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International Law Documents: Regulation of Maritime Warfare

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port, and later to leave it, upon condition, that cargo shall neither be discharged, nor taken on there. The blockading force can instead, however, itself extend the assistance of which the ship is in need.—Ger. O. 1909.

Art. 48. In circumstances of distress, acknowledged by an authority of the blockading forces, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she neither discharges nor ships any cargo there.—Jap Reg. 1914.

Exemption, inward.

Art. XXX. To vessels coming under one of the following heads, the preceding article shall not apply:

1. When a vessel has permission of the Imperial Government or of the commanding officer of the blockading squadron or man-of-war.

2. When the master of the vessel has ventured to make a blockaded port his destination anticipating termination of the blockade and intending to steer for another port in case the blockade is still in force, or when there are extenuating circumstances and the vessel comes from a very distant place.

3. When it is clear that the master of a vessel bound for a blockaded port has abandoned the idea of reaching that port.

4. When a vessel enters a blockaded area, it having become necessary to put into port from want of provisions, rough weather, or any other unavoidable circumstance, and there being no other port or bay to put in.—Jap. Reg. 1904.

Exemption, outward.

Art. XXVIII. In any of the following cases the preceding article shall not be applied—

1. When a vessel comes out of the blockade area having a permit from the Imperial Government or from the commanding officer of the squadron or war vessel on duty of blockade.

2. When a vessel which entered the blockaded port during the existence of the blockade, having received no notice of the fact, sails out of the port without any cargo.

3. When a vessel which was in the port at the time of the declaration of the blockade sails out of the port without any cargo.

4. When a vessel which was in the port and was loaded before the declaration of the blockade sails out.—Jap. Reg. 1904.

CONTRABAND

Supply by neutral government forbidden.

Art. 6. The supply, in any manner, directly or indirectly, by a neutral power to a belligerent power, of warships, ammunition, or war material of any kind whatever, is forbidden.—XIII, H. C. 1907.
Shipment, neutral government not bound to prevent.

Art. 7. A neutral power is not bound to prevent the export or transit, for the use of either belligerant, of arms, ammunition, or, in general, of anything which could be of use to an army or fleet.—XIII, H. C. 1907; art. 7, V, H. C. 1907.

**Destination.**

3. If the documents accompanying a cargo constituting by its nature contraband of war and found on board a ship bound for a country bordering the enemy countries or a country occupied by the enemy do not specify the final and definite destination of the said cargo in a neutral country, or if the importation into the said neutral country of the articles composing the cargo is out of proportion to normal importation, implying an ulterior destination, the said cargo shall be subject to capture unless the interested parties can prove that the destination was really innocent.—Fr. Dec. July 7, 1916.

3. The destination mentioned in article 33 of the rules of naval warfare as elaborated by the London Maritime Conference may be proven by any sufficient evidence; and shall be presumed to exist not only in the case contemplated in article 34, but also if the goods are consigned to an agent of the hostile nation or for him, or to a trader or other person serving the authorities of the hostile nation, or for such trader or person.—Rus. Dec. Sept. 1, 1914.

3. The destination as contemplated in article 33 of the rules on naval war as prepared by the London Maritime Conference shall be presumed to be proven not only in the cases enumerated in article 34 of said rules but also in case the goods are consigned to the agent of or for a hostile nation.—Rus. Dec. 8, 1914.

37. Les articles énumérés ci-dessus sont de contrebande s’il vous apparaît qu’ils sont destinés à l’usage des forces armées ou à des administration de l’État ennemi, à moins, dans ce dernier cas, que les circonstances n’établissent qu’en fait ces articles ne peuvent être utilisés pour la guerre en cours; cette dernière réserve ne s’applique pas à l’or et à l’argent monnayés et en lingots, ni aux papiers représentatifs de la monnaie.—Fr. Ins. 1912.

38. Vous considérerez que les articles de contrebande conditionnelle ont la destination ci-dessus indiquée, si l’envoi est adressé aux autorités ennemies, ou à un commerçant établi en pays ennemi, et lorsqu’il est notoire que ce commerçant fournit au Gouvernement ennemi des objets et matériaux de cette nature. Il en est de même si l’envoi est à destination d’une place fortifiée ennemie ou d’une autre place servant de base d’opérations ou de ravitaillement aux forces armées ennemies.—Fr. Ins. 1912.

39. Si, sans en pouvoir trouver la preuve complète, vous avez cependant des raisons suffisantes de croire que les articles de contre-
bande conditionnelle, dont le déchargement doit avoir lieu en territoire ennemi ou occupé par l’ennemi, ont la destination hostile ci-dessus indiquée, vous pourrez saisir le navire porteur de cette contrebande.—Fr. Ins. 1912.

40. À défaut des présomptions ci-dessus, la destination est présumée innocente.—Fr. Ins. 1912.

**Destination presumption.**

**ART. 3.** Besides goods the enemy destination of which is clearly shown by documents, those which are carried by vessels bound to or calling at enemy ports or ports of their allies shall be considered as directly destined to enemy territory.

**ART. 4.** Goods are considered as directly destined to enemy territory—

(a) When they are destined to neutral ports, but consigned to the enemy or their allies, to their agents or recognized intermediaries, or to persons acting under their orders or directions or who may be under their influence.

(b) When they are destined to neutral ports, not comprised in the preceding subclause, but whose final destination to enemy territory may be deduced from the evident deviation from their normal course of the conveying vessel or when it is proved by any other means. The conveyance of goods to a country adjacent to enemy territory, or from which it is notorious that the latter obtains supplies of merchandise which the importing country in question has already imported in quantities exceeding its highest imports for the last three years, shall be considered as a well-founded assurance of the above enemy destination.—Port. Dec. 1916.

30. The captain must regard the hostile destination as indicated without further proof—

(a) When the merchandise is destined to be unloaded in a hostile port or for delivery to a hostile force.

(b) When the ship will touch only at enemy ports or when it will fall in with enemy forces before it will reach the neutral port to which the merchandise is consigned.—Ger. O. 1909.

31. If the ship has articles of absolute contraband on board, the data in the ship’s papers concerning her further voyage are to be accorded full credence, unless the ship has plainly deviated from the route designated in her ship’s papers, without being able to justify it, or facts appear which establish beyond doubt that the said data in the papers is false.—Ger. O. 1909.

**ART. XV.** The destination of a vessel is generally considered as also the destination of her cargo.—Jap. Reg. 1904.

**ART. 59.** Proof of the destination specified in the preceding article is complete in the following cases:
(1) When the goods are documented to be discharged in a port of the enemy or to be delivered to his armed forces.

(2) When the vessel is to call at enemy ports only, or when she is to touch at a port of the enemy or to join his armed forces, before arriving at the neutral port for which the goods are documented.—Jap. Reg. 1914.

Art. 60. The ship’s papers are complete proof of the voyage of a vessel transporting absolute contraband, unless the vessel is encountered by a Japanese ship of war, having manifestly deviated from the route which she ought to follow according to the ship’s papers and being unable to justify by sufficient reason such deviation.—Jap. Reg. 1914.

False destination.

Art. 1, Sec. 3. A neutral vessel whose ship’s papers indicate a neutral destination and which in spite of her neutral destination enters an enemy’s port, becomes liable to capture and confiscation if she is encountered before having completed her subsequent voyage.—Fr. Dec., Nov. 6, 1914.

2. A neutral vessel which has succeeded in conveying contraband to the enemy with false papers may be seized for the conveyance of such contraband if encountered before completing its return voyage.—Rus. Dec. Sept. 1, 1914.

2. A neutral vessel whose papers show a neutral destination, but which, in spite of the destination appearing from its papers, proceeds to a hostile port, shall be liable to seizure and confiscation if encountered before the completion of its next voyage.—Rus. Dec. Dec. 8, 1914.

47. (2) However, a neutral ship, whose papers show a neutral destination, and which, notwithstanding the destination resulting from such papers, is making an enemy port, will be exposed to capture and confiscation should it be encountered before having completed the current voyage.—Fr. Ins. 1916.

Art. II. A neutral ship, which according to her papers has a neutral destination, and which in spite of the destination indicated on her papers is making an enemy port, will be subject to capture and confiscation if she is encountered before the end of her return journey.—Italy, P. R. 1915.

