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U.S. Naval War College (Editor)

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TOPIC III.

(a) If the United States and Denmark were at war, and Great Britain neutral, would war vessels of Denmark be justified in visiting and searching British or other neutral vessels in the Red Sea?

(b) Should the right of visit and search be limited to a certain area in the neighborhood of the seat of war?

CONCLUSION.

(a) Denmark would be justified in visiting and, for good reason, in searching neutral vessels outside of neutral jurisdiction in the Red Sea.

(b) The area of the exercise of the right of visit and search should not be limited, but greater restrictions may justly be demanded against its exercise in an arbitrary and burdensome manner.

DISCUSSION AND NOTES.

Restriction of visit and search.—(a) If the United States and Denmark were at war, and Great Britain neutral, would war vessels of Denmark be justified in visiting and searching British or other neutral vessels in the Red Sea?

In the case of the *Maria*, in 1799, Sir William Scott states the general principle as follows:

That the right of visiting and searching merchant ships upon the high seas, whatever be the ships, whatever be the cargoes, whatever be the destinations, is an incontestible right of the lawfully commissioned cruisers of a belligerent nation. (I. C. Robinson's Admiralty Reports, 340.)

The action of Russia in visiting and searching neutral vessels in the Red Sea during the Russo-Japanese war of 1904-5 gave rise to much discussion. Frequently it was urged that the right of visit and search be abandoned altogether by belligerents as a right causing too great

inconvenience to neutrals and too seriously disorganizing commerce now of such vital importance to the world. Some maintain that the captured contraband would be "so trifling in quantity as to have no possible effect on the result of the war" or that the same ends could be served by less burdensome means than by visit and search. Various other objections also have been made.

The restriction of the right of search was positively advocated by Secretary Marcy, who said:

It is not inappropriate to remark that a due regard to the fair claims of neutrals would seem to require some modification, if not an abandonment, of the doctrine in relation to contraband trade. Nations which preserve the relations of peace should not be injuriously affected in their commercial intercourse by those which choose to involve themselves in war, provided the citizens of such peaceful nations do not compromise their character as neutrals by a direct interference with the military operations of the belligerents. The laws of siege and blockade, it is believed, afford all the remedies against neutrals that the parties to the war can justly claim. Those laws interdict all trade with the besieged or blockaded places. A further interference with the ordinary pursuits of neutrals, in nowise to blame for an existing state of hostilities, is contrary to the obvious dictates of justice. If this view of the subject could be adopted and practically observed by all civilized nations, the right of search, which has been the source of so much annoyance and of so many injuries to neutral commerce, would be restricted to such cases only as justified a suspicion of an attempt to trade with places actually in a state of siege or blockade.

Humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves and to those who voluntarily take part with them; but neutrals abstaining in good faith from such complicity ought to be left to pursue their ordinary trade with either belligerent, without restriction in respect to the articles entering into it.

Though the United States do not propose to embarrass the other pending negotiations relative to the rights of neutrals by pressing this change in the law of contraband, they will be ready to give it their sanction whenever there is a prospect of its favorable reception by other maritime powers. (Senate Ex. Doc., 34th Cong., 1st sess., No. 104, p. 13.)

Admiral Réveillère has recently said:

Le droit de fouiller les neutres est absolument incompatible avec les besoins de circulation des neutres. Le droit de visite est un dernier vestige des temps de petite industrie. (Journal des Économistes, Sept., 1904, p. 395.)

It may be pointed out that the inconvenience of the exercise of the right of visit and search of an innocent vessel should be of very little moment if the right is properly exercised. Further, the innocent neutral would properly have claim for damages in case visit and search is not properly conducted.

The Japanese regulations relating to capture at sea, of March 7, 1904, make specific provisions for the protection of neutrals:

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. 62. 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 complaints he shall request him to produce them in writing.

The claim that visit and search disorganizes commerce has probably received more weight than the facts in a properly conducted war would justify. A properly conducted visit and search of an innocent neutral vessel would certainly interfere very little with commerce. Articles which are absolutely contraband of war form a very small portion of an ordinary cargo. The disorganization consequent on the checking of such shipments would accordingly be small. The main interruption of commerce is in the line of articles which may be classed as conditional contraband. These articles, such as foodstuffs, fuel, etc., form a large part of ordinary trade, but the present position is that such articles are liable to seizure only when destined for the military use of the enemy. In transporting such articles for such purpose the neutral is aware of his risk and assumes it in the hope of greater gain and usually pays a corresponding rate of insurance. It is true that war interferes with commerce in conditional contraband, and that commerce in the same goods to the same ports might in time of peace be very large. War does cause inconvenience to neutrals and may cause loss of trade. The denial of the right of a belligerent, except by blockade, to prevent supplies from reaching his opponent's forces because such supplies are sailing to his opponent

under a neutral flag would certainly be one of the most effective means of prolonging a war. Humanity demands that wars shall be as short as possible. A neutral's desire for the profits of commerce should not be put before the claims of humanity. The rights of neutrals should, however, be carefully protected in the exercise of visit and search and seizure and legitimate commerce should receive the most liberal treatment.

