

Chapter V

APPLICATION OF NEUTRALITY LAWS IN THE TERRITORIAL SEA

Belgique

DÉCLARATION ET RÈGLES DE NEUTRALITÉ DU 3 SEPTEMBRE 1939 ¹

Le Gouvernement belge déclare sa ferme volonté de maintenir sa neutralité dans le conflit qui vient d'éclater en Europe. En conséquence, les règles suivantes seront immédiatement mises en vigueur :

I. Dans les limites de la juridiction de l'Etat, comprenant le territoire du Royaume en Europe et les Colonies et Possessions sous mandat, la mer territoriale, ainsi que l'espace atmosphérique dominant le territoire et la mer territoriale, aucun acte d'hostilité n'est permis et aucune base d'opérations hostiles ne peut être établie.

Par mer territoriale, on comprend la mer côtière sur une largeur de 3 milles marins, à raison de 60 par degré de latitude, à partir de la laisse de basse mer.

II. Ne sont permis :

1° Ni l'occupation d'une partie quelconque du territoire par une force militaire belligérante;

2° Ni l'entrée ou le passage à travers ce territoire par voie de terre, soit de troupes, soit de convois de munitions ou approvisionnements de guerre;

3° Ni l'entrée ou le passage à travers la mer territoriale de navires de guerre belligérants ou bâtiments assimilés à ceux-ci;

4° Ni l'entrée ou le passage, dans la juridiction de l'Etat, d'aéronefs militaires belligérants ou d'aéronefs assimilés à ceux-ci.

III. Sont autorisés à entrer et à séjourner dans les ports et rades après avoir satisfait aux prescriptions édictées par les autorités locales dans l'intérêt de la sécurité, les navires de commerce munis d'un armement défensif. Toutefois, dans chaque port ou rade, le nombre de ces navires ne peut dépasser le maximum fixé par les autorités locales, dans l'intérêt de la sécurité du pays.

Sont considérés comme munis d'un armement défensif les navires qui ne portent pas plus de deux pièces de calibre supérieur à 8 centimètres, sans que le calibre puisse dépasser 16 centimètres, et dont l'équipage ne dépasse pas sensiblement en effectifs les besoins de l'exploitation commerciale.

IV. Les troupes ou les militaires faisant partie des forces belligérantes, qui arriveraient dans la juridiction de l'Etat seront désarmés et internés.

¹ *Revue de droit international et de législation comparée*, 3^e série, t. XX, 1939, pp. 582-586.

Les navires de guerre ou bâtiments y assimilés appartenant aux belligérants qui contreviendraient aux dispositions des articles 2 ou 7 seront saisis et leurs équipages ainsi que les passagers militaires seront internés.

Les aéronefs militaires ou appareils y assimilés appartenant aux belligérants qui pénétreraient dans la juridiction de l'Etat seront saisis et leurs équipages internés. Ces aéronefs pourront être forcés d'atterrir ou d'amérir dans le cas où ils ne le feraient pas volontairement.

Les aéronefs se trouvant à bord d'un navire de guerre ou d'un navire y assimilé seront considérés comme faisant partie de celui-ci, à condition que pendant le séjour du navire dans la juridiction de l'Etat ils ne quittent pas le bord.

V. Par dérogation à l'article IV ne seront pas internés :

a) Les naufragés, malades ou blessés à condition qu'ils n'aient pas participé à des actes d'hostilité dans la juridiction de l'Etat ;

b) Les militaires à bord d'un navire de commerce, non assimilé à un navire de guerre qui se borne à faire escale dans un port ou rade ;

c) Les prisonniers de guerre évadés ;

d) Les déserteurs.

VI. Les dispositions des articles 2 et 4 ne sont pas applicables :

1° Au navire de guerre ou bâtiment belligérant y assimilé, qui peut établir que, par suite d'avaries ou de l'état de la mer, il est tenu d'entrer dans un des ports ou rades de l'Etat, à moins qu'il ne soit poursuivi par l'ennemi.

Le navire ne pourra réparer ses avaries qu'en tant que la réparation est indispensable à la sécurité de sa navigation et il ne pourra, d'une manière quelconque, accroître sa force militaire.

Il devra quitter les dits ports ou rades dès que les circonstances qui l'auront contraint à s'y réfugier auront cessé d'exister. Le Gouvernement pourra fixer un délai au delà duquel la saisie du navire et l'internement de l'équipage et des passagers militaires seront effectués. Les membres de l'équipage et les passagers militaires qui seront restés à terre après le départ du navire seront internés ;

2° Aux navires de guerre et navires y assimilés qui peuvent prouver que leur entrée dans la juridiction de l'Etat est due à la force majeure et est survenue malgré toutes les mesures de précaution prises pour l'éviter ;

3° Aux navires de guerre, aéronefs ou bâtiments et appareils y assimilés, qui sont exclusivement affectés à une mission religieuse, scientifique ou philanthropique.

VII. Tout navire de guerre belligérant ou bâtiment y assimilé, qui se trouverait dans un port ou dans une rade ou encore dans les eaux territoriales au début de la guerre, devra partir dans le délai qui lui sera prescrit par les autorités locales.

Les aéronefs belligérants ou aéronefs y assimilés se trouvant dans la juridiction de l'Etat au moment de la publication de la déclaration de neutralité, seront internés.

VIII. Dans les cas prévus aux articles 6 et 7, lorsque des navires de guerre ou bâtiments y assimilés des deux parties belligérantes se trouvent simultanément à proximité l'un de l'autre, il doit s'écouler au moins vingt-quatre heures entre le départ du navire d'un belligérant et le départ du navire de l'autre.

L'ordre des départs est déterminé par l'ordre des arrivées, sauf circonstances spéciales.

Un navire de guerre belligérant ne peut quitter un port ou une rade moins de vingt-quatre heures après le départ d'un navire de commerce portant pavillon de son adversaire.

IX. Les navires de guerre ou bâtiments y assimilés, visés à l'article 7, ne seront autorisés à se ravitailler dans les ports et rades que pour compléter leur approvisionnement normal du temps de paix de vivres et d'eau. Ces navires ne pourront, de même, prendre du combustible que pour gagner le port le plus proche de leur pays ou d'un pays allié.

Les navires ou bâtiments y assimilés visés à l'article 6, 1^o, pourront compléter leurs approvisionnements en vivres, eau et combustible dans la mesure nécessaire à leurs besoins pour la durée de leur séjour.

X. Il est interdit d'amener des prises dans les eaux soumises à la juridiction de l'Etat.

Si une prise est introduite dans les dites eaux, elle est libérée, ainsi que son équipage.

L'équipage mis à bord par le capteur est interné, à moins que la prise n'ait été amenée pour cause d'avarie ou à raison du mauvais état de la mer.

XI. Tout matériel de guerre, jeté à la côte ou trouvé en mer et amené ensuite à terre sera saisi, à moins que la sécurité publique n'en exige la destruction.

XII. Des corps de combattants ne peuvent être formés, ni des bureaux d'enrôlement ouverts sur le territoire au profit des belligérants.

XIII. Il est interdit, dans la juridiction de l'Etat, de prendre service à bord des navires de guerre belligérants ou bâtiments y assimilés.

Il est interdit, dans la juridiction de l'Etat, d'aménager, d'armer ou d'équiper des navires destinés à concourir à des opérations hostiles contre un belligérant de tels navires.

Il est interdit, dans la juridiction de l'Etat, de fournir des armes ou munitions à des navires de guerre ou bâtiments y assimilés appartenant à un belligérant ou de les aider à augmenter leur puissance de combat.

XIV. Il est interdit, dans la juridiction de l'Etat, sauf autorisation préalable des autorités locales compétentes, de faire des réparations à des navires de guerre ou bâtiments y assimilés appartenant à un belligérant ou de leur fournir des matériaux de réparation, de l'outillage, des approvisionnements, de l'eau ou du combustible.

XV. 1^o Il est interdit de faire des approvisionnements d'armes, de munitions, de matériaux de réparation, de combustibles, et de tous objets utiles à la conduite de la guerre, dans le but de chercher l'occasion de les livrer aux forces maritimes d'un belligérant à proximité de la mer territoriale.

2^o De même, il est interdit d'amener directement hors du territoire à des navires belligérants proches de la côte, des armes, des munitions, des matériaux de réparation, des combustibles, et tous objets utiles à la conduite de la guerre.

XVI. 1^o Est interdit le départ d'un aéronef qui est soit mis en état de se livrer à une attaque contre une puissance belligérante, soit accompagné d'appareils ou de matériel dont le montage ou l'utilisation lui permettrait

de se livrer à semblables attaques, s'il existe des raisons de croire que cet aéronef est destiné à prendre part aux hostilités.

Est pareillement interdit le départ d'un aéronef dont l'équipage comprend un membre quelconque appartenant aux forces combattantes d'une puissance belligérante.

Est interdite l'exécution sur un aéronef de travaux destinés à l'aménager à des fins contraires au présent article.

2° Les dispositions qui précèdent ne sont pas applicables aux aéronefs militaires neutres qui pénètrent dans la juridiction de l'Etat après la déclaration de guerre avec autorisation du Gouvernement.

XVII. Il est interdit dans la juridiction de l'Etat, d'effectuer, au moyen d'un aéronef de quelque nature qu'il soit, des observations aériennes de mouvements, opérations, ou travaux de défense d'un belligérant dans le but de renseigner l'autre belligérant.

XVIII. L'installation ou l'exploitation, par une puissance belligérante ou par des personnes à son service de stations de radiocommunications ou d'autres moyens de transmission est interdite dans la juridiction de l'Etat.

XIX. 1° Il est interdit, dans la juridiction de l'Etat, d'employer des stations de radiocommunications en vue de transmettre des renseignements au sujet des forces militaires des belligérants ainsi que des opérations militaires chez les belligérants.

2° Les navires et aéronefs ne peuvent, dans la juridiction de l'Etat, employer leurs stations de radio que pour des signaux de détresse, pour des signaux nécessaires à la navigation ou pour transmettre des renseignements météorologiques.

Le Gouvernement attire la très sérieuse attention de la population sur le devoir qui lui incombe de se conformer strictement aux règles ci-dessus et d'éviter toute action qui serait de nature à compromettre la neutralité et les intérêts du pays.

Brazil

(a) DECREE No. 11037, GENERAL RULES OF NEUTRALITY, 4 AUGUST 1914 ¹

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Article 6. A belligerent is not permitted to have a naval base of operations against the enemy at any point in the littoral of Brazil, or its territorial waters, nor to have in said waters wireless telegraph stations to communicate with belligerent forces in the theatre of the war.

Article 7. In case the military operations or the sea-ports of any of the belligerents are situated at less than twelve days from the United States of Brazil, reckoning travel at twenty-three miles an hour, no warship of the other belligerent or belligerents will be allowed to stay in Brazilian ports, harbors or roadsteads longer than twenty-four hours, except in case of ships putting in on account of urgent need.

The case of urgent need justifies the staying of the warship or privateer at the port longer than twenty-four hours:

1. If the repairs needed to render the ship seaworthy cannot be made within that time;

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, Vol. I, p. 85.

2. In case of serious danger on account of stress of weather;
3. When threatened by some enemy craft cruising off the port of refuge.

These three circumstances will be taken into consideration by the Government in granting a delay for the refugee ship.

Article 8. If the distance from the Brazilian port, harbor or roadstead of refuge to the next point of the littoral of the enemy is greater than twelve days' sail, the duration of the stay of the refugee ship or ships of war in the Brazilian waters will be left to the determination of the Government, acting according to circumstances.

Article 9. Regardless of the distance between the Brazilian ports and the principal field of military operations or between the Brazilian ports and those of one of the belligerent countries, privateers will not be allowed to stay in ports, harbors or territorial waters of Brazil longer than twenty-four hours, except in the three cases mentioned in article 7.

Article 10. The rules established by articles No. 7 and 8 for the limitation of the stay of ships in the ports, harbors and territorial waters of Brazil do not apply to ships of war occupied in scientific, religious or philanthropic missions, nor to hospital ships.

Article 11. Any act of war, including capture and the exercise of the right of visit, by a belligerent warship in territorial waters of Brazil constitutes a violation of the neutrality and offends the sovereignty of the Republic.

Besides due reparation, the Government of the Republic will demand the release by the belligerent government or governments of the vessels captured, with their officers and crew, if such captured vessels are already beyond the jurisdictional waters of Brazil and immediate repression of the abuse committed.

Article 12. Once war is declared, the Federal Government will prevent, by all means, the fitting out, equipping and arming of any vessel that may be suspected of intending to go privateering or otherwise engaging in hostilities against one of the belligerents. The Government will be equally careful in preventing the sailing from the Brazilian territory of any vessel there adapted to be used as a warship in hostile operations.

Article 13. The belligerent warships are allowed to repair their damages in the ports and harbors of Brazil only to the extent of rendering them seaworthy, without in any wise augmenting their military power.

The Brazilian naval authorities will ascertain the nature and extent of the proper repairs, which shall be made as promptly as possible.

Article 14. The aforesaid ships may take supplies in Brazilian ports and harbors:

1. To make up their usual stock of food supplies as in time of peace;
2. To take fuel enough to reach their next home port or complete the filling of their coal-bunkers proper.

Article 15. The belligerent warships that take fuel in a Brazilian port will not be allowed to renew their supplies in the same or other Brazilian port before three months have elapsed since their next-previous supply.

Article 16. Belligerent ships are not allowed to increase their armament, military equipment, or crews in the ports, harbors, or territorial waters of Brazil. They may claim the services of the rational pilots.

Article 17. The neutrality of Brazil is not affected by the mere passage through its territorial waters of belligerent warships and their prizes.

Article 18. If warships of two belligerents happen to be together in a Brazilian port or harbor, an interval of twenty-four hours shall elapse between the sailing of one of them and the sailing of her enemy, if both are steamers. If the first to sail is a sailing vessel and the next being an enemy is a steamer, three days' advance will be given to the first belligerent ship. Their time of sailing will be counted from their respective arrivals, exceptions being made for the cases in which a prolongation of stay may be granted. A belligerent ship of war cannot leave a Brazilian port before the departure of a merchant ship under an enemy flag, but must respect the aforesaid provisions concerning the intervals of departure between steamers and sailing vessels.

Article 19. If a belligerent warship having received due notice from the competent local authority does not leave the Brazilian port where her stay would be unlawful, the Federal Government will take the necessary measures to prevent her sailing during the war.

(a) The officer in command of a ship of war flying the flag of a nation having ratified the 13th convention of The Hague, October 17, 1907, or having adhered to it afterwards, is under obligation to facilitate the execution of those measures.

(b) If a commandant of a belligerent ship refuses to comply with the notice received, for some reason non applicable, or for lack of adhesion to that and other clauses of said convention of The Hague, the Federal Government will command the naval and military authorities of the Republic to use force to prevent the violation of Brazilian neutrality.

(c) A belligerent ship being detained in Brazil, her officers and crew shall be detained with her.

(d) The officers and men thus detained may have their quarters in another ship or in some place ashore, to be under the restrictive measures that are advisable, keeping aboard the warship the men necessary to her upkeep. The officers may have their freedom, under written pledge, on their word of honor, not to leave the place assigned to them in Brazilian territory without authorization from the minister of the navy.

Article 20. The captures made by a belligerent may only be brought to a Brazilian port in case of unseaworthiness, stress of weather, lack of fuel or food provisions, and also under the conditions provided hereinbelow in article 21.

The prize must depart as soon as the cause or causes of her arrival cease. Failing that departure, the Brazilian authority will notify the commander of the prize to leave at once, and, if not obeyed, will take the necessary measures to have the prize released with her officers and crew, and to intern the prize crew placed on board by the captor.

Any prize entering a Brazilian port or harbor, except under the aforesaid four conditions, will be likewise released.

Article 21. Prizes may be admitted that are brought, under convoy or not, to a Brazilian port, to be placed under custody pending the decision of the competent prize court. The prize may be sent by the local authority to some other Brazilian port. If she is convoyed by a warship, the officers and prize crew put aboard by the captor may return to the warship. If she sails alone, the prize crew put aboard by the captor is left at liberty.

Article 22. Belligerent warships that are chased by the enemy, and, avoiding attack, seek refuge in a Brazilian port, will be detained there and disarmed. But they will be allowed to go if their officers in command take the pledge of not engaging themselves in war operations.

Article 23. No prize will be sold in Brazil before the validity of her capture is recognized by the competent court in the country of the captor. Nor is the captor allowed to dispose in Brazil of the goods in his possession as a result of the capture.

