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the U.S. Department of the Navy or the Naval War College.

V.

DECLARATION OF LONDON.¹

Introduction.—The Declaration of London of 1909, the work of the delegates of ten naval powers, was declared to correspond “in substance with the generally recognized principles of international law” of naval warfare. This declaration has not been ratified and proclaimed by any belligerent state: The rules published by the belligerents soon after the outbreak of the war in 1914 embodied a large part of the declaration, usually following the declaration textually so far as possible in a translation into a foreign language. The official language of the declaration was the French. From some of the articles of the declaration there has been a departure which has generally become wider as the war has progressed. It is too early for final decision as to whether these departures will be regarded as in violation of international law because not in accord with the declaration. The declaration has in any case been of great service in furnishing a standard to which reference could be had in testing acts involving the rights of neutrals and belligerents. It may be reasonable to suppose that the principles embodied in the declaration will receive serious consideration in determining the validity of acts covered by its provisions.

The Declaration of London and reference to some of its relations to the conduct of hostilities since July, 1914, is exhibited on pages 100 to 117.

The Senate of the United States advised the ratification of this declaration, April 24, 1912. The declaration was never proclaimed.

Negotiations concerning declaration of London, 1914.—The attempt of the United States to secure the observance of the principles of the declaration in 1914 is shown in the following correspondence:

¹ The complete French and English text of the declaration of London, with the official report, is printed in Naval War College, International Law Topics, 1909.

File No. 763.72112/48a.]

The Secretary of State to Ambassador W. H. Page.¹

[Telegram—Paraphrase.]

DEPARTMENT OF STATE.

Washington, August 6, 1914, 1 p. m.

Mr. Bryan instructs Mr. Page to inquire whether the British Government is willing to agree that the laws of naval warfare as laid down by the Declaration of London of 1909 shall be applicable to naval warfare during the present conflict in Europe provided that the Governments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

File No. 763.72112/81.]

Ambassador Penfield to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,

Vienna, August 13, 1914—8 p. m.

Your August 6th. Austria-Hungarian Government have instructed their forces to observe stipulations of Declaration of London as applied to naval as well as land warfare during present conflict conditional on like observance on part of the enemy.

PENFIELD.

File No. 763.72112/102.]

Chargé Wilson to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,

St. Petersburg, August 20, 1914—2 p. m.

Mr. Wilson refers to Department's August 19, 4 p. m., and reports that the Russian Government is still awaiting the decision of the British Government, as Russia will take similar action. Mr. Wilson adds that the Foreign Office does not expect that Great Britain will decide to observe the Declaration of London.

¹(Same mutatis mutandis to: The American Embassies at St. Petersburg, Paris, Berlin, and Vienna, and the American Legation at Brussels.)

File No. 763.72112/108.]

Ambassador Gerard to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,

Berlin, August 22, 1914—12 midnight.

Mr. Gerard refers to Department's August 19, 4 p. m., and says his August 20, 1 a. m., by way of Copenhagen, states that the German Government will apply the Declaration of London, provided its provisions are not disregarded by other belligerents.

File No. 763.72112/126.]

Ambassador W. H. Page to the Secretary of State.

No. 420.]

AMERICAN EMBASSY,

London, August 27, 1914.

SIR: I have the honor to transmit herewith inclosed a copy of the note from the Foreign Office I telegraphed you on the 26th instant (No. 483) defining the attitude of the British Government with regard to the so-called Declaration of London, 1909, together with a copy of a memorandum which accompanied the note, and a copy of the King's order in council of the 20th instant relating to this matter.

There will also be found attached a copy of a circular note I have just received from the Foreign Office relating to the same order in council and to the rules governing the proceedings in the British prize courts. Another copy of the King's order in council of the 20th instant, which accompanied the circular note, is inclosed herewith, and there will be found as well, in the pouch which accompanies this dispatch, six copies of the Prize Court Rules.

I have, etc.,

WALTER HINES PAGE.

[Inclosure 1.]

The Minister for Foreign Affairs to Ambassador W. H. Page.

No. 37230/14.]

FOREIGN OFFICE,

London, August 22, 1914.

YOUR EXCELLENCY: On the 7th instant you were so good as to address to me a note inquiring, pursuant to instructions from the Secretary of State at Washington, whether His Majesty's Government were willing to agree that the laws of naval warfare, as laid down by the Declaration of London, 1909, should be applicable to naval warfare during the present European conflict, provided that the Governments with whom Great Britain is at war, or with whom her relations are not normal, also agree to such application.

Your excellency added that it was the belief of your Government that the acceptance of these laws by the belligerents would prevent the

possibility of grave misunderstandings as to the relations between belligerents and neutrals.

I have the honor to inform your excellency that His Majesty's Government, who attach great importance to the views expressed in your excellency's note and are animated by a keen desire to consult so far as possible the interests of neutral countries, have given this matter their most careful consideration and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum.

The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for your excellency's information and for transmission to your Government.

I may add that His Majesty's Government, in deciding to adhere to the rules of the Declaration of London, subject only to the aforesaid modifications and additions, have not waited to learn the intentions of the enemy Governments, but have been actuated by a desire to terminate at the earliest moment the condition of uncertainty which has been prejudicing the interests of neutral trade.

I have, etc.,

E. A. CROWE.

[Inclosure 2.]

MEMORANDUM.

1. The lists of contraband already published by His Majesty are substituted for those contained in articles 22 and 24 of the Declaration of London. Lists similar to those published by His Majesty have been issued by the French Government.

2. His Majesty's Government do not feel able to accept in its entirety the rule laid down in article 38 of the declaration. It has been the practice of the British Navy to treat as liable to capture a vessel which carried contraband of war with false papers if she was encountered on the return voyage, and to this exception His Majesty's Government feel it necessary to adhere.

