

International Law Studies—Volume 17

International Law Documents

Neutrality

Breaking of Diplomatic Relations

War

With Notes

U.S. Naval War College (Editor)

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nation and the resources of our Government to make war against the Imperial German Government, with the object of maintaining our rights, guarding our territory, and providing for our security, prevent any acts which may be attempted against us, and defend the navigation of the seas, the liberty of commerce, and the rights of neutrals and international justice.

ART. 2. The President of the Republic is hereby authorized to use all the land and naval forces in the form he may deem necessary, using existing forces, reorganizing them, or creating new ones, and to dispose of the economic forces of the nation in any way he may deem necessary.

ART. 3. The President will give account to Congress of the measures adopted in fulfillment of this law, which will be in operation from the moment of its publication in the official gazette.

Therefore, I command that the present law be complied with and executed in all its parts.

Given at the palace of the President in Habana, April the seventh, nineteen hundred and seventeen.

M. G. MENOCAI.

PABLO DESVERNINE,  
*Secretary of State.*

## DENMARK.<sup>1</sup>

*Royal proclamation in reference to neutrality, August 1, 1914.*

Under the serious conditions which have arisen for our country through the fateful occurrences of the last few days, we feel constrained to make the following statement to our people:

Never has the feeling of responsibility on the part of the individual or nation been more strongly aroused.

Our country is in friendly relations with all nations. We feel assured that the strong and impartial neutrality which has always been cherished as our foreign policy, and which will now be followed undeviatingly, will be respected by all.

But though this be the common view of the Government and of all responsible and thoughtful men, we also trust that no one, through untimely utterance of opinion, through thoughtless demonstration, or in similar ways, may compromise the dignity and serenity which are so essential to create reliance in our country's attitude. We feel convinced that the seriousness of the hour will impress the acts of all Danish men and women.

God protect our fatherland!

CHRISTIAN, R.  
ZAHLE.

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<sup>1</sup> See Norway, p. 183.

*Law by which it is forbidden to aid belligerent powers from Danish territory, August 2, 1914.*

AMALIENBORG, August 2, 1914.

We, Christian the Tenth, by the grace of God King of Denmark, of the Vandals and Goths, Duke of Slesvig, Holstein, the Ditmarshes, Lauenborg, and Oldenborg—

Cause to be known that the Rigsdag has adopted and we by our consent have confirmed the following law :

SECTION 1. By imprisonment, or under peculiarly mitigating circumstances with fine, is to be punished, in so far as more severe punishment is not provided, he who, in case of war in which the Danish State is neutral, within Danish territory commits any of the acts hereinafter mentioned :

1. Publicly induces entry into the armed forces of the belligerents, on land or at sea, or in any other way gives them warlike assistance, and also, when the Government has issued special prohibition against it, publicly invites participation in a State loan to any of the belligerent powers ;

2. In so far as the Government has issued special prohibitions against such acts, in any way takes service in the armed forces of the belligerent powers or on board their public ships, including therein the lading of their transports, or, except in case of accident through peril of the seas, assists them in navigation ;

3. Constructs or reconstructs, sells, or in any other way transfers, directly or indirectly, to any of the belligerent powers ships which it is known or there is reasonable ground to believe, are destined to warlike use ; as well as in any way assists in arming such ships or fitting them out for warlike undertakings ;

4. Supports any of the belligerent powers in their warlike undertakings, such as by supplying their warships with military supplies or armament, by supplying them with provisions or fuel beyond that which is permitted under royal regulations, by repairing such ships further than that which is absolutely necessary for the safety of navigation, or, besides, taking any measures with the object of increasing the strength or mobility in war of such ships ;

5. Assists in violations of neutrality against the Danish State by any of the belligerent powers.

The ordinary provisions of the criminal law for the punishment of participation or attempt shall be applied.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, August 2, 1914.

Under our royal hand and seal.

CHRISTIAN, R. [L. S.]  
ZAHLE.

*Amendment to the general criminal law of February 10, 1866, in reference to the establishment of foreign military intelligence departments in neutral territory August 2, 1914.*

We, Christian the Tenth, etc.

SECTION 1. Anyone who undertakes anything whereby a foreign military intelligence department is placed in a position, or is assisted, directly or indirectly, to operate within the domain of the Danish State, shall be punished, in so far as more severe punishment is not provided, with fine, imprisonment, or, under aggravating circumstances, with hard labor not to exceed two years.

SEC. 2. Complaint as to the above-mentioned acts can only occur upon the orders of the minister of justice.

This law goes into effect at once.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, August 2, 1914.

Under our royal hand and seal.

CHRISTIAN, R.  
ZAHLE.

*Amendment to section 13 of the law of May 15, 1875, concerning the supervision over foreigners, travelers, etc., August 2, 1914.*

We, Christian the Tenth, etc.

As to the second paragraph in section 13 there is inserted:

Furthermore, the minister of justice shall be entitled to deport persons who commit acts described in the law of this date amending the general criminal law of February 10, 1866, unless they are Danish subjects.