Article 24. From the officers in command of naval forces or warships calling at Brazilian ports for repairs or supplies, a written declaration will be required that they will not capture merchant ships under their adversary's flag, even outside territorial waters of Brazil, if met between 30 degrees Long. W. Greenwich, the parallel of 4 degrees, 30 minutes N. and that of 30 degrees S., when these merchant ships have taken cargo in Brazilian ports or are bringing cargo to the same.

Article 25. Belligerents can not receive in Brazilian ports goods sent directly to them in ships of any nation, since this would mean that the warships did not put in in a case of urgent need, but intended to cruise in these waters. To tolerate such an abuse would amount to allowing Brazilian ports to be used as a base of military operations.

Article 26. Belligerent warships admitted into the ports and harbors of Brazil shall remain in the places assigned to them by the local authorities, perfectly quiet and in peace with the other ships, even with the warships of other belligerents.

Article 27. The Brazilian military, naval, fiscal and police authorities will exercise the greatest care to prevent the violation of the aforesaid measures in the territorial waters of the Republic.

(b) CIRCULAR ANNEXED TO LEGISLATIVE DECREE NO. 1561 OF
2 SEPTEMBER 1939¹, AS AMENDED²

General Neutrality Rules

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Article 2. Within the territory of Brazil, including its inland and territorial waters with their respective river, lake and maritime basins and the corresponding air space, no act by any belligerent which may be regarded as a violation of Brazilian neutrality shall be tolerated.

Article 3. The simple passage through Brazilian territorial waters of warships and prizes of belligerents does not constitute a violation of neutrality.

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Article 7. The Government of Brazil shall not permit privateers to be fitted out or armed in the waters under its jurisdiction, and shall employ the

¹ *Diario Oficial (secao 1)*, 4 September 1939, p. 21269. Translation by the Secretariat of the United Nations.

² By Legislative Decree No. 2947 of 15 January 1941 (*ibid.*, 17 January 1941, p. 887) and Legislative Decree No. 2360 of 3 July 1940 (*ibid.*, 5 July 1940, p. 12771).

means at its disposal to prevent the fitting out or arming of any ship which it has reason to believe intends to cruise or take part in warlike operations against any belligerent. Similar care shall be taken to prevent the departure from Brazilian waters with similar objectives of any ship converted wholly or partly in Brazilian waters for war service.

Article 8. Belligerents are strictly prohibited from using the Brazilian coast and territorial waters as a base for naval operations against the enemy. Belligerents are also prohibited from receiving in Brazilian ports supplies brought to them direct by ships of any nationality.

Article 9. Belligerents shall be forbidden to install or maintain in Brazilian territory, including territorial waters, radio-telegraphy stations or any apparatus that might serve as a means of communication with belligerent land, sea or air forces. Furthermore, merchant vessels of belligerent nations shall be forbidden, when in Brazilian waters, to use their radio-telegraphic apparatus except to call shore stations in case of emergency or when a pilot is required.

Article 10. Belligerent warships may be admitted to Brazilian ports, bays, anchorages and territorial waters only in strict compliance with the conditions prescribed in the present rules.

The duration of the stay of each ship shall not exceed 24 hours, except:

(a) If, within that period it has been impossible to effect the necessary repairs, so that if the ship put to sea it would run the risk of being lost;

(b) If, in the opinion of the Brazilian naval authorities, the same risk is involved because of bad weather;

(c) If the vessel is threatened by an enemy vessel cruising in the vicinity of its place of refuge;

(d) If any of the circumstances set forth in the following three paragraphs occurs, in which case the Government at its discretion shall determine the duration of stay.

Section 1. When, for reasons of *force majeure* the provision of food supplies and fuel permitted by the Brazilian authorities is not completed within twenty-four hours, this period may be extended for the time absolutely necessary for the conclusion of the operation.

Section 2. When hostile warships are at the same time in a Brazilian port, bay or anchorage, a period of at least twenty-four hours must elapse between the departures of the ships of each belligerent. The order of departure shall be determined by the order of arrival except if the ship which arrived first finds itself in one of the circumstances in which its stay may be extended.

Section 3. No belligerent warship may leave a Brazilian port, bay or anchorage until at least twenty-four hours have elapsed from the time of the departure of a merchant ship flying an enemy flag. If the departing vessel is a sailing vessel and the one that remains a steamship, the latter may not depart until three days later.

Article 11. The number of warships of a belligerent Power or of allied belligerent Powers which may remain at the same time in any Brazilian port, bay or anchorage shall not exceed three.

Article 12. The provisions of articles 9 and 10 above shall not apply to hospital ships and war vessels engaged exclusively in scientific, religious or philanthropic work.

Article 13. No submarine armed for war belonging to any belligerent shall be granted access to Brazilian ports, bays or anchorages or allowed to remain in Brazilian territorial waters. Nevertheless this prohibition shall not extend to submarines which are obliged to enter Brazilian waters because of weather or damage. In such an emergency a submarine must indicate by means of an international signal the reason for its presence in the above-mentioned waters, from which it shall be required to depart as soon as the reason justifying the entry ceases to exist. So long as they remain in Brazilian waters, submarines shall navigate on the surface and shall at all times fly the appropriate flag.

Article 14. If, after notification to leave by the competent local authorities, any belligerent warship remains in a Brazilian port, bay or anchorage in which it is no longer permitted to stay, the Federal Government shall take whatever steps it deems appropriate to render the ship unable to put to sea for the duration of the war. If the commanding officer does not comply, the Federal Government shall order the Brazilian authorities to use force to ensure that its decision be respected and that the country's neutrality be not jeopardized.

Article 15. When a belligerent warship has to be detained in Brazil, its officers and crew shall also be detained although, at the discretion of the Brazilian authorities, they may be quartered on another vessel or on land, subject to the necessary restrictive measures. In any case, the number of men necessary for the maintenance of the ship shall remain on board the detained vessel. The officers may be given their liberty if they formally undertake on their word of honour not to leave the place assigned to them in Brazilian territory without the authorization of the Brazilian Minister of Marine.

Article 16. Prizes taken by belligerents may be brought to Brazilian ports, bays and anchorages only in case of unseaworthiness, bad weather, lack of fuel or food supplies or to unload goods intended for Brazil. They must leave within twenty-four hours or as soon as the reason for their entry has ceased to exist. Should they fail to do so, the Brazilian authorities, after giving due notice, shall use the means at their disposal to obtain the release of the prize, with its officers and crew, and the internment of the crew placed on board by the captor. In exceptional cases prizes shall be admitted to remain under surveillance pending action by the competent prize court. In any case the Brazilian Government reserves the right to require the unloading of merchandise intended for Brazil.

Article 17. No prize court may be established by any belligerent in Brazilian territory or on a ship in Brazilian territorial waters, and the sale of prizes shall not be permitted in Brazilian ports, bays or anchorages.

Article 18. Belligerent ships admitted to Brazilian ports, bays or anchorages shall remain at the stations designated by the local authorities in complete tranquillity and at peace with all other ships stationed there even though they be warships or ships fitted out for war belonging to another belligerent Power.

Article 18A. If a merchant vessel flying the flag of a belligerent, for fear of hostile action by the enemy, seeks refuge in Brazilian waters or ports, or if on calling at a Brazilian port it remains there for an unusual length of

time after being cleared, the Brazilian authorities shall take steps to detain the vessel and to prevent it from sailing without special authorization.

Article 18 B. So long as the merchant vessels referred to in the preceding paragraph remain in Brazilian ports under detention, the Brazilian authorities shall adopt the following measures, without prejudice to other measures that may be considered advisable:

(a) They shall place the vessel under supervision, with a guard on board or near the vessel;

(b) They shall decide upon the port or anchorage where the vessel is to remain;

(c) They shall render the vessel incapable of sailing while the detention lasts;

(d) They shall forbid the use of the vessel's telecommunication equipment;

(e) They shall leave the officers and crew at liberty. The stay of these persons in Brazil shall, however, be subject to the provisions of the laws governing immigration and the admission of aliens, and they may be subjected to such measures as may be considered advisable for the preservation of neutrality or the security of the State;

(f) The vessel shall be exempted from harbour dues and taxes.

Article 19. In Brazilian ports, bays and anchorages, belligerent warships shall not in any way increase their military forces, replenish their military supplies or armament, or augment their crews, and shall merely be allowed to repair damages to the extent essential to ensure safe navigation. The Brazilian naval authorities shall verify the nature of the repairs necessary, which shall be effected as promptly as possible.

Article 20. Belligerent warships may take on supplies in Brazilian ports, bays and anchorages only to the extent necessary to complete their normal provision of food in time of peace, and a quantity of fuel sufficient to enable them to reach the nearest port of their own country.

Article 21. Belligerent warships which take on fuel in Brazilian ports, bays or anchorages may not replenish their supplies from the same source or from any other ports, bays or anchorages until three months after the previous occasion.

Article 22. Belligerent warships which are pursued by an enemy and take refuge in Brazilian ports, bays or anchorages to avoid imminent attack shall be detained and disarmed at points designated by the Brazilian Government.

Article 23. Any hostile act, including capture and the exercise of the right of search, performed by belligerent ships or aircraft in Brazilian territorial waters or in the corresponding air space shall constitute a violation of Brazilian neutrality and an infringement of the national sovereignty. The Federal Government shall call upon the belligerent Government to which the ship or aircraft belongs, apart from giving satisfaction for the infringement of sovereignty, to take steps to undo the consequences of the abuse committed or repair the damage caused.

Article 24. A belligerent ship which has violated Brazilian neutrality shall for the duration of the war be prohibited from entering Brazilian ports, bays or anchorages. A belligerent aircraft in similar circumstances shall not be authorized to fly over Brazilian territory.

Article 25. For the purpose of the application of the present rules, armed merchant ships of belligerents shall be placed on the same footing as warships if their armament is not purely defensive. Among other proofs subject to verification by the Brazilian naval authorities that the armament is not for offensive purposes, the following shall be included:

The ship shall not have a torpedo tube;

The calibre of its guns shall not exceed 6 inches;

Its arms and munitions of war shall be small in quantity, its crew at normal strength and its cargo made up of goods unsuited for war.

Article 26. Belligerents are prohibited from constituting fuel depots on land or on board vessels stationed in Brazilian territorial waters.

Article 27. Military aircraft of belligerents shall not be authorized to fly over Brazilian territory. Aircraft which enter an area under Brazilian jurisdiction shall after due notification be required to land on land or sea. Such craft shall be detained and disarmed and the crews interned.

Sole paragraph. Military aircraft carried on board warships shall be considered as part of the ships but must not make flights while the ship is in Brazilian territorial waters.

Article 28. Non-military aircraft of belligerents may fly over Brazilian territorial waters only with the authorization of the competent authorities.

Article 29. The Federal Government shall not allow:

(a) The departure from Brazilian territorial waters of any aircraft appropriately equipped which it has reason to believe intends to commit hostile acts against any belligerent;

(b) The departure of an aircraft which has among its crew any member of the combatant forces of a belligerent.

Article 30. In cases not covered by these rules, the principles of neutrality generally recognized under international law shall be observed.

(c) DECREE No. 22,744, ORDERING THE OBSERVANCE OF COMPLETE NEUTRALITY IN THE WAR BETWEEN BOLIVIA AND PARAGUAY, 23 MAY 1933 ¹

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Rules of Neutrality for Brazil

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Article 5. The belligerents shall not establish, on the territory or in the territorial waters of the United States of Brazil, a base for belligerent operations [*operações de guerra*], or commit acts which may constitute violations of Brazilian neutrality.

Note 1. Disregard for neutrality for which a belligerent is responsible, is considered a violation of the law of nations [*acto ilícito internacional*] it being the function, moreover, of the neutral state to defend its legal position.

Article 6. The Federal Government shall use the means at its disposal to prevent the fitting out or arming of any vessel which it has reason to believe is intended to participate in hostile operations against one of the belligerents. It shall use the same vigilance to prevent the departure from its territory of any ship intended to cruise or engage in hostile operations,

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, vol. I, p. 92.

which has been adapted entirely or partly within the waters of its jurisdiction for use in war.

Article 7. In the ports and roadsteads of the United States of Brazil, the warships of the belligerents shall be permitted without in any manner increasing their fighting force, to repair, to the extent indispensable to render them seaworthy, the damage they may have suffered.

The Brazilian naval authority shall determine [*verificar*] the nature of the repairs to be effected, which repairs must be carried out with the least possible delay.

Article 8. The ships referred to in the preceding article may take supplies in the ports and roadsteads of Brazil solely:

1. To bring their supply of victuals up to the peace-time standard.
2. To obtain fuel with which they may reach the nearest port of their country, or fill up their coal-bunkers proper.

Article 9. The war vessels of the belligerents which have shipped fuel in a Brazilian port, shall not, within the succeeding three months, be permitted to replenish their supply in the same or another Brazilian port.

Article 10. The ships of the belligerents shall not make use of the ports, roadsteads and territorial waters of Brazil to increase their supplies of war material or to complete their crews. They shall be permitted, however, to make use of the services of the pilots of the country.

Article 11. The provisions of articles 7 to 9 shall not be applied to hospital ships, nor to those devoted exclusively to scientific, religious or philanthropic purposes.

Article 12. When war vessels of the belligerents are present simultaneously in a Brazilian port or roadstead, there shall intervene at least 48 hours between the departure of one of them and that of the adversary.

The order of departure shall be determined by the order of arrival, excepting when the vessel which has arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war vessel shall not leave the Brazilian port or roadstead in which it happens to be until 48 hours after the departure of a merchant ship flying the flag of its adversary.

Article 13. The ships of war of the belligerents shall normally be permitted to remain in a Brazilian port or roadstead as long as 48 hours. They shall be allowed a more extensive stay:

1. When they are unable to complete the repairs indispensable for the continuation of their voyages in less time.
2. When there is a material impediment [*impedimento material*] to their departure.

The Federal Government shall determine, in accordance with the circumstances, the extent to which the ship may delay its departure.

Article 14. If, despite notification from the proper authority, the belligerent war vessel does not leave the Brazilian port, the Federal Government shall take the measures which it considers necessary to render the ship incapable of navigating for the duration of the war.

If the commandant of the belligerent vessel, for any inadmissible reason, refuses to heed the notification which he has received, the Federal Government shall authorize its military authorities to use force for the purpose of executing its decision.

Article 15. When it is necessary to intern a belligerent vessel in Brazil both the officers and the crew shall be interned.

The officers and men may have their quarters in another ship or on land, and may be subjected to the measures of restriction which it may be necessary to impose upon them. A sufficient number of men for looking after the vessel shall, however, remain on board. The officers may be left at liberty, under written pledge, on their word of honor, not to leave without authorization by the Minister of the Navy, the place in Brazilian territory assigned to them.

Article 16. The prizes taken by a belligerent may be brought to a Brazilian port only on account of unseaworthiness, stress of weather, want of fuel or victuals, or to unload merchandise destined for Brazil.

Article 17. The war vessels which, when pursued by the enemy and to avoid an imminent attack, take refuge in a Brazilian port, shall there be interned and disarmed.

Article 18. The troops or individual soldiers who cross the frontiers of Brazil, shall be disarmed or interned at a distance from the theatre of war. The officers shall be permitted to remain at liberty under the conditions established in Article 15, section 2; in such cases, the Minister of War shall be the competent authority for the granting of permission to the interned to withdraw from the place which has been designated for their residence.

Article 19. Escaped prisoners who take refuge in Brazil shall remain at liberty although they may be assigned to a place of residence, when this measure appears necessary.

Article 20. Interned belligerents shall be treated in accordance with the principles of the law of nations.

Article 21. The aircraft of the belligerents may not fly over the territory or jurisdictional waters of Brazil without previous authorization. And those which, without authorization, land upon Brazilian territory or waters shall be detained.

Military aircraft shall not be given permission to fly over Brazilian territory.

Chile

CIVIL CODE OF 14 DECEMBER 1855, ARTICLE 640 (*supra*, CHAPTER I, UNDER CHILE (a)); CODE OF PENAL PROCEDURE, 30 AUGUST 1944, ARTICLE 37, PARAGRAPH 3 (*supra*, CHAPTER II, SECTION B, UNDER CHILE (b)).

China

(a) MARITIME PRIZE RULES, REVISED AND PROMULGATED BY PRESIDENTIAL DECREE ON 3 JUNE 1955¹

CHAPTER I

General Provisions

Article 1. These Rules shall apply to all matters relating to maritime prize taken by warships of the Republic of China during the existence of a state of war between the Republic of China and an enemy State.

¹ Text of Rules provided by the Permanent Mission of China to the United Nations. Translation by the Secretariat of the United Nations.

