The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.
APPENDIX.

A TRANSLATION OF THE JAPANESE REGULATIONS GOVERNING CAPTURES AT SEA, WHICH WERE PUBLISHED MARCH 7, 1904, WITH AN AMENDMENT TO THE LIST OF CONTRABAND PUBLISHED FEBRUARY 9, 1905.
JAPANESE REGULATIONS GOVERNING CAPTURES AT SEA.

Regulations governing captures at sea have been settled as follows, and shall be enforced from the fifteenth day of the third month of the thirty-seventh year of Meiji (March 15, 1904).

GENERAL HEADQUARTERS,

Seventh day of the third month of the thirty-seventh year of Meiji.

REGULATIONS GOVERNING CAPTURES AT SEA.

Chapter I.—General rules.

Art. I. H. I. J. M.'s ships are authorized in time of war to visit, search, and capture vessels according to these regulations.

Art. II. No visit, search, or capture shall be made in neutral waters nor in waters clearly placed by treaty stipulations outside the zone of hostile operations.

Art. III. The national character of a person shall be decided by the place of his actual residence, whatever his nationality may be.

Art. IV. By the place of residence is meant the place where a person permanently lives; in the case of a merchant, the place where he principally carries on his business; and in the case of a consul who is engaged in mercantile business, the place where he carried on that business.

Art. V. The district temporarily occupied by the enemy shall not be considered enemy territory in respect to the national character of persons, ships, and their cargoes.

Art. VI. The following are enemy vessels:

1. Vessels employed by the enemy, including the case in which such employment is compulsory.

2. Vessels voyaging under the enemy's flag or with license of the enemy.

3. Vessels, the whole or part of which is owned by the enemy State or its subjects. Vessels that have certificates of nationality as Japanese, or that voyage under the license of Japan, do not, however, come under this rule.
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4. Vessels, the ownership of which has been transferred before the war, but in expectation of its outbreak or during the war, by the enemy State or its subjects to persons having residence in Japan or a neutral State, unless there is proof of a complete and bona fide transfer of ownership.

In case the ownership of a vessel is transferred during its voyage, and actual delivery is not effected, such transfer of ownership shall not be considered as complete and bona fide.

Art. VII. Japanese vessels are those which are mentioned below and which do not come under the preceding article:
1. Those which have the certificate of nationality of the Empire or those which voyage under the license of the Imperial Government.
2. Vessels owned by persons who have residence in the Empire.
3. A vessel, the ownership of which has been transferred before the war but in expectation of its outbreak or during the war by a person who has residence in the Empire to a person who has residence in a neutral State, unless there is proof of a bona fide and complete transfer of the ownership of the vessel.

In case the ownership of a vessel is transferred during its voyage, and its delivery is not effected, such transfer shall not be considered as bona fide and complete.

Art. VIII. The national character of a cargo shall be decided by the national character of the owner.

Art. IX. In the following cases the cargo shall be considered enemy property, in spite of the above regulations:
1. A cargo consigned before the war but in expectation of its outbreak or during the war by a person who has residence in the Empire or in a neutral State or by his representative to the enemy State or to a subject of the enemy State or to his representative.
2. A cargo, the ownership of which has been transferred before the war but in expectation of its outbreak or during the war by the enemy State or its subject to a person who has a residence in the Empire or in a neutral State, unless there is proof of full and bona fide transfer.

In case the ownership of a cargo is transferred during a voyage, and actual delivery is not effected, such transfer shall not be considered bona fide and complete.

Art. X. Concerning matters not provided for in the law, treaties, and these regulations, the rules of international law shall be applied.

CHAPTER II.—Contraband persons, papers, and goods.

Art. XI. Contraband persons are the enemy's military men and others who are being transported to be employed for hostile purposes.

Art. XII. Contraband papers are all official correspondence of the officers of the enemy's Government.

Official correspondence between the enemy's Government and its ministers and consuls residing in neutral States, and official correspondence between the enemy's Government and the Government of neutral States are not, however, contraband.
Art. XIII. The following goods are contraband of war when they are destined to the enemy's territory or to the enemy's army or navy:

Arms, ammunition, explosives, and materials (including also lead, saltpeter, sulphur, etc.), and machines for manufacturing them, cement, uniforms and equipment for army and navy, armor plates, materials for building ships and their equipments, and all articles to be used solely for hostile purposes.