The argument that the contraband is "so trifling in quantity as to have no possible effect on the result of the war," can not weigh against the practical consideration that the "quantity" is not necessarily a matter of so great importance in military operations as is the timeliness of a particular article in meeting a need. It may happen that a little more ammunition, coal, food, or supplies of some kind may turn defeat into victory. A little more ammunition may enable a belligerent to hold out till reenforcements arrive; a little more coal may enable a vessel to pursue and capture an enemy; a telegraphic outfit may make possible communications which determine the issue of the war. Though quantity may be trifling, and small quantities are the rule in some articles, this amount may be no less vital for the successful prosecution of the war.

The right of visit and search is not merely a right exercised to determine the presence of contraband or guilt in regard to blockade, but is still more essential in order that the belligerent may be convinced as to the nature and character of the vessel. The belligerent has a right to learn for himself whether the vessel flying a neutral flag really is a properly documented neutral vessel.

In general, as the neutral is supposed to refrain from all participation in the war, he can not complain if the belligerents take reasonable precautions to prevent participation.

A careful consideration of the grounds of objection to the exercise of the right of visit and search seems to show that the objection is rather to the method than to the visit and search itself. To objections to the method full weight should be given. Improper methods and careless exercise

of this supervision of neutral commerce is of no advantage to the belligerent and may work great disadvantage to the neutral. Nothing can be said in support of an act that brings only injury to the neutral and no benefit to the belligerent, but in some cases the direct disadvantage of making payment for the improper act. Recent court decisions have shown that prize courts are inclined to regard reasonable neutral rights even against actions of their own commanders.

The right of visit and search is now generally admitted, and visit is not now considered an offense by a neutral, provided the visit is properly conducted. Up to the seventeenth century the exercise of this right was often regarded as in derogation of the dignity of the sovereignty of the neutral vessel visited. For a time the exercise of the right of search was permitted under treaty provisions. Later it was regarded as generally admitted, and treaty provisions merely prescribe the method of exercise of the right. (Treaty United States and Italy, 1871.)

Sir William Scott, in the case of the *Maria* in 1799 (1 C. Robinson's Admiralty Reports, 340), speaking of the law of nations applying to visit, search, and capture, says:

I state a few principles of that system of law which I take to be incontrovertible.

1. That the right of visiting and searching merchant ships upon the high seas, whatever be the ships, whatever be the cargoes, whatever be the destinations, is an incontestible right of the lawfully commissioned cruisers of a belligerent nation. I say, be the ships, the cargoes, and the destinations what they may, because till they are visited and searched it does not appear what the ships, or the cargoes, or the destinations are, and it is for the purpose of ascertaining these points that the necessity of this right of visitation and search exists. This right is so clear in principle that no man can deny it who admits the legality of maritime capture, because if you are not at liberty to ascertain by sufficient inquiry whether there is property that can be legally captured it is impossible to capture.

Judge Story asserts the acceptance of Lord Stowell's position by the United States, affirming that visit and search "is allowed by the general consent of nations in the time of war and limited to those occasions." (The *Marianna Flora*, 11 Wheaton, U. S. Reports, 1.)

Method and scope of visit and search.—The general object of the exercise of this right is to secure from the neutral observance of neutrality. The method is prescribed in the rules governing naval operations.

The general position is that the right can be exercised—

1. By the properly commissioned vessels.
2. Over neutral private vessels.
3. On the high seas and at other points outside neutral jurisdiction.

The British Regulations are as follows: (Manual of Naval Prize Law, Holland, Chaps. I and II.)

CHAPTER I.

POWERS.

1. The powers with which the Commander of one of Her Majesty's cruisers is invested for the purpose of making Lawful Prize in time of war are those of—

Visit.

Search.

Detention (with a view to Adjudication).

IN WHAT WATERS EXERCISABLE.

2. These powers may be exercised in any Waters except the Territorial Waters of a Neutral State. The Territorial Waters of a State are those within three miles from low-water mark of any part of the Territory of that State, or forming bays within such Territory, at any rate in the case of bays the entrance to which is not more than six miles wide.

