of the arbitral tribunal. In this connection, the conciliation commission, the Court of Justice, or the arbitral tribunal shall, if necessary, order what interim measures are to be taken.

ARTICLE 23.

Disputes arising in regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be submitted direct to the Permanent Court of International Justice by ordinary application.

269.

CONVENTION
CONCERNING THE CREATION OF MINIMUM
WAGE-FIXING MACHINERY

ADOPTED AT

GENEVA

ON JUNE 16th, 1928,

BY THE ELEVENTH SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE ¹.

Ratification :

Germany

May 30th, 1929.

¹ *International Labour Office, International Conference, Eleventh Session.*

270.

INTERNATIONAL AGREEMENT
RELATING TO THE
EXPORTATION OF HIDES AND SKINS
CONCLUDED AT
GENEVA
ON JULY 11th, 1928¹.

Signatories :

Austria
Belgium
Czechoslovakia
Denmark
Finland
France
Germany
Great Britain and Northern Ireland
Hungary
Italy
Luxemburg
Netherlands
Poland
Roumania
Serb-Croat-Slovene Kingdom
Switzerland.

Ratifications :

Belgium	April 27th, 1929.
Great Britain and Northern Ireland	April 9th, 1929.

ARTICLE 8².

The provisions of Articles 4, 5, 7, 8, 9, 10, 11, 12 and 13 of the Convention of November 8th, 1927, and the provisions

¹ *League of Nations Document C. 348 (I). M. 104 (I). 1928. II, Geneva, July 20th, 1928.*

² Article 8 of the International Convention for the Abolition of Import and Export Prohibitions and Restrictions, concluded at Geneva on November 8th, 1927, provides for the settlement of disputes arising between the High Contracting Parties. Disputes not of a legal nature are to be submitted for advisory opinion to a technical body and may then, if the Parties agree,

of the Protocol relating to these articles, as well as of paragraph (b) of the Protocol to Article I, shall apply to the present Agreement in so far as the obligations contained therein and the products covered by the Agreement allow. As regards the application of the procedure provided for in the above-mentioned Article 8, no distinction shall be made between the various provisions of the preceding articles of the present Agreement.

be decided by judicial or arbitral proceedings. In disputes of a legal nature, the Parties, at the request of any of them, are to submit the matter either to the Permanent Court of International Justice or to an arbitral tribunal selected by them. In the event of a difference of opinion as to whether a dispute is of a legal nature or not, this question is to be referred for decision to the Court of Justice or arbitral tribunal selected by the Parties.

The complete text of Article 8 is reproduced in the second addendum to the third edition of the *Collection of Texts governing the jurisdiction of the Court* (Fourth Annual Report, Chapter X, No. 242, p. 524).

271.

INTERNATIONAL AGREEMENT
RELATING TO THE EXPORT OF BONES

CONCLUDED AT

GENEVA

ON JULY 11th, 1928¹.*Signatories :*

Austria
 Belgium
 Czechoslovakia
 Denmark
 Finland
 France
 Germany
 Great Britain and Northern Ireland
 Hungary
 Italy
 Luxemburg
 Netherlands
 Poland
 Roumania
 Serb-Croat-Slovene Kingdom
 Switzerland.

Ratifications :

Belgium	April 27th, 1929.
Great Britain and Northern Ireland	April 9th, 1929.

ARTICLE 12².

(The text of this article is identical with that of Article 8 of the International Agreement relating to the exportation of Hides and Skins reproduced above on p. 465.)

¹ *League of Nations Document C. 349 (1). M. 105. II, Geneva, July 20th, 1928.*

² See p. 465, note 2.

272.

TREATY OF CONCILIATION AND JUDICIAL SETTLEMENT
BETWEEN FINLAND AND ITALY

SIGNED AT

HELSINKI

ON AUGUST 21st, 1928¹.

Ratifications: The exchange of ratifications took place at Rome on April 26th, 1929.

