GREAT BRITAIN AND AMERICAN SHIPS.

President Wilson's Biographer and Sometime Confidential Agent Cites the Points Which, He Says, "It May Be Taken for Granted" Are included in the President's Mote.

By WILLIAM BAYARD HALE.

To understand the significance of ligerent capture, namely: the action taken by the United nature, use, and destination States Government in dispatching to the British Government on Dec. 28 its note protesting against the Brit- tion which the British Order in Counish attitude toward American com- cli makes in the sense of Articles of awarding damages by reason of merce, a little knowledge of the XXXIII, and XXXV, of the Declara- illegal captures and condemnations international laws of naval warfare tion of London.

stance, a nation at war with another for a neutral port. nation was at liberty to apprehend The British Government now an-represents the position which this saltpeter on its way to its enemy— nounces that it will regard articles Government has ever since conanitpeter being clearly intended for of conditional contraband consigned sistently maintained: the manufacture of powder, Articles to "merchants or other persons under

at sea and confiscate contraband is nothing else than that provisions, for not to be interpreted as laying any instance, on the way to a German abiligation upon a neutral country to port, consigned to a private imprevent the export of contrabang, porter and intended for no other use That is another subject, but in than the consumption by the peaceful which it is consigned,

ministration of the enemy Governmake public particulars regarding Jay who had gone on a special ment it is not subject to seizure if the detention of vessels laden with mission to England in connection with consigned to a neutral country or to American food products on their way the subject that "provisions, except private citizens of a country at war to Europe, but it is known that in in the instance of a siege, blockade,

subject—they are contraband; but if clothing, or other carge of the condition of the ordinary use of life tional contraband class on the sustained for the enemy's country, and not distinctly for the enemy's forces, they are not contraband.

In the year 1885 France, being in a state of hostility with China, declared chipments of rice destined to picton that part of it may be destined to the enemy's forces, they are not contraband.

The protession was contraband.

a careful weighing of the Interest Declaration of London has never received ratification at the hands of the Powers; yet it represents the consensus of expert opinion established by accredited representatives of are instances only, the world's Powers, and stands as the fullest and latest statement of the principles of international law on the

At the opening of the present Enropean war the British Governmen (Aug. 20, 1914) issued an Order in Council, declaring it to be the intention of the Government to act during the present hostilities in accordance with the provisions of the Declaration of London, subject to might be appropriated by the military some additions and modifications.

A study of the modifications with the British Order in Council then proceeds to make reveals the fact that the pretense that the British Government is observing the Declaration of London would be much like the claim of a man who professed that he was carefully observing the commandments of Moses, subject to the striking out of the nots. The additions and modifications which the British Government hat placed upon the Declaration of London are of such a character that they obliterate the Declaration.

The Declaration of London, in Articles XXII, XXIV, and XXVII, established a list of absolute contraband another of conditional contraband, and another of merchandise Government, by its Order in Council of Aug. 20, and by the other orders

dependent upon this, willfully alters.
As late as Dec. 26 Great Britain notified the United States Government that a new list of absolute and conditional contraband had been issued. Not content with the addition to the list of absolute contraband of of absolute contraband sulphur, glycerine, nitric acid, camphor, turpentine, ferro-manganese, tungsten, ferro-vanadium, cobalt, manganese, zinc, lead, antimony, aluminium, tires for motor vehicles and for bicycles, articles adapted for the repair of tires, raw rubber waste, derivatives of cost tar, and twice a score of other articles which have well-understood principle of international law, and especially of the United States and of Great Britain on this question is of nacultary century-long contention of the United States that it is vital to the legitimate commerce of neutral States that there London made the following points. should be, as Mr. Hay when Secretary In 1795 the British Government of State put R, no deviation from the being then at war with France, by ale which determines what is and an Order in Council directed what is not ignifulty entitled to bell neighner