List, destination, continuous voyage.

5. Are considered as contraband of war the objects and materials included in the respective lists approved by decree.

Articles of absolute and conditional contraband are seized when their destination is territory belonging to or occupied by the enemy, or when consigned to the enemy’s forces.
Both absolute and conditional contraband on board a ship proceeding to a neutral port is subject to seizure when the name of the consignee does not appear on the manifest, or when the ultimate consignee resides in territory belonging to or occupied by the enemy, or when the goods are consigned to agents of any enemy government, wherever established, or to third persons who are receivers of the goods on account of agents of an enemy government.—Italy, P. R. 1915.

29. Contraband consists only of such articles as are included in the list of contraband, and, in addition, are suspected of being for an enemy destination. Both conditions must be fulfilled. The principles of contraband, therefore, do not apply, if, for example the article in question is included in the list of contraband, but is not suspected of being for an enemy destination, or if articles are found which are not on the list but are destined for the enemy. In the case of contraband it is immaterial whether it is enemy or neutral property, but an article must never be treated as contraband merely because it is enemy property.—Ger. P. C. 1916.

**Absolute list.**

ART. 22. The following articles and materials are, without notice, regarded as contraband, under the name of absolute contraband:

1. Arms of all kinds, including arms for sporting purposes, and their unassembled distinctive parts.
2. Projectiles, charges, and cartridges of all kinds, and their unassembled distinctive parts.
3. Powder and explosives specially adapted for use in war.
4. Gun carriages, caissons, limbers, military wagons, field forges, and their unassembled distinctive parts.
5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draft, and pack animals suitable for use in war.
8. Articles of camp equipment and their unassembled distinctive parts.
10. Warships and boats and their unassembled parts specially distinctive as suitable for use only in a vessel of war.
11. Implements and apparatus made exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or of military material, for use on land or sea.

—D. of L. 1909.

24. The articles and materials mentioned in the following paragraphs (a), (b), (c), and (d), actually destined to territory belonging to or occupied by the enemy or to armed forces of the enemy, and the articles and materials mentioned in the following paragraph (e) actually destined for the use of the enemy Government or its armed forces, are, unless exempted by treaty, regarded as contraband.

(a) All kinds of arms, guns, ammunition, explosives, and machines for their manufacture or repair; component parts thereof;
materials or ingredients used in their manufacture; articles necessary or convenient for their use.

(b) All contrivances for or means of transportation on land, in the water, or air, and machines used in their manufacture or repair; component parts thereof; materials or ingredients used in their manufacture; instruments, articles, or animals necessary or convenient for their use.

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations.

(d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

(e) All kinds of fuel, food, foodstuffs, feed, forage, and clothing and articles and materials used in their manufacture.—U. S. Ins. 1917.

29. A moins de stipulation spéciale des traités ou de décision particulière du Gouvernement de la République, vous considérerez de plein droit comme contrebande de guerre les objets et matériaux suivants, compris sous le nom de contrebande absolue, dont la destination hostile apparaîtra comme il est dit plus loin:

1. Les armes de toute nature, y compris, les armes de chasse et les pièces détachées caractérisées;
2. Les projectiles, gargousses et cartouches de toute nature et les pièces détachées caractérisées;
3. Les poudres et explosifs spécialement affectés à la guerre;
4. Les affûts, caissons, avant-trains, fourgons, forges de campagne et les pièces détachées caractérisées;
5. Les effets d'habillement et d'équipement militaires caractérisés;
6. Les harnachements militaires caractérisés de toute nature;
7. Les animaux de selle, de trait et de bât utilisables pour la guerre;
8. Le matériel de campement et les pièces détachées caractérisées;
9. Les plaques de blindage;
10. Les bâtiments et embarcations de guerre et les pièces détachées spécialement caractérisées;
11. Les instruments et appareils exclusivement faits pour la fabrication des munitions de guerre, pour la fabrication et la réparation des armes et du matériel militaire terrestre ou naval.

—Fr. Ins. 1912.

21. The following will be regarded as contraband of war, without any official declaration, under the designation of absolute contraband articles and materials:

1. Arms of every kind, including hunting weapons and all recognized parts belonging to them.
2. Projectiles, charges, and cartridges of all kinds, as well as their recognized parts belonging to them.
3. Powder and explosives which are especially intended for war use.
4. Gun mounts, ammunition, carriages, limbers, supply wagons, field forges, and their recognized parts.
5. Articles of clothing and equipment distinctly military.
6. Harness of all kinds distinctly military.
7. Mounts, draft and pack animals capable of use in war.
8. Camping equipment and its recognized parts.
10. War ships and other war craft, as well as such parts as from their special nature can be used only on board a vessel of war.
11. Tools and equipment which have been constructed exclusively for the preparation of war material or for the manufacture and repair of arms and land or sea material of war.

—Ger. O. 1909.

Art. VI. Under the denomination contraband of war, the following articles are included: Cannons, machine guns, mortars, guns, all kinds of arms and firearms, bullets, bombs, grenades, fuses, cartridges, matches, powder, sulphur, saltpeter, dynamite and every kind of explosive, articles of equipment like uniforms, straps, saddles and artillery and cavalry harness, engines for ships and their accessories, shafts, screws, boilers and other articles used in the construction, repair, and arming of war ships, and in general all war-like instruments, utensils, tools, and other articles, and whatever may hereafter be determined to be contraband.—Spain, Dec. 1898.

Art. XIII. The following goods are contraband of war when they are destined to the enemy’s territory or to the enemy’s army or navy: Arms, ammunition, explosives, and materials (including also lead, saltpeter, sulphur, etc.), and machines for manufacturing them, cement, uniforms, and equipment for army and navy, armor plates, materials for building ships and their equipments, and all articles to be used solely for hostile purposes.—Jap. Reg. 1904.

Art. I. Goods mentioned below are absolute contraband of war:

Transportation of contraband of war.

Art. 55. When there are no special provisions, materials and articles mentioned below are regarded as absolute contraband of war:

(1) Arms of all kinds, including arms for sporting purposes, and their unassembled distinctive parts.
(2) Projectiles, charges, and cartridges of all kinds, and their unassembled distinctive parts.
(3) Powder and explosives specially adapted for use in war.
(4) Gun carriages, caissons, limbers, military wagons, field forges, and their unassembled distinctive parts.

(5) Clothing and equipment of a distinctively military character.

(6) All kinds of harness of a distinctively military character.

(7) Engineering tools and materials of a distinctively military character.

(8) Saddle, draught, and pack animals suitable for use in war.

(9) Articles of camp equipment and their unassembled distinctive parts.

(10) Armor plates.

(11) War ships and boats and their unassembled parts specially distinctive as suitable for use only in a vessel of war.

(12) Balloons and flying machines and their unassembled distinctive parts as also their accessories, articles, and materials distinctive as intended for use in connection with balloons or flying machines.

(13) Implements and apparatus made exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or of military material for use on land or sea.

Absolute, notification.

Art. 23. Articles and materials which are exclusively used for war may be added to the list of absolute contraband by means of a notified declaration. The notification is addressed to the governments of other powers or to their representatives accredited to the power which makes the declaration. A notification made after the opening of hostilities is addressed only to neutral powers. —D. of L, 1909.

23. In the absence of notice of change which the Government of the United States may make at the outbreak of or during war, the following classification and enumeration of contraband will govern commanders of ships of war.—U. S. Ins. 1917.

31. Le cas échéant, vous recevrez une liste complémentaire d'objets et de matériaux exclusivement employés à la guerre, que le Gouvernement jugerait utile, au cours des hostilités, d'ajouter aux objets de contrebande absolue énumérés ci-dessus.—Fr. Ins. 1912.

2. Notices shall be published from time to time in the Journal Officiel regarding any new additions or amendments to the list of articles of contraband specified in the present decree.—Fr. Ins. 1914.

22. Absolute contraband will include, further, those articles and materials which shall be expressly declared as absolute contraband by the German Empire.—Ger. O. 1909.

13. Objects acknowledged as contraband of war are announced for general information in a special declaration. Exempt from confiscation are those of these objects which constitute, properly speaking, the armament and provisioning of vessels of neutral nationality.—Rus. Reg. 1895.