3. These powers may not be exercised over a vessel in Neutral Territorial Waters, although she may have been beyond those limits when first descried or chased.

4. The Commander may not use Neutral Territorial Waters as an habitual War Station, whence to sally out with his Ship or Boats and exercise the powers of Visit, Search, or Detention upon vessels lying beyond the limits of such Waters. ^a But he may pass over Neutral Territorial Waters in order to effect a Capture beyond, provided they are not Waters which can not usually be passed through without express permission.

5. Sometimes it happens that, after capturing a Vessel, the Commander ascertains that the Capture was made in Neutral Territorial Waters. In such case he should release her, if an express application is made by the Authorities of the Neutral Territory for her restoration.

^a Twee Gebroeders, 3 C. Rob., 162.

OVER WHAT SHIPS EXERCISABLE.

6. These powers may be exercised over any Private Vessel, whatever may be her Nationality, but not over any Ship belonging to the Public Navy of a friendly Power.

7. No Vessel is exempt from the exercise of these powers on the ground that she is under the Convoy of a Neutral Public Ship.

REASONS FOR EXERCISING.

8. The power of Visit should be exercised only over Vessels which the Commander of Her Majesty's Cruiser has some reason to believe are liable to Detention, either as being the property of Enemies or as being engaged in a prohibited trade or service.

9. The Vessels thus liable to Detention are (subject to the explanations and exceptions contained in Chapters III-XI).

I. Any Enemy Vessel, irrespectively of her destination or cargo. (See Chapter III.)

II. Any British Vessel, or Vessel of an Ally, trading with, or acting in the service of, the Enemy. (See Chapter IV.)

III. Any Neutral Vessel engaged in—

(1) Carriage of Contraband. (See Chapter VI.)

(2) Acting in the service of the Enemy. (See Chapter VII.)

(3) Breach of Blockade. (See Chapter VIII.)

Except in these three cases, to which, under certain circumstances, others (see Chapters IX-XI) may possibly be added by special instructions, Neutral Vessels are free to trade with the enemy.

10. Any Vessel is also liable to Detention, irrespectively of her national character or the trade in which she is engaged, for—

(1) Resistance to Visit or Search. (See Chapter XIII.)

(2) Sailing under Neutral Convoy which resists. (Ibid.)

(3) Sailing under Enemy Convoy. (Ibid.)

(4) Deficiency in Ship Papers. (See Chapter XIV.)

PROCEDURE TO BE OBSERVED IN EXERCISING.

11. Visit, Search, and Detention must be exercised in accordance with the established course of Procedure. (See Chapters XV-XIX.)

SENDING IN FOR ADJUDICATION.

12. When a Vessel has been detained she should be sent, with the accustomed precautions, to a Port of Adjudication; and upon her arrival there proceedings should be commenced with a view to her being duly condemned by a Prize Court. (See Chapters XX-XXII.)

CHAPTER II.

RESPONSIBILITY FOR EXERCISE OF POWERS.

13. In the exercise of the powers of Visit, Search, and Detention, great discretion will be required. The war has to be prosecuted with zeal, but at the same time care must be taken not to subject to any

vexatious interference the commerce of Great Britain or her Allies, or of any other nation not engaged in the war.

14. The Commander should be careful on all occasions to observe strict propriety of conduct toward the masters and Crews of Vessels with whom, in the exercise of these powers, he may be brought into contact, and should impress the same duty upon the Officers and men under his command.

15. If a Commander in the exercise of these powers detain a Vessel without probable cause, or do an act not sanctioned by international law or otherwise unwarrantable, he will incur the displeasure of Her Majesty's Government, and will also be personally liable for damages.

16. The Commander is likewise responsible in damages for the acts of all under his command, whether he himself is present or absent; and this responsibility is not shifted upon his Superior Officer (as the Commander of the Squadron or of the Fleet), unless such Superior Officer be actually present and cooperating, or has issued express orders for the doing of the act in question.^a

17. Even although the Vessel and Cargo be condemned as Lawful Prize, the Captors may be deprived by the Prize Court of all interest in the same, if in relation to the Vessel or her Cargo, or any person on board, they have committed any offense against the Law of Nations, or against the Naval Prize Act, 1864, or against any Act relating to Naval Discipline, or against any order in Council or Royal Proclamation, or any breach of Her Majesty's Instructions relating to Prize, or any act of Disobedience to the Orders of the Lords of the Admiralty, or to the Command of a Superior Officer.^b

Great Britain found in 1900, during the South African war, that visit and search exercised without greatest discretion might be very annoying to the belligerent as well as for the neutral, and the admiralty drafted the following instruction:

Owing to the extreme difficulty of proving, at ports so distant from South Africa as Aden and Perim, the real destination of contraband of war carried by ships calling at or passing those ports, the Senior Naval Officer, Aden, is to be directed to discontinue searching such vessels, confining himself to reporting to the Commander in chief, Cape, the names and dates of clearance of suspected ships.

