

(註)

(+) 右ハ陸戰ノ場合ニ於ケル中立者及中立國ノ權利義務ニ關スル條約第二條ノ
趣旨ニ基クモノナリ。

(+) 航空機及其ノ乗員ガ遭難シテ中立國領域内ニ避難シタル場合、方位ヲ失ヒ
タル場合、機関故障、燃料缺乏等ノ事由ニ依リ進入シタル場合ニハ、人道上
ノ見地ヨリシテ進入ヲ許スコト差支ナク、之ニ退去ヲ命ズルノ義務ナキモノ
トス。尤モ此ノ場合ニ於テモ抑留セラルベシ。

(+) 進入ガ絕對ニ禁止セラルハ、軍用航空機ニ限ラルモノニシテ、非軍用
航空機ヲ入國セシムルヤ否ヤハ、中立國ノ自由裁量ニ委ネラル。
中立國ノ抑留ノ義務ハ、航空機ノミナラズ、其ノ乗員、乗客、裝備品、載
貨ニモ及ブモノトス。

(+) 行動ノ自由ヲ失ヒタル交戰國軍用航空機ノ救助(空戰法規案第四十三條)

行動ノ自由ヲ失ヒタル交戰國軍用航空機ノ乗員ニシテ、中立國軍用航空機ニ依リ中立國領水外
ニ於テ救助セラレ、且中立國管轄内ニ送致セラレテ上陸シタル者ハ、抑留セラルベキモノトス。

(註)

(+) 右ハ「ジエネヴァ」條約ノ原則ヲ海戰ニ應用スル海牙條約第十五條ト趣旨
ヲ同クス。即チ右第十五條ニ依レバ、中立港ニ送致セラレタル難船者、傷者
又ハ病者タル交戰國軍艦ノ乗員ハ、抑留セラルコトヲ要スルモノトス。

第四 航空機、其ノ部分品等ノ供給

(+) 政府自身ノ供給禁止

中立國政府ハ交戰國ニ對シ、航空機、其ノ部分品又ハ航空機ノ用ニ供スル材料、需品若ハ軍需品
ヲ如何ナル方法ヲ以テスルヲ問ハズ、直接又ハ間接ニ供給スルコトヲ得ザルモノトス。(空戰法
規案第四十四條參照)

(註) 中立ノ地位ニ立ツ政府ハ、戰時ニ於テ自ラ交戰國ニ對シ兵器、軍需品ヲ供
給スペカラザルコトハ、確立セル國際法ノ原則タリ。而シテ航空機ノ特性
ニ鑑ミ、航空機ハ其ノ性質ノ如何ニ拘ラズ軍用ニ供シ得ベキモノトシテ取
扱ハントスル趣旨ナリ。

(+) 個人ノ供給自由

直ニ一方交戰國ニ對シ攻撃ヲ爲シ得ベキモノヲ除キ、中立國ハ交戰者ノ爲ニスル航空機、其ノ
部分品又ハ航空機ノ用ニ供スル材料、需品若ハ軍需品ノ輸出又ハ通過ヲ防止スルヲ要セザルモ
ノトス。(空戰法規案第四十五條參照)。

(註) 中立國ハ、交戰國政府ガ中立國管内ニ在ル者ヨリ、戰時禁制品ヲ購入スルコトヲ防止スル何等ノ義務ヲ負擔セズ。斯ル態様ニ於テスル戰時禁制品ノ購入ハ、商業上ノ取引ニ外ナラズ。之ニ對シテハ他方交戰國ハ、該物件ノ交付ヲ妨ゲル爲必要ノ手段ヲ執リ得ルコトハ、國際法ノ許容スル所ナルガ、中立國トシテハ之ヲ防止スルノ義務ヲ負ハザルコトハ、海戰ノ場合ニ於ケルト同様ナリ。(海戰ノ場合ニ於ケル中立國ノ權利義務綱要中軍用材料供給禁止ノ部参照)。

第五 攻撃ヲ爲シ得ベキ狀態ニ在ル、航空機等ノ出發禁止(空戰法規第四十六條參照)

- (一) 中立國政府ハ、左ノ事項ヲ防止スル爲、其ノ施シ得ベキ手段ヲ用フベキモノトス。
- (二) 交戰國ニ對シ攻撃ヲ爲シ得ベキ狀態ニ在ル航空機、又ハ之ヲ据附ケ若ハ利用スルニ於テハ攻撃ヲ爲シ得ルニ至ルベキ器具、材料ヲ搭載スル(携帶スル)航空機ガ、交戰國ニ對抗シテ使用セラルベキモノト信ズベキ理由アルトキハ、該航空機ノ自國管轄ヲ出發スルコト。
- (三) 航空機ノ乗員中ニ交戰國ノ戰闘部隊ノ所屬員ヲ含ムトキハ、該航空機ノ出發スルコト。
- (四) 禁止セラルベキ目的遂行ノ爲、其ノ出發準備トシテ、航空機ニ對シ工事ヲ施スコト。

四 空路輸送ノ制限(空戰法規案第四十七條參照)

(一) 航路指定

右ハ、個人ガ航空機及其ノ材料ヲ供給スルコトハ自由ナリトスル件ニ對スル例外ヲ爲ス。

右ハ結局中立國管轄内ニ於テ遠征隊ヲ組織スルモノナリ。中立國管轄ヲ利用シテ遠征隊ヲ組織スルコトハ、換言スレバ中立管轄ヲ作戰根據地ト爲スニ外ナラザルヲ以テ、禁止セラルベキ行爲ナリトス。

四 空路輸送ノ制限(空戰法規案第四十七條參照)

中立國管轄内ニ在ル個人又ハ會社ガ、交戰國ノ注文ニ應ジテ發送スル航空機ガ、空路ニ依リ出發スルニ當リテハ、中立國政府ハ右航空機ニ對シ對手交戰者ノ軍事行動ノ附近ヲ避クルノ航路ヲ示命スルコトヲ要ス。

(註) 攻撃ニ加ハルモノト認メラザル航空機ハ、取引ノ結果、一方交戰國ニ交付セラルコト差支ナキモ(第四回參照)、空路輸送ノ場合ニハ偵察等ヲ爲スノ危險ヲ避クル爲、對手交戰國ノ軍事行動ノ附近ヲ避ケシムルモノ也ス。

(二) 保障

當該航空機ガ、指定ノ航路ヲ取ルコトヲ確保スル爲、中立國ハ必要ナル保障ヲ立ツルコトヲ要求スベキモノトス。

第六 中立國管轄内ヨリノ偵察禁止 第七 中立國權利ノ性質

三〇四

(陸) 航路指定ハ、實際無視セラル虞大ナルヲ以テ、何等カ確實ナル方法ヲ以テ右航空機ニ對シ保障ヲ立テシムルモノトス。
監督員トシテ、官吏ヲ乗組マシムルガ如キハ、最モ確實ナル方法ノ一ナルベシ。

第六 中立國管轄内ヨリノ偵察禁止 (空戦法規案第四十七條参照)

(+) 中立國ハ、他方交戦者ニ通報スルノ意思ヲ以テ、一方ノ交戦者ノ移動、作戦行動又ハ防禦ヲ、自國管轄内ニ於テ空中ヨリ偵察スルコトヲ防止スル爲、其ノ施シ得ベキ手段ヲ用フルノ義務アルモノトス。

(陸) 中立國領空内ヨリ偵察ヲ行ヒ、一方交戦者ヲ利セントノ企圖ハ、中立國領域ノ不當ナル使用ニシテ、當然禁止セラルベキモノトス。

(-) 右偵察防止ハ、軍艦ニ搭載中ノ交戦國軍用航空機ニ對シテモ、行ハルベキモノトス。

第七 中立國權利ノ性質 (空戦法規案第四十八條参照)