Conditional Contraband,

But far more vital is the mor

It is the common understanding there can be no question of condi-among the Powers of the world that tional contraband except in cases French ports, but not specifically the event of war either of the where the cargo is destined for the intended for the French army und parties to the war is at liberty to de- use of the administration department mavy, was illegal, and awarded large tect at sea if it can, and confiscate, or the military or naval force of the articles on the way to its enemy and enemy. Under the latter article article to be used against it in the there can be no question of condicate, in instructing Mr. Pinchney, conflict, From early times, for in-

this kind, clearly intended for the control of the authorities of the warlike uses of an enemy, are known enemy" in the same light as if they were consigned directly to the mili-This right of a belligerent to detect tary forces of the enemy. This means

to Danish, Dutch, or Italian ports which we wished to remain. Mr. Jefferson instructed Mr. Pinckney of a beiligerent (even though if commerce—articles which might because it may suit the purposes of that the United States Government to suspect could not admit that it such previous from the action of the port of a beiligerent (even though it should be a port of naval equipment) that the United States Government to suspect could not allow itself to be forced regarded as contrabund of war" in tance, such things as clothing, coal, independent to support the straight not be destined for military any importer, anywhere, of being titance, such things as clothing, coal, and provisions. It is clear that fuel, orities. In other words, American party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the provisions. It is clear that fuel, orities. In other words, American party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the provisions. It is clear that fuel, orities, in other words, American party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war), or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war, or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war, or to withhold therefore be reconstruly regarded as contrabund of war" in the party to the war, or to withhold therefore be reconstruly regarded as contrabund of war. ents in the ordinary ways of life. This deliver their products to the peace ports of Europe.) He admitted that class of articles is defined as the ful populations of the countries with Great Britain might "feel the desire class of "conditional contraband," which Great Britain happens to be of starving an enemy nation, but she and the rule of international law re- at war, and of the countries which can have no right of doing it at our she fund in this: Conditional contra-band is subject to seizure by an memy if it is detected at sea on its way to the army, navy, or official ad-

The Issue between the Govern not less than half a hundred instanctor investment, are not to be ranked ment of the United States and that its ships and cargoes are now being among contraband."

of Great Britain lies here. Let us get or have been detained. In some the facts, then, clearly in mind: It is a firmly established principle of modern international law that articles by England are hidden in the cargo lake to assert that property in the cargo lake to assert that property in the cargo. of conditional contraband, carried in contraband are hidden in the cargo, take to assert that provisions destine resultal ships, not intended for the but the principle of the new Bright army of a hellisarent were use of the army, navy or Government edict is that henceforth British ef a beiligerent are not subject to ships are free to slop and carry that capture or detention at sea. If in-British ports American and other neutrended for military use they are so tral vessels laden with foodstuffs, subject—they are contraband, but it clother are contraband. In the year 1885 France, being in

Ships Held on Suspicion. was held at Kirkwall, England. The during the prevalence of war. The all laden with mixed cargo, chiefly

> law are they being punished? They fense was that they had on board goods which might possibly find their military use. way out of the neutral countries in which they would have been landed into Germany or Austria, and there and inval forces. But is American commerce to be destroyed, and the right of American farmers and cattle raisers to sell their goods where they will for peaceful purposes to be denied, because English statesmen choose to suppose such possibilities? Does international law, or common sense, require that a farmer in a peaceful country should in time of war follow his wheat or his meat through all the channels of trade to very mouth that consumes it? international law requires no such thing, and common sense brands the suggestion as prepostorous. But

the British Government demands it, The right of search was bad enough in earlier days when vessels were small and the cargo could be searched at sea. In modern days, when this contraband. These lists the British preregative has been stretched to mean the right to stop a non-belligerent ship, divert it from its course and carry it as a captive to port, there to be detained indefinitely, it is infinitely more important that the already severe laws of contraband should not be strained to the intolerable point to which Eng land is new straining them, losses endured by the innocent ship such articles as already and parts losses endured by the innocent ship of airships, copper, nickel, rubber, per may be compensated for: Engand lubricating oil, England during land will have account when the way the present week has added to pay on this account when the war is ended, but the damage done to the commerce of the United States can never be thus atoned for-for, as the note dispatched by our Department of State to London points out the moral effect of these detentions is to deter ship owners from lending their vessels to such losing ventures and to drive our commerce from the sea,

