ART. 7. This ordinance is not applicable to a German vessel of which it is very clear from its construction that it can be converted into a man-of-war.—Jap. Dec., Aug. 24, 1914.

Limits of exemption.

7. Vous capturerez tous navires de commerce ennemis qui, dans les cas de paragraphes 5 et 6 précédents, n’auraient pas strictement observé les ordres donnés et préalablement inscrits à leur journal de bord par le commandant ou le délégué autorisé du commandant d’un navire de guerre français.—Fr. Ins. 1912.

Reciprocity.

ART. 8. In case Germany gives to Japanese vessels and goods treatments different from those prescribed in this ordinance, the whole or part of this ordinance may not be enforced.

Supplementary clause.—This ordinance takes effect from the date of promulgation.—Jap. Dec., Aug. 24, 1914.

Lack of papers.

8. Vous capturerez dans tous les cas tous navires de commerce ennemis qui ne pourraient vous présenter des papiers de bord complètement en règle et intacts ou que vous soupçonneriez spécialement d’avoir falsifié soit leur journal de bord, soit tout autre document relatif à leur route.—Fr. Ins. 1912.

VISIT AND SEARCH

TIME, PLACE, AND PURPOSE

42. The belligerent right of visit and search may be exercised outside of neutral jurisdiction upon private vessels, unless under convoy, after the beginning of war in order to determine their nationality, the port of destination and departure, the character of their cargo, the nature of their employment, or other facts which bear on their relation to the war.—U. S. Ins. 1917.

17. Upon the declaration of war, military operations at sea begin from the time designated by the Imperial Government. In case of a truce these operations are limited according to the conditions of the truce, and upon the conclusion of peace they cease from the time the vessels of the fleet receive the proper notification of the conclusion of a truce or peace.—Rus. Reg. 1895.

1. Vessels of the imperial war fleet, acting in accordance with the regulations on maritime prizes, are guided, with regard to the method of stopping, examining, and detaining merchant vessels, as well as the conducting into port and surrender of detained vessels
and cargoes, by the following rules, besides the declarations and other instructions issued by the Government in case of war.—Rus. Ins. 1900.

85. Vous avez le droit de visiter tous les navires de commerce que vous rencontrerez. Vous ne visitez les paquebots postaux qu’en cas de nécessité, ainsi qu’il est dit à l’Article XVII.—F. Ins. 1912.

12. The right of visit shall be exercised by the warships toward vessels of the following classes: (a) Ships flying the flag of the Republic of China or neutral flags but being suspected of its enemy character. (b) Vessels of the Republic of China being suspected of holding commercial intercourse with the enemy countries without the permission of the Government. (c) Ships of the Republic of China or of other neutral countries being suspected of having contraband of war or enemy combatants on board. (d) Ships of the Republic or other neutral countries being suspected of having run the blockade.—China, Reg. 1917.

1. (P. O. 1.) War on commerce according to prize law may only be carried on against enemy or neutral merchant ships by commanding officers of war vessels. Officers commanding prizes do not possess this right.—Ger. P. C. 1916.

2. Prize law is enforced by holding up a ship, searching her or bringing her into port for examination; capture. The captured ship may in certain cases be destroyed. See articles 23, 33, and 34. All ships met with may be held up and searched; neutral Government vessels and neutral vessels escorted by their own war vessels are always exempt from prize law.—Ger. P. C. 1916.

37. Vessels not open to suspicion may be held up and searched, but wherever they are encountered they must be allowed a free passage to their port of destination, when once it has been established that they are not open to suspicion. Should there be in any particular case some well founded suspicion that the certificates mentioned in article 38 below have been falsified or are being misused the ship is to be brought into port. Should this be impossible, the certificate produced is to be removed, together with those ship’s and cargo papers from which the suspected falsification or misuse may afterwards be proved. Such a ship may only be destroyed if the commanding officer has complete proof of the falsification and if the ship can not be brought in.—Ger. P. C. 1916.

Art. 1. H. I. J. M.’s ships are authorized in time of war to visit, search, and capture vessels according to these regulations.—Jap. Reg. 1904.

Art. 1. Japanese men-of-war are authorized to make captures at sea and to take other hostile actions and all measures necessary for
achieving the object of war in accordance with the provisions of this order, other regulations and treaties, and, where there are no provisions, the principles of international law.—Jap. Reg. 1914.

Art. 1. During an armistice this right of capture is suspended only when expressly agreed.—Ger. O. 1909.

4. The purpose of visiting and searching of a merchant ship is to determine: (a) To what nationality the ship belongs. (b) Whether there is contraband on board. (c) Whether it (the ship) is assisting the enemy by unneutral service. (d) Whether it has been guilty of a breach of blockade.—Ger. O. 1909.

86. Toutefois, suivant les circonstances, notamment suivant les parages où vous vous trouverez, ou suivant l'éloignement du théâtre des opérations, il peut arriver que vous ayez des motifs de supposer que la visite ne peut entraîner aucune saisie. Dans ce cas, l'exercice du droit de visite peut n'être qu'une vexation inutile dont il est préférable de s'abstenir.—Fr. Ins. 1912.

95. L'examen de ces pièces vous renseignera sur la nationalité du navire, sur sa destination et sa route, ainsi que sur la nature et la destination apparente du chargement.—Fr. Ins. 1912.

Art. V. In order to capture the enemy's ships, to confiscate the enemy's merchandise under their own flag, and contraband of war under any flag, the royal navy, auxiliary cruisers, and privateers, if and when the latter are authorized, will exercise the right of visit on the high seas and in the territorial waters of the enemy, in accordance with international law and any regulations which may be published for the purpose.—Spain, Dec. 1898.

1. Right of visit can only be exercised by belligerents; hence it can evidently be only resorted to during international conflicts by one or other of the States at war, as also during internal civil or insurrectionary wars, when one or more foreign powers have recognized the insurrectionary party as belligerents. In such circumstances, right of visit can be exercised by the mother country, but it is restricted to the merchant vessels of the nation or nations who have given this recognition, and who are for such reason in the position of neutrals.—Spain, Ins. 1898.

Art. XXXII. Any private vessel regarding which there is suspicion which would justify her capture shall be visited and searched no matter of what national character she is.—Jap. Reg. 1904; art. 136, 1914.

Art. XIX. If any vessel is suspected of having in her cargo contraband of war the captain of the war vessel shall inspect the bill of lading, clearance, and other papers, interrogate the crew of the vessel, and ascertain her destination.—Jap. Reg. 1904.
EXERCISE OF—GENERAL

1. The captains of H. M. ships during a war have the right, in conformity with the following instructions, to visit enemy or neutral vessels, to search them, and to seize them, as well as the enemy and neutral goods found on board, and in exceptional cases to destroy them.—Ger. O. 1909.

9. To carry out the instructions contained in the preceding articles, naval commanding officers, whenever it is judged useful, shall proceed to visit merchant ships on the high sea or in belligerent waters, or may request them to proceed to the nearest port to undergo visit there.—Italy, P. R. 1915.

VESSELS EXERCISING

Definition.

Title note.—Attention is directed to the following provisions of the laws of the United States:

The word "vessel" includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. (Sec. 3, Revised Statutes.) Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States, or a corporation created under the laws of any of the States thereof * * * (Sec. 4131, Rev. Stat., as amended by act of June 26, 1884; sec. 1, 23 Stat. L., p. 23, and act May 28, 1896; secs. 1 and 3, 29 Stat. L., pp. 188, 189.)

The words "vessel of the United States," wherever they occur in this chapter, shall be construed to mean a vessel belonging in whole or in part, to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof. (Sec. 310. Ch. XII, Piracy and Other Offenses upon the Seas, Penal Code, Mar. 4, 1909, 35 Stat. L., p. 1148.)

—U. S. Ins. 1917.

