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ENEMY PROPERTY

GROUNDs OF CAPTURE

Vessels, allied.

Art. 4. Vessels of a country which is engaged in war in conjunction with Japan, shall, in regard to capture at sea, be in the same category as Japanese vessels.—Jap. Reg. 1914.

National character of vessels.

Art. VII. Japanese vessels are those which are mentioned below and which do not come under the preceding article:

1. Those which have the certificate of nationality of the Empire or those which voyage under the license of the Imperial Government.
2. Vessels owned by persons who have residence in the Empire.
3. A vessel, the ownership of which has been transferred before the war but in expectation of its outbreak or during the war by a person who has residence in the Empire to a person who has residence in a neutral State, unless there is proof of a bona fide and complete transfer of the ownership of the vessel. In case the ownership of a vessel is transferred during its voyage, and its delivery is not effected, such transfer shall not be considered as bona fide and complete.


Communicating with the enemy.

Art. 30. In the following circumstances Japanese vessels shall be considered as communicating with an enemy—

1. When a vessel has left enemy territory or a place where there are army or naval forces of an enemy.
2. When a vessel has touched enemy territory or a place where there are army or naval forces of an enemy or when a vessel is bound for such a place.—Jap. Reg. 1914.

Exceptions.

Art. 31. To a Japanese vessel which comes under one of the following categories, the provisions of the preceding article are not applicable:

1. Vessels voyaging with special permission of the Japanese Government or of the commanding officer of a Japanese squadron or man-of-war.
2. Vessels which have been permitted to leave enemy territory at the time of opening of hostilities, or have escaped therefrom.
3. Vessels in distress which were obliged to touch enemy territory, there being no other port to enter.—Jap. Reg. 1914.

Enemy character, trading with the enemy.

73. Any vessel of the United States found engaged in trade of any kind with the enemy without a license so to do from the President of the United States or his duly authorized agent shall be
captured and sent in for adjudication. Any vessel of the United States that is found trading under a license issued by the enemy shall be captured and sent in for adjudication.—U. S. Ins. 1917.

Art. XLI. Japanese vessels which carry on commerce with the enemy State or its subjects or which are making voyage with such intention shall be forfeited. Of the cargo on board the vessels mentioned in the above clause, all the goods owned by the owners of the vessels and all the enemy goods shall be forfeited.—Jap. Reg. 1904.

41. Vessels of the Republic engaged in commercial intercourse with the enemy without the special permission of the Government are liable to condemnation. Goods on board such vessels are not liable to condemnation unless they are of enemy ownership or belonging to the owner of the vessel.—China, Reg. 1917.

24. L’état de guerre entraînant l’interdiction de toutes relations de commerce entre les nations belligérantes, vous devez arrêter les navires de commerce français qui, sans justifier d’une licence, tentaient d’enfreindre cette interdiction ou qui, plus coupables encore, cherchaient à violer un blocus ou s’engageraient dans un transport de troupes, de dépêches officielles ou de contrebande de guerre, pour le compte ou à destination de l’ennemi.—Fr. Ins. 1912; art. 23, Ins. 1916.

24. Enemy merchandise under a French or allied flag will be seized.—Fr. Ins. 1916.

25. Les capitaines et toutes personnes soupçonnées de complicité devraient être arrêtés et remis à l’autorité judiciaire française la plus proche, à l’effet d’être poursuivis, s’il y a lieu, par application des articles 77 et suivants du Code pénal.—Fr. Ins. 1912.

Art. XXXVI. Any vessel of the Empire which carries on commerce with the enemy State or its subjects or makes voyage with such intention shall be captured, unless such vessel has no knowledge of the outbreak of war or has permission from the Imperial Government.—Jap. Reg. 1904.

Art. 25. II. Ships of the Republic of China engaged in commercial intercourse with the enemy without the permission of the Republican Government.—China, Reg. 1917.

 LIABILITY

Of vessel.

