

THE POSITION OF FOREIGN STATES BEFORE NATIONAL COURTS, CHIEFLY IN CONTINENTAL EUROPE. By Eleanor Wyllys Allen. New York: Macmillan Co. 1933. pp. xxii, 354.

THE immense mass of writing on the problems raised in suits by and against foreign states has suffered from one basic defect: a lack of knowledge of the practise of European states. Miss Allen has undertaken to remedy this defect and the result is a study of decided value. Judicial decisions and the pertinent legislation of nineteen states are considered: Germany, Holland, France, Belgium, Italy, Austria, Hungary, Czechoslovakia, Switzerland, Egypt, Roumania, Greece, Russia (under the old regime), Poland, Danzig, the Saar Territory, Luxemburg, Lebanon, and Portugal. A few decisions may have been overlooked,¹ but on the whole, a body of material of great utility is presented with clarity and accuracy.

The most interesting section of the book is probably that dealing with Holland. It contains an excellent discussion of the puzzling *De Booij* case in which a Dutch lower court rendered a judgment by default against the German Government. For the first time, to the reviewer's knowledge, a clear analysis is made of the procedural complexities of *derden verzet* and *kort geding* which play so important a part in this case. The conclusion of the volume might have been somewhat fuller but it stresses a valuable point which is implicit throughout the book, namely that much of the difficulty with the application of the rules of immunity lies in the incompleteness of municipal procedural laws, and that attention should be devoted to statutory changes. It may well be that solution of the many difficulties in this field by means of an international convention will have to wait on the modification of municipal law.

Though the major part of the book is of high quality, the "General Analysis," which takes up the first fifty-three pages, does not measure up to the same standard. It is more a collection of instances than a critical discussion. The reviewer would have liked to see a more profound exploration of such problems as the effect of non-recognition on the immunity of states, or the immunity of governmental instrumentalities. However, the author's primary task was not general analysis, but the exposition of the practise of states. Now that we have a rich source book of materials, the way is clear for the definitive critical treatment for which we have so long waited and which, one may venture to hope, Miss Allen will give us in the near future.

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1. The table of cases does not include the following: *Bey de Tunis v. Mahmoud Ben Aiad* (1894) 21 J. DU DROIT INT. PRIVÉ 124 cour d'Appel, Paris, Dec. 14, 1893); *Esnault-Pelterie v. Roe Co.* (1925) 52 J. DU DROIT INT. 702 (Trib. de la Seine, April 1, 1925); *Etat de Suède v. Petrochino*, 1930 DALLOZ HEBD. 15 (Trib. de la Seine, Oct. 30, 1929); *The Pangim*, 4 REV. DE DROIT MARITIME COMP. 213 (Trib. de Commerce, Antwerp, July 12, 1923); *United States Shipping Board v. Consorzio Importazione Carboni Fossili*, 12 REV. DE DROIT MARITIME COMP. 350 (Corte d'Appello, Genoa, April 24, 1925); *Public Prosecutor for the Treasury v. United States Shipping Board*, 11 GAZETA JUDICIAL PORTA DELGADA, No. 170 (2d ser.) 68 (Court of Appeal, Lisbon, Feb. 13, 1926).