3. The peculiar conditions in the present war due to the fact that neutral ports such as Rotterdam are the chief means of access to a large part of Germany and that exceptional measures have been taken in the enemy country for the control by the Government of the entire supply of foodstuffs have convinced His Majesty's Government that modifications are required in the applications of articles 34 and 35 of the declaration. These modifications are contained in paragraphs 3 and 5 of the accompanying order in council.

4. Article 15 of the declaration contains a provision as to presumptive knowledge of the blockade in certain cases if the vessel has sailed from a neutral port. No mention is made of British or allied enemy ports. These omissions are supplied by article 4 of the order in council.

The order in council also provides for the acceptance of the very valuable commentary on the declaration which was embodied in the general report prepared by Monsieur Renault.

[Inclosure 3.]

ORDER IN COUNCIL.¹

Directing the adoption and enforcement during the present hostilities of the convention known as the Declaration of London, subject to additions and modifications.

1914. No. 1260.

At the court at Buckingham Palace, the 20th day of August, 1914. Present, The King's Most Excellent Majesty in Council.

Whereas during the present hostilities the naval forces of His Majesty will cooperate with the French and Russian naval forces; and

Whereas it is desirable that the naval operations of the allied forces so far as they affect neutral ships and commerce should be conducted on similar principles; and

Whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the convention known as the Declaration of London, signed on the 26th day of February, 1909, so far as may be practicable.

Now, therefore, His Majesty, by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, that during the present hostilities the convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty:

The additions and modifications are as follows:

(1) The lists of absolute and conditional contraband contained in the proclamation dated August 4, 1914, shall be substituted for the lists contained in articles 22 and 24 of the said declaration.

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in article 34) shall be presumed to exist if the goods are consigned to or for an agent of the enemy State or to or for a merchant or other person under the control of the authorities of the enemy State.

(4) The existence of a blockade shall be presumed to be known—

(a) To all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authori-

¹ The above was repealed by the Order in Council of Oct. 29, 1914.

ties to have enabled the enemy Government to make known the existence of the blockade;

(b) To all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

(5) Notwithstanding the provisions of article 35 of the said declaration, conditional contraband, if shown to have the destination referred to in article 32, is liable to capture, to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The general report of the drafting committee on the said declaration presented to the Naval Conference and adopted by the conference at the eleventh plenary meeting on February 25, 1909, shall be considered by all prize courts as an authoritative statement of the meaning and intention of the said declaration, and such courts shall construe and interpret the provisions of the said declaration by the light of the commentary given therein.

And the lords commissioners of His Majesty's treasury, the lords commissioner of the admiralty, and each of His Majesty's principal secretaries of state, the president of the probate, divorce, and admiralty division of the high court of justice, all other judges of His Majesty's prize courts, and all governors, officers, and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

File No. 763.72112/112.]

Chargé Wilson to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, August 27, 1914.

Russian Government accepts Declaration of London with exact modifications adopted by England and France.

WILSON.

File No. 763.72112/120.]

Ambassador Herrick to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Paris, September 3, 1914.

The French Government will observe the provisions of the Declaration of London with following reservation: Article 1. The declaration signed in London on February 26, 1909, concerning the legislation of naval war shall be applied during the war subject to the following additions and modifications:

One. The lists of absolute and conditional contraband notified by publication in the *Journal Officiel* of August 11, 1914, are substituted for those contained in articles 22 and 24 of the declaration. Notices published in the *Journal Officiel* shall eventually make known any new additions or modifications to said lists.

Two. Any neutral ship which may have succeeded in carrying contraband to the enemy by means of false papers may be seized under this accusation if met with before completing its return journey.

Three. The purpose within the meaning of article 33 of the declaration may be inferred from any sufficient proof, and (besides the assumption contained in article 34) shall be considered as existing if the merchandise is consigned to or in the name of an agent of the enemy or to or in the name of any dealer or of any other person acting under the control of the authorities of the enemy.

Four. The existence of a blockade shall be deemed known (a) for all ships starting from or touching at an enemy's port within a sufficient delay after notification of blockade to the local authorities to have allowed the enemy's government to make known the existence of the blockade; (b) for all ships which may have left or touched at a French or ally's port after publication of declaration of blockade.

Five. Notwithstanding the provisions of article 35 of the declaration the conditional contraband, if it is proved that its destination comes within the meaning of article 33, is liable to capture, whatever may be the port of destination of the ship and the port where the cargo is to be unloaded.

Only change made in *Journal Officiel* of August 11, 1914, is transfer of balloons, flying machines, etc., from conditional contraband list to absolute contraband list. Article 22 still, then, contains 12 subdivisions, 12 referring to balloons and flying machines, and article 24, 13 subdivisions, subdivision 8 being eliminated and becoming subdivision 12 of absolute contraband.

HERRICK.

The Acting Secretary of State to Ambassador W. H. Page.

[Telegram.]

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DEPARTMENT OF STATE,

Washington, October 22, 1914—4 p. m.

Your No. 864, October 19, Declaration of London.

Inasmuch as the British Government consider that the conditions of the present European conflict make it impossible for them to accept without modification the Declaration of London, you are requested to inform His Majesty's Government that in the circumstances the Government of the United States feels obliged to withdraw its suggestion that the Declaration of London be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the present war; that therefore this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the Declaration of London; and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government.

LANSING.

File No. 763.72112/226a.]

*The Acting Secretary of State to Ambassador Gerard.*¹

[Telegram—Paraphrase.]

DEPARTMENT OF STATE.

Washington, October 24, 1914—5 p. m.