Article 2. No visit to, or search and capture of, vessels shall be made in neutral territorial waters or legally neutralized zones.

Costa Rica

DECREE NO. XIV OF 23 FEBRUARY 1884 CONCERNING THE GOVERNMENT AND CONTROL OF PORTS (*supra*, CHAPTER III, UNDER COSTA RICA)

Cuba

(a) DECREE NO. 1603 OF 17 JUNE 1940—REGULATIONS CONCERNING THE ENTRY OF SUBMARINES INTO CUBAN WATERS ¹

Whereas, by Presidential Decree No. 2073 dated 1 September 1939, supplemented by Decree No. 859 of 29 March 1940, appropriate regulations were laid down as to the manner in which the Republic should observe neutrality in the European War, in accordance with the general principles of International Law and of the international agreements regarding the rights and duties of neutrals in case of war.

Whereas, for their better application, the addition of provisions covering submarine vessels of belligerent nations has become necessary,

Now, therefore, by virtue of the rights vested in me by the Constitution and the Laws,

I resolve:

To add the following regulation to the aforesaid Decree No. 2073:

Nineteen: It shall henceforth be unlawful for any submarine of France, Germany, Poland or the United Kingdom, of India, Australia, Canada, New Zealand, or the Union of South Africa, and of Italy, to enter the ports or the territorial waters of the Republic.

An exception is made for submarines of the aforesaid belligerent States which may be compelled to enter the ports or territorial waters of the Republic for reason of *force majeure*; provided that in such cases they proceed on the surface with their conning-towers and superstructures above water, and flying the flags of the belligerent countries to which they belong.

When the said submarines leave the port or the territorial waters of Cuba they must proceed on the surface, with their conning-towers and superstructures above water, and flying the flags of the belligerent countries to which they belong.

(b) PRESIDENTIAL DECREE NO. 783 OF 10 AUGUST 1914, PROVIDING FOR THE OBSERVANCE OF NEUTRAL DUTIES ²

First. No belligerent shall establish in the territory of the Republic of Cuba stations of radiotelegraphy or any other apparatus whatever destined to be a means of communication with belligerent forces, be these on land or sea.

¹ Addendum to Decree 2073 of 1939, supplemented by Decree 859 of 1940. Cuba, *La jurisprudencia al Día*, 1940, p. 521. Translation by the Secretariat of the United Nations.

² Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, vol 1., p. 449.

Second. It is forbidden to form corps of combatants or to open enlistment offices in the territory of the Republic of Cuba for the benefit of a belligerent.

Third. It is forbidden for a belligerent to make use of a wireless telegraphy apparatus belonging to the Government.

Fourth. No Cuban citizen residing in a belligerent country shall be able to avail himself of his neutrality if he commits actions of hostility against or in favor of a belligerent, especially so if he voluntarily enters into military service in favor of one of the belligerent parties.

Fifth. It will not be allowed for any hostile action, including capture or right of search, to be done by a belligerent in the lawful waters of Cuba.

Sixth. No belligerent shall be allowed to hold a prize court in the territory of the Republic of Cuba or in vessels in the lawful waters of Cuba.

. . .

Eighth. Vessels of belligerents shall not remain in the ports, inlets, and lawful waters of the Republic of Cuba for more than twenty-four hours unless they are obliged to do so because of being unseaworthy or because it is impossible, in that space of time, for them to provide themselves with the amount of fuel necessary to carry them to the nearest port of their own nationality. However, they will be required to leave as soon as the cause for delay in their departure has been eliminated.

. . .

Tenth. Belligerent vessels shall not make use of ports, inlets, and lawful waters of the Republic to renew or increase their military provisions or armaments or to increase their crews. However, they may take on board, in the ports of the Republic, provisions in such quantity as would be normal and necessary in time of peace; furthermore, they shall not be allowed to take on more fuel than is necessary to carry them to the nearest port of their own nationality.

Denmark

ROYAL ORDER NO. 209, 31 MAY 1938, CONCERNING CERTAIN NEUTRALITY REGULATIONS¹

Article 1. The warships of belligerent Powers shall be admitted to Danish ports and other Danish territorial waters subject to the exceptions, limitations and conditions prescribed by the following provisions.

Article 2. (1) The warships of belligerent Powers shall not be admitted to the port and roadstead of Copenhagen or to such ports and waters as may be designated as Danish naval ports or as protected areas under the coast defence system.

(2) The warships of belligerent Powers shall likewise not be admitted to inner territorial waters that are closed off by submarine mines or other means of defence.

¹ *Danmarks Love*, 1665-1946, pp. 1834 *et seq.* Translation by the Secretariat of the United Nations. Entered into force 1 September 1939 (see Royal Decree No. 282 of 1 September 1939, Deák and Jessup, *A Collection of Neutrality Laws, Regulations and Treaties*, Vol. I, 1939, p. 537).

For the purposes of this Order, the term "Danish inner territorial waters" means Danish harbours, harbour entrances, bays and inlets and those parts of Danish territorial waters which are situated within and between Danish islands, islets and reefs (rock formations) not permanently covered by the sea; provided that in that part of the Danish territorial waters of the Kattegat, Great Belt, Little Belt and Sound which lies on the natural route for traffic between the North Sea and the Baltic Sea only harbours and harbour entrances and the roadstead of Copenhagen shall be considered to be Danish inner territorial waters.

(3) Submarines belonging to belligerent Powers and fitted out for use in war may not cruise or remain in Danish territorial waters.

This prohibition shall not, however, apply to passage without unnecessary delay through Danish outer territorial waters on the natural route for traffic between the North Sea and the Baltic Sea in the Kattegat, Great Belt, Little Belt and Sound with the exception of the roadstead of Copenhagen, where, as the roadstead is part of the inner territorial waters, all passage is prohibited. The prohibition shall likewise not apply to any submarine which is obliged to enter a prohibited area on account of stress of weather or damage and makes known the reason for its presence by international signal. The submarine shall leave the area as soon as possible after the circumstances which justified its entry are at an end. While the submarine is in Danish territorial waters it shall at all times fly its national flag and, unless otherwise compelled by circumstances, remain on the surface.

(4) The King reserves the right, in accordance with the general principles of international law, to prohibit admission to Danish ports and specific areas of Danish territorial waters, other than those to which admission is prohibited under the preceding provisions, when special conditions render this necessary in order to protect the sovereign rights and preserve the neutrality of the Kingdom. (*Cf. Order No. 297 of 1 September 1939*)

(5) The King likewise reserves the right to prohibit the admission to Danish ports and anchorages of any warship of a belligerent Power if the warship fails to comply with the regulations laid down by the competent authorities or violates the neutrality of the Kingdom.

Article 3. (1) No privateer may enter a Danish port or remain in Danish territorial waters.

(2) It shall likewise be unlawful for any armed merchant ship belonging to a belligerent Power to enter a Danish port or remain in Danish territorial waters if its armament is designed for use otherwise than in self-defence.

Article 4. (1) No warship of a belligerent Power may remain in a Danish port, a Danish anchorage or any other Danish territorial waters for more than twenty-four hours except in the event of damage, grounding or stress of weather or in the circumstances described in paragraphs (3) and (4). In the aforementioned cases the warship shall depart as soon as the cause of the delay is at an end. In the event of damage or grounding, the competent Danish authority shall determine a period regarded as sufficient to allow the ship to undergo the necessary repairs or, in the case of grounding, to be refloated. The ship's stay shall not, however, be prolonged beyond twenty-four hours if the ship obviously cannot be rendered seaworthy within a reasonable time or if the damage has been caused by enemy action.

The foregoing provisions concerning limitation of the permissible period of stay shall not apply to warships devoted exclusively to religious, scientific or philanthropic purposes or to military hospital ships.

(2) It shall be unlawful for more than three warships belonging to the same belligerent Power or to belligerent Powers allied with one another to be present simultaneously in the same Danish port or anchorage or, where the coast is divided into sectors for this purpose, in ports or anchorages in the same coastal sector.

(3) When warships belonging to both belligerents are present simultaneously in the same Danish port or anchorage, a period of not less than twenty-four hours must elapse between the departure of a warship belonging to one belligerent and the departure of a warship belonging to the other. The order of departure shall be the same as the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

(4) If a warship belonging to one belligerent Power and a merchant ship flying the flag of its adversary are present simultaneously in the same Danish port or anchorage, a period of not less than twenty-four hours must elapse after the departure of the merchant ship before the warship may depart. The competent authorities shall so arrange for the merchant ship's departure that the warship's stay is not unnecessarily prolonged.

Article 5. (1) In a Danish port or anchorage a warship of a belligerent Power may undergo only such repairs to damage sustained as are absolutely necessary to render it seaworthy, and may not add in any manner whatsoever to its fighting power. Damage known to be due to enemy action may not be repaired with assistance procured within Danish territory. The competent Danish authorities shall decide what repairs may be carried out, and these shall be effected with the least possible delay and in any case within the period determined as prescribed by article 4, paragraph (1).

(2) No warship of a belligerent Power may make use of any Danish port or other Danish territorial waters for replenishing or increasing its supplies of war material or its armament or for completing its crew.

(3) A warship of a belligerent Power may not revictual in any Danish port or anchorage beyond the extent required to bring up its supplies to the peace standard.

(4) With regard to fuelling in Danish ports and anchorages, the warships of belligerent Powers shall be subject to the same regulations as other foreign ships; provided that the warships of a belligerent Power may ship only sufficient fuel to enable it to reach the nearest port in its own country, and in any case not more than is required to fill its own coal-bunkers or fuel tanks. A warship which has fuelled in a Danish port or anchorage may not again do so in any Danish port or anchorage within the succeeding three months.

Article 6. The warships of belligerent Powers shall use Danish States-licensed pilots in Danish territorial waters in cases where the services of a pilot are prescribed but may not otherwise use the services of such pilots except in emergency in order to avoid the perils of the sea.

Article 7. (1) It shall be unlawful to bring any prize of foreign nationality into any Danish port or anchorage except on account of unseaworthiness, stress of weather or want of fuel or provisions. Any such prize which is

brought into a Danish port or anchorage for such reason shall leave as soon as the circumstances which justified its entry are at an end.

(2) It shall be unlawful for a belligerent Power to set up a prize court on Danish soil or on a ship in Danish territorial waters. The sale of a prize in a Danish port or anchorage shall likewise be prohibited.

Article 8. (1). It shall be unlawful for the military aircraft of belligerent Powers, other than ambulance aircraft or aircraft carried on board warships, to enter Danish territory unless provisions to the contrary exist or may be laid down with reference to specific areas in accordance with the general principles of international law.

Such aircraft shall have the right of passage, without unnecessary delay, through Danish outer territorial waters between the North Sea and the Baltic Sea in the Kattegat, Great Belt, Little Belt and Sound and the airspace above the said waters. All passage through the roadstead of Copenhagen and the airspace above the said roadstead shall be prohibited. The passage shall in all cases take place at the greatest possible distance from the coast.

(2) No aircraft carried on board a warship of a belligerent Power may leave the warship while the latter is in Danish territorial waters.

Article 9. (1) The warships and military aircraft of belligerent Powers shall be bound to respect the sovereign rights of the Kingdom and to abstain from any act which would constitute a violation of its neutrality.

(2) It shall be unlawful to commit in Danish territory any act of hostility, including the arrest, search or capture of any ship or aircraft, whether neutral or of the nationality of the adversary. Any ship or aircraft captured in Danish territory and the officers, crew and cargo thereof shall be released.

Article 10. The health, pilotage, customs, traffic, port and police regulations in force shall be strictly observed.

Article 11. It shall be unlawful for any belligerent to use Danish territory as a basis of military operations against its adversary.

Article 12. (1) It shall be unlawful for any belligerent or person in the service thereof to erect or operate any radio station, or set up any other apparatus in Danish territory for the purpose of communicating with belligerent forces on land or sea or in the air.

(2) Mobile radio stations of the belligerents, irrespective of whether such stations belong to the armed forces, may not in Danish territory be used to transmit radio signals except in emergency or for the purpose of communicating with the Danish authorities through Danish coastal or ground radio stations or radio stations on Danish naval vessels.

Article 13. It shall be unlawful to make observations in Danish territory from aircraft or by any other means concerning the movements, military operations or defence arrangements of a belligerent for the purpose of giving information in this regard to the other belligerent.

Article 14. (1) It shall be unlawful for a belligerent to establish a fuel depot on Danish soil or on a vessel moored in Danish territorial waters.

(2) It shall be unlawful for any vessel or aircraft obviously engaged in the transport of fuel or other supplies directly to belligerent armed forces to ship such supplies in excess of its own requirements in any Danish port or anchorage.

Article 15. (1) No vessel intended to be used for obstructing maritime trade or for participating in hostile operations against any belligerent may be fitted out or armed in Danish territory. It shall likewise be unlawful for any vessel which is intended for such purpose and has in Danish territory been wholly or partly fitted out for use in war to leave the said territory.

(2) An aircraft which is capable of taking the offensive against a belligerent or is carrying material the installation or use of which would render it so capable may not leave Danish territory if there is reason to believe that the aircraft is intended for use against a belligerent Power. In addition, no work on an aircraft with a view to preparing it for departure for the afore-said purpose may be performed in Danish territory.

Ecuador

- (a) CIRCULAR OF THE MINISTRY FOR FOREIGN AFFAIRS, DETERMINING THE RULES TO WHICH THE MARITIME AUTHORITIES OF THE PORTS OF THE REPUBLIC ARE SUBJECTED, IN ORDER TO CARRY OUT THE NEUTRALITY PROCLAIMED BY THE GOVERNMENT DURING THE ACTUAL EUROPEAN WAR, NOVEMBER 19, 1914¹

1. Every vessel that enters Equadorian ports, or is found sailing in territorial waters, is subject to inspection of papers by the Equadorian authorities, who reserve the right (as the following rules will show) to make an inspection of the vessel, passengers, cargo, and documents. The respective authorities are therefore unable to clear any vessel, whatever may be her cargo and destination, before the ship's manifest has been produced in proper form. Territorial waters are to be understood as determined by Article 582 of our Civil Code; as much as 4 naval leagues, each league measuring 5,555 metres.

4. No warship of a belligerent nation is allowed to prepare warlike operations in the territorial waters of Equador, nor to exercise vigilance over enemy vessels on the said waters . . .

With regard to repairs, the following rules must be observed: The vessel will not be allowed to remain in Equadorian waters more than twenty-four hours after the said repairs have been finished . . .

7. No belligerent vessel in Equadorian waters will take any provisions or articles other than those necessary for the maintenance of its crew, nor more coal than that indicated in rule No. 3.

8. All merchant vessels are prohibited from using their wireless telegraphy while remaining in Equadorian waters. To make sure that this rule is observed, it will be considered necessary to remove such portions of the apparatus without which the telegraphic system cannot be made use of . . .

- (b) MILITARY (AND NAVAL) PENAL CODE 10 NOVEMBER, 1921²

Article 99. The following shall be deemed offenders against International Law:

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, vol. 1, p. 556.

² *Ibid.*, vol. 1, 1939, p. 549.

26. The members of the Army or Navy (*los militares*) who, when Ecuador is neutral, shall permit the passage, through the territory or waters of their jurisdiction, of troops, vessels of war, arms, munitions and other war materials for (the use of) a belligerent;

27. The members of the Army or Navy who, in similar circumstances, shall permit, in the waters under their jurisdiction, the exchange or transfer of the neutral flag to a ship of belligerent nationality, after hostilities have broken out;

28. The members of the Army or Navy who, in similar circumstances, shall permit the transformation of a merchant vessel into a ship of war, or shall permit upon the latter type of vessel a change in the position of the guns, the acquisition of additional guns, arms and war materials, crew or marines (*tropa*), the alteration of the color of the ship, its rigging (*aparejo*) or fittings (*equipo*); or the loading of abnormal quantities of coal;

29. Those (members of the Army or Navy) who, in similar circumstances, shall permit the departure from the waters of their jurisdiction of a belligerent vessel less than twenty-four hours prior to the departure of an adversary; or shall permit any belligerent to engage in espionage against the troops or ships of its enemy;

30. Those (members of the Army or Navy) who, in similar circumstances, shall permit the establishment of Prize Courts;

El Salvador

PENAL CODE

CHAPTER II

*Offences which jeopardize peace or the independence of the State*¹

(c) DECREE OF 9 OCTOBER 1912²

Article 2. It shall be unlawful for any private person who has not received a specific direction or authorization from the Government to perform any act that provokes or provides the occasion for a declaration of war against El Salvador, or that places the Government of El Salvador in the position of having to offer an explanation, or that exposes the inhabitants, trade or property of El Salvador to annoyance or reprisals, or that jeopardizes the neutrality of the State. [Penal Code, article 106]

Article 3. In particular, it shall be unlawful, in the event of a foreign or civil war, for any private person to send arms or any other military supplies to the belligerent Governments or to the rebel forces, to recruit volunteers, to organize military expeditions, and, generally, to perform any acts furthering the objects of the combatants, other than humanitarian acts which may be carried out through the Red Cross or through charitable institutions or societies. It shall likewise be unlawful to publish writings or to make utterances offensive to nations or to the constituted authorities of nations,

¹ Text provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.

