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## **INTERNATIONAL INCIDENTS**

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# **INTERNATIONAL INCIDENTS**

**FOR**

**DISCUSSION**

**IN CONVERSATION CLASSES**

**BY**

**L. OPPENHEIM, M.A., LL.D.**

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**Transcribers' Note:** Inconsistent punctuation printed in the original text has been retained.

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## PREFACE

FOR many years I have pursued the practice of holding conversation classes following my lectures on international law. The chief characteristic of these classes is the discussion of international incidents as they occur in everyday life. I did not formerly possess any collection, but brought before the class such incidents as had occurred during the preceding week. Of late I have found it more useful to preserve a record of some of these incidents and to add to this nucleus a small number of typical cases from the past as well as some problem cases, which were invented for the purpose of drawing the attention of the class to certain salient points of international law.

As I was often asked by my students and others to bring out a collection of incidents suitable for discussion, and as the printing of such a little book frees me from the necessity of dictating the cases to my students, I have, although somewhat reluctantly, made up my mind to publish the present collection.

I need hardly emphasise the fact that this collection is not intended to compete either with Scott's *Cases on International Law, selected from decisions of English and American Courts*, or with Pitt Cobbett's *Leading Cases and Opinions on International Law*, both of which are collections of standard value, but intended for quite other purposes than my own.

I have spent much thought in the endeavour to class my incidents into a number of groups, but having found all such efforts at grouping futile, I therefore present them in twenty-five sections, each containing four cases of a different character. Experience has shewn me that in a class lasting two hours I am able to discuss the four cases contained in these sections.

I have taken special care not to have two similar cases within the same section, for although there are no two cases exactly alike in the collection, there are several possessing certain characteristics in common. It is one of the tasks of the teacher and the students themselves to group together such of my cases as they may think are related to each other by one or more of these traits.

It has been suggested that notes and hints should be appended to each case, but the purpose for which the collection is published is better served by giving the incidents devoid of any explanatory matter. Should this book induce other teachers of international law to adopt my method of seminar work, it must be left to them to stimulate their classes in such a way as to enable the students to discover on their own initiative the solution of the problems.

I gladly accepted the suggestion of the publishers that the cases should be printed on writing paper and on one side of the page only, so that notes may be taken and additional cases added.

I am greatly indebted to Mr Dudley Ward, of St John's College, Cambridge, my assistant, who has prepared the cases for the press and read the proofs. In deciding upon the final form of each case so many of his suggestions have been adopted that in many instances I do not know what is my own and what is his work.

WHEWELL HOUSE,  
CAMBRIDGE,  
June 12th, 1909.

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## SECTION I

### 1. *A Councillor of Legation in difficulties.*

In 1868 the French journalist Léonce Dupont, the owner of the Parisian newspaper *La Nation*, became bankrupt. It was discovered that this paper was really founded by the councillor of the Russian legation in Paris, Tchitchérine, who had supplied the funds necessary to start it, for the purpose of influencing public opinion in Russian interests. The creditors claimed that Tchitchérine was liable for the debts of Dupont, and brought an action against him.

### 2. *Neutral Goods on Enemy Merchantman.*

A belligerent man-of-war sinks his prize, an enemy merchantman, on account of the impossibility of sparing a prize crew. Part of the cargo belongs to neutral owners, who claim compensation for the loss of their goods.

### 3. *American Coasting Trade.*

In 1898, after having acquired the Philippines and the island of Puerto Rico from Spain by the peace treaty of Paris, and in 1899, after having acquired the Hawaiian Islands, the United States declared trade between any of her ports and these islands to be

coasting trade, and reserved it exclusively for American vessels.

#### 4. *A German Balloon in Antwerp.*

The following telegram appeared in the *Morning Post* of April 7th, 1909, dated Brussels, April 6th:

"An incident which is regarded with some seriousness by Belgians has occurred at Antwerp. A balloon which for a time was observed to be more or less stationary over the forts finally came to earth in close proximity to them. It proved to be a German balloon, the *Dusseldorf No. 3*, controlled by two men, who, on being interrogated by the Commander of the fortifications, declared themselves to be merely a banker and a farmer interested in ballooning in an amateur fashion, who had been obliged to descend. The General commanding the Territorial Division adjoining Antwerp was informed of the incident. On an inquiry being opened it was found that the aeronauts were none other than two German officers, and that the balloon forms part of the German Army *matériel*. The Minister for War was immediately informed, and he has communicated the facts of the case to his colleagues. The inquiry is being continued. In the balloon was found a quantity of photographic apparatus."

## SECTION II

#### 5. *The Use of the White Flag.*

During war between states A and B, an outlying fort of a harbour of state A is being bombarded by the fleet of state B, and is in danger of capture. Suddenly the white flag is hoisted on the fort, and a boat flying a white flag and carrying an officer and some men leaves the fort and makes for the flagship of the bombarding fleet. Thereupon the fleet receives the order to cease firing. Shortly after this has been carried out, the boat flying the white flag, instead of continuing its course, returns to the fort. Under cover of this manoeuvre the bombarded garrison succeeds in abandoning the fort and withdrawing in safety.

#### 6. *A South American "Pseudo-republic."*

The following appeared in the *Times* of April 26th, 1904:

"The utility for the practical politician of the study of that branch of sociology to which M. Lebon has given the non-classical name of the psychology of crowds is amusingly demonstrated in the fact of the efforts of the still nebulous State of Counany to materialize and to attain a separate and independent existence among the South American Republics. What is taking place would seem to be a simple phenomenon of suggestion, induced by the example of Panama. The fate of the vague territory known as Counany had been settled, as every one supposed, by the arbitral sentence of the Swiss Tribunal by which this region, with which France and Brazil had played diplomatic battledore and shuttlecock for more than 175 years, was finally handed over to the latter Power.

"Brazil has never, it appears, taken effective possession of Counany, and the population, whose flag, if ethnographic differences were to be symbolized in it, ought to be a sort of Joseph's coat of many colours, are now apparently once more appealing to the civilized world to aid them to secure a separate existence. What recently occurred on the Isthmus of Panama, when a new State sprang full fledged into being, would seem to have been an object lesson acting automatically on the nerves of these Indians, whites, negroes, and half-castes, welding them into a compact whole and giving them a self-consciousness craving European sanction. Hypnotized by Panama, and, it may be, counting upon the eventual support of one of the Continental Powers which has already shown the world that Brazilian affairs are not beyond the range of its diplomatic vigilance, Counany steps once more to the fore.

"A Paris morning paper, the *Journal*, plays the *rôle* of introducer of the new Counany Ambassador. This Ambassador is a certain M. Brezet, who comes to France, in spite of the sentence of the arbitral tribunal, as President of a State which is described by all competent authorities as a *pseudo-republic*, summarily wiped off the map as an independent State. M. Brezet, moreover, is a Parisian who has served, it is said, in the French forces in Guiana. He is now for the second time enjoying the confidence of the Counanians, strong in the prestige won by his success in having repulsed the Brazilians who sought dutifully to carry out the terms of the clauses of the Berne Decree. 'After having prepared the military and administrative reorganization of Counany, he has come on a mission to Europe to defend the interests entrusted to him.' Such is the story reported by the *Journal*.

"Counany, now described as the vast territory between the Amazon and the two Guianas, is not merely a relatively accessible stretch of coast-line and *Hinterland* for a certain enterprising European colonial Power, which has already prospected in Brazil, Venezuela, and the unknown world between the Amazon and the Orinoco. Counany is likewise on the high road of sea communication between the south of South America and the eventual link between the Atlantic and the Pacific, known as the Panama Canal. The Counany coast-line is a covetable strip of the South American coast which at more favourable moments might even distract our attention from Morocco."

#### 7. *A Tavern Brawl.*

In 1902, in an inn on the German side of the German-French frontier, an altercation arises between Franz Heller, an Austrian subject, and a Frenchman. They leave the inn together, still quarrelling. The Frenchman hits Heller with his stick and runs away across the frontier. Heller, however, draws a revolver and shoots the Frenchman dead. The French government demands his extradition for murder.

#### 8. *A Threatened Diplomatic Rupture.*

The following appeared in the *Times* of Feb. 22nd, 1908, dated Sofia, Feb. 21st:

"A diplomatic rupture between Servia and Montenegro is threatened. The Servian Minister has been instructed to leave Cettigne should satisfaction not be accorded for certain injurious observations made by M. Tomanovich, the Montenegrin Premier, in the course of a recent speech. Relations between the two dynasties and countries have long been strained, and the quarrel has become acute since the refusal of the Servian Government to take the measures demanded by Montenegro against refugees and others accused of participation in the recent plot against the life of Prince Nicholas."