ARTICLE 5².

If the appointment of the members of the Conciliation Commission to be jointly appointed or of the president has not been made within the time of six months laid down or, in the case of replacement, within three months from the date on which the seat becomes vacant, the appointment shall be made, at the request of one only of the Parties, by the President of the Permanent Court of International Justice or, should he be a national of one of the contracting States, by the Vice-President or, if the latter is similarly situated, by the eldest member of the Court.

ARTICLE 15.

Should one of the Parties not accept the proposals of the Conciliation Commission or not give its decision within the time fixed in that body's report, either of them may request that the dispute be submitted to the Permanent Court of International Justice.

Should the dispute, in the Court's opinion, not be of a legal nature, the Parties agree that it shall be decided *ex æquo et bono*.

ARTICLE 16.

The contracting Parties shall in each particular case conclude a special agreement clearly defining the subject of the dispute, any special powers which may be conferred on the Permanent Court of International Justice and any other conditions agreed upon between them.

¹ Communicated by the Finnish Government.

² Translated by the Registry.

The special agreement shall be concluded by an exchange of notes between the Governments of the contracting Parties.

It shall be construed in all respects by the Court of Justice.

If the special agreement is not concluded within three months from the date on which one of the Parties has received a request for judicial settlement, either Party may bring the matter before the Court of Justice by ordinary application.

ARTICLE 17.

If the Permanent Court of International Justice finds that a decision of a court of law or of any other authority of one of the contracting Parties is wholly or partially at variance with international law and if the constitutional law of that Party does not allow or only allows in part the annulment by administrative action of the consequences of the decision in question, equitable satisfaction of some other kind shall be granted to the injured Party.

ARTICLE 18.

The judgment given by the Permanent Court of International Justice shall be complied with in good faith by the Parties.

Difficulties which may arise in connection with the interpretation of the judgment shall be settled by the Court of Justice and may be submitted to the Court by either Party by ordinary application.

ARTICLE 19.

Throughout conciliation or judicial proceedings, the contracting Parties shall abstain from any measure capable of having a prejudicial effect as regards the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice.

ARTICLE 20.

Disputes arising in regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be submitted direct to the Permanent Court of International Justice by ordinary application.

273.

CONVENTION OF COMMERCE AND NAVIGATION
BETWEEN DENMARK AND GREECE

SIGNED AT

BERLIN

ON AUGUST 22nd, 1928¹.

ARTICLE 14².

Disputes arising in regard to the interpretation or application of this Convention, including the Final Protocol, which cannot be settled through diplomatic channels within a reasonable time, shall be submitted, at the request of a single Party, to an arbitral tribunal which, as a general rule, shall consist of three members, the contracting Parties each appointing one arbitrator chosen by them and selecting the umpire by mutual agreement. Should one of the Parties so requests, however, the arbitral tribunal shall consist of five members, the contracting Parties each appointing one arbitrator chosen by them and selecting by mutual agreement the three others, including the umpire.

The umpire and the arbitrators to be jointly selected, if any, must be neither nationals of the contracting States nor be domiciled in their territory nor engaged in their service.

Should the appointment of the umpire, of the arbitrators to be jointly selected, if any, or of those chosen by the Parties independently, not ensue within four months from the notification of the request for arbitration, they shall be appointed, at the request of a single Party, by the President of the Permanent Court of International Justice or, should the latter be a national of one of the contracting States, by the Vice-President or, should he be similarly situated, by the senior member of the Court.

The Tribunal shall meet at the place selected by the umpire. It shall itself settle the procedure. Its awards shall be binding.

In the event of a difference of opinion as to whether the dispute relates to the interpretation or application of the Convention, this interlocutory question shall be referred to

¹ Communicated by the Danish Government.

² Translation by the Registry.

arbitration under the same conditions as are laid down in paragraph 1 of this article.