8. The contraband of war are the articles which are mentioned in the regulations governing the contraband of war. Regulations governing the contraband of war shall be promulgated separately.—China, Reg. 1917.
Absolute, destination.

Art. 58. Articles and materials mentioned in article 55 are liable to capture if they are deemed to be destined to the territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails either transshipment or transport over land.—Jap. Reg. 1914.

Art. 31. Proof of the destination specified in article 30 is complete in the following cases: (1) When the goods are documented to be discharged in a port of the enemy, or to be delivered to his armed forces. (2) When the vessel is to call at enemy ports only, or when she is to touch at a port of the enemy or to join his armed forces, before arriving at the neutral port for which the goods are documented.—D. of L. 1909.

Art. 32. The ship’s papers are complete proof of the voyage of a vessel transporting absolute contraband, unless the vessel is encountered having manifestly deviated from the route which she ought to follow according to the ship’s papers and being unable to justify by sufficient reason such deviation.—D. of L. 1909.

72. A destination to territory belonging to or occupied by the enemy or to the armed forces of the enemy is presumed to exist if the contraband is consigned "to order," "to order or assigns," or with an unnamed consignee, but in any case going to territory belonging to or occupied by the enemy, or to neutral territory in the vicinity thereof.—U. S. Ins. 1917.

(a) The hostile destination required for the condemnation of contraband articles shall be presumed to exist until the contrary is shown, if the goods are consigned to or for an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or to or for a person who, during the present hostilities, has forwarded contraband goods to an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or if the goods are consigned "to order," or if the ship’s papers do not show who is the real consignee of the goods.—Br. O. in C. July 7, 1916.

33. La destination ennemie de la contrebande absolue est considérée comme définitivement prouvée dans les cas suivants:

1. Lorsque la marchandise est documentée pour être débarquée dans un port de l’ennemi ou pour être livrée à ses forces armées;

2. Lorsque, bien que la marchandise soit documentée pour un port neutre, le navire ne doit aborder qu’à des ports ennemis, ou lorsqu’il doit toucher à un port de l’ennemi, ou rejoindre ses forces armées avant d’arriver au port neutre pour lequel la marchandise est documentée.—Fr. Ins. 1912.

33. The enemy destination of absolute contraband is presumed, in the absence of proof to the contrary in the following cases:
1. When the merchandise is consigned in a neutral port to or for an agent of the enemy state; the same is true if the merchandise is consigned to or for a person who, during the present war, has expedited articles of contraband to territory, enemy or occupied by the enemy.

2. When merchandise, loaded on a vessel destined to a neutral port of Europe, is consigned to order, or when the papers on board do not indicate the consignee or when they indicate a consignee in a territory, enemy or occupied by the enemy.—Fr. Ins. 1916.

34. Les papiers de bord font preuve complète de l’itinéraire du navire transportant de la contrebande absolue, à moins que le navire ne soit rencontré ayant manifestement dévié de la route qu’il devrait suivre d’après ses papiers de bord et sans pouvoir justifier d’une cause suffisante de cette déviation.—Fr. Ins. 1912.

Art. 2. The goods mentioned in the preceding article are considered contraband of war when they are destined either directly or indirectly to enemy territory or their allies’ territory.—Port. Dec. 1916.

Absolute, continuous voyage.

Art. 30. Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails either transshipment or transport over land.—D. of L. 1909.

69. Contraband, in paragraph 24 (a), (b), (c), and (d), is liable to capture if its actual destination is the territory belonging to or occupied by the enemy, or the armed forces of the enemy. It is immaterial whether the carriage of the contraband to such actual destination be direct in the original vessel or involve transshipment or transport overland.—U. S. Ins. 1917.

32. Les articles énumérés ci-dessus sont de contrebande, s’il vous apparaît qu’ils sont destinés au territoire de l’ennemi ou à un territoire occupé par lui ou à ses forces armées. Peu importe que le navire transporteur soit lui-même à destination d’un port neutre.—Fr. Ins. 1912.

Art. 2. Where it is shown to the satisfaction of one of His Majesty’s principal secretaries of state that the enemy government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.—Br. O. in C. Oct. 29, 1914.
ART. 1, Sec. 6. When it shall be proved to the Government of the Republic that an enemy’s government derives from a neutral country, or by transit through a neutral country, provisions for its armed forces, necessary measures shall be taken to the end that article 35 of the Declaration of London shall not apply to ships bound for such neutral country. Such measures shall be published in the Journal Officiel and shall remain in force until rescinded; during which period ships transporting conditional contraband to a port of said neutral country shall not be exempt from capture.—Fr. Dec. Nov. 6, 1914.

Conditional, list.

ART. 24. The following articles and materials susceptible of use in war as well as for purposes of peace are, without notice, regarded as contraband of war, under the name of conditional contraband:

1. Food.
2. Forage and grain suitable for feeding animals.
3. Clothing and fabrics for clothing, and boots and shoes suitable for military use.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war, and their unassembled parts.
6. Vessels, craft, and boats of all kinds, floating docks, parts of docks, as also their unassembled parts.
7. Fixed railway material and rolling stock and material for telegraphs, radio telegraphs, and telephones.
8. Balloons and flying machines and their unassembled distinctive parts, as also their accessories, articles and materials distinctive as intended for use in connection with balloons or flying machines.
10. Powder and explosives which are not specially adapted for use in war.
11. Barbed wire, as also the implements for placing and cutting the same.
13. Harness and saddlery material.
14. Binocular glasses, telescopes, chronometers, and all kinds of nautical instruments.

—D. of L. 1909.

35. Vous considérez de plein droit comme contrebande de guerre les objets et matériaux suivants, qui, susceptibles de servir aux usages de la guerre comme à des usages pacifiques, sont compris sous le nom de contrebande conditionelle, et dont la destination hostile apparaîtra comme il est dit plus loin, savoir:

1. Les vivres;
2. Les fourrages et les graines propres à la nourriture des animaux;
3. Les vêtements et les tissus d’habillement, les chaussures propres à des usages militaires;
4. L’or et l’argent monnayé et en lingots, les papiers représentatifs de la monnaie;
5. Les véhicules de toute nature pouvant servir à la guerre, ainsi que les pièces détachées;
6. Les navires, bateaux et embarcations de tout genre, les docks flottants, parties de bassins, ainsi que les pièces détachées;
7. Le matériel fixe ou roulant des chemins de fer, le matériel des télégraphes, radiotélégraphes ou téléphones;
8. Les aérostats et les appareils d’aviation, les pièces détachées caractérisées ainsi que les accessoires, objets et matériaux caractérisés comme devant servir à l’aérostation ou à l’aviation;
9. Les combustibles et matières lubrifiantes;
10. Les poudres et les explosifs qui ne sont pas spécialement affectés à la guerre;
11. Les fils barbelés, ainsi que les instruments servant à les fixer ou à les couper;
12. Les fers à cheval et le matériel de maréchalement;
13. Les objets de harnachement et de sellerie;
14. Les jumelles, télescopes, chronomètres et les divers instruments nautiques.—Fr. Ins. 1912.

23. As contraband of war, without necessity for being so declared, will be regarded the following which are capable of use for war as well as for peace purposes, under the designation of articles and materials conditionally contraband:

1. Food.
2. Forage and grain suitable for animals feed.
3. Articles of clothing, cloth, and footwear suitable for military purposes.
4. Gold and silver, minted or in bards, and paper money as well.
5. Vehicles of any kind suitable for use in war and their parts.
6. Ships, boats, and vessels of any kind, floating docks and equipment for dry docks and their parts.
7. Fixed or rolling railway material, telegraph, radio, and telephone material.
8. Airships and flying machines, their recognized constituent parts, as well as accessories, articles, and material which can be recognized as of use for aeronautic and aviation purposes.
10. Powder and explosives which are not expressly intended for war purposes.
11. Barbed wire and tools for fixing it in place and cutting it.
12. Horseshoes and farriers equipment.
13. Harness and saddles.
14. Binoculars, telescopes, chronometers, and all kinds of nautical instruments.