Art. 32. Japanese vessels which communicate with an enemy shall be captured. However, to vessels which do not know the fact of the opening of hostilities, this rule does not apply.—Jap. Reg. 1914.

Of goods.

Art. 33. A Japanese vessel which communicates with an enemy shall be forfeited; the same is the case with those cargoes which
belong to the owner of the vessel, to the charterer of the whole ves-

el, or to the master, as well as enemy goods.—Jap. Reg. 1914.

**Enemy property, vessels.**

Art. 31. A. *Navires et cargaisons—Bâtiments de guerre.*—La

force armée d’un État peut attaquer, pour s’en emparer ou les
détruire, avec leur armement et leurs approvisionnements, les bâti-
ments de guerre de l’ennemi, même s’ils se trouvent, au début de la
lutte, dans un port de l’État, ou sont rencontrés en mer dans l’ignor-
ance des hostilités, ou si la force majeure les a contraints d’entrer
dans un port ou les a jetés sur les côtes du dit État.—Institut, 1913.

118. *Capture des bâtiments de guerre.*—Dans le cas de capture d’un
bâtiment de guerre, vous vous borneriez à le constater sur votre jour-
nal et vous pourriez à la conduite de la manière la plus conforme
tà la sécurité des équipages auxquels vous la confieres. (Décret du 15
mai 1910 sur le service à bord des bâtiments de la Flotte, art. 368,
369, 407.)—Fr. Ins. 1912.

Art. 2. Enemy public vessels come without further formality
under the laws of war.—Ger. O. 1909.

17. An enemy ship captured is subject to confiscation.—Ger. O.
1909.

**Enemy vessel, liability of cargo.**

18. The following portions of her cargo are subject to confisca-
tion:

(a) The enemy’s property.

(b) The merchandise belonging to the captain and the owner,
when the ship was captured against resistance.

(c) Contraband of war and the merchandise belonging to its
owner.

(d) In case of breach of blockade the confiscable merchandise
according to 80.—Ger. O. 1909.

19. Those portions of the cargo are subject to seizure also when
the captain refrains from bringing in an enemy ship, so far as
they are not without question proved to be neutral goods.—Ger.
O. 1909.

Art. 33. *Principe de la capture.*—Les navires publics et les navires
privés, de nationalité ennemie, sont sujet à capture, et les marchan-
dises ennemies, publiques ou privées qui existent à leur bord, sont.—
Institut, 1913.

Art. 34. La capture et la saisie sont admises alors même que les
navires ou les marchandises sont tombés au pouvoir du belligérant
à la suite d’une force majeure, par naufrage ou relâche forcée.—
Institut, 1913.

62. Enemy vessels are liable to capture outside of neutral juris-
diction.—U. S. Ins. 1917.
2. Vous êtes également requis de courir sus à tous les navires de commerce ennemis que vous rencontrerez et de les capturer.—Fr. Ins. 1912.

10. Subject to confiscation as prizes are hostile war and merchant vessels and all objects on board of them, except (1) those intended for the use of the crew or passengers and (2) those belonging to the government of a neutral power or its subjects and not constituting contraband of war. Independently of this the Imperial Government reserves the right to admit, on a basis of reciprocity, the exemption from confiscation of all or certain kinds of hostile vessels and cargoes, except the cases in which these vessels or cargoes are subject to confiscation according to the rules indicated in articles 11 and 12 for neutral vessels.

Note.—All goods found on an enemy's vessel are considered as enemy's property unless the contrary is proven.—Rus. Reg. 1895.

37. Vessels subject to detention are the following: (1) All hostile war and merchant vessels. (See arts. 9 and 10 of the Regulations on Maritime Prizes.)

Note.—If, by virtue of special international agreements concluded by the Imperial Government, some of the foreign vessels are considered as not subject to seizure, they are nevertheless subjected to detention (see second half of art. 10 of the Regulations on Maritime Prizes), provided they commit the acts indicated in the second part of the present paragraph (a, b, c, d, e).—Rus. Ins. 1900.

