The final meeting, on October 17, dealt, in accordance with the desires of the members of the conference, with a subject of substantive law which nevertheless had some relation to pedagogic problems, namely, "The relation of British and American prize law to international law and its proper treatment in the general course." Presided over by Professor Wilson of Harvard, the announced speakers were: Professors Hyde of Columbia, Dickinson of Michigan, and Pearce Higgins of Cambridge, England.

From the fact that practically every session of the conference lasted until nearly midnight, it may be inferred that interest in the proceedings was keen. Nearly every meeting was followed by a lively open discussion, to which additional interest was lent by the joint participation of American and European teachers. The personal acquaintance formed between teachers of America and Europe offers promise of useful future collaboration and coöperation in the solution of scientific problems, plans for some of which indeed were laid at the conference. A strong sentiment prevails among a considerable part of the membership of the Conference of Teachers that subjects of substantive law should find a place in the programs of future meetings, subjects the discussion of which may lead to reforms in the law. Such an enlargement of the scope of the conference presents a problem which ought to be fully considered by all the members and other parties in interest.

EDWIN M. BORCHARD.

THE POSITIONS OF CANADA AND THE UNITED STATES IN THE MATTER OF TRADE IN ALCOHOLIC BEVERAGES

The positions taken by the United States and Canada respectively, regarding the smuggling of alcoholic beverages into the United States from Canadian ports, raise some extremely interesting problems of international law and relations. At the present time what seems to be an *impasse* has been reached, and the solution of the problem lies still in the future, to be reached by any one or more of several possible paths.

The Government of the United States obtained, after more than two years of effort, an informal conference with delegates of Canada in Ottawa last January, where the delegates of the United States sought above all to secure some assurance that the Canadian Government would refuse clearance to vessels leaving Dominion ports laden with cargoes of goods forbidden by law to be imported into the United States. Attempts were made to show that Great Britain, Norway, and other countries had adopted this method of assisting the United States or one another in the enforcement of customs legislation, although it developed that this assertion was partially inaccurate and that in all cases where it was accurate treaty agreements based on mutuality of interest, pecuniary and other, had been adopted for the purpose. The delegates of the United States considered that it would also be necessary, in order to check the flow to the United States, for the Canadian authorities

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to take steps to prevent release from distilleries of alcoholic beverages, on which duty had been paid, for export to the United States. Some discussion was had of the régime of distribution of alcoholic beverages in Canada but no results were attained along the line proposed by the United States.

The Dominion Government, both at the time of the conference and subsequently, has refrained from taking any such action; the Dominion Department of Justice, it is reported, has recently held that any such action would be illegal unless authorized by statute of Parliament; and no treaty providing for such action on the part of Canada has been concluded with the United States in spite of suggestions looking in that direction. The Dominion Government has been willing to provide officials of the United States with information concerning ships and cargoes clearing Canadian ports for ports of the United States which, there was reason to believe, intended to engage in smuggling operations, and even to allow officials of the United States to station themselves in Canadian ports in order to obtain such information, but beyond that Canada has been unwilling to go. The present situation suggests a deadlock in default of changes in the laws of the United States or Canada or both by legislation with or without preliminary treaty agreement.

What comment may be made upon the present situation in terms of principle? It would be generally agreed that one nation may rightfully ask of another that it shall take reasonably adequate action to prevent persons within its jurisdiction from undertaking therein enterprises directed against the authority and welfare of the former in proportion as these interests are protected by international law and the laws of the former state. It would be further agreed that the neighboring state is under obligation not to engage even indirectly in any such activities itself. Assistance in preventing counterfeiting, smuggling, and attacks upon the legitimate peace and safety of a state is commonly rendered to that state by its neighbors with all readiness. But when such assistance depends for its adequacy in fact upon steps which seem to conflict with the law of the neighboring state, or when the objective to be attained differs from those commonly sought by states in general or the neighboring state in particular, difficulties, both legal and political, arise. Such are the difficulties inherent in the present problem.

It does not entirely meet the case to assert that smuggling is smuggling. In the practice of extradition the fact that one state has classified a certain action as a crime is not sufficient to lead the other party to extradite the alleged criminal on the strength of the policy and law of the former state. In the negotiation of extradition treaties there is no obligation upon one state to agree to extradite persons because the second state has classified certain actions as criminal. The United States, it is well known, has not infrequently declined to regard as criminal, and to agree to extradite fugitives guilty of, certain offenses which did not seem highly criminal to us. Allowing each state to determine its own criminal law and its own customs law for

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itself cuts in two directions; it leaves that state to fix its own standards but it also leaves other states free to refrain from accepting, for either theoretical or practical purposes, those standards.

On the other hand, the mere assertion that the assistance desired is rendered impossible by the law of the neighboring state would seem to beg the question unless it can be asserted that in the premises the latter state is free to maintain such law. If the activity to be suppressed is one against which general international law or practice prescribes protection and assistance such a claim would have little force. Similarly for the offer to permit a state to obtain information—even to provide it with information—which will enable it by its own action by force to prevent the alleged assault upon its rights or interests; there seems to emerge here the same type of logical inconsistency which is latent in the proposition that export of contraband may legally be permitted by one state but may legally be prevented by another, the injured, state; if the trade were illegal at international law the latter state could ask assistance in its prevention by the former, considerations of pecuniary profit, which are also important in the present problem, to be contrary notwithstanding.

It would hardly seem that international coöperation could rightly be demanded in the efforts of a state to maintain standards of law and conduct not accepted and prescribed internationally. The persons injuriously affected by such coöperation on the part of the neighboring state—or their government if they be aliens—might reasonably protest against interference in their commercial activities when such activities are legal in the neighboring state and in most of the states of the world. The whole history of efforts to suppress the traffic in slaves might be reread with profit in this connection; the only remedy for the state seeking assistance is to secure international agreements to that end, which will operate within the neighboring state to limit freedom of action on the part of those within its jurisdiction, or legislation within that state in the same sense, and perhaps both.

PITMAN B. POTTER.

THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

The diplomatic conference called to conclude a convention on safety of life at sea met at London, April 16, to May 31, 1929, with eighteen nations officially represented. The delegation of the United States consisted of its chairman, Hon. Wallace H. White, Jr., chairman of the House Committee on Merchant Marine and Fisheries, together with representatives of the Departments of State, Navy and Commerce, respectively, and the president of the American Steamship Owners' Association, the president of the National Council of American Shipbuilders and the president of the American Bureau of Shipping. A convention was signed on May 31, 1929, consisting of 66 articles, to which is added an Annex (I) of 46 regulations having the

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