中立國ガ中立維持上、其ノ權利義務ノ實行上、兵力又ハ其ノ他ノ施シ得ベキ手段ヲ用フルノ行爲ハ、之ヲ敵對行爲ト認ムルコトヲ得ザルモノトス。

第五部 化學戰、燒夷戰、細菌戰摘要

第五部 化學戰、燒夷戰、細菌戰摘要

第一 概 説

有毒物質、病菌等ヲ、戦争方法トシテ用フルコトヲ禁スルコトニ付テハ、數箇ノ國際約束、條約案等アリ。

其ノ趣旨トスル所ハ、人道武士道ニ根源ヲ置キ、非戦闘員ヲ保護スルト共ニ戦闘員ニ對シテモ不必要ノ苦痛ヲ與フルコトヲ避ケントスルニ在リ。

現在有效ノ國際約束ハ、其ノ規定内容完全ナラザルノミナラズ、締約國ガ世界各國ヲ網羅スルニ至ラズ、隨テ一朝有事ノ際、禁止ノ目的ヲ達シ得ルヤ否ヤ、多少疑問ノ點ナキニ非ザルモ、斯ル戦争方法ハ規定ノ有無ニ拘ラズ、原則トシテ禁絶セラルベキモノト概念スルヲ至當トス。

昭和七年壽府一般軍縮會議ニ於テ、本件ニ付細密ナル討究ヲ爲シタルモ結論ニ達スルニ至ラザワキ。然レドモ、右討究事項中ニハ、参考ニ資スベキ點アルヲ以テ、以下ノ記述中ニ適宜右ヲ參照採用スルコトシタリ。

(註)

(一) 窒息性又ハ毒性瓦斯ガ戰爭ニ使用セラレタルハ、一九一五年四月二十二日「イーブル」第二回戰ニ於テ、獨國軍隊ガ用ヒタルニ始マルト謂ハル。(獨國政府ハ敵軍ガ既ニ使用シタルニ對シ、復仇トシテ用ヒタリト辯解セリ。)同年五月一日、二日、五日引續キ瓦斯戰行ハレタリ。尤モ此ノ場合ハ窒息性瓦斯用ヒラレタルガ、一九一五年五月三十日東部戰線ニ於テ露國軍ニ對シテ有毒瓦斯使用セラレタリト謂フ。

英、佛兩國ハ右ニ對シ同様ノ手段ヲ以テ復仇スルノ正當ノ權利アリトシテ、一九一五年九月頃ヨリ瓦斯戰ヲ開始シ、斯テ交戰國双方瓦斯戰ヲ敢行スルニ至レリ。

(二) 獨國政府ハ瓦斯戰ハ他ノ戰闘方法ニ比シ非人道的ノモノニ非ズト強辯シタルコト等ノ關係上、嚴格ナル文理解釋ニ依レバ條約違反ト爲ルヤ否ヤ多少論議ノ餘地ハアリタルモ、其ノ精神トル必要以上戰勝ヲ大ナラシメザルコトヲ要スル點ヨリ見レバ到底許容シ難キ戰爭方法タリシナリ。

迅速ナル戰果ヲ收ムルヲ第一義トシ、人道ヲ考慮スルコトハ次等タルベシトヒ

カ、迅速ニ戰勝ヲ博シ戰爭ヲ短期ニ終結スルハ人道ニ合致ストカ言フ立論ハ正當ニ非ズ。

第二 諸規則

(一) 一八六八年十二月十一日調印ノ聖彼得堡宣言 (帝國ハ加入シ居ラズ。)

文明ノ進歩ハ出來得ル丈戰爭ノ厄難ヲ輕減セザルベカラザルコトヲ惟ヒ

戰爭ニ於テ國家ガ遂ゲント勉ムル唯一ノ正當ナル目的ハ敵ノ兵力ヲ弱ムルニ在ルベキコト惟ヒ

此ノ目的ヲ達センニハ成ルベク數多ノ人ヲ戰闘外ニ置カバ則チ足ルベキコトヲ惟ヒ
既ニ戰闘外ニ置カレタル人ノ苦痛ヲ無益ニ増大シ又ハ其落命ヲ必然ニスル兵器ノ使用ハ此ノ目的ノ範圍ヲ超ユルコトヲ惟ヒ

此ノ如キ兵器ノ使用ハ此ノ如クシテ人道ニ反スルヲ惟ヒ

締約者ハ其ノ相互ノ間ニ戰爭ヲ爲スニ至ル場合ニ於テハ各其ノ軍隊又ハ艦隊ヲシテ量目四〇〇「グラム」以下ニシテ爆發性ナルカ又ハ燃燒性ノ物質ヲ充テタル發射物ヲ使用セシムル自由ヲ棄セシコトヲ約ス

(以下略ス)

② 一八九九年七月二十九日調印ノ海牙宣言

締盟國ハ窒息セシムベキ瓦斯又ハ有毒質ノ瓦斯ヲ散布スルヲ唯一ノ目的トスル投射物ノ使用ヲ各自ニ禁止ス

③ 一九〇七年十月十八日調印ノ海牙陸戰條規第二十三條

特別ノ條約ヲ以テ定メタル禁止ノ外特ニ禁止スルモノ左ノ如シ

(イ) 毒又ハ毒ヲ施シタル兵器ヲ使用スルコト

(ア) 不必要ノ苦痛ヲ與フベキ兵器、投射物其ノ他ノ物質ヲ使用スルコト

④ 對獨平和條約第百七十一條第一項、第二項

窒息性、毒性其ノ他ノ瓦斯及之ニ類似スル一切ノ液體、材料又ハ考案ハ其ノ使用ヲ禁止セラレアルニ因リ獨逸國內ニ於テ之ヲ製造、貯藏及使用ヲ目的トスル材料ニ付之ヲ適用ス

⑤ 一九二二年二月六日調印ノ潛水艦及毒瓦斯ニ關スル五國條約(不發效)第五條

窒息性、毒性又ハ他ノ瓦斯及一切ノ類似ノ液體、材料又ハ考案ヲ戰爭ニ使用スルコトハ文明世界ノ輿論ニ依リ至當ニ非難ヲ受ケ且右使用ノ禁止ハ文明國ノ多數ヲ當事國トスル諸條約中ニ聲

明セラレタルカ故ニ

署名國ハ右禁止カ諸國ノ良心及實行ヲ均シク拘束スル國際法ノ一部トシテ普ク採用セラレンカ爲右禁止ニ同意スルコトヲ聲明シ其ノ相互間ニ於テハ之カ拘束ヲ受クヘキコトヲ約定シ且他ノ一切ノ文明國ニ對シ本取極ニ加入センコトヲ勸誘ス

⑥ 一九二五年十月十七日調印ノ兵器取引取締條約附屬ノ窒息性毒性又ハ其ノ他ノ瓦斯及細菌學的戰爭方法ヲ戰爭ニ使用スルコトヲ禁止スル議定書(批准又ハ加入國三十七國(英、獨、佛、伊ヲ含ム)。日、米ハ批准シ居ラズ、蓋シ本議定書ハ兵器取引條約ト關聯ヲ有シ居ル關係モアリ諸種ノ都合上未ダ批准ヲ了セザルモノト思ハル。)

下記全權委員ハ各其ノ代表スル政府ノ名ニ於テ窒息性、毒性又ハ其ノ他ノ瓦斯及一切ノ類似ノ液體、材料又ハ考案ヲ戰爭ニ使用スルコトハ文明世界ノ輿論ニ依リ至當ニ非難セラレ居ルニ依リ又