38. Cargoes subject to detention are the following: (1) Enemies' cargoes being conveyed on hostile vessels.—Rus. Ins. 1900.

Art. XL. Enemy vessels shall be forfeited. Of the cargo on board, mentioned in the above clause, enemy goods shall be forfeited. In case of an armed vessel, however, the whole cargo shall be forfeited.—Jap. Reg. 1904.


39. Enemy ships are liable to condemnation. Enemy goods on board an enemy ship are liable to condemnation.—China, Reg. 1917.

Art. 29. Enemy vessels and enemy goods on board are liable to condemnation.—Jap. Reg. 1914.

IMMUNITY

Enemy private property, general immunity.

Préambule.—L'Institut de droit international, dans sa session de Christiania, a déclaré maintenir fermement ses Résolutions antérieures, en ce qui concerne l'abolition de la capture et de la confiscation de la propriété privée ennemie dans la guerre maritime. Mais, constatant, en même temps, que l'acceptation de ce principe n'est pas encore acquise et considérant qu'aussi longtemps qu'elle ne le sera
pas, le règlement du droit de capture est indispensable, il a chargé une Commission d’élaborer des dispositions prévoyant l’une et l’autre éventualité. C'est en exécution de cette dernière décision que l'Institut a, dans sa session d'Oxford, le 9 août 1913, adopté, en premier lieu, le Manuel qui suit, fondé sur le droit de capture.—Institut, 1913.

**Enemy property, under neutral flag.**

(2) The neutral flag covers enemy’s goods, with the exception of contraband of war.—D. of P. 1856.

67. The neutral flag covers enemy goods with the exception of contraband of war. (Declaration of Paris, 1856, Art. 2.)—U. S. Ins. 1917.

28. Le pavillon couvre la marchandise ennemie, à l'exception de la contrebande de guerre. Vous n'avez donc point à examiner la propriété du chargement des navires neutres, mais seulement la nature de ce chargement.—Fr. Ins. 1912.

Art. 6. Goods not considered contraband of war but being actually the property of the enemy or their allies may be seized whilst on board neutral ships, whatever port they may be bound to, and shall be deposited and dealt with in accordance with the terms of the decree No. 2350 of April 20, 1916, and other enactments in force.—Port. Dec. 1916.

Art. III. Notwithstanding that Spain is not bound by the declaration signed in Paris on April 16, 1856, as she expressly stated her wish not to adhere to it, my Government, guided by the principles of international law, intends to observe and hereby orders that the following regulations for maritime law be observed: (a) A neutral flag covers the enemy's goods, except contraband of war.—Spain, Dec. 1898.

40. Enemy goods under neutral flag are not liable to condemnation.—China, Reg. 1917.

**EXEMPTIONS**

**Enemy vessels.**

63. The following when innocently employed are exempt from capture:

(a) Cartel ships designated for and engaged in exchange of prisoners.

(b) Vessels charged with religious, scientific, or philanthropic missions.

(c) Properly designated hospital ships.

(d) Vessels exempt by treaty or special proclamation.

(e) Small coast (not deep-sea) fishing vessels and small boats employed in local trade.

The fishing vessels and small boats referred to may be subjected to special regulations imposed by the naval commander operating in the vicinity. They are liable to capture if such regulations be
disobeyed or if they engage in any undertaking prejudicial to United States military operations by land or sea.—U. S. Ins. 1917.

16. Il vous est interdit de profiter du caractère inoffensif des navires français ayant les caractères susvisés pour les employer dans un but militaire en leur conservant leur apparence pacifique.—Fr. Ins. 1912.

