



SUPPLEMENT
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TUESDAY, MARCH 1, 1864.

Foreign Office, March 1, 1864.

EARL RUSSELL has received the following Despatch from Sir Augustus Paget, K.C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Copenhagen, forwarding Translations of the Regulations published by the Danish Government, with regard to the Blockade of Enemies' Ports, and to the adjudication of matters concerning the capture of hostile or suspected vessels.

MY LORD,

*Copenhagen,
February 23, 1864.*

I HAVE the honour to enclose a translation of the regulations which have been published by the Danish Government relative to the Blockade of the enemy's harbours and the capture of the enemy's and suspected vessels by the Danish cruisers.

These regulations appear to be drawn up in conformity with the principles of the Declaration of the Congress of Paris, of April 16, 1856, which was adhered to by the Danish Government in June of the same year.

I have also the honour to enclose a translation of the regulations relative to the adjudication of matters concerning the capture of hostile or suspected vessels.

I have, &c.,

A. PAGET.

*The Earl Russell, K.G.,
&c., &c., &c.*

(Translation.)

REGULATIONS RELATIVE TO INQUIRY INTO, AND ADJUDICATION OF, MATTERS CONCERNING CAPTURE OF HOSTILE AND SUSPECTED VESSELS.

Under date of 13th February, 1864, the following temporary law has been issued through the Ministry of Marine:—

We, Christian the Ninth, by the Grace of God, King of Denmark, &c., &c., &c.,

make known:

As a draft of a law respecting inquiry and adjudication of matters concerning capture of hostile or suspected vessels could not be laid before the Rigsraad until the breaking out of hostilities, we have found it necessary, in accordance with section 59 of the fundamental law in common matters of the Kingdom of Denmark and the Duchy of Sleswig, to issue the necessary regulations through a temporary law. In accordance with the proposal of our council of ministers, we hereby order as follows:—

Section 1.

For the purpose of instituting the necessary inquiry into matters concerning the capture of hostile and suspected vessels, it is hereby ordered that a Court of Inquiry shall, during the present hostilities, be established in every jurisdiction in which there is a harbour. Such Court of Inquiry shall, as regards Copenhagen, be formed by the Director of the Maritime Court, and in the other jurisdictions by the lower Court of each place. All that passes in the Court shall be duly entered in a protocol authorised by the Court itself. The writing shall be done, in Copenhagen, by the Secretary of Justice of the Maritime Court, and

in other places by the Clerk of the Lower Court, and according to circumstances, with the assistance of special persons appointed by the respective judge. In Copenhagen and at the Lower Courts, where a special clerk has been appointed by the King, no witness is required; otherwise a respectable man of age, appointed and paid a suitable fee, should be present as witness. The Court may be held at any time and at any place in its jurisdiction.

Section 2.

The Prize Master has, as soon as he arrives in a Danish Port with a captured vessel, to report himself immediately to this Court of Inquiry. The Court shall then, without delay, commence the examination of the master, his crew, and passengers, together with the prize master and his crew. The examination shall be carried on with the greatest possible despatch, and the Court shall take special care that the crew and passengers of the captured ship are examined without delay. When the examination of the ship's crew and the passengers has taken place, they will be at liberty to go where they like in the country, provided further examinations do not specially prevent them.

Section 3.

Should the Court find that they cannot carry on the examination without assistance, they shall apply to the respective chief local authorities where there is a Court; and if in Copenhagen, then they shall apply to the Ministry of Justice, who, upon request, will furnish them with one or more lawyers as examiners.

Section 4.

The object of the Court of Inquiry is to obtain the most exact and complete information in the matter, for which purpose they possess all the authority of a local Court of Inquiry. The Court are, during the examination, carefully to protect the interests of the prize as well as of the public, and specially, before closing the examination, to request the owner to declare if he wishes any further information, or if he has any remarks to make before the matter passes to the adjudication of the Court of Admiralty. At the same time it should be stated that the matter will be treated in the Court of Admiralty without any further special notice.

Section 5.

As regards the ship and cargo, the Court of Inquiry have to appoint two sworn and capable men to take an exact inventory. As regards the cargo, the ship's papers only concerning the same should in general be used as a guide, as no discharge shall take place unless it is found necessary for the preservation of the cargo, or unless the Court have good reason to suspect inaccuracy, which might be discovered on discharging.