Art. XIV. The following goods are contraband of war in case they are destined to the enemy's army or navy, or in case they are destined to the enemy's territory and from the landing place it can be inferred that they are intended for military purposes:

Provisions and drinks, clothing and materials for clothing, a horses, harnesses, fodder, wheeled vehicles, coal, and other kinds of fuel, timber, currency, gold and silver bullion, materials for telegraph, telephone, and railroad.

Art. XV. The destination of a vessel is generally considered as also the destination of her cargo.

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

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

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

Art. XIX. If any vessel is suspected to have 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.

Chapter III.—Ship's papers.

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.

a The words in italics were added to the Regulations by an amendment of February 9, 1905.

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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 custom-house 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. **Muster 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.

**Chapter IV.—Blockade.**

**Art. XXI.** Blockade is to close an enemy’s port, bay, or coast with force, and is effective when the force is strong enough to threaten any vessels that attempt to go in or out of the blockaded port or bay or to approach the blockaded coast.

Temporary evacuation of a blockaded area by a squadron or man-of-war on account of bad weather or to attain the object of the blockade does not interfere with the effectiveness of the blockade.

**Art. XXII.** When a blockade is instituted the commanding officer of the squadron or man-of-war shall issue a declaration of blockade by filling out Form I with the area of blockade and the date of the declaration.

**Art. XXIII.** When enforcing a new blockade after former blockade has lost its effectiveness, or when there is change in the area of blockade, a new declaration must be made according to the preceding article.

**Art. XXIV.** When the commanding officer of a squadron or a man-of-war declares a blockade, he shall take the following steps:

1. He shall report the declaration of the blockade to the minister of the navy.

2. He shall report the declaration of the blockade to every Japanese minister residing in the countries near the blockaded area, and shall request him to inform the Government of the country and all the foreign ministers and consuls residing in the country to which he is accredited of the establishment of the blockade.

3. He shall communicate the declaration of the blockade to all the foreign consuls residing in neutral districts in the neighborhood of the blockaded area, and shall take any other measures necessary to make known the fact of the blockade.

4. He shall inform as far as possible, by means of a flag of truce, the proper officers and consuls of neutral countries residing within the blockaded area, of the declaration of the blockade.

**Art. XXV.** In case the master of a vessel receives warning direct from an imperial war vessel, or it is clear that he knows of the existence of the blockade from official or private information or from any other source, such master shall be considered to have received actual notice of the blockade.

**Art. XXVI.** In the following cases it shall be deemed that notice of the declaration of the blockade has been received:

1. The case in which the master of a vessel is considered to have received a notice of the blockade whether he has actually received it
or not, such notice having been sent to the proper authorities of the
country to which the vessel belongs, and there having elapsed a suf­
ficient time for the authorities to notify the residents of their nation­
ality.

2. The case in which the master of a vessel is considered to have
received a notice of the blockade, the fact of the blockade having been
made public.

Art. XXVII. The following vessels shall be considered to have
broken through a blockade outward:

1. A vessel that has issued out of the blockaded area or has attempted
to do so.

2. A vessel that has transshipped outside the blockaded area the
cargo of a vessel that has broken through a blockade outward, or has
attempted to make such transshipment.

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

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

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

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

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

Art. XXIX. Any vessel which has received notification of a block­
ad shall be considered to have violated the blockade inward in the
following cases:

1. When such vessel has passed into the blockaded area or has
attempted to do so.

2. When such vessel, lying in the neighborhood of the blockaded
area, is considered to be steering into the area, no matter what port of
destination is mentioned in the ship's papers.

3. When such vessel has transported or attempted to transport cargo
to a blockaded place, by transshipping to another vessel outside of the
blockaded area in order that the latter may pass the line of blockade.

4. When such vessel is bound for the blockaded port.

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

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

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

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

Art. XXXI. When a blockade is discontinued the commanding officer of the squadron or the man-of-war shall immediately report it to the minister of the navy and shall take necessary steps to make it generally known.

Chapter V.—Visit, search, and capture.

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.

Art. XXXIII. A neutral vessel under convoy of a war vessel of her country shall not be visited nor searched if the commanding officer of the convoying war vessel presents a declaration signed by himself stating that there is on board the vessel no person, document, or goods that are contraband of war, and that all the ship's papers are perfect, and stating also the last port which the vessel left and her destination. In case of grave suspicion, however, this rule does not apply.