1. In execution of the royal decree of May 16, 1915, suspending the application of article 211 of the Mercantile Marine Code during the present conflict, the capture of enemy merchant ships is authorized in every case, with the following exceptions:

(a) Sailing boats adapted exclusively to shoal-water fishing, or to short, local services within 3 miles of the enemy coast, provided they do not exceed 5 tons displacement, nor violate special provisions issued by the military authorities concerning fishing and navigation.

(b) Ships exclusively employed for religious, scientific or philanthropic purposes, hospital ships fitted out by private persons or charitable societies expressly recognized as such by the Royal Government in accordance with special instructions issued to naval commanding officers.

Cargoes which are enemy property in boats specified under (a) are exempt from sequestration, provided they do not include contraband of war; cargoes which are enemy property are equally exempt on board ships specified under (b) when connected with the mission on which the ship is engaged.

Boats and ships included under (a) and (b) are, however, in every case subject to capture as well as their cargoes, being enemy property, when such ships and boats take any direct or indirect part in hostilities.—Italy, P. R. 1915.

Art. XXXV. All enemy vessels shall be captured. Vessels belonging to one of the following categories, however, shall be exempted from capture if it is clear that they are employed solely for the industry or undertaking for which they are intended:

1. Vessels employed for coast fishery.
2. Vessels making voyage for scientific, philanthropic, or religious purposes.
3. Lighthouse vessels and tenders.
4. Vessels employed for exchange of prisoners.


25. Vessels of the following classes shall be liable to capture:

1. Enemy ships. But the following ships which do not participate in hostile campaigns shall be exempt from capture in spite of their enemy character:

(a) Boats engaged in coast fisheries and local trade as well as their appliances and cargo.

(b) Ships engaged exclusively on a voyage of scientific discovery, philanthropy, and religious mission.

(c) Hospital ships provided in The Hague naval convention.

(d) Cartel ships.

—China, Reg. 1917.
ART. VI. The boats which, at their own risk and peril, during and after an engagement, pick up the shipwrecked or wounded, or which, having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit. The appreciation of these circumstances is intrusted to the humanity of all the combatants. The wrecked and wounded thus picked up and saved must not serve again during the continuance of the war.—Spain, Ins. 1898.

ART. 42. Les bâtiments hospitaliers équipés en totalité ou en partie aux frais de particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exemptes de saisie, si la puissance belligérante dont ils dépendent leur a donnée une commission officielle et en a notifié les noms à la puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage. Ces navires doivent être porteurs d'un document de l'autorité compétente déclarent qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final. Les bâtiments dont il s'agit seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de largeur environ. Ils sont soumis aux règles établies pour les bâtiments-hôpitaux militaires par l'article 41.—Institut, 1913.

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality; but the mere fact, noted on the ship’s books, of the vessel having been visited by an enemy’s cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation. If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerents. The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may be entered into between commanders in chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.—Spain, Ins. 1898.

Licensed enemy vessels.

ART. 48. Navires munis d’un sauf-conduit ou d’une licence.—Sont exempts de capture les navires ennemis pourvus d’un sauf-conduit ou d’une licence.—Institut, 1913.

4. Exceptionnellement, vous laisserez librement passer les navires de commerce ennemis munis d’un sauf-conduit à souche, conforme au
modèle annexé aux présentes instructions, constatant qu'il leur a été permis de sortir librement d'un port français après l'ouverture des hostilités pour gagner directement le port qui leur aura été désigné dans ce sauf-conduit. Vous vous assurerez que l'acte qui vous est présenté est sincère et que les conditions en ont été rigoureusement observées, particulièrement en ce qui concerne la route suivie par le navire et la composition de son équipage ou de sa cargaison. En cas de soupçon sur l'authenticité de cet acte ou d'inexécution des conditions stipulées, vous capturerez le navire.—Fr. Ins. 1912.

Hospital ships, public.

Art. 1. Military hospital ships—that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked—the names of which have been communicated to the belligerent powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and can not be captured while hostilities last. These ships, moreover, are not on the same footing as warships as regards their stay in a neutral port.—X, H. C. 1907.

