

CHAPTER VI

ENEMY VESSELS EXEMPT FROM CAPTURE: FISHING VESSELS, HOSPITAL SHIPS, SMALL BOATS ENGAGED IN LOCAL TRADE, ETC.

I

PROVISIONS OF THE HAGUE CONVENTIONS OF 1907

Sec. 175. The Eleventh Convention. The Eleventh Hague Convention exempts from capture the three following categories of enemy vessels: (1) vessels used exclusively for fishing along the coast, (2) small boats employed in local trade and (3) vessels charged with religious, scientific, or philanthropic missions. By the express terms of the Convention the immunity of the first two classes of vessels ceases whenever they take any part whatever in hostilities and doubtless the same rule would be applied in the case of the third class. By the so-called "solidarity clause" (Art. 9), the provisions of the Convention apply only as between the contracting parties and then only when all the belligerents are parties to the Convention.

Sec. 176. The Tenth Convention. The Tenth Convention likewise exempts from capture military hospital ships constructed or assigned by states "specially and solely with a view to assisting the wounded, sick and shipwrecked, the names of which have been communicated to the belligerent powers at the commencement of or during the course of hostilities." Likewise, hospital ships equipped wholly or in part at the expense of private individuals or officially recognized relief societies are exempt from capture, provided they are furnished with a certificate from the competent authorities and have been officially commissioned and notified to the hostile power before they are employed. The exemption also applies to hospital ships equipped wholly or in part at the expense of private individuals or officially recognized societies of *neutral* countries, provided they have been placed under the control of one of the belligerents with the previous