

City of Flint

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Two views in international law

I A neutral country shall allow prizes into its ports on the same conditions as it allows belligerent warships

i.e. 24 hour rules - or stress of weather etc - must have as soon as repaired or weather abated or within 24 hrs -

II Neutral may allow prize to enter its roadsstead whether conveyed or not and remain there to be adjudicated pending decision of Prize Court  
Prize crew left at liberty.

Rule I ~~is~~ was adopted by the U.S. Supreme Court in the *Appam* (1917) 243 U.S. 124 when the court ruled that U.S. ports could not be used as "harbors of safety"

It is also the rule of the Havana Convention on Maritime Neutrality 1928 and The Institut de Droit International At The Hague Conference 1907 G-B and Japan voted for rule I

Rule II is really the better established rule if one counts heads -

It is Art 23 of the 13<sup>th</sup> Hague Convention 1907

It was embodied in 3 treaties made by G B in 1762, 1786 and 1794 and in 3 treaties made by U S in 1778, 1783, 1785.

Belgium Brazil France Germany Italy, Netherlands, Russia, Serbia & Sweden voted in favour (U.S. abstained)

During the war Brazil & Uruguay permitted it.

The following countries have provided in their legislation for the sequestration of prizes.

Brazil 1914, France 1912, Germany 1913, Russia 1911, Uruguay 1914. JF 56.10.39