

Questions concerning the
forgery of ship's papers.

It is said in the section 505, Chapter III, Part IV, in relation to Rights of war to neutrals "that (No. 1) in general where the ship and cargo do not belong to the same person, the contraband article only are confiscated, and the carrier-master is refused his freight to which he is entitled upon innocent articles which are condemned as enemy's property. (No. 2) but where the ship and the innocent articles of the cargo belong to the owner of the contraband, they are all involved in the same penalty. (No. 3)

And

And even where the ship and the cargo do not belong to the same person, the carriage of contraband, under the fraudulent circumstances of false papers and false destination, will work a confiscation of the ship as well as the cargo.

But in the congress of Paris, 1856, established the following two rules:

1 "The flag of a neutral country should protect the goods of an enemy, unless it be contraband of war."

2 "In the case where an enemy's ship carry the goods of a neutral, this goods should be restored unless it be contraband

of

of war."

From this I may suppose that No 1. and No 2. in the section 505, Chapter III, Part IV (Wheaton's international law) abovementioned, have been abolished entirely; and I ask you whether No 3, have been suffered ^{to} continue by the congress of Paris, because it relates to the forgery of ship's papers or not.

As to the seeming con-
tradiction about the rules
of the capture of enemy's
property.

In the Section 355, Chapter
2, Part 4, Wheaton's international
law; it is said, that, on land,
the rights of war do not allow
to seize enemy's property, the
rights being less strictly exe-
cised than at sea, where they
still remain unrelaxed and the
private property of enemy
is indiscriminately liable to
capture and confiscation, whe-
ther it is found ^{on} high
sea, or in ships at harbor.
According to this, it seems,
that, the cases mentioned in
the

the Section 346 being excepted,
all other enemy's properties on
land ought not to be capt-
ured. But the Section 336,
Chapter 1 says, that enemy's
property and that belonging
to his foreign possessions are
liable to be seized, without
distinction to any person or
place; so long as they belong
to the owner of the soil.

According to this, there seems
to be no objection with re-
gard to a belligerent capt-
uring all properties of enemy,
whether public or private.

Now, in one place, I am
told the capture to be lawful,
and, in the other, it to be
unlawful. How are we to

reconcile

the contradiction?

Judging by the example men-
tioned in the Section 336, Cha-
pter 1, that a Danish officer
was captured by the American
war vessel while he was
on board the British vessel;
are the above words "without
distinction to any person
or place" exclusively applica-
ble to capture and confisca-
tion on sea, and not on land?

Questions concerning
the capture of enemy's
vessel on the sea.
(Wheaton's international law)

It is said in the section
304, Chapter 1, Part IV (inter-
national rights of states in
their hostile relations), "that
' although, in practice, vessels
' with their cargoes found in
' part at the declaration of
' war may have been seized,
' it was not believed that mo-
' dern usage would sanction
' the seizure of the goods of an
' enemy on land, which were
' acquired in peace in the
' course of trade."

It is also said in
the

the section 355, Chapter 11
of the same part, "that this
inequality in the operation
of the laws of war, by
land and by sea has been
justified by alleging the usage
of considering private prop-
erty when captured in cities
taken by storm, as booty; and
the well known fact that
contributions are levied upon
territories occupied by a hos-
tile army, in lieu of a
general confiscation of the
property belonging to the inh-
abitants; and that the object
of wars by land being con-
quest, or the acquisition of
territory to be exchanged as
an equivalent for other terri-
tory

toy lost, the regard of the
victor for those who are to
be or have been his subjects,
naturally restrains him from
the exercise of his extreme
rights in this particular;
whereas, the object of mari-
time wars is the destruction
of the enemy's commerce and
navigation, the source and sin-
ews of his naval power
which object can only be att-
ained by the capture and con-
fiscation of private property."

But, the first article
of the celebrated declaration of
Paris of 1856 is in these
words: "privateering is and
remains abolished."

Now, we ask you the
following

following points:

Whether the practice of the seizure of private property on sea mentioned in the above-named sections 304 and 355 was abolished by the declaration of Paris and wheth-

A. ther the practice on sea was assimilated to that on land, which permits the seizure of public property, but not that of private property.

Whether, if such shall be the case, the public vessels, with their public cargoes might be captured, while the private vessels and their private cargoes might not.

Or whether, in the time of maritime warfare, the

the vessels with their cargoes might be captured without distinction of public and private property.

The treatment of the subjects of **B** state found within its territory, by the **A** state, on the declaration of war.

The notice of the day fixed for retirement, to the **B** countrymen found within its territory, by the **A** state.

Should this notice be written by comparing with **B.** Section 298-300, Chapter 1, Part IV, Wheaton's international law?

The treatment of those who do not retire, complaining some reason, after the expiration of the day fixed for

for retirement.

Should such men be treated according to the said sections, Chapter 1, Part IV, and section 343, Chapter 11, Part IV. And if they could be considered as enemies, should guards be placed on them, or should they be imprisoned?

How should be treated those who are sick and can not retire within the fixed day ordered?

The investigation and treatment of those who are the subjects of the enemy's country, and have been employed by the subjects of a neutral state found within the Δ state.

The rules for such men cannot be found in Wheaton's international law;

C. Are there in modern times any example for the treatment of such men?

Giving the passport to those who retire within the fixed day, by the Δ state, in order that they could pass over the ports without hindrance.

The rules for this also can not be found in the above mentioned book. Are there any example in modern times?

The treatment of debts between merchants of the Belligerent

belligerent countries.

2. Should this be treated according to sections 298-300 and section 305, Chapter 1 (item).

The treatment of a trading company established by the merchants of the belligerent countries.

6. Should this be treated according to the sections 320-323 and section 334 Chapter 1 (item)

The treatment of the belongings of those who are the subjects of the enemy country, and have retired from the A state.

Should these be treated according to the sections 298-300, Chapter 1 and section 549, Chapter IV, (item)