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

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

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

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

Art. XXXVII. Any vessel that comes under one of the following categories shall be captured, no matter of what national character it is:

1. Vessels that carry persons, papers, or goods that are contraband of war.
2. Vessels that carry no ship's papers, or have willfully mutilated or thrown them away, or hidden them, or that produce false papers.
3. Vessels that have violated a blockade,
4. Vessels that are deemed to have been fitted out for the enemy's military service.

5. Vessels that engage in scouting or carry information in the interest of the enemy, or are deemed clearly guilty of any other act to assist the enemy.

6. Vessels that oppose visitation or search.

7. Vessels voyaging under the convoy of an enemy's man-of-war.

Art. XXXVIII. Vessels carrying contraband persons, papers, or goods, but which do not know the outbreak of war shall be exempt from capture.

The fact that the master of a vessel does not know the persons, papers, or goods on board to be contraband of war, or that he took them on board under compulsion, shall not exempt the vessel from capture.

Art. XXXIX. Vessels that come under one of the following cases may be captured no matter of what national character they are:

1. When a vessel does not produce the necessary papers or they are not kept in good order.

2. When there are contradictions among the ship's papers or between the statements of the master and the ship's papers.

3. Besides the above two cases, when as the result of visitation or search there is sufficient suspicion to justify capture according to articles from XXXV to XXXVII.

Chapter VI.—Disposition of captured vessels and their cargo and persons on board.

Art. XL. Enemy vessels shall be forfeited.

Of the cargo on board, mentioned in the above clause, enemy goods shall be forfeited. In case of an armed vessel, however, the whole cargo shall be forfeited.

Art. XLI. Japanese vessels which carry on commerce with the enemy state or its subjects or which are making voyage with such intention shall be forfeited.

Of the cargo on board the vessels mentioned in the above clause, all the goods owned by the owners of the vessels and all the enemy goods shall be forfeited.

Art. XLII. Contraband persons shall be made prisoners and contraband papers shall be forfeited.

Any vessel carrying contraband persons or papers and the goods on board which belong to the owner of such vessel, shall be forfeited, unless the captain proves that not by his own fault he is unacquainted with the fact.

Art. XLIII. Contraband goods and all goods on board belonging to the owner of the contraband shall be forfeited.

When the owner of a vessel carrying contraband is also the owner of the contraband goods, the vessel shall be forfeited.
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ART. XLIV. A vessel which has taken in contraband goods, using deceitful means, and all the goods on board belonging to the owner of such vessel, shall be forfeited.

ART. XLV. A vessel that has broken through a blockade and her cargo shall be forfeited. If the owner of the cargo proves that he is innocent of such breach of blockade, such cargo shall be released.

ART. XLVI. Vessels that are recognized to have been fitted out for the enemy for military purposes, and the goods belonging to the owners of such vessels, shall be confiscated.

ART. XLVII. Vessels ascertained to have scouted or carried information to give benefit to the enemy or to have done any other acts to assist him, and all goods belonging to the owners of such vessels, shall be confiscated.

ART. XLVIII. Vessels that have opposed visit or search, and all the goods belonging to the owners of such vessels, shall be forfeited.

ART. XLIX. Vessels voyaging under convoy of the enemy's men-of-war, and all goods belonging to the owners of such vessels, shall be forfeited.

ART. L. The masters and crews of enemy's merchant vessels may be made prisoners.

Passengers, and the master and crew of a vessel not enemy, shall not be made prisoners. In case it is necessary to call them as witnesses they may be detained.

CHAPTER VII.—Procedure in capturing vessels.

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.

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.

ART. LIII. 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.

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.
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ART. 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.

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.

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.

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.

ART. LIX. Search shall be made together with the master of the vessel or his representative.

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.

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 captain of the man-of-war.

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 writing.

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.

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 XXXVIII, 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 measure.

ART. LXV. After visit and search has been made, if the captain of the man-of-war still has suspicion of the vessel, he shall order the boarding officer to hear the explanation of her master, and if after these explanations there still appear to be grounds for capturing her, such vessel shall be captured.
ART. LXVI. In deciding whether a vessel is to be captured or not, the nature of the vessel, her equipments, cargo, and papers, the master and crew and their testimony, etc., shall be taken into consideration.