As “food” shall be considered all material, solid and liquid, serving as food for human beings. The expression “paper money” includes banknotes, but not bills of exchange, nor checks. Boilers and machinery come under No. 6 of the list. All “fixed railway material” includes among other things, rails, ties, turntables, bridge parts.—Ger. O. 1909.
Art. XIV. The following goods are contraband of war in case they are destined to the enemy's army or navy, or in case they are destined to the enemy's territory and from the landing place it can be inferred that they are intended for military purposes: Provisions and drinks, clothing and materials for clothing, horses, harnesses, fodder, wheeled vehicles, coal, and other kinds of fuel, timber, currency, gold and silver bullion, materials for telegraph, telephone, and railroad.—Jap. Reg. 1904.

Art. 56. Where there are no special provisions, materials and articles mentioned below are regarded as conditional contraband of war:

1. Food.
2. Forage and grain suitable for feeding animals.
3. Clothing and fabrics for clothing, boots and shoes, suitable for military use.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war, and their unassembled parts.
6. Vessels, craft, and boats of all kinds, floating docks, parts of docks, as also their unassembled parts.
7. Fixed railway material and rolling stock, and material for telegraphs, radio telegraphs, and telephones.
8. Fuel; lubricants.
9. Powder and explosives which are not specially adapted for use in war.
10. Barbed wire as also the implements for placing and cutting the same.
11. Horseshoes and horseshoeing materials.
12. Harness and saddlery material.
13. Binocular glasses, telescopes, chronometers, and all kinds of nautical instruments.


Conditional, notification.

Art. 25. Articles and materials susceptible of use in war as well as for purposes of peace, and other than those enumerated in articles 22 and 24, may be added to the list of conditional contraband by means of a declaration, which must be notified in the manner provided for in the second paragraph of article 23.—D. of L. 1909.

36. Les cas échéant, vous recevrez une liste complémentaire d'objets et matériaux susceptibles de servir aux usages de la guerre comme aux usages pacifiques, que le Gouvernement jugerait utile, au cours des hostilités, d'ajouter aux objets de contrebande conditionnelle énumérés ci-dessus.—Fr. Ins. 1912.

Conditional, destination.

Art. 33. Conditional contraband is liable to capture if it is shown that it is destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the articles can not in fact be used for the
purposes of the war in progress. This latter exception does not apply to a consignment coming under article 24 (4).—D. of L. 1909.

Art. 34. There is presumption of the destination referred to in article 33 if the consignment is addressed to enemy authorities, or to a merchant, established in the enemy country, and when it is well known that this merchant supplies articles and material of this kind to the enemy. The presumption is the same if the consignment is destined to a fortified place of the enemy, or to another place serving as a base for the armed forces of the enemy; this presumption, however, does not apply to the merchant vessel herself bound for one of these places and of which vessel it is sought to show the contraband character. Failing the above presumptions, the destination is presumed innocent. The presumptions laid down in this article admit proof to the contrary.—D. of L. 1909.

71. A destination for the use of the enemy government or its armed forces is presumed to exist if the contraband is consigned—

(a) To enemy authorities.

(b) To a port of equipment or supply of the armed forces of the enemy or other place serving as a base for such armed forces.

(c) To a contractor or agent in enemy territory who, by common knowledge, supplies articles of the kind in question to the enemy authorities.—U. S. Ins. 1917.

Art. 1, Sec. 4. The destination referred to in article 33 of the Declaration of London apart from the presumption covered by article 34 is presumed to exist if the merchandise is consigned to or for an agent in the enemy country.—Fr. Dec. Nov. 6, 1914.

Conditional, destination of vessel.

43. Les papiers de bord font preuve complète de l'itinéraire du navire ainsi que lieu de déchargement des marchandises, à moins que ce navire ne soit rencontré ayant manifestement dévié de la route qu'il devait suivre d'après ses papiers de bord et sans pouvoir justifier d'une cause suffisante de cette déviation.—Fr. Ins. 1912.

32. Articles of conditional contraband are subject to seizure as far as the conditions of No. 35 are fulfilled, when it is clear that they are destined for the use of the forces or the supply depots of the enemy State, unless in the latter case, according to the evidence of circumstances, these articles can not actually be used for the war in progress. Gold and silver in coin or in bullion, as well as paper money, is in consequence always to be regarded as capable of use in the war. Administrative authorities which are not directly subject to the central government (as, for example, city and local governments) are not to be considered as administrative authorities of the State.—Ger. O. 1909.
33. The captain must, in the absence of circumstances to the contrary, regard the hostile destination as evident—

(a) When the consignment is addressed to an enemy authority, or (b) to a dealer situated in the enemy country of whom it is known that he is a supplier to the forces or to the administrative authorities of the enemy State of articles of questionable character or source; or (c) when the consignment is addressed to a fortified place of the enemy; or (d) to another place which serves the enemy forces as a base of operations or supplies.

Merchant vessels themselves are, however, not on that account to be regarded as destined for the enemy forces, etc., because they are proceeding to one of the places referred to under (c) and (d); on the contrary there must be still other circumstances in order to justify the assumption of a hostile destination, according to 32.—Ger. O. 1909.

Art. 33. In the absence of conditions to the contrary, the hostile destination referred to in article 32 is to be presumed when (a) the goods are consigned to an enemy authority or the agent of such or to a dealer shown to have supplied articles of the kind in question or products thereof to the armed forces or the administrative authorities of the enemy state; (b) the goods are consigned to order or the ship's papers do not show who is the consignee or the goods are consigned to a person in territory belonging to or occupied by the enemy; (c) the goods are destined for an armed place of the enemy or a place serving as a base of operations of supplies to the armed forces of the enemy. Merchant vessels themselves are not to be considered as destined for the armed forces or the administrative authorities of the enemy solely for the reason that they are found en route to one of the places referred to under letter (c).—Ger. O. Amendment, Apr. 18, 1915.

34. When under the conditions of 33 there is apparently no clear case, the captain will assume a hostile destination in the sense of No. 32 only when there is a well-grounded prospect to prove its existence.—Ger. O. 1909.

36. When a ship has conditional contraband on board, the data in the ship's papers concerning her further movements and the ports of discharge of her merchandise are to be accepted without reserve, unless it is clear that the ship has deviated from the course laid down in the ship's papers, without sufficient justification, or facts are evident which establish beyond doubt that the data mentioned by the papers are false.—Ger. O. 1909.

27. When the ship's papers contain no data concerning the further movements of the ship, or leave it optional with her to touch at a hostile port, the captain may assume that she is on the way to a hostile port. When the ship's papers contain no data concerning
the ports of discharge of articles of conditional contraband, or leave it optional with the ship to discharge these articles in an enemy port, the captain may assume—so far as the ship may or will touch at a hostile port—the articles in question are to be discharged at that port.—Ger. O. 1909.

Art. III. The destination indicated in article 33 of the Declaration of London will be presumed to be the real one (in addition to the presumptions provided for in art. 34) if the cargo is consigned to an agent of an enemy state or to order of an agent of an enemy state.—Italy, Dec., June 3, 1915.

Art. 61. Articles and materials of article 56 are liable to capture if it is deemed that they are destined for the use of the armed forces or of a government department of the enemy state, unless in this latter case the circumstances show that the articles can not in fact be used for the purpose of the war in progress. This latter exception does not apply to a consignment coming under article 56 (4).—Jap. Reg. 1914.

Art. 62. In one of the following cases, the materials and articles enumerated in article 56 are presumed to have the destination referred to in the preceding article—

(1) When the consignment is addressed to enemy authorities.

(2) When the consignment is addressed to a merchant, established in the enemy country, and when it is well known that this merchant supplies articles and material of this kind to the enemy.

(3) When the consignment is addressed to an agent of the enemy government or to a merchant or others who are under control of the enemy government.

(4) When the consignment is addressed to a fortified place of the enemy, or to another place serving as a base of operation or supply depot for the armed forces of the enemy.—Jap. Reg. 1914.

Conditional, continuous voyage.

5. In modification of the provisions of article 35 of the rules of the London Maritime Conference, conditional contraband shall be liable to seizure, provided the destination mentioned in article 33 is proven, no matter what port the vessel may be bound for and no matter what port the cargo is intended to be discharged in.—Rus. Dec. Sept. 1, 1914.

