

BLOCKADE LIMITED TO EUROPEAN SEAS

Text of Diplomatic Correspondence with Warring Nations Is Given Out.

GERMAN PLAN REJECTED

Allies Persist in Intention to Prevent Commerce With Enemy, but Say They Will Lighten Burden for Neutrals.

(Continued from Page 6.)

inflicting upon neutrals the damage that must be entailed when a vessel and its cargo are sunk without notice. Examination or trial must emphasize again that this measure is a natural and necessary consequence of the unlawful and immoral, which have been described above, which Germany began to adopt at the outset of the war and the effects of which have been constantly accumulating.

Retaliation Decided On. "Whereas, such attempts on the part of the enemy give to His Majesty an unquestioned right of retaliation; and

"Whereas, His Majesty has, therefore, decided to adopt further measures in order to prevent commerce with Germany, though such measures will be enforced without risk to neutral ships or to neutral or non-combatant life, and in strict observance of the dictates of humanity; and

"Whereas, the allies of His Majesty are associated with him in the steps now to be announced for restriction of further the commerce of Germany, His Majesty is, therefore, pleased by and with the advice of His Privy Council to order and it is hereby ordered as follows:

"1. No merchant vessel which sailed from her port of departure after March 1, 1915, shall be allowed to proceed on her voyage to any German port. "Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board such vessel must be discharged in a British port and placed in the custody of the marshal of the prize court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

Payment To Come After War. "2. No merchant vessel which sailed from any German port after March 1, 1915, shall be allowed to proceed on her voyage with any goods on board laden at such port.

"All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British or allied port shall be placed in the custody of the marshal of the prize court, and if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may deem to be just.

"Provided, that no proceeds of the sale of such goods shall be paid out of the court until the conclusion of peace, except on the application of the proper officers of the crown, unless it be shown that the goods had become neutral property before the issue of this order.

"Provided, also, that nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper officers of the crown.

"Every merchant vessel which sailed from her port of departure after March 1, 1915, on her way to port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British or allied port shall be placed in the custody of the marshal of the prize court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

"Enemy Origin" To Be Probed. "Provided, that this article shall not apply in any case falling within Article 2 or 4 of this order.

"4. Every merchant vessel which sailed from a port other than a German port after March 1, 1915, having on board goods which are of enemy origin or enemy property, may be required to discharge such goods in a British or allied port. Goods so discharged in a British or allied port shall be placed in the custody of the marshal of the prize court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court in the circumstances may deem just.

"Provided, that no proceeds of sale of such goods shall be paid out of court until the conclusion of peace except on the application of the proper officers of the crown, unless it be shown that the goods had become neutral property before the issue of this order.

"Provided, also, that nothing herein shall prevent the release of neutral property of the enemy origin on the application of the proper officers of the crown.

Court Procedure Set Forth.

"5. Any person claiming to be interested in or to have any claim in respect of any goods (not being contraband of war) placed in the custody of the marshal of the prize court under this order, or in the proceeds of such goods, may forthwith issue a writ in the prize court against the proper officer of the crown and apply for an order that the goods should be restored to him or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

"6. A merchant vessel which has cleared for a neutral port from a British or allied port or which has been allowed to pass, having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

"7. Nothing in this order shall be deemed to affect the liability of any

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vessel or goods to capture or condemnation independently of this order.

"8. Nothing in this order shall prevent the relaxation of the provisions of this order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to German subjects shall enjoy the protection of its flag.

"AMERICAN AMBASSADOR AT LONDON." The American Government transmitted identical messages of inquiry to the Ambassadors at London and Paris inquiring from both England and France how the declarations in the Anglo-French note proclaimed an embargo on all commerce between Germany and neutral countries were to be carried into effect. The message to London was as follows:

Washington, March 5, 1915. In regard to the recent communications received from the British and French governments concerning restrictions upon commerce with Germany, please communicate with the British foreign office in the sense following:

"The difficulty of determining action upon the British and French declarations of intended retaliation on commerce with Germany lies in the nature of the proposed measures in their relation to commerce by neutrals.

Nature of Blockade Not Defined. "While it appears that the intention is to interfere with and take into custody all ships, both outgoing and incoming, trading with Germany, which is in effect a blockade of German ports, the rule of blockade that a ship attempting to enter or leave a German port regardless of the character of its cargo may be condemned, is not asserted.

"The language of the declaration is 'the British and French governments will therefore hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership or origin.' It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation.

"The first sentence claims a right pertaining only to a state of blockade. The last sentence proposes a treatment of ships and cargoes as if no blockade existed. The two together present a proposed course of action previously unknown to international law.

"As a consequence neutrals have no standard by which to measure their rights or to avoid danger to their ships and cargoes. The paradoxical situation thus created should be changed, and the declaring powers ought to assert whether they rely upon the rules governing a blockade or the rules applicable when no blockade exists.

"The declaration presents other perplexities. The last sentence quoted indicates that the rules of contraband are to be applied to cargoes detained. The rule covering non-contraband articles carried in neutral bottoms is that the cargoes shall be released and the ships allowed to proceed. This rule is applied under the sentence quoted, to be applied as to destination. What, then, is to be done with a cargo of non-contraband goods detained under the declaration?