Art. 41. Exceptions aux principes des articles 31 et 33—Bâtiments hospitaliers.—Sont respectés et ne peuvent être capturés pendant la durée des hostilités les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits et aménagés par les États spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux puissances belligérantes.

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètre et demi de largeur environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix rouge prévu par la Convention de Genève.

Les bâtiments et embarcations ci-dessus mentionnés qui veulent s'assurer, la nuit, le respect auquel ils ont droit, ont, avec l'assentiment du belligérant qu'ils accompagnent, à prendre les mesures nécessaires pour que la peinture qui les caractérise soit suffisamment apparente.

Les signes distinctifs prévus au présent article ne pourront être employés que pour protéger ou désigner les bâtiments mentionnés.

Ces bâtiments ne peuvent être utilisés pour aucun but militaire.
Ils ne devront gêner en aucune manière les mouvements des combattants.

Pendant et après le combat, ils agiront à leurs risques et périls.

Les belligérants auront sur eux droit de contrôle et de visite ; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée et mettre à bord un commissaire, même les détenir si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal du bord des bâtiments hospitaliers les odres qu'ils leur donneront.

Les bâtiments hospitaliers qui, dans les termes du présent article, sont détenus par l'ennemi, auront à rentrer le pavillon national du belligérant dont ils relèvent.—Institut, 1913.

Art. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.—Spain, Ins. 1898.

Hospital ships, private.

Art. 2. Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture if the belligerent power to whom they belong has given them an official commission and has notified their names to the hostile power at the commencement of or during hostilities, and in any case before they are employed. These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on final departure.—X, H. C. 1907.

Art. 3. Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on condition that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorization of the belligerent himself, and that the latter has notified their name to his adversary at the commencement of or during hostilities, and in any case before they are employed.—X, H. C. 1907.

Art. 9. Belligerents may appeal to the charity of the commanders of neutral merchant ships, yachts, or boats to take on board and tend the sick and wounded. Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.—X, H. C. 1907.
Hospital ships, duties and privileges.

Art. 4. The ships mentioned in Articles I, II, and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality. The Governments undertake not to use these ships for any military purpose. These vessels must in no wise hamper the movements of the combatants. During and after an engagement they will act at their own risk and peril. The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it. As far as possible, the belligerents shall enter in the log of the hospital ships the orders which they give them.—X, H. C. 1907.

Hospital ships, distinguishing marks.

Art. 5. Military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth. The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth. The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting. All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva convention, and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent under whose control they are placed. Hospital ships which, in the terms of Article IV, are detained by the enemy, must haul down the national flag of the belligerent to whom they belong. The ships and boats above mentioned which wish to insure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.—X, H. C. 1907.

Art. 6. The distinguishing signs referred to in Article V can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.—X, H. C. 1907.

Art. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary. Military hospital ships shall be distinguished by being painted white outside, with green strake.—Spain, Ins. 1898.

Art. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the signatory powers to the Geneva convention, and which are furnished with a commission emanating
from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control until their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents. They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white with red strake. These ships shall bear aid and assistance to the wounded and wrecked belligerents, without distinction of nationality. They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril. The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to retain them if the exigencies of the case require such a step. The wounded and wrecked picked up by these ships cannot be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.—Spain, Ins. 1898.

Hospital wards of warships.

Art. 7. In the case of a fight on board a warship, the sick wards shall be respected and spared as far as possible. The said sick wards and the matériel belonging to them remain subject to the laws of war; they can not, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded. The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.—X, H. C. 1907.

Art. 43. Dans le cas d’un combat à bord d’un vaisseau de guerre, les infirmeries et leur matériel seront respectés et ménagés autant que faire se pourra. Tout en demeurant soumis aux lois de la guerre, ils ne pourront être détournés de leur emploi, tant qu’ils seront nécessaires aux blessés et malades. Le commandant qui les a en son pouvoir cependant la faculté d’en disposer, en cas de nécessité militaire importante, en assurant le sort des blessés et malades qui s’y trouvent.—Institut, 1913.