### SECTION III

#### 9. *Death Sentence on Russian Terrorists.*

The following appeared in the *Times* of Feb. 29th, 1908:

"ST PETERSBURG, *Feb. 27.*

"A Court-martial sitting in the fortress of St Peter and St Paul to-day tried the Terrorists who were recently arrested. Seven, including two women and the Italian Calvino, were condemned to death.

"ROME, *Feb. 28.*

"A most painful impression has been created throughout Italy by the confirmation to-day of the report that a young Italian journalist, Mario Calvino, has been condemned to death by Court-martial in St Petersburg. All that is known is that Calvino was arrested on a charge of complicity in a plot for the assassination of the Grand Duke Nicholas, that he was condemned with a batch of six other prisoners after a very brief trial held within closed doors, and that he will be hanged next Saturday. Many friends and colleagues of Calvino in Italy, as well as in Russia, assert the impossibility of his complicity in a Nihilist plot, and there prevails a general belief that his condemnation has been due to a judicial error. In answer to representations made to Signor Tittoni from Milan, the Foreign Minister has stated that the Italian Ambassador at St Petersburg has received instructions to do his utmost on behalf of the condemned man. Up to the present moment it would appear that no result of his exertions has yet been reported."

#### 10. *The Case of De Jager.*

De Jager, a burgher of the South African Republic, but a settled resident in Washbank in Natal when the war broke out, joined, in October, 1899, the Boer forces, which had occupied Washbank and held that town for about six months. He served with them in different capacities until March, 1900, when he went to the Transvaal, and took no further part in the war. In March, 1901, he was prosecuted for high treason, but endeavoured to exculpate himself by maintaining that, as the Boers had occupied Washbank when he joined their forces, he was not then living on English territory.

#### 11. *A Kidnapped Chinaman.*

Sun Yat Sen, a political refugee from China, living in London, was induced, in 1896, to enter the house of the Chinese Legation in London. He was kept under arrest there in order to be conveyed as a prisoner to China, the Chinese envoy contending that, as the house of the Legation was Chinese territory, the English government had no right to interfere.

12. *A Case of Bigamy.*

In 1895 Alfred Ungar, a German by birth, who is naturalised in England without having ceased to be a German subject, goes over to Germany and there marries his niece, whom he brings back to London as his wife. In 1896 he deserts her, settles down in Bristol, and in that town goes through the form of marriage with another woman. In 1898 his German wife, being informed of his whereabouts and of his second marriage, has him arrested for bigamy.

SECTION IV

13. *A Shot across the Frontier.*

On Sept. 26th, 1887, a German soldier, on sentry duty at the frontier near Vexaincourt, fired a shot from the German side and killed an individual who was on French territory.

14. *A Revolted Prize.*

An enemy merchantman having been captured during war, a prize crew is put on board and she is navigated in the direction of a port of the state which made the capture. During the voyage the original crew succeed in overpowering the prize crew. The master again takes command, has the prize crew put in irons, and steers for a friendly port. Before the vessel gets there, however, she is again captured.

Can the crew be punished?

15. *Investments Abroad.*

Armand Brunetière, a French merchant in Paris, who has never been in England, instructs a broker on the London Stock Exchange to buy £1,000 worth of consols, and to keep the stock at his disposal. The order is carried out, and six months afterwards Brunetière dies. His heirs claim the stock, but the English brokers refuse to hand it over unless the English estate duty, which is claimed by the officials of the Inland Revenue, has first been paid.

16. *Russian Coasting Trade.*

Russia declared, by a ukase of 1897, operating from 1900, that trade between any of her ports and that of Vladivostok should be considered as coasting trade and therefore exclusively reserved for Russian vessels.

SECTION V

17. *Exceeding the Speed Limit.*

In 1904 Mr. Gurney, secretary of the British Legation at Washington, was brought before the police magistrate at Lee, Massachusetts, on the charge of having driven a motor car to the public danger. The charge being proved, he was fined.

18. *A New-born Island.*

An island rises in the sea on the boundary line of the territorial maritime belt of another island in the possession of state A. A portion of the new-born island stretches into the maritime belt surrounding the previously existing island, and the remainder into the open sea. A man-of-war of state B lands a non-commissioned officer and three men on the part of the island which stretches into the open sea, with the order to hoist the flag of state B and to take possession of it by occupation.

Is this occupation valid?

19. *An Irate Queen.*

Queen Christina of Sweden abdicated her throne in 1654, and, after having spent some time first in Brussels and later in Rome, where she embraced the Roman Catholic faith, in 1656 took up her residence in France. Here she discovered that her grand equerry and favourite, Monaldeschi, was betraying her personal secrets. She therefore on the 10th November sentenced him to death, and caused the execution to be carried out on the spot by soldiers of her bodyguard, under the command of Count Lentinelli, the captain of the guard.

20. *An Incident in the Black Sea.*



The following appeared in the papers dated St Petersburg, August 11th, 1907:

"A telegram from Sochi, in the Caucasus, states that last night the steamer *Tchernomor*, while on a trip from Tchubgia to Tuapse on the Black Sea, was plundered on the high seas by robbers, who forced the passengers to deliver up their money and valuables. One passenger was wounded by a revolver shot. The robbers, who numbered 15, took possession of the ship's safe and forced the captain to stop the ship and to land them. They further ordered him not to stop at Tuapse, but to proceed direct to Sochi, threatening him with murder if he disobeyed.

"A later telegram from Sochi states that the passengers were robbed of 10,000 roubles (£1,000), and that 1,700 roubles (£170) were stolen from the ship's safe."

## SECTION VI

### 21. *The Case of the Trent.*

On Nov. 8th, 1861, during the American Civil War, the Federal cruiser *San Jacinto* stopped the British mail steam *Trent* on her voyage from Havana to the British port of Nassau in the Bahamas, forcibly took off Messrs. Mason and Slidell, political agents sent by the Confederate States to Great Britain and France, together with their secretaries, and then allowed the vessel to continue her voyage.

### 22. *A Double Murderer.*

In 1885 James Smith, an English subject, commits a murder in London, but succeeds in escaping. In 1886 he appears in Rome under the name of Edward Fox, and commits a murder there also. He is tried in Rome and condemned to penal servitude for life. In 1906, after having served 20 years and exhibited exemplary conduct, his sentence is remitted by the King of Italy. His real identity having been established during the trial, on his release the question of the possibility of his extradition for the previous murder is discussed in the English press.

### 23. *A Masterful Customs Official.*

On Dec. 24th, 1907, the following appeared in the morning papers, dated Winnipeg, Dec. 23rd:

"An American Customs official, suspecting two Canadian farmers of smuggling barley, surprised them near the boundary, and, threatening them with a revolver, compelled them to cross into American territory. The official had no warrant, and the farmers returned into Canada. The matter has been laid before the British Ambassador in Washington and the Canadian Government. Ten thousand dollars damages are claimed."

### 24. *Russian Refugees and Foreign Asylum.*

The following appeared in the *Times* of March 6th, 1908, dated Paris, March 5th:

"Signatures are being collected in Paris for an address 'to the Swiss people,' which already bears the names of MM. Anatole France, Octave Mirbeau, Painlevé, Jaurès, Seignobos, and others, urging them to refuse the extradition of the Russian Socialist Revolutionary Bromar Vassilieff, who killed the Prefect of Police of Penza in January, 1906. The address declares the deed of Bromar Vassilieff to have been purely political. France, it contends, refused to surrender Hartmann, who had taken part in the attempt against Alexander II. Italy refused to extradite Michel Gotz, a member of the organization that assassinated M. Sipiagin and M. Plehve. Sweden refused to give up Tcherniak, accused of having participated in the attempt against M. Stolypin. Only a few days ago, says this address, an Austrian jury acquitted Wanda Kraguelska, who boasted of having thrown a bomb at the Governor-General of Poland. The Swiss Republic, it adds, will not do what monarchies and Empires have not done. It was deceived when it handed over to the Russian authorities Belentsoff, who before his trial died from flogging in prison. Free Switzerland having always done itself honour by defending the political refugees of all nations against the largest Powers, the signatories to the address feel certain that she will not be false to this noble tradition by allowing Bromar Vassilieff to be extradited."

## SECTION VII

### 25. *A Conversion at Sea.*

On July 4th and 6th, 1904, during the Russo-Japanese war, the *Peterburg* and the *Smolensk*, vessels belonging to the Russian volunteer fleet in the Black Sea, passed the

Turkish Straits, flying the Russian commercial flag. They likewise passed the Suez Canal under their commercial flag, but after leaving Suez they converted themselves into men-of-war by hoisting the Russian war flag, and began to exercise the right of visit and search over neutral merchantmen. On July 19th the *Peterburg* captured the British P. and O. steamer *Malacca*, for alleged carriage of contraband, and put a prize crew on board for the purpose of navigating her to Libau.