"The foregoing comments apply to cargoes destined for Germany. Cargoes coming out of German ports present another problem under the terms of the declaration. Under the rules governing enemy exports only goods owned by enemy subjects in enemy bottoms are subject to seizure and condemnation. Yet by the declaration it is proposed to seize and take into port all goods of enemy ownership and origin. The word 'origin' is particularly significant. The origin of goods destined to neutral territory on neutral ships is not and never has been a ground for forfeiture, except in case a blockade is declared and maintained. What, then, would the seizure amount to in the present case except to delay the delivery of the goods? The declaration does not indicate what disposition would be made of such cargoes if owned by a neutral or if owned by an enemy subject. Would a different rule be applied according to ownership? If so, upon what principles of international law would it rest? And upon what rule if no blockade is declared and maintained could the cargo of a neutral ship sailing out of a German port be condemned? If it is not condemned, what other legal course is there but to release it?

"While this Government is fully alive to the possibility that the methods of modern naval warfare, particularly in the use of the submarine for both defensive and offensive operations, may make the former means of maintaining a blockade a physical impossibility, it feels that it can be urged with great force that there should be also some limit to 'the radius of activity,' and especially so if this action by the belligerents can be construed to be a blockade. It would certainly create a serious state of affairs, for example, an American vessel laden with a cargo of goods, which are not contraband, being held up by a cruiser off New York and taken into port at Halifax.

"Similar cablegram sent to Paris. "BRYAN."

French Government Replies.

The French government transmitted the following message: "Paris, March 14, 1915.—French government replies as follows: "In a letter dated March 7 your excellency was good enough to draw my attention to the views of the Government of the United States regarding the recent communications from the French and British governments concerning a restriction to be laid upon commerce with Germany. According to your excellency's letter, the declaration made by the allied governments presents some uncertainty as regards its application concerning which the Government of the United States desires to be enlightened in order to determine what attitude it should take.

"At the same time your excellency notified me that, while granting the possibility of using new methods of retaliation against the new use to which submarines have been put, the Government of the United States was somewhat apprehensive that the allied belligerents might (if their action is to

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be construed as constituting a blockade) capture in waters near America any ships which might have escaped the cruisers patrolling European waters. In acknowledging receipt of your excellency's communication I have the honor to inform you that the Government of the Republic has not failed to consider this point as presented by the Government of the United States, and I beg to specify clearly the conditions of application, as far as my government is concerned, of the declaration of the allied governments.

Blockade Methods Changed.

"As well set forth by the Federal Government, the old methods of blockade cannot be entirely adhered to in view of the use Germany has made of her submarines, and also by reason of the geological situation of the country. In answer to the challenge to the neutrals as well as to its own adversaries, contained in the declaration by which the German Imperial Government has restricted the sea surrounding Great Britain and the French coast on the channel as a military zone and warned neutrals to cease their commerce with Germany, the allied governments have been obliged to examine what measures they could adopt to interrupt all maritime communication with the German Empire and thus keep it blockaded by the naval power of the two allies, at the same time, however, safeguarding as much as possible the legitimate interests of neutral powers, and respecting the laws of humanity, which no crime of their enemy will induce them to violate.

Neutral Property Retained.

"Merchandise of enemy origin shall only be sequestered when it is at the same time the property of an enemy. Merchandise belonging to neutrals shall be held at the disposal of its owner, to be returned to the port of departure.

the Federal Government, comparing, on the one hand the unspeakable violence with which the German military government threatens neutrals, the criminal acts unknown in maritime annals already perpetrated against neutral property and ships and even against the lives of neutral subjects or citizens and on the other hand, the measures adopted by the allied governments of France and Great Britain, respecting the laws of humanity and the rights of neutrals, will readily perceive that the latter have not overstepped their strict rights as belligerents.

Action Limited to European Seas.

"Finally, I am anxious to assure you that it is not, and it has never been, the intention of the government of the Republic to extend the action of its cruisers against enemy merchandise beyond European seas, the Mediterranean included.

Reply from the British Government.

The reply from the British Government transmitted by the American Ambassador at London to the Secretary of State was as follows: "London, March 15, 1915.—Following is the full text of a note dated today, and an order-in-council I have just received from Her Majesty's government has had under careful consideration the inquiries which under instructions from your Government Your Excellency addressed to me on the 11th inst. regarding the scope and mode of application of the measure foreshadowed in the British and French declarations of March for restricting the trade of Germany. Your Excellency explained and illustrated by reference to certain contingencies the difficulty of the United States Government in adopting a definite attitude toward these measures by reason of uncertainty regarding their bearing upon the commerce of neutral countries.

Utmost Dispatch to Be Used.

"(3)—The effect of the order-in-council is to confer certain powers on the executive officers of His Majesty's government. The extent to which these powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put in operation are matters which will depend on the administrative orders just issued by the government and the decisions of the authorities especially charged with the duty of dealing with individual ships and cargoes, according to the merits of each case. The United States Government may rest assured that the instructions to be issued by His Majesty's government to the fleet and to the customs officials and

executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view and of showing in every case such consideration for neutrals as may be compatible with that object which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany.

Cotton Trade Held in Regard.

"3. As regards cotton, full particulars of the arrangements contemplated have already been explained. It will be admitted that every possible regard has been had to the legitimate interests of the American cotton trade.

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note, I have the honor to state that it is not intended to interfere with neutral vessels, carrying enemy cargoes of non-contraband nature outside European waters, including the Mediterranean."

Appended to the note transmitted by the American Ambassador at London

was a copy of the British order-in-council previously made public.

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