Hospital ships, limit of exemption.

Art. 8. Hospital ships and sick wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy. The fact of the staff of the said ships and sick wards being armed for maintaining order and for defending the sick and
wounded and the presence of wireless telegraphy apparatus on board is not a sufficient reason for withdrawing protection.—X, H. C. 1907.

Art. 44. La protection due aux bâtiments-hospitaliers et aux infirmeries des vaisseaux cesse si l'on en use pour commettre des actes nuisibles à l'ennemi. N'est pas considéré comme étant de nature à justifier le retrait de la protection, le fait que le personnel de ces bâtiments et de ces infirmeries est armé pour le maintien de l'ordre et pour la défense des blessés ou malades, ainsi que le fait de la présence à bord d'une installation radio-télégraphique.—Institut, 1913.

Art. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the convention, as regards such belligerent.—Spain, Ins. 1898.

Cartel ships.

Art. 45. Navires de cartel.—Ne peuvent être saisis, pendant qu'ils remplissent leur mission, les navires dits de cartel, qui font office de parlementaires, même s'ils appartiennent à la marine militaire. Est considéré comme navire de cartel, le navire autorisé par l'un des belligérants à entrer en pourparlers avec l'autre et se présentant avec un pavillon blanc. Le chef auquel un navire de cartel est expédié n'est pas obligé de le recevoir en toutes circonstances. Il peut prendre toutes les mesures nécessaires afin d'empêcher le navire de cartel de profiter de sa mission pour se renseigner. Il a le droit, en cas d'abus, de retenir temporairement le navire de cartel. Le navire de cartel perd ses droits d'inviolabilité, s'il est prouvé, d'une manière positive et irrécevable, que le commandant a profité de la position privilégiée de ce navire pour provoquer ou commettre un acte de trahison.—Institut, 1913.

Art. 6. Exempt from seizure are: (d) Vessels whose voyage is made for carrying a flag of truce or for the exchange of prisoners of war.—Ger. O. 1909.

Religious, scientific, and philanthropic vessels.

Art. 4. Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.—XI, H. C. 1907.

Art. 46. Navires chargés de missions.—Sont exempts de saisie les navires chargés de missions religieuses, scientifiques ou philanthropiques.—Institut, 1913.

15. Les bâtiments chargés de mission religieuse, scientifique ou philanthropique sont également exempts de capture, sous la même réserve que ces bâtiments ne participent en aucune façon aux hostilités.—Fr. Ins. 1912.

Art. 6. Exempt from seizure are: (c) Vessels engaged in religious, scientific, and philanthropic work.—Ger. O. 1909.
Art. 28. An enemy vessel which is engaged in scientific, religious, or philanthropic work shall be exempt from capture if it is clear that she is exclusively engaged in such work.—Jap. Reg. 1914.

Fishing vessels and local trade.

Art. 3. Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo. They cease to be exempt as soon as they take any part whatever in hostilities. The contracting powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.—XI, H. C. 1907.

12. Les navires ennemis exclusivement affectés à la pêche côtière ou à des services de petite navigation locale sont exempts de capture, ainsi que leurs engins, agrès, appareaux et chargement. Cette exemption cesse de leur être applicable dès qu’ils participent d’une façon quelconque aux hostilités.—Fr. Ins. 1912.

Art. 47. Bateaux affectés à la pêche côtière et à la petite navigation locale.—Les bateaux exclusivement affectés à la pêche côtière, ou à des services de petite navigation locale, y compris ceux exclusivement affectés au pilotage ou au service des phares, comme aussi les navires destinés à naviguer principalement sur les fleuves, canaux et lacs, sont exempts de saisie, ainsi que leurs engins, agrès, appareaux et chargements. Il est interdit de profiter du caractère inoffensif des dits bateaux pour les employer dans un but militaire en leur conservant leur apparence pacifique.—Institut, 1913.