² Text of Decree provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.

or to Ministers of State, or to diplomatic representatives who reside in El Salvador and are accredited to the Government of El Salvador. [Penal Code, articles 106, 126 and 421]

Article 4. Any meeting or association organized in violation of this Decree shall be deemed to be unlawful, and the offenders shall be liable to the penalties prescribed by the Penal Code. [Penal Code, article 174]

If the offender is an alien, the Executive Power may order his deportation as an undesirable person.

Article 107. The penalties prescribed in the preceding article shall also be applicable to persons who, during any war in which El Salvador is not involved, perform any act which jeopardizes the neutrality of the State or infringe the orders by the Government for the purpose of maintaining neutrality.

Finlande

RÈGLES DE NEUTRALITÉ EN DATE DU 27 MAI 1938 ¹

En ce qui concerne la neutralité de la Finlande en cas de guerre entre des Puissances étrangères, il sera fait application, à partir de la date et dans la mesure fixées par le président de la république, des dispositions suivantes.

Article 1^{er}. Est accordée aux bâtiments de guerre des belligérants l'admission dans les ports et autres eaux territoriales de la république, sous réserve des exceptions, restrictions et conditions suivantes.

Article 2. 1) Est interdit aux bâtiments de guerre des belligérants l'accès des ports et espaces maritimes qui auront été déclarés ports de guerre ou appartenir aux zones de protection des installations de défense côtière.

2) Est également interdit aux bâtiments de guerre des belligérants l'accès des eaux intérieures dont l'entrée est barrée, soit par des mines sous-marines, soit par d'autres moyens de défense.

Par "eaux intérieures finlandaises", le présent décret entend les ports, entrées de ports, golfes et baies, ainsi que les eaux situées entre et en deçà des îles, îlots et récifs finlandais qui ne sont pas constamment submergés.

3) Est interdit aux sous-marins armés en guerre des belligérants la navigation ou le séjour dans les eaux territoriales finlandaises.

Cette interdiction n'est pas applicable toutefois aux sous-marins contraints, par l'état de la mer ou pour cause d'avaries, de pénétrer dans les eaux interdites et indiquant, au moyen d'un signal international, la cause de leur présence dans ces eaux. Lesdits sous-marins seront tenus de quitter les eaux interdites dès qu'aura cessé la cause pour laquelle ils y avaient pénétré. Dans les eaux territoriales finlandaises, les sous-marins auront leur pavillon national constamment hissé et, sauf en cas de nécessité impérieuse, navigueront en surface.

4) Le président de la république se réserve d'interdire, en cas de circonstances spéciales, pour sauvegarder les droits souverains et maintenir la neutralité de la république, en observant les principes généraux du droit international, l'accès de ports finlandais et autres zones déterminées des eaux territoriales finlandaises autres que ceux dont l'accès est interdit par les dispositions énoncées ci-dessus.

¹ Société des Nations, *Recueil des Traités*, vol. 188, p. 302. Traduction anglaise, *ibid.*, p. 303.

5) Le président de la république se réserve également d'interdire l'accès des ports et mouillages finlandais à ceux des bâtiments de guerre des belligérants qui auraient négligé de se conformer aux prescriptions édictées par les autorités compétentes finlandaises ou violé la neutralité de la république.

Article 3. 1) Les corsaires ne seront point admis à pénétrer dans les ports finlandais, ni à séjourner dans les eaux territoriales finlandaises.

2) Est également interdit aux navires de commerce armés des belligérants, si l'armement est destiné à des fins autres que leur défense, l'accès des ports finlandais ou le séjour dans les eaux territoriales finlandaises.

Article 4. 1) Il est interdit aux bâtiments de guerre des belligérants de demeurer dans les ports et mouillages finlandais, ou dans les autres eaux territoriales finlandaises, plus de 24 heures, sauf pour cause d'avaries ou d'échouage, en raison de l'état de la mer, ou dans les cas visés ci-dessous aux paragraphes 3 et 4. Dans ces cas, ils devront partir dès que la cause du retard aura cessé. En cas d'avaries ou d'échouage, l'autorité compétente finlandaise fixera un délai pouvant être jugé suffisant pour la réparation des avaries ou le renflouement du navire. Il ne sera consenti toutefois aucune prolongation de séjour de plus de 24 heures, s'il est manifeste que le navire ne pourra être rendu navigable dans un délai raisonnable, ni lorsque ses avaries auront été causées par un acte de guerre de l'adversaire.

Les dispositions ci-dessus relatives à la limitation du séjour ne s'appliquent pas aux bâtiments de guerre exclusivement affectés à une mission religieuse, scientifique ou humanitaire, ni aux bâtiments-hôpitaux militaires.

2) Le nombre maximum des bâtiments de guerre d'une Puissance belligérante ou de plusieurs Puissances belligérantes alliées admis à séjourner en même temps dans un port ou mouillage finlandais, ou dans des ports ou mouillages du même district côtier de la Finlande, lorsque la côte aura été divisée à cette fin en districts, est de trois.

3) Si des bâtiments de guerre des deux parties belligérantes séjournent en même temps dans un port ou mouillage finlandais, il devra s'écouler au moins 24 heures entre le départ d'un bâtiment d'une partie belligérante et celui d'un bâtiment de l'autre, l'ordre des départs étant déterminé par l'ordre des arrivées, à moins que le bâtiment arrivé le premier ne soit dans un cas où la prolongation du séjour est admise.

4) Un bâtiment de guerre belligérant ne peut quitter un port ou mouillage finlandais, où se trouve un navire de commerce battant le pavillon de l'adversaire, moins de 24 heures après le départ dudit navire de commerce. Les autorités compétentes auront à régler les départs des navires de commerce de manière à éviter de prolonger sans nécessité le séjour du bâtiment de guerre.

Article 5. 1) Dans les ports ou mouillages finlandais, les bâtiments de guerre des belligérants ne pourront réparer leurs avaries que dans la mesure indispensable à la sécurité de leur navigation, et ils ne pourront accroître d'aucune manière leur force militaire. Pour la réparation des avaries manifestement causées par des actes de guerre de l'adversaire, il ne pourra être recouru à aucune aide que les bâtiments avariés se seraient procurée sur le territoire finlandais. Les autorités finlandaises détermineront la nature des réparations à faire. Les réparations devront être exécutées le plus rapidement possible et en observant le délai prévu à l'article 4, paragraphe premier.

2) Il est interdit aux bâtiments de guerre des belligérants de se servir des ports finlandais ou autres eaux territoriales finlandaises pour renouveler ou augmenter leurs approvisionnements militaires ou leur armement, ou pour compléter leurs équipages.

3) Les bâtiments de guerre des belligérants ne pourront se ravitailler dans les ports ou mouillages finlandais que pour compléter leur approvisionnement normal du temps de paix.

4) Dans les ports et mouillages finlandais, les bâtiments de guerre des belligérants seront soumis, en ce qui concerne le réapprovisionnement en combustible, aux mêmes dispositions que les autres navires étrangers. Ils n'y pourront charger toutefois que la quantité de combustible nécessaire pour se rendre au port le plus proche de leur propre pays, et en aucun cas une quantité excédant celle nécessaire pour compléter le plein de leurs soutes proprement dites ou de leurs réservoirs à combustibles liquides. Après avoir pris du combustible dans un des ports ou mouillages de la république, ils ne pourront renouveler leur approvisionnement dans ses ports et mouillages avant l'expiration d'un délai de trois mois.

Article 6. Les bâtiments de guerre des belligérants sont tenus de se servir dans les eaux intérieures finlandaises des pilotes brevetés de la république, d'après les mêmes règles que celles appliquées ou à appliquer aux bâtiments de guerre en temps de paix, mais autrement ils ne pourront se servir d'un tel pilote, sauf, en cas de détresse, pour échapper à un danger de mer.

Article 7. 1) Il est interdit d'amener des prises d'une nationalité étrangère dans un des ports ou mouillages finlandais, sauf en cas d'innavigabilité, de mauvais état de la mer, de manque de combustible ou de provisions. Toute prise amenée pour une desdites causes dans un port ou mouillage finlandais, devra repartir dès que cette cause aura cessé.

2) Aucun tribunal des prises ne peut être constitué par un belligérant ni sur le territoire finlandais ni sur un navire dans les eaux territoriales finlandaises. Est également interdite la vente des prises dans un port ou mouillage finlandais.

Article 8. 1) Les aéronefs militaires des belligérants, à l'exception des ambulances aériennes et des aéronefs transportés à bord des bâtiments de guerre, ne seront pas admis en territoire finlandais, sauf dispositions contraires appliquées ou à appliquer conformément aux principes généraux du droit international en ce qui concerne certains espaces.

2) Il est interdit aux aéronefs transportés à bord des bâtiments de guerre des belligérants de quitter ces bâtiments aussi longtemps qu'ils se trouvent dans les eaux territoriales finlandaises.

Article 9. 1) Les bâtiments de guerre et aéronefs militaires des belligérants sont tenus de respecter les droits souverains de la république et de s'abstenir de tous actes qui seraient contraires à sa neutralité.

2) Sont interdits dans les limites du territoire finlandais tous actes d'hostilité, y compris l'arrêt, la visite et la capture des navires et des aéronefs, soit neutres, soit ressortissant à l'adversaire. Tout navire ou aéronef qui y aurait été capturé devra être immédiatement relâché, avec ses officiers, son équipage et sa cargaison.

Article 10. Les règlements sanitaires, de pilotage, de douane, de navigation, de circulation aérienne, de port et de police devront être strictement observés.

Article 11. Il est interdit aux belligérants de faire du territoire la base d'opérations militaires contre leurs adversaires.

Article 12. 1) Il est interdit aux belligérants et aux personnes à leur service d'installer ou exploiter en territoire finlandais des stations radiotélégraphiques ou tous autres appareils destinés à servir de moyens de communication avec des forces belligérantes, militaires, navales ou aériennes.

2) Il est interdit aux belligérants d'employer en territoire finlandais leurs stations radiotélégraphiques mobiles, appartenant ou non à des forces combattantes, pour l'envoi de communications, sauf en cas de détresse ou pour la correspondance avec les autorités finlandaises par l'intermédiaire d'une station radiotélégraphique finlandaise, terrestre ou côtière, ou d'une station radiotélégraphique installée à bord d'un navire appartenant à la marine finlandaise.

Article 13. Sont interdites à quiconque les observations, faites à bord d'un aéronef ou de toute autre manière en territoire finlandais, des mouvements, opérations ou travaux de défense d'un belligérant dans le but de renseigner l'autre belligérant.

Article 14. 1) Il est interdit aux belligérants d'établir des dépôts de combustible, soit sur le sol de la république, soit à bord des navires stationnés dans ses eaux territoriales.

2) Il est interdit aux navires ou aéronefs naviguant manifestement dans le but de faire passer aux forces combattantes des belligérants du combustible ou d'autres approvisionnements, d'en charger dans les ports ou mouillages finlandais en quantité excédant celle nécessaire pour leurs propres besoins.

Article 15. 1) Est interdit l'équipement ou l'armement sur le territoire finlandais de tout navire destiné à être employé à croiser ou à concourir à des opérations de guerre contre un des belligérants. Il est également interdit aux navires devant être affectés à un des objets susvisés et qui ont été, en tout ou en partie, adaptés sur le territoire finlandais à des usages de guerre, de sortir de ce territoire.

2) Il est interdit à tout aéronef en état de perpétrer une attaque contre un belligérant, ou porteur d'appareils ou de matériel dont le montage ou l'utilisation lui permettrait de perpétrer une attaque, de sortir du territoire finlandais, s'il y a lieu de présumer qu'il est destiné à être utilisé contre une Puissance belligérante. Est également interdite l'exécution sur un aéronef de travaux destinés à en préparer le départ dans le but susvisé.

France

DÉCRET PORTANT FIXATION DE CERTAINES RÈGLES DE NEUTRALITÉ EN CAS DE GUERRE MARITIME DU 18 OCTOBRE 1912 ¹

Article 1^{er}. En cas de guerre entre deux puissances, dans laquelle le Gouvernement de la République française aura décidé de conserver la neutralité, les dispositions suivantes seront appliquées dans toute l'étendue des ports, rades, eaux territoriales de la République ou soumis à sa juridiction.

¹ Paul Colin, *Codes et lois pour la France, l'Algérie et les colonies*, vol. 2, p. 1480; *British and Foreign State Papers*, vol. 106, p. 963.

Article 2. Pour l'application des règles de la convention XIII de la Haye, en date du 18 octobre 1907: — Les eaux territoriales françaises s'étendent en deçà d'une limite qui est fixée à 6 milles marins (11.111 mètres) au large de la laisse de la basse mer le long de toutes les côtes et des bancs découvrant qui en dépendent, ainsi qu'autour du balisage fixe qui détermine la limite des bancs non découvrant. Pour les baies, le rayon de 11 kilomètres est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas 10 milles. Si la distance de la côte ou des bancs français au point le plus rapproché de la côte ou des bancs d'un Etat étranger est inférieure à 22 kilomètres, les eaux territoriales françaises s'étendent jusqu'à mi-distance entre ces côtes ou ces bancs.

Article 3. Le nombre maximum des navires de guerre: cuirassés, croiseurs cuirassés, croiseurs protégés, transports armés ou éclaireurs d'un belligérant, qui pourront se trouver en même temps dans un port ou une rade française, sera de quatre.

Article 4. En outre, les navires de flotilles, contre-torpilleurs, torpilleurs et sous-marins seront admis en groupe, suivant leur organisation normale. Leur nombre ne pourra, toutefois être supérieur à 12.

Article 5. Les navires de guerre des belligérants, à l'exception de ceux qui sont exclusivement affectés à une mission religieuse, philanthropique ou scientifique, ne pourront demeurer dans les ports, rades ou eaux territoriales françaises pendant plus de trois fois vingt-quatre heures. Dans ce délai est compris le temps nécessaire aux formalités administratives et aux pourparlers avec les fournisseurs avant l'embarquement éventuel du combustible.

Article 6. Si après réception de la notification de l'ouverture des hostilités par le Gouvernement de la République, ou après que l'état de guerre sera notoirement connu, un navire de guerre d'un belligérant se trouve dans un port ou une rade ou dans les eaux territoriales françaises, il lui sera notifié qu'il devra partir dans un délai de trois fois vingt-quatre heures à compter de ladite notification.

Article 7. Les navires de guerre belligérants ne pourront prolonger leur séjour dans les ports de la République au-delà de la durée légale que pour cause d'avarie ou à raison de l'état de la mer. Ils devront partir dès que la cause des retards aura cessé.

Article 8. Les navires belligérants ne pourront se ravitailler en vivres et matières consommables que pour compléter leurs approvisionnements normaux du temps de paix. En ce qui concerne le combustible, ils seront autorisés à compléter le plein de leurs soutes proprement dites.

Article 9. Les navires belligérants seront autorisés à se servir des pilotes brevetés.

Article 10. L'accès des ports et rades français sera permis aux prises escortées ou non, lorsqu'elles y seront amenées pour être laissées sous séquestre en attendant la décision du tribunal des prises.

Grèce

LOI N^o. 2458 DU 25 JUILLET 1940 PORTANT INTERDICTION DU SURVOL PAR LES
AÉRONEFS MILITAIRES DES PAYS BELLIGÉRANTS DU TERRITOIRE ET DES
EAUX TERRITORIALES DE L'ÉTAT HELLÉNIQUE, SE TROUVANT EN ÉTAT
DE NEUTRALITÉ ¹

Article 1^{er}. En cas de guerre existant entre autres Etats, dans laquelle la Grèce reste neutre, il est interdit à tous aéronefs militaires, ou y assimilés, appartenant à un des Etats belligérants, de survoler le territoire hellénique ou les eaux territoriales helléniques, ainsi que d'y atterrir ou amerrir.

Article 2. Les aéronefs qui, malgré l'interdiction, survolent le territoire ou les eaux territoriales, pourront être forcés d'atterrir ou d'amerrir s'ils ne le font pas volontairement.