Mr. Jefferson's Position. note sent by our Government to clusion of Mr. Kasson, Mr. Wharton

warlike provisions bound for French ports.
The Government of the United States protested against this action. It accured the appointment in 1793 of a mixed commission for the purpose

by the British. This commission here The former article declares that the action of the British in

our Minister in London, Sept. 7, 1793 "When two nations go to war,

those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations, to carry the produce of their, industry for exchange to all nations, belligerent or neutral,

Mr. Jefferson contended that the general it may be said that the citizeness of a neutral country are at liberty life, are subject to capture by British were at war actorded neither of them to sell contraband of war to both ships—because all the inhabitants of the right to interrupt the agriculture band, a step which they regard as belligorents—subject always to the the country are under the control of and commerce of the United States. fanger of its being select in transit the authorities. Not only so, but the Such interruption tended directly to of nations." The British Government by the enemy of the beligerent to same harmless cargoes on the way draw us from the state of peace in could not admit that if such pro-

Great Britain's 'Attitude, Since 1735 the Government of Great Britain did not, for 119 years, under take to assert that provisions destined

resisted by Great Britain, on the The Declaration of London.

On Feb. 26, 1909, an international congress is session in London promulgated what has become known as the Decharation of London relative to the law of naval warfare. The provisions of this declaration were the result of long study on the part of experts in international law and practice; they represent the result of a careful waishes of the law and practice; they represent the result of a careful waishes of the law and practice; they represent the result of a careful waishes of the law and practice; they represent the result of a careful waishes of the law and practice; they represent the result of a careful waishes of the law and practice. American ship Edward Pierce, and ernment did not deny that provisions neutral countries on the other side the American ship George Hawley, might acquire a contraband character foodstuffs, bound to neutral North to the fleet of a belligerent, or to a mouth, England, whither they were that there must be "circumstances" taken by British men-of-war. These that there must be "circumstances relativo to any particular cargo, or What crime have the owners of its destination, to displace the pro-these vessels committed? They have sumption that articles of this kind committed no crime. committed no crime. Under what are intended for the ordinary use of before they could be treated as have transgressed no law and lie before they could be treated as open to no penalty. Their sole of contraband of war, it must be shown open to no penalty. Their sole of t that provisions are "destined for

> The United States Minister at Ber lin, Mr. Kasson, wrote to Mr. Bayard Secretary of State, April 23, 1885 relative to the discussion then going on in Europe over the French declare tion making rice contraband. Mr Kaseon said:

"I beg your attention to the importance of the principle involved in this declaration, as it concerns our American interests, We are neutrals in European Food constitutes an immense portion of our exports, Every European war produces an increased demand for these supp lies from neutral countries. The French doctrine declares them contraband, not only destined directly for military con sumption, but when going in the ordinary course of trade as food for the civil population of the belligerent Government. thus excluded captured, still more can clothing, the instruments of industry, and all less vital applies be out off, on the ground that they tend to support the efforts of the bel-ligerent nation. Indeed, the real principle involved goes to this extent, that everything the want of which will increase the distress of the civil population of, the belligerent country may be declared contraband of war,

"The entire trade of neutrals with belligerents may thus be destroyed, irrespective of an effective blockade of ports. itself would become more fatal to neutral States than to belligerent interests.

"The rule of feudal times, the starvation of beleasuered and fortified towns, might be extended to an entire population of an open country. It is a return to barbaric habits of war."