13. Toutefois vous ne tolérerez la pêche et la petite navigation locale sur les côtes de l’ennemi que pendant le jour et qu’autant que cette faveur, dictée par un intérêt d’humanité, n’entraînerait aucun abus préjudiciable aux opérations militaires et maritimes, notamment en cas de blocus.—Fr. Ins. 1912.

14. Tout navire préalablement prévenu des interdictions que vous auriez pu ainsi décider, ou provenant d’un port auquel vous auriez notifié ces interdictions, et qui ne les aurait pas observées, sera considéré par vous comme participant aux hostilités.—Fr. Ins. 1912.

Art. 36. Exempt from seizure are: (b) Vessels engaged exclusively in the coast fisheries or in the service of local shipping traffic, so long as they take no part whatever in hostilities. The coast fisheries are not restricted to the territorial waters of the respective states; the matter includes the entire fishing with the exception of the declared high-sea fisheries.—Ger. O. 1909.

Art. 25. Enemy vessels which are engaged exclusively in coast fishery or in short voyages of local nature, shall be exempt from capture, together with their fishing implements, equipments, and cargoes. The exemption mentioned in the preceding paragraph shall cease to
be applicable from the time such vessels take part in any way in hostile operations.—Jap. Reg. 1914.

Art. 26. An officer commanding a man-of-war may permit coast fishery and short voyages of local nature on the enemy coast only in daytime. In case, however, there is apprehension of abusing the above permission against hostile operations of the Japanese army and navy, he may totally prohibit such fishery and voyage in daytime as at night.—Jap. Reg. 1914.

Art. 27. Vessels which violate the prohibition of the preceding article notwithstanding that they knew or may be presumed to know such prohibition, shall be deemed as to have taken part in hostile actions.—Jap. Reg. 1914.

Postal correspondence.

Art. 1. The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay. The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.—XI, H. C. 1907.

Art. 53. B. Correspondance postale.—La correspondance postale, quelque soit son caractère officiel ou privé, trouvée en mer sur un bâtiment ennemi, est inviolable, à moins qu’elle ne soit en destination ou en provenance d’un port bloqué. L’inviolabilité de la correspondance postale ne soustrait pas les paquebots-poste aux lois et coutumes de la guerre sur mer concernant les navires en général. Toutefois la visite n’en doit être effectuée qu’en cas de nécessité avec tous les ménagements et toute la célérité possibles. S’il y a saisie du navire sur lequel la poste est embarquée, la correspondance est expédiée avec le moins de retard possible par le capteur.—Institut, 1913.

87. The genuine postal correspondence of neutrals or belligerents, found on board a neutral or enemy ship at sea, is inviolable. If the ship is detained, such postal correspondence is to be forwarded by the captor with the least possible delay. The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.—U. S. Ins. 1917.

122. La correspondance postale des neutres ou des belligérants, quel que soit son caractère officiel ou privé, trouvée en mer sur un navire neutre ou ennemi, est inviolable. S’il y a saisie du navire, elle est expédiée avec le moins de retard possible par le capteur.—Fr. Ins. 1912.
122. The postal correspondence of neutrals or belligerents, whatever be its official or private character found at sea on a neutral or enemy ship, is inviolable. Should the ship be seized, it will be forwarded with the least delay possible by the captor. Postal packages have not the character of postal correspondence.—Fr. Ins. 1916.

123. Les dispositions précédentes ne s'appliquent pas, en cas de violation de blocus, à la correspondance qui est à destination ou en provenance de port bloqué.—Fr. Ins. 1912.