ART. LXVII. If the captain of the man-of-war decides to capture a vessel he shall inform her master of the reason, and shall take possession of the vessel by sending one officer and the required number of petty officers and men. If on account of bad weather or any other cause it is impossible to dispatch these officers and men, the captain of the man-of-war shall order the vessel to haul down her colors and to steer according to his direction. If the vessel does not obey the orders of the captain of the man-of-war, he may take any measures required for the occasion.

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

ART. LXIX. The captain of the man-of-war shall land at a convenient port when possible all the passengers of a captured vessel, except those who are deemed to be contraband persons or those who must be detained as witnesses.

ART. LXX. If the captain of a man-of-war, after capturing a vessel, ascertains that the capture was unlawful, he shall instantly release her.

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.

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 opinions.

ART. LXXIII. When the captain of a man-of-war recaptures a Japanese or a neutral vessel captured by the enemy, he may release her if she has not yet been taken into an enemy port or has not been used for military purposes.

CHAPTER VIII.—Procedure after capture.

ART. LXXIV. When a vessel has been taken possession of, the captain of the man-of-war shall seize the documents concerning the vessel and her cargo and all other documents on board; arrange, number, and seal them; and the master of the vessel and the captain of the man-of-war shall sign on them; and a certificate prepared according to Form IV shall be attached.

The certificate of the above clause is generally made by the officer who received or found the documents.

ART. LXXV. When documents are found which have been mutilated or thrown away or hidden, the captain of the man-of-war shall deal with them according to the preceding article; but in this case the certificate shall be according to Form V.
ART. LXXVI. The captain of the man-of-war shall prepare in duplicate a certificate as to money, negotiable notes, and other valuables on board the vessel, and shall give one copy to the master of the vessel.

ART. LXXVII. The captain of the man-of-war shall, so far as possible, close and seal the holds of the captured vessel and shall take care to prevent embezzlement of any cargo, furniture, or any other things on board.

ART. LXXVIII. The captain and the officers of the man-of-war shall treat with proper courtesy the master and crew of the captured vessel and those who are to be made prisoners, and shall pay proper attention to the protection of their personal effects. Those who are to be made prisoners may be kept under restraint as required, but other persons on board shall not be restrained, unless there is a special reason.

ART. LXXIX. The captain of the man-of-war shall send on board the captured vessel a prize officer and the requisite number of petty officers and men, and shall send the vessel and her cargo to a port where there is an Imperial prize court or to a Japanese port in the neighborhood of such port.

ART. LXXX. The captain of the man-of-war may request the master and crew of the captured vessel to assist in navigating the vessel under the direction of the prize officer; and in case such request is not complied with, he may insist upon it.

ART. LXXXI. The captain of the man-of-war shall send into port on board the captured vessel the master and crew, and all the cargo and certificates, and the ship's papers, so far as possible in the same condition in which they were found at the time of capture. The captain of the man-of-war, when he thinks it necessary, shall send an officer who can testify to the circumstances of the capture.

ART. LXXXII. When the captain of the man-of-war thinks that it is not proper to send in the captured vessel, the master, and the whole crew, he shall send at least three or four principal members of the crew as witnesses, and two of them shall be selected from the master, chief purser, mates, and chief seaman.

That part of the crew taken to another vessel shall be sent without delay to the port where the captured vessel has been sent.

ART. LXXXIII. In the case of the preceding article, the captain of the man-of-war shall order the prize officer to prepare a certificate according to Form VII, stating that part of the crew taken to another vessel and the reason for it.

ART. LXXXIV. When there are among the cargo of a captured vessel any goods that putrify easily or are not adapted for transportation, the captain of the man-of-war shall appoint a board from among the officers of the ship who are qualified for such work, and shall order them to submit a report.

The substance of such investigation shall be entered in the log book.

ART. LXXXV. When the board reports that there are among the cargo goods that are not adapted for transportation, the captain of the
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man-of-war shall sell such goods at the nearest Japanese port, or at a neutral port, if permission is obtained from the authorities of the neutral State. Any goods that are not salable may be disposed of as seems best.

Art. LXXXVI. Before putting up such goods for sale the captain of the man-of-war shall select the most competent appraisers possible and shall have the whole of the cargo, or that part of it which is to be sold, appraised in writing.