Referring to department's August 6, 1 p. m., and embassy's October 22, relative to the Declaration of London, Mr. Lansing instructs Mr. Gerard to inform the German Government that the suggestion of the department to belligerents as to the adoption of declaration for sake of uniformity as to a temporary code of naval warfare during the present conflict has been withdrawn because some of the belligerents are unwilling to accept the declaration without modifications and that this Government will therefore insist that the rights and duties of the Government and citizens of the United States in the present war be defined by existing rules of international law and the treaties of the United States without regard to the provisions of the declaration and that the Government of the United States reserves to itself the right to enter a protest or demand in every case in which the rights and duties so defined are violated or their free exercise interfered with by the authorities of the belligerent Governments.

The Declaration of London and European practice.—While certain States in 1914 and 1915 stated that they would observe the principles of the Declaration of London, their practice was not always in strict conformity with its provisions. The declaration furnishes a standard to which some of these practices may be referred. Upon the following pages such comparisons are made.

DECLARATION OF LONDON, 1909.

DECLARATION CONCERNING THE LAWS OF NAVAL WAR.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the Emperor of all the Russias.

Considering the invitation which the British Government has given to various powers to meet in conference in order to determine together as to what are the generally recognized rules of international law within the meaning of article 7 of the Convention of 18th October, 1907, relative to the Establishment of an International Prize Court;

Recognizing all the advantages which in the unfortunate event of a naval war, an agreement as to the said rules would present, both as re-

¹ Same to the embassies at St. Petersburg, Vienna, and Paris, and the legation at Brussels.

gards peaceful commerce, and as regards the belligerents and as regards their political relations with neutral governments;

Considering that the general principles of international law are often in their practical application the subject of divergent procedure;

Animated by the desire to insure henceforward a greater uniformity in this respect;

Hoping that a work so important to the common welfare will meet with general approval;

Have appointed as their plenipotentiaries, that is to say:

[Names of plenipotentiaries.]

Who, after having communicated their full powers, found in good and due form, have agreed to make the present declaration:

PRELIMINARY PROVISION.

The signatory powers are agreed in declaring that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law.

CHAPTER I.—*Blockade in time of war.*¹

ARTICLE 1. A blockade must be limited to the ports and coasts belonging to or occupied by the enemy.

¹ Great Britain followed this rule in certain African blockades:

Notice of declaration of blockade of the coast of German East Africa.

FOREIGN OFFICE, *Feb. 23, 1915.*

His Majesty's Government have decided to declare a blockade of the coast of German East Africa as from midnight, February 23-March 1. The blockade will extend along the whole coast, including the islands, i. e., from latitude 4° 41' south to latitude 10° 40' south.

Four days' grace from the time of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area. (London Gazette, Feb. 26, 1915.)

Notice of declaration of blockade of the coast of the Cameroons.

FOREIGN OFFICE, *Apr. 24, 1915.*

His Majesty's Government have decided to declare a blockade of the coast of the Cameroons as from midnight April 23-24. The blockade will extend from the entrance of the Akwayafe River to Bimbia Creek, and from the Bengue mouth of the Sanaga River to Campo.

Forty-eight hours' grace from the time of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area. (London Gazette, Apr. 27, 1915.)

The British provisions for the blockade in the Eastern Mediterranean were as follows:

Notice of declaration of blockade of the coast of Asia Minor, including entrance to Dardanelles.

FOREIGN OFFICE, *June 1, 1915.*

His Majesty's Government have decided to declare a blockade of the coast of Asia Minor, commencing at noon on June 2. The area of the blockade will extend from latitude 37° 35' N. to latitude 40° 5' N., and will include the entrance to the Dardanelles. Seventy-two hours' grace from the moment of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area. (London Gazette June 4, 1915.)

ART. 2. In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coast.

ART. 3. The question whether a blockade is effective is a question of fact.

ART. 4. A blockade is not regarded as raised if the blockading forces are temporarily driven off by bad weather.

ART. 5. A blockade must be applied impartially to the ships of all nations.

ART. 6. The commander of a blockading force may grant to a warship permission to enter, and subsequently to leave, a blockaded port.

ART. 7. In circumstances of distress, acknowledged by an authority of the blockading forces, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

ART. 8. A blockade, in order to be binding, must be declared in accordance with article 9, and notified in accordance with articles 11 and 16.

ART. 9. A declaration of blockade is made either by the blockading power or by the naval authorities acting in its name.

It specifies—

- (1) The date when the blockade begins;
- (2) The geographical limits of the coast blockaded;
- (3) The delay to be allowed to neutral vessels for departure.

ART. 10. If the blockading power, or the naval authorities acting in its name, do not establish the blockade in conformity with the provisions, which, in accordance with article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

ART. 11. A declaration of blockade is notified—

(1) To the neutral powers, by the blockading power by means of a communication addressed to the Governments themselves, or to their representatives accredited to it;

(2) To the local authorities, by the officer commanding the blockading force. These authorities will, on their part, inform, as soon as possible, the foreign consuls who exercise their functions in the port or on the coast blockaded.

ART. 12. The rules relative to the declaration and to the notification of blockade are applicable in the case in which the blockade may have been extended, or may have been reestablished after having been raised.

ART. 13. The voluntary raising of a blockade, as also any limitation which may be introduced, must be notified in the manner prescribed by article 11.

ART. 14. The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

ART. 15. Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade made in sufficient time to the power to which such port belongs.

ART. 16. If a vessel which approaches a blockaded port does not know or can not be presumed to know of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification must be entered in the vessel's log book, with entry of the day and hour, as also of the geographical position of the vessel at the time.