124. Elles ne sont également applicables qu'entre les puissances qui ont ratifié la Convention de La Haye du 18 octobre 1907 relative à certaines restrictions à l'exercice du droit de capture dans la guerre maritime, ou qui ont adhéré à cette Convention, et seulement si les belligérants sont tous parties à cette Convention.—Fr. Ins. 1912.

7. The mails found on board neutral or enemy ships at sea from neutrals or belligerents, whether of an official or private nature, are inviolate. In case of the seizure of the ship, they are to be forwarded with the least possible delay by the captor.—Ger. O. 1909.

16. After having examined the ship’s papers, the officer asks the master to present what mail he has, searches for correspondence of the hostile government and, generally speaking, all packages addressed to the enemy’s ports.—Rus. Ins. 1900.

Art. XXXIV. In visiting or searching a neutral mail ship if the mail officer of the neutral country on board the ship swears in a written document that there are no contraband papers in certain mail bags those mail bags shall not be searched. In case of grave suspicion, however, this rule does not apply.—Jap. Reg. 1904.

Art. LXVIII. When a mail steamer is captured, mail bags considered to be harmless shall be taken out of the ship without breaking the seal, and steps shall be taken quickly to send them to their destination at the earliest date.—Jap. Reg. 1904.

30. All mails on board the captured ships shall be forwarded to their destination, except the mails sent from or destined to a blockade port.—China, Reg. 1917.

Art. 108. Postal correspondence, official or private, of neutral or enemy persons found on board a neutral or an enemy vessel, must be respected, and in the case of capture of the vessel, the captor shall send them to their destinations as soon as possible. In the case of violation of a blockade the rules of the preceding paragraph do not apply to correspondence destined for, or proceeding from, the blockaded port.—Jap. Reg. 1914.

Art. 111. In the cases of article 108, paragraph 2, and article 110, the commanding officer of a man-of-war shall seize letters, official or private, which are addressed to enemy authorities or persons re-
siding in the enemy territory or territory occupied by the enemy, and if he thinks it necessary, he shall forward them to the Minister of the Navy. With regard to letters on board the captured vessel which do not come under the preceding paragraph, steps shall be taken to forward them to their addresses as soon as possible.—Jap. Reg. 1914.

125. Dans le cas des paragraphes 123 et 124, vous pourrez prendre connaissance des lettres officielles ou particulières adressées aux autorités ennemies ou à des personnes résidant sur le territoire de l’ennemi ou occupé par lui et trouvées à bord des bâtiments capturés; s’il en est qui présentent de l’intérêt, vous les adresserez sans délai au Ministre de la Marine, vous expédieriez les outres à leur destination avec le moins de retard possible.—Fr. Ins. 1912.

Postal vessels.

Art. 2. The inviolability of postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime war as to neutral merchant ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.—XI, H. C. 1907.

88. Neutral mail ships are subject to the laws and customs of maritime war applicable to neutral merchant ships in general.—U. S. Ins. 1917.

55. The inviolability of certain postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime war as to neutral merchant ships in general.—U. S. Ins. 1917.

126. L’inviolabilité de la correspondance postale ne soustrait pas les paquebots-poste neutres aux lois et coutumes de la guerre sur mer concernant les navires de commerce neutres en général. Toutefois la visite n’en doit être effectuée qu’en cas de nécessité, avec tous les ménagements et toute la célérité possibles.—Fr. Ins. 1912.

Art. 7. The inviolability of mails does not exempt neutral mail steamers from the laws and usages of war on sea, nor from capture; but they shall be searched only when urgent, with all possible consideration and despatch.—Ger. O. 1909.

Art. 109. The inviolability of postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime warfare which are applicable to neutral vessels in general. However, visit and search shall be made leniently and quickly, and only in case of necessity.—Jap. Reg. 1914.

Art. 110. The provisions of article 108 shall be applied only to vessels of the countries which ratified the treaty No. 11 of 1912, treaty relating to limitation of exercise of the right of capture in maritime warfare, or which have become a party thereto.—Jap. Reg. 1914.