Such sale, when possible, shall be made by auction, in the presence of the prize officer and a Japanese consul, if convenient, or any other Japanese officer lying near the place where the sale is to be made.

Art. LXXXVII. The captain of the man-of-war shall order the prize officer to prepare a certificate according to Form VIII, concerning the procedure of the sale, and shall send the certificate, accompanied by the report of the board of survey, appraisements, accounts of the sale, and other documents, together with the vessel.

Art. LXXXVIII. When the captain of a man-of-war deems a captured vessel unfit to be sent into port as above prescribed, he shall appoint from among the officers a competent board to investigate the matter and direct them to submit a report.

The gist of their report shall be entered in the log book.

Art. LXXXIX. If the board reports that the captured vessel is unfit to be sent into port as prescribed, the captain of the man-of-war shall send the vessel to the nearest Japanese port or the nearest neutral port, with the consent of the neutral authorities.

Art. XC. In the case of the preceding article the captain of the man-of-war shall order the prize officer to prepare a certificate according to Form IX, in which the circumstances of sending the vessel to the nearest Japanese port or to the nearest neutral port shall be stated in detail, and the captain shall order the prize officer to send this certificate, accompanied by the report of the board, and the witnesses, ship's papers, and any other documents required for judicial examination, to the nearest Imperial prize court.

Art. XCI. In the following cases, and when it is unavoidable, the captain of the man-of-war may destroy a captured vessel or dispose of her according to the exigency of the occasion. But before so destroying or disposing of her he shall transship all persons on board, and as far as possible the cargo also, and shall preserve the ship's papers and all other documents required for judicial examination:

1. When the captured vessel is in very bad condition, and can not be navigated on account of the heavy sea.

2. When there is apprehension that the vessel may be recaptured by the enemy.

3. When the man-of-war can not man the prize without so reducing her own complement as to endanger her safety.

Art. XCII. In the cases of the above article the captain of the man-of-war shall direct the prize officer to prepare a certificate stating the circumstances of inability to send in the prize and the details of
her disposal, and to send it to the nearest prize court, together with persons and cargo removed from the vessel, the ship's papers, and all other documents required for judicial examination.

Art. XCIII. A prize officer, when ordered to take possession of a captured vessel, shall prepare an inventory according to Form X of the stores, furniture, and cargo, so far as it can be ascertained without disturbing the stowage. In preparing this inventory the prize officer may request assistance of the master of the vessel, and shall give him a copy of the inventory signed by himself.

Art. XCIV. The prize officer shall keep a journal in which he shall enter events concerning the vessel, cargo, and persons on board.

Art. XCV. When a prize officer, while in charge of a captured vessel, receives any new documents or finds or picks up those mutilated or thrown away or hidden, he shall put them in order, number them, and affix to them a certificate prepared according to Form XI.

Art. XCVI. The prize officer shall pay the greatest attention to navigating captured vessel, and shall endeavor not to cause any damage to the vessel or her cargo.

Art. XCVII. The prize officer may land or transship the persons and cargo on board the captured vessel, but only in case of pressing necessity. In this case he shall prepare a certificate according to Form XII, stating the persons and goods landed or transshipped and the reason for such action. The persons and goods landed or transshipped shall be sent without delay by the most convenient means to the Imperial prize court.

Art. XCVIII. The prize officer, when he arrives at the place of destination, shall deliver the captured vessel to the prize court and shall make a request for examination.

FORMS.

Form I. (Referred to in Article XLVII.)

DECLARATION OF BLOCKADE.

I hereby declare that on the ... day of ... last the ..., from ..., in latitude ..., longitude ..., to ..., in latitude ..., longitude ..., were placed in a state of blockade by a competent force of His Imperial Japanese Majesty's ships, and are now in such state of blockade; and that all measures authorized by the law of nations and the respective treaties between the Empire of Japan and the different neutral powers will be enforced on behalf of His Imperial Japanese Majesty's Government against all vessels which may attempt to violate the blockade.

Given on board His Imperial Japanese Majesty's ship ... at ... this ... day of ..., 19...

Signed ... ...

Commander in Chief (Admiral in Command) of ... Squadron.
APPENDIX.

Form II. (Referred to in Article LXIV.)

WARNING OF BLOCKADE.