Chapter V of the Japanese regulations relating to Capture at Sea gives a late statement of the "grounds for visit, search, and seizure." Its provisions are as follows:

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.

^aMentor, 1 C. Rob., 179; *Eleanor*, 2 Wheat., 345.

^bNaval prize act, 1864, sec. 37.

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 cases when, as the result of visitation or search, there is sufficient suspicion to justify capture according to Articles from XXXV to XXXVII.

In the treaty between the United States and Italy of February 26, 1871, there is provision for the regulation of visit and search.

ARTICLE XVIII. In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war shall meet with a vessel not of war of the other contracting party the first shall remain at a convenient distance and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel without causing the least extortion, violence, or ill treatment, and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XIX. It is agreed that the stipulations contained in the present treaty relative to the visiting and examining of a vessel shall apply only to those which sail without a convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when bound to an enemy's port, that they have no contraband goods on board shall be sufficient. (Compilation of Treaties in Force, p. 455.)

The principles were well set forth by Count von Bülow in a speech in the Reichstag on January 19, 1900. He said:

We recognize the rights which the law of nations actually concedes to belligerents with regard to neutral vessels and neutral trade and traffic. We do not ignore the duties imposed by a state of war upon the shipowners, merchants, and vessels of a neutral State, but we require of the belligerents that they shall not extend the powers they possess in this respect beyond the strict necessities of the war. We demand of the belligerents that they shall respect the inalienable rights of legitimate neutral commerce, and we require above all things that the right of search and of the eventual capture of neutral ships and goods shall be exercised by the belligerents in a manner conformable to the maintenance of neutral commerce, and of the relations of neutrality existing between friendly and civilized nations." (Parliamentary Papers, Africa, No. 1 (1900), p. 25.)

Some recent opinions of the United States Court of Claims set forth the nature of the right:

The right of visitation and search of neutral vessels at sea is a belligerent right, essential to the exercise of the right of capturing enemy's property, contraband of war, and vessels committing a breach of blockade. It is essential, in order to determine whether the ships themselves are neutral and documented as such, according to the law of nations and treaties, even if the right of capturing enemy's property be ever so strictly limited. (The *Jane*, 37 U. S. Court of Claims, 24, Dec. 2, 1901.)

In the case of the *Nancy* it was stated that—

The right of search is preliminary to the right of seizure, and the right of seizure depends upon the result of the exercise of the right of search. * * * even though there may be a legal seizure, it is the duty of the seizing vessel to follow such legal seizure by affording to the captured party all facilities of defense to which he may be entitled. (The *Nancy*, 37 U. S. Court of Claims, 401.)

In the case of the *Jane* mentioned above it is also further stated that—

The object of searching ostensible neutrals is to get evidence as to the fact of neutrality, and if the cargo be not enemy's property; or if neutral, whether they are carrying contraband; or whether the vessels are in the service of the enemy in the way of carrying military persons or dispatches or sailing in prosecution of an intent to break blockade.

A case showing an evident intent to go beyond the regular rules in regard to visit, and search, and seizure occurred during the Russo-Japanese war of 1904-5. This was the case of the *Allanton*.

Mr. Lawrence states the case of the *Allanton* as follows:

On January 5 of the present year (1904) the *Allanton*, a British vessel registered at Glasgow, and owned by Mr. W. R. Rea, of Belfast, was chartered to take a cargo of Cardiff coal to Hongkong or Sasebo. On February 21 she left Cardiff. At Gibraltar the captain received orders by telegraph on February 24 to go round the Cape instead of through the Suez Canal. On May 10 he reached Hongkong and there found instructions to proceed to Sasebo. Having discharged his cargo in the latter port he went to Muroran, in the island of Hokkaido, where the ship was chartered by a Japanese company to carry a fresh cargo of coal to Singapore. It was consigned to the British firm of Paterson, Simons & Co., and was a part of a large quantity of 50,000 tons which they had agreed to take during the present year. The *Allanton* left Muroran on June 13, and three days later was captured by a Russian squadron near the Okishima Islands. A prize crew was put on board her and she was taken to Vladivostok, where she arrived on June 19.