5. If the Russian Government becomes convinced that a hostile government is obtaining supplies for its armed forces from or through any neutral country, it shall be the duty of the marine department, with the consent of the Minister of Foreign Affairs, to take the necessary measures in order that article 35 may not be applicable to vessels sailing to the ports of such country. The order to this effect shall be published in the Collection of Laws and Measures
of the Government, and shall remain in force until repealed. While such order remains in force a vessel conveying conditional contraband to the ports of the said country shall not be exempt from seizure.—Rus. Dec. Dec. 8, 1914.

Art. 1. Notwithstanding the provisions of article 35 of the said declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods or if they show a consignee of the goods in territory belonging to or occupied by the enemy. In the cases covered by the preceding paragraph, it shall lie upon the owners of the goods to prove that their destination was innocent.—Br. O. in C., Oct. 29, 1914.

Art. 5. Notwithstanding the provisions of article 35 of the said declaration, conditional contraband, if shown to have the destination referred to in article 32, is liable to capture, to whatever port the vessel is bound and at whatever port the cargo is to be discharged.—Br. O. in C., Aug. 20, 1914.

Art. 1, Sec. 5. Notwithstanding the provisions of article 35 of the Declaration of London, conditional contraband is liable to capture if found on board a ship bound for a neutral port, when the merchandise is consigned to order or when the ship's papers do not specify a consignee in the territory belonging to or occupied by the enemy. In the above-mentioned case it is incumbent upon the owners of the merchandise to prove that the destination was innocent.—Fr. Dec. Nov. 6, 1914.

4. Contrary to article 35 of the rules on naval war, as prepared by the London Naval Conference, articles of conditional contraband shall be liable to seizure on a vessel proceeding to a neutral port if the goods are sent "to order" or if the ship's papers do not indicate the consignee of the goods or indicate a consignee in the hostile territory or a territory occupied by the enemy. In the cases referred to in the present article the burden of proof that the destination of the goods was lawful shall rest upon the owners thereof.—Rus. Dec., Dec. 8, 1914.

1. The provisions of the Declaration of London, Order in Council, No. 2, 1914, shall not be deemed to limit or to have limited in any way the right of His Majesty, in accordance with the law of nations, to capture goods upon the grounds that they were conditional contraband, nor to affect or to have affected the liability of conditional contraband to capture, whether the carriage of the goods to their destination be direct or entail transshipment or a subsequent transport by land.—Br. O. in C., Mar. 30, 1916.

The principle of continuous voyage or ultimate destination shall be applicable, both in cases of contraband and a blockade.—Br. O. in C., July 7, 1916.
29. Articles of absolute contraband are subject to seizure when it is evident that they are destined for the hostile country or for a country occupied by the hostile forces. It makes no difference whether the delivery of these goods be accomplished directly, or by transshipment or forwarding by land.—Ger. O. 1909.

35. Articles of conditional contraband are subject to seizure only on board a ship which is on the way to the enemy country or a place held by the enemy or to the enemy forces and when these articles are not to be discharged in an intermediate neutral port, i.e., a port at which the ship must call before reaching any final destination.—Ger. O. 1909.

Art. 35. Articles of conditional contraband are liable to seizure only on a vessel en route to territory belonging to or occupied by the enemy or to the armed forces of the enemy, and such vessel is not intended to unload these articles in an intermediate neutral port—that is to say, in a port at which the vessel is to call previous to reaching the ultimate destination designated. This paragraph shall not apply if the conditions provided in article 33, letter B, are present or if the vessel is bound for a neutral country with regard to which it is shown that the enemy government draws articles of the kind in question from that country.—Ger. O. Amendment, Apr. 18, 1915.

38. If the hostile territory has no seacoast, the provisions of No. 35 do not apply, and it is sufficient in such case for the conditions of 32 to be fulfilled, to justify the seizure of articles of conditional contraband.—Ger. O. 1909.

Art. IV. In spite of the dispositions of article 35 of the Declaration of London conditional contraband will be subject to capture on board a vessel proceeding to a neutral port if the ship's manifests do not indicate the name of the consignee, or if they show that the consignee resides in territory belonging to or occupied by the enemy.—Italy, Dec. 1915.

Art. V. In the cases indicated in the preceding Article IV the burden of proving the innocent destination of the goods rests with their owner.—Italy, Dec. 1915.

Art. VI. When the King's Government learns that an enemy government is supplying its armed forces by means of or across a neutral country, the Ministers of Foreign Affairs and Marine may take concerted action to exclude from the operation of article 35 of the Declaration of London all vessels proceeding to ports in such countries. Decisions of this nature will be published in the Official Gazette, and will be enforced until superseded by another decision of the same nature. For the whole period during which such decisions are in force, vessels carrying conditional contraband to ports of such countries will be liable to capture.—Italy, Dec. 1915.
APPENDIX II. By the designation "to the enemy" is meant transportation to his fleet, to one of his ports, or even to a neutral port if the latter, according to obvious and indisputable proofs, merely serves as an intermediate station to the enemy and as the final goal of all transportations.—Rus. Ins. 1900.

Art. XVI. In case a vessel is bound for a place not in the enemy's territory, but if her intermediate port of call is an enemy's port, or in case there is reason to believe the vessel is to meet enemy's ships during the voyage, the destination of such vessels shall be considered as enemy's territory.—Jap. Reg. 1904.

Art. XVII. If a vessel bound for a port not in the enemy's territory carries a cargo which there is reason to believe is to be transported to the enemy's territory, such voyage shall be considered as continuous and the ship as destined to the enemy's territory from the first, whether she arrive at the port and land her cargo or not.—Jap. Reg. 1904.

Art. 63. Articles and material coming under article 56 are liable to capture, no matter what the destination of the ship is and what the port of discharge of the articles and material is, if it is considered that the articles and material are consigned as specified in article 61. The ship's papers are conclusive proof of the voyage of the vessel as also of the port of discharge of the goods. However, this rule does not apply where there is sufficient proof that the goods have the destination of article 61.—Jap. Reg. 1914.

Art. 35. Conditional contraband is not liable to capture, except when on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged at an intervening neutral port. The ship's papers are conclusive proof of the voyage of the vessel as also of the port of discharge of the goods, unless the vessel is encountered having manifestly deviated from the route which she ought to follow according to the ship's papers and being unable to justify by sufficient reason such deviation.—D. of L. 1909.

Art. 36. Notwithstanding the provisions of article 35, if the territory of the enemy has no seaboard, conditional contraband is liable to capture if it is shown that it has the destination referred to in article 33.—D. of L. 1909.

70. Contraband, in paragraph 24 (e), is liable to capture if it is actually destined for the use of the enemy government or its armed forces. It is immaterial whether the carriage of contraband be direct in the original vessel, or involve transshipment or transport overland.—U. S. Ins. 1917.

41. Les articles dits "de contrebande conditionnelle" n'ont le caractère de contrebande que si le navire transporteur fait route vers le
territoire de l'ennemi ou vers un territoire occupé par lui ou vers ses forces armées, et s'il ne doit pas les décharger dans un port intermédiaire neutre.—Fr. Ins. 1912.

41. Articles so-called of conditional contraband have the character of contraband only if the ship transporting them is making way to the territory of the enemy or to a territory occupied by him, or to his armed forces.—Fr. Ins. 1916.

41 (2). Conditional contraband is, however, subject to capture if the ship being for destination of a neutral port, the merchandise is consigned to order or if the ship's papers do not show the consignee, or also if they show a consignee in an enemy country or occupied by the enemy. In cases thus considered, it is for the owners of the merchandise to prove the destination is innocent.—Fr. Ins. 1916.

41 (3). When, in conformity with Article VI of the decree of November 6, 1914, the Government will have decided to suspend for a neutral country the application of article 35 of the Declaration of London, paragraph 41 of the present instruction will cease to be applied to ships going to the ports of the said country, and the merchandise on board these ships will not be exempt from capture. This measure will be published in the Journal Officiel, and will remain applicable until it shall have been revoked.—Fr. Ins. 1916.

