

## Notes Bibliographiques

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*American International Law Cases, 1783-1968*, Edited by Francis Deak. Vol. 9. Dobbs Ferry, N.Y.: Oceana, xvi and 495 pp. \$40.00

The increasing interest that the state is taking in the affairs of its citizens, even when those citizens are operating in traditionally private spheres of a commercial character, whether with co-nationals or otherwise, has changed the whole concept of the difference between public and private law. This blurring of the borderline is to be seen in international as much as in national law and national judgments are therefore as important as those of any international tribunal, while more and more practitioners are finding it necessary to be aware of at least some of the decisions which might normally be regarded as falling within the purview of the international lawyer. In recent years there has been a variety of compilations of the practice of particular states, of which perhaps those by *Castel* and the recent collection of essays on "Canadian Perspectives of International Law and Organization" edited by Dean Macdonald and his colleagues, are most relevant for Canada. In so far as the judicial practice of Canada is concerned there is also the collection compiled by *Mackenzie* and *Laing*, while the new series on Commonwealth Cases edited by *Clive Parry* of Cambridge will also be of value. The practice of some countries has been far more extensive than that of Canada and for some of these national collections are being prepared. Of these, perhaps one of the most significant is the series of *American International Law Cases, 1783-1968*, edited by the late Francis Deak.

The ninth volume of Deak's collection is now available and it deals with protective jurisdiction - the material on other aspects of jurisdiction has appeared in earlier volumes - and diplomatic and consular intercourse, with the latter subdivided into diplomatic immunities, consular immunity and consular authority. In so far as protective jurisdiction is concerned, the cases included deal with the *Sherman Act*; alien and enemy property - it is interesting to

see the extent to which in *Société Internationale Pour Participations Industrielles et Commerciales v. Brownell*<sup>1</sup>, the Circuit Court of the District of Columbia referred to such English decisions as the *Kronprinsessan Margareta*; the *Lanham Act* and the *International Convention for the Protection of Industrial Property*; and such issues as the application of American statutes to industrial activities abroad, e.g., *Foley Bros. v. Filardo*<sup>2</sup>, in addition to a selection of prohibition cases.

To some extent the cases relating to diplomatic and consular immunities have been overrun by the Vienna Conventions on these matters, but the decision in, for example, *Trost v. Tompkins*<sup>3</sup>, with its reference to *Engelke v. Musmann* and Sir Cecil Hurst's paper on Diplomatic Immunities in the *British Yearbook of International Law*, indicates how universal even the customary law in this field really is. It is perhaps unfortunate that no title is given to explain what is meant by 'infra VII<sup>2</sup>' under which rubric there will eventually be found the decision in *U.S. v. Coplton*<sup>4</sup> (88F. Supp. 915) and *Anonymous v. Anonymous*<sup>5</sup>. The reference to the latter is indeed mysterious, since presumably *Coplton* will appear in the section on the immunity attaching to international institutions.

When this series is complete, especially as there will then be published as comprehensive table of cases, with, hopefully, an index and a complete table of contents, Deak's *American International Law Cases* will prove, together with Parry's collections of British and Commonwealth cases, one of the most valuable sources of international law in practice that is available.

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1. 225 F. 2d, 532
  2. 336 U.S. 281
  3. 44 A. 2d, 226
  4. 88 F. Supp. 915
  5. 212 N.Y.S. 2d 913

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