

International Law Studies—Volume 23

International Law Decisions and Notes

U.S. Naval War College (Editor)

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PREFACE

The discussions upon questions of international law before the class of 1923 at the Naval War College, Newport, R. I., were, as in recent years, conducted by George Grafton Wilson, LL. D., professor of international law at Harvard University.

The problems submitted to the class and their subsequent discussions required the interpretation of certain treaties about which there is a difference of opinion and involved points of law upon which there have been as yet no judicial decisions. For this reason it is considered inexpedient to publish this matter at the present time.

The 1923 volume of International Law Documents is a compilation, made by Professor Wilson, of decisions of various prize courts that are considered to be of special interest and value to officers of the naval service. The subject matter has been considered at the war college; but, as is evident from the text, the contents consist of recent tribunal decisions only and are therefore not directly representative of the work of the war college.

C. S. WILLIAMS,

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JANUARY 1, 1925.



INTERNATIONAL LAW: DECISIONS AND NOTES

PRELIMINARY NOTE

In International Law Decisions and Notes published by the Naval War College in 1922 attention was called to the departure during the World War from precedent, owing to the changed character of warfare. Nearly all the cases reprinted in the volume of 1922 were decided during the period of actual hostilities, and showed the influence of the exceptional conditions under which the war was conducted. It was also stated that other decisions would receive attention at the Naval War College.

Many of the decisions printed in this volume have been rendered since the World War, and show a tendency to conform more closely to established precedents, though there are frequent departures from these precedents. The points of view taken in these decisions vary somewhat according to the nationality of the courts, even when the courts are purposing to interpret the same law. This is somewhat fully shown in the cases showing the status of vessels as influenced by ownership, charter, and service. This matter has in recent years become of growing importance, and practice has been far from uniform. (See pp. 101.)

In cases in which decisions were rendered in a foreign language, the language of the court is official, and the translations here given are for convenience of reference, but as the systems of jurisprudence differ it is not always possible to give exact translations. Appreciation is due to those who have aided in making these translations.

With the development of international law the decisions of all courts will have value as precedents, and with the growth of the practice of referring disputes to international tribunals common standards will be recognized.

This volume includes cases from different national courts and from mixed commissions.

The cases are from the official reports unless otherwise indicated and are usually arranged in chronological order under each topic.