

International Law.

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Year 1894.

No. 88

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Contents: International Law, memo. of proposed subjects for lectures drawn up as a suggestion to Professor Snow.

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International Law.

Memoranda of Subjects etc. for proposed Lectures upon International Law at the Naval War College- drawn up as suggestions to Professor Freeman Snow by Commander C. H. Stockton.

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These memoranda are based upon the experiences of naval officers graduated from the Naval Academy after a brief and elementary course at the Naval Academy, either of Kent and Wheaton, or in later days of Woolsey and Glass. A foreign cruise is apt to follow after graduation and the cadet or ensign as boat officer may readily make a blunder in international law by chasing deserters through a foreign city, or using force in the streets to arrest or confine drunken seamen of his ship. Several cases have occurred in the past especially in Brazil.

Example- A deserter left a boat at the landing, was chased by the midshipman in charge- firing his revolver at him in a crowded street. The midshipman was arrested by the local authorities and confined in a police station, the Commander of the ship after consultation with the Consul, demanded the release of the midshipman summarily, threatening extreme measures towards the town.

Too much is demanded and expected in the relations of Consul with the local and national authorities of a foreign country. The difference between the character of a diplomatic and a consular official should be fully set forth, and the method by which a consular office can be vested with diplomatic functions should be made clear. The commercial character of a Consul with its former limitations is being however outgrown. The growth of his sphere should be examined and commented upon.

In time of war as in our Civil War the Consul can and does become an active naval auxiliary. How far this can legitimately be done should be examined.

Example- The action of Consul Sprague as to the coal supply of the Sumter in Gibraltar by which he prevented the Sumter purchasing coal.

Besides midshipmen, cadets, and ensigns; lieutenants and others as boat officers, or as officers charged with selected duty or as officers upon the personal staff of a flag officer or in charge of landing parties or expeditions should be well informed in matters of International Law. As to such knowledge on the part of officers of command rank or of those who are likely to succeed temporarily to command rank, with our independent cruising this is a matter of importance too evident for argument.

The familiarity with such matters that should exist on the part of flag officers is also plainly seen. This importance should be mastered before promotion to this rank and should include a familiarity with our diplomatic traditions and policy.

The equality of states should be well understood. The natural right of self preservation, of the right and control of a state over its own territory, and of its equality with other states no matter how strong should be established and understood. The extent of this control and jurisdiction should be well defined, over water as well as land. The difference of jurisdiction over a crowded street and crowded harbor, should be pointed out.

Example - The Barrrendia case as well as the more recent Ezeta case. Recent phases of South American revolutions have brought out questions as to the rights afloat of non-recognized insurgents. Revolutions have occurred that are more or less confined to the seas, bays and harbors of a country, originating with the fleet and giving to the insurgents command of the sea. alone. These people though not recognized as belligerents cannot be treated as pirates- their blockades have been treated with respect, their prizes cannot

now be seized with justice upon the high sea.

Colonial and provincial revolutions may occur as in times past in Mexico and in the United States of Columbia. A state or provincial government de facto may be in control but not recognized by the Central or Federal authority- what shall the local Consul and visiting Commander do under the circumstances.

The questions arising from the pursuit of the Isthmus of Panama should be clearly stated and defined.

The states of the Moggito Indians in Nicaragua, of the French in Madagascar, of the French in the New Hebrides, of the English in the Tongas, of the Columbians in the Com Islands, of the Germans in Samoa should be exhaustively discussed.

Questions concerning missionaries constantly arise- in the South Sea Islands, in the Caroline Islands, in Roman Catholic countries. What protection are they entitled to- not as missionaries - but as Americans. In China for instance.

Suppose a servile insurrection or the rising of a class of coolies or laborers who are degraded and savage. How and when does common humanity require action to save lives of white men and their innocent families - masters, overseers and employees. How justifiable is it and to what extent may be carried the landing of a force to protect Legations and consulates. When can an appeal for such landing be refused. What extritoriality has the legation of a foreign government in a civilized or semi-civilized country. The question of right of asylum?

The question of co-operation with a diplomatic agent of the United States should be treated exhaustively. Recall the cases in the past of Bliss and Masterman in Paraguay and the resolutions of the House of Representatives upon this matter. The result of the Behring Sea negotiations and conference should be given in a cogent form.

What jurisdiction has a man-of-war over the natives of northern Alaska - for the enforcement of laws in localities, for the protection of traders and schools?

The present status of the Declaration of Paris? Its probable status in the next great war?

The question of evasion of capture by nominal change of flag. Would this be respected by a strong power? Suppose this change of flag is permitted by a strong power. What then? The rights of a foreign built ship flying the American flag under a consular permit due to a bill of sale is an entirely and often perplexing question. Yachts have the same right and recently I have heard that a telegraph cable repair steamer built in England owned in America flies the American flag under the yacht law. Is that proper?

The question of protection to those who have declared their intention is an interesting one. The use of American citizenship in Mohammedan and uncivilized countries often involves much trouble and abuse.

What privileges has a commercial agent of the United States who is not an American in these and other countries? A full discussion of blockades is interesting, especially blockade as a reprisal. There is a double use of flag of truce which is for message and for surrender. Is the latter an abuse or use of this ensign?

Of late years the questions in maritime of a bombardment of a commercial town, or of a town under the guns of a fleet which cannot occupy it for want of sufficient landing force are living ones. The question of the sinking of a merchant vessel with passengers by torpedo boat, may not be an hypothetical one in the next war.

In case of probable war can contraband for enemy be detained? carried by a common friend?

In case of actual war can a steamer under neutral flag, touching at the port of one belligerent have packages of a contraband seized and condemned- bound to the port of the other belligerent? Can this be done without seizing ship?

President Grant's proclamation of neutrality and as to the treatment of belligerents in the Franco-German war might be considered as the best enunciation of our policy in regard to the use of our ports when we occupy the position of neutrals in a war between two naval powers. How far is this correct?

The question of coal as contraband in these times when it means propelling power, heating, light, water and means of manipulating guns etc. is a vital matter for discussion. Would bread-stuffs and food supplies be contraband to a nation whose supply like Great Britain for instance- was sea borne? The stoppage of such supplies may cause the end of the war.

The question of uniting telegraph cables at sea in time of war of protection to cables, grappling cables upon the high seas. Telegraphing information from neutral ports, its limitations etc.

Besides broad outlines of principles from which knowledge unexpected cases must be met, what I have referred to above may be considered an illustration of what would be needed in a course of lectures before officers of experience and years.