

pursuit of marauders and there to punish them, that this permission shall be expressly given and the methods of its exercise determined in order that disputes and bitterness of feeling may not arise between the contracting countries. This is what Mexico and the United States have done in a series of agreements beginning in the year 1882, and to be found in Malloy's *Treaties, Conventions, etc., 1776-1909*, Vol. I, pp. 1144, 1145, 1157, 1158, 1162, 1170, 1171, 1177. These treaties or protocols relate only to Indians, but they consecrate the principle, and a bandit is a bandit, whether he be an Indian or not.

It is to be hoped and it is to be presumed that the United States and Mexico either have or will come to an agreement regarding the pursuit of Villa which, granting the right, will prescribe its method of exercise in such a way as to allay unjust fears that a punitive expedition can have any ulterior motives inconsistent with the sovereignty and dignity of Mexico.

JAMES BROWN SCOTT.

INSTRUCTIONS TO FRENCH NAVAL OFFICERS

On December 19, 1912, the French Government issued to its naval forces instructions in regard to the operation of international law in case of war. The one hundred and sixty-six articles of these instructions set forth clearly the general rights and duties which the naval officer should consider in taking action. In these instructions were embodied many of the principles stated in the Declaration of London of 1909. As these instructions were drawn up in time of peace it might be supposed that here would be found the body of international law binding, according to the French opinion, upon naval commanders and the law according to which hostilities would be conducted by others.

So far as the same subjects were treated in the manual relating to the laws of maritime war in relations between belligerents adopted by the Institute of International Law at its Oxford meeting in 1913, there were few differences. It seemed then, therefore, that the maritime law of war was becoming fairly clearly recognized. Of course there are matters which have arisen since July, 1914, for which no provision was made as there were at that time no precedents or grounds for action.

It is serviceable, therefore, to estimate as far as may be while rules are still under great strain how far rules prepared dispassionately and in time of peace have withstood the test of war. This is made possible

by the issue early in the year 1916 by the French Government of a decree promulgating instructions to naval officers in regard to the operation of international law in war.

A comparison of the French instructions of 1912, drawn up in time of peace, and those of 1916, drawn up in time of war, shows elaboration and definition of several articles of the instructions of 1912. This is not in the nature of change in principle or practice. In general, also, it may be said that there is no tendency toward greater exemption of enemy private property at sea from capture. The list of contraband both absolute and conditional has been greatly enlarged, now even including soap, and ultimate destination of the goods is made the criterion regardless of intervening transportation. In consignments of goods to order, consignments to enemy or occupied territory, and when consignee is not stated, the burden of proof of innocence is placed upon the owners. Neutral vessels whose papers show neutral destination are liable to capture till the end of the voyage if, in spite of the papers, they make an enemy port. It is made clear that the use of radio apparatus may be regarded as unneutral service.

Even granting these modifications, the one hundred and sixty-six articles of the instructions of 1916 are so nearly identical with the like instructions of 1912 as to show that, except in case of the wide extension of the list of contraband, there has been little change other than of an explanatory nature. Such a fact, which is likewise evident in the rules of some other countries, is testimony to the sound basis of maritime international law and significantly hopeful for its future development.

GEORGE GRAFTON WILSON.

THE RIGHT OF NEUTRALS TO PROTEST AGAINST VIOLATIONS OF INTERNATIONAL LAW

It is frequently stated that a neutral nation does not have the right to protest or to make a representation to a belligerent if an act of the latter in violation of neutral rights only affects another neutral of the society of nations and does not affect the persons or property of the neutral whose right to protest or to make a representation is questioned. It is true that a neutral may not have the duty to protest or to make representations unless the life or property of its citizens be affected by the unlawful act of the belligerent, but it is believed that the right so to protest exists.