This law goes into effect at once.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg August 2, 1914.

Under our royal hand and seal.

CHRISTIAN, R.  
ZAHLE.

*Law in regard to compulsory pilotage into or out of Copenhagen, August 2, 1914.*

We, Christian the Tenth, etc.

SECTION 1. When conditions necessitate, as a measure for the enforcement of neutrality, that in waters in the vicinity of Copenhagen ships may not navigate without pilotage assistance, the minister in charge of the pilotage department is authorized to order compulsory pilotage on entering or leaving Copenhagen.

SEC. 2. The minister is authorized to make regulations in regard to the areas within which ships shall be subject to compulsory pilotage, as well as the rules which shall be observed in that respect.

SEC. 3. Compulsory pilotage is to be carried out without direct

expense to vessels. For every pilotage executed, going north or south, in the area between Taarbaek Reef and Kronelöbets Breakwater, the Government treasury shall pay the sum of 4½ kroner as the summer rate, and 6 kroner as the winter rate, irrespective of the size of the ship. In the period from April 1 to September 30, this sum is determined according to the summer rate, and in the remainder of the year according to the winter rate. For a pilotage service which falls within both periods, the sum is to be reckoned according to the rate in force at the time the service begins.

SEC. 4. As long as this compulsory pilotage continues, the three sound pilotage stations shall work with a common fund, and the sums so received shall be divided among the three stations in the ratio of the respective gross incomes of the stations during the last calendar year. The pilotage income which is to be paid into the common fund by the Helsingör (Elsinore) pilotage station is as far as concerns the channel and long pilotage, the share of this pilotage station in the fees for these pilotage services; and on behalf of the oresunds pilotage station, those sums which result after the accounting with the Viken pilotage station has been settled.

Section 42 of the pilotage law shall apply as far as concerns the sums due to each pilotage station under the distribution.

SEC. 5. If the above compulsory pilotage shall necessitate the appointment of assistant pilots at the stations, they shall be paid according to a share in the pilotage fees to be determined by the minister or by a settled monthly honorarium.

SEC. 6. The management of the pilot ship which will be placed on the station as a result of the provisions of this law, does not concern the sound pilotage stations.

From such a station ship the necessary watch and ship's service shall be rendered in regard to receiving pilots from and placing them on board ships.

SEC. 7. In so far as the expenses of the management of the pilot stations' steam and motor boats are larger than normal in comparison with the receipts, the minister may permit the increase to be met out of treasury funds. Said sum belongs to the "yal fund" of the pilotage station concerned.

SEC. 8. This law goes into force at once.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, August 2, 1914.

Under our royal hand and seat.

CHRISTIAN, R. (L. S.)

P. MUNCH.

*Notification concerning the relation of Danish subjects toward Government vessels of belligerent powers, August 11, 1914.*

Under penalty according to the law of August 2, 1914, forbidding support from Danish territory to belligerent powers, it is hereby forbidden Danish subjects to take service in any capacity in belligerent powers' public ships, including therein the pilotage of their warships or transports or, apart from accidents due to perils of the sea, to give them help in navigation. However, pilots authorized by the Danish authorities may, in accordance with the existing rules of neutrality, within their respective pilotage areas, pilot the ships of war of the belligerent powers on their entry into or departure from Danish harbors and roadsteads. On the occasion of such pilotage service, the Danish sanitary, pilotage, customs, harbor, and police regulations shall be observed and maintained.

The Ministry of Marine, August 11, 1914.

P. MUNCH.  
SAXILD.

*Amendment to the general criminal law of February 10, 1866, in reference to military defenses and violations of neutrality, September 9, 1914.*

We, Christian, etc.

Anyone who does the following acts, intentionally or negligently, shall be punishable with fine or simple imprisonment or under peculiarly aggravating circumstances with imprisonment upon customary prison fare not to exceed six months, in so far as a more severe punishment is not provided:

(a) Without due authorization, describes or draws plans of Danish military defense works, or copies or publishes such descriptions or drawings.

(b) Violates any regulations or prohibitions established by the civil or military authorities in execution of the Government's neutrality measures.

This law goes into force at once.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, September 9, 1914.

Under our royal hand and seal.

CHRISTIAN, R. [L. S.]  
ZAHLE.

*Law concerning penalty for violation of declaration touching importation and exportation, October 29, 1914.*

We, Christian the Tenth, etc.

Anyone who acts or attempts to act at variance with a declaration made by him before a public authority in regard to the destination of a ship or goods which he intends to export from or import into this country, as well as anyone who intentionally co-

operates to that end, shall be punished with fine from 500 to 10,000 kroner, or imprisonment; compare the general criminal law section 35, according to which the goods are confiscable. The fine shall go into the public treasury. The case is to be dealt with as a public police prosecution.

This law goes into force at once.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, October 29, 1914.

Under our royal hand and seal.

CHRISTIAN, R. [L. S.]

ZAHLE.

