

CHAPTER VII

ENEMY VESSELS EXEMPT FROM CAPTURE (CONTINUED): SHIPS IN PORT OR ENCOUNTERED AT SEA IN IGNORANCE OF HOSTILITIES

I

THE SIXTH HAGUE CONVENTION

Sec. 191. Analysis of the Convention. An examination of the provisions of this Convention will show that it exempts from capture four classes of enemy merchant vessels (*navires de commerce*, as they are designated in the French text). First are those which are in a "port" of the opposing belligerent at the commencement of hostilities. Second, those which have left their last port of departure and "entered a port" belonging to the enemy while still ignorant that hostilities have broken out. The Convention does not require that permission shall be granted to these two classes of vessels to leave but it expresses the *voeu* that "it is desirable" that they should be allowed to depart freely, either immediately or after a reasonable number of days of grace. Third, those which are offered days of grace in which to leave but are unable to avail of it within the period allowed because of circumstances of *force majeure*. Fourth, those which have left their last port of departure before the outbreak of war and are encountered on the high seas (*rencontrés en mer*), while still ignorant of the outbreak of hostilities. (Art. 3.) Such vessels are expressly exempt from confiscation though they may be detained without compensation, subject to the obligation of restoration at the end of the war, or may be requisitioned on payment of compensation. Those encountered at sea may also be destroyed, on payment of compensation, and those in port to which permission is granted to leave but which refuse to avail of the permission may be confiscated.

Sec. 192. Attitude of Belligerent Governments Toward the Convention. According to Article 6 the provisions of the Con-