右使用ノ禁止ハ世界ノ國ノ多數ヲ當事國トスル諸條約中ニ聲明セラレタルニ依リ

右禁止カ諸國ノ良心及實行ヲ均シク拘束スル國際法ノ一部トシテ普ク採用セラレンガ爲左ノ如ク宣言ス

締約國ハ未ダ右使用ヲ禁止セル條約ノ當事國ナラザル限り此ノ禁止ヲ受諾シ右禁止ヲ細菌學的

第三 禁止セラルベキモノ

三一〇

戦争方法ノ使用ニ擴張スルコトヲ協定シ且本宣言ノ規定ニ從ヒ拘束セラルベキモノナルコトヲ
協定ス締約國ハ他ノ諸國ノ本條約ニ加入センコトヲ勸誘スル爲一切ノ努力ヲ爲スベシ

(六) 國際聯盟軍縮準備委員會作成條約案第三十九條

締約國ハ窒息性、毒性又ハ類似ノ瓦斯及一切ノ類似ノ液體、物體又ハ方法ヲ相互條件ノ下ニ戰
爭ニ使用セザルコトヲ約ス

締約國ハ一切ノ細菌學的戰闘手段ヲ絕對的ニ使用セザルコトヲ約ス

第三 禁止セラルベキモノ

(一) 有毒物質ノ使用

其ノ方法ノ如何ヲ問ハズ、敵ヲ殺傷スル目的ヲ以テ有毒性、窒息性、催涙性、刺戟性又ハ發泡
性物質ノ如キ、其ノ固體タルト、液體タルト、瓦斯體タルトヲ問ハズ、人體又ハ動物ノ組織ニ有
害ナル一切ノ天然物體又ハ化合物體ヲ使用スルコト。

(註) 催涙性物質ハ、警察用ニモ使用セラレ居ル現狀ナルヲ以テ、之ガ使用ヲ禁
止スペキニ非ズトノ有力ナル意見アレドモ(米國)、例外ヲ認ムルコトハ禁
止ノ效果ヲ薄弱ナラシムル虞大ナルヲ以テ例外ヲ認メザルヲ可トス。

(二) 燐夷性物質ノ使用

特ニ火災ヲ誘發スル目的ヲ有スル放射物。

火焰放射器ノ如キ、火焰ニ依リ人ヲ攻擊スル爲ニ設計セラレタル器械。

(註)

(一) 物ノ燃燒性ヲ利用シテ戰闘ノ有效ナル手段トスルコトハ、皆ニ慣用セラル
ル所ニシテ例セバ油ヲ注ギテ家屋ヲ燒毀スルガ如キ方法ハ、之ヲ禁止スルノ
限ニ在ラズ。又通常砲彈ノ爆發ニ依リ誘起セラルル火災ノ發生ノ如キモ、已
ムヲ得ザル所ニ屬ス。茲ニ問題トスルハ物ノ燃燒其ノモノヲ主タル目的トス
ル兵器及戰爭方法ナリ。

爆彈、砲彈、火箭等如何ナル方法ニ依ルヲ問ハズ、燃燒性ノ物質ヲ使用スル
コトハ特ニ市民ヲ脅威スルモノニシテ、都市ノ中心及一般建築物ヲ破壊スル
ニ極メテ有效ニシテ又普通砲彈等ニ依リテ破壊セラレタル場所ニ對シ燒夷兵
器ハ火災ヲ擴大セシムルニ與リテ力アリ、又燒夷兵器ハ爆發性投射物ニ依リ
生ズベキ效果ニ對シ更ニ恐怖心ヲ増大セシムル爲使用セラルベク、右ハ航空
機ニ依リテ行ハルル場合ニ於テ特ニ甚シキモノアリ。人命ニ危害又加フルニ
止ラズ、家財ヲ毀損スル點ニ於テ、毒瓦斯ニモ増シテ慘害ヲ醸ス場合アルベ
シ。從テ右ノ如キ性質ノ兵器及戰爭方法ハ之ヲ毒物等ト同様ニ取扱フコト至
當ナリトス。(所謂不必要ナル害ヲ醸スモノナリ)。

第四 禁止セラルベキモノノ例外

三一二

(2) 火焰發射器ヲ戰爭ニ用ヒラレタルハ、一九一六年三月「ヴエルダン」ニ於テ獨國軍ガ使用シタルヲ以テ嘴矢ト爲スト謂ハル。

(3) 病原菌ノ使用

敵ヲ害スル目的ヲ以テ、直接人體、動植物ニ接觸セシムル爲又ハ間接ニ右ノ何レカニ接觸セシムル爲、例ヘバ大氣、水、食料又ハ他人物體ヲ汚染スル爲、病原微生物、透過病原體又ハ汚染物質ノ散布傳播方法ノ使用。

(註) 病原菌ヲ戰爭方法トシテ用フルコトハ、一般人民ニ脅威ヲ與フルコト絶大ニシテ、現代ニ於ケル非人道的戰闘方法ノ最タルベキモノト謂フベシ。依テ之ガ禁止ハ絶對確實ナルヲ要ス。

第四 禁止セラルベキモノノ例外

(1) 有毒物質ニ對スルモノ

(註) 有毒物質ノ發生ヲ目的トシテ考案シ、又ハ利用セラレザル限り爆發、爆燒ニ依リ生ズル有毒物質。

(註) 爆發、爆燒ノ自然ノ結果トシテ生ズル有毒物モ、相當害毒ヲ及ボスコトアリト雖モ、之ヲ止ムル方法ナキヲ以テ、禁止スルコトヲ得ザルモノトス。尤モ、特ニ有毒物ノ發生ヲ増加スルガ如キコトハ、許容セラレザルコト勿論ナリ。

(註) 目的物隠蔽又ハ他ノ軍事上ノ目的ノ爲ニ使用セラルル、煙又ハ霧。但シ普通ノ使用方法ニ於テ有毒作用ヲ伴フ虞ナキモノ。

(註) 之ガ使用ハ、動モスレバ毒物ノ使用ト誤認セラレ又ハ惡宣傳ニ利用セラルル虞アルヲ以テ、出來得レバスルコトナキ機、豫メ措置シ置クコト賢明ナリトス。

(2) 燃夷性物質ニ對スルモノ

(1) 各種投射物中、不慮ニ依リ燃燒ノ結果ヲ生ズルモノ。

(2) 特ニ照明又ハ發光ノ目的ニ造ラレタル火工物。

(3) 特ニ航空機防禦ノ爲ニ作製セラレ、右目的ノ爲ニノミ使用セラルル燃夷用投射物。
(註) 此ノ種ノモノハ、使用方法如何ニ依リテハ、其ノ儘一般攻擊用ニ用ヒラルヲ以テ、濫用ノ虞極メテ大ナリト認メラルモ、防禦的性質ヲ有シ又航空機防禦上不可缺ノ兵器ナリトノ見解モアルヲ以テ、之ヲ例外トスルハ已

ムヲ得ザル所ナリ。

第五 化學戰、細菌戰等ノ目的物

單ニ、人類ニ對スルノミナラズ、動物ニ對シテ有害ナルモノヲ禁止スベキモノトス。植物ニ對シテハ如何トノ疑問アルベキモ、人類ニモ動物ニモ無害ナル物質ヲ以テ、植物ヲ毀損スルガ如キコトハ、實際上不可能ナルヲ以テ特言スルノ必要ナカルベシ。

第六 化學兵器等ノ使用方法

有毒化學的物質等ハ如何ナル方法ニ依リ使用セラルモ、禁止ノ範圍内ニ入り來ルモノニシテ、原則トシテ凡ユル方法ヲ包括スルモノトス。

而シテ、禁止ハ化學的物質等ガ害敵ノ目的ニ企圖セラレ使用セラルコトニ關スルモノナルガ、右害敵手段ハ作戰行動中ニ限り使用セラルガモノトハ限ラズ、敵ガ飲用スペシトノ豫想ノ下ニ井泉ヲ汚毒スルガ如キコトモ生ジ得ベキ所、之等ハ當然禁止セラルベキモノトス。之ニ反シ軍隊ニ於テ有害ナ