Unless the Parties agree, the dispute may also be referred to the Permanent Court of International Justice at The Hague to be dealt with by summary procedure in accordance with Articles 29 and 30 of the Court's Statute.

274.

PROTOCOL AMENDING THE
TREATY OF ARBITRATION AND CONCILIATION
CONCLUDED ON DECEMBER 3rd, 1921,
BETWEEN GERMANY AND SWITZERLAND

SIGNED AT

BERNE ¹

ON AUGUST 29th, 1928 ².

The undersigned plenipotentiaries of the German Reich and of the Swiss Confederation, with a view to the amendment of the Treaty of arbitration and conciliation between Germany and Switzerland of December 3rd, 1921 ³, having regard to the declarations made by Germany and Switzerland with respect to Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice, have agreed as follows:

ARTICLE 1.

Article 4 of the Treaty of December 3rd, 1921, is abrogated; the following words in Article 2: "subject to the provisions of Articles 3 and 4" are therefore replaced by the words: "subject to the provisions of Article 3".

ARTICLE 2.

Article 8 of the Treaty of December 3rd, 1921, is replaced by the following clause: "If the special agreement is not concluded between the Parties within a period of two months from the date on which one of them has notified to the other a request for the submission of a dispute to arbitration, or if the arbitral tribunal is not formed within the same time, either of the Parties may bring the dispute directly before the Permanent Court of International Justice."

¹ Message No. 2402 of the Swiss Federal Council to the Federal Assembly (Berne, December 14th, 1928).

² Translation by the Registry.

³ *General Treaties of Arbitration communicated to the International Bureau of the Permanent Court of Arbitration*, Third Series, The Hague, 1928, p. 3.

275.**TREATY OF COMMERCE AND NAVIGATION
BETWEEN GERMANY AND THE UNION OF SOUTH AFRICA**

SIGNED AT

PRETORIAON SEPTEMBER 1st, 1928¹.

ARTICLE 23.

If a dispute in regard to the interpretation or application of this Treaty, inclusive of the Protocol, cannot be solved by diplomatic means within a reasonable time, it shall, at the request of either of the contracting Parties, be submitted for decision to a court of arbitration. The preliminary question whether the dispute relates to the interpretation or application of the Treaty shall be dealt with likewise. The award of the court of arbitration shall be binding.

The court of arbitration shall, in each particular case, be constituted by each Party nominating one of its subjects as arbiter and both Parties choosing a subject of a third State as chairman and co-arbiter. Should the Parties fail to agree upon the choice of the chairman within four weeks after the receipt of the request for a decision by arbitrators, they shall jointly request the President of the Permanent International Court of Arbitration at The Hague² to appoint such chairman. The contracting Parties reserve to themselves the right to agree beforehand as to the person of such chairman for a stated period. The rules of procedure to be observed by the court of arbitration shall in each particular case be settled by mutual agreement between the Parties. If the Parties fail to agree upon such rules of procedure within three months from the date of appeal to arbitration, the court of arbitration shall itself settle its procedure.

¹ Communicated by the Government of the Union of South Africa.

² According to a letter from the Foreign Minister of the Union of South Africa, dated March 18th, 1929, the appointment to be made is entrusted to the President of the Permanent Court of International Justice. In any case the Permanent Court of Arbitration is only constituted for each particular case and consequently has no permanent president.

276.

CONVENTION
REGARDING THE INTRODUCTION OF NATIVE LABOUR
FROM MOZAMBIQUE INTO THE PROVINCE
OF THE TRANSVAAL,
RAILWAY MATTERS AND THE COMMERCIAL INTER-
COURSE BETWEEN THE UNION OF SOUTH AFRICA
AND THE COLONY OF MOZAMBIQUE, BETWEEN
PORTUGAL AND THE UNION OF SOUTH AFRICA

SIGNED AT

PRETORIA .

ON SEPTEMBER 11th, 1928¹.

ARTICLE 56.