42. Toutefois, si le territoire de l'ennemi n’a pas de frontière maritime, les articles ci-dessus ont le caractère de contrebande par le seul fait de leur propre destination hostile, encore que le navire transporteur ait lui-même une destination neutre.—Fr. Ins. 1912.

Liability.

ART. 39. Contraband is liable to condemnation.—D. of L. 1909.

ART. 71. Contraband is liable to condemnation.—Jap. Reg. 1914.

Liability of vessel.

ART. 40. The confiscation of the vessel carrying contraband is allowed if the contraband forms, either by value, by weight, by volume, or by freight, more than half the cargo—D. of L. 1909.

A vessel carrying contraband shall be liable to capture and condemnation if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.—Br. O. in C., July 7, 1916.

49. Vous capturerez le navire transportant de la contrebande si cette contrebande forme, soit par sa valeur, soit par son poids, soit par son volume, soit par son fret, plus de la moitié de la cargaison.—Fr. Ins. 1912.

2. Whenever contraband merchandise seized on a ship forms by its value, its weight, its volume, or its burden more than one-half of the cargo, the ship and its entire cargo are subject to confiscation.—Fr. Dec. July 7, 1916.
50. Vous vous bornerez à saisir le navire transportant de la contrebande si cette contrebande est en proportion inférieure à celle ci-dessus indiquée.—Fr. Ins. 1912.

Art. 5. Besides any other goods which shall be considered as such, the following shall always be considered as legitimate prizes:

(a) Ships carrying contraband of war the value, weight, size, or freight of which amounts to more than half the value, weight, size, or freight of her cargo.

(b) Ships on their return voyage after having carried contraband in the manner described in the preceding subclause.

(c) Ships not included in subclauses (a) and (b), habitually employed in contraband traffic or other traffic which may be qualified as that of rendering assistance to the enemy.

(d) Ships of enemy ownership which by their build, armament, or internal disposition and fittings may be converted into ships of war.—Port. Dec. 1916.

41. Ships which are themselves contraband are subject to confiscation. A ship brought in because of carrying contraband is subject to capture when the contraband, in value, weight, volume or freight charges, constitutes more than half the cargo.—Ger. O. 1909.

42. In the cargo, subject to confiscation are: (a) Articles which may be seized as absolute or conditional contraband. (b) Merchandise belonging to their owner. The rest of the cargo of a neutral ship, inclusive of any enemy goods, is not confiscable.—Ger. O. 1909.

Art. 10. Vessel liable to capture:

(5) If the cargo is composed in whole or more than two-thirds of contraband of war. In the case of the illicit part of the cargo being less than two-thirds only, the articles which are contraband of war will be confiscated, and to unload them the ship will be conducted to the nearest and most convenient Spanish port. It must be understood that goods directly and immediately affecting the war are contraband only when destined for the enemy’s ports, for when they are consigned to a neutral port these goods are munitions of war, but not contraband. But if a vessel is dispatched for a neutral port in proper form, but makes for a port of the enemy, then, if found near to one of these ports or sailing in quite a different direction than the proper one shown in her papers, she shall be captured if the captain can not prove that force majeure drove him from his proper course.—Spain, Ins. 1898.

Par. 1. Merchant vessels of neutral nationality which transport war contraband, are confiscated, in case the latter either by value, weight, or volume or freight, amounts to more than a half of the whole cargo.—Rus. Dec., Nov. 8, 1916.
ART. XLIV. A vessel which has taken in contraband goods, using deceitful means, and all the goods on board belonging to the owner of such vessel, shall be forfeited.—Jap. Reg. 1904.

43. Under any of the following circumstances, the vessel carrying contraband of war is liable to condemnation:
   (a) When the vessel and the contraband belong to the same person.
   (b) When the weight and dimensions of the contraband of war constitute two-thirds of all the cargo on board the vessel.
   (c) When the vessel smuggles contraband of war by fraud.

Under any of the above circumstances all the goods belonging to the owner of the vessel are also liable to condemnation.—China Reg. 1917.

ART. 66. Excepting cases of articles 67 and 70, vessels carrying contraband of war are liable to capture, no matter to what nationality they belong.—Jap. Reg. 1914.

ART. 72. The confiscation of the vessel carrying contraband is allowed if the contraband forms, either by value, by weight, by volume, or by freight, more than half the cargo.—Jap. Reg. 1914.

Radius of liability.

ART. 37. A vessel carrying articles liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole course of her voyage, even if she has the intention to touch at a port of call before reaching the hostile destination.—D. of L. 1909.

48. Le navire transportant des articles saisissables comme contrebande peut être saisi ou capturé par vous pendant tout le cours de son voyage, même s'il a l'intention de toucher à un port d'escale avant d'atteindre la destination ennemie.—Fr. Ins. 1912.

39. When a ship carries articles which are subject to seizure as absolute or conditional contraband, she is liable to capture on the high seas or in the waters of the belligerents throughout the duration of her entire voyage, even when she has the intention to call at an intermediate port before reaching the hostile destination.—Ger. O. 1909.

ART. 64. A vessel carrying articles liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole course of her voyage, even if she has the intention to touch at a port of call before reaching the hostile destination.—Jap. Reg. 1914.

6. A ship carrying absolute or conditional contraband may be captured on the high sea or in belligerent territorial waters at any time during its voyage. If, however, contraband articles form a small part of the cargo, naval commanding officers may at their discretion take over, and, if circumstances require it, destroy the
contraband goods, and after noting the fact in the ship’s log may allow the vessel to continue her voyage.—Italy, P. R. 1915.

Previous offense.

Art. 38. A capture is not to be made on the ground of a carriage of contraband previously accomplished and at the time completed.—D. of L. 1909.

47. Vous ne saisirez pas un navire en raison d’un transport de contrebande qu’il aurait antérieurement effectué et actuellement achevé.—Fr. Ins. 1912.

40. Seizure can not be made on the ground of a previous carrying of contraband which has already been fully completed.—Ger. O. 1909.

Art. 40. A vessel can not be captured on the ground of an already completed voyage carrying contraband. If, however, the vessel carried contraband to the enemy contrary to the indications of the ship’s papers, it shall be liable to capture and condemnation until the end of the war.—Ger. O. Amendment Apr. 18, 1915.

Art. 65. A capture is not to be made on the ground of a carriage of contraband previously accomplished and at the time completed.—Jap. Reg. 1914.

Art. 1, Sec. I. A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.—Br. O. in C., Oct. 29, 1914.

Art. 2. A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.—Br. O. in C., Aug. 20, 1914.

Ignorance of war.

Art. 43. If a vessel is encountered at sea making a voyage in ignorance of the hostilities or of the declaration of contraband affecting her cargo, the contraband is not to be condemned except with indemnity; the vessel herself and the remainder of the cargo are exempt from condemnation and from the expenses referred to in article 41. The case is the same if the master after becoming aware of the opening of hostilities, or of the declaration of contraband, has not yet been able to discharge the contraband. A vessel is deemed to be aware of the state of war, or of the declaration of contraband, if she left a neutral port after there had been made in sufficient time the notification of the opening of hostilities, or of the declaration of contraband, to the power to which such port belongs. A vessel is also deemed to be aware of a state of war if she left an enemy port after the opening of hostilities.—D. of L. 1909.

65. If a neutral vessel, met at sea with contraband destined to the enemy, is unaware of the existence of a state of war or of a decla-
ration of contraband which applies to her cargo, the vessel shall, as a rule, be sent in for adjudication, and though the cargo may not be liable to condemnation it may be detained or requisitioned.

66. A vessel is deemed to be aware of the existence of a state of war or of a declaration of contraband if she left a neutral port after sufficient time had elapsed for the publication there of the notification of the opening of hostilities to the neutral power to which the port belongs, or for the publication there of the contraband lists proclaimed by the United States, respectively. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the war began.—U. S. Ins. 1917.

53. Si vous rencontrez en mer un navire naviguant dans l’ignorance des hostilités ou de la déclaration de contrebande applicable à son chargement, vous pourrez néanmoins saisir ces articles de contrebande; mais, la confiscation de ces articles, pouvant ultérieurement donner lieu à une indemnité, vous aurez soin de dresser un procès-verbal très précise en nature, poids et valeur des marchandises ainsi saisis. Dans ce cas, le navire et le surplus de sa cargaison, tout en étant sujets à être saisis, seront exempts de confiscation. Il en sera de même si le capitaine, après avoir eu connaissance de l’ouverture des hostilités ou de la déclaration de contrebande, n’a pu encore décharger les articles de contrebande.—Fr. Ins. 1912.