ル動物又ハ寄生蟲ヲ撲滅スル爲殺菌劑ヲ使用スルガ如キコトハ問題トスベカラザルコト勿論ナリ。

(註)

- (一) 砲彈中ニ裝填スルト、流出セシムルト、其ノ他如何ナル方法ヲ用フルトワ
間ハズ、禁止セラルベキモノトス。發射セラレタル場合ニハ、逃避ノ途ナキ
モ、流出セラレタル場合ニハ、逃避容易ナルヲ以テ、斯ル方法ヲ用フルコト
ハ之ヲ禁ズベキニ非ズト爲スガ如キ所說アレドモ、採用スペキ限ニ在ラズ。
- (二) 井水ヲ汚損スル方法ハ屢々用ヒラル所ナルガ、斯ル方法ハ獨リ敵軍ヲ毒
スルノミナラズ住民ニモ被害ヲ及ボシ、傳染病誘發ノ虞アルニ付、之ヲ禁止
スペキモノトス。

獨國軍ハ井水汚損ノ爲ニハ、毒物ヲ用ヒズ汚物ヲ投入シ、而モ使用不能ニ陥
ラシメタル井水ニハ標識ヲ附シタルヲ以テ、人類ニ害ヲ及ボス虞ナシト辯疏
シタルモ、斯ル方法ハ一般ニ戰爭法規ノ精神ニ反スルモノトセラル。

尤モ敵ノ水源地ヲ閉塞シテ敵ノ屈伏ヲ速ナラシムルコトハ適法ノ戰爭手段ナ
リトス。

第七 禁止ノ程度

禁止ヲ相互のトスベキヤ、絕對的トスベキヤノ問題アリ。一般戰爭法規慣例ハ相互的ニ遵守スペキ

ア原則トスベキモ、化學戰等ノ特異性ニ鑑ミ、之ヲ絕對的即チ對手國ノ態度如何ニ拘ラズ、交戰國ハ化學戰等ニ訴フベカラズトスルヲ定説トス。特ニ細菌戰ニ於テ然リ。

(註) 一九三二年壽府一般軍縮會議ニ於テ、細菌戰禁止ハ絕對的トスベキモ化學戰等ハ相互的トスベシ、若シ相互的ト爲サザルニ於テハ被攻擊者ハ防禦ノ手段ヲ喪フベシトノ有力ナル議論アリタルモ、一般論トシテハ斯ル區別ヲ爲サズ、化學戰等ハ當ニ絕對禁止トスベシト言フニ在リタリ。

實行上ノ問題トシテ見レバ敵ノ化學戰攻擊ヲ甘受シ得ザルベキヲ以テ、敵ヨリノ化學戰攻擊アリタルトキハ、已ムヲ得ザレバ之ニ對應シテ被攻擊者モ化學戰等ニ訴フル(細菌戰ヲ除ク)ノ已ムナキニ立到ルベキナリ、尙本件ハ復仇ノ問題ト關聯シテ考慮スルヲ要ス。

第八 復仇トシテモ化學戰等ヲ行フコトハ能フ限り之ヲ避クベキコト

一般戰爭法規違反ニ對スル復仇ハ別トシ、化學戰等ノ法規慣例ニ違反シタル對手國ニ對シテハ、復仇手段トシテ化學戰等ニ訴フルコトハ已ムヲ得ズトノ有力ナル說アレドモ、一般ノ希望ハ斯ル場合ノ場合ニ於テ對手國ガ化學戰等ニ訴フルコトヲ止メタルトキハ、被攻擊者モ同様右戰闘方法ヲ止ムベキモノトス。

ニ於テモ之ヲ避クベシトスルニ在リ。

然レドモ、實際上ノ見地ヨリスレバ、對手國ノ化學戰等ノ禁止違反ニ對シ、之ヲ阻止スル手段ガ他ニ存セザルトキハ、被攻擊者モ復仇トシテ化學戰等ニ訴フルコト已ムヲ得ザルモノト認メラル。此ノ場合ニ於テ對手國ガ化學戰等ニ訴フルコトヲ止メタルトキハ、被攻擊者モ同様右戰闘方法ヲ止ムベキモノトス。

(註)

(一) 毒府一般軍縮會議ニ於テ、英國委員ハ左ノ趣旨ヲ述べタリ。

「英國ハ過去ニ於テ、復仇ノ權利ヲ行使セザルヲ得ザルガ如キ困難ナル地位ニ置カレタルコト屢々アリ、將來ト雖モ斯ル事態ガ再發スルコトヲ豫期セザルヲ得ズ、各國ニ對シ履行不可能ナル義務ヲ負ハシムルコトハ適當ナラズ。瓦斯攻擊犠牲國ニ對シテハ、其ノ攻擊ニ對抗シ又其ノ攻擊ヲ止メシムル爲ノ最良ノ方法ヲ許容セザルベカラズ。之ヲ許容セザルガ如キ措置ハ人性ヲ無視スルモノナリ。」

佛國委員ハ、「復仇ハ國際法上非議セラレ居ラズ、之ヲ廢ストセバ化學戰禁止ヲ嚴重ニスルコトヲ條件トスベク、單純ナル漠然タル規定ヲ以テ満足スベキニ非ズ、特ニ歐洲ニ於テ然リ。」トノ趣旨ヲ述べタリ。

(二) 大戰中行ハレタル瓦斯戰ハ、互ニ敵ノ同様ノ戰爭方法ニ對スル復仇トシテ

行フモノナリト主張シタリ。

第九 化學戰等ノ事實ノ調査

違反事實ノ資料ヲ入手スルコトハ、有害物質ハ其ノ使用後時間ノ經過ニ因リ痕跡ヲ止メザルニ至ルコト、又之ガ調査ニハ特殊技術ヲ必要トスル等ノ關係上、相當困難アリトハ謂ヘ、被攻擊國トシテハ之ガ對應措置ヲ講ズル必要アルヲ以テ、速ニ正確ナル資料ヲ獲ルニ努メザルベカラズ。

右ノ如ク資料ヲ獲ルニ努ムルト共ニ、適當ナル證人證言ヲ取り置クコトハ甚ダ適切ナル措置タルベキナリ。

(註) 謄府一般軍縮會議ニ於テハ、集合的制裁ノ問題ト關聯シテ、事實檢證ノ爲、國際機關ヲ設置セントスルノ議アリタリ。

第十 化學戰等ニ對スル制裁

禁止ニ反シテ化學戰等ヲ戰闘手段トシテ用ヒタル場合ニハ、戰時法規違反トシテ、處分セラルベキモノトス(第一部海戰法規綱要第一戰時法規ハ國際法違反及之ガ處罰ノ部參照)。(四九頁)