I have visited the ______ vessel, the ______, this day by the order of Captain ______, of His Imperial Japanese Majesty's ship, ______, and warned that ______, from ______, in latitude ______, longitude ______, to ______, in latitude ______, longitude ______, is under blockade.

Dated this ______ day of ______, 190_____
Latitude ______, longitude ______

______
His Imperial Japanese Majesty's Ship ______

Form III. (Referred to in Article LXIV.)

WARNING OF HOSTILITIES.

I have visited the ______ vessel, the ______, this day by the order of Captain ______, of His Imperial Majesty's ship ______ and warned that the state of war has existed and exists between the Empire of Japan and the Empire of ______.

Dated this ______ day of ______, 190_____
Latitude ______, Longitude ______

______
His Imperial Japanese Majesty's Ship ______

Form IV. (Referred to in Article LXXIV.)

CERTIFICATE CONCERNING SHIP'S PAPERS RECEIVED AT THE TIME OF THE CAPTURE OF THE VESSEL.

Name of the vessel ______ Name of the master ______ I hereby certify:
1. That I was present when His Imperial Japanese Majesty’s ship ______ captured the above-mentioned vessel on the ______ day of ______, 190_____
2. That the documents attached, that is, from No. ______ to No. ______ are all the papers found on board and received at the time of the capture.
3. That they are exactly in the same condition in which they were received, and no change has been made except that they received their numbers.

Dated this ______ day of ______, 190_____

His Imperial Majesty's Ship ______
APPENDIX.

FORM V. (Referred to in Article LXXV.)

CERTIFICATE CONCERNING PAPERS THROWN AWAY (MUTILATED OR THROWN AWAY OR HIDDEN) AT THE TIME OF THE CAPTURE.

Name of the vessel, ...... Name of the master, ...... I hereby certify:

1. That I was present when His Imperial Japanese Majesty’s ship ...... captured the above-mentioned vessel on the .... day of ......, 190...

2. That .... minutes before the capture (or ......), I actually saw at such and such place .... bundles of papers thrown away from a porthole of the above-mentioned vessel; I lowered the boat instantly; and the boat’s crew picked up .... bundles of the papers, the other having gone to the bottom (in case papers are mutilated or hidden, state the circumstances.)

3. That the papers attached, that is, from No. 1 to No. .... are all the documents picked up at that time, and except they received their numbers they are in the same condition in which they were found, and no change has been made in them.

Dated this .... day of ......, 19...

...... .......................... ........................
His Imperial Majesty’s Ship ......

FORM VI. (Referred to in Article LXXVI.)

CERTIFICATE AS TO MONEY AND VALUABLES FOUND ON BOARD THE PRIZE.

The ...... ......, master.

I, the undersigned, holding the rank of ...... in His Imperial Japanese Majesty’s navy and commanding his Imperial Japanese Majesty’s ship ......, do hereby certify that the following is a correct account of all moneys and valuables found on board the above-named vessel ...... detained by me as lawful prize of war on the .... day of ......, 19...

(Here state the several articles, distinguishing whether they were voluntarily given up or were found concealed, and where.)

...... .......................... ........................
Commanding His Imperial Japanese Majesty’s Ship.

Note.—I do hereby declare that on the .... day of ......, 19..., I delivered a copy, signed by myself, of the above certificate to the master of the ...... and that .......

(Here state whether or not the master made any objection, and if he did, what the nature of the objection was.)

Signed this .... day of ......, 190...

...... .......................... ........................
Commanding His Imperial Japanese Majesty’s ship ......

(A copy of this certificate must in all cases be delivered to the master.)
APPENDIX.

Form VII. (Referred to in Article LXXXIII.)

Certificate to be issued when the captain of the man-of-war transshipped the crew of a captured vessel to another vessel.

The ...... ......, master.

I hereby certify,
1. That Captain ......, of His Imperial Japanese Majesty's ship ......, has captured the above-mentioned vessel on the .... day of ......, 19.... in longitude ......, latitude ......
2. That on the .... day of ......, 19...., the said Captain ...... had transshipped ...... of the crew before he sent the vessel to port where there is a prize court.
3. That the reasons for such transshipment of the crew are ......

Dated this .... day of ......, 19....

His Imperial Japanese Majesty's ship ......, Prize Officer.

Form VIII. (Referred to in Article LXXXVII.)

Certificate concerning sale of cargo.

The ...... ......, master.

