

**CASES ON  
INTERNATIONAL LAW  
DURING THE  
CHINO-JAPANESE WAR**

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Cases on International Law during the Chino-Japanese War by Sakuyé Takahashi & J. Westlake & T. E. Holland

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**SAKUYÉ TAKAHASHI & J. WESTLAKE & T. E. HOLLAND**

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CASES

ON

INTERNATIONAL LAW  
DURING  
THE CHINO-JAPANESE WAR

BY

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CHINO-JAPANESE WAR; AND  
COMPILER OF THE LEGAL PORTION OF THE OFFICIAL HISTORY OF THE WAR.

WITH A PREFACE BY

PROFESSOR T. E. HOLLAND, D.C.L.

AND

AN INTRODUCTION BY

PROFESSOR J. WESTLAKE, Q.C., LL.D.

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## PREFACE.

THE author of this book, my friend Professor Takahashi, thinks that a few words of introduction from an Oxford colleague may commend it to English readers. I have therefore great pleasure in saying how well the work appears to me to deserve the attention of all who are interested either in International Law or in the development of Japan.

Mr Takahashi has exceptional claims to speak with authority upon the subject of which he treats. Shortly after becoming a Professor in the Naval College at Tokyo, he was directed to join the *Matsu-shima*, as legal adviser to the Admiral commanding the Japanese fleet, and remained on board the flag-ship nearly to the end of the war with China. He was subsequently employed in the compilation of the official history of the war, and is now, at the request of his Government, spending three years in Europe, in order to carry further his studies in International Law, before returning to take up his appointment as Professor of that subject in one of the Japanese Universities.

The war was conducted on the part of the Japanese with an anxious desire that their forces should conform to the highest standards of loyalty and humanity; and it was to secure this object that, while a law Professor at the Military College, Mr Ariga, was attached to the troops on land, Mr Takahashi was sent from the Naval College to advise the fleet. Under his guidance, great pains were taken to observe in all questions of naval capture the best traditions of European Prize Courts. On this topic much light is thrown by Mr Takahashi's introductory chapter. The treatment of questions of detail, which occupies the remainder of the book, is no less interesting. Nearly a hundred vessels were visited by the Japanese cruisers, although only one of them was actually taken in to the Prize Court at Sasebo. Several new questions were raised, and equitably dealt with. Mr Takahashi's narrative is always clear, and his arguments are, as a rule, convincing. The value of the work is greatly increased by the official documents—proclamations, reports, opinions, conventions and regulations—with which its statements are copiously illustrated.

T. E. HOLLAND.

OXFORD.

20 *January*, 1899.



## THE AUTHOR'S PREFACE.

**D**URING the Chino-Japanese war of 1894—95, Japan acted consistently with the law of nations in carrying on hostilities, in maintaining her own rights and in discharging her duties toward neutrals. As a consequence many cases occurred which are well worth taking as precedents in International Law. In respect of maritime International Law alone, nearly one hundred instances were noted which presented questions of a more or less interesting nature. At present however only a few of these instances are known to the world. It seems a matter for regret that they should be left any longer in obscurity.

Fortunately the present author has had favourable opportunities for observing the various incidents of the trouble with China, and at the close of hostilities he was commissioned to compile the official history of all legal affairs connected with the war. He has made careful inquiries into official reports, archives and correspondence, from various sources, and has found them agree with his own experiences as an actual eye-witness.

At the end of 1897 he was ordered to come to Europe to prosecute inquiries into the law of nations, and he took advantage of the occasion to bring the above legal questions before the notice of the leading lawyers of the West.

In fact the author has risked his life in collecting material, and has spent three years in substantiating the real facts by authoritative documents, and one year in composing the present work.

The object of the work is to make a definite contribution to the collection of cases on International Law.

The arrangement adopted in the book is as follows :

In Part I the author has treated the affairs which relate to visit, search and detention—in short prize affairs ; and in Part II he has described and discussed miscellaneous affairs which have a bearing upon the naval operations of Japan.

Only such matters as have reference to maritime International Law are incorporated in this book ; everything pertaining to the Japanese army is omitted, as fortunately they have been fully treated by the author's friend Mr Ariga in his work *La guerre Sino-Japonaise au point de vue du droit international*.

The author is very much indebted to Professor Westlake, Q.C., LL.D., for his great kindness in carefully and repeatedly perusing the first draft, the proof sheets and revises, and in giving him the most accurate and valuable advice both on legal and on literary points. Moreover he has kindly honoured the author in contributing to this work a most valuable

introduction, in which he has discussed the more complicated questions of law.

The author is under a similar obligation to Professor Holland, D.C.L., who has been so very kind as to read the proof sheets and has offered many highly important suggestions. In addition he has greatly favoured the author by writing a most valuable preface to the work.

As to the English, the author will not pass in silence the fact that Messrs E. S. Chalk, B.A., Oxon., and Arthur H. T. Muller, M.A., Cantab., who excel in their own literature, helped him in making his style more idiomatic.