*Notification in regard to the prohibition from using the flag of a foreign nation April 10, 1915.*

As an addition to the existing regulations compare royal resolution of July 7, 1854, made public by the circular of the ministry of justice of August 2, 1854, it is forbidden in this country to hoist any other flag than the Dannebrog, as it is likewise forbidden to make use of the flag of a belligerent power either under the open sky or in inns, public houses, or other places where the public is admitted, whether the use thereof is for decoration or any other purposes.

The prohibition does not include:

(a) The ministers, consuls, or vice consuls of foreign States. These are entitled to hoist the flag which concerns them before their official offices in this country as well as before the residences of the ministers.

(b) Such persons as have received the permission of the ministry of justice to hoist a foreign national flag.

Violations of this notification will be punished according to law No. 200, September 9, 1914, amendment to the general criminal law of February 10, 1866.

If anyone violates this notification, he is bound, on request of the proper police authorities, to deliver up the unlawfully employed flag. The latter may then be taken into custody of the authorities until the case which is to be instituted on the occasion of the violation has been finally concluded.

This notification goes into force at once.

The ministry of justice, April 10, 1915.

ZAHLE.

*Temporary law concerning the amendment to the law of April 1, 1892, regarding the registration of Danish ships May 7, 1915.*

We, Christian the Tenth, etc.

No ship may obtain certificate of nationality or registration or temporary certificate of nationality without first securing the permission of the Government.

This law goes into force at once, and it shall remain in force until it is abrogated by royal resolution, but not beyond October 15, 1915.<sup>1</sup>

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, May 7, 1915.

Under our royal hand and seal.

CHRISTIAN R.

HASSING JÖRGENSEN.

*Law concerning temporary amendment to the General Criminal Law of February 10, 1866, in reference to attempts to cause partiality in commercial matters or public opinion in time of Neutrality, June 17, 1915.*

We, Christian Tenth, etc.,

1. Whoever publicly in writing or orally without warrant attacks Danish Government officials in order that in settlements concerning imports and exports there shall not be observed that impartiality as to belligerent countries which is required by neutrality, shall be punished, in so far as a more severe punishment is not provided by general laws, by fine of not less than 500 kroner or imprisonment.

The same punishment shall apply to whoever publicly in writing or orally endeavors to incite the population against a belligerent nation.

2. This law, which goes into effect at once, shall cease to be effective on January 1, 1916, if it has not been abrogated before that time by royal regulation.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, June 17, 1915.

Under our royal hand and seal.

CHRISTIAN R.

ZAHLE.

*Notification of prohibition of sale of Danish ships abroad, October 6, 1915.*

In regard to section 1 of the temporary law of August 7, 1914, as to the regulation of the price of necessities of life and commodities, compare law of November 16, 1914, concerning the punishment for violation of the measures taken in execution of said law, the following is ordered after discussion with the ministry of commerce:

SEC. 1. Until further notice it is forbidden under any form to transfer to foreign countries (foreign citizens, foreign firms, etc.) ships registered in the Danish registry of ships, or for which there has been issued a temporary Danish certificate of nationality.

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<sup>1</sup> By a law of October 15, 1915, the time was extended to March 5, 1916, and by a law of March 13, 1916, to October 15, 1916.

SEC. 2. Application for radiation from the ships registry in consequence of transfer to foreign countries will not until further notice be received by the bureau of registration and ships survey.

SEC. 3. This notice goes into effect at once.

The Ministry of the Interior, October 6, 1915.

OVE RODE.

FR. MARTENSEN-LARSEN.

*Law in regard to amendment of the General Criminal Law of February 10, 1866, in reference to false declarations of the ultimate destination of imported goods, April 5, 1916.*

We, Christian the Tenth, etc.

Whoever acts in contradiction to a declaration made by him before the committee of the wholesalers or the Industrial Council as to the manner in which he will deal with goods imported by him or which he intends to import into the country through the committee of wholesalers, or of which he has come into possession with the object of dealing in the same, shall be punished with imprisonment, or under mitigating circumstances with fine.

This law goes into effect at once, and shall cease to be effective January 1, 1917, if it has not been abrogated before that time by royal regulation.

All who are concerned shall govern themselves accordingly.

Given at Amalienborg, April 5, 1916.

Under our royal hand and seal.

CHRISTIAN R.  
ZAHLE.

## DOMINICAN REPUBLIC.

*Decree relating to clearance of merchant vessels November 25, 1914.*

[Gazeta Oficial, Dec. 9, 1914.]

Dr. Ramon Baez, Provisional President of the Republic:

Whereas it is the duty imposed by the neutrality of States to prevent any illicit traffic by sea;

In use of the faculties with which I am invested;

I decree:

ARTICLE 1. No merchant vessel shall be dispatched from the ports of the Republic without the statement from the consular agent of the country to which it belongs that the trip is a commercial one, and without the port of destination and stopping places being indicated.

Let it be communicated and published:

Given in Santo Domingo, etc., this 25th day of November, 1914.

Dr. BAEZ.

The Secretary of War and Marine,

PEDRO A. LLUBERES.