

from the condition imposed by the fifth reservation, or of remaining indefinitely out of the court. In any event, there is no doubt that the United States already enjoys full access to the court, and that its well-known predilection for arbitration and the judicial settlement of international disputes should lead it to make use of the court whenever a dispute may arise which the ordinary methods of diplomacy may not be able to adjust.

PHILIP MARSHALL BROWN.

#### CONSERVATION OF MARITIME LIFE

The decrease in certain species of fish and maritime life and the threatened extermination of other species are matters of growing importance in international relations. The lessening area of grazing lands is affecting the supply of animal food. Proposals are being made that the conservation of food fisheries be undertaken by general international coöperation.

There have already been some limited agreements relating to fish and animal life in the high seas where conservation would otherwise have been impossible because outside national jurisdiction. The general treaty of 1882 for the regulation of the North Sea fisheries aims to conserve maritime food resources outside territorial waters. The convention between the United States and Mexico of December 23, 1925, in Section III states as one of its purposes the "conserving and developing of the marine life resources in the ocean waters off certain coasts of each nation." A joint commission has been appointed to carry out the purpose and provisions are agreed upon for making regulations effective. This convention applies "to both territorial and extra-territorial waters." States are, in general, reluctant to agree to any regulation which will affect their freedom of action within territorial waters. Recent technical investigations seem to indicate that it may be more important for the conservation of maritime life to regulate action within territorial waters than in the high sea. Such regulation would imply a recognition of some degree of modification in former claims to exclusive jurisdiction in territorial waters and a recognition of the general well-being as paramount to special national claims.

The United States' position as to the preservation of maritime life would doubtless be as Mr. Justice Holmes affirmed in regard to bird life in *Missouri v. Holland* (252 U. S. [1920] 416):

Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another Power. The subject-matter is only transitorily within the State and has no permanent habitat therein. But for the treaty and the statute there soon might be no birds for any Powers to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed.

GEORGE GRAFTON WILSON.