

The City of Flint

The seizure of the American cargo vessel City of Flint by a German cruiser, and the sending of the vessel to Russia with a prize crew, opens questions of diplomacy and international law such as have frequently arisen when blockades have been proclaimed between nations at war. The seizure of neutral vessels has been not infrequent, but such seizures in the past have almost invariably been questioned, even when—as may or may not be the case of the City of Flint—the cargo has been largely contraband. Neutrals have challenged the right of a belligerent to blockade an enemy unless the blockade can be made, and in fact is, effective. Belligerents, in return, have placed such restrictions on neutrals as they felt they could safely enforce. In cases of seizures of neutral vessels the practice has been to bring them as quickly as possible to a port of the belligerent that seized the vessel and then place the case before a prize court. When the vessel's conduct has been shown to be patently unneutral it has been confiscated. In emergencies, such as bad weather, vessels halted and searched on the high seas have been taken to neutral ports. As a matter of fact, under the terms of Article 23 of the Second Hague Convention it is expressly agreed that "a neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a prize court."

In the case of the City of Flint a number of important points are at issue. First and foremost is whether or not the vessel was carrying contraband. The second is whether, the ship having been manned with a prize crew and sailed under the German flag to a neutral rather than to a German port, Russia will attempt to invoke the terms of the Hague Convention, and whether, in such a case, the American government will recognize Article 23 as binding. Finally comes the question of action by a prize court. Normally this would take place in Germany. As the vessel itself is in a remote Russian port, the question of verification of its cargo may present technical difficulties.

When the German policy of unrestricted submarine warfare is recalled, under which merchant vessels were sunk without warning, the pains which Germany has taken to bring the City of Flint to port—even though not to a German port—suggests a willingness on the part of present German leaders to be more circumspect than were the leaders in the last war. If the German blockade of Great Britain is valid—which is, of course, a question on which authorities on international law disagree—the procedure with respect to the City of Flint cannot be condemned, always provided the vessel's cargo was largely contraband. It was largely to avoid such incidents that so many persons have urged changes in the neutrality law so as to exclude American vessels from belligerent war zones. Under the present American law there seems no doubt that the City of Flint was lawfully and properly engaged. There seems equally little doubt that the German authorities felt that her cargo fell under the German definition of contraband and that, therefore, it could properly be seized and brought before a prize court in Germany. But the detention of the vessel in a neutral port raises complications. Great Britain and France, as well as neutral nations, are certain to be reluctant to recognize a policy under which neutral vessels might be seized almost anywhere on the high seas, and when sent to the nearest neutral port be effectively driven off the seas.

The incident is full of diplomatic dynamite, but it should be viewed calmly and unhysterically. Great Britain at the present moment has a number of American vessels under detention. They are in British ports and were taken there by their own—not by prize—crews. It is the German contention that Germany is merely following the British example, although in a somewhat different manner.