Any dispute that may arise relative to the interpretation or the carrying out of the Convention, and that cannot be settled by direct negotiations between the Union Government and the Portuguese Government shall be submitted to arbitration and to this end the Union Government will appoint as arbiter the Chief Justice of the Supreme Court of South Africa and the Portuguese Government the Judge President of the Court of Appeal of Mozambique. If the judges aforesaid are unable to reach a joint decision they shall together elect an umpire. If no appointment can be mutually agreed upon by them, the President of the High Court of International Justice at The Hague shall be requested to make the necessary appointment. The procedure shall be *ex æquo et bono* and in accordance with the terms of submission to be agreed upon in respect of each particular case.

¹ Communicated by the Government of the Union of South Africa.

277.

GENERAL ACT
FOR CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION

ADOPTED BY THE NINTH ASSEMBLY
OF THE LEAGUE OF NATIONS
AT

GENEVA

ON SEPTEMBER 26th, 1928¹.

*Accessions*²:

Belgium	(A)	May 18th, 1929.
Sweden	(B)	May 13th, 1929.

¹ *League of Nations Document C. 536. M. 163. 1928. IX, Geneva, October 15th, 1928.*

² With regard to accessions, the General Act contains the following:

Article 38.

‘Accessions to the present General Act may extend:

“A. Either to all the provisions of the Act (Chapters I, II, III and IV);

“B. Or to those provisions only which relate to conciliation and judicial settlement (Chapters I and II), together with the general provisions dealing with these procedures (Chapter IV);

“C. Or to those provisions only which relate to conciliation (Chapter I), together with the general provisions concerning that procedure (Chapter IV).

“The contracting Parties may benefit by the accessions of other Parties only in so far as they have themselves assumed the same obligations.

Article 43.

“1. The present General Act shall be open to accession by all the Heads of States or other competent authorities of the Members of the League of Nations and the non-Member States to which the Council of the League of Nations has communicated a copy for this purpose.

“2. The instruments of accession and the additional declarations provided for by Article 40 shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States referred to in the preceding paragraph.

“3. The Secretary-General of the League of Nations shall draw up three lists, denominated respectively by the letters A, B and C, corresponding to the three forms of accession to the present Act provided for in Article 38, in which shall be shown the accessions and additional declarations of the contracting Parties. These lists, which shall be continually kept up to date, shall be published in the Annual Report presented to the Assembly of the League of Nations by the Secretary-General.

ARTICLE I.

Disputes of every kind between two or more Parties to the present General Act which it has not been possible to settle by diplomacy shall, subject to such reservations as may be made under Article 39, be submitted, under the conditions laid down in the present Chapter, to the procedure of conciliation.

ARTICLE 17.

All disputes with regard to which the Parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 39, be submitted for decision to the Permanent Court of International Justice, unless the Parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

ARTICLE 18.

If the Parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators to be selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes shall apply so far as is necessary.

If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 44.

"1. The present General Act shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the accession of not less than two contracting Parties.

"2. Accessions received after the entry into force of the Act, in accordance with the previous paragraphs, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations. The same rules shall apply to the additional declarations provided for by Article 40."

ARTICLE 19.

If the Parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either Party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

ARTICLE 20.

1. Notwithstanding the provisions of Article 1, disputes of the kind referred to in Article 17 arising between Parties who have acceded to the obligations contained in the present Chapter shall only be subject to the procedure of conciliation if the Parties so agree.

2. The obligation to resort to the procedure of conciliation remains applicable to disputes which are excluded from judicial settlement only by the operation of reservations under the provisions of Article 39.

3. In the event of recourse to and failure of conciliation, neither Party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 18 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

ARTICLE 21.

Any dispute not of the kind referred to in Article 17 which does not, within the month following the termination of the work of the Conciliation Commission provided for in Chapter I, form the object of an agreement between the Parties, may, subject to such reservations as may be made under Article 39, be brought before an arbitral tribunal which, unless the Parties otherwise agree, shall be constituted in the manner set out below.