54. Le navire est réputé connaître l’état de guerre ou la déclaration de contrebande, lorsqu’il a quitté un port ennemi après l’ouverture des hostilités ou lorsqu’il a quitté un port neutre après que la notification de l’ouverture des hostilités ou de la déclaration de contrebande a été faite en temps utile à la Puissance dont relève ce port.—Fr. Ins. 1912.

44. When a ship upon being visited has no knowledge of the outbreak of hostilities or of the contraband declaration applicable to her cargo, the contraband may be seized by bringing in the ship, but it is subject to confiscation only with reimbursement for damages, while the ship and the other cargo are exempt from confiscation. The same holds when the master had acquired the information in question, but had not been able to discharge the contraband in a port; it is not to be accepted as an objection that he would have had to deviate from his course to do so. When an enemy ship under these circumstances is brought in the contraband goods on board are subject to confiscation so far as they are enemy goods, without damages.—Ger. O. 1909.

45. In judging whether the knowledge in question existed, it is to be taken into consideration,

(a) That the state of war is made known immediately in German, allied, and enemy ports, as far as they have telegraphic connection;
(b) That the beginning of hostilities is made known immediately to neutral governments by telegraph and is by them immediately in the same way communicated to their port authorities;

(c) That the declaration as to contraband is published in the German Empire upon the outbreak of hostilities and is communicated to allied and neutral governments by telegraph, who will communicate it to their port authorities, etc., without delay;

(d) That the contraband declaration will not become known in enemy ports at least for the present.—Ger. O. 1909.

Art. XXXVIII. Vessels carrying contraband persons, papers, or goods, but which do not know the outbreak of war shall be exempt from capture. The fact that the master of a vessel does not know the persons, papers, or goods on board to be contraband of war, or that he took them on board under compulsion, shall not exempt the vessel from capture.—Jap. Reg. 1904.

Art. 67. If a vessel is encountered at sea by a Japanese man-of-war, making a voyage in ignorance of the hostilities or of the declaration of contraband affecting her cargo, the vessel may be detained. The case is the same if the master after becoming aware of the opening of hostilities, or of the declaration of contraband, has not yet been able to discharge the contraband. A vessel is presumed to be aware of the state of war, or of the declaration of contraband, if she left a neutral port after there had been made in sufficient time the notification of the opening of hostilities; or of the declaration of contraband, to the power to which such port belongs. The case is the same with a vessel which left an enemy port after the opening of hostilities; or a Japanese port or that of an allied power after the opening of hostilities or after the declaration of contraband had been made.—Jap. Reg. 1914.

Art. 68. In the case of the preceding article, the commander of the man-of-war, may, if necessary, seize the contraband goods. In this case, as compensation must be made in the future, such commanding officer shall prepare a document according to Form No. 4 with regard to kinds of contraband goods, their prices, insurance premium and freight, and shall give one copy to the master of the vessel.—Jap. Reg. 1914.

Art. 69. When a commander of a man-of-war has not detained a vessel coming under article 67, he shall order the boarding officer to enter the notification in the ship's papers according to Form No. 5 and may, when he considers necessary, take suitable measures such as ordering the vessel to alter her route, etc.—Jap. Reg. 1914.

Art. 75. In the case of article 67, the vessel carrying contraband and the remainder of the cargo are exempt from condemnation. With regard to the vessel and her cargo of the preceding paragraph,
they are exempt from the expenses referred to in article 73.—Jap. Reg. 1914.

Costs.

Art. 41. If a vessel carrying contraband is released, the expenses incurred by the captor in the trial before the national prize court as also for the preservation and custody of the ship and cargo during the proceedings are chargeable against the ship.—D. of L. 1909.

Art. 73. If a vessel carrying contraband is released, the expenses incurred by the authorities concerned in the trial before the national prize court as also the preservation and custody of the ship and cargo during the proceedings are chargeable against the ship.—Jap. Reg. 1914.

Goods of owner.

Art. 42. Goods which belong to the owner of the contraband and which are on board the same vessel are liable to condemnation.—D. of L. 1909.

Art. XLIII. Contraband goods and all goods on board belonging to the owner of the contraband shall be forfeited. When the owner of a vessel carrying contraband is also the owner of the contraband goods, the vessel shall be forfeited.—Jap. Reg. 1904.

42. All contraband of war are liable to condemnation. All goods belonging to the owner of the contraband of war are liable to condemnation.—China, Reg. 1917.

Art. 74. Goods which belong to the owner of the contraband and which are on board the same vessel are liable to condemnation.—Jap. Reg. 1914.

Delivery at sea.

Art. 44. A vessel stopped because carrying contraband, and not liable to condemnation on account of the proportion of contraband, may, according to circumstances, be allowed to continue her voyage if the master is ready to deliver the contraband to the belligerent ship. The delivery of the contraband is to be entered by the captor on the log book of the vessel stopped, and the master of the vessel must furnish the captor duly certified copies of all relevant papers. The captor is at liberty to destroy the contraband which is thus delivered to him.—D. of L. 1909.

86. If, under the provisions of a treaty between the United States and his country, the master of a vessel agrees to deliver and does deliver the contraband cargo to the commander of the ship of war, the vessel, as a rule, shall not be sent in for adjudication. Any contraband cargo so delivered shall be accompanied by an inventory, and a receipt therefor shall be given for the protection of interested parties. The vessel shall thereupon be released. If circumstances
preclude such delivery of the contraband cargo, the vessel should in general be sent in.—U. S. Ins. 1917.

51. Suivant les circonstances, vous pourrez autoriser à continuer sa route un navire arrêté pour cause de contrebande et non susceptible de confiscation à raison de la proportion de la contrebande, si le capitaine est prêt à vous livrer cette contrebande. La remise de la contrebande sera mentionnée sur le livre de bord du navire arrêté, et le capitaine de ce navire devra vous remettre copie certifiée conforme de tous papiers utiles.—Fr. Ins. 1912.

52. Vous aurez la faculté de détruire la contrebande qui vous sera ainsi livrée.—Fr. Ins. 1912.

46. The captain can abstain from the seizure of a ship carrying contraband which is not herself liable to confiscation under 41, when the master is ready to deliver over the contraband to him. The delivery of the contraband is to be entered in the log book of the ship visited; the master of the ship must deliver to the captain for the prize court proceedings an attested copy of all relevant papers. The captain is authorized to destroy the contraband so delivered to him.—Ger. O. 1909.

14. If only the contraband of war is subject to confiscation without the vessel on which it is loaded, the vessel itself is detained only until the contraband is surrendered. This surrender may take place, in the discretion of the detainer (captor), either at the place of detention or after the detained vessel has been conducted into port.—Rus. Reg. 1895.

Art. 70. A vessel stopped because carrying contraband, and not liable to condemnation on account of the proportion of contraband, may, according to circumstances, be allowed to continue her voyage if the master is ready to deliver the contraband to the belligerent ship. The delivery of the contraband is to be entered by the captor on the log book of the vessel stopped, and the master of the vessel must furnish the captor duly certified copies of all relevant papers. The captor shall prepare a document in duplicate according to Form No. 6 with regard to kinds of contraband and shall give one copy to the master of the vessel. The captor is at liberty to destroy the contraband which is thus delivered to him.—Jap. Reg. 1914.

Free goods.

Art. 26. If a power waives, so far as it is concerned, the right to regard as contraband of war articles and materials which are comprised in any of the classes enumerated in articles 22 and 24, it shall make known its intention by a declaration notified in the manner provided for in the second paragraph of article 23.—D. of L. 1909.

Art. 27. Articles and materials which are not susceptible of use in war are not to be declared contraband of war.—D. of L. 1909.
25. Articles and materials even though enumerated in paragraph 24, if exempted by special treaty provisions, are not regarded as contraband.—U. S. Ins. 1917.