#### 26. *A Frontier Affray.*

On May 12th, 1908, the *Petite République* published a telegram from Lisbon announcing that a collision between Portuguese and Spanish troops had occurred at Porto Allegro. It appeared that several Spanish smugglers were surprised while attempting to smuggle quantities of tobacco and silk across the frontier into Portugal, and resisted the Portuguese guards. A detachment of Spanish troops arrived on the scene during the fight and crossed over on to Portuguese territory. Here they were fired upon by the Portuguese, who, in the darkness, mistook them for a second band of smugglers. The Spaniards together with the smugglers now opened fire and a terrible fight ensued in which even women took part. Before long, however, the Spaniards, who were evidently under the impression that they, too, had to deal with smugglers, discovered their error, and ceased fire, and the smugglers immediately fled to the mountains leaving several dead, including two women. Several of the soldiers on both sides were either killed or wounded.

#### 27. *General Vukotitch.*

On Oct. 19th, 1908, during the state of tension in the Balkan peninsula resulting from the declaration by Austria-Hungary of her sovereignty over the provinces of Bosnia-Herzegovina, General Vukotitch, a Montenegrin envoy, was charged with a special mission for Belgrade by Prince Nicholas. He travelled to his destination by way of Fiume, but, on arriving at Agram, he was ordered from the train by gendarmes and conducted to the Prefecture of Police. There he was searched, and his purse and everything else he had in his possession were taken from him. At the same time his baggage was completely ransacked. He told the *Gendarmerie* officers his name, explained his *status*, and showed them the passport and the permit delivered to him by the Austro-Hungarian Legation at Cettigne, but all without any effect. He was, however, allowed to send a telegram to Baron von Aehrenthal, complaining of the treatment he had received as a violation of international usage, and, after some time, an order came from Vienna for his release.

#### 28. *An Anglo-French Burglar.*

François Lebrun, having committed a burglary in Paris, is sentenced to ten years' hard labour, but after one year's imprisonment succeeds in escaping to England. On the request of the French police he is arrested in London and brought before the magistrate in order that he may be extradited. His counsel however objects to his extradition on the ground that Lebrun was born in London and was therefore, although his parents were French, an English subject.

## SECTION VIII

#### 29. *Signals of Distress.*

Vattel (III. § 178) relates the following case: In 1755, during war between Great Britain and France, a British man-of-war appeared off Calais, made signals of distress for the purpose of soliciting French vessels to approach to her succour, and then seized a sloop and some sailors who came out to bring her help.

#### 30. *A Change of Parts.*

Aaron Nietitsch, a native of one of the Balkan states, while residing in London for two years for the purpose of learning English, contracted heavy debts which he did not pay on leaving the country. Shortly afterwards he came again to England as he was appointed secretary to the diplomatic envoy of his home state in this country. His creditors, who knew quite well that they could not sue a member of a foreign legation for debts contracted during the time of his mission, thought that they could proceed against Aaron Nietitsch, because he had contracted his debts while staying in this country as a private individual.

How would the case have to be decided if Aaron Nietitsch had contracted debts while in England as an attaché, had left the country at the end of his mission, and had afterwards returned as a private individual?

#### 31. *Violation of a Foreign Flag.*

A political criminal, imprisoned in Port-au-Prince, in Hayti, escapes from the prison and makes for the harbour, with the intention of taking refuge on board a foreign man-of-war lying there. On his way he meets the diplomatic envoy of the state to which the man-of-war belongs, and as the Haytian police are on his heels he asks for the envoy's protection and safe conduct to the vessel. The latter calls a passing fly and enters it with the fugitive, but is overtaken by the police. Thereupon he takes the flag of his home state out of his pocket and throws the folds of it over the fugitive for the purpose of protecting him. The police nevertheless arrest the man. The envoy sends a report of the affair to his government, which requests from Hayti not only severe punishment of the police for the violation of the envoy's privileges and the insult to its flag, but also the release of the rearrested political criminal and his safe conduct to its man-of-war lying in the harbour of Port-au-Prince.

### 32. *A Pickpocket at Sea.*

An Italian passenger on board the French mail-boat *Le Nord*, plying between Calais and Dover, picks the pocket of an Englishman while the boat is two miles out on her way from Dover to Calais. The thief is arrested in Calais. Can England claim his extradition?

## SECTION IX

### 33. *Gypsies in Straits.*

In March, 1908, the *Westminster Gazette* contained the following paragraph:

"On the first day of October last a gipsy van containing a family of eight was escorted by Belgian gendarmes to the French frontier. On attempting to cross the boundary the wanderers were stopped by French gendarmes, who forbade any further advance. Thus beset behind and before by the authorities, the van-dwellers perforce made the best of a bad job, and resigned themselves to a long stay. On the whole, they have had the best of it; for they, at any rate, had a comfortable roof over their heads, while the four policemen who were on constant guard by day and night, keeping the unwelcome travellers at bay, were exposed to all the chances of the weather. Days, weeks, and months rolled slowly by. February commenced, and still the gipsy-van stood on no-man's-land, guarded by weary gendarmes, each drawing a franc and a half a day, and wondering when the other side was going to give in, and allow the gypsies to resume their wanderings. As far as is known the van is there to-day, and nobody appears to care very much about its fate. Perhaps in future years when the six gipsy children are grown up and leave the old home, and its paintwork has grown still more shabby, and the wheels have sunk up to their hubs into the soil, somebody will come across it and the patient gendarmes, and begin asking questions. Meantime the little comedy has already cost the French municipality of Mont Saint-Martin more than 1,000 fr., while the local police force has had to be helped by the neighbouring brigade to perform its ordinary duties.

"It is true that negotiations are going on with a view to settling the matter, but as four months have already passed since the van reached the frontier, there seems no particular reason for expecting a speedy conclusion to the farce."

### 34. *A Question of Annexation.*

Karl Abel, born in Nassau in 1840, left that country in 1865 for England for the purpose of settling there in business. In 1866 Nassau is conquered by Prussia and subjugated. Has Abel become a Prussian subject?

What would the decision be in the case of the native of a province transferred by cession to another state, who was domiciled abroad at the time of cession?

### 35. *Disputed Fisheries.*

An island rises in the open sea three and a half miles from the shore of state A and is acquired through occupation by state B, which establishes a fishing-station there. Very soon a conflict arises between states A and B on account of the fisheries in the waters between the new-born island and the continent.

How is the controversy to be settled?

### 36. *Imperial Coasting Trade.*

At the Colonial Conferences in 1902 and 1907 Australian statesmen brought before the Imperial Government the question whether the term "coasting trade," as used in British commercial treaties, could not be given such an extension of definition as would allow the entire exclusion of foreign shipping from the carrying trade between the United Kingdom and Australia.

## SECTION X

### 37. *A Russian Crime tried in Austria.*

The following appeared in the *Westminster Gazette* on Feb. 19th, 1908:

"WADOWICE (GALICIA), *Feb.* 18.

"Judgment was pronounced to-day in the trial, which began in the District Court here yesterday, of Wanda Dobrodzicka, a young Russian woman charged with having thrown a bomb at General Skallon, Governor-General of Warsaw, on May 18th, 1906.

"The indictment set forth the existence of a very skilfully devised plot to kill the Governor-General. As he very seldom left the castle it was necessary to do something to compel him to come out. Accordingly one of the conspirators, in the uniform of a Russian officer, grossly insulted the German Vice-Consul. It became necessary, therefore, for the Governor-General to pay a personal visit to the Vice-Consul to express his regret, officially, at such an occurrence. This was exactly what the conspirators had reckoned upon, and they laid their plans accordingly. Wanda Dobrodzicka, who was only twenty years of age, was, it was alleged, entrusted with the task of killing the Governor. According to the prosecution, she took up her position on a balcony which he would pass, and when his carriage came she hurled a bomb at it. The bomb, however, failed to explode. In the confusion the woman escaped and succeeded in making her way to Trieste, going thence to Italy and Switzerland, and afterwards coming to Galicia, where she married and settled down.

"She was arrested on October 20th, 1907, and the Russian Government demanded her extradition. As, however, through her marriage, she had become an Austrian subject, the Galician authorities decided that she must be tried in Galicia. The jury returned a verdict of 'Not guilty' on both counts of the indictment. The accused was acquitted, and was immediately released, as no notice of appeal was given by the Public Prosecutor. The prisoner having been declared 'Not guilty' by the Polish jury, notwithstanding her full admission of having thrown the bombs, was accorded a great ovation by the crowd, who presented her with flowers."

### 38. *Stratagem or Perfidy?*

In 1783, during war between Great Britain and France, the *Sybille*, a French frigate, enticed the *Hussar*, a British man-of-war, by displaying the British flag and intimating herself to be a distressed prize of a British captor. The *Hussar* approached to succour her, but the latter at once attacked the *Hussar* without shewing the French flag. She was, however, overpowered and captured.

