

The Daily Herald  
September 1<sup>st</sup> 1912

### CONSERVATORIUM CONCERT.

The orchestral concert given in the Elder Hall last night was most successful. Once more Herr Heinicke displayed considerable skill in the arrangement of the programme. The heavier pieces were listed first, and the concert came to a conclusion with a couple of effective items in the more popular classic style. The orchestra responded well to the careful direction of their conductor. Mr. Eugene Alderman was a skilled leader. The attack was very good, and the tonal balance was also good. The sections that were a bit deficient were once more the unfortunate brass and portion of the woodwind. The heavier brass must be excluded, however, from this somewhat general criticism. It was chiefly the horns that showed a slight lack of precision at times. The lighter reed instruments were harsh in their effect in certain passages. But on the whole the performance was a most satisfying one. It commenced with Beethoven's third overture to "Leonora," the great work in C, that, with its varying phrases, at once tried the skill of the musicians. Schumann's "Spring" symphony was the next subject. The four movements offered a great variety of material for interpretative power. Later in the evening a romantic item, Tchaikowsky's "Adagio," was played by the strings only. A fine effect was achieved, but the beauty of the piece might have been enhanced if the pizzicato support, furnished for the lingering legato melody by the 'cellos and contra-basses, had been at all times insinuated into the harmony fabric. A shading of tone might have been observed without allowing the, at times, prettily subdued bass to rise and dominate the production. But, of course, this is only one view. There was no gainsaying the popularity of the rendition. It was applauded spontaneously. The programme reached a fitting termination in Berlioz's "Marche Hongroise" from "Faust." The piece is bizarre in its style. Founded on the theme of the Rakoczy march, it shows what can be made out of a simple thing by a master mind. There is much that is typical of Berlioz in the piece. Where else but in the pages which the French composer-critic has left us would we look for such heavily scored masses presenting a colossal ensemble dominated by beating drums, clashing cymbals, and the more blatant element of the brass? The orchestra to Berlioz was an unlimited thing; the force of his Rakoczy is unrestrained. All circumstances considered Herr Heinicke gained an admirable effect.

Miss Dorothy McBride's task last night was an ambitious one. It was Grieg's concerto in A minor for pianoforte and orchestra. The support afforded to the young pianist by the band was at all times well controlled. Miss McBride, in the three movements of the magnum opus, received many opportunities for what the programme note termed "pianistic display." Her work was agreeably expressive, but she did not quite succeed in making the pianoforte part stand out as an individual thing. Miss McBride still needs to develop her powers of control over the instrument. There were also some vocal items on the programme. Miss Gladys Polglase sang "Rebecca's Prayer," an aria from Sullivan's sometimes-resorted-to serious opera, "Ivanhoe." Miss Muriel Day submitted "When I am Dead" and "Unmindful of the Roses," Coleridge Taylor's rather depressing, but nevertheless sweet, sorrow songs. A bracket of vocal duets, "Friendship" (Marzials) and "Venetian Boat Song" (Blumenthal), were rendered by Misses Myrtle Ingham and Hilda Simcock. A large audience demonstrated unmistakably their enjoyment of the programme. Among those present was Lady Galway.

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### —Orchestral Concert.—

The sixth of a series of orchestral concerts was given in the Elder Conservatorium on Monday night before a large and appreciative attendance. An excellent and enjoyable programme was submitted. The grandeur of Beethoven's "Leonora overture No. 3" was given full effect to, and for the first time at these concerts Schumann's symphony in B flat No. 1 was rendered. The other orchestral selections were "Adagio" and "Marche Hongroise," while a concerto for pianoforte was excellently contributed by Miss Dorothy McBride. The following songs were rendered:—"Rebecca's prayer," Miss Gladys Polglase; "Friendship" and "Venetian boat song," Misses Myrtle Ingham and Hilda Simcock; and "When I am dead, my dearest," and "Unmindful of the roses," Miss Muriel Day. A.M.U.A.



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# INTERNATIONAL LAW IN TIME OF WAR.

## VII.—BOMBARDMENT.

[By W. Jethro Brown, LL.D., Litt. D.]

The subject of bombardment has a very direct interest for Australia in the present war. Australia has a vast coastline. Most of her ports are ill defended or defended not at all. Although the British command of the seas is at present so well maintained as to render any immediate danger of raids by German warships improbable, we are not entitled to assume as a matter of course that this happy condition of things will continue. We must be prepared for the possibility of an attack on one or other of the many Australian ports. It is therefore desirable to know to what extent, and for what purposes, bombardment of towns or ports is permissible.

