

International Law Studies—Volume 12

International Law Situations

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,  
the U.S. Department of the Navy or the Naval War College.

## TABLE OF CONTENTS.

---

	Page.
SITUATION I (a), (b), (c).—Merchant vessels and insurgents.....	9
Solutions (a), (b), (c).....	2
Notes:	
General.....	10
Why important for United States.....	11
Development of acknowledgment in United States.....	12
Action of the United States, 1912.....	14
Consideration at Naval War College.....	16
Insurgents as pirates.....	16
Status of the "Free party".....	18
Situation I (a).....	20
Visit and search.....	20
(a) Visit by established state.....	21
(b) Visit and search by insurgent cruisers.....	23
Instructions by Navy Department.....	24
Navy regulations.....	26
Conclusion.....	27
Solution I (a).....	27
Situation I (b).....	27
Blockade in Chilean insurrection, 1891.....	28
Discussion in 1902.....	29
Opinion in 1860.....	32
Summary.....	32
Solution I (b).....	33
Situation I (c).....	33
Interference with foreign property.....	33
Peru, 1858.....	34
Case of the <i>Haytien Republic</i> , 1888.....	34
Brazil, 1894.....	41
Cuban insurrections.....	43
The claim of Rosa Gelbtrunk.....	44
Bolivia, 1900.....	46
Haiti, 1902.....	46
Colombia, 1902.....	47
United States, 1903.....	47
Disturbances in Santo Domingo, 1905.....	48
Cuba, 1906.....	50
Colombia, 1907.....	51
China, 1911.....	52
Conclusions.....	54
Solution I (c).....	55
Solution (a), (b), (c).....	55

	Page.
SITUATION II.—Air craft in war ( <i>a</i> ), ( <i>b</i> ), ( <i>c</i> ), ( <i>d</i> ), ( <i>e</i> ), ( <i>f</i> ).....	56
Solutions ( <i>a</i> ), ( <i>b</i> ), ( <i>c</i> ), ( <i>d</i> ), ( <i>e</i> ), ( <i>f</i> ).....	56
Notes:	
Early recognition of military value of balloons.....	57
Hague conventions.....	58
Changed conditions since 1907.....	59
Position of France, 1907.....	60
Aerial navigation conferences.....	62
Opinion of Dr. Hazeltine.....	62
French opinion in 1910.....	64
National regulations.....	68
Jurisdiction in subjacent state.....	69
Von Bar's proposition, 1911.....	72
Project before the Institute of International Law.....	73
Action of institute, 1911.....	73
Opinion of Fauchille.....	74
Opinions on use of aerial space.....	75
Russian regulations, 1904.....	76
Japanese regulations, 1904.....	76
Application of principles to blockade.....	77
The case of the <i>Atalanta</i> .....	77
Jurisdiction in air space.....	79
Private rights in air space.....	81
Attitude of the United States.....	83
Belligerent air craft in neutral territory.....	85
Review of situation II ( <i>a</i> ).....	87
Solution II ( <i>a</i> ).....	88
Firing into neutral territory.....	88
Solution II ( <i>b</i> ).....	88
Jurisdiction over neutral air craft.....	88
Opinion of Fauchille on area.....	89
Solution II ( <i>c</i> ).....	90
Résumé II ( <i>d</i> ).....	90
Solution II ( <i>d</i> ), ( <i>e</i> ), ( <i>f</i> ).....	91
Solution II ( <i>a</i> ), ( <i>b</i> ), ( <i>c</i> ), ( <i>d</i> ), ( <i>e</i> ), ( <i>f</i> ).....	91
SITUATION III.—Cuba neutral.....	93
Solution.....	93
Notes:	
Acquisition of jurisdiction.....	93
Degree of protection.....	94
Congo lease.....	94
Establishing coaling stations.....	96
United States, coaling and naval stations.....	98
Relations of Cuba to the United States, in consequence of Spanish-American War.....	99
Relations of the United States and Cuba, by conven- tional agreements.....	100

SITUATION III—Cuba neutral—Continued.

Notes—Continued.

Page.

Importation of war materials.....	105
Interpretation of lease.....	105
The Ionian Islands .....	106
Application of Dr. Lushington's reasoning.....	107
Application of Declaration of London.....	108
British opinion.....	110
Protection by the fleet of the United States.....	111
Relation of State Y.....	112
Résumé.....	112
Solution.....	113
SITUATION IV.—Strategic areas.....	114
Solution.....	114
Notes:	
Opinion of Grotius.....	114
Area of war.....	115
Blockaded area.....	115
Mined areas.....	117
Straits in time of war.....	120
News-gathering agencies.....	121
Japanese ordinance, 1904.....	122
Regulations, Japanese strategical areas, 1904-5.....	123
Case in Russo-Japanese War.....	126
Résumé.....	128
Solution.....	129
SITUATION V.—Taking coal in neutral port.....	130
Solutions (1), (2), (3), (4), (5).....	131
Notes:	
Duty of State as to contraband.....	131
Opinion of Prof. Holland, 1904.....	132
Belgian domestic regulation, 1901.....	134
Consideration of coaling.....	137
Coaling under Situation V.....	137
Article 23, Declaration of London.....	137
Memoranda on provisions of article 23.....	138
Discussion at the naval conference.....	141
Situation V (1).....	142
Solution V (1).....	143
Treaty of Washington.....	143
Opinion of the Institute of International Law, 1875... ..	145
Brazilian proclamation, 1898.....	145
Question at The Hague, 1907.....	147
Discussion at The Hague, 1907.....	149
Base.....	153
Review of Situation V (2).....	153
Solution V (2).....	155
Status of colliers.....	155

SITUATION V—Taking coal in neutral port—Continued.	
Notes—Continued.	Page.
Penalty for unneutral service.....	155
Solution V (3), (4), (5).....	157
Solution V (1), (2), (3), (4), (5).....	158
SITUATION VI.—Conversion of merchant ships into ships of war.	159
Solution.....	159
Notes:	
General.....	159
Discussion in 1906.....	160
Propositions at the second Hague conference, 1907.....	162
Questionnaire at second Hague conference, 1907.....	164
Discussion at second Hague conference, 1907.....	165
Hague convention relative to the conversion of merchant ships into war ships.....	169
Retransformation, second Hague conference, 1907.....	173
Attitude of naval powers in 1908.....	174
Discussion in 1908-9.....	177
Result of discussion of 1908-9.....	185
British view in 1908.....	187
Instructions to British delegates, 1908.....	188
Report of British delegates to international naval conference.....	189
Opinion in England.....	190
Neutral obligations.....	192
Uncertainty as to vessel's character.....	193
Résumé.....	194
Solution.....	195
Index.....	197