ARTICLE 23.

1. If the appointment of the members of the arbitral tribunal is not made within a period of three months from the date on which one of the Parties requested the other Party to constitute an arbitral tribunal, a third Power, chosen by agreement between the Parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each Party shall designate a different Power, and the appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointments shall be made by the President of the Permanent Court of International Justice. If the latter is prevented from acting or is a subject of one of the Parties, the nominations shall be made by the Vice-President. If the latter is prevented from acting or is a subject of one of the Parties, the appointments shall be made by the oldest member of the Court who is not a subject of either Party.

ARTICLE 30.

If a Party brings before a conciliation commission a dispute which the other Party, relying on conventions in force between the Parties, has submitted to the Permanent Court of International Justice or an arbitral tribunal, the Commission shall defer consideration of the dispute until the Court or the arbitral tribunal has pronounced upon the conflict of competence. The same rule shall apply if the Court or the tribunal is seized of the case by one of the Parties during the conciliation proceedings.

ARTICLE 33.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the arbitral tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The Parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the Parties the adoption of such provisional measures as it considers suitable.

3. The Parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judi-

cial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 34.

Should a dispute arise between more than two Parties to the present General Act, the following rules shall be observed for the application of the forms of procedure described in the foregoing provisions:

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the Parties all have separate interests or as two or more of their number act together.

In the former case, the Parties shall each appoint one commissioner and shall jointly appoint commissioners nationals of third Powers not Parties to the dispute, whose number shall always exceed by one the number of commissioners appointed separately by the Parties.

In the second case, the Parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other Party or Parties in appointing third commissioners.

In either event, the Parties, unless they agree otherwise, shall apply Article 5 and the following articles of the present Act, so far as they are compatible with the provisions of the present article.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, in the case of the disputes mentioned in Article 17, each Party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice; in the case of disputes mentioned in Article 21, the above Article 22 and following articles shall apply, but each Party having separate interests shall appoint one arbitrator and the number of arbitrators separately appointed by the Parties to the dispute shall always be one less than that of the other arbitrators.

ARTICLE 36.

1. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the arbitral tribunal a request to intervene as a third Party.

2. It will be for the Court or the tribunal to decide upon this request.

ARTICLE 37.

1. Whenever the construction of a convention to which States other than those concerned in the case are Parties in question, the Registrar of the Permanent Court of International Justice or the arbitral tribunal shall notify all such States forthwith.

2. Every State so notified has the right to intervene in the proceedings; but, if it uses this right, the construction given by the decision will be binding upon it.

ARTICLE 41.

Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

278.

TREATY OF CONCILIATION, JUDICIAL SETTLEMENT
AND ARBITRATION
BETWEEN PORTUGAL AND SWITZERLAND

SIGNED AT

BERNE

ON OCTOBER 17th, 1928¹.

ARTICLE 1².

All disputes of any kind relating to a right claimed by one of the contracting Parties and denied by the other and, in particular, the disputes referred to in Article 13 of the Covenant of the League of Nations, which cannot be settled in a reasonable time by ordinary diplomatic methods, shall be submitted for judgment to the Permanent Court of International Justice.

ARTICLE 2.

The contracting Parties shall conclude in each particular case a special agreement clearly defining the subject of the dispute, any special powers which may be conferred upon the Permanent Court of International Justice and any other conditions agreed upon between them.

The special agreement shall be concluded by means of an exchange of notes between the Governments of the contracting Parties. It shall be construed in all respects by the Court of Justice.

If the special agreement is not concluded within three months from the date on which one of the Parties has received a request for judicial settlement, either Party may bring the case before the Court by ordinary application.

ARTICLE 3.

Before any proceedings are begun before the Permanent Court of International Justice, the dispute shall, at the

¹ Message of the Swiss Federal Council to the Federal Assembly (Berne, December 17th, 1928).

