

CHAPTER IX.

RIGHTS AND DUTIES OF CAPTORS.

§ 226. The right of visiting and searching during war all private vessels¹ met at sea has been constantly recognised to belligerents. It is, in the words of Lord Stowell, "an incontestable right of the lawfully commissioned cruisers,"² and it cannot be now disputed that, for the purpose of safeguarding his belligerent interests, a captor is entitled to inquire into the nationality of ships encountered on the seas, the nature of their cargoes, and the special voyages performed by them at the time.

Right of visit and search.

Detailed regulations on the form and manner in which visit and search should be carried out were contained in the Treaties of Pyrenees, 1659, and Utrecht, 1713, but many of their provisions are now obsolete.

§ 227. Under modern practice, the right can be solely exercised by a public vessel of war of the belligerent State.³ Private vessels commissioned for the purpose of a particular war or "privateers" are not entitled to proceed to visit

Right can be exercised only by a public vessel of war.

¹ Neutral vessels of war are not subject to visit. The question was a rather controverted one in the early part of the nineteenth century, but it has now been definitely settled in favour of the exemption of neutral warships from visit and search.

² *The Maria* (1799), 1 C. Rob. 340, 359.

³ The right of visit and search may also be exercised by the Customs authorities on vessels and cargoes found in the ports or roadsteads of the belligerent State.