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International Law Documents: Regulation of Maritime Warfare

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**Liability of vessel.**

111. Si, d'après ces considérations, vous estimez suffisante la présomption de nullité de l'acte de transfert, vous capturerez le navire suspect.—Fr. Ins. 1912.

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## SUBMARINES

**Regulation in commercial war.**

41. Submarines are to be guided in the first instance by the special order which they receive. If they are waging war on commerce in accordance with the Prize Regulations, they are to observe the foregoing articles, except where articles 42 and 43 below permit a different procedure to submarines.—Ger. P. C. 1916.

**Visit and search by.**

42. When holding up a ship, submarines, instead of firing blank rounds, may at once fire live shells across her bows, as it is generally impossible to distinguish blank rounds at any great distance.

P. O. 81. Submarines have the right to order the ship's papers of any vessel held up to be brought alongside in a boat. Prize regulation No. 81 no longer applies in the case of submarines.—Ger. P. C. 1916.

**Destruction of enemy vessel.**

43.  *Holding up, examination, etc.*—(a) P. O. 112. If it is established without doubt that the ship held up is an enemy vessel and can not be brought in, a search of the ship is unnecessary. She can simply be informed by signal that within a reasonable time the crew must abandon her with the papers. After being abandoned, the ship is to be sunk. When the commanding officer has satisfied himself that his order has been understood but nevertheless the crew have not obeyed it, he will compel them to do so by using force.

P. O. 123. If possible, the ship's papers and cargo papers should afterwards be secured.—Ger. P. C. 1916.

**Destruction of neutral vessel.**

43. (b) In the case of a neutral ship the ship's papers and cargo papers should be examined after they have been brought alongside before any further action is taken. If the commanding officer is satisfied that his order to bring the ship's papers and cargo papers alongside has been understood, but it is not complied with by the neutral ship, he is justified in threatening to use force.

If the neutral ship still fails to obey, she is to be treated as an enemy vessel which has offered active resistance, provided that the commanding officer has satisfied himself that the refusal to obey orders can not be due to a misunderstanding.

NOTE.—Instances have occurred where, after holding up a ship, the submarine has dived in order to approach nearer to her, submerged, and the ship

has resumed her voyage because she concluded from the disappearance of the submarine that she herself had been released. In such cases, it should only be regarded as an attempt to escape if the Commanding Officer has informed the ship of his intention. The fact of the ship proceeding can never be regarded as active resistance.

—Ger. P. C. 1916.

## PRIVATEERS

### Privateering.

(1) Privateering is and remains abolished.—D. of P. 1856.

ART. 12. *Course, navires privés, navires publics ne constituant pas des navires de guerre.*—La course est interdite.

En dehors des conditions déterminées aux articles 3 et suivants, les navires publics et les navires privés ainsi que leur personnel, ne peuvent pas se livrer à des actes d'hostilité contre l'ennemi.

Il est toutefois permis aux uns et aux autres d'employer la force pour se défendre contre l'attaque d'un navire ennemi.—Institut, 1913.

117. *Capture des corsaires ou des pirates.*—En cas de prise d'un corsair régulièrement pourvu de lettres de marque par un Gouvernement n'ayant pas adhéré à la Déclaration de Paris, vous procéderez de la même manière. Le capitaine, les officiers et l'équipage de ce corsaire seront traités comme il est dit au paragraphe 146 pour les bâtiments de guerre.

Le capitaine, les officiers et l'équipage de tout navire armé en course par un Gouvernement signataire de la Déclaration de 1856, étant passibles des peines prévues pour le crime de piraterie, devront être considérés non comme prisonniers de guerre, mais comme détenus, et remis aux autorités françaises les plus proches pour être poursuivis conformément aux lois de la République.—Fr. Ins. 1912.

ART. IV. The Spanish Government, while maintaining their right to issue letters of marque, which they expressly reserved in their note of May 16, 1857, in reply to the request of France for the adhesion of Spain to the declaration of Paris relative to maritime law, will organize for the present a service of "auxiliary cruisers of the navy," composed of ships of the Spanish mercantile navy, which will cooperate with the latter for the purpose of cruising, and which will be subject to the statutes and jurisdiction of the navy.—Spain, Dec., 1898.

### Treated as pirates.

ART. VII. Captains, commanders, and officers of non-American vessels or of vessels manned as to one-third by other than American citizens, captured while committing acts of war against Spain, will be treated as pirates, with all the rigor of the law, although pro-