### 39. *Murder of a German Consul in Mexico.*

In 1906 the German consul in Oaxaca, a town in the Mexican state of Puebla, was murdered while in the house of a Mexican named Conttolene, with whom he had had a dispute. Conttolene was arrested and prosecuted, but acquitted. However his nephew, a Mexican named Rangel, gave himself up for the crime and was condemned to two years' imprisonment. As this punishment was considered too light the prosecuting counsel appealed, but withdrew his appeal by order of the public prosecutor; and the light sentence on Rangel was therefore allowed to stand. The German government considered the punishment meted out to Rangel insufficient, and made representations to the Mexican government complaining of the fact that the appeal was withdrawn by order of the public prosecutor. The Mexican government answered that it disapproved of the action of the public prosecutor, because it recognised its international duty sufficiently to protect the lives of foreigners in Mexico and to punish adequately any murder of a foreign resident. On its recommendation the governor of the state of Puebla deprived the public prosecutor concerned of his office.

### 40. *Cossacks at Large.*

On June 27th, 1908, a telegram from Brody, in Eastern Galicia, stated that a party of 14 Cossacks crossed the frontier into Austria, plundered a house near Radziwilloff, shot dead the owner and his wife, and cut off his daughter's hands and carried them away. They also mutilated two other persons who were returning across the frontier. Austrian gendarmes captured two of the Cossacks.

## SECTION XI

#### 41. *Islanders in Revolt.*

The natives of a small island in the possession of England rise and, after murdering the majority of the whites, imprison the remainder. No English man-of-war is on the spot, but the commander of a French war vessel in the neighbourhood, who is informed of the insurrection by a fugitive, resolves to interfere to save the lives of the surviving whites. He therefore sails at once for the island, shells the harbour, disembarks a number of men, relieves the white prisoners, and remains in command of the island until an English man-of-war arrives on the spot.

#### 42. *Seizure of Ambassadors.*

The Marquis de Monti, the French envoy in Poland during a war between Poland and Russia, being in Dantzic when, in 1734, that town capitulated to the Russians, was seized and made prisoner because he had taken an active part in the war; he was not released until 1736, although France protested against his captivity.

When the Maréchal de Belle Isle, the French ambassador to Prussia, passed, in 1774, on his way to Berlin, through Hanover, he was seized, made a prisoner, and sent to England, which country, together with Hanover, was then at war with France.

#### 43. *An Envoy in Debt.*

Baron de Wrech, who had for some time been minister plenipotentiary of the Landgraf of Hesse-Cassel at Paris, was recalled in 1772. When he asked for his passports, the Duc d'Aiguillon, the French foreign secretary, refused to deliver them to him before he had paid debts due to the Marquis de Bezons and other creditors.

#### 44. *Treaty Bargaining.*

States A and B enter into a new commercial treaty in which, among other stipulations, it is agreed that state A should lower by 20 per cent. its general import duty on manufactured cotton goods coming from state B, and that, in return for this reduction, the latter should reduce by 20 per cent. its general import duty on manufactured leather goods coming from state A.

Some of the other states possessing commercial treaties with A and B, which embody the most favoured nation clause, at once demand from A and B that the reduction of 20 per cent. of import duty on manufactured cotton and leather goods should also be granted to the imports from their respective territories.

## SECTION XII

#### 45. *A Fallen President.*

The following appeared in the papers on Dec. 4th, 1908, during a revolution in Hayti, when the president Alexis had fled to a French training ship in the harbour of Port-au-Prince:

"PORT-AU-PRINCE, Dec. 2.

"President Nord Alexis is safe on board the French training ship *Duguay Trouin*. At the last moment the President yielded to the pleas of those about him, and precisely at five o'clock a salute of 21 guns announced his departure from the Palace.

"Previously to his departure the French Minister and other foreign representatives, with a specially-formed committee, forced themselves on the President, who finally consented to withdraw. Shouts and jeers of derision greeted President Nord Alexis as he entered his carriage. The French Minister sat beside him, and threw the folds of the Tricolor over the shoulder of the President to protect him. Along the route the people lining the streets greeted the President with curses. When he arrived at the wharf the mob lost all restraint. Infuriated women penetrated the cordon of troops, and shrieked the coarsest insults in the face of President Alexis. The people tried to hurl themselves upon him, fighting with hands and feet with the soldiers, who, in order to disengage the President, discharged their muskets, and the crowd then fell back. President Alexis, still draped in the Tricolor, boarded a skiff, his suite tumbling in after him. Haitian, French, and American warships fired a salute to the fallen President. As he was embarking a woman aimed a blow at his side with a knife, but missed him. A man, however, succeeded in striking the President a glancing blow on the neck with his fist."

#### 46. *A Murder in Monaco.*

In August, 1907, Mr. and Mrs. Goold, the Monte Carlo murderers, were arrested in Marseilles, to which town they had succeeded in escaping before the murder became

known. The Monacan government demanded their extradition and France was ready to comply with the request. Mrs. Goold, however, was by birth of French nationality, and it was doubtful whether she had been legally married to Mr. Goold. Under these circumstances the French government refused to extradite Mrs. Goold, before it had been proved by inquiries in England whether or not a legal marriage had taken place between herself and Goold.

47. *A Question of Interpretation.*

According to Article XIII of the Treaty of July 11th, 1799,—confirmed by Article XII of the Treaty of May 1st, 1828,—between the United States of America and Prussia which is now valid for the whole German empire, in case one of the contracting parties is a belligerent, no articles carried by vessels of the other contracting party shall be considered contraband, but nevertheless the belligerent party shall have the right to seize any military stores carried by vessels of the other party on payment of their full value.

Has the Declaration of London, 1909, any influence on the validity of this old treaty stipulation?

If not, in the event of war between Germany and another power, can powers possessing most favoured nation treaties with Germany claim the same treatment with regard to contraband for their own vessels as Germany must grant to vessels of the United States?

48. *The Island of Santa Lucia.*

In 1639 the island of Santa Lucia, in the Antilles, was occupied by England, but in the following year the English settlers were massacred by the natives, and no attempt was made by England to re-establish the colony. In 1650 France, considering the island no man's land, took possession of it. England, however, contended for many years that she had not abandoned the island. After the Treaty of Aix-la-Chapelle in 1748, the question of ownership was referred to the decision of certain commissioners, and England claimed that having been driven out by force she had not abandoned the island *sine spe redeundi*, and that therefore France, in 1650, had no right to consider the island as no man's land. Finally, by the peace treaty of Paris of 1763, England resigned her claims.

### SECTION XIII

49. *An Attaché's Chauffeur.*

In November, 1908, the driver to the Military Attaché at the United States Embassy was summoned at Huntingdon for driving a motor-car at Little Stukeley at a speed dangerous to the public, and which was stated to be 36 miles an hour. The solicitor for the defendant, who did not appear, claimed that he was exempt from proceedings such as these, but admitted that he was not in a position to prove it. A letter of explanation was read, which stated that it was very embarrassing to have a servant charged with an offence against English law, and asking that the charge be withdrawn. The bench decided to go on with the case, and imposed a fine of £12 and costs.

50. *In Quest of Balata.*

The following notices appeared in the papers in the latter part of August, 1907, concerning a frontier incident between British Guiana and Venezuela:

"GEORGETOWN, Aug. 18.

"Captain Calder, with a small armed force, went down the Barima river and, crossing the boundary, invaded Venezuelan territory. He then demanded at the point of the revolver that 4,000 pounds of balata, said to have been won in a British forest, should be given up. The incident has been reported to President Castro. Excitement prevails at Morawhanna, the British frontier head-quarters, the people fearing measures of retaliation. Trouble has been experienced for the past few months in connexion with the balata trade, and British officers have been keenly alert to prevent illicit trading. The Governor is now at Lama, two days' journey from the capital. He is expected to arrive here on Tuesday."

"GEORGETOWN, BRITISH GUIANA, Aug. 28.

"The Governor has informed the Legislature that Captain Calder, who recently crossed the Venezuelan frontier and seized a quantity of balata which was alleged to have been collected in British Guiana, violated the frontier to the extent of 200 yards. The balata has been returned to its owner and regret has been expressed to President Castro."

"A message from Caracas states that the Venezuelan Government considers that the incident which arose out of the invasion of Venezuelan territory by Captain Calder, District Inspector of Police in British Guiana, and the seizure of a quantity of balata said to have been collected on British soil has been satisfactorily closed. President Castro has received a note of apology from the Governor of British Guiana with the announcement that Inspector Calder has been relieved of his post."