I hereby certify,
1. That Captain ......, of His Imperial Japanese Majesty's ship ......, has captured the above-mentioned vessel on the .... day of ......, 19...., in longitude ......, latitude ......
2. That on the .... day of ......, 19...., the captain ordered the survey of the cargo.
3. That the document (A) annexed is the report of the board of survey.
4. That as the result of the survey the captain ordered me to take the vessel to ...... port at once and to sell the cargo.
5. That on the .... day of ......, 19...., I transported the cargo to the above-mentioned port and ordered ...... and ......, who are most skillful appraisers, to appraise the goods.
6. That before appraising the above mentioned ...... and ...... swore that they would discharge their duties impartially, and the document (B) annexed are their written oath.
7. That the documents (C) annexed are the appraisement of ...... and ......
8. That on the .... day of ......, 19...., I gave order to sell the goods by auction, and the document (D) annexed is the advertisement made at ......
9. That on the .... day of ......, 19...., the auction advertised was held, and I (Japanese consul, or Japanese officer residing in the neighborhood of the place where the sale was made) was present and witnessed the sale.
10. That the document (E) annexed is the account of sale given me by ...., the goods having been sold to ....
11. That on the .... day of ...., 19..., I have turned over to .... the sum of yen ...., mentioned in the accounts of sale.
Dated this .... day of ...., 19...

His Imperial Japanese Majesty's ship ...., Prize Officer.

Form IX. (Referred to in Article XC.)

CERTIFICATE TO BE ISSUED WHEN A CAPTURED VESSEL IS SENT TO A NEUTRAL PORT (THE NEAREST JAPANESE PORT).

The ...., ...., master.

I hereby certify,
1. That Captain ...., of His Imperial Japanese Majesty's ship ...., has captured the above-mentioned vessel on the .... day of ...., 19..., in longitude ...., latitude ....
2. That on the .... day of ...., 19..., the said captain ordered survey of the vessel.
3. That the document (A) annexed is the report of the board of survey.
4. That as the result of the survey the captain ordered me to navigate the vessel to ....
5. That in accordance with the above order I reached .... on the .... day of ...., 19..., and turned over the vessel to ....
Dated this .... day of ...., 19...

His Imperial Japanese Majesty's Ship ...., Prize Officer.

Form X. (Referred to in Article XCIII.)

INVENTORY OF THE STORES, FURNITURE, AND CARGO OF THE PRIZE.

The ...., ...., master.

I, ...., holding the rank of .... in His Imperial Japanese Majesty's navy, and the prize officer in charge of the above-named vessel, do hereby certify that the following is a correct inventory of the stores, furniture, and cargo of the said vessel, so far as the said can be ascertained without disturbing the stowage ....

Signed this .... day of ...., 19...

Note.—I do hereby declare that on the .... day of ...., 19..., I delivered a copy, signed by myself, of the above inventory to the master of the ...., and that ....... (Here state whether or not
the master made any objection, and, if he did, what the nature of the objection was.)

Signed this .... day of .... , 19...

(A copy of this inventory must be delivered to the master.)

Form XI. (Referred to in Article XCV.)

Certificate concerning ship's papers received (mutilated and thrown away or hidden) during the voyage.

The ....... ......., master.

I hereby certify:

1. That on the .... day of .... , 19..., I was ordered to navigate the above-mentioned vessel to ....... for adjudication.

2. That during the voyage, on the .... day of .... , 19..., I received from the master of the vessel the documents annexed—that is, from No. 1 to No. ....... (Here circumstances to be noted, if any. Same in the case of mutilation or concealment.)

3. That the above-mentioned documents are all the papers I have received, and they are in the same condition as when received and no change has been made in them, except that I numbered them.

Dated this .... day of .... , 19...

His Imperial Japanese Majesty's Ship ......., Prize Officer.

Form XII. (Referred to in Article XCVII.)

Certificate to be issued when the crew or cargo of a captured vessel is landed.

The ....... ......., master.

I hereby certify:

1. That on the .... day of .... , 19..., I received order to navigate the above-mentioned vessel to ....... for adjudication.

2. That during the voyage I landed (transshipped) from the vessel the following:

| Goods or persons landed (transshipped) and the place | where landed. |

3. That the reasons for landing or transshipping are .......

Dated this .... day of .... , 19...

His Imperial Japanese Majesty's Ship ......., Prize Officer.

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