A neutral vessel which leaves a blockaded port must be allowed to pass free if, through the negligence of the officer commanding the blockading force, no declaration of blockade has been notified to the local authorities, or if, in the declaration, as notified, no delay has been indicated.¹

ART. 17. The seizure of neutral vessels for violation of blockade may be made only within the radius of action of the ships of war assigned to maintain an effective blockade.

ART. 18. The blockading forces must not bar access to the ports or to the coasts of neutrals.

ART. 19. Whatever may be the ulterior destination of the vessel or of her cargo, the evidence of violation of blockade is not sufficiently conclusive to authorize the seizure of the vessel if she is at the time bound toward an unblockaded port.

ART. 20. A vessel which in violation of blockade has left a blockaded port or has attempted to enter the port is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

ART. 21. A vessel found guilty of violation of blockade is liable to condemnation. The cargo is also liable to condemnation, unless it is proved that at the time the goods were shipped the shipper neither knew nor could have known of the intention to violate the blockade.

CHAPTER II.—*Contraband of war.*²

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

(1) Arms of all kinds, including arms for sporting purposes, and their unassembled distinctive parts.

(2) Projectiles, charges, and cartridges of all kinds, and their unassembled distinctive parts.

(3) Powder and explosives specially adapted for use in war.

(4) Gun carriages, caissons, limbers, military wagons, field forges, and their unassembled distinctive parts.

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

¹ See 3 and 4. Italian Regulations, July 15, 1915, on p. 115.

² The lists of articles declared contraband of war since July, 1914, have varied and have become increasingly comprehensive. The addition of an article to a list by one belligerent has usually been followed by the addition of a similar category by an oppo-

- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draft, and pack animals suitable for use in war.
- (8) Articles of camp equipment and their unassembled distinctive parts.
- (9) Armor plates.
- (10) Warships and boats and their unassembled parts specially distinctive as suitable for use only in a vessel of war.
- (11) Implements and apparatus made exclusively for the manufacture of munitions of war, for the manufacture or repair of arms or of military material, for use on land or sea.

ART. 23. Articles and materials which are exclusively used for war may be added to the list of absolute contraband by means of a notified declaration.

The notification is addressed to the Governments of other powers, or to their representatives accredited to the power which makes the declaration. A notification made after the opening of hostilities is addressed only to neutral powers.

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

- (1) Food.
- (2) Forage and grain suitable for feeding animals.

ment. The lists of contraband of allied powers have ordinarily been made to coincide. In some instances explanations as to the meaning of certain terms have been issued.

The British list of contraband, as revised to October 14, 1915, is given below. A notification published by the French Government on the same date establishes the same list of articles to be considered contraband.

BY THE KING.

A PROCLAMATION.

Revising the list of articles to be treated as contraband of war.

GEORGE R. I.

Whereas on the 23d day of December, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband during the continuance of hostilities or until we did give further public notice; and

Whereas on the 11th day of March, and on the 27th day of May, and on the 20th day of August, 1915, we did, by our royal proclamations of those dates, make certain additions to the lists of articles to be treated as contraband of war; and

Whereas it is expedient to make certain further additions to and amendments in the said lists:

Now, therefore, we do hereby declare, by and with the advice of our privy council, that the lists of contraband contained in the schedules to our royal proclamation of the 23d day of December, as subsequently amended by our proclamations of the 11th day of March, and of the 27th day of May, and of the 20th day of August aforementioned, are hereby withdrawn, and that in lieu thereof, during the continuance of the war or until we do give further public notice, the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

SCHEDULE I.

- 1. Arms of all kinds, including arms for sporting purposes, and their component parts.
- 2. Implements and apparatus designed exclusively for the manufacture of munitions of war or for the manufacture or repair of arms or of war material for use on land or sea.
- 3. Lathes and other machines or machine tools capable of being employed in the manufacture of munitions of war.

(3) Clothing and fabrics for clothing, boots and shoes, suitable for military use.

(4) Gold and silver in coin or bullion; paper money.

(5) Vehicles of all kinds available for use in war, and their unassembled parts.

(6) Vessels, craft, and boats of all kinds, floating docks, parts of docks, as also their unassembled parts.

(7) Fixed railway material and rolling stock, and material for telegraphs, radio telegraphs, and telephones.

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

(9) Fuel; lubricants.

(10) Powder and explosives which are not specially adapted for use in war.

(11) Barbed wire, as also the implements for placing and cutting the same.

(12) Horseshoes and horseshoeing materials.

(13) Harness and saddlery material.

(14) Binocular glasses, telescopes, chronometers, and all kinds of nautical instruments.

ART. 25. Articles and materials susceptible of use in war as well as for purposes of peace, and other than those enumerated in articles 22

4. Emery, corundum, natural and artificial (alundum), and carborundum, in all forms.

5. Projectiles, charges, and cartridges of all kinds, and their component parts.

6. Paraffin wax.

7. Powder and explosives specially prepared for use in war.

8. Materials used in the manufacture of explosives, including: Nitric acid and nitrates of all kinds; sulphuric acid; fuming sulphuric acid (oleum); acetic acid and acetates; barium chlorate and perchlorate; calcium acetate, nitrate and carbide; potassium salts and caustic potash; ammonium salts and ammonia liquor; caustic soda, sodium chlorate and perchlorate; mercury; benzol, toluol, xylol, solvent naphtha, phenol (carbolic acid), cresol, naphthalene, and their mixtures and derivatives; aniline, and its derivatives; glycerine; acetone; acetic ether; ethyl alcohol; methyl alcohol; ether; sulphur; urea; cyanamide; celluloid.

9. Manganese dioxide; hydrochloric acid; bromine; phosphorus; carbon disulphide; arsenic and its compounds; chlorine; phosgene (carbonyl chloride); sulphur dioxide; prussiate of soda; sodium cyanide; iodine and its compounds.