51. *A "Sujet Mixte."*

Felix Brown was born in London of German parents in 1875. He was brought up in English schools and considered himself an Englishman, although he knew that he was of German parentage and frequently went to Germany to see his grandparents. In 1900 he was a passenger on an English vessel destined for Riga. This vessel called on her way at Stettin. While in that harbour the German police boarded the vessel and arrested Brown for having evaded military service in Germany. Brown telegraphed to the English ambassador in Berlin and asked for his intervention.

52. *Koreans at the Hague Peace Conference.*

During the second Hague Peace Conference the Emperor of Korea, although he had signed in 1904 a treaty according to which Japan exercised a protectorate over his country, dispatched an envoy and two secretaries to the Hague for the purpose of bringing some complaints before the Congress. One of the secretaries had been in Holland two years previously, and had left the country without paying his debts. When his creditors heard of his return, they asked an advocate whether they could sue him, or whether he was exempted from Dutch jurisdiction, since he now appeared as the secretary of the Korean envoy.

## SECTION XIV

53. *The Adventures of a South American Physician.*

In 1905 the President of a South American Republic visited London with the intention of undergoing an operation by a famous surgeon. He was accompanied, among others, by Doctor Alcorta, his physician-in-ordinary, who was watching the case. After dining with friends one evening at a well-known restaurant, during which he drank very freely of wine and liqueurs, Doctor Alcorta proceeded to the Empire Theatre. He at first listened quietly, but, being displeased by the song of one of the performers, he became noisy, had to be removed, and on proving violent was handed over to the police. Next morning he was brought up before a magistrate on the charge of having been drunk and disorderly.

54. *Extradition of a British Subject.*

The following is a cutting from the police court reports of a daily paper:

"At Bow-street, Julius Kuhliger, *alias* Nollier, 35, of Field-road, Forest-gate, was again brought up before Sir A. de Rutzen for extradition on the charge of obtaining money by false pretences in Belgium. Mr H. Lewis defended. In consequence of certain complaints Detective-sergeant Brogden kept observation upon a newsagent's shop in Shoreditch, and on the 2nd inst. he saw the prisoner call there and receive several letters. He followed the prisoner and saw him examine the contents, and then arrested him. The letters were found to contain four money orders of the total value of £6. 7s. 1d., and the prisoner was brought up at the Old-street Police-court and charged with being in the unlawful possession of them. It was afterwards discovered that the orders were the proceeds of an alleged swindle in Belgium which had been carried on from this country, and the original charge was abandoned in favour of the extradition proceedings. Detective-sergeant Brogden now gave evidence that the prisoner claimed to be a British subject, alleging that his mother was English, though his father was a Swiss. Since his arrest he had made a statement to the effect that about three months ago, finding himself in financial difficulties, he thought he would embark upon a system of fraud. He advertised in the German newspapers, he continued, stating that an English lady wished to send her two daughters to Germany for the purpose of learning the language of the country. Several persons replied offering to take the children, and he wrote to each of them accepting their offer, and stating that the luggage had already been sent on. He followed this by another letter purporting to come from a firm of railway carriers, saying that they had been instructed to forward certain trunks, and would do so on the receipt of their fees in advance. He arranged for the replies to these letters to be sent to five or six different newsagents' shops in various parts of London, and each place brought him in an average of about £10. The prisoner, on oath, now said that he was a British subject, and Mr Lewis asked the magistrate to say that this was not a case in which he ought to surrender the

prisoner to a foreign Power. The magistrate said that with regard to the point raised as to the accused's being a British subject, the article in the Treaty with Belgium dealing with that matter said that 'in no case or on any consideration whatever shall the high contracting parties be bound to surrender their own subjects whether by birth or naturalization.' It had been held that such provision implied that the high contracting parties might surrender their own subjects, and that such surrender must be left to the discretion of the Secretary of State. He ordered the prisoner to be committed for extradition, and it would be for the Home Secretary to decide whether it was a case in which he ought not to sanction the surrender."

55. *The Case of the "Oldhamia."*

The following appeared in the *Times* of Dec. 14th, 1908, dated St Petersburg, Dec. 13th:

"The Admiralty Appeal Court yesterday confirmed the judgment of the Libau Prize Court justifying the capture and destruction of the British steamer *Oldhamia*, bound for Hong-kong with American oil. She was taken by the cruiser *Oleg* of Admiral Rozhdestvensky's fleet off Formosa on the night of May 18, 1905, and a fortnight later, while proceeding to Vladivostok, struck on the Kurile reef and was burned by the prize crew to prevent her from falling into the hands of the Japanese. The Court disallowed a claim for damages by the captain and crew for the loss of their personal effects on the formal grounds that the claim had not been presented at the first hearing of the case. It allowed a claim of the Standard Oil Company to recover the cost of 200 empty kerosene cases. It confirmed the Libau verdict disallowing the claims of the Manchester and Salford Company, the owners of the vessel, for £61,580, and those of the Standard Oil Company for cargo consisting of 149,462 cases of kerosene, valued at \$123,134 (£24,627).

"The circumstances of the capture were fully detailed at the trial before the Libau Prize Court on June 12, 1907. The arguments presented by Mr. Berlin, counsel for the plaintiffs, and the law officers of the Crown, bore first upon the *prima facie* evidence of the *Oldhamia's* destination and cargo, and secondly, on the point whether kerosene rightly came under the Russian declaration of contraband of war. It was admitted that the cargo was intended for Japan, but solely for commercial purposes. The principal legal adviser to the Admiralty submitted, however, that kerosene was now used also as a fuel for warships. Moreover, the vessel was considerably out of her course. The captain was unable to produce the charter-party or bills of lading, and one of the seamen declared that she carried guns at the bottom of the hold. Admiral Rozhdestvensky sent 300 sailors to displace the cargo in order to verify this statement, but they worked for two days without getting lower than the main deck. Mr. Berlin invoked the fact that the Procurator at Libau declined to recognize kerosene as contraband within the meaning of the Russian declaration, which specifically mentions naphtha. He argued at length on the question of conditional and absolute contraband of war. Upon these points the Russian and British views have been, and remain, at variance, as exemplified in all the prize cases connected with the late war.

"The result of the present appeal, however onerous to the owners, cannot be regarded as unexpected. A member of the Embassy staff attended the proceedings in behalf of the British Government."

56. *An Ambassadors Estate.*

Musurus Pasha, the Turkish ambassador in London, died there in December 1907. In February, 1908, Mme Musurus took out letters of administration in England, and proceeded to pay the debts and the death duties payable in respect of the property in this country. The greater part of the ambassador's estate was situated in Turkey and Thessaly, and the only property in England was certain shares in companies. Two of the next-of-kin of the ambassador brought (in December 1908) an action to obtain the administration of his estate and also an injunction restraining Mme Musurus from removing any of the assets out of the jurisdiction of the English courts, or from dealing with them otherwise than in due course of administration.

## SECTION XV

57. *Dangers of Ballooning.*

On Nov. 24th, 1908, the following paragraph appeared in the morning papers, dated from Breslau:

"While a balloon, belonging to the Silesian Aeronautic Club, was sailing along at about 100 mètres distance from the Russo-German frontier on Saturday over Krotoschin, Sarotschin, and Zockow, 15 shots were fired at it from Russian territory, probably by



frontier Cossacks. The weather was fine and the German flag hung from the envelope. Nobody was hurt, only one shot striking a sandbag, and the balloon landed safely on German soil."

58. *Family Honour.*

In February, 1906, Carlo Waddington, the son of the Chilian envoy at Brussels, shot at and killed Balmaceda, the secretary of the Chilian Legation. The cause of this action was that Balmaceda refused to marry Waddington's sister, whom he had previously seduced.

59. *An Ocean Chase.*

Recently in the Firth of Clyde the Fishery Board's cruiser *Vigilant* observed a foreign trawler operating, it was alleged, within the three-mile limit of Ailsa Craig. The trawler made off, and a stern chase of over 20 miles, lasting about two hours, followed. The *Vigilant* fired several shots, to which the trawler paid no heed, but ultimately the cruiser caught up the fugitive and compelled her to stop. The mate of the *Vigilant* boarded the trawler, the captain of which refused to accompany the *Vigilant* to Campbeltown, and, after the officer had obtained particulars of the boat and the crew, the trawler left for Fleetwood with the week's catch. The *Vigilant* proceeded to Campbeltown and reported the matter to the Crown authorities.

60. *The "Maori King."*

The vessel, the *Maori King*, was purchased in March, 1906, by Messrs. Ginsburg and Co., a Russian firm. To enable the vessel to sail under the British flag, all the shares in her were nominally transferred to a British subject named Dow, who registered her in Shanghai as a British-owned vessel. Subsequently she sailed under the British flag from Vladivostok to Guaymos, in Mexico, carrying 921 Chinese coolies and 217 Russians. In January, 1908, the British consul-general in Shanghai seized the vessel as liable to forfeiture under §§ 69 and 76 of the Merchant Shipping Act, 1894.