—Hague Conferences of 1864 and 1907.—

The more important rules relating to bombardment have been codified by the Hague Conferences at which all the more important States were represented. In a preamble to the Convention, the High Contracting Parties affirm that the provisions which they have adopted are inspired by the desire to diminish the evils of war as far as military necessities permit. We may therefore conclude, as Westlake points out, that military necessity has been taken into account in framing the regulations, and has not been left outside of them.

—Bombardment by Military Force.

By Art. XXV., the attack or bombardment by any means whatever of undefended towns, villages, habitations, or buildings is prohibited. This article must be read along with a prohibition, in Art. XXIII., to destroy or seize enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war. The latter article refers to pillage as distinct from requisitions. Neither of these articles precludes the occupation of the undefended place by the enemy; and such occupation implies a right, in case of subsequent evacuation, to destroy all military forts, material, and so on. In the present war, cables report that Germany levied a contribution of £8,000,000 on Brussels as a price for non-bombardment. If the cables be correct, the levy was a clear violation of the Hague Convention. As Westlake remarks, where actual bombardment would be unlawful, it must be equally unlawful to use a threat of it as a means of extracting a money ransom, whether called a contribution or by any other means. Art. XXVI. of the Hague Convention requires the commander of an attacking force, before commencing a bombardment, except in the case of an assault, to do all he can to warn the authorities. By Art. XXVII., all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, or charity, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes. By Art. XXVIII., the pillage of a town or place, even when taken by assault, is prohibited.

—Naval Bombardments.—

The Ninth Convention of the Hague Conference of 1907 prohibits the naval bombardment of undefended places. By Art. I. of the Convention a locality may not be bombarded for the sole reason that automatic submarine contact mines are moored before its port. But ratification of this has been refused by Great Britain, France, Germany, and Japan. By Art. II., however, military works, military or naval establishments, stores of arms or material of war, or ships of war lying in a port, may be destroyed after a summons fixing a reasonable delay, if all other means are impossible, and the local authorities have not proceeded to destroy them within the time fixed. In such a case no responsibility is incurred for any involuntary damage which may be done by the bombardment. By Art. III. an undefended



locality may be bombarded, ~~and~~ express notice, if the local authorities refuse to obey a formal summons to furnish requisitions of victuals or other provisions necessary for the actual wants of the naval forces before the locality. But the requisitions must be in proportion to the resources of the locality; they must be paid for in ready money as far as possible; if not, the fact of furnishing them must be recorded by receipts. By Art. IV, bombardment for non-payment of contributions in money is prohibited. By Art. VI, a naval commander, except where military exigencies do not permit it, must do all he can to warn the authorities before commencing a bombardment.

#### —Aerial Bombardment.—

The general rules restraining bombardment of undefended places applies equally to aerial bombardment. A cable from Rotterdam, dated August 28, reports that the Ministers representing France and Russia met by engagement the Belgian Foreign Minister at Antwerp and discussed with him the violation by Germany of the terms of the Hague Convention, as manifested in the dropping of bombs upon Antwerp by Zeppelin airships. The allusion here, since Antwerp is not an "undefended place," might appear to be a Declaration at the Hague Conference of 1907, prohibiting the discharge of projectiles and explosives from balloons or by other methods of a similar nature. But this declaration was only ratified by Great Britain, the United States, and Austria-Hungary (of the eight Great Powers). In a war between Great Britain and Germany, neither party would be bound by it. The Institute of National Law, at its Oxford Conference of 1913, in its codification of the law relating to bombardment, is silent on the subject. The silence is significant. We may conclude that Germany was quite within her rights in using airships for the purposes of an attack on Antwerp, whether with a view to destruction of forts, or with a view to the destruction of war material, depots of arms, arsenals, &c. What international law may be said to forbid is the destruction of enemy's property save insofar as such destruction is imperatively demanded by the necessities of war. But the "necessities of war" is, as I have already had occasion to suggest, an elastic expression. As Oppenheim says, there is no legal duty compelling the attacking force to restrict bombardment to fortifications only. "On the contrary, destruction of private and public buildings through bombardment has always been and is still considered lawful, as it is one of the means to impress upon the authorities the advisableness of surrender." When, in 1870, Germany bombarded Strasburg, 448 houses were utterly destroyed, nearly 3,000 out of a total 5,150 were more or less injured, 1,700 civilians were killed or wounded, and 10,000 persons rendered homeless. The total damage to the city was estimated at nearly £8,000,000. I conclude, therefore, that the cable above referred to must relate to the grievance that Germany has used balloons for the purpose of dropping bombs on Antwerp before giving notice of intention to bombard in accordance with regulations to that effect which I have previously stated. Under all the circumstances of the case, we can understand with what apprehension the citizens of London, and other ports on the eastern coasts of Great Britain, regard the approach of Germany towards the adjacent