² Translation by the Registry.

request of either Party, be referred for amicable settlement to a permanent international commission, styled Permanent Conciliation Commission, constituted as provided in this Treaty.

ARTICLE 17.

Should it prove impossible to effect an amicable settlement between the Parties, the dispute shall, at the request of one of the Parties, be submitted for decision to an arbitral tribunal which, unless otherwise agreed by the Parties, shall consist of five members appointed for each case as it arises, in accordance with the method provided in Articles 4 and 5 of this Treaty with regard to the Conciliation Commission.

The Parties, however, reserve the right to submit the dispute, by mutual consent, to the Permanent Court of International Justice for judgment *ex æquo et bono*.

ARTICLE 18.

When recourse is to be had to arbitration, the contracting Parties undertake to conclude, within three months from the date on which one of the Parties has transmitted to the other the request for arbitration, a special agreement concerning the subject of the dispute and the details of the procedure.

If this special agreement cannot be concluded within the time laid down above, it shall be obligatorily completed in accordance with the procedure laid down in Part IV of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

If the dispute is submitted to the Permanent Court of International Justice, the procedure shall be in accordance with the provisions of the Statute of that Court.

ARTICLE 20.

If the Permanent Court of International Justice or the arbitral tribunal finds that a decision of a court of law or any other authority of one of the contracting Parties is entirely or partially at variance with international law and if the constitutional law of that Party does not allow or only allows in part the annulment by administrative action of the

consequences of the decision in question, the judgment or arbitral award shall determine the nature and extent of the reparation to be granted to the injured Party.

ARTICLE 21.

Throughout the conciliation, judicial or arbitral proceedings, the contracting Parties shall abstain from any measure capable of affecting the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice or of the award of the arbitral tribunal. In this connection, the conciliation commission, the Court of Justice and the arbitral tribunal shall, if necessary, order what interim measures are to be taken.

ARTICLE 22.

Differences of opinion arising in regard to the interpretation or execution of this Treaty shall, unless otherwise agreed, be referred direct to the Permanent Court of International Justice by ordinary application.

ARTICLE 23.

This Treaty shall only apply as regards disputes arising after the exchange of ratifications thereof, and relating to situations or facts subsequent to this date.

Disputes for the settlement of which some special procedure is provided by other agreements in force between the contracting Parties shall be dealt with in accordance with the provisions of those agreements.

279.

TREATY OF JUDICIAL SETTLEMENT AND CONCILIATION
BETWEEN THE NETHERLANDS AND SIAM

SIGNED AT

THE HAGUE

ON OCTOBER 27th, 1928¹.ARTICLE 2².

The High Contracting Parties, failing an agreement between them for the adoption of another method of settling a dispute, recognize as obligatory for the duration of this Treaty the jurisdiction of the Permanent Court of International Justice, in accordance with the terms of the Court's Statute, for all disputes of a legal nature arising between them which cannot be settled through diplomatic channels within a reasonable time and, in particular, all disputes concerning :

- (a) the interpretation of a treaty ;
- (b) any question of international law ;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

In the event of a dispute as to whether the Court has jurisdiction to deal with the dispute under the provisions of the preceding paragraph, the point shall be decided by the Court.

Each Party shall be bound to comply with the judgment given by the Court as speedily as possible.

All questions in regard to which the High Contracting Parties differ, which they are unable to settle amicably by the ordinary methods of diplomacy, and which cannot be submitted for settlement by a judgment, as provided in the first paragraph, or for the settlement of which no other procedure is provided, shall be submitted to procedure by conciliation to be instituted by agreement between the Parties for each case as it arises.

¹ Communicated by the Netherlands Government.

² Translation by the Registry.

ARTICLE 3.

The present Treaty shall be ratified. The instruments of ratification shall be exchanged at The Hague as soon as possible.

The Treaty is concluded for a period of five years as from the date of exchange of ratifications. Unless notice of termination is given at least six months before the expiration of this period, it shall remain in force for a further period of five years and so on for successive periods.

