

nists, and in 1887 an Anglo-French convention established a mixed naval commission for the maintenance of order and the protection of French and British citizens in the New Hebrides. This commission had too little power to maintain order. British orders in council of 1877, 1879 and 1880 created the office of high commissioner for the western Pacific, and the title of high commissioner was conferred upon the governor of the Fiji Islands. From 1888 to 1890 a British agent, with the title of consul, was stationed in the New Hebrides. Under the Pacific orders in council of March 15, 1893, the British high commissioner was given jurisdiction with respect to British subjects in Pacific islands having no organized government; ample protection was thus extended to British subjects in the New Hebrides.

After the convention of 1887, France took no further steps for the protection of French subjects in the New Hebrides, until 1900. By a French law of July 30, 1900, the president of the republic was authorized to take measures to secure the protection of French citizens settled in the islands of the Pacific Ocean which did not form a part of French territory, and in execution of this law a decree of February 28, 1901, appointed the governor of New Caledonia commissioner general of the French Republic in the Pacific Ocean. The French commissioner general was given powers similar to those exercised by the British high commissioner.

After the action of France there were in the New Hebrides four distinct authorities: (1) The native authorities. (2) The mixed naval commission created by the convention of November 16, 1887. (3) The agents of the British high commissioner. (4) The agents of the French commissioner general. There were no authorities which properly had jurisdiction over other than natives and British and French subjects. This situation has been altered by the terms of the Anglo French convention, signed at London on October 20, 1906.¹

THE ABOLITION OF "PRIZE MONEY"

In the American Law Register for September, 1906, Mr. Charles Chauncey Binney calls attention to the present law of the United States with reference to "prize money." Inasmuch as the protection of private property at sea in time of war is one of present interest, we give below the text of the law:

¹ See text of convention in the Supplement. For a careful discussion of the question of the New Hebrides, see an article by Professor N. Politis in *Revue Générale de droit international public*, 8:121, 2,30.

All provisions of law authorizing the distribution among captors of the whole or any portion of the proceeds of vessels, or any property hereafter captured, condemned as prize, or providing for the payment of bounty for the sinking or destruction of vessels of the enemy hereafter occurring in time of war, are hereby repealed. (March 3, 1899. 30 Stat. L. 1007.)

This enactment marks an important step toward greater security of private property in time of war, for it takes away the pecuniary inducements for the capture of such property. The institution of "prize money" is still in existence outside of the United States, and its abolition would be a proper subject for consideration at the coming Hague conference.

Many people advocate the complete immunity from capture of non-offending enemy property upon the high seas and consider its capture as unjustifiable, as the seizure of such property would be if on land. This may be so, but it is important to consider whether freedom from capture of property on sea would remove a check upon war by freeing large and important commercial interests from danger. The question is one of fact not of theory.

The abolition of privateering has freed commerce from a band of irresponsible adventurers; the abolition of prize-money removes an incentive to prey unjustly and for personal profit upon private property.

It may be said that one class of property should not suffer solely by reason of its situation while property of the same kind would be immune on land. This is unfortunate but if capture of property so circumstanced serves to prevent war by weighing the purse against the sword, it is better that property afloat be subject to loss rather than that a human life be endangered. Certain classes of the community do not suffer in their persons by war, while the soldier and sailor meet death. Why should not property be exposed to danger? The question is, as suggested, one of fact not of theory.

ANGLO-FRENCH-ITALIAN AGREEMENT REGARDING ABYSSINIA

After prolonged negotiations, France, Great Britain and Italy signed, on December 13, 1906, a treaty regulating their respective rights in Abyssinia. The treaty guarantees the integrity of Abyssinia, and the maintenance of the *status quo*. In case future events should make impossible the maintenance of the *status quo* the three signatory powers agree to act only in concert. Great Britain obtains the assurance that nothing will be done to modify the course of the Nile and its tributaries; Italy is given a free hand to construct railways from Eritrea to Addis-Abeba, and from there to its colony of Benadir; to France is assured