Les aéronefs qui atterrissent ou amerrissent de n'importe quelle manière seront saisis et les personnes à bord seront internées jusqu'à la fin de la guerre.

Article 3. Par décision du Gouvernement il pourra être dérogé à la règle précitée, en ce qui concerne les aéronefs du service sanitaire des pays belligérants, qui transportent des malades ou blessés, pour autant que des personnes ou du matériel étranger au service sanitaire ne se trouveraient pas à bord.

Article 4. Les aéronefs se trouvant sur un navire de guerre belligérant, ou sur un navire y assimilé, sont considérés comme faisant partie du navire.

Il est interdit à ces aéronefs de quitter le navire, aussi longtemps que ce navire se trouve dans les eaux territoriales helléniques.

Faute de se conformer à cette interdiction, les dispositions de l'article 2 leur seront appliquées.

Article 5. Les militaires d'un Etat belligérant, qui auront été sauvés sur mer, hors des eaux territoriales helléniques, par un navire de guerre ou par un aéronef militaire helléniques, seront internés jusqu'à la fin de la guerre.

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Honduras

DECREE NO. 191 OF 9 APRIL 1935, ARTICLES 126-129, 135
(*supra*, CHAPTER II, SECTION A, UNDER HONDURAS (b))

Italy

LAW OF NEUTRALITY APPROVED BY ROYAL DECREE NO. 1415 OF 8 JULY 1938 ²

CHAPTER I

General Provisions

Article 1. Territory of the State. For the purposes of this law, by "territory of the State" is meant any territory in any manner subject to the sovereignty

¹ Le texte français de cette loi a été fourni par la Mission permanente de la Grèce auprès de l'Organisation des Nations Unies.

² Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, vol. I, p. 725 et seq.

of the Italian State, including the territorial waters with their sea bottom and the aerial space above them.

Article 2. Acts of hostility prohibited in the territory of the State. In the territory of the State, acts of hostility on the parts of belligerents, including the visit and capture of ships and aircraft, are prohibited.

The territory of the State may not be used as a base for hostile operations.

CHAPTER II

Special Provisions regarding Maritime Neutrality

Article 13. Innocent passage of war vessels. By royal decree even the innocent passage in the territorial waters of belligerent warships and of ships captured by them may be prohibited. Submarines must in every case navigate on the surface.

Article 14. Mine fields. Whenever automatic contact mine fields are to be laid along the coast of the State, every precaution for the safety of navigation shall be taken.

To this end, measures shall be adopted to ensure that unanchored mines or mines which may have broken their moorings shall become harmless after a limited period of time.

The limits of the mined zone shall be notified to the other States and brought to the notice of mariners with proper directions.

Article 15. Capture of vessels in territorial waters. If a vessel has been captured by a belligerent in the territorial waters of the State and is still within these waters, every possible means shall be employed in order that it may be released with its crew and cargo. The crew placed on board by the capturing vessel shall be interned.

If the captured vessel has already departed from the territorial waters of the State, the Government of the capturing vessel shall be asked to release the vessel with its crew and cargo.

Article 16. Prize courts; radio stations; naval bases. Belligerents shall not be permitted to establish prize courts in the territory of the State, to install there radio stations or apparatus designed to serve as a means of communication between belligerent forces, or to use the ports, roadsteads and territorial waters of the State as bases of naval operations.

Article 17. Number of war vessels permitted to sojourn in the territorial waters. Excepting in case of bad weather or damage, not more than three warships of any of the belligerent parties shall be permitted for each sector of coastline to remain temporarily in the ports, roadsteads and territorial waters of the State.

Article 18. Sojourn of war vessels in the territorial waters. The war vessels of belligerents and ships captured by them may not remain in the ports, roadsteads and territorial waters of the State more than twenty-four hours, excepting in case of bad weather or damage. In any event they must depart as soon as the cause of delay has ceased.

During the sojourn mentioned in the preceding paragraph, the vessels may not sell or give away captured articles.

It is incumbent upon the port authorities to enforce the execution of the foregoing provisions.

Article 19. Captured ships and merchandise. By royal decree belligerents may be permitted, subject to conditions therein to be determined, to bring and to leave in the ports and roadsteads of the State, pending decisions of the prize courts of the capturing State, ships and merchandise captured outside the territorial waters of the State.

Article 20. Treatment of war vessels at the outbreak of hostilities. If, at the beginning of hostilities a belligerent war vessel is to be found in one of the ports, in one of the roadsteads or in the territorial waters of the State, it shall leave within twenty-four hours from the receipt of the corresponding order of the port authority, unless the latter fix a different period, or unless the vessel is unable to depart because of bad weather or damage. In any case, it must leave before the period expires, or as soon as the cause of delay has ceased.

Article 21. Simultaneous sojourn of warships of opposing belligerent parties. If warships of opposing belligerent parties are simultaneously in a port or roadstead of the State, at least twenty-four hours must elapse between the departure of the vessel of one belligerent and of that of the other.

The departure shall be arranged according to the order of arrival, unless in the case of the first arriving vessel there has occurred one of the circumstances which would permit prolongation of the legal duration of sojourn.

A belligerent warship may not leave the port or roadstead of the State, unless twenty-four hours have elapsed since the departure of a merchant vessel of the other belligerent party.

Article 22. Repair of damage sustained by warships. In the ports, roadsteads and territorial waters of the State, belligerent warships may be permitted by the maritime authority to make repairs in so far as may be strictly indispensable for safety of navigation and on condition that such repairs do not increase in any way the war strength of the vessel.

The maritime authority shall satisfy itself as to the nature of the repairs necessary to be made; and these repairs must be effected as rapidly as possible.

Article 23. Supplying of warships. Belligerent warships may not replenish or increase their military supplies or armament, or complete their crews in the ports, roadsteads and territorial waters of the State.

They may nevertheless replenish their provisions for the subsistence of their crews, and take on apparatus necessary for safe navigation and sufficient fuel to enable them to reach the nearest port of the State to which they belong.

The port authorities shall enforce the execution of the foregoing provisions.

Article 24. Restriction governing the furnishing of fuel. Belligerent warships which have taken on fuel in one port of the State may not replenish their supply in the same or in any other port of the State until three months shall have elapsed.

Article 25. Ships on special missions. The restrictions set forth in the preceding articles relative to sojourn in the ports, roadsteads and territorial waters of the State are not applicable to vessels of belligerent States despatched exclusively on religious, scientific or humanitarian missions.

Article 26. Failure to observe order to leave port. A belligerent warship which fails to obey an order to leave the port, roadstead or territorial waters

of the State within the period specified shall be put in such condition as not to be able to take to sea for the entire duration of the war.

The officers and crew shall be subjected to such restrictive measures as the Duce may determine.

Article 27. Members of the armed forces of a belligerent State rescued outside the territorial waters. Members of the armed forces of a belligerent State who may be rescued outside the territorial waters of the State and put ashore by an Italian war vessel shall be interned.

Article 28. Aircraft on board warships. Aircraft on board belligerent warships, including aircraft-carriers, are considered as being a part of such warships.

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Netherlands

(a) PROCLAMATION OF NEUTRALITY IN THE RUSSO-JAPANESE WAR,
12 FEBRUARY 1904 ¹

. . .

Article III. It is forbidden to equip within the territory of the Kingdom vessels destined for military purposes for the profit of the belligerent parties, to arm or man them or to convey to or provide them for the said parties.

Article IV. It is forbidden to provide war ships of the belligerent parties with arms or munition within the territory of the Kingdom, and in any way to give assistance in increasing their crew, arms or equipment and in the carrying out of improvements or repairs, as also to furnish them with the materials and tools necessary therefor.

The same is forbidden with regard to any vessel which is evidently destined to directly carry to a war ship of one of the belligerent parties the assistance or goods mentioned in the first clause.

Article V. It is forbidden to provide war ships of the belligerent parties with provisions or fuel within the territory of the Kingdom without previous authorization from the competent authorities on the spot.

. . .

Article VIII. In the territory of the Kingdom is included the marginal sea to a distance of three nautical miles of 60 to the degree of latitude measured from low water mark. As concerns the bays this distance of three leagues is measured from a straight line drawn across the bay as near as possible to the entrance at the first point where the opening of the bay does not exceed 60 degrees latitude.

(b) PROCLAMATION OF NEUTRALITY IN THE ITALO-TURKISH WAR,
3 OCTOBER 1911 ²

. . .

Article IV. Except in the cases provided for by articles 5 and 7, warships or suchlike vessels of the belligerents shall not be allowed to remain within the territory of the State for a longer period than 24 hours after obtaining the consent of the local authority.

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, Vol. II, p. 798-799.

² Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, Vol. II, p. 800-801.

Article V. Extension of the period mentioned in the preceding article shall only be granted in case of damage or on account of the condition of the sea. As soon as the reason for the delay is removed the ship shall leave.

Article VI. The maximum number of warships or suchlike vessels of one and the same belligerent party, that shall be allowed at the same time to be within the territory of the State, in one and the same continent, is fixed at three, except in the case of an increase occasioned by damage or the condition of the sea.

Article VII. The rules relating to the restricting of the stay of warships or suchlike vessels do not apply to the vessels which are used exclusively for religious, scientific or humane purposes.

Article XI. A prize may only be brought within the territory of the State in case of unseaworthiness, the condition of the sea, or lack of fuel or provisions.

It shall leave again as soon as the reason, justifying its entrance, has ceased to exist.

If this is done, orders shall be clearly given for it to leave immediately; should it disobey these orders, the available means shall be applied to liberate the prize, its officers and crew, and to restrain the crew placed on board the prize.

Article XII. It is prohibited to form fighting forces for warships or to open a recruiting bureau within the territory of the State.

Article XIII. It is prohibited to take war service on a warship or suchlike vessel within the territory of the State.

Article XIV. It is forbidden, within the territory of the State, in the interest of one of the belligerents, to equip, arm or man vessels destined for military purposes or to convey to or furnish a belligerent with such vessels.

Article XV. It is forbidden, within the territory of the State, to supply a warship or suchlike vessel with arms of war or ammunition, as well as in any way to assist in an increase of their equipment or crew.

Article XVI. It is forbidden, within the territory of the State, without previous authorization of the proper authority of the place, to furnish warships or suchlike vessels of a belligerent provisions or fuel or to repair them.

Article XVII. It is forbidden, within the territory of the State, to assist in the dismantling or repairing of a prize, except in so far as may be necessary to make it seaworthy, as also to purchase prizes or prize wares, to accept in exchange or as a gift or to have the care of such.

Article XVIII. Under the territory of the State is understood the sea adjacent to the coast to a distance of three nautical miles, of 60 to the degree of latitude measured from low water mark.

In regard to bays, that distance of three nautical miles is measured from a straight line athwart the bay, as near as possible to the entrance at the first point where the opening of the bay does not extend ten nautical miles of 60 degrees latitude.

(c) PROCLAMATION OF NEUTRALITY IN THE WORLD WAR, 4 AUGUST 1914¹

. . .

Article 1. No hostilities shall be permitted within the territory of the State, comprising the territory of the kingdom in Europe, as well as the colonies and possessions in other parts of the world, nor may that territory be used as a base for hostile operations.

Article 2. No occupation of any part of the territory of the State by a belligerent shall be permitted, nor the passage by land through that territory of troops, convoys of ammunition and provisions belonging to one of the belligerents, nor the passage of belligerent warships or vessels converted into warships through Netherland waters situated within the territorial waters.

Article 3. Troops or soldiers belonging to or destined for the belligerents shall, on entering the territory of the State by land, be immediately disarmed and interned until the end of the war.

Warships or vessels converted into warships belonging to a belligerent which act contrary to the provisions of Articles 2, 4, or 7, may not leave that territory before the end of the war.

Article 4. Warships of a belligerent or vessels converted into warships shall not be admitted within the territory of the State.

Article 5. The provisions of the preceding Article do not apply to —

(1) Warships of a belligerent or vessels converted into warships, which on account of damage or of stress of weather are forced of necessity to enter one of the ports or roadsteads of the State. These ships will be required to leave again as soon as the circumstances which necessitated their entering the port have ceased to exist.

(2) Warships or vessels converted into warships belonging to a belligerent which call at a port or roadstead within the territory of the colonies or possessions in other continents exclusively for the purpose of replenishing their supply of provisions or fuel. These ships will have to leave again as soon as the circumstances which rendered it necessary for them to enter the port or roadstead have ceased to exist, provided that they shall in no case be permitted to stay in the port or roadstead longer than twenty-four hours.

(3) Warships of a belligerent or vessels converted into warships which are used exclusively for a religious, scientific, or philanthropic mission.

Article 6. Warships of a belligerent or vessels converted into warships may carry out in the ports and roadsteads of the State only such repairs as are indispensable for safe navigation, and they may not in any manner whatsoever add to their fighting capacity.

Article 7. Any warships of a belligerent or vessels converted into warships which may be within the territory of the State at the time of the outbreak of the war shall be bound to leave within twenty-four hours from the promulgation of the present provisions.

Article 8. If warships or vessels converted into warships belonging to belligerents are situated simultaneously in the circumstances mentioned in Article 5, in the same continent within the territory of the State, at least

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, Vol. II, p. 802-804.

twenty-four hours must elapse between the departures of the ships hostile to one another.

The order of departure shall be determined by the order of arrival, special circumstances excepted.

A warship or a vessel converted into a warship belonging to one of the belligerents may not leave the territory of the State within twenty-four hours after the departure of a merchant-ship flying the flag of her enemy.

Article 9. Warships of a belligerent or vessels converted into warships, mentioned in Articles 5 and 7, may not take in provisions in the ports and roadsteads of the State beyond replenishing their supplies so as to bring them up to their normal supply in time of peace.

Nor may they take in fuel beyond the quantity which, together with the supply still on board, is required to enable them to reach the nearest port of their own country.

The same ship may not again be supplied with fuel until at least three months have expired from the date of a previous replenishment within the territory of the State.

Article 10. A prize may be brought into the territory of the State only on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end.

If it does not do so, the order to leave at once shall be notified to it; should it fail to obey, use will be made of the available means to release it, together with its officers and crew, and to intern the prize crew.

Article 11. It is forbidden within the territory of the State to form corps of combatants or to open recruiting agencies on behalf of the belligerents.

Article 12. It is forbidden within the territory of the State to take service on board warships or vessels converted into warships belonging to a belligerent.

Article 13. It is forbidden within the territory of the State, and on behalf of a belligerent, to equip, arm, or man vessels destined for warlike purposes, or to furnish or supply such vessels to a belligerent.

Article 14. It is forbidden within the territory of the State to supply arms or ammunition to warships or vessels equivalent to warships belonging to a belligerent, or to help them in any way to add to their crews or equipment.

Article 15. It is forbidden within the territory of the State to carry out any repairs, or to supply provisions or fuel, to warships or vessels equivalent to warships belonging to a belligerent, without previous authorization of the competent local authority.

Article 16. It is forbidden within the territory of the State to assist in dismantling or repairing prizes, except in so far as is necessary to render them seaworthy, or to buy, receive in barter or as a gift, or have in custody any vessel or goods being prizes of war.

Article 17. The territory of the State includes the coastal sea to a distance of 3 nautical miles of 60 to the degree of latitude measured from the low-water line.

In the case of bays, this distance of 3 nautical miles shall be measured from a straight line drawn across the bay as near as possible to the entrance,

at the first point where the mouth of the bay does not exceed 10 nautical miles of 60 to the degree of latitude.

. . .
(d) PROCLAMATION OF NEUTRALITY, 3 SEPTEMBER 1939¹
. . .

Article 1. (1) No hostile acts of any kind are permitted in the jurisdiction of the Kingdom of the Netherlands comprising the land and water area of the Netherlands, Netherlands India, Surinam and Curaçao, the territorial waters, and the air-space above this land and water area and these territorial waters. This area may not be used by any of the belligerents as a base of operations against the enemy.

(2) By territorial waters is understood the coastal waters up to a distance of three marine miles, of sixty to the degree of latitude, measured from the low-water mark. With respect to bays, the distance of three marine miles is measured from a straight line drawn across the mouth of the bay; in case the mouth of the bay is wider than ten marine miles, the line shall be drawn in the entrance as close as possible to the first point at which the width does not exceed ten marine miles. The roadsteads, the boundaries of which are fixed by the Government, are included in the territorial sea, although these boundaries might extend farther than three marine miles from low-water mark.