10. Capsicum and peppers.

11. Gun mountings, limberboxes, limbers, military wagons, field forges, and their component parts; articles of camp equipment and their component parts.

12. Barbed wire and the implements for fixing and cutting the same.

13. Range-finders and their component parts; searchlights and their component parts.

14. Clothing and equipment of a distinctively military character.

15. Saddle, draft, and pack animals suitable, or which may become suitable, for use in war.

16. All kinds of harness of a distinctively military character.

17. Hides of cattle, buffaloes, and horses; skins of calves, pigs, sheep, goats, and deer; and leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing; leather belting, hydraulic leather, and pump leather.

18. Tanning substances of all kinds, including quebracho wood and extracts for use in tanning.

19. Wool, raw, combed or carded; wool waste; wool tops and noils; woollen or worsted yarns; animal hair of all kinds, and tops, noils and yarns of animal hair.

and 24, may be added to the list of conditional contraband by means of a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

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

ART. 27. Articles and materials which are not susceptible of use in war are not to be declared contraband of war.

ART. 28. The following are not to be declared contraband of war:

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

(2) Nuts and oil seeds; copra.

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

(4) Rawhides, horns, bones, and ivory.

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

(6) Metallic ores.

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

(8) Chinaware and glass.

(9) Paper and materials prepared for its manufacture.

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

20. Raw cotton, linters, cotton waste, cotton yarns, cotton piece goods, and other cotton products capable of being used in the manufacture of explosives.

21. Flax; hemp; ramie; kapok.

22. Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.

23. Submarine sound-signaling apparatus.

24. Armor plates.

25. Aircraft of all kinds, including aeroplanes, airships, balloons and their component parts, together with accessories and articles suitable for use in connection with aircraft.

26. Motor vehicles of all kinds and their component parts.

27. Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tires.

28. Mineral oils, including benzine and motor spirit.

29. Resinous products, camphor and turpentine (oil and spirit); wood tar and wood-tar oil.

30. Rubber (including raw, waste, and reclaimed rubber, solutions and jellies containing rubber, or any other preparations containing rubber, balata, and gutta-percha, and the following varieties of rubber viz, Borneo, Guayule, Jelutong, Palembang, Pontianac, and all other substances containing caoutchouc), and goods made wholly or partly of rubber.

31. Rattans.

32. Lubricants.

33. The following metals: Tungsten, molybdenum, vanadium, sodium, nickel, selenium, cobalt, hæmatite pig iron, manganese, electrolytic iron, and steel containing tungsten or molybdenum.

34. Asbestos.

35. Aluminum, alumina, and salts of aluminium.

36. Antimony, together with the sulphides and oxides of antimony.

37. Copper, unwrought and part wrought; copper wire; alloys and compounds of copper.

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

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

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

(14) Clocks and watches, other than chronometers.

(15) Fashion and fancy goods.

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

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

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

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

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

38. Lead, pig, sheet, or pipe.

39. Tin, chloride of tin, and tin ore.

40. Ferro alloys, including ferrotungsten, ferromolybdenum, ferromanganese, ferrovanadium, and ferrochrome.

41. The following ores: Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hæmatite iron ore, iron pyrites, copper pyrites, and other copper ores, zinc ore, lead ore, arsenical ore, and bauxite.

42. Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of 4 miles to 1 inch or any larger scale, and reproductions on any scale, by photography or otherwise, of such maps or plans.

SCHEDULE II.¹

1. Foodstuffs.

2. Forage and feeding stuffs for animals.

3. Oleaginous seeds, nuts, and kernels.

4. Animal, fish, and vegetable oils and fats, other than those capable of use as lubricants, and not including essential oils.

5. Fuel, other than mineral oils.

6. Powder and explosives not specially prepared for use in war.

7. Horseshoes and shoeing materials.

8. Harness and saddlery.

9. The following articles, if suitable for use in war: Clothing, fabrics for clothing, skins and furs utilizable for clothing, boots, and shoes.

10. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.

11. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.

12. Vessels, craft, and boats of all kinds; floating docks and their component parts; parts of docks.

13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

14. Gold and silver in coin or bullion; paper money.

Given at our court at Buckingham Palace, this 14th day of October, in the year of our Lord 1915, and in the sixth year of our reign.

God save the King.

(London Gazette, Fourth Supplement, Oct. 12, 1915.)

¹ When this book was in page proof on April 13, 1916, the British Government announced "the distinction between the two classes of contraband has ceased to have any value."

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

ART. 31. Proof of the destination specified in article 30 is complete in the following cases:

(1) When the goods are documented to be discharged in a port of the enemy, or to be delivered to its armed forces.

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

ART. 32. The ship's papers are complete proof of the voyage of a vessel transporting absolute contraband, unless the vessel is encountered having manifestly deviated from the route which she ought to follow according to the ship's papers and being unable to justify by sufficient reason such deviation.¹

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

ART. 34. There is presumption of the destination referred to in article 33 if the consignment is addressed to enemy authorities, or to a

¹ The Italian royal decree of June 3, 1915, was substantially identical with the British order in council, October 29, 1914; the French decree, August 25, 1914, and the Russian Ukase, December 8-21, 1914, and was as follows:

ARTICLE I.—During the present state of war the Government of the King will adopt and enforce the dispositions of the declaration signed at London on February 26, 1909, with the exception of articles 22, 24, and 28, and of any modifications contained in the following articles:

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

ART. III.—The destination indicated in article 33 of the Declaration of London will be presumed to be the real one (in addition to the presumptions provided for in article 34) if the cargo is consigned to an agent of an enemy State or to order of an agent of an enemy State.

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

ART. V.—In the cases indicated in the preceding Article IV the burden of proving the innocent destination of the goods rests with their owner.