Mr. Wharton, Solicitor of Department of State, May 18, 1885, reported to the department his concurrence in the reasoning and con-

"If rice is contraband, everything is contraband, and neutral commerce in time of war, already subjected to an additional burden, which would be intolerable,

Lord Salisbury's Boer War Position, During the Boer war, question hav-ing arisen as to the position of the British Government with regard to dispatch of provisions to South Africa Lord Salisbury, then head of the Government, (Jan. 10, 1900,) thur

Foddstuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of

the seisure, During the Russo-Japanese was the Russian Government undertook to put foodstuffs on the contraband list The British Government protested the American Government de clared its total inability to acquience in the Russian position

Lord Lansdowne, British Minister of Foreign Affairs, on June 11, 1994 instructed Sir C. Hardinge, British Ambansador at St. Petersburg, that his Government observed "with great

The United States Government was especially emphatic in its refunal to admit the Russian contention. The steamship Arabia, bound for Japanese ports and laden with railway materia. and flour, consigued to private com mercial houses, was secred by the Russians and taken to Vindiversion A prize court held that the Arabia's cargo should be confiscated, is the course of a remarkable letter of in struction sent to Mr. McCormick our Ambaszador at St. Petersburg Aug. 30, 1904, Mr. Hay made use of the following language:

"The Government of the United States is unable to admit the validity of the judgment, which appears to have been rendered in disregard of the settled law of nations in respect to what constitutes contraband of war, If the judgment and the communication accompanying its transmis sion are to be taken as an expression of the attitude of his lmperial Majesty's Government, and as an interpretation of the Russian imperial order of Feb. 29 last, it raises a question of momentous import in its bearing on the rights of neutral com-

"The department is therefore constrained to take notice of the principle on which the condemnation is hased, and which it is to accept, as indicating either a principle of law or a policy which a belligerent State may lawfully enforce or pursue toward the United States as a neu-

"When war exists between powerful States it is vital to the legitimate maritime commerce of neutral States that there be no relaxation of the rule-no deviation from the criterion for determining what constitutes contraband of war, lawfully subject to belligerent capture, namely; Warlike nature, uso and destination Articles which, like arms and ammunition, are by their nature of self-evident warlike use, are contraband of war if destined to enemy territory; but articles which, like coal, cotton, and pro-visions, though of ordinarily innocent are capable of warlike use, are not subject to capture and confiscation unless shown by evidence to be actually destined for the military or naval forces of a beiligerent,

"This aubstantive principle of the law of nations cannot be overridden by technical rule of the Prize Court that the owners of the captured cargo must prove that no part of it may eventually come to the hands of the enemy forces. The proof is of an impossible nature; and it cannot be admitted that the absence of proof in its nature impossible make can justify the selzure and condemnation. If it were otherwise, all neutral commerce with the people of a belligerent State would be impossible; the innocent would suffer inevitable condemantion with the guilty, "The established principle or

discrimination between contraband and non-contraband goods admits of no relaxation or refinement. It must be either in-flexibly adhered to or abandoned by all nations. There is and can be no middle ground, criterion of war-like usefulness and destination has been adopted by the common consent civilized nations after centuries of struggle, in which each belligerent made indiscriminate warfare upon all commerce of all neutral States with the people the other belligerent, and which led to reprisals as the milders available remedy.

"If the principle which appears to have been declared by the Viadivostok Prize Court and which has not so far been disavowed or explained by his Imperial Majesty's Government is acquiesced in, it means, if carried unto full execution, the complete destruction of all neutral com merce with the non-combatant nopulation of Japan; it obviates

renders meaningless the principle of the declaration of Paris set forth in the Imperial Order of 29 last that a blockade in order to be obligatory must be effective; it obliterates all dis-tinction between commerce in goods, and is in effect a declaration of war against commerce of every description between the people of a neutral and those of belligerent State."

(From The New York Times.)

Damen Sülfeverein.

noch hingugufügen:

Berwaltungsrathes find: Frau und Illinoifer Deutschlum. Frl. Rochnemann, Frau Reumann, Fron Mumobr, Fran Klaus, Fran Reiter, Frau Goltl und Frau Plan-



Lillian Broofe mit der "Beauty Parade", zweimal popularen Ganety.

Rebrasta

noa

Deutschen

Sanpt

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Tribine

Omeha

Mittivoch, ben 20. Jan., im Deutichen Haus ftatt.

Befonnter Tentider geftorben.