Article 2. It is forbidden to the belligerents:

- (1) To occupy any part of the jurisdiction with their armed forces;
- (2) To enter into or traverse this area with troops or detachments thereof, including convoys. By convoys is understood transports with military escort and, moreover, transports without military escort which have the character of supply transports;
- (3) To enter into or traverse this area with
 - (a) Warships and troop-ships;
 - (b) Merchant ships, flying the flag of one of the belligerents, the construction, equipment or manning of which gives reason to suppose that they have been used in an immediately preceding period as warship, mine-layer, or troop-ship, or shall be used therefor in an immediately following period;
 - (c) Merchant ships, flying the flag of one of the belligerent parties, which carry loaded mines;
 - (d) Merchant ships, flying the flag of one of the belligerent parties, which have on board military aircraft in condition for use;
- (4) To enter into or traverse this area with military aircraft, aircraft for troop transport, or aircraft moving in a condition in which they are ready for immediate attack.

Article 3. Merchant ships provided with guns for defensive purposes, after having fulfilled the requirements for safety fixed by the local authorities, are admitted to the ports and roadsteads only up to a number commensurate with the safety of the country as decided by the local authority and provided that the number of their guns above 8 cm. caliber is not more than two and their caliber less than 16 cm., and if the size of their crews does not exceed appreciably the normal strength necessary for commercial purposes.

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, 1939, p. 823. (Loose-leaf)

Article 4. (1) Troops or detachments thereof belonging to the belligerents and entering the jurisdiction are disarmed and interned.

(2) Warships or vessels of belligerents assimilated to them in article 2, section 3, which violate the provisions of articles 2 or 8, are interned with their crews and military passengers.

(3) Military aircraft or aircraft of belligerents assimilated to them in article 2, section 4, entering the jurisdiction, are interned with their crews and military passengers. For this they shall be forced to land or alight on water if they have not already done so voluntarily. When such aircraft are within the jurisdiction at the time of publication of the neutrality proclamation, they are interned.

(4) Aircraft carried on board warships (aircraft carriers or others) or vessels assimilated to them in article 2, section 3, shall be regarded as a part of such ships on condition that they remain in a state of rest during their stay in the jurisdiction. In case of non-observance of this condition, they are treated as military aircraft.

Article 5. As exceptions to article 4, the following are not interned:

(1) Shipwrecked persons who reach land or are rescued from the sea by a merchant ship or non-military aircraft, including sick and wounded persons who are taken on at sea by such craft and brought to land unless a treaty has been concluded with the opposing belligerent on the subject of internment and unless the shipwreck, or the rescue of the sick and wounded, has taken place within the jurisdiction and the presence there of the craft in view of the regulations of this proclamation was not allowed;

(2) Military passengers of a merchant ship, not coming under the regulations of article 2, which enters the jurisdiction solely for the purpose of making for a port or roadstead.

Likewise the following are not interned:

(3) Escaped prisoners of war;

(4) Deserters.

Article 6. The stipulations in article 2, section 3, and article 4, paragraphs 2 and 3, are not applicable to:

(1) Warships or craft assimilated to them in article 2, section 3, which prove that they are forced to enter the ports or roadsteads of the State on account of sea damage or the condition of the sea, provided that this does not occur while pursued by the enemy.

These ships shall be allowed to repair their damages—no matter in what manner they have been caused—in the port where they have landed, so far as this is indispensable to seaworthiness and without in addition increasing their fighting strength in any way. They shall be obliged to leave as soon as the circumstances which made their landing necessary have ceased to exist. The Government may fix a time-limit after the expiration of which the internment of ship, crew, and military passengers shall result. Members of the crew and military passengers who remain behind after the departure of the ship are interned.

(2) Warships or craft of belligerents assimilated to them in article 2, section 3, which can prove that their entrance into the jurisdiction occurred unintentionally and in spite of the circumstance that the utmost precautions had been taken for the avoidance of such entrance.

(3) Warships or craft assimilated to them in article 2, section 3, as well as military aircraft or craft of belligerents assimilated to them in article 2,

sections 3 and 4, which are used exclusively for a religious, scientific or humanitarian purpose.

Article 7. Of the Straits situated in the Netherland jurisdiction, passage by warships belonging to a belligerent or craft assimilated thereto in article 2, section 3, is allowed only through the Sunda Straits provided that the commanders of the ships announce their desire therefor beforehand to the local patrol boats and abide strictly by the rules of Article 1 and by the rules of the authorities concerned.

Article 8. A warship of a belligerent or a craft assimilated thereto which is in the jurisdiction at the outbreak of war must depart within the time-limit fixed by the local authorities.

Article 9. (1) Whenever warships of opposing belligerents or craft assimilated to them in article 2, section 3, which come under articles 6 or 8, are simultaneously in each other's vicinity within the jurisdiction, at least 24 hours must elapse between the departures of the opposing enemy ships. Except for special circumstances, the order of departure is determined by the order of arrival.

(2) A warship or a craft of one of the belligerents assimilated to it in article 2, section 3, may not leave the same or a nearby port or roadstead within 24 hours after the departure of a merchant ship flying the flag of its opponent.

Article 10. (1) Whenever a warship or a craft of one of the belligerents assimilated to it in article 2, section 3, is at the outbreak of war in the jurisdiction, it may be allowed to procure provisions and water up to the normal supply and fuel up to that amount which, including the supply still remaining on board, will be necessary for it to reach its nearest own port or that of an ally.

(2) Ships which in conformity with article 6, section 1, are admitted to the jurisdiction on account of sea damage or the condition of the sea, may replenish their provisions, water, and fuel to the amount necessary for consumption during their stay.

Article 11. Prizes are not admitted into the jurisdiction. If a prize enters the jurisdiction, it is freed together with its passengers. The prize crew is interned unless entrance into the jurisdiction was necessitated by sea damage or the condition of the sea.

Article 12. War material which is washed up on the shore of the country or encountered at sea and brought in, is interned or destroyed if public safety makes this necessary.

Article 13. It is forbidden to form fighting corps on behalf of the belligerents or to open recruiting offices in the jurisdiction.

Article 14. It is forbidden within the jurisdiction to enlist for service on warships of one of the belligerents or vessels assimilated to them in article 2, section 3.

Article 15. It is forbidden in the jurisdiction to equip, arm, or man on behalf of a belligerent craft destined for military purposes or to acquire or supply such craft to a belligerent.

Article 16. It is forbidden in the jurisdiction to supply arms or ammunition to warships of a belligerent or craft assimilated to them in article 2, section 3, as also to assist them in any way in increasing their crew or equipment.

Article 17. It is forbidden in the jurisdiction to effect repairs and to supply repair material, tools, provisions, water, or fuel to the warships of the belligerents or craft assimilated to them in article 2, section 3, without prior permission of the qualified local authorities.

Article 18. (1) It is forbidden to keep within the jurisdiction supplies of arms, ammunition, repair material, tools, fuels, and all other material necessary for the conduct of war with the manifest purpose to await an opportunity to turn these over in the vicinity of the jurisdiction to the naval forces of one of the belligerents.

(2) It is likewise forbidden to supply directly from within the jurisdiction to the naval forces of a belligerent present in the vicinity thereof, arms, ammunition, repair material, tools, fuels, and all material necessary for the conduct of war.

Article 19. (1) Departure from the jurisdiction is forbidden to every aircraft,

1. Which, within the jurisdiction, is put in a condition enabling it to carry out an attack;

2. Which possesses or transports instruments or materials the nature or use of which enables it to carry out an attack;

3. Which there is reason to believe is intended to be used on its journey against one of the belligerents;

4. The crew of which belongs to a part of the armed forces of one of the belligerents.

(2) The stipulations of the first section of this article do not apply to neutral military aircraft which have entered the jurisdiction with the consent of the Government after the outbreak of war.

(3) It is forbidden to carry out any work on an aircraft the purpose of which it is to make it ready for a departure in conflict with the aim of this article.

Article 20. It is forbidden in the jurisdiction to carry out in the air with aircraft of any kind observations of the movements, operations, or means of defense of one of the belligerents with the purpose of informing the other belligerent thereof.

Article 21. It is forbidden in the jurisdiction to erect or use radio stations or other means of communication in the service of one of the belligerent powers.

Article 22. (1) It is forbidden in the jurisdiction to use radio stations for broadcasting information about armed forces beyond the jurisdiction.

(2) Ships or aircraft in the jurisdiction may not use their radio except for distress signals and signals necessary for navigation stations and for meteorological purposes.

Article 23. (1) Furthermore, attention is called to article 100, section (1) and article 205 of the Netherland Penal Code, article 122, section (1) and article 238 of the Indian Penal Code, article 106, section (1) and article 211 of the Surinam Penal Code, article 106, section (1) and article 211 of the Curaçao Penal Code; to article 7, section 4, of the law on Netherland citizenship and domicile of 1892 (recently republished in the *Nederlandsch Staatsblad* of 1937, No. 206); to article 2, first part, section 3 of the law on the nationality of Netherland subject peoples of February 10, 1910 (*Nederlandsch*

Staatsblad of 1910, No. 55, *Indisch Staatsblad* of 1910, No. 206, *Gouvernementsblad* of 1910, No. 15, *Publicatieblad* of 1910, No. 14) recently modified by the law of December 21, 1936 (*Nederlandsch Staatsblad* of 1936, No. 913, *Indisch Staatsblad* of 1937, Nos. 389 and 392, *Gouvernementsblad* of 1937, Nos. 68 and 71, *Publicatieblad* of 1937, Nos. 64 and 66).

(2) Likewise, the attention of ship commanders, shipowners, pilots of aircraft, aircraft managements, and freighters of ships and aircraft is called to the danger and losses to which they would expose themselves by not observing a real blockade of the belligerents, by carrying for the belligerents goods contraband of war or military dispatches (except in the regular postal service), or by giving help to them in violation of neutrality.

Surinam

PROCLAMATION OF NEUTRALITY, 3 SEPTEMBER 1939, UNDER THE NETHERLANDS (*d*), PUBLISHED IN *Gouvernementsblad*, 1939, No. 61

Netherlands Antilles

DECLARATION OF NEUTRALITY OF THE NETHERLANDS ANTILLES (TEXT IN ANNEX TO *Curaçaosche Courant* OF 3 SEPTEMBER 1939)

Nicaragua

CIRCULAR OF THE MINISTER FOR FOREIGN AFFAIRS TO THE PORT COMMANDER OF CORINTO, [AND] SAN JUAN DEL SUR, AND TO THE GOVERNOR AND INTENDANT OF BLUEFIELDS, [AND] SAN JUAN DEL NORTE, PROVIDING FOR THE DISMANTLING OF WIRELESS INSTALLATIONS ON BELLIGERENT MERCHANT VESSELS, 20 AUGUST 1914 ¹

In order to preserve Nicaraguan neutrality in the war which various European powers are now waging, you shall be good enough to advise this department, by telegram, of the arrival at your port of any merchant vessel of the belligerent nations; *viz.*, England, France, Germany, Austria-Hungary and Russia, [while] warning them that they must dismantle their wireless installations and not make use of them while the vessel is within the territorial waters of Nicaragua.

Norway

ROYAL PROCLAMATION OF 13 MAY 1938, CONTAINING CERTAIN PROVISIONS RELATING TO THE NEUTRALITY OF NORWAY ²

The following provisions relating to the Neutrality of Norway in case of war between Foreign Powers shall apply from such date and to such extent as may be determined by the King.

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, 1939, Vol. II, p. 828.

² Text of Proclamation provided by the Permanent Mission of Norway to the United Nations.

Royal Decree of 2 December 1938 provides: "The neutrality regulations embodied in Royal Notice of 13 May 1938 shall, as from 3 December 1938, apply during hostilities between foreign Powers unless the King decides otherwise in a particular case."

Article 1. Warships belonging to a Belligerent are admitted to Norwegian territorial waters, subject to such exceptions, restrictions, and conditions as are set out below.

Article 2. (1) Warships belonging to a Belligerent are not admitted to ports and harbour districts which have been declared to be Norwegian war-ports or to pertain to the protection zones of the coast defences.

(2) Warships belonging to a Belligerent are not admitted to interior territorial waters the entrance of which is barred by submarine mines or by other means of defence.

By Norwegian interior territorial waters are in this proclamation meant Norwegian ports, entrances to ports, bays and fjords, as well as such areas of Norwegian territorial waters as are situated between Norwegian islands, islets and rocks which are not constantly submerged, or situated between these and the mainland.

(3) Submarines belonging to a Belligerent and equipped for war are not permitted to navigate or to remain in Norwegian territorial waters.

This prohibition shall not, however, apply to submarines which, on account of stress of weather or damage sustained, have been obliged to enter a prohibited zone, and which by means of international signal indicate the reason of their presence. The submarine shall leave the zone as soon as may be after the cause of its entry has ceased to exist. Submarines shall, if not prevented by the force of circumstances, in Norwegian territorial waters proceed on the surface and constantly fly their national flag.

(4) The King reserves the right, when special circumstances render such measures necessary in order to safeguard the sovereign rights of the Kingdom and to maintain its neutrality in accordance with the general principles of international law, to forbid access to other Norwegian ports and other delimited areas of Norwegian territorial waters besides those mentioned above.

(5) The King likewise reserves the right to forbid access to Norwegian ports and anchorages with regard to such warships belonging to a Belligerent as have failed to comply with the decisions of the competent authorities or have violated the neutrality of the Kingdom.

Article 3. (1) Privateers shall not be admitted to Norwegian ports or to other Norwegian territorial waters.

(2) Nor shall any armed merchant ship belonging to a Belligerent be admitted to Norwegian ports or to other Norwegian territorial waters if the armament is intended for other purposes than self-defence.

Article 4. (1) Warships belonging to a Belligerent are forbidden to remain in Norwegian ports, anchorages or in other Norwegian territorial waters for more than twenty-four hours, except on account of damage, running aground, stress of weather, or in the cases mentioned hereinafter in paragraphs (3) and (4). In such cases the ship shall depart immediately after the cause of the delay has ceased to exist; in the case of damage or grounding the competent authority shall fix a time deemed sufficient to allow the ship to have her damage repaired and, in the case of striking, to get off the ground. No prolongation of the stay will, however, be granted beyond twenty-four hours if it is obvious that the ship cannot be made seaworthy within a reasonable time, or if the damage has been caused by an act of war by the adversary.

The above provisions relating to the limitation of the stay do not apply to warships devoted exclusively to religious, scientific, or humanitarian purposes, nor to military hospital ships.

(2) The number of warships belonging to the same Belligerent or to several Belligerents which may be present simultaneously in the same Norwegian port or anchorage, or in ports and anchorages situated in the same maritime district, in case the coast should have been divided into districts for the purpose, shall not exceed three.

(3) If warships belonging to both belligerent Parties are present simultaneously in the same Norwegian port or anchorage, a period of not less than twenty-four hours must elapse between the departure of the warship belonging to the other. The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is granted.

(4) If a warship belonging to a Belligerent and a merchant ship flying the flag of the adversary are present simultaneously in the same Norwegian port or anchorage, the warship shall not leave the port or the anchorage until at least twenty-four hours have elapsed after the departure of the merchant ship. The competent authorities shall arrange the departure of the merchant ship in such a manner as to avoid unnecessary prolongation of the stay of the warship.

Article 5. (1) Warships belonging to a Belligerent may in Norwegian ports and anchorages carry out only such repairs of damage sustained as are absolutely necessary to render the ships seaworthy; but no work must be done that in any manner whatsoever may add to their fighting force. Damage clearly caused by acts of war by the adversary must not be repaired by means of assistance procured in Norwegian territory. The competent Norwegian authorities shall decide what repairs may be effected, and such repairs shall then be carried out as quickly as possible and within the limit of time granted according to article four, paragraph (1).

(2) Warships belonging to a Belligerent are forbidden to make use of Norwegian ports or other Norwegian territorial waters for renewing or increasing their military supplies or armaments or for completing their crews.

(3) Warships belonging to a Belligerent may not in Norwegian ports or anchorages take in larger quantities of provisions than is necessary to bring up their supplies to the peace standard.

(4) Warships belonging to a Belligerent are with regard to fuel to be supplied in Norwegian ports or anchorages subject to the same regulations as in this respect apply to other foreign ships. Warships belonging to a Belligerent may, however, take in only such quantity of fuel as is necessary to enable them to reach the nearest port of their own country, and under no circumstances in greater quantity than is necessary to fill up their real bunkers or fuel tanks. The same ship may not take in afresh fuel in a Norwegian port or anchorage within the succeeding three months after the ship has last taken in fuel in a Norwegian port or anchorage.

Article 6. The warships of Belligerents shall in Norwegian territorial waters employ the licensed pilots of the Kingdom in those cases in which employment of a pilot is prescribed; but they may not otherwise employ these pilots except in case of distress in order to escape perils of the sea.