Should proceedings before the Permanent Court of International Justice be pending at the expiration of this Treaty, the provisions thereof shall remain applicable.

280.

TREATY OF COMMERCE AND NAVIGATION
BETWEEN GERMANY AND LITHUANIA

SIGNED AT

BERLIN

ON OCTOBER 30th, 1928¹.

Ratifications: The exchange of ratifications took place on February 22nd, 1929.

ARTICLE 33².

If a dispute concerning the interpretation or application of this Treaty and its Final Protocol cannot be settled through diplomatic channels within a reasonable time, it shall, at the request of either Party, be submitted for decision to an arbitral tribunal. The same procedure shall also apply as regards the preliminary question whether the dispute relates to the interpretation or application of the Treaty. The award of the arbitral tribunal shall be binding.

The court of arbitration shall be composed, for each case as it arises, as follows: each Party shall appoint one of its nationals as arbitrator, and the two Parties shall choose the national of a third State as president and third arbitrator. Should the Parties not be able to agree upon the choice of the president within four weeks after the request for an arbitral award has been received, they shall jointly invite the President of the Permanent Court of International Justice at The Hague to appoint the said president; the High Contracting Parties reserve the right to make an agreement beforehand as to the person who is to be president for a definite time. The rules of procedure to be followed by the arbitral tribunal shall be fixed in each case by agreement between the Parties. If the Parties do not agree upon these rules within two months from the request for arbitration, the arbitral tribunal shall itself lay down its procedure.

¹ Communicated by the Lithuanian Government.

² Translation by the Registry.

281.

PROTOCOL
AMENDING THE TREATY OF ARBITRATION
AND CONCILIATION CONCLUDED ON MARCH 14th, 1925¹,
BETWEEN FINLAND AND GERMANY

SIGNED AT
HELSINKI²
ON DECEMBER 3rd, 1928³.

Ratifications: The exchange of ratifications took place at Berlin on May 16th, 1929.

The undersigned plenipotentiaries of the German Reich and of the Republic of Finland have agreed upon the following amendments to the Treaty of Arbitration and Conciliation concluded on March 14th, 1925, between Finland and Germany:

ARTICLE 1.

Article 4 of the Treaty of March 14th, 1925, is abrogated.

ARTICLE 2.

Disputes amenable to procedure by arbitration may, if the Parties have not been able to agree upon the terms of the special agreement in accordance with the terms of Article 8 of the Treaty, be submitted directly to the Permanent Court of International Justice in accordance with the Statute of that Court, by unilateral application filed one month after notice has been given to the other Party.

¹ *League of Nations, Treaty Series*, Vol. XLIII, p. 347.

² Communicated by the Finnish Government.

³ Translation by the Registry.

282.

TREATY OF CONCILIATION,
JUDICIAL SETTLEMENT AND ARBITRATION
BETWEEN SWITZERLAND AND TURKEY

SIGNED AT

ANGORA

ON DECEMBER 9th, 1928¹.ARTICLE 2².

The conciliation proceedings shall be entrusted to a permanent commission of three members.

The contracting Parties shall each appoint one member of their own choice and shall select, by mutual agreement, the third member who shall *ipso facto* be president of the Permanent Conciliation Commission. The president must be neither a national of the contracting States nor be domiciled in their territory nor in their service.

The Commission shall be constituted within six months from the entry into force of this Treaty.

Should the appointment of the president not be made within this period of six months, or, in case of retirement or death, within three months from the date on which the post falls vacant, it shall, if need be, at the request of one Party only, be made by the President of the Permanent Court of International Justice, or, if the latter is a national of one of the contracting States, by the Vice-President, or, if the latter is similarly situated, by the eldest member of the Court who is not a national of either of the contracting States.

The members of the Commission are appointed for three years; but their appointment shall be held to be renewed for further successive periods of three years, if neither Party enters an objection to such renewal.