ART. VI.—When the King's Government learns that an enemy Government is supplying its armed forces by means of or across a neutral country, the ministers of foreign affairs and marine may take concerted action to exclude from the operation of article 35 of the Declaration of London all vessels proceeding to ports in such countries.

Decisions of this nature will be published in the Official Gazette, and will be enforced until superseded by another decision of the same nature.

For the whole period during which such decisions are in force, vessels carrying conditional contraband to ports of such countries will be liable to capture.

(See also 5 and 6, Italian Regulations, July 15, 1915, p. 115.)

merchant established in the enemy country, and when it is well known that this merchant supplies articles and materials of this kind to the enemy. The presumption is the same if the consignment is destined to a fortified place of the enemy, or to another place serving as a base for the armed forces of the enemy; this presumption, however, does not apply to the merchant vessel herself bound for one of these places and of which vessel it is sought to show the contraband character.

Failing the above presumptions, the destination is presumed innocent.

The presumptions laid down in this article admit proof to the contrary.

ART. 35. Conditional contraband is not liable to capture, except when on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged at an intervening neutral port.

The ship's papers are conclusive proof of the voyage of the vessel as also of the port of discharge of the goods, unless the vessel is encountered having manifestly deviated from the route which she ought to follow according to the ship's papers and being unable to justify by sufficient reason such deviation.

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

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

ART. 38. A capture is not to be made on the ground of a carriage of contraband previously accomplished and at the time completed.

ART. 39. Contraband is liable to condemnation.

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

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

ART. 42. Goods which belong to the owner of the contraband and which are on board the same vessel are liable to condemnation.

ART. 43. If a vessel is encountered at sea making a voyage in ignorance of the hostilities or of the declaration of contraband affecting her cargo, the contraband is not to be condemned except with indemnity; the vessel herself and the remainder of the cargo are exempt from condemnation and from the expenses referred to in article 41. The case is the same if the master after becoming aware of the opening of hostilities, or of the declaration of contraband, has not yet been able to discharge the contraband.

A vessel is deemed to be aware of the state of war, or of the declaration of contraband, if she left a neutral port after there had been made in sufficient time the notification of the opening of hostilities, or of the declaration of contraband, to the power to which such port belongs. A vessel is also deemed to be aware of a state of war if she left an enemy port after the opening of hostilities.

ART. 44. A vessel stopped because carrying contraband, and not liable to condemnation on account of the proportion of contraband, may, according to circumstances, be allowed to continue her voyage if the master is ready to deliver the contraband to the belligerent ship.

The delivery of the contraband is to be entered by the captor on the logbook of the vessel stopped, and the master of the vessel must furnish the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband which is thus delivered to him.¹

CHAPTER III.—*Unneutral service.*²

ART. 45. A neutral vessel is liable to be condemned and, in a general way, is liable to the same treatment which a neutral vessel would undergo when liable to condemnation on account of contraband of war:

(1) If she is making a voyage especially with a view to the transport of individual passengers who are embodied in the armed force of the enemy, or with a view to the transmission of information in the interest of the enemy.

(2) If, with the knowledge of the owner, of the one who charters the vessel entire, or of the master, she is transporting a military detachment of the enemy, or one or more persons who, during the voyage, lend direct assistance to the operations of the enemy.

In the cases specified in the preceding paragraphs (1) and (2), goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present article do not apply if when the vessel is encountered at sea she is unaware of the opening of hostilities, or if the master, after becoming aware of the opening of hostilities, has not been able to disembark the passengers. The vessel is deemed to know of the state of war if she left an enemy port after the opening of hostilities, or a neutral port after there had been made in sufficient time a notification of the opening of hostilities to the power to which such port belongs.

ART. 46. A neutral vessel is liable to be condemned and, in a general way, is liable to the same treatment which she would undergo if she were a merchant vessel of the enemy:

(1) If she takes a direct part in the hostilities.

(2) If she is under the orders or under the control of an agent placed on board by the enemy Government.

(3) If she is chartered entire by the enemy Government.

¹ See 6 Italian Regulations, July 15, 1915, p. 115.

² See 7 and 8 Italian Regulations, July 15, 1915, p. 116.

(4) If she is at the time and exclusively either devoted to the transport of enemy troops or to the transmission of information in the interest of the enemy.

In the cases specified in the present article, the goods belonging to the owner of the vessel are likewise liable to condemnation.

ART. 47. Any individual embodied in the armed force of the enemy, and who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

CHAPTER IV.—*Destruction of neutral prizes.*¹

ART. 48. A captured neutral vessel is not to be destroyed by the captor, but must be taken into such port as is proper in order to determine there the rights as regards the validity of the capture.

ART. 49. As an exception, a neutral vessel captured by a belligerent ship, and which would be liable to condemnation, may be destroyed if the observance of article 48 would involve danger to the ship of war or to the success of the operations in which she is at the time engaged.

ART. 50. Before the destruction, the persons on board must be placed in safety, and all the ship's papers and other documents which those interested consider relevant for the decision as to the validity of the capture must be taken on board the ship of war.

ART. 51. A captor who has destroyed a neutral vessel must, as a condition precedent to any decision upon the validity of the capture, establish in fact that he only acted in the face of an exceptional necessity such as is contemplated in article 49. Failing to do this, he must compensate the parties interested without examination as to whether or not the capture was valid.

ART. 52. If the capture of a neutral vessel, of which the destruction has been justified, is subsequently held to be invalid, the captor must compensate those interested, in place of the restitution to which they would have been entitled.