Article 7. (1) A captured ship of foreign nationality must not be brought into a Norwegian port or to a Norwegian anchorage except on account of unseaworthiness, stress of weather, or want of fuel or provisions. A ship which for such reason has been brought into a Norwegian port or to a Norwegian anchorage, shall depart as soon as the reason for its entry is at an end.

(2) A belligerent Power may not set up any prize court on Norwegian territory or on board a ship in Norwegian territorial waters. The sale of a captured ship in a Norwegian port or anchorage is likewise forbidden.

Article 8. (1) Military aircraft belonging to a Belligerent must not, with the exception of ambulance aircraft and aircraft carried on board warships, enter Norwegian territory, provided that no provisions to the contrary are in force or may be made with regard to special areas in accordance with the general principles of international law.

(2) Aircraft carried on board a warship belonging to a Belligerent must not leave the warship so long as the ship remains in Norwegian territorial waters.

Article 9. (1) The warships and military aircraft of the Belligerents are bound to respect the sovereign rights of the Kingdom and to refrain from any act that would violate its neutrality.

(2) All hostile acts, including those of stopping, visiting, and capturing ships or aircraft, whether neutral or belonging to the adversary, are forbidden in Norwegian territory. If a ship or aircraft is captured there, it shall be set free with its officers, crew, and cargo.

Article 10. The regulations in force relating to health, pilotage, customs, traffic, ports and police shall be strictly observed.

Article 11. None of the Belligerents may use Norwegian territory as a base of military operations against their adversary.

Article 12. (1) Belligerents or persons in their service are forbidden to equip or operate in Norwegian territory radiostations or to erect there any other apparatus intended to serve as a means of communication for belligerent military, naval, or air forces.

(2) Movable radiostations of the Belligerents must not, whether belonging to the fighting forces or not, be used in Norwegian territory for sending radio communications, except in case of distress or for communicating with Norwegian authorities over a Norwegian coast or land radiostation or with a radiostation equipped on board a ship belonging to the Norwegian navy.

Article 13. It is forbidden in Norwegian territory to make observations from aircraft or otherwise concerning the movements, military operations or measures of defence of the Belligerents with an intention to give the other belligerent Party information thereof.

Article 14. (1) Belligerents may not establish fuel-depots upon Norwegian territory or on vessels stationed in Norwegian territorial waters.

(2) Ships or aircraft which are manifestly navigating for the purpose of carrying fuel or other necessities direct to the fighting forces of the Belligerents must not in Norwegian ports or anchorages take in a larger quantity of such necessities than is needed for their own requirements.

Article 15. (1) Ships intended to be employed for measures directed against maritime trade or to co-operate in hostile measures directed against any of the Belligerents must not be equipped or armed in Norwegian

territory. Nor must any ship which is intended to be used as said above, and which in Norwegian territory has wholly or in part been equipped for war, leave the territory.

(2) Aircraft which is able to take up the offensive against Belligerents, or which carries material that may be placed or used in such a way as to enable it to take up the offensive, must not leave Norwegian territory, if there is reason to believe that the aircraft is intended to be used against a belligerent Power. Nor must in Norwegian territory any work be carried out in any aircraft for the purpose of preparing departure with the said intention in view.

Sweden

RULES OF NEUTRALITY, 27 MAY 1938¹

With respect to the neutrality of Sweden in case of war between foreign Powers the following rules shall be applied from the date and in the manner fixed by the King.

Article 1. Admission into the ports and other territorial waters of the Kingdom is accorded to belligerent warships subject to the following exceptions, restrictions and conditions.²

Article 2. (1) Access to the ports and maritime areas which shall have been declared closed ports or belonging to the protective zones of coastal defense installations, is prohibited to belligerent warships.

(2) Access to inner waters whose entrance is barred either by submarine mines or by other means of defense is equally prohibited to belligerent warships.

By "inner Swedish waters" the present decree includes the ports, entrances to ports, gulfs and bays, as well as the waters situated between and within Swedish islands, islets and reefs which are not continually submerged; only ports and entrances to ports are to be considered as inner waters in the Sound to the north of the parallel of latitude drawn through the lighthouse of Klagshamn.

(3) Navigation or sojourn in Swedish territorial waters is prohibited to belligerent submarines armed for war.

This prohibition is not applicable, however, to the traversing without unnecessary stoppage of the zone of exterior Swedish waters in the Sound bounded on the north by a line drawn from Kullen to Gilbjergghoved, and on the south by a line drawn from the point of Falsterbo to the lighthouse of Stevn, nor to submarines compelled by the condition of the sea or on account of damages to enter prohibited waters and which indicate, by means of an international signal, the cause of their presence in these waters. The said submarines will be required to leave the prohibited waters as soon as the cause on account of which they entered shall have ceased to exist. In

¹ *American Journal of International Law*, Vol. 32, Suppl. , p. 159.

² By Swedish territory is understood all Swedish lands and waters, as well as the air-space thereabove. Seaward, Swedish territory extends to a distance of four marine miles, or 7408 meters, from land or from lines constituting on this side the limit of inner waters. See the Customs Regulation of October 7, 1927, Article 1, and the Royal Letter of May 4, 1934, concerning the fixation of the limit of the Swedish customs zone, with charts relating thereto.

Swedish territorial waters submarines shall constantly fly their national flag; and, except in case of imperative necessity, shall navigate on the surface.

(4) The King reserves the right, in case of special circumstances, in order to safeguard sovereign rights and to maintain the neutrality of the Kingdom, while observing the general principles of international law, to prohibit access to Swedish ports and to other zones determined to be Swedish territorial waters other than those to which access is prohibited by the provisions set forth above.

(5) The King likewise reserves the right to prohibit access to Swedish ports and anchorages to those belligerent vessels of war which have neglected to conform to the regulations decreed by the competent Swedish authorities or which have violated the neutrality of the Kingdom.

Article 3. (1) Commerce destroyers [*corsaires*] shall not be permitted to enter Swedish ports, nor to sojourn in Swedish territorial waters.

(2) Access to Swedish ports or to Swedish territorial waters is likewise prohibited to armed merchant ships of the belligerents, if the armament is destined to ends other than their own defense.

Article 4. (1) Belligerent warships are prohibited to remain in Swedish ports and anchorages or in other Swedish waters for more than 24 hours, except on account of damages or of stranding, the condition of the sea, or in the cases provided for in paragraphs 3 and 4 below. In such cases they must leave as soon as the cause of the delay shall have ceased to exist. In case of damages or of stranding, the competent Swedish authority will fix a time limit deemed to be sufficient for the repairing of the damages or for the refloating of the vessel. No extension of the sojourn beyond 24 hours will be permitted, however, if it is manifest that the vessel cannot be rendered navigable within a reasonable delay, or when the damages shall have been caused by an act of war of the enemy.

The foregoing provisions relative to the limitation of the sojourn are not applicable to warships devoted exclusively to a religious, scientific or humanitarian mission, nor to military hospital ships.

(2) The maximum number of warships of a belligerent Power or of several allied belligerent Powers which shall be admitted to sojourn at the same time in a Swedish port or anchorage, or in the ports or anchorages of the same coastal district of Sweden when the coast shall have been divided for that purpose into districts, shall be three.

(3) When warships of the two belligerent parties sojourn at the same time in a Swedish port or anchorage, a period of at least 24 hours must elapse between the departure of a ship of one belligerent party and that of a ship of the other, the order of departure being determined by the order of arrival; except when the prolongation of the sojourn of the ship which first arrived is permissible.

(4) A belligerent warship may not leave a Swedish port or anchorage where there is a merchant vessel flying the flag of the adversary less than 24 hours after the departure of the said merchant vessel. The competent authorities shall regulate the departures of merchant vessels in such a way as to avoid prolonging unnecessarily the sojourn of the warship.

Article 5. (1) In Swedish ports or anchorages belligerent warships may repair damages only to the extent indispensable to the safety of their navigation, and they may not increase in any manner their military force. Damaged ships may procure no aid on Swedish territory for the repairing

of damages manifestly caused by acts of war of the adversary. The competent Swedish authorities shall determine the nature of the repairs to be made. The repairs shall be made as rapidly as possible and within the time limit provided for by article 4, paragraph 1.

(2) Belligerent warships are prohibited to make use of Swedish ports or other Swedish territorial waters for renewing or augmenting their military provisions or their armament, or for completing their crews.

(3) Belligerent warships may revictual in Swedish ports or anchorages only for completing their normal peace-time provisioning.

(4) In Swedish ports and anchorages belligerent warships will be subjected, so far as concerns refueling, to the same regulations as other foreign vessels. They may take aboard, however, only the quantity of fuel necessary for reaching the nearest port of their own country, and in no case a quantity exceeding that necessary for completely filling their own bunkers or their liquid fuel tanks. After having taken on board fuel in one of the ports or anchorages of the Kingdom, they may not renew their provisioning in its ports and anchorages before the expiration of a period of three months.

Article 6. Belligerent warships are required to use in inner Swedish waters pilots licensed by the Kingdom, according to the same rules as those applied where they are to be applied to vessels of war in time of peace, but otherwise they may make use of the service of such a pilot only in case of distress to escape a peril of the sea.

Article 7. (1) It is prohibited to bring prizes of foreign nationality into a Swedish port or anchorage, except in case of unseaworthiness, rough weather, shortage of fuel or provisions. Any prize brought into a Swedish port or anchorage for one of the above-mentioned causes must depart as soon as the cause thereof shall have ceased.

(2) No prize court may be established by a belligerent either on Swedish territory or on a ship in Swedish territorial waters. The sale of prizes in a Swedish port or anchorage is equally prohibited.

Article 8. (1) Military aircraft of the belligerents, with the exception of aerial ambulances and aerial transports on board warships, shall not be admitted into Swedish territory, except when regulations to the contrary apply or may become applicable so far as certain spaces are concerned conformable to the general principles of international law.

In the Sound, the said aircraft may traverse without unnecessary stoppage the exterior territorial waters of Sweden, bounded as set forth in article 2, paragraph 3, and the air-space thereabove. They will be required in passing to keep as far as possible from the coast.

(2) Aircraft transported on board belligerent warships are prohibited to leave these ships so long as they are in Swedish territorial waters.

Article 9. (1) Belligerent warships and military aircraft are required to respect the sovereign rights of the Kingdom and to abstain from all acts which would be contrary to its neutrality.

(2) All acts of hostility are prohibited within the limits of Swedish territory, including arrest, visit and capture of vessels and of aircraft, whether neutral or belonging to the adversary. Any vessel or aircraft which may have been captured therein must be immediately released, together with its officers, crew and cargo.

Article 10. Existing sanitary, pilotage, customs, navigation, aerial movement, harbor and police regulations must be strictly observed.

Article 11. Belligerents are prohibited to make Swedish territory the base of military operations against their adversaries.

Article 12. (1) Belligerents and persons in their service are prohibited to install or to operate in Swedish territory radiotelegraphic stations or any other apparatus destined to serve as a means of communication with the belligerent forces, whether military, naval or aerial.

(2) Belligerents are prohibited to employ in Swedish territory their mobile, radiotelegraphic stations, whether belonging or not to the combatant forces, for the sending of communications, except in case of distress or for corresponding with the Swedish authorities through the intermediary of a Swedish radiotelegraphic station, land or coastal, or via a radiotelegraphic station installed on board a vessel belonging to the Swedish Navy.

Article 13. It is prohibited to carry out in Swedish territory observations from an aircraft, or in any other manner, relating to the movements, operations or defense works of a belligerent with a view to informing the other belligerent.

Article 14. (1) Belligerents are prohibited to establish fuel depots either on the soil of the Kingdom or on board vessels stationed in its territorial waters.

(2) Vessels or aircraft obviously navigating with a view to supplying the combatant forces of the belligerents with fuel or other provisions are prohibited to take on such supplies in Swedish ports or anchorages exceeding in quantity that necessary for their own needs.

Article 15. (1) The fitting out or arming on Swedish territory of any vessel destined to be employed to cruise or engage in operations of war against one of the belligerents is forbidden. Vessels intended to be used for one of the aforementioned purposes and which have been adapted, in whole or in part, in Swedish territory for use in war, are likewise forbidden to leave that territory.

(2) Any aircraft in a condition to commit an attack against a belligerent, or which carries apparatus or material the mounting or utilization of which would permit it to commit an attack, is forbidden to leave Swedish territory if there is reason to presume that it is destined to be employed against a belligerent Power. It is likewise forbidden to perform work on an aircraft in order to prepare its departure for the above-mentioned purpose.

United Kingdom of Great Britain and Northern Ireland ¹

(a) FOREIGN JURISDICTION NEUTRALITY ORDER IN COUNCIL, 1904 ²

. . .

2. (1) This Order extends to all persons and to all property subject to the following Orders in Council: "The Muscat Order in Council, 1867", "The Morocco Order in Council, 1889", "The Persia Order in Council, 1889", "The Persian Coasts and Islands Order in Council, 1889", "The Zanzibar Order in Council, 1897", "The Ottoman Order in Council, 1899",

¹ The following Orders in Council (a) and (b) affect a number of colonial territories.

² *The Statutory Rules & Orders and Statutory Instruments*, Revised to December 31, 1948, Vol. VIII, p. 777 *et seq.*

“The Siam Order in Council, 1903”, “The China and Corea Order in Council, 1904”, or any Orders in Council substituted therefor.

7. If the master or owner of any ship subject to this Order, without the licence of His Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within the jurisdiction of the Court any of the following persons, in this Order referred to as illegally-enlisted persons; that is to say—

(1) Any person who has accepted or agreed to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State, in contravention of article 4 of this Order.

(2) Any person who is about to quit the jurisdiction of the Court, in contravention of article 5 of this Order.

(3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State:

Such master or owner shall be guilty of an offence against this Order, and the following consequences shall ensue; that is to say—

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and

(2) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of His Majesty’s representative; and

(3) All illegally-enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

8. If any person subject to this Order within the jurisdiction of the Court, without the licence of His Majesty, does any of the following acts, that is to say—

(1) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(2) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(3) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(4) Dispatches, or causes or allows to be dispatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State;

Such person shall be deemed to have committed an offence against this Order, and the following consequences shall ensue:

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour;

(2) The ship in respect of which any such offence is committed and her equipment shall be forfeited to His Majesty:

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this article in respect of such building or equipping if he satisfies the conditions following; that is to say—

(1) If forthwith upon a Proclamation of Neutrality being issued by His Majesty, he gives notice to His Majesty's Representative that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by His Majesty's Representative;

(2) If he gives such security, and takes and permits to be taken such other measures, if any, as His Majesty's Representative may prescribe for insuring that such ship shall not be dispatched, delivered, or removed without the licence of His Majesty until the termination of such war as aforesaid.

16. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Order, shall require the sanction of His Majesty's Representative, and shall be had in the highest Court of His Majesty having original jurisdiction in such place, and not in any other Court; and the Court shall, in addition to any power given by this Order, have in respect of any person, ship or other matter brought before it in pursuance of this Order, all powers which it has in the case of a person, ship or matter brought before it in the exercise of its ordinary jurisdiction.

21. Where it is represented to any local authority, as defined by this Order, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship subject to this Order has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the jurisdiction of the Court, or that a ship is about to be dispatched contrary to this Order, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to His Majesty's Representative.

26. In this Order, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them, that is to say:

“The Court” shall mean the Court possessing jurisdiction under Article 16 of this Order;

(b) BRITISH PROTECTORATES NEUTRALITY ORDER IN COUNCIL, 1904¹

2. This Order shall extend to all the Protectorates of His Majesty, including the adjacent territorial waters, enumerated in the Schedule to this Order.

Illegal Enlistment

7. If the master or owner of any ship, without the licence of His Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within a Protectorate any of the following persons, in this Order referred to as illegally enlisted persons; that is to say:

(1) Any person who, being a British subject or a native of a Protectorate, within or without a Protectorate, has without the licence of His Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State;

(2) Any person, being a British subject or a native of a Protectorate who, without the licence of His Majesty, is about to quit a Protectorate with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State;

(3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State:

Such master or owner shall be guilty of an offence against this Order, and the following consequences shall ensue; that is to say—

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and

(2) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of a magistrate; and

(3) All illegally enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions

8. If any person within a Protectorate, without the licence of His Majesty, does any of the following acts: that is to say—

(1) Builds or agrees to build, or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(2) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be

¹ *Ibid.*, p. 767 *et seq.*

employed in the military or naval service of any foreign State at war with any friendly State; or

(3) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(4) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State;

Such person shall be deemed to have committed an offence against this Order, and the following consequences shall ensue:

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to His Majesty:

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid shall not be liable to any of the penalties imposed by this article in respect of such building or equipping if he satisfies the conditions following: that is to say—

(1) If forthwith upon a Proclamation of Neutrality being issued by His Majesty he gives notice to the Governor that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done or to be done under the contract as may be required by the Governor:

(2) If he gives such security and takes and permits to be taken such other measures, if any, as the Governor may prescribe for ensuring that such ship shall not be despatched, delivered or removed without the licence of His Majesty until the termination of such war as aforesaid.