Note to preamble.—"Sont désignés comme navires publics tous navires autres que les bâtiments de guerre qui, appartenant à l'Etat ou à des particuliers, sont affectés à un service public et se trouvent sous les ordres d'un fonctionnaire dûment commissionné de l'Etat."—Institut, 1913.

Art. 2. Bâtiments de guerre.—Font partie de la force armée d'un Etat belligérant et sont, dès lors, soumis comme tels aux lois de la guerre maritime: 1. Tous bâtiments appartenant à l'Etat qui, sous la direction d'un commandant militaire et montés par un équipage militaire, portent avec authorisation le pavillon et la flamme de la marine militaire. 2. Les navires transformés par l'Etat en bâtiments de guerre conformément aux articles 3 à 6.—Institut, 1913.

Art. 2. Public vessels are the vessels of war as well as those employed in the service of the State and under State control. Vessels which are otherwise the property of the State will be similarly regarded.
The necessary distinctive features of vessels of war are: War flag (together with the pennant, as a rule), commander commissioned by the State, whose name appears in the navy list, and military disciplined crew. (See arts. 2 and 4 and 6 of the Convention VII of the second Hague Conference.)—Ger. O. 1909.

2. In accordance with the position laid down in the preceding article, ships of war and merchant vessels of the belligerents, when legally armed either as auxiliary cruisers of their navy or as privateers, if and when they are authorized, may in their own territorial waters, or those under the jurisdiction of the enemy, or in the open seas, detain such merchant vessels as they meet with in order to verify the legitimacy of their flag, and, if neutrals, and proceeding to a port of the other belligerent, the nature of their cargo.—Spain, Ins. 1898.

15. The right of stopping, examining, and detaining hostile or suspicious vessels and cargoes belongs to the vessels of the imperial “war” navy. The vessels of the merchant marine are allowed this right only in the following cases: (1) When attacked by hostile or suspicious vessels and (2) when rendering assistance to Russian or allied vessels which have been attacked. Vessels and cargoes detained according to this provision by merchant vessels must be delivered by the latter in to the custody of the authorities indicated in articles 23 and 24, with the right, in the case of confiscation of the vessels and cargoes in question as prizes, to demand the reward established for their detention.—Rus. Reg. 1895.

Note.—The limitations indicated in this article for merchant vessels do not extend to cases for which special rules may be established according to article 4 of the present regulations.

Art. LII. The captain of an imperial man-of-war may chase a vessel without hoisting the ensign of the imperial navy or under false colors. (But before giving the vessel the order to stop he must display the ensign of the imperial navy.)—Jap. Reg. 1904; art. 139, 1914.

1. Chinese warships during the time of war with the enemy shall have the right to visit, search, and capture merchant vessels at sea in accordance with the provisions of these regulations.—China, Reg. 1916.

PROCEDURE

Art. 32. Navires publics et navires privés: Arrêt, visite et recherches.—Tous navires autres que ceux de la marine de guerre, qu'ils appartiennent à l'État ou à des particuliers, peuvent être sommés par un bâtiment de guerre belligérant de s'arrêter pour qu'il soit procédé, a leur bord, à une visite et à des recherches.

Le bâtiment de guerre du belligérant, pour inviter le navire à s'arrêter, tirera un coup de canon de semonce à poudre et, si cet
avis n'est pas suffisant, il tirera un projectile dans l'avant du navire. Auparavant, ou en même temps, le bâtiment de guerre hissera son pavillon au-dessus duquel, en temps de nuit, un fanal sera placé. Le navire répond au signal en hissant son propre pavillon et en s'arrêtant aussitôt; dans ce cas, le bâtiment de guerre enverra au navire arrêté une chaloupe montée par un officier accompagné d'un nombre d'hommes suffisant, dont deux ou trois seulement se rendront avec l'officier à bord du navire arrêté.

La visite consiste en premier lieu dans l'examen des papiers de bord.

Si les papiers de bord sont insuffisants ou ne sont pas de nature à exclure les soupçons, l'officier qui a opéré la visite est en droit de précéder à des recherches sur le navire, et il doit requérir à cet effet le concours du capitaine.

La visite des paquebots-poste, comme il est dit à l'article 53, être effectuée avec tous les ménagements et toute la célérité possibles.

Les navires convoyés par un bâtiment de guerre neutre ne sont soumis à la visite que dans la mesure des règles relatives aux convois.—Institut, 1913.

26. Detailed rules concerning the method of stopping, examining, and detaining vessels, as well as concerning the conducting of detained vessels and cargoes into port and their surrender are contained in instructions approved by the admiralty board.—Rus. Reg. 1905.

Sighting of vessel.

Art. 137. When the commanding officer of a ship of war finds a suspicious vessel, he shall order an officer under him to take record of the following facts:

(1) The time and position when the vessel was first sighted, distance away, relative bearing and relative course of the vessel as regards the ship of war; when another Japanese ship of war or one of an allied power is in sight, the distance, bearing, and course of this ship of war in relation to the vessel.

(2) The course of the vessel while under pursuit; if another Japanese ship of war or that of an allied power are in sight, the time, bearing, and course the same ship of war takes, and extent of pursuit made in common by the two ships of war.

(3) When the vessel is overtaken, the time and position; if another Japanese ship of war or that of an allied power is in sight, the bearing, distance, and course of the said ship of war; if another Japanese ship of war or that of an allied power captures the vessel, the bearing and distance of his own ship and her course.

44. Subject to any special treaty provisions, the following procedure is directed: Before summoning a vessel to lie to, a ship of war must hoist her own national flag. The summons shall be made by
firing a blank charge (coupe de semonce), by other international signal, or both. The summoned vessel, if a neutral, is bound to stop and lie to, and she should also display her colors; if an enemy vessel, she is not so bound and may legally even resist by force, but she thereby assumes all risks of resulting damage.—U. S. Ins. 1917.

88. Semonce.—Lorsque vous serez déterminé à visiter un navire, vous l’avertirez l’abord en tirant un coup de canon de semonce à poudre et en arborant votre pavillon. À ce signal, le navire est tenu aussi d’arborer ses couleurs et de s’arrêter pour attendre votre visite.—Fr. Ins. 1912.

82. If the captain intends to visit a ship, he will cause her to stop by means of signals and howling of siren. Ensign or pennant are to be displayed not later than the time of this signal; by night the first is to be illuminated. During the pursuit the display of the war ensign is not necessary, the flying of any merchant flag desired is permissible.—Ger. O. 1909.

4. If the ship is to be held up, she should be ordered to stop by signals and by blowing the siren. Ensign and pennant are to be hoisted at latest when the signal to stop is given. Prior to this the naval ensign need not be flown, and the display of a mercantile flag or a foreign naval ensign is permissible. The use of a privileged distinguishing mark, such as the flag of the Geneva convention, white flag, or signals of distress is not allowed.—Ger. P. C. 1916.

4. The following is the method of exercising right of visit: (a) Notification to the vessel to be visited to lay to and state its nationality is made by the visiting vessel hoisting her national flag and firing a blank shot, a signal upon which the merchant vessel is bound to hoist the flag of the nation to which it belongs and lay to.—Spain, Ins. 1898.

2. In order to stop a vessel encountered it is necessary to approach her, to hoist one’s flag, and to fire a blank cannon shot in the direction of the vessel encountered. Besides, a signal may be raised according to the international code. In order to stop a vessel at night, upon firing a blank shot it is necessary to have the gaff lights and the distinctive (regulation) lights open.—Rus. Ins. 1900.

Approach.

91. Dès que la navire semoncé s’est arrêté, vous lui envoyez une embarcation. Aucune règle précise ne peut être fixée au sujet de la distance à laquelle doit s’arrêter le croiseur pendant la visite. Vous agirez suivant les circonstances et l’état de la mer.—Fr. Ins. 1912.