(註) 違反國ニ國シ國際聯合ニ依ル制裁ヲ加ヘ、又被攻擊國ヲ援助スペシトノ説アレドモ、未ダ何等決定ヲ見ルニ至ラズ。

第十一 化學戰等ノ準備ヲ禁止スベシトノ説

化學戰等ノ禁止ヲ確實ナラシムル爲、化學戰等ノ準備ヲ爲スコトヲ禁止シ、之ガ爲國際監督ヲ行フベシトノ説アレドモ、實行不可能ナリト思ハル。

化學戰等禁止ノ實行ハ、主トシテ各國ノ誠意如何ニ係ルモノトス。各國ノ誠意賴ムニ足ラズトセバ、制裁、復仇等ノ手段ニ依リ阻止スル以外適當ノ方法ナシ。

依テ、平時ヨリ防護上之ガ材料ヲ整備シ、防護訓練ヲ施シ、不慮ノ攻撃ニ對應スルノ手段ヲ講ジ置クコトハ、現下ノ狀勢ニ於テハ已ムヲ得ザル所ナリトス。

(註) 防護手段ヲ完璧ナラシメンガ爲ニハ、勢ヒ攻撃手段ノ研究ヲモ試ミザルベカラズ。從テ交戰國ハ場合ニ依リ、禁制ニ反シテ攻撃手段ニ用フルニ至ル

誘惑ニ陥ルノ虞、極メテ大ナリトス。

又假リニ、攻擊手段ハ勿論、防禦手段ノ準備ヲモ全禁シタリトルモ、各國化學、醫學研究所、工場等ニ於テハ、其ノ職分上有毒物質、病原菌等ヲ常ニ保有シ居リ、而モ之等ヲ戰爭手段トシテ使用スルコトハ極メテ容易ナルヲ以テ、確實ニ禁止ノ目的ヲ達スルコトハ困難ナリ。

壽府一般軍縮會議ニ於テ、帝國委員ハ防護手段ノ準備ヲモ禁止スペシ、トノ主張ヲ爲シタリ。

第六部 陸 戰 法 規 摘 要

第六部 陸戰法規摘要

第一 概說

- (一) 陸上ニ於テ、軍事行動ヲ爲ス場合ニ於テハ、明治四十五年條約第四號陸戰ノ法規慣例ニ關スル條約、及同條約附屬書(陸戰條規)、竝ニ明治四十一年條約第一號戰地軍隊ニ於ケル傷者及病者ノ狀態改善ニ關スル條約(「ジエネヴァ」條約)ノ規定ニ依ルベキモノトス。
- (二) 明治四十五年條約第四號陸戰ノ法規慣例ニ關スル條約及同條約附屬書
- (イ) 右條約及附屬書ノ目的トスル所ハ、軍事上ノ必要ノ許ス限り、努メテ戰爭ノ慘害ヲ輕減セントスルニ在リ。
- 戰爭ニ對スル觀念ノ變遷、兵器ノ進歩、新兵器ノ採用等ニ依リ、本條約ノ細目規定ガ、現時ノ戰爭ニ適用シ得ルヤ否ヤニ付、疑義ヲ有スル者ナキニ非ザルモ、本條約ノ目的其ノモノニ對シテハ非議ヲ加フル餘地ナク、又規定モ多少ノ修正ヲ加フレバ依然トシテ違由ヲ困難ナラシムル事情存セザルガ如シ。
- (ロ) 本條約ノ規定ハ、交戰國ガ悉ク本條約ノ當事者ナルトキニ限り、締約國間ニノミ之ヲ適用スルモノトス。

第二 交戦者 (Belligerents) (陸戦條規第一條乃至第三條参照)

(一) 正規ノ陸軍

其ノ組織ハ各國國內法制ニ依リ定マル。

主トシテ、戦闘員 (Combatants) ヨリ成リ、非戦闘員 (Non-combatants) ヲ附屬ス

(註)

(一) 會計經理部員、衛生部員、法官部員、軍屬、野戰通信部員、馬卒、從卒等ノ非戦闘員ハ、直接敵對行為ニ與ラザルモ、正規兵力タル軍ノ一部ヲ爲スモノトス。從テ敵ニ捕ヘラレタルトキハ俘虜ノ取扱 (衛生部員ハ俘虜ト爲ルコトナシ) ヲ受ク。

(二) 未開人ヲ戦争ニ參加セシムルコトハ國際法違反ナリトシテ獨國政府ヨリ抗議ヲ爲シタリ。斯ル主張ハ從來ヨリ屢々アルコトニシテ、露土戦争ノ際露國ガ「コサツク」人ヲ用ヒ、日露戦争ノ際帝國ガ滿洲土族ヲ用ヒタルニ對シテモ物議ヲ醸セリ。

然レドモ如何ナル程度ノ者ヲ以テ未開人ト爲スペキヤ、又何故未開人ヲ用フルコトガ不可ナルヤニ付法規上ノ根據ナシ。要スルニ當該部隊ガ戦争法規ニ

遼由シテ行動スレバ足ルモノニシテ、其ノ組成ノ如何ヲ問フノ要ナキモノトス。獨國抗議中ニ有色人 (亞細亞人ヲ含ム) ヲ用フルハ、戦争法規違反ナリトアルハ、他種族ヲ蔑視スル僻見ニ出ヅルモノト思ハル。

(二) 民兵 (Militia) (戦争ニ際シ人民ヲ召募シテ敵ニ當ラシムルモノ)、及義勇兵團 (Volunteer Corps.) (有志人民ノ組織スルモノ)。

民兵及義勇兵團ガ、戦争ノ法規及權利義務ノ適用ヲ受クル爲ニハ、左ノ條件ヲ具備スルコトヲ要スルモノトス。

- (1) 部下ノ爲ニ責任ヲ負フ者、其ノ頭ニ在ルコト。
- (2) 遠方ヨリ認識シ得ベキ、固著ノ特殊徽章ヲ有スルコト。
- (3) 公然兵器ヲ携帶スルコト。
- (4) 其ノ動作ニ付、戦争ノ法規慣例ヲ遵守スルコト。
- (5) 民兵又ハ義勇兵團ヲ以テ、軍ノ全部又ハ一部ヲ組織スル國ニ在リテハ、之ヲ軍ノ名稱中ニ包含スルモノトス。

(三) 地方人民蜂起 (Levies en masse.)

未ダ占領セラレザル地方ノ人民ニシテ、敵ノ接近スルニ當リ右條件ヲ充足シタル編成ヲ爲スノ

進ナク、侵入軍隊ニ抗敵スル爲、自ラ兵器ヲ操ル者ガ、公然兵器ヲ携帶シ、且戰爭ノ法規慣例ヲ遵守スルトキハ之ヲ交戦者ト認ムルモノトス。

(註) 既ニ占領セラレタル地域ニ於テ、敵對行爲ニ出ヅルトキハ、戰時叛逆トシテ處罰セラルベシ。(隨所ニ出没ジテ、後方ヲ擾亂スル所謂 ウーリー 職法ハ、適法ナルモ、既ニ占領セラレタル地域ニ於テスレバ、處罰セラルルニ至ルベシ。)

公然兵器ヲ携帶スルコトガ、重要ナル條件タリ、故ニ拳銃、小刀ノ類ヲ密ニ携帶シ、又ハ銃砲ヲ有スルモ敵ノ眼前ニ於テハ隠蔽シ、適時之ヲ取出シテ使用スルガ如キコトハ許サレザル所ナリトス。(所謂便衣駆ノ行動ハ戰時法規違反ト爲ルベシ。)

民兵、義勇兵團、人民蜂起、其ノ孰レタルヲ問ハズ、皆團隊トシテ行動スペキコトヲ要求ス。正規兵ニ非ザル個人ガ抗敵スルコトハ如何ナル場合ト雖モ、違法ノ行爲タルベキナリ。

第三 倉庫 (Prisoners of War.)

