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Liability of Private Property to Capture.

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Private enemy property on land is, as a rule, not liable to confiscation. Although an invader in occupation of enemy territory may requisition foodstuffs, he must pay for them. On sea, however, private enemy property is liable to confiscation if found on enemy ships. The ships also may be taken. Moreover, enemy goods on board of hostile vessels are liable to be seized, to be sold to the bidders who may be from the same country or from a blockading port. In the present article I shall deal with the law which defines the conditions of liability to capture apart from the special circumstances involved in a consideration of contraband and blockade.

Shipping in Enemy Ports.

Enemy ships and goods which are in the adversary's ports at the outbreak of war, according to the code of maritime law which was adopted by the International Institute of Law at its Oxford Conference in 1862, are not considered contraband of war. The ships should be given a reasonable time to depart. It is doubtful, however, whether this represents international law, or is but a custom as it is at present. German ships were detained in imperial ports, presumably pending an agreement as to the复工ion of all the property of the country, or recouping customs. Moreover, as Oppenheim remarks in his book on "War and Peace," the principle that certain ships and goods may be seized from a belligerent's ports, or that the property of the enemy may be seized in certain circumstances, which have an ever increasing importance in modern usage. You attack the area, not just the fighting force; but not his private subjects. The liability of private property and goods in enemy ports at the outbreak of war is far from the subject of much discussion. The law is not quite so clear as the law that applies to neutral states and contraband of war. In the case of a belligerent State, what is known as the right of search. It is the right to search the ship, vessel, or other means of transport for contraband, as well as neutral men-of-war, for the purpose of ascertaining whether they carry goods which are liable to capture. On this subject the law is not quite so clear as that which applies to neutral states and contraband of war. In the case of neutral states, the law is that it is not permissible to destroy enemy property on land without the consent of the owner, or the consent of the state in whose territory it is located. The consent of the state is required for the security of the captor, but it is not required for the security of the owner.
Agencies of Capture

In former times a belligerent would	exert his forces to	secure a position of advantage over his enemy, by the treaty of peace. This was the case in the

19th century, when the British fleet was the mightiest in the world. But in the 20th century, new	technological developments have changed the nature of warfare. The advent of the submarine,

aircraft, and other forms of attack have made it impossible for a belligerent to win a decisive victory

by conventional means. The new tactics require a more subtle approach, which involves the use

of economic measures to weaken the enemy's position.

Existing law sanctions the practice of closing ports to ships of the enemy and requisitioning

their vessels and resources at sea. But what about ships that are not actually in enemy hands?

A new type of ship, known as a "pirate ship," has emerged in recent years. These ships operate

outside the law and are not subject to the same restrictions as legitimate warships. They bring
treasure to their owners but also threaten the security of the world. The question of how to

deal with such vessels is one that needs to be addressed urgently.

At the recent conference held in Paris, it was agreed that a neutral ship could be converted into

a warship if it was found to be carrying contraband goods. This decision was made to prevent

the flow of goods to the enemy. However, the question of how to prevent the conversion of

economic ships into warships remains unanswered.

The Oxford Conference of 1913 adopted the following resolutions in relation to the present

subject:

1. The conversion of a ship into a warship should only be allowed if it is clearly shown that the

owner intended it for military purposes.

2. The conversion of a ship into a warship should only be allowed if it is clearly shown that the

owner intended it for military purposes.

3. The conversion of a ship into a warship should only be allowed if it is clearly shown that the

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Unfortunately, these resolutions were not followed in practice. The British government,

which was also present at the conference, did not adopt them. An eminent English judge, Sir

Lorne Borrow, later commented that the conference was "a sad failure."

A pertinent question arises: how can the doctrine of capture be applied to modern
technology? In the case of submarines, the doctrine is not applicable, as they are not

considered warships. However, the doctrine could be extended to include

aircraft and other forms of attack.

A recent development is the use of autonomous drones, which can be used for both

offensive and defensive purposes. The question of how to deal with such

technology is one that needs to be addressed urgently.

Britain's Peril

It is important to consider the precise wording of the above-mentioned rules when they are

viewed in relation to British and German

interests. The last issue of The Strand Magazine, Sir

Conan Doyle has a sensational article

prepared for it. The article was written before the outbreak of

the war. It postulates a war between

the two countries. The war would involve the use of a

superior fleet of submarines. This fleet

would attack merchant ships, and the submarines would then vector foodstuffs to the

mother country. If such ships were

captured, the submarines would follow them and torpedoes them forthwith.

Result: Great Britain is

in peril. The supply of foodstuffs in time of

peace is a grave question for the world. But no one who has even a baying acquaintance with

international law, and he who has

forgotten the lessons of history, would suggest that a modern State, with

such formidable dependencies as the

British Empire, could be depopulated by a

few merchant vessels.
The real danger of Great Britain is her hands. In Germany, England, though both Germany and Great Britain can secure immunity of private property in the high seas (apart from contraband and blockade), by having such property placed on neutral ships, this possibility is much more practicable for Germany than for Great Britain. At least four times as many ships for the purpose would be required by Germany as by Great Britain, as would be required by Germany. In the second place, both because Great Britain is more exclusively a manufacturing country than Germany, and also because Great Britain is isolated by the high seas, she is much more dependent upon the maintenance of sea commerce than Germany. In the third place, we may anticipate, at any rate if the war continues for any length of time, that Germany will establish a volunteer fleet consisting of rapid cruisers capable of inflicting great damage upon British trade, and of reducing the home supplies of foodstuffs to an extent which must be serious and may be calamitous.

he volunteer fleet would probably not be able to take her prizes to a German Court. This would involve delay and possibility of recapture. "The enemy," says Westlake, "has no cause of complaint if his property is destroyed at sea, read of being brought in for adjudication." I assume that our fleet maintains supremacy on the high seas. But even so, the danger referred to, though lessened, would still exist. As I understand it, the view that we hope for, practical immunity for our commerce, as a result of the supremacy of our fleet, can only be entertained by those who are unaccustomed with the intentions, optimism, and British Powers as disclosed at the conference of 1907 and 1908.

In fourth place, British-carrying trade is secured. Although neutral goods on British ships are not liable to confiscation, it would be subject to risks and delays sufficiently serious to warrant neutral ships ever practicable in preferring neutrals.

Conclusion.

The general conclusion at which I arrive is that England's policy should be, while maintaining her supremacy on the high seas, to assist in the attack upon Germany by land. She should strike as hard as she can, as early as practicable, and everywhere the opportunity offers. Germany will have her own troubles, of course; but it seems probable that a prolongation of the war would impose a severer test on Great Britain. Powers, as disclosed at the conference of 1907 and 1908, and will probably retain command of the Baltic and of the trade with neutrals bordering on it. Thanks to the Kiel Canal, Germany can concentrate her naval forces either in the North Sea or the Baltic as well. Even if Great Britain could gain access to the Baltic, which might be doubted in view of the mines laid or to be laid, she would have to break from the North Sea Fleet a squadron of sufficient force to meet the array which Germany could marshal against her.