## SECTION XVI

61. *The Island of Rakahanga.*

On Nov. 20th, 1908, the following paragraph appeared in the papers:

"News has reached here that on July 1 last the natives of Rakahanga, in the Cook group, hauled down the British flag, and, after ejecting the island council, appointed their own Government, judges and police. The ringleader of the movement is a dismissed teacher of the London Missionary Society."

62. *A Complaint against the Police.*

A policeman, stationed at the corner of Bond Street and Oxford Street for the purpose of regulating traffic, raises his hand as a sign for carriages coming from Bond Street to stop. One of the drivers ignores this sign and drives on. The policeman seizes the horse's head and stops the carriage, whereupon a gentleman within complains, maintaining that he is an ambassador to the English Court and that the police have no right to stop him. As the policeman does not give way the ambassador leaves his carriage and, going immediately to the Foreign Office, complains of the violation of his privileges and demands the punishment of the policeman.

63. *A Man with two Wives.*

In 1900 Oscar Meyer, a German by birth, who is naturalised in England without having ceased to be a German subject, marries an Englishwoman in London. In the following year he obtains a judicial separation from his wife. As his marriage was never known in Germany, he succeeds in 1902, while staying in Berlin, in marrying his niece, whom he brings back to England as his wife. In 1905 the niece finds out that Meyer was already a married man when he married her, and has him arrested for bigamy.

64. *Murder on a Mail Boat.*

The *Marie Henriette* is one of those mail boats plying between Ostend and Dover which are the property of the Belgian government and are commanded by Belgian naval officers. On the 25th July, 1900, an Italian on board murdered an English fellow-passenger on the voyage between Ostend and Dover, within three miles of the latter port. On the arrival of the vessel the captain handed over the murderer to the English police authorities, but a few days later the Belgian government claimed the extradition of the criminal.

## SECTION XVII

### 65. *Persian Disorders.*

The following telegrams, dated from Bushire, appeared in the papers on April 12th, 1909:

"April 10th.

"In view of the sense of insecurity caused by the looting of the Tangistani tribesmen, who will not submit to any control, his Majesty's cruiser *Fox* to-day landed a party of bluejackets who are guarding the place. The Tangistanis are now leaving the district."

"April 11th.

"Before the bluejackets landed from the cruiser *Fox* yesterday, the British Resident in the Persian Gulf issued a proclamation informing the public that the measure had been forced upon the British authorities in the absence of any authority able to control the Tangistanis or guarantee the safety of British and other foreign subjects. The proclamation added that the bluejackets were being landed solely for the purpose of protecting foreigners and would be withdrawn as soon as security was assured."

On April 27th the following appeared in the *Times* from Teheran:

"The advance guard of the Russian expedition to Tabriz left the frontier yesterday. The main body marched this morning. The force numbers 2,600, and consists of four squadrons of Cossacks, two batteries of horse artillery, three battalions of infantry, and a company of pioneers, escorting a large train of provisions.

"The commander of the troops has stringent orders to preserve a pacific attitude, and it is expected that he will halt some distance outside Tabriz, which he will not enter except in case of necessity.

"The Russian and British Legations will to-morrow jointly notify the Persian Government of the action taken and of the motives which prompted the despatch of an armed force into Persian territory."

### 66. *The Expulsion of Monsieur de Reus.*

The following appeared in the papers of July 22nd, 1908, dated Caracas, July 21st:

"President Castro has expelled M. J. H. de Reus, the Dutch Minister Resident here. Dr. Paul, Minister for Foreign Affairs, sent his passports to M. de Reus with a note informing him that, in view of the opinions expressed by M. de Reus in a letter written on April 9th, President Castro declares him to be incompetent to serve as a friendly medium in the relations between Venezuela and the Netherlands.

"The letter referred to is probably M. de Reus's reply to President Castro's demand that Holland should exercise more effectual vigilance over Dutch vessels plying between La Guaira and Curaçao, in which Venezuelan revolutionaries frequently effect their escape under assumed names. This preceded the trouble caused by the closing of the port of Curaçao to Venezuelan shipping on account of plague at La Guaira."

### 67. *The Case of McLeod.*

Alexander McLeod was a member of the British force sent by the Canadian government in 1837 into the territory of the United States for the purpose of capturing the *Caroline*, which vessel had been equipped for crossing into Canadian territory and taking help to the Canadian insurgents. In 1841 McLeod came on business into the State of New York, and was arrested and indicted for the killing of one Amos Durfee, a citizen of the United States, on the occasion of the capture of the *Caroline*.

### 68. *A Thwarted Suicide.*

While the *Frau Elizabeth*, a German tramp steamer, is on the high seas during a voyage between New York and Hamburg, a sailor, Heinrich Kalke, jumps overboard with the intention of drowning himself. Another sailor leaps into the sea after him in the hope of saving Kalke's life. He succeeds in getting hold of the man, but Kalke struggles and, being unable to free himself, draws a knife and stabs the sailor, who thereupon sinks. While the struggle is in progress the vessel slackens speed, a boat is lowered, and its occupants succeed in securing Kalke. He is taken on board, conveyed to Hamburg, and there put on his trial for murder. Counsel for defence asserts that Germany does not possess jurisdiction, as the act was committed, not on a vessel sailing under the German flag, but in the sea itself, and as, according to § 4, No. 3 of the German criminal code, a German can only be punished in Germany for an act committed abroad, if the act concerned is punishable both by the law of Germany and by that of the country where the

act was committed.

## SECTION XVIII

### 69. *An Insult to an Ambassador.*

The following appeared in the papers, dated St Petersburg, Feb. 4th, 1908:

"M. Bompard, the French Ambassador, regarding a recent paragraph in the *Grazhdanin* as insulting, has addressed himself to M. Isvolsky, Minister for Foreign Affairs, complaining that the statement in question was directed against himself in his capacity of representative of the French Republic in Russia. He therefore asks for the protection of the Imperial Government. Since the Press laws contain no provision for the criminal prosecution of newspapers for insults offered to representatives of friendly Powers, a decree has been issued whereby the Prefect of St Petersburg, in virtue of the powers conferred upon him under the law on 'extraordinary protection,' has inflicted upon the editor of the *Grazhdanin* a fine of 1,000 roubles (£100)."

### 70. *A Question of Legitimacy.*

Edward Wolff, a German subject, domiciled in England since 1860, goes to Germany in 1870 for the purpose of there marrying his niece. He at once returns to England with his bride, and becomes naturalized in 1871. His wife dies in 1873 in giving birth to a son. In 1875 he marries an Englishwoman in London. As the result of this marriage a second son is born in 1876. In 1900 Wolff dies without leaving a will, six months after the death of his second wife. The son of the second wife claims the whole of his father's estate, maintaining that the first marriage of his father was invalid and that therefore his step-brother, being illegitimate, could not inherit.

### 71. *The Coachman of an Envoy.*

In 1827 a coachman of Mr. Gallatin, the American minister in London, committed an assault outside the embassy. He was arrested in the stable of the embassy and charged before a local magistrate. The British Foreign Office refused to recognise the exemption of the coachman from the local jurisdiction.

### 72. *The Case of Schnaebelé.*

On April 21st, 1887, Schnaebelé, the Commissioner of Police of Pagny-sur-Moselle, crossed the German frontier on official business, for the settlement of which he was invited to a meeting by the local German functionaries. He was, however, at once arrested on a warrant for being concerned with the organization of espionage.

## SECTION XIX

### 73. *Amelia Island.*

Amelia Island, at the mouth of St Mary's River, in Florida, was, in 1817, seized by a number of adventurers under the command of one McGregor, who, in the name of the insurgent colonies of Buenos Ayres and Venezuela, preyed not only on the commerce of Spain but also on that of the United States. The island was, at that time, part of Spanish territory; and as the Spanish government was not able to put an end to the nuisance created to the United States by the seizure, the latter ordered a man-of-war to expel McGregor and his men from Amelia Island, to destroy their works and vessels, and to take possession of the island for the purpose of preventing the recurrence of the nuisance.

### 74. *Representation to China.*

On Jan. 15th, 1909, after the dismissal of Yuan-Shih-Kai, the British and the American diplomatic envoys at Peking called by appointment on Prince Ching, who, as president of the Grand Council and the Wai-wu-pu, is the highest official of the Chinese Empire. The purpose of the appointment was to make a joint representation on the part of the two powers regarding the dismissal, without any given reason, of Yuan-Shih-Kai, whose services to the cause of order, stability, and progress in China had inspired such confidence in their two governments.