一定資格ヲ有スル者ガ、敵ニ捕ヘラレタル場合ニハ、俘虜トシテ取扱ハルベク、之ニ虐待ヲ加フベカラザルハ勿論、必要トスル拘束ヲ加フル以外ニ於テハ、其ノ權内ニ收メタル國ノ軍人ト同様ノ待遇スベキナリ。

大戰中ニ於ケル俘虜ノ取扱ハ、相當苛酷ニ行ハレ、從來ノ規定通り實行セラレザル場合多カリキ。

(註) 大戰中俘虜ノ取扱ニ關シ物議ヲ醸シタルハ主トシテ獨國側ノ取扱ニ關スルモノナルガ、其ノ原因ハ獨國側ノ物資ノ缺乏ニ基ク所多ク狀況真ニ已ムヲ得ザルモノ多キガ如シ。

問題ト爲リタル顯著ナルモノヲ摘記スレバ左ノ如シ。

(一) 中立國代表者ニ依ル俘虜收容所ノ観察

英國政府ノ發議ニ基キ中立國代表者ニ依ル各國ノ俘虜收容所ノ観察ヲ行フコトト爲リタルガ、獨國モ不精無精之ニ同意シタリ。然レドモ多數ノ收容所(特ニ作業地ガ散在セル爲)ヲ観察スルコトハ極メテ困難ナリキ。

(二) 獨國ノ收容所ガ不完全不衛生ナリトノ非難アリタリ。

(三) 獨國ガ故ラ國籍ヲ異ニスル俘虜ヲ含宿セシメ又ハ同食セシメタリトノ不平アリタリ。

(四) 獨國ガ被服、糧食ヲ十分與ヘズ又ハ粗惡ナルモノヲ與ヘタリトノ不平ア

リタリ。

(d) 獨國ガ俘虜ノ通信ヲ不當ニ制限シタルトノ不平アリタリ。(英國ノ許容スル四分ノ一ニ過ギズト爲セリ。)又電報通信ヲ禁止シタルハ不都合ナリトノ佛國側ヨリノ抗議アリタリ。

(e) 獨國ハ俘虜ニ作業ヲ強制シタルノミナラズ、酷使シ甚シキハ軍事作業ニ從事セシメタリトノ非難アリタリ。(條約ニハ士官以外ノモノニハ役務ヲ課スルコトヲ得ルモ軍事行爲ニ關係ナキモノニ限ル旨規定シアリ。)

(f) 役務ノ報酬過少ナリトノ非難アリタリ。

(g) 獨國ノ處罰慘酷ニシテ、連座罰ヲ課シタルガ如キハ違法ナリトノ非難アリタリ。

(h) 俘虜ノ取扱ニ關シ交戦國双方ニ於テ復仇ヲ爲シタルガ非人道ナリトノ批判アリタリ。(英國側先づ復仇ヲ行ヒタルガ結果ノ不良ナルト英國内ノ輿論トニ鑑ミ復仇ヲ中止シタル例アリ。)

(i) 正規ノ手續ニ依ラズシテ商船ヲ擊沈シタル獨國潛水艦ノ乘員ヲ英國側ハ殺人者トシテ取扱ヒ又ハ普通俘虜ト別箇ノ取扱ヲ爲シタルガ、之ニ對シ獨國ハ復仇トシテ英國名家ノ子弟タル俘虜ヲ選ビ虐待シタル例アリ。

(j) 獨國政府ハ獨國側ニ小冊子ヲ散布シタル英國飛行機乗員ヲ幽閉シタルガ、之ニ對シ英國政府ハ同様ノ行爲ヲ爲シタル獨國飛行機乗員ヲ同ジク幽

閉スベシト聲言シタル爲、獨國政府ハ右英國飛行機乗員ヲ釋放シタリ。
尙俘虜交換ノ例モアリ。又交戦者間ニ約束ヲ結ビテ傷病俘虜ヲ瑞西國ニ引渡シタル例モアリ。

(→) 俘虜ト爲ルベキ人

- (1) 戰闘員、非戰闘員(陸戰條規第三條参照)
- (2) 從軍者(同第十三條参照)
- (3) 主權者又ハ之ニ類スル者。
- (4) 樞要行政官、外交使節等。
- (5) 軍屬。
- (6) 地方防禦民(陸戰條規第二條参照)。
- (7) 軍ニ屬スル傷病者(「ジエネヴァ」條約第二條参照)。
- (8) 拿捕船舶航空機乗員(一定制限アリ)。
- (9) 俘虜ト爲シ得ザル人(「ジエネヴァ」條約第三章参照)。
- (10) 傷病者ノ收容、輸送及治療並ニ衛生上ノ移動機關及固定營造物ノ事務ニ從事スル者。
- (11) 軍隊附屬ノ教法者。

(4) 衛生機關ノ守衛人員ニシテ正式ノ命令書ヲ携帶スル者。

(2) 俘虜ノ取扱

俘虜ハ敵政府ノ權内（部隊ニ非ズ）ニ屬スルモノトシ、人道ヲ以テ取扱フベキモノトス（陸戰條規第四條参照）。

俘虜ノ取扱ニ關シテハ、陸戰條規第二章ニ詳細ニ規定セラル外、一九二九年別箇ノ新條約調印セラレタリ、（帝國ハ批准セズ）。

(註) 明治三十八年法律第三十八號俘虜處罰ニ關スル法律、大正三年勅令第百九十二號俘虜情報局官制、明治三十七年達第三十三號海軍俘虜取扱規程等參照。

(3) 俘虜ノ逃走

俘虜ガ逃走シテ、其ノ自國軍ニ達スル前、又ハ敵ノ占領地域脱出前、再ビ捕ヘラレタルモノハ處罰セラル（陸戰條規第八條参照）。然レドモ逃走ヲ遂ゲタル者ハ、後ニ再ビ俘虜ト爲ルモ前ノ逃走ニ對シ何等ノ罰ヲ受クルコトナシ（同第八條第三項参照）。

我海軍刑法ニハ、俘虜ノ逃走等ニ關シ數條ノ規定ヲ設ケアリ（海軍刑法第二十二條第六號及同第十章参照）。

第四 病者及傷者 (The Sick and Wounded)

(戰地軍隊ニ於ケル傷者及病者ノ狀態改善ニ關スル條約 (赤十字條約關係) 參照)。

(1) 傷病者ノ保護 (條約第一章参照)

(1) 軍人及公ニ軍隊ニ屬スル其ノ他ノ人員ニシテ負傷シ又ハ疾病ニ罹リタルモノハ、如何ナル場合ニ於テモ尊重且保護セラル。右ノ軍人及人員ハ、國籍ノ如何ヲ問ハズ博愛ノ心ヲ以テ待遇セラレ且看護セラル。

(2) 右看護ヲ受クルノ外俘虜ノ待遇ヲ受ク。

(3) 戰闘後占領者ハ傷者、死體等ヲ搜索保護ス。

戰線間ニ殘留スル傷者收容ノ爲事情ノ許ス限り、其ノ都度局地的休戰又ハ射擊中止ヲ協定ス。

(註) 大戰中故ラニ傷者ノ收容ヲ困難ナラシメタルハ、條約違反ナリトノ非難アリ。（特ニ「フランダード」戰線ニ於テ）

(4) 傷病死者名ノ通報交換及適當ノ埋葬ヲ爲ス。

(5) 住民ノ慈惠心ニ訴フコトヲ得ベク、之ニ應ジタル者ニハ特別ノ保護及便宜ヲ與フルモノトス。

(二) 衛生上ノ部隊及營造物ノ保護 (條約第二章参照)