Rad bem er feinen Jahrebbericht als Sefreige in ber Jahresversamm. lung der Marquette Lebensverficherungs . Gefellichaft verlefen batte, brach ibr Gefretar John 28. Freund, Springfield, 3ll., tobt gufammen. herr Freund gabit gu ben befannteften Deutschamerifonern in Allinois. Er mar jeinerzeit Gefretar bes Centralbundes deutider fatholifder Ber-Unferm Bericht von Mittwoch fiber eine von Gilinois und einer der Guindie lette Berfommlung bes Deut- rer des deutschen fatholischen Cenidjen Damen Sulfsvereins haben wir tralvereins von Amerifa. Der Berftorbene mar 52 Jahre alt. Gein Die Mitglieber bes neuerwählten tranifdjer Tob lagt eine Bude im

Depheum.

Die größte Anglehungsfraft bes nächstwöchigen Programms im Dr-Der Bosaar foll am 10 Mars be- bheinn wird sweifellos Gertrube ginnen, für den jest bereits eifrig Soffman mit ihrer Gesellichaft von gearbeitet wird. Die Darstellung Den Raffee und Ruchen für die biefes , Alftes allein erforbert eine Berfammlung am Mittwoch liefer. Beit von 11/4 Stunde und die Szeten die Damen Mente und Reu- nerie ift so vielseitig, das ihr Transport zwei grebe Gepachvagen erfor-Die nadite Berfammlung findet bert. Die Borftellung felbit gerfallt in drei Theile: Zobeide's Traum, der mis in den Orient führt, dann effelnde Tangproduftionen mit Irl. Sofimans Spezialitäten und endlich die wundervolle "Blaue Donau", die uns in das Reich des Doppelablers führt. Gel. Soffman felbft ertfart, mit Rudficht auf ihren wirflich berporragend hubiden Chor, ban feines ber barin auftretenden Maddjen alter als 18 Jahr ift, und je siwor beim Theater war. Andere Dar-Trio, die die Buhörer burch ihre mit ihrer Gesenschaft von 50 Perso-Scherze nicht aus dem Lachen tom- nen im Orpheum. men laffen; Die Bofaliften Edward = Miller und Belen Miller; die Gan Bountsache beruht biefes Stud auf gerin Elida Morris und Mechan's hubichen Madchen und Tangen. Wer breffirte Sunde, alles in allem ein für Schönheit und Annuth ein Huge Brogramm, das wohl jeden zufrie- bat, follte fich diese Borftellung nicht benfiellen wird.

Titel der zweiaftigen musikalischen bonna, Ruth Barbour und Lillian Farce, melde die "Beauty Barade" Brooks. Bom Montag an findet täglich die gange nächte Woche im nächste Woche im allgemein belieb täglich eine Damen-Dime-Matinee ten Gauety derftellen wird. In der ftatt.

Gertrube Soffmann

enigeben laffen. Die Ramen der Sauptmitmirfenden find: Dilla Brennen, die ingeniofe Coubrette, Silbe-"500 Dollars Belohnung" ift ber gard Stone, die bezaubernde Prima-

Prächtige Prämie der Omaha Tribüne

Aufer prachtiger Ralenber "Der Dentiche in Rebrasta" ift jeht erfchienen und wird allen Lefern ber Tägliden und Bodeutlichen Omaha Tribune, Die im Borans bezahlt haben und jest im Borans bezahlen, foftenfrei burch bie Boft gugefandt werben.

Den Lejern ber Täglichen Omaha Tribune in Omaha und Gud-Omaha geht er burch bie Trager gu.



"Der Deutsche in Rebrasta"-Ralenber ift auch biefes Jahr wieber großartig ausgestallet unb enthalt außer einem bollftanbigen Ralendarium biele intereffante Ergablungen, Gebichte und afferlei Biffenswerthes.

Es ift ein bentiches Jahrbuch, bas in feiner Familie fehlen follte.

Die auswärtigen Lefer ber Tagliden und Bodentlichen Tribune fellten jett ihr Mbonnementegelb für 1915 einsenben, worauf ihnen ber Ralender fogleich fostenfrei angefandt wirb.

Omaha Tribune

Hebre #