ART. 53. If neutral goods which were not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

ART. 54. The captor has the right to require the giving up of, or to proceed to destroy, goods liable to condemnation found on board a vessel which herself is not liable to condemnation, provided that the circumstances are such as, according to article 49, justify the destruction of a vessel liable to condemnation. The captor enters the goods delivered or destroyed in the logbook of the vessel stopped, and must procure from the master duly certified copies of all relevant papers. When the giving up or destruction has been completed, and the formalities have been fulfilled, the master must be allowed to continue his voyage.

The provisions of articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

¹ See 12 Italian Regulations, July 15, 1915, p. 116.

CHAPTER V.—*Transfer of flag.*¹

ART. 55. The transfer of an enemy vessel to a neutral flag, effected before the opening of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences which the enemy character of the vessel would involve. There is, however, a presumption that the transfer is void if the bill of sale is not on board in case the vessel has lost her belligerent nationality less than sixty days before the opening of hostilities. Proof to the contrary is admitted.

There is absolute presumption of the validity of a transfer effected more than thirty days before the opening of hostilities if it is absolute, complete, conforms to the laws of the countries concerned, and if its effect is such that the control of the vessel and the profits of her employment do not remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the opening of hostilities, and if the bill of sale is not on board, the capture of the vessel would not give a right to compensation.

ART. 56. The transfer of an enemy vessel to a neutral flag, effected after the opening of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences which the enemy character of the vessel would involve.

There is, however, absolute presumption that a transfer is void:

(1) If the transfer has been made during a voyage or in a blockaded port.

(2) If there is a right of redemption or of reversion.

(3) If the requirements upon which the right to fly the flag depends according to the laws of the country of the flag hoisted have not been observed.

CHAPTER VI.—*Enemy character.*

ART. 57. Subject to the provisions respecting the transfer of flag, the neutral or enemy character of a vessel is determined by the flag which she has the right to fly.²

¹ See 2 (g) Italian Regulations, July 15, 1915, p. 115.

² File No. 763.72112/1803.]

Ambassador W. H. Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY, London, October 28, 1915.

Following is text of order in council, dated October 20, 1915:

"Whereas by the Declaration of London, order in council, No. 2, 1914, His Majesty was pleased to declare that during the present hostilities the provisions of the said Declaration of London should, subject to certain exceptions and modifications therein specified, be adopted and put in force by His Majesty's Government; and

"Whereas by article 57 of the said declaration, it is provided that the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly; and

"Whereas it is no longer expedient to adopt the said article:

"Now, therefore, His Majesty, by and with the advice of his privy council, is pleased to order, and it is hereby ordered, that from and after this date article 57 of the Declaration of London shall cease to be adopted and put in force.

"In lieu of the said article, British prize courts shall apply the rules and principles formerly observed in such courts.

"This order may be cited as 'The Declaration of London order in council, 1915.'

The case in which a neutral vessel is engaged in a trade which is reserved in time of peace remains outside the scope of, and is in no wise affected by, this rule.

ART. 58. The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

ART. 59. If the neutral character of goods found on board an enemy vessel is not proven, they are presumed to be enemy goods.

ART. 60. The enemy character of goods on board an enemy vessel continues until they reach their destination, notwithstanding an intervening transfer after the opening of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of a present enemy owner, a legal right to recover the goods, they regain their neutral character.

CHAPTER VII.—*Convoy*.¹

ART. 61. Neutral vessels under convoy of their national flag are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent ship of war, all information as to the character of the vessels and their cargoes, which could be obtained by visit and search.

ART. 62. If the commander of the belligerent ship of war has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to conduct an investigation. He must state the result of such investigation in a report, of which a copy is furnished to the officer of the ship of war. If, in the

“And the lords commissioners of His Majesty’s treasury, the lords commissioners of the admiralty, and each of His Majesty’s principal secretaries of state, the president of the probate, divorce, and admiralty division of the high court of justice, all other judges of His Majesty’s prize courts, and all governors, officers, and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.”

PAGE.

File No. 763.72112/1805.]

Ambassador Sharp to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY, *Paris, October 26, 1915.*

Following decree published in *Journal Officiel* to-day:

“Article 1. The provisions of article 57, paragraph 1, of the Declaration signed at London, February 26, 1909, relating to naval warfare, shall be applied during the present war, with the following modification to it whenever it is established that a ship flying an enemy flag belongs in fact to the nationals of a neutral or an allied country, or conversely that a ship flying a neutral or allied flag belongs in fact to nationals of an enemy country, or to parties residing in an enemy country, the ship shall accordingly be considered neutral, allied, or enemy.

“Article 2. The president of the council, minister for foreign affairs, and the minister of marine, each in his province, are charged with the execution of this decree.”

SHARP.

¹ See 10 Italian Regulations, July 15, 1915, p. 116.

opinion of the commander of the convoy, the facts thus stated justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

CHAPTER VIII.—*Resistance to search.*

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.

CHAPTER IX.—*Compensation.*

ART. 64. If the capture of a vessel or of goods is not upheld by the prize court, or if without being brought to judgment the captured vessel is released, those interested have the right to compensation, unless there were sufficient reasons for capturing the vessel or goods.

FINAL PROVISIONS.

ART. 65. The provisions of the present declaration form an indivisible whole.

ART. 66. The signatory powers undertake to secure the reciprocal observance of the rules contained in this declaration in case of a war in which the belligerents are all parties to this declaration. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take the measures which are proper in order to guarantee the application of the declaration by their courts and more particularly by their prize courts.¹

ART. 67. The present declaration shall be ratified as soon as possible. The ratifications shall be deposited in London.

¹ The Italian decree of July 15, 1915, furnishes an example of recent regulations.

ITALIAN NAVAL PRIZE REGULATIONS.

(Approved by decree of July 15, 1915.)

(Translation.)