Section 6.

When the matter has been settled by the Court of Inquiry, the necessary copy of the protocol of the Court and other documents concerning the matter, shall immediately be transmitted

to the Admiralty Court. Upon request of the master of the captured vessel, he may be furnished with a copy of the examination.

Section 7.

For the purpose of deciding matters respecting captured vessels in the first instance, an Admiralty Court is until further notice established at Copenhagen, which shall consist of a legal Director and two other members, of which the one shall be an officer of the Royal Navy, who is or has been in the service, or in the place of such officer another naval man, all to receive their appointments from the Minister of Marine. The Court itself to appoint a clerk. The matters to be transacted on behalf of the public by the Chief Attorney of the Navy.

Section 8.

As soon as the Admiralty Court have received the documents respecting the examination in a matter concerning capture from the respective courts of inquiry, they shall immediately forward them to the Chief Attorney of the Navy for his further investigation. He shall then, or at latest within eight days after receipt of such documents, give his opinion in writing, as regards the principal case as well as with respect to the expenses, &c. However, when circumstances render it necessary, the Court may, upon request, grant a short respite, and in such case an enquiry will be made at the adjudication of the matter how far such a respite was necessary. In case the person concerned does not either personally, or by his agent, appear at the public meeting of the Court on the day appointed by the Director of the Court, the matter shall immediately pass for adjudication. In contrary case the parties appearing will have an opportunity of making themselves acquainted with the opinion of the attorney produced in the Court, when they can either apply to have any remarks, which they may have to make upon the subject, entered on the protocol, an application which shall immediately be complied with by the Chief Attorney of the Navy, or they can, if necessary, demand time to reply to it, which shall be allowed, and which shall not in general exceed eight days. In the following meeting of the Court the matter shall pass for adjudication after the Chief Attorney of the Navy has made himself acquainted with the reply; and if he finds it necessary, he shall enter his reply upon the protocol. Should the Court require further information in the matter, they shall order it to be obtained, after which the matter shall be treated in a similar way for a final decision, only that the further remarks which any of the parties may have to make must be made on the spot, and entered in the protocol of the Court, without allowing any respite for such purpose. The sentence shall then be passed within eight days unless special circumstances should prevent it, which shall then be stated in the Acts of Sentence.

Section 9.

As soon as the sentence has been passed, the Chief Attorney of the Navy shall immediately cause the same to be inserted in the "Berlingske." A copy of the sentence shall also, without delay, be forwarded by the Admiralty Court to that Court which has com-

menced the examinations. This Court will have to deliver to the master of the captured vessel, or to his agent, a copy of the sentence, for which the said master must give a proper receipt. If the master has left the place without having reported to the Court the name of the agent who is to act for him, then he has himself to blame for not receiving a copy of the sentence. On announcing the sentence it shall be made known to the person concerned that in case he wishes to appeal against the same, he shall declare it within three days to the Court from which such sentence was issued. When the Court of Inquiry have received such a declaration, they shall immediately inform the Admiralty Co of it.

Section 10.

The sentences passed by the Admiralty Court can be referred to the Upper Admiralty Court. Respecting the organization of this Court, as well as its proceedings, the instructions of April 30th, 1806, and other resolutions attached to them should be followed.

Section 11.

When sentence has been passed by the Admiralty Court, it shall without delay transmit a complete copy of the sentence to the Ministry of Marine, which shall decide whether, in cases where the master of the captured vessel does not appeal against the sentence, such appeal should not be made on the part of the public, which should be decided in the course of three days after the receipt of the documents.

In case the Chief Attorney of the Navy, on the part of the public, appeals against the sentence, the appeal shall be made within eight days after the receipt of the copy of the sentence, and despatched without delay in order to be served. But if the master of the captured vessel wishes to appeal, he shall do so within four weeks after the issue of the sentence, when he shall cause his summons to be served to all parties concerned, and it must be distinctly observed that if this be neglected the sentence passed shall remain in force.

Section 12.

If the matter be not appealed against by either of the parties concerned, the sentence shall immediately be considered in force.