91. (Correction, Apr. 1, 1916.) By day.—As soon as the summoned vessel has stopped, you will lower a boat to the sea and you will raise a flame of great distance, at the same time firing a rocket. At this signal, the vessel ought to maneuver in order to approach the boat
which you have lowered to the sea, whatever may be your own maneu-
ver and whether or not you remain near the boat. If the summoned
vessel does not obey this signal frankly and immediately, you will
consider it a suspect and you will be constrained to compel it by
force.

91. By night.—You will give the order to the summoned vessel to
approach the boat which you have lowered to the sea, by firing two
red stars. The boat will be, so far as possible, illuminated by a
search light. If the state of the sea does not permit of coming along
side, you will fire two green stars. This signal will signify an order
to the vessel to remain in place until day.—Fr. Ins. 1916.

During the continuance of the present war, His Imperial Majesty’s
ships shall, in visiting and searching merchant ships, follow the
special procedure mentioned hereunder:

1. By day.—The warship will hoist a large-sized pennant at a
conspicuous position and fire two rockets. This is to signify that the
merchant ship is to close the boat lowered by the warship, whether
the warship remains near the boat or not.

2. By night.—The warship will fire two port fires at a conspicuous
position. This is to signify that the merchant ship is to close the
boat lowered by the warship. The warship shall, where possible,
illuminate the boat by a searchlight. When the weather precludes
the lowering of a boat, the warship will likewise fire two port fires,
which will be the signal for the merchant ship to lie to till day-
light.

3. In the event of the merchant ship disregarding the orders given
under the preceding two clauses, it may be fired on by the war-
ship.

4. For the time being, if it is found that the meaning of the signals
above mentioned is not understood, His Imperial Majesty’s ships
will communicate with merchant ships in the international code of
signals. The procedure hitherto followed in other respects remains

The following alterations in the instructions issued on April 28,
1916, respecting the boarding of merchant ships will come into effect
from May 20, 1916:

1. In the clause respecting the signals by day for ordering the
merchant ship to close the boat lowered by the warship, the words
“two rockets” to be altered to “a rocket.”

2. The entire clause respecting signals by night to be struck out.—

(e) The visiting vessel will place herself at such distance as her
commander or captain may think convenient from the vessel to be
visited, according to circumstances of wind, sea, current, or the sus-
picion inspired by the said vessel; and if these circumstances make it advisable for the boat about to make visit to approach on the windward side and go to leeward on returning, there is no reason why she should not do so. But if, by existing treaties between the nations to which the vessels respectively belong, the distance to be kept is specified, such a clause of conventional law shall be respected, if the circumstances of wind, sea, or current above mentioned permit.—Spain, Ins. 1898.

6. The imperial cruiser approaches the halted vessel as closely as possible; caution, however, should be observed.

Note.—The undesirable consequences of a collision should be borne in mind. The vessel may prove to be an enemy's vessel, and hostile acts and a desire to injure the cruiser by collision are to be expected.—Rus. Ins. 1900.

Course of vessel.

19. Inspection shall be made along the original course of the ship concerned.—China, Reg. 1917.

Boarding.

46. When the summoned vessel has brought to, the ship of war shall send a boat with an officer to conduct the visit and search. If practicable, a second officer should accompany the officer charged with the examination. There may be arms in the boat, but the boat's crew shall not have any on their persons. The officer (or officers), wearing side arms, may be accompanied on board by not more than two unarmed men of the boat's crew.—U. S. Ins. 1917.

92. Visite.—Un officier en armes, accompagné de deux ou trois hommes au plus, monte à bord du navire à visiter. Si vous êtes seul officier à votre bord, la visite pourra être effectuée par un officier-marinier.—Fr. Ins. 1912.

84. When the ship has stopped, the captain will send on board an officer, accompanied by a second officer and not more than three men as witnesses and for assistance, in an unarmed boat, manned with usual crew and carrying the flag. The officers of the boarding party will carry side arms, the men no arms. The remainder of the boat's crew will have their small arms in the boat.—Ger. O. 1909.

6. If the ship has stopped, a boarding party consisting of two officers and not more than two or three men is, if possible, to be sent on board. Officers go on board armed, while the men's arms are left in the boat. The boarding party can also be constituted so as to form a prize crew.—Ger. P. C. 1916.

5. It is desirable that several relays of officers and men be designated beforehand for the task of making examinations. The officers and men sent to make the examinations should be armed with revolvers. It is useful to agree beforehand upon several simple
conventional signals (with an oar, handkerchief, flag, etc.). From the moment the chase is begun the officers designated for the examination prepare their men and ascertain the latitude and longitude of the imperial vessel.—Rus. Ins. 1900.

4. For the purpose of making examination there are appointed an adequately experienced officer and several men of the crew, among whom it is useful to include the mate, etc. If the personnel present enable it to be done, two officers are designated who are more or less acquainted with foreign languages.—Rus. Ins. 1900.

7. Having lowered a boat with the officers and men, the imperial cruiser remains in such a position during the continuance of the examination as to be able to see its boat at all times and to observe everything going on in the vessel undergoing examination. The guns must be loaded and the gun captains at their quarters.—Rus. Ins. 1900.

8. While proceeding on board the halted vessel, the name of the vessel and the port for which it is bound are observed while on the cruiser's boat. An officer accompanied by two enlisted men boards the vessel. If two officers are designated for the examination they go on board with one enlisted man.

Note.—The remaining enlisted personnel proceeds on board only after examination of the documents has been completed and that of the whole vessel is begun. The number of sailors going on board depends upon the size of the vessel and the discretion of the officer (for instance, four, six, and more sailors).—Rus. Ins. 1900.

Boarding, functions of crew.

Art. 9. The junior officer remains on the upper deck during the whole time and is not allowed to descend below. He is obliged to observe everything going on on the deck of the vessel under examination, and to watch the cruiser's boat and the signals from his ship. He is assisted by an enlisted man who has come on board. The examination of the documents and of the vessel is performed by the senior of the officers detailed. In case of visitation by one officer the duties of junior officer are performed by the senior of the two enlisted men who have gone on board simultaneously with the officer.—Rus. Ins. 1900.

85. If the weather makes boarding impossible, the captain will prescribe a given course to the ship, in case he has serious suspicion of her, and will follow himself, until it is possible to carry out the visit.—Ger. O. 1909.

10. Should anything, for example bad weather, prevent a boarding party from being sent on board, a suspect ship is to be brought into port without further procedure. Should it be necessary at the same time to declare such a ship as captured, she must be ordered to haul down her flag and to follow the war vessel.—Ger. P. C. 1916.
11. It must be clearly stated in the prize report whether the ship has been captured or merely brought into port for search; in the latter case the reason must be given, for example, whether search was impossible for military reasons or owing to the nature of the cargo, weather, etc.—Ger. P. C. 1916.

(d) The visiting vessel will send to the merchant vessel a boat with an officer, who will effect the visit in question, under a verbal commission from his commanding officer; said officer may board the merchant vessel in company with two or three of the crew of the boat, but it will be left to his discretion whether he shall do so or go alone.—Spain, Ins. 1898.

Arrt. LI. The captain of an imperial man-of-war shall in no case order the vessel to be visited or searched to send to his ship her boat, crew, or papers.—Jap. Reg. 1904.

Arrt. LV. On the vessel’s stopping, the captain of the man-of-war shall send a boat to her with a boarding officer and his assistant. The crew of the boat shall not wear arms, but they may be kept in the boat. When boarding the vessel the boarding officer may take with him, if he deems it necessary, not more than two of the boat’s crew.—Jap. Reg. 1904.

14. When a vessel is brought to a standstill in obedience to the order of the warship, the captain of the latter should send a witness, an officer and two sailors to proceed to the vessel to conduct the visit.—China, Reg. 1917.