- (1) 尊重保護セラル。但シ害敵行爲ニ用ヒラレタルトキハ保護ヲ失フ。
- (2) 左ノ事實アルモ右保護ヲ失フモノト看做サルルコトナシ。
- (a) 人員ガ武裝シ、其ノ武器ヲ自己又ハ傷病者防護ノ爲使用スルコト。
 - (b) 武裝看護人在ラザルトキ歩哨又ハ衛兵ヲシテ守衛セシムルコト。
 - (c) 傷病者ヨリ取上ゲタル武器彈薬ガ、未ダ所轄機關ニ引渡サレザルモノ在ルコト。
 - (d) 默醫機關ノ人員及材料ガ部隊又ハ營造物ノ一部分ヲ構成セズシテ其ノ内ニ在ルコト。
- (3) 人員ノ待遇 (條約第三章参照)
- (1) 傷病者ノ收容、輸送及治療ニ從事スル者、並ニ衛生上ノ部隊及營造物ノ事務ニ從事スル者、並ニ軍隊附屬教法者ハ如何ナル場合ニ於テモ尊重且保護セラル。敵手ニ陷ルモ俘虜ト爲ルコトナシ。
- 臨時補助員(特別ニ教育セラレ且認識證明書ヲ有スルコトヲ要ス)モ右ニ準ズ。
- (2) 本國政府ノ適法ニ認可シタル篤志救恤協會ノ人員ハ(1)ニ準ズル取扱ヲ受ク。但シ協會名ヲ實際ニ使用スル前、他ノ締約國ニ通知スルコトヲ要ス。
- (4) 中立國ニ於テ認可セラレタル協會ハ、豫メ本國政府ノ承認ヲ得且交戰者ノ許可ヲ得レバ、
- 其ノ人員及衛生部隊ヲシテ當該交戰者ニ援助ヲ與ヘシムルコトヲ得。(使用ニ先チ敵ニ通告ス)。
- (2) 對手方權内ニ入ルモ抑留セラレズ。反對ノ合意ナキ限り且軍事上差支ナキ限り送還ス。
- 給養、宿舎、手當及給與ハ滯在國軍隊ノ人員ニ對スルト同等トス。
- (3) 建物及材料ノ處置 (條約第四章参照)
- (1) 移動衛生部隊ハ對手方ノ權内ニ陷ルモ、其ノ材料、輸送機關及輸送員ヲ保有ス。(尤モ權限軍憲ハ右ヲ使用スルコトヲ得。必要已ミタルトキハ返還ス)。
- (2) 衛生上ノ固定營造物ハ一般戰爭法規ニ從ヒ處置ス。但シ傷病者ノ爲使用中ハ用途ヲ變更スルコトヲ得ズ。(尤モ指揮官ハ軍事上緊急ヲ要スルトキハ治療中ノ者ノ安全ヲ圖リタル後處分スルコトヲ得)。
- (4) 保護セラルル救恤協會ノ建物(材料)ハ私有財產ト看做サル。微發ハ緊急ノ場合ニ於テ傷病者ノ安全ヲ圖リタル後ニ限リ之ヲ爲スコトヲ得。
- (4) 衛生上ノ輸送機關 (條約第五章参照)
- (1) 一般規定
- (a) 後送ノ爲裝備セラレタル車輛ニシテ單獨ニテ又ハ隊ヲ爲シテ移動スルモノハ左ノ特例ノ

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場合ノ外移動衛生部隊トシテ取扱ハル。

交戦者ハ必要アルトキハ車輛ノ收容シタル傷病者ヲ引取リタル後、車輛ヲ停止シ隊ヲ解クコトヲ得。而シテ車輛ヲ押ヘタル戦區ニ於テ且衛生上ノミニ使用スルコトヲ得。(返還ス)。

(b) 輸送ニ任ジ且正規ノ命令書ヲ有スル軍人軍屬ハ送還ス。

(c) 輪送機關及其ノ裝備材料ハ返還セラル。

(d) 衛生機關ニ屬セザル軍隊ノ輸送機關ハ之ヲ捕獲スルコトヲ得。

(e) 徵發セラレタル普通人及輸送機關ハ國際法ノ一般原則ニ依ル。

(ii) 衛生航空機

(a) 衛生上ノ輸送機關トシテ使用セラル航空機ハ、専ラ傷病者ノ後送、竝ニ衛生人員及衛生材料ノ輸送ニ充テラル間ハ保護ヲ受ク。

(b) 白色ニ塗装ス。下面及上面ニ國色章ノ傍ニ赤十字記章ヲ明示ス。

(c) 特別且明白ナル許可アル場合ヲ除キ、戰線及野戰病院ノ前方ニ存スル地帶、竝ニ一般ニ敵ノ領土又ハ敵ノ占領地ノ上ヲ飛行スルコトヲ得ズ。

(d) 著陸要求ニ必ズ從フヲ要ス。

(iii) 特別記章(條約第六章參照)

(i) 強制ノ著陸、又ハ偶然ノ著陸ノ場合保護ヲ失ハズ。
(f) 捕ヘラレタル操縦者、運航從事者及無電技術者ハ、戰爭終了迄衛生勤務ニノミ使用セラルルコトヲ條件トシテ送還セラル。

(ii) 衛生上ノ輸送機關トシテ使用セラル航空機ハ、専ラ傷病者ノ後送、竝ニ衛生人員及衛生材料ノ輸送ニ充テラル間ハ保護ヲ受ク。

(iii) 白地ニ赤十字ノ紋章。(又ハ赤十字ノ代リニ白地ニ赤新月若ハ赤ノ獅子及太陽)
(iv) 権限軍事官憲ノ認許ヲ得テ、衛生勤務ニ關係アル旗、臂章及一切ノ材料ニ標章ヲ附ス。
(v) 保護セラルル人員(臨時補助員ヲ除ク)ハ、軍事官憲ヨリ交付シ且其ノ印章ヲ捺押シタル殊別記章ヲ附セル臂章ヲ左腕ニ装着スルヲ要ス。

(iv) 認識證明書

(a) 交戦國軍人軍屬タル衛生員(臨時補助員ヲ含ム)、ハ認識證明書ヲ付與セラル。
(b) 篤志救恤協會員ニシテ軍服ヲ有セザルモノニハ、資格ヲ證明スル寫真附認識證明書ヲ所持セシムルヲ要ス。

(c) 認識證明書ハ各軍ニ於テ劃一ニス。

(d) 如何ナル場合ニ於テモ徽章又ハ認識證明書ヲ奪ハルルコトナシ。

(e) 殊別旗ハ保護セラルベキ部隊及營造物ニシテ軍事官憲ノ認許ヲ受ケタルモノニ限り之ヲ掲

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揚スルコトヲ得。

(b) 固定營造物ニハ右殊別旗ト共ニ當該交戰國ノ國旗ヲ掲揚ス。(移動部隊ニ於テハ當該部隊所屬國ノ國旗ヲ併用スルコトヲ得)。

敵ノ權内ニ陷リタル部隊ハ、其ノ間殊別旗ノミヲ掲グ。

(b) 一切ノ攻撃的行動ヲ免ルル目的ヲ以テ、衛生上ヲ部隊及營造物ヲ表示スル殊別標章ヲ陸上、空中及海上ノ敵軍ニ明瞭ニ認識セシムル爲、軍事上ノ要求ノ許ス限り必要ナル措置ヲ執ルコトヲ要ス。

(註) 大戰中英佛側ハ獨國航空機ガ夜間襲擊スル爲、折角ノ標章ヲ視認セザルヲ遺憾トシタリ。

夜間標章ヲ明瞭ナラシムルコトハ、軍事ノ要求之ヲ許サザル場合多カルベシ。

夜間標章ヲ明瞭ナラシムル裝置ナケレバ、之ヲ損傷スルモノ已ムヲ得ザル所ニシテ條約違反トハ謂ヒ難シ、但シ晝間ノ航行其ノ他ノ事情ニ依リ保護物ノ存在ヲ了知シナガラ、故意ニ之ニ損害ヲ與フルコトハ條約ノ趣旨ニ反スルモノト謂フベシ。

(b) 中立國ノ篤志救恤協會ニ屬スル衛生部隊ハ、殊別旗ト共ニ其ノ屬スル交戰者ノ國旗ヲ掲揚スルヲ要ス。

右部隊ハ交戰者ニ任務ヲ提供スル間、自國々旗ヲ掲揚スルコトヲ得。

殊別標章表示ニ付テハトト同ジ。

(b) 條約ノ遵守(條約第七章参照)

(1) 本條約ノ規定ハ如何ナル場合ニ於テモ締約國ニ依リ尊重セラルベク、戰時ニ於テ交戰者ノ一ガ

條約ノ當事者タラザル場合ト雖モ、條約ニ參加セル凡テノ交戰者ノ間ニ拘束力ヲ有ス。

- (2) 陸戰條規ニ於テ、一般ニ禁止セラルル害敵手段左ノ如シ。
- (1) 毒又ハ毒ヲ施シタル兵器ヲ使用スルコト。
 - (註) 化學戰摘要參照

第五 害敵手段、攻圍及砲擊 (The Means of Injuring the Enemy, Sieges and Bombardments.)