After two days, and before the case was decided by the local prize court, the authorities commenced to discharge her cargo, a proceeding suggestive of a determination to find or make grounds for condemning her. Whether this suspicion be just or not, as a matter of fact she was condemned. The judgment of the court was given on June 24, and four days after an appeal was lodged against it. (War and Neutrality in the Far East, 2d ed., p. 222.)

The decision of the Russian prize court at Vladivostok condemned the *Allanton* because (1) the vessel had brought contraband to a Japanese port on its outward journey, (2) various insignificant circumstances "and the character of the cargo (coal) convinces the court that the real destination of this hostile cargo was by no means Singapore, but a Japanese or Korean port, or even the enemy's fleet maneuvering in the sea," and (3) the cargo was enemy property.

It may be said that the general principle of international law is to the effect (1) that the offense of carriage of contraband is deposited with the goods, (2) that there must be ample evidence rather than suspicion of intent as to hostile destination, and (3) that enemy's goods, even though contraband when bound for enemy destination, are not such when under a neutral flag bona fide bound for a neutral destination.

The Vladivostok decision in regard to the *Allanton* was contested and an appeal was taken to the Admiralty council at St. Petersburg. On October 22, 1904, the decision of the prize court at Vladivostok was annulled by the Admiralty council and ship and cargo were ordered released.

Limitations on visit and search.—It does not seem to be questioned that one limitation should be placed on visitation and search in general, viz: that issued by the United States in 1898:

The voyages of mail steamers are not to be interfered with except on the clearest grounds of suspicion of a violation of law in respect of contraband or blockade.

To the above, article 34 of the Japanese regulations corresponds.^a Doubtless it would be well to add to the United States rule a clause which excepts vessels guilty of unneutral service.

^aSee p. 56.

It may also be said that pending the decision of a prize court the captured vessel's cargo should remain, so far as possible, in the same condition as at the time of capture.

Conclusion.—It may be safely said that at points outside of neutral jurisdiction in the Red Sea the right of visit and search may be exercised. It is, however, a right of war. Operations should be directed against the enemy, only. Therefore the exercise of the right of visitation and search should be exercised in such a manner as to interfere so little as possible with legitimate commerce of neutrals. If the papers are regular, only grave reasons would justify the breaking of the cargo and search of a great liner on its regular voyage, as this would be of great inconvenience and possible loss to neutral commerce. It is suggested that a system of neutral government inspection and guarantee be introduced to guard against the inconveniences of such interference.

The right of visitation and search is generally admitted. The question of its exercise in a given case, however, must often be one of policy.

Area of permissible visit and search.—(b) Should the right of visit and search be limited to a certain area in the neighborhood of the seat of war?

While the right of visit and search is generally recognized, there may arise a question as to the place of its exercise. There are certain restrictions well established in limitation of the method of search. In considering the question of place it is supposed that there is no question as to the propriety of the method.

Propositions have been made to the effect that the area of the field of possible exercise of the right of search should be circumscribed; that visit and search of neutral vessels should be permitted only within a certain distance of the seat of war or within a certain distance of the belligerent territory. It has been proposed to limit the exercise of the right of search to the area within the radius of 100 miles from the belligerent ports. Any attempt at limitation of area would seem to be action which would introduce new complications into the conduct of maritime warfare.

The difficulty of determining disputes in regard to distance would maké such a restriction hard to enforce. The courts would not care to have such additional complications introduced into questions upon which they must decide.

The 100 mile radius would create a quasi blockaded area in which neutrals would be liable to the exercise of extended belligerent rights.

It would introduce new practices which would bear very heavily on neutral states, neighbors to belligerent states. It might easily happen and would often be the case that this limitation of area of the exercise of the right of search would bring about a restriction on the commerce to a given part of the neutral country which chanced to be within the area of search, or practically close by discrimination a neutral port.

It would work general hardship upon the neighboring neutral which would be unnecessary and would bring no commensurate advantage to the belligerent.

This limitation would restrict belligerent operations to a narrower field, which might in some respects be advantageous. Yet, visitation and search properly exercised may be but little onerous to the neutral. The limitation of area of visit and search would be very burdensome to the belligerent. There seems to be in general no reason for such limitation which in practice would introduce new difficulties in enforcement.

Conclusion as to limitation of area.—All the advantages of the proposed limitation of area may better be obtained through the more judicious exercise of the right and the more careful attention by neutrals to the proper documenting of their vessels.

General conclusions.—(a) Denmark would be justified in visiting and for good reason in searching neutral vessels outside of neutral jurisdiction in the Red Sea.

(b) The area of the exercise of the right of visit and search should not be limited, but greater restrictions may justly be demanded against its exercise in an arbitrary and burdensome manner.