Section 13.

When a captured vessel shall be declared free by the sentence of the Admiralty Court, and the Master, notwithstanding the appeal against the sentence, desires to manage the ship and cargo, he shall be allowed to do so, on giving security in full for the value of ship and cargo. All questions respecting this matter shall be decided by the Admiralty Court within 24 hours, which decision cannot be liable to further appeal.

Section 14.

When a condemned ship or a condemned cargo is to be sold, such sale shall take place in public.

Section 15.

Fees to the Court in matters concerning captured vessels shall, as regards the Court of

Inquiry, be calculated according to the general table of fees of the Lower Courts. The fees at the Court of Admiralty shall be calculated according to the rules of the Court of Justice in Copenhagen, where strangers' suits are summarily adjudged, and of the Upper Admiralty Court, according to the instructions of April 30, 1806, iii. section 19.

All persons shall conform to the above.

(Translation.)

REGULATION RESPECTING THE BLOCKADE OF ENEMY'S HARBOURS, AND CAPTURE OF ENEMY'S AND SUSPECTED VESSELS BY DANISH CRUIZERS.

I. Respecting Blockade of enemy's harbours.

1. An enemy's harbour is blockaded when it is closed by one or more ships of war, in such a manner that no trading vessel, without apparent danger of capture, can run in or out of the same.

2. When the Commander of the blockading vessel has arrived on the station, he is to announce the Blockade by an open circular to the Consuls of all the Powers at the place, and demand of them that all neutral vessels which are at the time in the harbour in question shall state a term within which they can quit the harbour; and if the term appears reasonable, and is not afterwards exceeded, he is to let such vessels pass out of the harbour unmolested.

3. It is enjoined on the pilots in the Sound and Belts to communicate to the masters of the vessels which make use of their services a copy of the Regulations which may be published concerning the Blockade; the names of the vessels to which such communication has been made must be immediately reported by the Pilots to their superiors. It is His Majesty's will, that force shall in no case be used towards neutral vessels unless they, after being informed of the blockade, attempt to break it. The clearing of a ship for a blockaded port, or her course towards it, is therefore not sufficient ground for the capture of a neutral vessel, nor even the attempt to break the line of blockade as long as there is reasonable ground for supposing the neutral vessel to have been ignorant of the blockade at the time such attempt was made, owing to the shortness of the time elapsed since the Declaration and the Notification of the Blockade. But in this case the Commander of the blockading force is to inform the vessel in question, in a friendly manner, of the blockade, and, after having notified it in the ship's papers (viz., the document which serves as a proof of the vessel's nationality), to dismiss the vessel without capture, and allow it to pursue some other course unmolested.

4. Should the vessel after such warning again attempt to break the blockade, or if either on account of the time since she left her last port, or from other reasons, it may be inferred that the vessel must have been aware of the existence of the Blockade, she will be considered, by the attempt to run into the port, to have broken the Blockade, and is, therefore, liable to capture.

II. Respecting the capture of enemy's and suspected vessels.

Capture can only be made by the King's ships, and their Commanders are bound, so far as lies in their power, to take and capture—

(a.) Ships the property of hostile powers, or of their subjects, laden with enemy's goods, but neutral goods on board an enemy's ship are free, with the exception of contraband of war.

(b.) Ships which, in opposition to the regulations laid down in Section 4, attempt to break the Blockade with their freight, without reference to their nationality or quality.

(c.) Ships whose neutrality is not properly legitimatised, in accordance with Section 9 of these regulations, or against which there may be well grounded suspicion, for any other cause mentioned in Section 10.

7. Ships belonging to neutral powers or their subjects—whoever may be the owner of the freight—cannot be captured if the ship's papers and bills of lading are found to be in order, and the ship is not freighted with contraband of war destined for the enemy, nor are they subject to capture according to Section 6.

8. No ship can be stopped or captured in neutral waters.

9. The papers which must be found in order on board neutral vessels are those which by the laws of the ship's country are required to prove its nationality.

10. Suspected vessels to be stopped and brought in for adjudication are—

(a.) The ships which have duplicate, or in all probability false, papers.

