inate them, and to enable the heirs of a decedent, whether resident in Italy or at the place of accident, to avail themselves of their legal rights by judicial process, the Italian Government has undertaken this comprehensive work.

It may be unnecessary to add that in a case where an Italian subject resident in the United States, sustains an injury not resulting in his death, the aid of the legal bureau of his consulate may always be invoked, if the victim so desires.

MEETING OF THE INSTITUTE OF INTERNATIONAL LAW AT MADRID, 1911

It sometimes happens that the positive results of a particular meeting of the Institute are few and simple, measured in terms of draft conventions actually adopted by its members and recommended to the profession at large for approval. But the discussions are valuable in themselves as they furnish the arguments for or against a particular convention, or the form in which a principle generally accepted is sought to be embodied. The session of 1910 at Paris was disappointing, tested by the standard of actual results, but was very fruitful from a theoretical standpoint by reason of the exchange of views on various important questions. The Institute is not worried by apparently barren sessions, for its members know that elaborate discussion is a prelude to agreement and that in discussion lies the seed of future progress. It is therefore content to make haste slowly, rather than act in haste and repent at leisure. Judged by actual output, the session of Madrid was disappointing, but if the value of the work done be considered, the meeting was a decided success. Thus the project regulating the usage of submarine mines and torpedoes was completed and approved; the general bases of the juridical situation of airships were worked out, leaving to future meetings to complete the project in accordance with principles found acceptable; likewise the regulation of international watercourses used for motive power or for industrial or agricultural use, and a project dealing with the conflict of laws in matters of real rights. The question of submarine mines and torpedoes had been discussed at the Second Hague Peace Conference and a compromise convention adopted. The Institute took the matter up seriously and at the Paris session of 1910 adopted five articles which form the first five articles of the present completed draft. Agreement was difficult to reach on this thorny question and the project as then adopted was a skilful compromise of opposed views. To these

articles of 1910, four further articles (6–9) have been added, thus completing the work for the present. The basis of the work was the convention of 1907, but it is enlarged and improved in many ways. The differences and additions will be evident by comparing the old convention with the new draft and the two projects will be printed in the supplement to the January number, before which time the official report of the session at Madrid will have been published. For the present purpose, it is deemed sufficient to call attention to Article 9, which is new, and whose principle is borrowed from *The Oxford Manual of Land Warfare* of 1880 and Article 3 of the revised convention of 1907 respecting the laws and customs of war on land, although in one important particular it makes a decided innovation, for which, however, the Prize Court Convention of 1907 supplies the precedent.

Article 3 of the convention of 1907 provides that

> a belligerent party which violates the provisions of the said regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

Article 9 of the Institute's draft provides that

> the violation of one of the rules which precedes taxes the state at fault with responsibility. The state which has placed the mine is, until the contrary is proved, presumed to be at fault. This question of responsibility may be brought before the competent international tribunal even by individual or private suitors.

State may thus tax state with responsibility, and private litigants as in the Prize Court Convention (Article 4, paragraphs 2 and 3). This provision marks a great advance, making, as it does, the state respond to the individual, without making him win his state to his cause and await upon the slow and cautious though sure methods of diplomacy. It has the additional advantage of not forcing the state to espouse the cause of its subject or citizen, which might be embarrassing at times.

The articles, four in number, concerning aerial navigation, are important and reserved for more extended notice in the January issue.

The project concerning the conflict of laws is omitted from consideration as falling beyond the scope of the JOURNAL.

Passing now to the regulation of international watercourses, it can be said that the project is eminently satisfactory. Its provisions extend to lakes as well as rivers (Article 1) and forbid a riparian state by its own act or by the act of subjects or citizens to make use of boundary waters to the disadvantage of the other co-riparian state without the latter's consent.

The second article deals with waters (whether rivers or lakes) traversing the territories of two or more states. In summary form, the course of the stream may not be changed by structures of any kind without the consent of the state through which the stream flows; any alteration of the stream or its pollution by refuse from factories, etc., is forbidden; and quantities of water cannot be withdrawn which will seriously change the essential character of the stream or interfere with its use lower down the stream. It is further stated in this article that a right of navigation recognized by international law can not be violated by usage of any kind.

The next article deals with the upper courses of the stream, by providing that the water may not be dammed up or forced back in such a way as to overflow the region above the constructions or works erected on the stream.

The last article recommends the appointment of joint commissions to pass upon or to express an opinion upon new structures or modification of existing structures which will affect the flow through the territory of the other state.

From this brief survey of the Madrid session, it is evident that the Institute is steadily fulfilling the hopes of its founders by enlarging the bounds of international law by each of its sessions.

THE EXTRADITION TREATIES BETWEEN THE UNITED STATES AND FRANCE AND THE UNITED STATES AND SALVADOR

Since going to press with the July number of the JOURNAL, President Taft has proclaimed two treaties of extradition, one with France,[1] the other with Salvador.[2]

The former replaces that concluded between the United States and France, November 9, 1843, together with the additional articles thereto of February 24, 1845, by which robbery and burglary were added to the list of extraditable crimes, and of February 10, 1858, by which counterfeiting and embezzlement by private persons were added. The need for a new agreement on the subject between the two governments is clear when it is considered that the old treaty with France, including the additional articles, comprised only ten specifications of crime for which extradition could be granted, whereas most of our extradition

[1] Printed in SUPPLEMENT to this number of the JOURNAL, p. 243.
[2] *Id.*, p. 300.