Manner.

43. The right should be exercised with tact and consideration, and in strict conformity with treaty provisions, where they exist.—U. S. Ins. 1917.

101. Toutes ces opérations de visite doivent être faites avec la plus grande courtoisie et modération, et, s’il s’agit de paquebots postaux, avec toute la celerité possible.—Fr. Ins. 1912.

Arrt. 4 (continued). The visit and search shall be made only when the captain believes that results will follow. All measures are to be carried out in a form whose observance, even against the enemy, will comport with the dignity of the German Empire, and with a regard for neutrals conformable to the usages of international law and German interests.—Ger. O. 1909.

81. The captain must as much as possible avoid diverting a ship under a neutral flag from her course during the visit and search; he shall especially endeavor to cause the ship the least possible inconvenience; especially will he in no circumstances require the master to come on board the man-of-war, or that a boat, men of the crew, the ship’s papers, etc., be sent on board.—Ger. O. 1909.
9. The visit is not an act of jurisdiction on the part of the belligerent; it is a natural means of legitimate defense allowed by international law, lest fraud and bad faith should assist the enemy. This right should therefore be exercised with the greatest modification by the belligerent, special care being taken to avoid causing the neutral any extortion, damage, or trouble that is not absolutely justifiable. In consequence of this, the detention of the ship visited should always be as short as possible, and the proceedings restricted as far as they can be, their exclusive object being, as explained, for the belligerent to ascertain the neutrality of the ship, and in case of its neutrality (if bound for a port of the enemy) the inoffensive and neutral description of its cargo. It is not necessary, therefore, to demand during the visit any other documents than those proving these two conditions, for what the belligerent requires is to prevent any damage, favoring, or assisting the enemy; to prevent assistance and help being furnished to them that may contribute directly to the prolongation of the war, and not to be assured that all ships belonging to neutral powers are provided with all the documents required by the laws of their country.—Spain, Ins. 1898.

14. The commander of the vessel carrying out the visit and the officer commissioned to make the visit, the former in ordering and the latter in carrying it out, should act without prejudice to the good faith of the neutral being visited, and without losing sight of the consideration and respect that nations owe to one another.—Spain, Ins. 1898.

Courtesy.

10. The dealings of the officers and men with their master, crew, and passengers should be marked by courtesy and fully in accordance with the dignity of the military profession. In case resistance is shown by the halted vessel to the carrying out the examination, it is subject to capture.—Rus. Ins. 1900.

Art. LI. In visiting or searching a vessel the captain of the man-of-war shall take care not to divert her from her original course more than necessary and as far as possible not to give her inconvenience.—Jap. Reg. 1904.

Art. 148. A boarding officer in making visit or search shall observe courtesy.—Jap. Reg. 1914.

Examination of papers.

47. The boarding officer shall first examine the ship’s papers in order to ascertain her nationality, ports of departure and destination, character of cargo, and other facts deemed essential. If the papers furnish conclusive evidence of the innocent character of vessel, cargo, and voyage, the vessel shall be released; if they furnish prob-
able cause for capture she shall be seized and sent in for adjudication.—U. S. Ins. 1917.

93. Avant tout, l'officier visiteur doit procéder à l'examen des papiers de bord.—Fr. Ins. 1912.

Art. 104. The commanding officer of a man-of-war shall examine necessary ship’s papers with a view to obtaining information as to the nationality of the vessel, the place she left, her destination, her route and duty, and character, kinds, and destination of her cargo, and other necessary matters.—Jap. Reg. 1914.

Art. 143. The boarding officer shall first examine the ship's papers.—Jap. Reg. 1914.

96. Éventuellement, vous pourrez demander à vous faire présenter: Le journal des machines; la police d’assurance du navire et celle des marchandises, si elles sont à bord; le registre des télégrammes reçus et envoyés si le navire est muni de T. S. F.—Fr. Ins. 1912.

100. Les papiers de bord font preuve complete de l’itinéraire du navire ainsi que du 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.

86. Usually in this, the officer goes directly on board, accompanied only by the officer sent with him, and asks politely, but definitely, for the ship’s papers to be produced; if the master declines, he orders their production. A further refusal justifies the capture of the ship.—Ger. O. 1909.

(e) The visiting officer will inform the captain of the merchant vessel that, under commission from the commander of the Spanish ship of war, or of the auxiliary cruiser (here follows name of ship of war or auxiliary cruiser), or from the captain of the privateer (here follows name of vessel), he intends to effect a visit and will request him to produce his sailing papers, or official document which takes their place, in proof of the nationality of the vessel therein stated being that of the flag which he has hoisted, and to show the port to which the vessel is proceeding. Should the first point be satisfactorily proved, and should the port of destiny prove to be a neutral one, the visit is thereby concluded. But should the vessel be proceeding to a port belonging to the enemy of the nation to which the visiting vessel belongs, the officer will ask the captain of the merchant vessel for the documents in which the nature of the cargo is stated, in order to ascertain if there be contraband of war; should there be none, the visit is definitely concluded, and the neutral vessel is at liberty to proceed on its voyage; but should there be contraband, its capture is proceeded with, but no search may, in these circumstances, be made.—Spain. Ins. 1898.
11. The examination is begun by asking the master: (a) To give the name and nationality of his vessel. (b) To name the port of destination and whence the vessel departed. (c) To exhibit the log book and all documents regarding the vessel and cargo. A list of the principal ship's papers carried on board the merchant vessels of various nations is appended hereto. (Appendix I.)—Rus. Ins. 1900.

12. In proceeding to the examination of the papers the officer pays especial attention to the log book, endeavoring to ascertain all circumstances of sailing, the place according to the chart where the master considers himself to be, and the last entries made in the log book.—Rus. Ins. 1904.

13. In examining the documents regarding the nationality of the vessel the officer observes the port of registry, the registry number, the names and nationality of the owners, the place and time of construction of the vessel, and also as to whether it was not bought from subjects of the enemy after the declaration of war for the purpose of covering enemy's property.—Rus. Ins. 1900.

14. In examining the documents relating to the cargo, the officer determines the kind and quantity of the goods, the places whence and whither they are being sent, the names and nationality of the shippers and consignee of the cargo. In this connection it is important to ascertain whether there are not articles contraband of war among the goods, and to whom the cargo belongs—whether to hostile or neutral subjects.—Rus. Ins. 1900.

15. In examining the documents regarding the composition of the crew and the passengers the officer should ascertain the nationality and occupation of these persons, endeavoring to determine whether there are not hostile military persons among the passengers, and who among the crew may be detained in accordance with article 18 of the Regulations on Maritime Prizes.—Rus. Ins. 1900.

17. The officer takes note of all documents presented to him and makes a record of everything which is most essential. In examining the documents, he may ask questions of the master, steersman, and other members of the crew, at his option.—Rus. Ins. 1900.

Art. LVI. The boarding officer, if he has ground for suspicion, shall demand with proper courtesy to inspect the ship's papers. When the master of the vessel refuses to produce them, the boarding officer may insist upon it.—Jap. Reg. 1904.

15. On boarding the vessel the visiting party should request of the captain of the vessel, with due ceremony, the papers for examination. Force may be used when the captain of the vessel refuses to comply with the request.—China, Reg. 1917.

Search.

48. If the papers do not furnish conclusive evidence of the innocent character of the vessel, the cargo, and voyage, or probable
cause for capture, the boarding officer shall continue the examination by questioning the personnel or by searching the vessel or by examining her cargo. If such further examination furnishes satisfactory evidence of innocency, the vessel shall be released; otherwise she shall be seized and sent in for adjudication.—U. S. Ins. 1917.