ARTICLE 6.

If one of the contracting Parties does not accept the proposals of the Conciliation Commission or does not give its decision within the time fixed in that body's report, either Party may demand that the dispute shall be submitted by special agreement to the Permanent Court of International Justice.

¹ Message No. 2435 of the Swiss Federal Council to the Federal Assembly (Berne, December 9th, 1928).

² Translation by the Registry.

ARTICLE 8.

The special agreement referred to in Articles 6 and 7 shall be concluded by means of an exchange of notes between the two Governments.

If it is not drawn up within three months from the date on which one of the Parties has notified the other of its intention to have recourse to judicial settlement, or from the date on which the two Parties have agreed to have recourse to arbitration, the Permanent Court of International Justice or the arbitral tribunal shall give judgment on the basis of the claims formulated by the Parties.

ARTICLE 9.

Throughout the conciliation, judicial or arbitral proceedings, the contracting Parties shall abstain from any measure capable of having a prejudicial effect as regards either the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice or the award of the arbitral tribunal.

ARTICLE 10.

Disputes arising with regard to the carrying out of a judgment or arbitral award or with regard to the interpretation of this Treaty, with the exception of the provisions of paragraphs 2 and 3 of Article 1, may be submitted to the Permanent Court of International Justice upon the application of one Party only.

283.TREATY OF COMMERCE
BETWEEN AUSTRIA AND ESTHONIA

SIGNED AT

WARSAW

ON DECEMBER 11th, 1928¹.ARTICLE 19².

Disputes between the two High Contracting Parties regarding the application and interpretation of this Treaty shall be settled by a mixed arbitral tribunal. The arbitral tribunal shall be formed *ad hoc*, and shall comprise an equal number of representatives of the two Parties. If those representatives do not succeed in reaching agreement, they shall call in a neutral umpire whom the President of the Permanent Court of International Justice shall, if necessary, be invited to appoint.

¹ Communicated by the Austrian Government.

² Translation by the Registry.

284.**TREATY OF CONCILIATION AND ARBITRATION
BETWEEN FINLAND AND HUNGARY**

SIGNED AT

BUDAPESTON DECEMBER 12th, 1928¹.**ARTICLE 15².**

The provisions contained in Article 12 of this Treaty are without prejudice to the right of submitting a dispute of a legal nature, by means of a special agreement, to the Permanent Court of International Justice under the conditions and in accordance with the procedure laid down by its Statute.

ARTICLE 16.

If the special agreement referred to in Article 13 or Article 15 is not concluded within six months following notification of a request for arbitration, either of the Parties may submit the dispute by ordinary application to the Permanent Court of International Justice.

¹ Communicated by the Finnish Government.

² Translation by the Registry.

285.

INTERNATIONAL CONVENTION
FOR THE SUPPRESSION
OF COUNTERFEITING CURRENCY

CONCLUDED AT

GENEVA

ON APRIL 20th, 1929¹.

Signatories :

Albania
Austria
Belgium
China
Colombia
Cuba
Czechoslovakia
Free City of Danzig
Denmark
France
Germany
Great Britain and Northern Ireland
Greece
Hungary
India
Italy
Japan
Luxemburg
Monaco
Netherlands
Poland
Portugal
Roumania
Serb-Croat-Slovene Kingdom
Union of the Soviet Socialist Republics
Switzerland.

ARTICLE 19.

The High Contracting Parties agree that any disputes which might arise between them relating to the interpretation or

¹ *League of Nations Document C. 153. M. 59. 1929. II, Geneva, May 1st, 1929.*

application of this Convention shall, if they cannot be settled by direct negotiations, be referred for decision to the Permanent Court of International Justice. In case any or all of the High Contracting Parties parties to such a dispute should not be Parties to the Protocol bearing the date of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each Party, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of October 18th, 1907, for the pacific settlement of international disputes, or to some other court of arbitration.

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