

U.S. PROPOSAL TO END EUROPEAN BLOCKADES DECLINED BY ALLIES

(Continued from Third Page.)

which a German armed cruiser has sunk an American vessel, the William P. Frye, carrying a cargo of wheat from Seattle to Queenstown. In both cases the cargo was presumably destined for the civil population. Even the cargoes in such circumstances should not have been seized, but the decision of a prize court, much less should the vessels have been sunk. It is the most serious violation of the laws of war which has occurred before the detention by the British authorities of the Wilhelmina and her crew, and which the German government alleges is the justification for their own action.

The Germans have announced their intention of sinking British merchant vessels by torpedo without notice and without any provision for the safety of the crew. They have already carried out this intention in the case of neutral as well as British vessels, and a number of non-combatant and innocent lives on British vessels, unarmed and defenseless, have been destroyed in this way.

Women and Children Killed. Fifteen—unfortified, open and defenseless towns, such as Scarborough, Yarmouth and Whitby, have been deliberately and wantonly bombarded by German ships of war, causing in some cases considerable loss of civilian life, including women and children.

Sixty German aircraft have dropped bombs on towns in Great Britain, where there were no military or strategic points to be attacked. On the other hand, the British have not criticized that have been made on British action in all these respects. (1) It is said that the British naval authorities also have laid some anchored mines on the high seas. They have done so, but the British naval authorities till many weeks after the Germans had made a regular practice of laying mines on the high seas. (2) It is said that the British government has departed from the view of international law which it has previously maintained that foodstuffs destined for the civil population should never be interfered with, this charge being founded on the submission to a prize court of the cargo of the Wilhelmina. The special considerations affecting this cargo have already been presented in a memorandum to the United States government, and I need not repeat them here.

Inasmuch as the stoppage of all foodstuffs is an admitted consequence of blockade, some of the difficulties which are no universal rule, based on considerations of morality and humanity, which is contrary to this practice, the right to stop foodstuffs destined for the civil population must, therefore, in any case, be admitted if an effective "cordon" controlling intercourse with the enemy is drawn, announced and maintained.

Moreover, independently of rights arising from belligerent action in the nature of blockade, which are not differing from the opinion of the governments of the United States and Great Britain have held that the "food of the civil population is a natural and legitimate method of bringing pressure to bear on an enemy country,

as it is upon the defense of a besieged town.

Germany Uphold Blockade. "It is also upheld on the authority of both Prince Bismarck and Count Caprivi, and therefore presumably is not repugnant to German morality." The following are the quotations from Prince Bismarck and Count Caprivi on this point. Prince Bismarck, in answer to a question, in 1885, in the Reichstag, in which an application from the Kiel Chamber of Commerce for a statement of the view of the German government on the question of the right to declare as contraband foodstuffs that were for military forces, said: "The chamber of commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity, which entails evil consequences not only on the combatants, but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries the war to the disadvantage of the subjects of the interfering power, and by the treatment of rice as contraband of war, weighed with far heavier losses than a transitory prohibition of the rice trade in China would be. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.

The government of Great Britain has in the German Reichstag the 4th of March, 1892, on the subject of the importance of international protection for private property at sea, made the following statement: "A country may be dependent for her food or for her raw products upon her trade. In fact, it may be absolutely necessary to destroy the means of trade, and the introduction of provisions into Paris was prohibited during the siege, and in the same way a nation would be dependent for her food or for her raw materials if the German attempt to stop all supplies of every kind from leaving or entering British or French ports by blockade or stopping supplies going to or from Germany for this end."

Effective Blockade Formed. "The British fleet has instituted a blockade effectively controlling by cruiser 'cordon' all passage to and from Germany by sea. The difference between the two policies is, however, that while in the former the right of Germany we propose to attain it without sacrificing neutral ships or non-combatant lives or inflicting upon neutrals the damage that must be entailed when a vessel and its cargo are sunk without notice, examination or trial.

"I must emphasize again that this measure is a natural and necessary consequence of the unprecedented methods repugnant to all law and morality which have been described above which Germany began to adopt at the very outset of the war, and the effects of which have been constantly accumulating."

"AMERICAN AMBASSADOR, London."

articles carried in neutral bottoms is that the cargoes shall be released and the ships allowed to proceed. This rule cannot, under the first sentence quoted, be applied as to destination. What then is to be done with a cargo of non-contraband goods detained under the declaration? The same question may be asked as to conditional contraband cargoes.

"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 prize all goods of enemy ownership and origin.

Question of 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 the 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

stopping of cargoes destined for or coming from the enemy's territory.

Cotton Exceptions Made. "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 interest of the American cotton trade.

"Following is the full text of a note, dated today, I have just received from Grey: "His majesty's government have had under careful consideration the inquiries which, under instructions from your government, your excellency addressed to me on the 8th instant regarding the scope and mode of application of the measures, forebodings in the British and French declarations of the 1st of March, regarding 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.