30. Vous ne considérerez pas comme contrebande de guerre les armes et les munitions exclusivement destinées à la défense du bâtiment, et en la quantité que permet la coutume, à moins qu'il n'en ait été fait usage pour résister à la visite.—Fr. Ins. 1912.

Art. 57. Things enumerated below shall not be considered contraband of war in spite of the provisions of the preceding two articles:

(1) Articles and materials serving exclusively for the care of the sick and wounded. They may, nevertheless, in case of urgent military necessity and subject to the payment of compensation be requisitioned if their destination is that specified in article 58.

(2) Articles and materials intended for use of the vessel in which they are found, as well as those for the use of her crew and passengers during the voyage.—Jap. Reg. 1914.

44. Les objets et matériaux qui ne sont pas compris dans les deux listes ci-dessus de contrebande absolue ou de contrebande conditionnelle, ou qui ne vous auraient pas été notifiés comme devant y être ajoutés, ne sont pas contrebande de guerre.—Fr. Ins. 1912.

26. Articles and materials which can not be employed for war purposes may not be declared contraband of war.—Ger. O. 1909.

Art. 28. The following may not be declared contraband of war:

(1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and also yarns of the same.

(2) Nuts and oil seeds; copra.

(3) Rubber, resins, gums, and laces; hops.

(4) Raw hides, horns, bones, and ivory.

(5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.

(6) Metallic ores.

(7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.

(8) Chinaware and glass.

(9) Paper and materials prepared for its manufacture.

(10) Soap, paint, and colors, including articles exclusively used in their manufacture, and varnishes.

(11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.

(12) Agricultural, mining, textile, and printing machinery.

(13) Precious stones, semi-precious stones, pearls, mother-of-pearl, and coral.

(14) Clocks and watches, other than chronometers.

(15) Fashion and fancy goods.

(16) Feathers of all kinds, hairs, and bristles.

(17) Articles of household furniture and decoration; office furniture and accessories.

—D. of L. 1909.
45. Ne sont jamais contrebande de guerre les articles suivants, savoir:

1. Le coton brut, les laines, soies, jutes, lins, chanvres bruts, et les autres matières premières des industries textiles ainsi que leurs fils;
2. Les noix et graines oléagineuses, le coprah;
3. Les caoutchoucs, résines, gommes et laques, le houblon;
4. Les peaux brutes, les cornes, os et ivoires;
5. Les engrais naturels et artificiels, y compris les nitrates et les phosphates pouvant servir à l'agriculture;
6. Les minéraux;
7. Les terres, les argiles, la chaux, la craie, les pierres y compris les marbres, les briques, ardoises et tuiles;
8. Les porcelaines et verreries;
9. Le papier et les matières préparés pour sa fabrication;
10. Les savons, couleurs, y compris les matières exclusivement destinées à les produire, et les vernis;
11. L'hypochlorite de chaux, les cendres de soude, la soude caustique, le sulfate de soude en pains l'ammoniaque, le sulfate d'ammoniaque et le sulfate de cuivre;
12. Les machines servant à l'agriculture, aux mines, aux industries textiles et à l'imprimerie;
13. Les pierres précieuses, les pierres fines, les perles, la nacre et les coraux;
14. Les horloges, pendules et montres, autres que les chronomètres;
15. Les articles de mode et les objets de fantaisie;
16. Les plumes de tout genre, les crins et soies;
17. Les objets d'ameublement et d'ornement, les meubles et accessoires de bureau.

27. The following articles can not be declared contraband of war:

1. Raw cotton, raw wool, raw silk, raw jute, raw flax, raw hemp, and other raw materials of textile industries, and also the yarn spun from them.
2. Oil bearing seeds and nuts; copra.
3. Caoutchuc, resin, rubber, and gum; hops.
4. Raw hides, horns, bones, and ivory.
5. Natural and manufactured fertilizers, including nitrate and phosphates suitable for agricultural purposes.
6. Ores.
7. Soil, clay, lime, chalk, stone, including marble, brick, slate, and roofing materials.
8. Porcelain and glassware.
9. Paper and material prepared for its manufacture.
10. Soap, dye-stuff, including material exclusively intended for its manufacture, and varnish.
11. Chloride of lime, soda, caustic soda, sulphuric acid, sodic sulphate in cakes, ammonia, ammonia-sulphate and copper sulphate.
14. Tower and wall clocks, clocks and watches, other than chronometers.
15. Fancy goods and jewelry.
16. Feathers of all kinds, hair, and bristles.

—Fr. Ins. 1912.
17. Articles of household furnishing and decoration; office furniture and equipment.

—Ger. O. 1909.

Art. 27. The following are not to be declared contraband of war:

1. Raw cotton, raw silk, raw jute, raw hemp.
2. Resins, lacs; hops.
3. Rawhides, horns, bones, and ivory.
4. Natural and artificial manures.
5. Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
6. Chinaware and glass.
7. Paper and materials prepared for its manufacture.
8. Soap, paint, and colors, including articles exclusively used in their manufacture, and varnishes.
9. Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.
10. Agricultural, mining, textile, and printing machinery.
12. Clocks and watches, other than chronometers.
14. Feathers of all kinds, hairs, and bristles.
15. Articles of household furniture and decoration; office furniture and accessories.

—Ger. O. amendments, April 18, 1915.

28. Further as not to be regarded as contraband of war are the following:

1. Articles and materials which serve exclusively for the care of the sick and wounded; provided, however, that in case of urgent military necessity, they may be requisitioned for use upon payment therefor, if they have the destination set forth under 29.

2. Articles and materials which are intended for the use of the ship on board which they are found, or for the use of the crew or passengers of the ship during the voyage.—Ger. O. 1909.

Art. XVIII. Of the goods mentioned in Articles XIII and XIV, if it is clear from their quantity and quality that they are intended for the vessel’s own use, such goods shall not be considered contraband of war.—Jap. Reg. 1904.

Art. 29. Neither are the following to be regarded as contraband of war:

1. Articles and material serving exclusively for the care of the sick and wounded. They may, nevertheless, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in article 30.

2. Articles and materials intended for the use of the vessel in which they are found, as well as those for the use of her crew and passengers during the voyage.—D. of L. 1909.
46. Ne sont pas non plus considérés comme contrebande de guerre:

1. Les objets et matériaux servant exclusivement à soigner les malades et les blessés. Toutefois, en cas de nécessité militaire importante, vous pourrez les réquisitionner, moyennant une indemnité s'ils sont destinés au territoire de l'ennemi ou à un territoire occupé par lui ou à ses forces armées;

2. Les objets et matériaux destinés à l'usage du navire où ils sont trouvés, ainsi qu'à l'usage de l'équipage et des passagers de ce navire pendant la traversée.—Fr. Ins. 1912.

45. Will not be considered as contraband of war all articles and materials serving exclusively for the care of the sick and wounded; however, the following products do not benefit by the preceding measure except for amounts up to 25 kilograms (55 pounds) each:

Glycerophosphat of lime, iodoform, iodure vasogene (vasogenous iodide), bromide of camphor, and boro-glycerine.

In case of important military necessity, you can requisition the above mentioned articles and materials, against an indemnity, if they are destined for the territory of the enemy or for a territory occupied by him or his armed forces.—Fr. Ins. 1916.

UNNEUTRAL SERVICE

Definition.

35. Unneutral service is service rendered by a neutral to a belligerent contrary to international law. It is in its nature indirect or direct.—U. S. Ins. 1917.

Par. 2. Merchant vessels of neutral nationality may according to circumstances be not only detained but also confiscated, in the case of the following forbidden actions:

Transportation of enemy armed forces, enemy news and correspondence; when on a voyage especially intended for transportation of individuals who form part of the enemy armed forces, or to carry news in the interests of the enemy power; cruising under command or control of an agent who has been placed on board by the enemy government, and also if the latter has wholly chartered the neutral vessel.—Rus. Reg. Dec. 11, 1916.

Appendix.—The following acts are considered on a par with military contraband and involve the same consequences for a neutral vessel and cargo: (1) conveyance of hostile troops, military detachments, and individual military persons, and (2) conveyance of enemy’s dispatches—that is, business correspondence between hostile commanders and their agents stationed on a vessel or on territory belonging to or occupied by the enemy.—Rus. Ins. 1900.