### 75. *Exemption from Rates.*

The following appeared in the *Times*, Dec. 9th, 1908:

"The claim of Herr von Bethmann-Hollweg, a German Embassy official, to be exempt

from rates in respect of his residence at Walton-on-Thames was before the urban council last night.

"A letter was read from the Rating of Government Property Department of the Treasury stating that houses occupied by representatives of foreign Powers and the accredited members of their suites were liable to assessment in common with other property of the country, but as their persons and personal effects were by international law exempt from seizure if they refused to pay rates these could not be enforced against them by process of law. Reciprocal arrangements had, however, been entered into with certain Powers, Germany being one of them, under which a contribution in lieu of rates was given by the Government to local authorities in respect of such occupations.

"The Walton Council, in common, it is believed, with many other local authorities in the country, had held the view that it was impossible to recover rates under such circumstances, but their attention was drawn to the present case by the Local Government Board auditor, at whose suggestion they wrote to the Treasury, with the above result."

#### 76. *Errant Balloons.*

The following notice from Berlin appeared in the morning papers of November 20th, 1908:

"The French Ambassador has drawn the attention of the Imperial Government to the repeated landing of German balloons on French territory in view of the possibility of unpleasant incidents arising therefrom. The German military authorities are accordingly taking the necessary measures to prevent as far as possible the future landing of German balloons across the frontier."

## SECTION XX

#### 77. *Sully in England.*

In 1603 Sully, who was sent by Henri IV of France on a special mission to the English Court, called together a French jury in London, and had a member of his retinue condemned to death for murder. The convicted man was handed over for execution to the English authorities, but James I granted him a reprieve.

#### 78. *Homicide by an Attaché.*

The attaché of an embassy in Paris during a dispute with his servant draws a revolver and shoots him dead. His government orders him home, but he refuses to obey, leaves the embassy, and settles down in Paris. Thereupon his government demands his extradition from France.

How would the case have to be decided if the murderer has fled to England and (1) his home state requires his extradition, (2) both France and his home state require his extradition?

#### 79. *A Disputed Capture.*

On July 14th, 1805, during the war between Great Britain and Spain, the British privateer *Minerva* captured the Spanish vessel *Anna*, near the mouth of the river Mississippi. When brought before the British prize court in November, 1805, the United States claimed the captured vessel, on the ground that the capture was effected within the American territorial maritime belt. From the evidence brought forward it appeared that the *Anna* was captured at a spot five miles from the mainland, but that there were several small mud islands composed of earth and trees, which had drifted down the river and had fixed themselves more than two miles off the shore.

#### 80. *The Punishment for Murder.*

In 1905 Henry Johnson, an English subject, commits a murder in London but succeeds in escaping. In 1906 he appears in Rome under the name of Charles Waiter and commits a murder there also. During his trial at Rome his real name and antecedents are disclosed and reported in England. As the Italian penal code does not provide capital punishment and he is therefore only condemned to penal servitude for life, the question is raised in the English Press whether England could not demand the extradition of the murderer, so that he might be tried and executed in England for the murder committed there.

## SECTION XXI

81. *A Traitor's Fate.*

In 1670 Frederick William, the great elector of Brandenburg, ordered his diplomatic envoy at Warsaw, the capital of Poland, to obtain possession of the person of one Colonel von Kalkstein, a Prussian subject, who had fled to Poland for political reasons, as he was accused of high treason. Von Kalkstein having been seized secretly on November 28th, 1670, was wrapped up in a carpet and in this way carried across the frontier and beheaded at Memel.

82. *An Interrupted Armistice.*

During a war between states A and B, a general armistice is concluded, without detailed stipulations. The commander of the forces of state A is informed through spies that the enemy is throwing up defences within the line where the forces face each other and is concentrating twice as many troops in that place as had been there before the conclusion of the armistice. This he considers a violation of the armistice, and, fearing an attack, at once recommences hostilities, without any previous denunciation of the armistice.

83. *Shooting Affray in a Legation.*

In 1867 Nikitschenkow, a Russian subject not belonging to the Russian Legation, attacked and wounded a member of that Legation within the precincts of the embassy in Paris. The French police were called in and arrested the criminal. The Russian government requested his extradition, maintaining that, as the crime was committed inside the Russian embassy, it fell exclusively within Russian jurisdiction.

84. *The Surrender of Port Arthur.*

In January, 1905, the Russian general Stössel, the commander of Port Arthur, while negotiating with the Japanese for the surrender of that fortress, ordered some fortifications to be blown up and certain Russian men-of-war in the harbour to be sunk.

## SECTION XXII

85. *An Ambassador's Brother.*

In 1653 Don Pantaleon Sà, the brother of the Portuguese ambassador in London and a member of his suite, killed an Englishman named Greenway. He was arrested by the English authorities, tried, found guilty, and executed.

86. *A Detained Steamer.*

In 1904, during the Russo-Japanese war, the *Captain W. Menzel*, a German steamer, took in Welsh coal at Cardiff, with the intention of carrying it to the Russian fleet en route for the Far East. The English government detained the steamer. Could Germany have complained and asked for damages?

87. *Prussia and the Poles.*

The following appeared in the *Times* of Dec. 2nd, 1907, dated Vienna, Dec. 1st and 2nd respectively:

"A mass meeting took place to-day at Lemberg, the capital of Galicia, to protest against the Polish policy of Prussia and Prince Bülow's Expropriation Bill. Some 10,000 persons were present. In a much applauded address, the vice-burgomaster condemned Prince Bülow's action and called upon the Polish representatives in the forthcoming Austro-Hungarian Delegations to vote against the Foreign Office estimates. After the meeting, the police prevented an attempt to make a demonstration against the German Imperial Consulate. The demonstrators carried large caricatures of the Emperor William, Prince Bülow, and Baron von Aehrenthal."

"To-day's reports show yesterday's anti-Prussian demonstration at Lemberg to have been accompanied by some excesses. After the meeting a number of demonstrators succeeded in breaking through the cordon of police and in reaching the hotel where the German Consul has hitherto lived. Several windows were smashed, and, in order to avoid an attack upon the hotel, the hotel-keeper declared that he had already given the Consul notice to quit and that the Consul had departed. The proposal of a student that no inhabitant of Lemberg should give the German Consul shelter on pain of being considered a traitor to the Polish cause was enthusiastically acclaimed. A caricature of the Emperor William was attached to the end of a rod and burned."

88. *A Charmed Life.*

The following appeared in a London evening paper:

"In the list dealt with by Mr Plowden yesterday at Marylebone was a charge against an Italian footman named Pito Conziani, aged twenty-four, giving an address in Grosvenor-square, who was accused of being found drunk and disorderly and using bad language the previous night in Old Quebec-street.

"When the case was reached the accused came forward from a seat at the back of the Court and was placed in front of the dock.

"A consultation immediately took place between the clerk and the magistrate, and as a result Mr Plowden inquired who the accused was.

"Inspector Grace replied that he was, as he represented, in the service of the Italian Ambassador, and he claimed privilege.

"Mr Plowden told the accused he bore a charmed life in this country in certain respects, and ordered him to be discharged."

## SECTION XXIII

### 89. *A Daring Robbery.*

On July 15th, 1907, the papers published the following:

"Last night the steamer *Sophia* was seized by armed robbers 16 miles from Odessa, while on a voyage from this port to Korthion. At 11 o'clock three young men appeared on the deck, where the captain and the passengers were at supper, and held them in check while two others seized the man at the wheel and ordered him, under threat of death, to set the ship's course for Odessa. Some of the robbers, who appear to have numbered 18 in all, then went into the first-class saloon, where they took possession of an iron cash-box containing 50,000 roubles (£5,000), which was in charge of a cashier of the Russian Bank for Foreign Trade. They also took 1,000 roubles (£100) belonging to the passengers. The robbers then proceeded to disable the engines, and let off all the steam, and finally made their escape in two of the *Sophia's* boats after destroying the third. The police are seeking to trace the band, but hitherto without success."

### 90. *The Fall of Abdul Hamid.*

On April 29th, 1909, after the fall of Abdul Hamid and the enthronement of Mohammed V, the President of the United States of America sent the following telegram to the new ruler of Turkey:

"I offer your Majesty my congratulations on your accession to the Throne with such universal acclaim voiced by the people's representatives and at a time so propitious to the highest aspirations of the great nation over which you rule as the august head of a constitutional Government. I assure you of the friendship of the Government and people of the United States, who earnestly wish for your Majesty's happiness and for that of the people within your dominions, and I add my own wishes for your Majesty's health and welfare."