90. Si l'examen des pièces vous laisse un doute quelconque ou vous confirme un soupçon: (1) Sur la nationalité du navire: alors vous le capturerez; (2) Sur sa destination ou sur le caractère inoffensif de son chargement: alors vous pourrez procéder à la visite de la cargaison. Cette visite s'effectue par les soins du capitaine et de l'équipage du navire visité, sous les yeux de l'officier visiteur, lequel ne doit y procéder par lui-même qu'en cas de refus de ces derniers.—Fr. Ins. 1912.

89. If the master has objections to make, the officer will make his comment upon these in a brief report. The captain will forward this declaration with his own indorsement, immediately to the Chief of the Admiralty Staff.—Ger. O. 1909.

90. If the officer forms the opinion upon examining the ship's papers that the ship is suspicious, he will proceed to search. This consists of carefully fixing the agreement of the ship with the data in her papers (alterations in her exterior features, distinguishing marks, draft marks, name boards, are to be noted) and testing of the correctness of the data in the papers concerning the relation of the ship and her cargo. The search will be made by questioning the master, crew (if change of flag be suspected, compare the signatures of the crew with those in the muster roll, provided the law concerning the flag determines the national composition of the crew) and passengers, with whom, however, no compulsion by threat is to be used; and by examining the ship and cargo; this will be done with the assistance of the boat's crew, which will be increased if necessary, and—if he does not refuse—with the attendance of the master, who will cause the locks and packings to be opened, or suggest the most appropriate way of opening. Any injury is to be avoided as far as possible. Ger. O. 1909.

12. On the visit taking place, it is not permissible to give orders to open the hatchways in order to examine the cargo, nor to open any article of furniture to search for documents. The ship's papers presented by the captain to prove the legitimacy of the flag and the nature of the cargo are the only proof which international law allows.—Spain, Ins. 1898.

20. In case of doubt as to the authenticity of the information received in the examination of the documents, and especially in those cases when the vessel is proceeding to a hostile port, or when, from the general character of the courses, navigation, and situation of the
detained vessel, it may be supposed that a hostile port is the ultimate destination of the vessel or of the cargo conveyed thereon, the officer proceeds to an examination or search of the whole vessel in order to satisfy himself that there are no articles contraband of war among the cargo.

21. The examination (or search) of every vessel is performed by an officer with the assistance of several members of the crew, who go on board from the cruiser's boat at the command of the officer.

22. The number of sailors going on board may be four, six, eight, or more, according to the size of the vessel to be examined, and in the discretion of the officer. If it is found that the number of men on the cruiser's boat is insufficient, the cruiser may be signaled to send more assistance. The men who go on board to make an examination should, as far as possible, be the most intelligent, active, and experienced.

23. The examination of the interior apartments presents many difficulties and may call forth protests from neutral parties who innocently suffer. For this reason the officer should first judge what part of the cargo appears the most suspicious, owing to the insufficient clearness of the ship's papers, and to this part of the cargo he should direct his first attention. The conduct of the officer and of the men should be courteous, but without any deviations from the requirements of duty and service.

24. During the examination of the interior apartments the officer must positively demand the presence of the master during all acts, and only in extreme cases that of his assistants.

25. The master who is present during the search is obliged, upon the request of the officer making the search, to open all locks and rooms which the officer may desire to inspect, and indicate what objects should be handled with special care, and how certain packages (trunks, casks) should be opened or unbunged which are selected for more minute inspection. In case the master refuses to open a room upon the demand of the examining officer the vessel is subject to detention.

26. During the time of the examination or search, the officer, in order to render more easy his task, may ask various questions of individuals of the crew and passengers in order to obtain necessary information concerning the vessel and cargo. It is also advisable to pay attention to certain exterior signs; for instance, to the marks which exist on the smokestacks of steamers of various companies and which may be painted over.—Rus. Ins. 1900.

Art. LVIII. When the boarding officer, after inspecting the papers, deems the vessel to be suspicious, he shall search her. In
this case he may, if he deems it necessary, call the crew of the boat on board to assist, or he may ask for assistance from the ship from which he was sent.—Jap. Reg. 1904; art. 144, 1914.

20. When an officer on board a vessel in a visit finds the vessel is of suspicious character after examining its papers, he shall have the right to search the vessel.—China, Reg. 1917.

Art. LIX. Search shall be made together with the master of the vessel or his representative.—Jap. Reg. 1904.

Art. 145. Search shall be made together with the master of the vessel or his representative. The boarding officer shall require the master of the vessel or his representative to open any locked place, furniture, or goods. In cases of the preceding two paragraphs, if the master of the vessel or his representative refuses to comply, the boarding officer may take steps required by the occasion.—Jap. Reg. 1914.

Art. LX. The boarding officer shall require the master of the vessel or his representative to open any locked place or furniture, and if the latter refuses to comply the boarding officer may take steps required for the occasion.—Jap. Reg. 1904.

21. The search shall be conducted together with the captain of the vessel or one acting as his representative. Places or articles which are either sealed or locked shall be opened by the captain of the vessel or the one acting as his representative. In case the captain or his representative refuses to comply with the order of the searching party to open such articles or places, the latter can take necessary measures in regard to the opening of such places or articles.—China, Reg. 1917.

9. Suspect ships are to be searched, and, according to the result of the search, either released, brought into port, or captured. Since, however, for military reasons or because of the nature of the cargo, search can seldom be carried out at sea, it is advisable for suspect ships at once to be brought into a German port in order to undergo a more thorough search. In such cases a ship shall only be declared captured if during her voyage to a German port it is necessary to take her through neutral territorial waters.—Ger. P. C. 1916.

91. If the making of the search is proved to be necessary, but at the time is not practicable to carry out, the ship will be searched later at a suitable place. If this causes serious disadvantages to the ship to be searched, the captain will proceed to the provisional capture.—Ger. O. 1909.

Sick and wounded in vessel.

8. The record of the visit, which, as stated in Article VI, can be made at the wish of the captain of the visited vessel, will become an indispensable formality should the vessel contain wounded or sick
soldiers, subjects of the enemy, for in such a case all such persons will, by the mere act of visit, be incapacitated from bearing arms again during the war, in accordance with the first paragraph of the tenth additional article of the Geneva convention. The visiting officer will therefore in such a case make a notification of the same to the chief of the expeditionary force, and will make a note in the books of the visited vessel in the form prescribed in Article VI, with the following addition: This vessel contains (number of sick and wounded) individuals (of the army or navy or both) sick and wounded, subjects of the enemy, all of whom, by the fact of this visit, are incapacitated from bearing arms again during the war, according to paragraph 1 of the tenth additional article of the Geneva convention, of which I have made notification to the commander of the expeditionary force, who stated that he was (here follow rank and name).—Spain, Ins. 1898.

**Delay, release of vessel.**

5. The visiting officer should have instructions from his commanding officer authorizing the visited vessel to continue her voyage, if the visit has presented no difficulties, in order that the delay may not be longer than is absolutely indispensable.—Spain, Ins. 1898.

19. Having become convinced that the documents are all right, that the vessel is actually a neutral one, that there is no possibility of there being among the goods any articles contraband of war destined for the enemy, and that, generally speaking, the vessel is in no manner subject to detention, the officer immediately leaves the vessel, observing the rules set forth below in sections 28, 29, and 30 (conclusion of the examination).—Rus. Ins. 1900.

27. The officer desists from further examination of the vessel when he becomes convinced that there is no contraband of war in the cargo and that vessel contains nothing suspicious. Every object which has been displaced should, as quickly and carefully as possible, be returned to its place according to the directions of the master.—Rus. Ins. 1900.

**Art. LVII.** When the boarding officer deems, after inspecting the papers, that the vessel is not to be captured, she shall be released at once by order of the captain of the man-of-war.—Jap. Reg. 1904.

16. After examining the papers of the vessel, if the officer in charge of the visit finds that the vessel is not of suspicious character under any of the circumstances provided under article 11, he should set the vessel free at the command of the captain of the vessel.—China, Reg. 1917.