1. In execution of the royal decree of the 16th May, 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.

The first deposit of ratifications shall be recorded in a protocol signed by the representatives of the powers taking part therein, and by His Britannic Majesty's principal secretary of state for foreign affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the signatory powers. The said Government shall, in the cases contemplated in the preceding para-

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.

2. Merchant ships, under whatever flag they may be sailing, shall be subject to capture in accordance with the provisions of the following articles if—

(a) Guilty of violation of blockade;

(b) Transporting contraband of war;

(c) Lending assistance to the enemy;

(d) They forcibly resist or endeavor to avoid search;

(e) They are without ship's papers, or have on board ship's papers or manifests which are either falsified, altered, or insufficient so as to give rise to suspicion that they are concealing their real nationality or the real description or destination of the cargo;

(f) They are going to an enemy port, while on the ship's papers a neutral destination is indicated;

(g) They have been transferred from an enemy to a neutral flag subsequent to the outbreak of war, or not more than 30 days before that date, or not more than 60 days when the deed of sale by which the transfer of flag was effected is not found on board.

3. A ship is liable to be captured for violation of blockade when it endeavors to enter or leave a blockaded zone without being furnished with a formal safe-conduct, or when, after having obtained a safe-conduct to enter or leave, it does not observe the rules laid down as to the route which it must follow while navigating in the blockaded zone or crossing the line of blockade.

4. If a ship is shaping its course toward a blockaded zone in ignorance of the existence of the blockade, she shall be notified of it by one of the blockading vessels, entry to that effect, being made, if possible, in her log.

Ignorance of the existence of blockade is assumed when this has been declared after the ship left its last port of call.

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

Articles of absolute and conditional contraband are seized when their destination is territory belonging to or occupied by the enemy, or when consigned to the enemy's forces.

Both absolute and conditional contraband on board a ship proceeding to a neutral port is subject to seizure when the name of the consignee does not appear on the manifest, or when the ultimate consignee resides in territory belonging to or occupied by the enemy, or when the goods are consigned to agents of any enemy Government, wherever established, or to third persons who are receivers of the goods on account of agents of an enemy Government.

6. A ship carrying absolute or conditional contraband may be captured on the high sea or in belligerent territorial waters at any time during its voyage.

If, however, contraband articles form a small part of the cargo, naval commanding officers may at their discretion take over, and, if circumstances require it, destroy the

graph, inform them at the same time of the date on which it received the notification.

ART. 68. The present declaration shall take effect, in the case of the powers which were parties to the first deposit of ratifications, sixty days after the date of the protocol recording such deposit, and, in the case of the powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ART. 69. In the event of one of the signatory powers wishing to denounce the present declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time,

contraband goods, and after noting the fact in the ship's log may allow the vessel to continue her voyage.

7. A ship shall be captured as guilty of giving assistance to the enemy if she—

- (a) Has taken direct part in hostilities.
- (b) Has been entirely chartered by an enemy Government, or has on board an agent of such Government in control of the ship;
- (c) Is employed exclusively for the transport of troops, or for the transmission of news in the enemy's interest;
- (d) Is engaged in transporting enemy military detachments or persons who during the voyage may render or have lent direct assistance to the enemy's operations with the knowledge of the owner, charterer, or master;
- (e) Is navigating with the specific object of transporting individuals on their way to join the enemy's armed forces.

8. Persons belonging to or intending to join the enemy's armed forces found on board a neutral vessel may be made prisoners of war, even though the ship be not subject to capture.

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.

10. Neutral vessels convoyed by a ship of war shall be exempt from visit provided that the commander of the convoy declares in writing the character and cargo of the convoyed vessel in such a manner as will enable all information to be available which could be obtained by exercising the right of visit. If the naval officers in command have reason to think that the good faith of the commanding officer of the escort has been imposed upon, they will communicate to him their suspicion, so that he may on his own account make the necessary verifications and issue a written report.

11. The vessels or goods captured shall be brought to the nearest port in the kingdom, colonies, or territory occupied by Italy, or, this being impossible, to a port of an allied nation or occupied by the latter, or in case of absolute necessity to a neutral port. The vessels and goods shall there be placed at the disposal of the maritime and consular authorities as the case requires, together with a report of what has been done, accompanied by the respective declarations and documents.

12. When observance of the provisions of the preceding article may endanger the safety of the ship effecting the capture, or may interfere with the success of operations of war in which she is engaged, naval commanding officers may destroy the prize after providing for the safety of the persons on board and the ship's papers and manifests and of anything else which may help in deciding the legitimacy of the capture. The destruction of a prize must be justified in a special procès-verbal.

By order of His Majesty's lieutenant general, ministry of marine:

VIALE.

(British Parliamentary Papers, Misc. No. 18 (1915), cd. 8104.)

at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other powers.

It will only operate in respect of the power which shall have made the notification.

ART. 70. The powers represented at the London Naval Conference attach particular value to the general recognition of the rules which they have adopted, and express the hope that the powers which were not represented there will adhere to the present declaration. They request the British Government to invite them to do so.

A power which desires to adhere notifies its intention in writing to the British Government, in transmitting the act of adhesion, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other powers a duly certified copy of the notification, as also of the act of adhesion, stating the date on which such notification was received. The adhesion takes effect sixty days after such date.

The position of the adhering powers shall be in all matters concerning this declaration similar to the position of the signatory powers.

ART. 71. The present declaration, which shall bear the date of the 26th February, 1909, may be signed in London until the 30th June, 1909, by the plenipotentiaries of the powers represented at the Naval Conference.

In faith whereof the plenipotentiaries have signed the present declaration and have thereto affixed their seals.

Done at London, the 26th day of February, 1909, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the powers represented at the Naval Conference.