(b.) Ships without papers, and ships which may be known to have thrown their papers overboard, or in any other way destroyed them, especially if this has taken place after the cruiser came in sight.

(c.) Ships which do not bring to on summons from the cruisers, or which resist the search of places in which contraband of war or ship's papers may be supposed to be concealed.

11. Are considered lawful prizes—

(a.) Ships belonging to hostile States or their subjects.

(b.) Ships freighted entirely with contraband of war, whereas, if only a part of the freight is contraband, the captain can, by discharging it of his own free will, either on the spot or in the nearest port, escape capture, and after discharging continue his course with the rest of the cargo.

c. Ships which forcibly resist being stopped.

d. Danish vessels recaptured from the enemy.

Suspected vessels treated of in Section 10 are subject to the same regulations as the ships mentioned in the last paragraph, so long as the suspicion concerning them is not removed.

12. Are considered contraband of war (in Sections 7 and 11)—

Cannons, mortars, spingals, every kind of weapon, bombs, grenades, balls, detonating

caps, matches, powder, saltpetre, sulphur, cuirasses, armour, saddles and bridles, and all articles which can be directly used in war, exceeding the amount of such articles as may be required for the defence of the ship or her crew, provided the above-named articles are destined for an enemy's port.

13. When a cruiser meets a trading vessel not under convoy, the Commander shall hail the master and command him to come on board with his ship's papers. If these are found to be in order, he is immediately to let the vessel continue her course unmolested. If he find on the other hand that there are grounds for suspicion of illegal or of fraudulent conduct, he is to send an officer on board to investigate the matter more thoroughly. During this visitation he must not open or break open cupboards, lockers, cases, boxes, barrels, tubs, or other places wherein any of the cargo may be stowed, nor arbitrarily search what is lying loose in the ship. But if he has suspicion that contraband of war or suspicious papers are concealed anywhere, he shall cause the master of the vessel to open the places of concealment, regarding which suspicion may be raised. Any officer acting contrary to the above instructions makes himself responsible.

14. Neutral merchant ships under convoy of a man-of-war of a neutral Power are not subjected to visitation, but a declaration given by the commander of the convoy, that the papers of vessels under convoy are in order, and that they have no contraband on board, will be sufficient.

15. If a ship is captured, the captor must, under the same responsibility as is laid down in section 13, neither sell, exchange, or in any other way dispose of or lose any of the cargo, but he must, with the aid of the master or helmsman of the captured vessel, as far as lies in his power, seal or lock up the whole cargo.

The ship's papers are to be placed in an envelope by the captor, and sealed by the commander and the master. The ship is next to be brought, with the cargo unopened (unless the master consents, with a view to its preservation, to having it opened), to some Danish Port of Entry, or to the nearest place where the captor may expect military protection. The ship cannot be taken to other or foreign places, unless storm, bad weather, want of provisions, or hostile pursuit, makes it necessary, and even in this case the captor is bound, without breaking bulk, as soon as circumstances permit, to take the vessel to a Danish Port of Entry.

16. But if the cargo consists of perishable goods, or the ship, on account of damage received, cannot continue its voyage, the captor shall be permitted, on his own responsibility, or with the master's consent, to order what is considered best for the ship and cargo.

17. Immediately on arriving at a Danish Port with the captured vessel, the captor shall report himself to the Prize Court, which is appointed by section 1 of the Provisionary Law of the 13th instant respecting the investigation and adjudication of matters concerning hostile or suspected vessels.

III. Relative to the Treatment, &c., of the crew of captured vessels.

18. The crew of a captured vessel is to be maintained and cared for at the expense of the Royal Treasury, until judgment has been pronounced in the matter, but the master of the vessel must pay down caution money for the expenses already incurred, after judgment has been given in the first instance, if it is on his part that an appeal is demanded, as if the decision is given against him in the High Court of Admiralty, he has to refund the expenses connected with the appeal.

19. The crew found on board a captured and condemned ship are to be received by the authorities of the place and sent to the nearest fortress as prisoners of war, if the captured men are enemy's subjects. Subjects of friendly or neutral powers are to be handed over to their respective Consuls.

20. A copy of these Regulations must always be produced on demand on board every cruizer.

Ministry of Marine, February 16, 1864.

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