**Art. LXI.** The boarding officer if he finds, while making search, that there is no ground for capturing the vessel shall discontinue
the search, and the vessel shall be released at once by the order of the

22. If the officer conducting the search of a vessel finds that the
vessel is not liable to capture, after the search has been made, he
should set the vessel free at the command of the captain of the war-
ship.—China, Reg. 1917.

Art. LXIV. When a vessel is to be released on the ground that
she has not received notification of blockade, or as coming under
section 2 of Article XXX, or as not knowing the outbreak of the war
under Articles XXXVI or XXVIII, the boarding officer shall enter
a warning according to Forms II or III in the vessel's log book or
upon the paper certifying her nationality, and shall order the vessel
to retrace or to change her course, or take any other proper

30. Upon descending from the vessel the officer informs the master
that permission to continue his voyage will not be given until the
officer arrives on the imperial ship and reports to the commander.
The officer prepares a detailed account of everything which he has
examined and seen.—Rus. Ins. 1900.

Complaint.

Art. LXII. The boarding officer, before he leaves the vessel, shall
ask the master whether he has any complaint regarding the procedure
of visiting or searching, or any other points, and if the master
makes any complaint he shall request him to produce them in writ-

Report.

33. On board the imperial vessel a commission is formed of three
officers (including the officer who has made the examination), which
prepares a detailed report concerning everything that has taken
place and been discovered during the examination, and submits it for
the approval of the commander.—Rus. Ins. 1900.

34. The report is written in the Russian language. The following
points must be accurately indicated therein: Nationality, kind, and
name of the vessel; the names of the masters and owners; the num-
ber of the crew and their nationality; all circumstances accompan-
ying the stoppage of the vessel; all documents presented by the
master, and their contents; all circumstances attending the exami-
nation of the documents and of the vessel; all information concern-
ing everything that was found on the vessel; all statements of the
master, supercargo, boatswain, and other persons questioned.—Rus.
Ins. 1900.

35. The contents of the report are translated orally to the master,
and he is asked to sign the report. However, the signature of the
master is not obligatory. A note should be made on the report that
it was read and translated to the master. The protest of the master (in writing) should be added to the report and the points on which he disagrees should be explained therein.

**Note.**—In view of the fact that the preparation of the report and the interrogation of the master and other persons of the crew may occupy considerable time, the cruiser has the right to compel the merchant vessel to move along a given course, and to follow after her and perform the acts mentioned while under way.—Rus. Ins. 1900.

**Model of Memorandum of Visitation**

1901. (month, date) in (such and such) latitude and longitude, the imperial Russian first-class cruiser *Rurik*, first-class Captain ——, commanding, stopped the steamer —— (or sailing vessel, bark, schooner, etc.), under a neutral Dutch flag. The steamer immediately shut off its engine (or the sailing vessel lay to). Upon examination it was found that the steamer bore the name of ——; the ship’s papers (to be named) were found in good order and there was no contraband of war on board the steamer. The examination lasted two hours (from — to —). Lieutenant ——.

Rus. Ins. 1900.

**Art. LXXII.** The captain of a man-of-war shall immediately submit to the minister of the navy detailed accounts of visit, search, or capture, with his opinion.—Jap. Reg. 1904.

24. After the search is conducted, if the boarding officer finds that the ship is liable to capture, he should report the case to the captain of the warship and the measures provided under the articles in Chapter IV regarding the capture of a vessel shall be adopted.—China. Reg. 1917.

**Art. 157.** The commanding officer of a ship of war shall make to the minister of the navy without delay a detailed report concerning visit, search, and capture or detaining, with his opinion thereon. When there has been complaint with regard to visit or search from the master of the vessel, or when a vessel has been captured or detained, however, he shall report the important matters relating thereto by telegraph as soon as possible.—Jap. Reg. 1914.

**Use of force.**

89. S’il continue sa route et cherche à fuir, vous le poursuivrez et l’arrêterez au besoin par la force.—Fr. Ins. 1912.

83. If the ship does not stop upon signal, two successive blank charges are to be fired, and if necessary a shotted charge over the ship. If the ship then does not stop, or makes resistance, the captain will compel her to stop.—Ger. O. 1909.

5. If the ship does not stop when she is signaled to do so, two rounds of blank, and if necessary a live shell, should be fired over
her or across her bows. As regards the case of submarines, see article 42. (P. O. 83.) If the ship still refuses to stop, the commanding officer compels her to do so by using force. Force, however, may only be used until the ship abandons her attempt to escape. If the ship is damaged or even destroyed as a result of the employment of force, she has only herself to blame and she must bear the loss. The ship, however, must subsequently not be destroyed or otherwise penalized on account of her attempt to escape, but on the contrary she is then to be treated like any other neutral or enemy vessel.—Ger. P. C. 1916.

Art. 4. (b) If the merchant vessel does not obey this first intimation, and either refuses to hoist her flag or does not lay to, a second gun will be fired, this time loaded, care being taken that the shot does not strike the vessel, though going sufficiently close to her bows for the vessel to be duly warned; and if this second intimation be disregarded, a third shot will be fired at the vessel, so as to damage her, if possible, without sinking her. Whatever be the damage caused to the merchant vessel by this third shot, the commanding officer of the man-of-war or captain of the privateer can not be made responsible. Nevertheless, in view of special circumstances, and in proportion to the suspicion excited by the merchantman, the auxiliary vessel of war or privateer may delay resorting to the last extremity until some other measure has been taken, such as not aiming the third discharge at the vessel, but approaching it and making a fresh notification by word of mouth; but if this last conciliatory measure prove fruitless, force will immediately be resorted to.—Spain, Ins. 1898.

3. If a vessel does not stop in spite of the shot fired, a projectile is fired across the bows of the escaping vessel. In case of further resistance to stoppage, it is permissible to fire upon and pursue the fleeing vessel in order to compel her by force to stop. Upon beginning fire it is recommended to fire the first shot across the vessel among the masts. However, such indulgence is not obligatory, especially if the steamer be superior in point of speed, so that there is a possibility of her eluding pursuit. Every vessel which has shown an evident intention to escape from the cruiser, in consequence whereof the latter has been obliged to give chase and use force in order to stop her, is subject to detention; however, it lies with the commander, if he deem it expedient, to subject the temporarily detained vessel to an examination and to shape his further course in accordance with the results of such examination.—Rus. Ins. 1900.

Art. LIV. The captain of the man-of-war shall first communicate by signal flag or steam whistle his intention to visit the vessel.
At night he shall display a white light above the ensign in place of the signal flag. In case it is impossible on account of bad weather to communicate his intention by any of the means mentioned above, or in case the vessel does not make any response to the above signals, he shall give order to stop by firing two blank cartridges, and if there is further necessity, by firing a shot ahead of the vessel. If after giving the above warning the vessel still fails to obey the order to stop, fire shall be directed first at the yards and then at her hull.—Jap. Reg. 1904.

13. The captain of a warship can order such ships of suspicious character to stop and demand the right of visit. Flag signals and whistle shall be used to order the ship to heave to in daytime. In night white lanterns shall be used instead. In foul weather or the ship fails to obey the order, after the flag and whistle signals two blank cartridges shall be fired by the warship. In case of failure to comply with the order of the warship after the latter has discharged blank cartridges, shots shall be fired, first at its sail and then at the body of the ship, if it continues to pay no heed to the warning.—China, Reg. 1917.

Record in log.

97. Si l'examen de ces pièces démontre d'une manière certaine la neutralité du navire, sa destination inoffensive et le caractère inoffensif de son chargement, l'officier visiteur constatera le résultat de sa visite sur le journal de bord dudit navire, et vous laisserez le navire continuer sa route. L'absence de l'une des pièces ci-dessus indiquées ne justifierait pas seule la capture, si d'ailleurs l'ensemble des autres pièces prouvait la neutralité du navire et la régularité de l'expédition.—Fr. Ins. 1912.