Illegal Prize

14. If, during the continuance of any war in which His Majesty may be neutral, any ship, goods or merchandise captured as prize of war within the territorial jurisdiction of His Majesty, in violation of the neutrality of His Majesty, or captured by any ship which may have been built, equipped, commissioned, or despatched, or the force of which may have been augmented, contrary to the provisions of the Foreign Enlistment Act, 1870, or of this Order, or any other Order of the like nature, are brought within the limits of a Protectorate by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorised in that behalf by the Government of the foreign State to which such owner belongs, to make application to the Court for seizure and detention of such prize, and the Court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such Court; and in the

meantime and until a final order has been made of such application, the Court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such Court in the exercise of its ordinary jurisdiction.

. . .

Legal Procedure

. . .

21. The following officers, that is to say:

(1) Any officer of customs or other public officer drawing a salary of not less than £200 a year in the Protectorate, subject nevertheless to any special or general instructions from the Governor;

(2) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer;

(3) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer; may seize or detain any ship liable to be seized or detained in pursuance of this Order and such officers are in this Order referred to as the "local authority"; but nothing in this Order contained shall derogate from the power of the Court to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

. . .

23. If the Governor is satisfied that there is a reasonable and probable cause for believing that a ship within the Protectorate has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the limits of such Protectorate, or that a ship is about to be despatched contrary to this Order, such Governor shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

. . .

24. Where it is represented to any local authority as defined by this Order, and such local authority believes the representation that there is a reasonable and probable cause for believing that a ship within a Protectorate has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the limits of the Protectorate, or that a ship is about to be despatched contrary to this Order, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Governor.

. . .

Interpretation Clause

29. In this Order if not inconsistent with the context the following terms have the meanings hereinafter respectively assigned to them, that is to say:

“Court” and “magistrate” means respectively such Court and such officer as the Governor may by notification published in the Protectorate from time to time prescribe;

“Foreign State” includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people;

“Military Service” shall include military telegraphy and any other employment whatever in or in connection with any military operation;

“Naval Service” shall as respects a person include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, storeship, privateer or ship under letters of marque; and as respects a ship include any user of a ship as a transport, storeship, privateer or ship under letters of marque;

“The Governor” shall mean the officer by whatever name designated for the time being administering the government of a Protectorate;

“Ship” shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel or other craft or battery, made to move either on the surface of or under water; or sometimes on the surface of and sometimes under water;

. . .
SCHEDULE (a)

List of Protectorates to which this Order applies:

Northern Nigeria
 Southern Nigeria
 Sierra Leone Protectorate
 Gambia Protectorate
 Lagos Protectorate
 Northern Territories of the Gold Coast
 Bechuanaland Protectorate
 Southern Rhodesia
 Barotziland—North-Western Rhodesia
 North-Eastern Rhodesia
 Swaziland
 British Central Africa
 British East Africa
 Uganda
 Somaliland
 Weihaiwei (b)
 British North Borneo
 Brunei
 Sarawak

Any protected island or territory for the time being within the limits of the Pacific Order in Council, 1893 (c).

¹ *Note.* See also: Foreign Enlistment Act, 1870, section 14 (*supra*, Chapter II, Section A, under United Kingdom (b)); and Queen's Regulations and Admiralty Instructions, 1953, section 2810 (*supra*, Chapter II, Section A, under United Kingdom (c)).

United States of America

(a) NEUTRALITY ACT OF 1917¹

CHAPTER 12. VESSELS IN TERRITORIAL WATERS OF UNITED STATES

Section 191. Regulation of anchorage and movement of vessels during national emergency

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Canal Zone, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations---

(a) To govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) To safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States, the Canal

¹ 40 Stat. 220, as amended, 50 U.S.C. 191, 194-195 (1952), as amended, 50 U.S.C. 196-198 (Supp. II, 1955).

Zone, and all territory and water, continental or insular, subject to the jurisdiction of the United States.

Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this chapter.

Section 192. Seizure and forfeiture of vessel; fine and imprisonment

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.

Section 195. "United States" defined

The term "United States" as used in this chapter includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

Section 196. Emergency foreign vessel acquisition: purchase or requisition of vessels lying idle in United States waters

During any period in which vessels may be requisitioned under section 1242 of Title 46, the President is authorized and empowered through the Secretary of Commerce to purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of, for such use or disposition as he shall direct, any merchant vessel not owned by the citizens of the United States which is lying idle in waters within the jurisdiction of the United States, including the Canal Zone, and which the President finds to be necessary to the national defense. Just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 1242 of Title 46. Such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States in a separate deposit fund. Payments for such compensation and also for payment of any valid claim upon such vessel in accord with the provisions of the second paragraph of subsection (d) of section 1242 of Title 46, shall be made from such fund upon the certificate of the Secretary of Commerce.

(b) PROCLAMATION NO. 2348 PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY AND FRANCE; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND¹

AND WHEREAS it is the duty of a neutral government not to permit or suffer the making of its territory or territorial waters subservient to the purposes of war;

¹ 54 Stat. 2629 (1939).

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A.D. 1909, commonly known as the "Penal Code of the United States" and of the act approved on the 15th day of June, A.D. 1917, the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

. . .

7. Retaining another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid. (But the said act of the 4th day of March, A.D. 1909, as amended by the act of the 15th day of June, A.D. 1917, is not to be construed to extend to a citizen or subject of a belligerent who, being transiently within the jurisdiction of the United States, shall, on board of any ship of war, which, at the time of its arrival within the jurisdiction of the United States, was fitted and equipped as such ship of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the jurisdiction of the United States, to enlist or enter himself to serve such belligerent on board such ship of war, if the United States shall then be at peace with such belligerent.

. . .

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the jurisdiction of the United States was a ship of war, cruiser, or armed vessel in the service of a belligerent, or belonging to a national thereof, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

. . .

12. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel, domestic or foreign, which is about to carry to a warship, tender, or supply ship of a belligerent any fuel, arms, ammunition, men, supplies, despatches, or information shipped or received on board within the jurisdiction of the United States.

13. Despatching from the United States, or any place subject to the jurisdiction thereof, any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one vessel) which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and which is to be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of a belligerent nation, or which will be sold or delivered to a belligerent nation, or to an agent, officer, or citizen

thereof, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

AND I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the vessels of a belligerent, whether public ships or privateers for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of an opposing belligerent must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the fifth day of September instant, and so long as this proclamation shall be in effect, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or waters subject to the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining warlike equipment; no privateer of a belligerent shall be permitted to depart from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States; and no ship of war of a belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last mentioned vessel beyond the jurisdiction of the United States.

If any ship of war of a belligerent shall, after the time this notification takes effect, be found in, or shall enter any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, such vessel shall not be permitted to remain in such port, harbor, roadstead, or waters more than twenty-four hours, except in case of stress of weather, or for delay in receiving supplies or repairs, or when detained by the United States; in any of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as the cause of the delay is at an end, unless within the preceding twenty-four hours a vessel, whether ship of war or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions as to the length of time ships of war may remain in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The maximum number of ships of war belonging to a belligerent and its allies which may be in one of the ports, harbors, or roadsteads subject to the jurisdiction of the United States simultaneously shall be three.

When ships of war of opposing belligerents are present simultaneously in the same port, harbor, roadstead, or waters, subject to the jurisdiction of the United States, the one entering first shall depart first, unless she is in such condition as to warrant extending her stay. In any case the ship

which arrived later has the right to notify the other through the competent local authority that within twenty-four hours she will leave such port, harbor, roadstead, or waters, the one first entering, however, having the right to depart within that time. If the one first entering leaves, the notifying ship must observe the prescribed interval of twenty-four hours. If a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay will be considered the time of arrival in deciding the right of priority in departing.

Vessels of a belligerent shall not be permitted to depart successively from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States at such intervals as will delay the departure of a ship of war of an opposing belligerent from such ports, harbors, roadsteads, or waters for more than twenty-four hours beyond her desired time of sailing. If, however, the departure of several ships of war and merchant ships of opposing belligerents from the same port, harbor, roadstead, or waters is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

All belligerent vessels shall refrain from use of their radio and signal apparatus while in the harbors, ports, roadsteads, or waters subject to the jurisdiction of the United States, except for calls of distress and communications connected with safe navigation or arrangements for the arrival of the vessel within, or departure from, such harbors, ports, roadsteads, or waters, or passage through such waters; provided that such communications will not be of direct material aid to the belligerent in the conduct of military operations against an opposing belligerent. The radio of belligerent merchant vessels may be sealed by the authorities of the United States, and such seals shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew in amounts necessary to bring such supplies to her peace standard, and except such fuel, lubricants, and feed water only as may be sufficient, with that already on board, to carry such vessel, if without any sail power, to the nearest port of her own country; or in case a vessel is rigged to go under sail, and may also be propelled by machinery, then half the quantity of fuel, lubricants, and feed water which she would be entitled to have on board, if dependent upon propelling machinery alone, and no fuel, lubricants, or feed water shall be again supplied to any such ship of war in the same or any other port, harbor, roadstead, or waters subject to the jurisdiction of the United States until after the expiration of three months from the time when such fuel, lubricants and feed water may have been last supplied to her within waters subject to the jurisdiction of the United States. The amounts of fuel, lubricants, and feed water allowable under the above provisions shall be based on the economical speed of the vessel, plus an allowance of thirty per centum for eventualities.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to make repairs beyond those that are essential to render the vessel seaworthy

and which in no degree constitute an increase in her military strength. Repairs shall be made without delay. Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

No ship of war of a belligerent shall effect repairs or receive fuel, lubricants, feed water, or provisions within the jurisdiction of the United States without written authorization of the proper authorities of the United States . . .

No vessel of a belligerent shall exercise the right of search within the waters under the jurisdiction of the United States, nor shall prizes be taken by belligerent vessels within such waters. Subject to any applicable treaty provisions in force, prizes captured by belligerent vessels shall not enter any port, harbor, roadstead, or waters under the jurisdiction of the United States except in case of unseaworthiness, stress of weather, or want of fuel or provisions; when the cause has disappeared, the prize must leave immediately, and if a prize captured by a belligerent vessel enters any port, harbor, roadstead, or waters subject to the jurisdiction of the United States for any other reason than on account of unseaworthiness, stress of weather, or want of fuel or provisions, or fails to leave as soon as the circumstances which justified the entrance are at an end, the prize with its officers and crew will be released and the prize crew will be interned. A belligerent Prize Court can not be set up on territory subject to the jurisdiction of the United States or on a vessel in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

AND I do further declare and proclaim that the provisions of this proclamation shall apply to the Canal Zone except in so far as such provisions may be specifically modified by a proclamation or proclamations issued for the Canal Zone.

(c) NEUTRALITY ACT OF 1939 ¹

Section 450. Restrictions on use of American ports

(a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 31 of Title 18, and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port or

¹ 54 Stat. 9, 22 U.S.C. 450-451 (1952).

from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title.

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title, he may prohibit the departure of such vessel during the duration of the war.

(c) Whenever the President shall have issued a proclamation under section 441 (a) of this title he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient securities, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 168 of Title 8.

Notwithstanding the provisions of said section 168 of Title 8, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

Section 451. Submarines and armed merchant vessels

Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offences committed prior to such revocation.

(d) PROCLAMATION NO. 2351 PRESCRIBING REGULATIONS CONCERNING NEUTRALITY IN THE CANAL ZONE¹

WHEREAS a proclamation having been issued by me on the fifth day of September instant declaring the neutrality of the United States of America

¹ 54 Stat. 2638 (1939).

in the war now existing between Germany and France; Poland; the United Kingdom, India, Australia and New Zealand.

AND WHEREAS the provisions of the said proclamation apply to the Canal Zone except in so far as such provisions may be modified by a proclamation issued for the Canal Zone;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim that, from and after the fifth day of September instant, the said proclamation issued by me on the fifth day of September instant, in its application to the Canal Zone, is hereby modified as follows:

1. The limit of twenty-four hours prescribed by the above proclamation, with certain exceptions, as the maximum time a belligerent ship of war may remain within the jurisdiction of the United States shall apply to the total time such ship of war may remain in all the waters of the Canal Zone, except that the time required to transit the Canal shall be in addition to the prescribed twenty-four hours. Such transit shall be effected with the least possible delay in accordance with the Canal regulations in force, and only with such intermission as may result from the necessities of the service.

2. The maximum number of ships of war belonging to a belligerent and its allies which may be simultaneously in either terminal port and the terminal waters adjacent to such port shall be three. The maximum number of such vessels in all the waters of the Canal Zone simultaneously, including those in transit through the Canal, shall be six.

3. Belligerent ships of war, not carrying aircraft, departing from the jurisdiction of the Canal Zone from one of the terminal ports shall not be required to observe the prescribed interval of time between such departure and the departure from such jurisdiction of a vessel of an opposing belligerent from the other terminal port.

4. The time of original arrival of vessels within the jurisdiction of the Canal Zone, whether or not they transit the Canal, shall be used as the time of arrival in deciding the right of priority, between vessels of opposing belligerents, in departing from the jurisdiction of the Canal Zone.

5. If a belligerent ship of war which has left the waters of the Canal Zone, whether she has transitted the Canal or not, returns within a period of one week after her departure, she shall lose all right of priority in departure from the Canal Zone, or in passage through the Canal, over vessels of an opposing belligerent which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case, the time of departure of a vessel which has so returned shall be fixed by the Canal authorities, who may in so doing consider the wishes of the commander or master of a vessel or vessels of an opposing belligerent then present within the waters of the Canal Zone.

6. If it is wholly impossible, as determined by the Governor of the Panama Canal, for a belligerent ship of war to effect repairs through, or to obtain fuel, lubricants, feed water, and provisions from, a private contractor within the Canal Zone or the Republic of Panama, the agencies of the United States administered by the Canal authorities may, in order to facilitate the operation of the Canal or its appurtenances, effect such repairs and furnish

such supplies in accordance with the Canal regulations in force, but when repairs and supplies are so obtained they shall be limited to such repairs and such amounts of fuel, lubricants, feed waters, and provisions, with that already on board, as may be necessary to enable the vessel to proceed to the nearest accessible port, not an enemy port in the general direction of her voyage, at which she can obtain further repairs or supplies necessary for the continuation of the voyage. The amounts of fuel, lubricants, feed water, and provisions so received shall be deducted from the amounts otherwise allowed in ports, harbors, roadsteads, and waters subject to the jurisdiction of the United States, including the Canal Zone, during any time within a period of three months thereafter. No public vessel of a belligerent shall receive fuel or lubricants while within the territorial waters of the Canal Zone except under written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received. Moreover, the repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a public vessel of a belligerent, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel seaworthy. Any work authorized shall be done with the least possible delay.

7. In the Canal Zone, prizes shall be in all respects subject to the same rules as ships of war of the belligerents.

AND I do further declare and proclaim that, from and after the fifth day of September instant, the following additional provisions shall be effective in the Canal Zone:

1. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal Zone, except when required by the Canal authorities, or in case of accidental hindrance of the transit. In such cases the Canal authorities shall be the judges of the necessity, and the transit shall be resumed with all dispatch.

2. No belligerent aircraft shall be navigated into, within, or through the air spaces above the territory or waters of the Canal Zone.

3. The enforcement of neutrality of the United States within the Canal Zone and administrative action in connection therewith shall be the responsibility of the Governor of the Panama Canal; and the military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request; provided that, if an officer of the Army is designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such responsibility.

AND I do further declare and proclaim that the provisions of this proclamation and the provisions of the proclamation of the fifth day of September instant are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" prescribed by Executive Order No. 4314, of September 25, 1925, as amended.

(e) OFFENCES AGAINST NEUTRALITY, CRIMINAL CODE OF 1909¹
SUBCHAPTER III. PREVENTION OF OFFENCES AGAINST NEUTRALITY

Section 461. Enforcement by courts; employment of land or naval forces

The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of sections 461—464 of this title and sections 21—25, and 30 of Title 18; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of sections 461—464 of this title and sections 21—25, and 30 of Title 18, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

¹ 35 Stat. 1909, as amended, 22 U.S.C. 461-465 (1952).