### 91. *A President Abroad.*

The *Times* of Dec. 4th, 1908, contained the following telegram, dated Paris, Dec. 3rd:

"The French Government will come to a decision at the Cabinet Council to be held on Saturday as to the conditions upon which President Castro, the despot of Venezuela, will be allowed to land in France. At the moment of his departure for Europe it was reported that the object of the President's journey was to see a distinguished specialist with a view to a surgical operation. Since then, however, trustworthy information has reached the Quai d'Orsay to the effect that his state of health is not so precarious as it had been reported to be, and that he looks forward to receiving in Paris the hospitality to which South Americans are accustomed. If that be the case, there are serious reasons for believing that he will meet with disappointment. The relations between France and Venezuela have been suspended now for several years, and the French representative at Caracas, it will be remembered, was expelled from Venezuela. The French Foreign Office is at present engaged in preparing a statement of its grievances against President Castro, to serve as a basis for the discussion in the next Cabinet Council of the delicate questions raised by the Dictator's decision to visit this country."

Again, the *Times* of Dec. 11th contained the following, dated Paris, Dec. 10th:

"President Castro landed in France this morning from the steamer *Guadeloupe* at Pauillac, where he was met by the Venezuelan Consul at Genoa and a dozen or more

friends. He took a special train from Bordeaux, and on arriving with his wife, brother, three doctors, and six servants, he allowed himself to be photographed, subsequently driving to the Hôtel de France. On reaching the hotel he received a visit from M. Gout, a high official at the Quai d'Orsay, who had been specially despatched by the Minister for Foreign Affairs to inform President Castro of the conditions on which the Government has allowed him to land in France, and on which he will be permitted to stay here. The Government has refused to reveal the details of the decision at which it arrived in the Cabinet Council of last Saturday as to its treatment of the Venezuelan President. He declared to the representative of the French Foreign Office that he had come to Europe as a mere private individual to see a doctor, but a semi-official note communicated this evening states that 'it is believed that he will take advantage of his stay to try to settle his affairs with the various Powers which no longer have agents accredited to his Government.'

"There is reason to believe that this very guarded and somewhat enigmatical statement marks the definite decision of the French Government to demand from President Castro a complete settlement of all the questions outstanding between him and this country. It is felt that while France cannot repudiate her traditions of hospitality, she has nevertheless seized this opportunity to make it quite clear to the President that any prolongation of his sojourn here must depend on his meeting the views of the French Government."

#### 92. *A Rejected Ambassador.*

In 1885 Italy refused to receive Mr. Keilly as ambassador of the United States of America, because he had, in 1871, protested against the annexation of the Papal States. And when the United States sent the same gentleman as ambassador to Austria, the latter refused him reception, on the ground that his wife was said to be a Jewess.

### SECTION XXIV

#### 93. *Revictualling of a Fortress.*

During a war between states A and B, a general armistice is concluded for thirty days, without any detailed stipulations. The commander of a besieged fortress claims the right of re-victualling, but the commander of the besieging forces refuses this. The besieged commander considers this refusal a violation of the armistice and threatens to denounce it unless the besieging commander complies with his request.

#### 94. *Dutch Reprisals.*

In consequence of the dispute which had arisen between Holland and Venezuela in 1908—see the case of the Expulsion of M. de Reus, above p. 85—the Dutch government sent some cruisers into Venezuelan waters with the intention of resorting to reprisals. Accordingly the Dutch cruiser *Gelderland* captured on Saturday, Dec. 12th, 1908, the Venezuelan coastguard ship *Alexis* outside Puerto Cabello. The captain of the *Alexis* was put ashore at Puerto Cabello, and he forwarded to his government at Caracas the following communication handed to him by the officer of the *Gelderland* who boarded his vessel:

"December 12.

"Her Majesty the Queen of Holland has given orders to her warships temporarily to sequester and place an embargo upon all vessels of the Venezuelan Government. This is a retaliatory measure. We demand that you lower your flag and surrender your ship and your persons to the commander of the *Gelderland*. All resistance will be useless. If you resist the result will be the loss of your vessel and the death of many of you.

"SECOND LIEUTENANT BOINAR."

#### 95. *Birth on the High Seas.*

An Englishwoman gives birth to an illegitimate child on board a German liner while on the high seas on a voyage to New York. The child's father is German. What is the nationality of the child?

#### 96. *A High-handed Action.*

On the 15th of March, 1804, Napoleon, though at peace with Baden, sent a body of troops into the territory of this state for the purpose of surprising the castle of Ettenheim and of carrying off the Duke of Enghien. The Duke was brought to the castle of Vincennes, near Paris, and the same night was tried by court martial on the charge of high treason for having borne arms against France. He was convicted, and was shot on the following

morning.

## SECTION XXV

### 97. "The Southern Queen."

During an insurrection on an island belonging to state A, the *Southern Queen*, a vessel sailing under the flag of state B with a cargo of ammunition and carrying a number of individuals desirous of joining the insurgents, is on her way to a port in the island concerned. State A, receiving information of the matter, orders a man-of-war to be on the look out for the vessel and to seize her. The order is carried out on the high seas, 150 miles away from the island.

### 98. *A Three-cornered Dispute.*

In April, 1893, the Viceroy Li Hung Chang granted the exclusive right of the free importation of grain into Tien-Tsin to the China Merchants Steamship Navigation Company. England protested against this monopoly, because it was contrary to Article 3 of the Treaty of Commerce between China and the United States, the benefits of which England could claim in consequence of the most favoured nation clause in her own treaties with China. The Chinese government answered that the United States had, by passing the Chinese Exclusion Act, broken the commercial treaty concerned, that therefore the treaty had come to an end, and that no one could, under the most favoured nation clause, claim any longer the benefits of a treaty which had ceased to exist. (See Lehr, in the *Revue de Droit International et de Législation Comparée*, Vol. xxv. (1893), p. 313.)

### 99. *Russian Revolutionary Outrage in Paris.*

The following appeared in the *Times* of May 10th, 1909:

"A Russian, who described himself as Colonel von Kotten, chief of the Moscow secret police, was shot at yesterday by an escaped Russian convict, Michael Vitkoff, at an hotel in the Rue Bolivar, where the two men met by appointment. According to the police officer's story, Vitkoff was a Polish revolutionary who had been sentenced to deportation to Siberia, but who had been reprieved upon volunteering to act as a police spy on the movements of his revolutionary comrades. Vitkoff subsequently came to Paris, and upon the arrival of the police officer in the French capital a few days ago he induced Colonel von Kotten to visit him upon the pretext that he had important information to communicate. No sooner had the officer entered Vitkoff's room than the latter fired several shots at him with a revolver, none of which, however, took effect. A hand-to-hand struggle followed, in which Vitkoff was worsted. The man succeeded in making his escape, but gave himself up at the nearest police station, where he told his story, which was confirmed by Colonel von Kotten, who arrived shortly afterwards little the worse for his experience. Vitkoff was taken into custody and will be charged with attempted murder.

"Minute details of the attack upon Colonel von Kotten are published, but they shed little or no light upon the motives of the aggression. In some quarters it is suggested that, unless Vitkoff's action was purely personal, it may have been dictated by a desire on the part of the Russian revolutionaries to secure by means of a judicial trial in France the publicity which even the Azeff and Feodoroff cases have failed to gain for their efforts to expose the activity of the Russian secret police."

### 100. *The Detention of Napoleon I.*

The question is frequently discussed whether the detention of Napoleon I at St Helena was or was not in accordance with international law. The facts of the case are as follows: After having abdicated the throne of France in favour of his son, Napoleon thought of taking refuge in America, and therefore set out for the port of Rochefort. Arriving there on July 3rd, 1815, he found the harbour watched by a British fleet. After some days of deliberation he made up his mind to throw himself on the mercy of the English people, and therefore on July 13th he wrote to the Prince Regent that he came to take his seat at the hearth of the British people and that he placed himself under the protection of the British laws. On July 15th he went on board the English ship the *Bellerophon* and gave himself into the charge of her captain, by whom he was conveyed to England. On August 7th Napoleon was removed to H.M.S. *Northumberland*, and the commander was instructed to convey him, together with a suite of twenty-five persons, to the island of St Helena. He arrived on Oct. 17th and remained there a prisoner of state up to the day of his death on May 5th, 1821.

In transporting and detaining Napoleon Great Britain carried out a mandate of the



allied powers, for three identical conventions concerning the detention of Napoleon were signed at Paris on August 2nd, 1815, by the representatives of Austria, Great Britain, Prussia, and Russia. The important stipulations of the conventions—see Martens, *N.R.* II. p. 605—are the two following:

"*Art. I.* Napoléon Bonaparte est regardé par les Puissances qui ont signé le traité du 25 mars dernier comme Leur prisonnier.

"*Art. II.* Son garde est spécialement confiée au Gouvernement Britannique. Le choix du lieu et celui des mesures qui peuvent le mieux assurer le but de la présente stipulation sont réservés à Sa Majesté Britannique."

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