6. If the captain of the visited vessel asks to have the visit certified, the visiting officer will accede to his request and will insert a note in the sheet for the day in the ship's books in the following form:

The undersigned (rank in the navy), sailing on the (gunboat, cruiser, etc., of His Catholic Majesty, named ———, or the auxiliary cruiser or privateer), whose commanding officer is (rank and name), certifies that this day at (hour of morning or evening), under a verbal commission from the said commanding officer, has carried out the visit of the (class of vessel, name, and nationality of merchant service), captain (name of captain), and ascertained from the papers shown to him the legitimacy of the flag which she flies, and the neutrality of her cargo.

(Date) ———.
(Signature of visiting officer) ———.
(Seal of visiting ship.)

—Spain, Ins. 1898.
28. Upon concluding the examination the officer records in the log book, in the Russian language, the time and place of the examination (latitude and longitude), the name of his ship, the name of the commander, and the result of the examination.—Rus. Ins. 1900.

29. Before leaving the vessel the officer proposes to the master to give a written certificate (if possible in his native tongue) that he has no cause for complaint; or, if the master have any complaint, to state the same in writing.—Rus. Ins. 1900.

Art. LXIII. The boarding officer shall enter in the log book of the vessel when and where the visit or search was made, the name of the man-of-war from which he was sent, and the name and rank of her captain, and shall sign his own name and rank.—Jap. Reg. 1904.

17. On leaving the vessel the boarding officer should enter in the log book of the vessel the place and date of the visit and the name of the captain of the warship and his own name.—China, Reg. 1917.

Art. 149. A boarding officer shall enter in the log book of the vessel when and where the visit or search was made, the name of the ship of war from which he was sent, and the name and rank of her commanding officer, according to Form No. 14.—Jap. Reg. 1914.

7. The visit will likewise be recorded in the books of the visiting vessel, the following circumstances being stated:

(a) Details of the intimation or intimations given to the visited vessel.
(b) Hour of its laying to.
(c) Name and nationality of visited vessel and captain thereof.
(d) Manner in which visit was effected, and its result, stating name of officer who executed it.
(e) Hour at which vessel was authorized to proceed.

—China, Ins. 1917.

Art. LXXI. The captain of a man-of-war shall cause due notes to be entered in the log book of his ship concerning a visit, search, or capture.—Jap. Reg. 1904.

49. The boarding officer must record the facts concerning the visit and search upon the log book of the vessel visited, including the date when and the position where the visit occurred. This entry in the log must be made whether the vessel is held or not.—U. S. Ins. 1917.

PAPERS

List.

50. The papers which will generally be found on board a private vessel are:

1. The certificate of registry or nationality.
2. A certified bill of sale, or certificate thereof duly authenticated, in the absence of certificate of registry or nationality, or in the case of a vessel which has recently been transferred from enemy to neutral ownership.
3. The crew list.
4. The passenger list.
5. The log book.
6. The bill of health.
7. The clearance papers.
8. The charter party, if chartered.
10. Invoices or manifests of cargo.

The evidence furnished by the papers against a vessel is conclusive. Regularity of papers and evidence of the innocence of cargo or destination furnished by them are not necessarily conclusive, and if doubt exists a search of the ship or cargo should be made to establish the facts. If a vessel has deviated far from her direct course this, if not satisfactorily explained, is a suspicious circumstance warranting search, however favorable the character of the papers.—U. S. Ins. 1917.

94. Les principaux papiers debord des navires de commerce sont:
1. L'acte constatant la nationalité;
2. Éventuellement l'acte de propriété (voir § 108 et suiv.) ;
3. Le congé;
4. Le permis de navigation ou certificat de navigabilité;
5. Le rôle d'équipage et la liste des passagers;
6. La patente de santé;
7. Le journal de bord;
8. Le manifeste de chargement;
9. La charte-partie (si le navire est affrété) et les connaissances dûment signés;
10. L'inventaire.

—Fr. Ins. 1912.

108. The captain must immediately take possession of the ship's papers; that is, all papers which are found on board and may serve as evidence before the prize court. The papers will be arranged in the same condition in which they were found and will be numbered; a list of them will be made and signed by the captain and the master; papers and list will be sealed with the seal of the man-of-war and of the master and, together with a statement of the condition of the ship and cargo and a copy of the report required by 96, will be given to the prize officer for safe keeping and delivery to the prize office. If the master refuses his signature or his seal, this is to be noted at the end of the list. If papers are found later, or if any have been destroyed or thrown overboard in the presence of witnesses, statements in the matter are to be drawn up with the witnesses and submitted to the prize office.—Ger. O. 1909.

13. When the ship has been brought into port the prize officer must take possession of all papers. If possible, a list is to be prepared and the papers are to be arranged in order, packed up, and sealed (the master's seal being used).—Ger. P. C. 1916.
Art. XX. Ship’s papers generally consist of the following documents:

1. Certificate of nationality of the vessel.—This document is a certificate issued by the register officer of the port where the vessel is registered, and generally contains the name and tonnage of the vessel, the name of the master, details of how the vessel came into the possession of the present owner, and the name, nationality, etc., of the registered owner.

2. Passport.—This document is a demand issued by the government of the country to which the vessel belongs, that the vessel with her crew, passengers, goods, and merchandise shall be allowed free passage without any hindrance, and generally contains the name and residence of the master, the name, construction, and destination of the vessel.

3. Permit for navigation.—This document is issued by the officers of the port where the vessel fitted out for the voyage and gives her the right to navigate, carrying the flag and passport of the country to which she belongs. The document generally contains the nature, quantity, and owner of the cargo, and the place of destination.

4. Charter party.—This is a contract entered into by the owner or master of a vessel and the person who charters her concerning the hire of the whole or part of the vessel, and generally contains the name of the master, the name and construction of the vessel, the port where she is lying when chartered, the name and residence of the person who chartered her, the nature of the cargo, the ports where it is to be loaded and unloaded, and the freightage.

5. Log book.—This is a journal kept by the master of the vessel in accordance with the regulations of the country to which she belongs.

6. Ship’s journal.—This is a journal kept by the master of the vessel to make report to her owner.

7. Contract with the shipbuilder.—This document must be carried by a vessel while there is no change in ownership since her completion, and is used to prove her nationality in case there is no passport, permit for navigation, or certificate of nationality.

8. Assignment.—This document proves that the ownership of a vessel has been transferred to the purchaser.

9. Bills of lading.—These are generally made separately for goods of different shippers. Those remaining on board are duplicates of those which the master has given to the shippers. A bill of lading contains the name of the shipper, date and place of loading, the name and destination of the vessel, the nature, quantity, destination, and freightage of the goods.

10. Invoice.—An invoice always accompanies goods and contains details of each bale of goods, the price, freightage, custom duty, and other charges and expenses, and the names and residences of the consignor and consignee.

11. Freight list.—This contains the names of the consignor and consignee, the mark and number of each bale, quantity of goods in each bale in detail, and accounts of freightage corresponding to the bill of lading, and signed generally by an agent who manages clearance of vessels, and by the master.

12. Clearance.—This is issued by the officer of the customhouse which the vessel left last, and proves that the custom duty has been paid. It also contains the destination of the vessel and her cargo.

