

**INTERNATIONAL LAW
SITUATIONS
WITH SOLUTIONS
AND NOTES, 1901**

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International Law Situations with Solutions and Notes, 1901 by Naval War College & F. E. Chadwick

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NAVAL WAR COLLEGE & F. E. CHADWICK

**INTERNATIONAL LAW
SITUATIONS
WITH SOLUTIONS
AND NOTES, 1901**

U.S. NAVAL WAR COLLEGE, *Newport.*

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NOTES

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INTERNATIONAL LAW SITUATIONS.

PREFACE.

The studies in international law at the Naval War College during the summer of 1901 were under the immediate direction of Mr. John Bassett Moore, late Assistant Secretary of State, now of Columbia University. The mention to the service of his name gives assurance of the value of the present work. To his able and careful labors in the present instance the college is deeply indebted.

The situations were set by Mr. Moore, and tentative solutions were sent in by the several committees into which the officers in attendance are divided for the college work. The tentative solutions were then discussed orally, the discussions being presided over and directed by Mr. Moore, who prepared and read the accompanying notes, and who is also the author of the paper in the appendix, entitled "Maritime Law in the War with Spain." The printed solutions exhibit the consensus of opinion of all concerned.

It is believed that by proposing cases simulating those which have recently arisen, or which seem likely to arise under modern conditions, and bringing to bear in mutual discussion the thought and experience of the officers who make application of the law, and the trained mind of the international jurist who expounds it, a method has been adopted which must give to these solutions a practical value of great interest and weight.

The results are submitted to the service in the surety that they represent a valuable addition to work in a domain of thought which belongs peculiarly to navies.

F. E. CHADWICK,

Captain, U. S. N., President.

NAVAL WAR COLLEGE,

Newport, R. I., September 5, 1901.

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SITUATION I.

A state of war existing between France and Great Britain, a descent is made by a French fleet on the English coast, and several undefended towns are bombarded.

The British Government having communicated on the subject with the neutral powers, the diplomatic representatives of the latter at Paris were instructed to address to the French Government identic notes, intimating that the action of the fleet was inconsistent with the rules of The Hague Conference.

The French Government, in its reply, stated that there existed in the several cases special circumstances justifying the course which was adopted:

1. In one case a demand was made upon the town for a ransom, and was refused.

2. In another case a requisition for supplies had been denied.

3. In yet another, the bombardment was an act of retaliation for the destruction of a French man-of-war by an English torpedo boat using false colors.

The French Government, however, while alleging these special justifications, reserved the question of the lawfulness of bombarding undefended coast towns for purposes other than those stated.

To what extent is the supposed French answer, both as to the special cases stated and as to the general question reserved, supported by modern opinion and practice?

SOLUTION.

By Article XXV of the "Regulations respecting the Laws and Customs of War on Land," adopted at The Hague July 29, 1899, "the attack or bombardment of towns, villages, habitations, or buildings which are not defended is prohibited."

Although this prohibition, since it is found in regulations relating only to war on land, could not be considered