

**INTERNATIONAL LAW
SITUATIONS,
WITH SOLUTIONS
AND NOTES, 1902**

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International Law Situations, with Solutions and Notes, 1902 by Various

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VARIOUS

**INTERNATIONAL LAW
SITUATIONS,
WITH SOLUTIONS
AND NOTES, 1902**

U. S. NAVAL WAR COLLEGE, *Naval War College*

INTERNATIONAL LAW SITUATIONS

WITH



SOLUTIONS

AND

NOTES

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INTERNATIONAL LAW SITUATIONS.

PREFACE.

The International Law Situations at the Naval War College during the summer course of 1902 were under the immediate direction of Mr. George Grafton Wilson, Professor in Brown University, whose name is already known to the service through previous papers prepared by him for the college.

As last year by Mr. Moore, this year the situations were set by Mr. Wilson, and tentative solutions offered by the committees into which the officers in attendance are divided for the college work. Throughout the several law periods during the summer there were general, and frequently long-continued, discussions of the solutions by the officers, making the subject a living one; the more so, that several of the situations were of late occurrence, which the officers concerned have sent to the college for consideration. It is hoped that so profitable a practice will be continued by the officers afloat.

F. E. CHADWICK,
Captain, U. S. N., President.

NAVAL WAR COLLEGE,
Newport, R. I., November 19, 1902.

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SITUATION I.

While a state of war exists between the United States and foreign state X, it is found that a submarine telegraphic cable owned by a neutral company and connecting hostile state X with neutral state Y is used for the transmission of dispatches hostile to the United States.

The United States naval officer in command of the fleet cruising near protests to neutral state Y against such use of the cable.

The authorities of state Y claim that they have no responsibility.

It is not possible for the United States vessel to interrupt the cable within the three-mile limit of hostile state X. The cable is, however, grappled beyond the three-mile limit in the high sea, and by order of the commanding officer is cut.

The neutral owners claim damages from the United States for injury to the cable and for interruption of service, alleging among other reasons in support of the claim that the act of the commanding officer in cutting the cable was contrary to Article V of the Naval War Code of the United States.

Was the action of the officer proper?

SOLUTION.

1. The action of the officer in protesting against the hostile use of the cable connecting enemy state X and neutral state Y was proper action. Such action is desirable whenever possible without undue risk, of which risk the officer himself must judge. This does not imply an obligation to give such official protest or responsibility in case such protest is not made.

2. The authorities of a neutral state may assume or decline to assume responsibility for a cable connecting the neutral with a belligerent state.

3. The cable service is to be considered, when hostile, in the category of unneutral service and the penalties should be determined accordingly.