13. Master roll.—This contains the names of the crew, with their ages, duties, residences, and places of birth.

14. Shipping papers.—This is a contract signed by every member of the crew, with details of the limits of the voyage and the period of hire contracted.
15. *Bill of health.*—This is a certificate testifying that there has been no contagious disease prevailing in the port which the vessel left and that there has been no case of such disease on board the vessel. —*Jap. Reg. 1904.*

7. The papers of a ship shall include the following documents:

(a) Certificates denoting the nationality of the ship.
(b) Passport.
(c) Agreement for the construction of the ship.
(d) Agreement for chartering the ship.
(e) Deeds for transfer of the ship in sale.
(f) The list of the names of the officers and crew on board the ship.
(g) The voyage journal.
(h) The log book.
(i) The daily records.
(j) Passports for leaving a port.
(k) Agreements for the employment of the officers and crew of the ship.
(l) The health papers.
(m) Certificates for the consignment of goods on board.
(n) Receipts for the goods consigned.
(o) The list of goods shipped.

Ships are not necessary to produce all the above-mentioned papers when visited. Only those the ship is required to keep in accordance with the law of the country to which the vessel belongs are necessary.—*China, Reg. 1917.*

Art. 103. The principal ship’s papers which are generally carried by vessels are as follows:

1. Certificate of nationality of the vessel.
3. Muster roll.
4. List of passengers.
5. Charter party.
7. Freight list.
8. Clearance.

Art. 105. If the commanding officer of a man-of-war considers it necessary, he may request the production of the following documents:

2. Policy of insurance of the vessel or of her cargo.
3. In the case of a vessel equipped with radio, the records of messages sent and received. —*Jap. Reg. 1914.*

Language.

12. The circumstance that the papers are written in a language unknown to the officer making the visit does not authorize the detention of the vessel.—*Spain, Ins. 1898.*
Lack of, or false.

Art. 35. Sont possibles de saisie les navires qui ne possèdent aucuns papiers de bord, ont caché ou détruit intentionnellement ceux qu'ils possédaient ou en présentent de faux.—Institut, 1913.

Art. 10. Vessel liable to capture: (3) If a legal document to prove the nationality can not be produced. (4) If bound for the enemy's ports, the vessel can not produce a document proving the nature of the cargo.—Spain, Ins. 1898.

13. Although it very seldom occurs that the principal ship's papers, whether those referring to her nationality or to the nature of her cargo, are lost, mislaid, or left on shore by mistake, if such a case should occur, and by other papers or means the captain can convince the officer visiting the ship of the neutrality of the ship and her cargo, he may authorize the captain to continue her voyage; but if an explanation can not be given, the ship will be detained and conducted to the nearest Spanish port until the necessary investigation concerning the point or points in question is made.—Spain, Ins. 1898.

10. The vessel will also be captured when during the visit duplicate or false papers are found, since such cases fall under the regulations contained in clauses (3) and (4) or in both, since neither false nor duplicate papers can serve to justify the conditions referred to.—Spain, Ins. 1898.

False or concealed.

Art. 106. Any vessel coming under one of the following cases shall be captured, no matter to what nationality she belongs:

(1) If a vessel does not carry ship's papers.
(2) In a vessel throws overboard, mutilates, or hides the ship's papers.
(3) If a vessel carries dual ship's papers or altered or counterfeited ship's papers.

—Jap. Reg. 1914

Destruction of.

98. Toutefois, s'il est constaté qu'un ou plusieurs de ces papiers ont été jetés à la mer, supprimés, distraits ou falsifiés, le navire visité doit être capturé sans qu'il soit besoin d'examiner par qui ou pour quelle cause ils ont été jetés à la mer, supprimés, distraits ou falsifiés.—Fr. Ins. 1912.

Destroyed or suspicious.

Art. 107. A vessel coming under one of the following cases may be captured, no matter to what nationality she belongs, if there are circumstances which cause suspicion:

(1) When she does not produce an important paper that should be carried by a vessel; or her ship's papers are not in proper order.
(2) When there are contradictions among the ship's papers, or between the ship's papers and statement of the master.

**RESISTANCE**

Art. 63. Forcible resistance to the legitimate exercise of the right of stoppage, visit and search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment which the cargo of an enemy vessel would undergo. Goods belonging to the master or owner of the vessel are regarded as enemy goods.—D. of L. 1909.

45. If the summoned vessel resists or takes to flight she may be pursued and brought to by forcible measures if necessary.—U. S. Ins. 1917.

90. En cas de résistance armée de sa part, vous le capturerez sans autre examen. La tentative de fuite ne suffit pas à elle seule à justifier la capture.—Fr. Ins. 1912.

102. Résistance à la visite.—La résistance opposée par la force à l'exercice légitime des diverses opérations de la visite rend immédiatement le navire passible de capture et ultérieurement de confiscation. Le chargement sera passible du même traitement que subirait le chargement d'un navire ennemi; les marchandises appartenant au capitaine ou au propriétaire du navire seront considérées comme marchandises ennemies.—Fr. Ins. 1912.

2. If an armed merchant ship of the enemy makes armed resistance to measures of the right of prize, such resistance is to be broken with all means. The responsibility for any damages which the ship, cargo, and passengers may thereby suffer rests with the enemy government. The crew are to be treated as prisoners of war. The passengers are to be released, except when they have demonstrably taken part in the resistance. In the latter case, the procedure extraordinary to the laws of war is to be employed against them.—Ger. App. P. C. 1914.

Art. 10. Vessel liable to capture: (2) If active resistance is offered to the visit, that is, if force is employed to escape it.—Spain, Ins. 1898.

Attempted flight.

11. Neither an attempt at flight to escape visit, nor simple suspicion of fraud respecting the nationality of the vessel or the nature of its cargo, authorize the capture of the vessel.—Spain, Ins. 1898.

Attempt to escape.

5. Care is to be taken in determining whether an attempt has been made to escape.

The commanding officer must:

(1) Make certain that the signals have been understood, especially if there is another ship in the vicinity.

(2) In the case of merchant ships, any increase in speed is generally small, and barely distinguishable from any great distance, as they in any case usually steam at full speed.
(3) Some companies have ordered their ships, in the event of their being held up, not to reverse the engines, but simply to stop and allow the ship to proceed until she has lost her way.

As regards attempts to escape and the offering of resistance when held up by submarines, see article 43.


An attempt to escape renders the ship suspect and therefore justifies her being captured and brought into port without further procedure. If, however, the ship is not liable to confiscation on other ground—for example, on account of carrying contraband or rendering assistance contrary to the laws of neutrality—she may not be sunk, nor, if it is impossible to bring her into port, may any other disadvantages be imposed upon her by way of punishment.—Ger. O. 1909.

25. A neutral is to be treated as an enemy ship if she offers active resistance to the measures laid down in the prize law. An attempt to escape does not constitute in itself active resistance; it justifies, however, the application of force until the ship desists from such an attempt. See, however, article 5, above.

Active resistance does not only consist, however, in the ship herself offering direct and active resistance to capture, such as firing on or attempting to ram the war vessel. It is constituted just as much by the ship held up summoning the assistance of hostile war vessels in the vicinity and causing them to attack the war vessel, in order to facilitate an escape. Wireless distress signals (S O S) do not constitute such resistance; the wireless messages must be intended to summon hostile forces.

As regards attempts to escape and the offering of active resistance when held up by submarines, see article 43.—Ger. P. C. 1916.

Art. 95. A vessel forcibly resisting the legitimate exercise of the right of stoppage, visit, search, and capture, shall be captured no matter to what nationality the vessel belongs.—Jap. Reg. 1914.

Liability of vessel.

Art. 96. A vessel coming under the preceding article is liable to condemnation. The cargo of a vessel coming under the preceding paragraph is liable to the same treatment which the cargo of an enemy vessel would undergo. Goods belonging to the master or owner of the vessel are regarded as enemy goods.—Jap. Reg. 1914.

48. Vessels resisting the visit or search are liable to condemnation. Enemy goods and goods belonging to the owner of such a vessel on board of the same, are liable to condemnation.—China, Reg. 1917.

Art. XLVIII. Vessels that have opposed visit or search, and all the goods belonging to the owners of such vessels shall be forfeited.—Jap. Reg. 1904.