"I apprehend that the perplexities to which every country is subjected by the part, be dissipated by the perusal of this document and that it is unnecessary for me to add certain explanatory observations."

British Courts Will Decide. "The effect of the order in council is to confer certain powers upon the executive officers of his majesty's government, the extent to which those powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation, are matters which will depend on the administrative orders issued by the government and the decisions of the authorities specially 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."

"His majesty's government have felt most reluctant at the moment of initiating a policy of blockade to exact from neutral ships all the penalties attaching to breach of blockade. In their desire to alleviate the burden which the existence of a state of war at sea inevitably impose on neutral sea-borne commerce, they declare their intention to refrain altogether from exercising the right to confiscate ships or cargoes which belligerents have always claimed in respect of breaches of blockade."

such disposition would be made of such cargoes if owned by a neutral ship? Would a different rule be applied according to ownership? If so, upon what principle 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 submarine for both defensive and offensive operations, may make the former means of maintaining a blockade a physical impossibility, if it feels that it can be argued 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, if, for example, an American vessel laden with a cargo of German origin should escape the British patrol in European waters only to be held up by a cruiser off New York and taken into Halifax."

"Similar cablegram sent to Paris."

Former American Killed in War. NEW YORK, March 18.—William L. Breeze, former secretary to Ambassador Page in London, was killed Sunday in the fighting on the French front, according to cable advices received here from London. Mr. Breeze, who belonged to a New York family, had lived in England for the past six years. He became a naturalized British citizen in order to take a commission as lieutenant in the Royal Horse Guards.

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FRENCH GOVERNMENT DECLARES ALLIES ACTING WITHIN RIGHTS

The American ambassador at Paris transmitted to the Secretary of State from the French government 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 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."

Adopt New Blockade Methods. "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 geographical situation of that country. "In answer to the challenge to the neutrals as well as to their own aversaries, contained in the declaration by which the German imperial government stated that it considered the seas surrounding Great Britain and the French coast on the channel as a military zone, and warned neutral vessels not to enter the same on account of the danger they would run, 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."

"The government of the republic, therefore, reserves to itself the right of bringing into a French or allied port any ship carrying a cargo presumed to be of German origin, destination or ownership, but it will not go to the length of seizing any neutral ship except in case of contraband. The discharged cargo shall not be confiscated, and the ship shall be released on such conditions, in case the owner of the goods is a German they shall simply be sequestered during the war. 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."

Respects Rights of Neutrals. "As your excellency will observe, these measures, while depriving the enemy of important resources, respect the rights of neutrals and will not in any way jeopardize private property, as even the enemy owner will only suffer from the suspension of the employment of his rights during the term of hostilities. "The government of the republic being desirous of allowing neutrals every

facility to enforce their claims (an independent tribunal) court of these questions, and in order to give the neutrals as little trouble as possible, it has specified that the prize court shall give sentence within eight days, counting from the date on which the case shall have been brought before it. "I do not doubt, Mr. Ambassador, that the federal government, comparing on the one hand the unspoken violence with which the German military government threatens neutrals, the criminal actions unknown in maritime annals at ready perpetrated against neutral ports 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 individuals, will readily perceive that the latter have not overstepped their strict rights as belligerent states. "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. "The average married woman has two dispositions. One she exhibits in public and the other she uses at home. The man who courts a widow is seldom kept in suspense very long.

LONDON INSISTS ON BLOCKADE; PRIZE COURTS WILL PROTECT

The reply from the British government, as 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, I have just received from Grey: "His majesty's government have had under careful consideration the inquiries which, under instructions from your government, your excellency addressed to me on the 8th instant regarding the scope and mode of application of the measures, forebodings in the British and French declarations of the 1st of March, regarding the trade of Germany."

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STOPPING OF CARGOES DESTINED FOR OR COMING FROM THE ENEMY'S TERRITORY.

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BRYAN ASKS AN EXPLANATION OF BLOCKADE CONTRADICTIONS

Allies' Intention Not to Condemn Captured Ships and Cargoes Puzzles American Department of State.

The American government transmitted identical messages of inquiry to the ambassadors at London and Paris, inquiring from both England and France how the declaration in the Anglo-French note proclaiming 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 15, 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 upon commerce with Germany lies in the nature of the proposed measures in their relation to commerce by neutrals. "While it appears that the intention is to interfere with the commerce which in effect a blockade of German ports, the rule of blockade, that a ship attempting to carry goods to or from a port regardless of the character of its cargo may be condemned, is not ascertained. "The language of the declaration is the British and French governments with, therefore, hold them free to detain and take into port ships carrying goods of presumed enemy destination, ownership or origin. It is not intended to condemn such vessels or their cargoes unless they would otherwise be liable to condemnation."

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 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

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