(陸戰條規第二十二條乃至第二十八條參照)

(1) 害敵手段(海戰法規綱要第一、甲敵對行爲ノ部(註二) 參照)。(五五頁)

(2) 交戰者ハ、害敵手段ノ選擇ニ付、無制限ノ權利ヲ有スルモノニ非ズ。

(3) 陸戰條規ニ於テ、一般ニ禁止セラルル害敵手段左ノ如シ。

- (2) 敵國又ハ敵軍ニ屬スル者ヲ、背信ノ行爲ヲ以テ殺傷スルコト。

(註) 本件ハ奇計トノ分別困難ナル場合ナキニ非ズ。

要スルニ、信義ニ背キタル方法ヲ以テ、對手方ヲ殺傷スル行爲ニシテ、例セバ救助ヲ要スル傷病者ヲ裝ヒ又ハ降伏ノ意思ヲ表明シ乍ラ、不意ニ立チテ敵對行爲ヲ爲スガ如キハ、明ニ右ニ該當スルモノト謂フベシ。

(3) 兵器ヲ捨テ又ハ自衛ノ手段盡キテ降ヲ乞ヘル敵ヲ殺傷スルコト。

(4) 助命セザルコトヲ宣言スルコト。

(5) 不必要ノ苦痛ヲ與フベキ兵器、投射物其ノ他ノ物質ヲ使用スルコト。

(6) 軍使旗、國旗其ノ他ノ軍用ノ標識、敵ノ制服又ハ「ジエネヴァ」條約ノ特殊徽章ヲ擅ニ使用スルコト。

(7) 戰爭ノ必要上、萬已ムヲ得ザル場合以外ニ於テ、敵ノ財產ヲ破壊シ又ハ押收スルコト。

(8) 對手當事國國民ノ權利及訴權ノ消滅、停止又ハ裁判上不受理ヲ宣言スルコト。

交戰者ハ、又對手當事國ノ國民ヲ強制シテ其ノ本國ニ對スル作戰動作ニ加ラシムルコトヲ得ズ。戰爭開始前其ノ役務ニ服シタル場合ト雖亦同ジ。

○ 攻圍及砲擊（海戰法規綱要第七、海軍力ヲ以テスル都市村落等ノ砲擊ノ部参照）

(1) 攻擊又ハ砲擊シ得ル目的物

防守セラレタル都市、村落、住宅又ハ建物ハ攻擊又ハ砲擊シテ差支ナシ。

(2) 攻擊又ハ砲擊スベカラザル物件

(1) 非防守都市、村落、住宅、建物等。

(2) 非防守都市、村落等内ニ在ル場合ニハ、軍用物件ト雖モ之ヲ攻撃又ハ砲擊ニ依リ破壊スルコトヲ得ズ。即チ軍隊ヲ進入セシメテ欲スル如ク處理スベキモノトス。

(海戰ノ場合ニハ、非防守都市、村落等内ニ在ル場合ト雖モ、軍用物件ハ一定手續ヲ履ミタル上ハ、之ヲ砲擊破壊スルコトヲ得ルモノトス。此ノ差異ハ、海戰ノ場合ニ於テハ軍隊ヲ進入セシムルコトガ困難ナル事情アルニ依リ生ジタルナリ。)

(3) 宗教、技藝、學術、慈善用ノ建物、記念建造物等。

攻圍及砲擊ヲ爲スニ當リテハ、宗教、技藝、學術及慈善ノ用ニ供セラル建物、歷史上ノ記念建造物、病院、竝ニ病者及傷者ノ收容所ハ、同時ニ軍事上ノ目的ニ使用セラレザル限り之ヲシテ成ルベク損害ヲ免レシムル爲、必要ナル一切ノ手段ヲ執ルベキモノトス。被圍者ハ、看易キ特別ノ徽章ヲ以テ右建物又ハ收容所ヲ表示スルノ義務ヲ負フ。右徽章ハ豫メ之ヲ攻圍者ニ通告スベキモノトス。

(4) 攻擊又ハ砲擊開始ノ手續

攻撃軍隊ノ指揮官ハ、強襲ノ場合ヲ除クノ外砲撃ヲ始ムルニ先チ、其ノ旨官憲ニ通告スル爲、施シ得ベキ一切ノ手段ヲ盡スベキモノトス。(「何月何日ヨリ何日迄ノ間ニ非戦闘員ハ危険ヲ避クル爲其ノ場ヲ立去ルベシ」。ト謂フガ如キ方式ヲ用フルヲ例トス)。

(註)

(一) 強襲ハ不意打ヲ爲スコトヲ本旨トスルヲ以テ、豫メ攻撃又ハ砲撃ノ通告ヲ爲サザルモノトス。

(二) 攻囲ノ場合攻囲指揮官ハ非戦闘員ノ攻囲地域外退去ヲ許スコトアルモ、之ハ仁慈ニ基ク恩恵ニ過ギズ。之ヲ許サザルモ差支ナキモノトス。

日露戦争ノ際旅順攻囲軍ガ婦女子又中立國人ヲ、攻撃ニ先チ、退去ヲ許シタルハ一般ニ賞讃セラル所ナリ。

(三) 大戦中獨國軍ガ四圍ノ状況豫告可能ナリシニ拘ラズ、突然攻撃ヲ爲シタリトシテ非難アリタリ。

(二) 掠奪禁止

都市共ノ他ノ地域ハ、突撃ヲ以テ攻取シタル場合ト雖モ、之ヲ掠奪ニ委スルコトヲ得ザルモノトス。

第六 間諜 (Spies.) (陸戦條規第二十九條乃至第三十一條参照)

(第一部海戦法規綱要、第一戰時、(二)敵對行為ノ部(註一)、(四)、(五)、参照)。(六一頁)

第七 軍使 (Flags of Truce.) (海牙陸戦條規第三十二條乃至第三十四條参照)

(一) 軍使 (The Bearer of a Flag, un Parlementaire.)

交戦者ノ一方ノ命ヲ帶ビ、他ノ一方ト交渉スル爲、白旗ヲ掲ゲテ來ル者ハ之ヲ軍使トス。

軍使竝ニ之ニ隨從スル喇叭手、鼓手、旗手及通譯ハ不可侵權ヲ有ス。

(二) 軍使ヲ差向ケラレタル部隊長ノ處置

軍使ヲ差向ケラレタル部隊長ハ、必ズシモ之ヲ受クルノ義務ナキモノトス。

部隊長ハ、軍使ガ軍情ヲ探知スル爲、其ノ使命ヲ利用スルヲ妨グニ必要ナル一切ノ手段ヲ執ルコトヲ得。

濫用アリタル場合ニ於テハ、部隊長ハ一時軍使ヲ抑留スルコトヲ得。

(註) 差向ケラレタル軍使ヲ授受スルヤ否ヤハ、部隊長ノ自由ナルモ、豫メ軍使ノ接受拒否ヲ宣言スルコトハ慣行ニ戾ルモノト認メラル。

(2) 軍使力不可侵權ヲ喪フ場合

軍使ガ背信ノ行爲ヲ敷唆シ、又ハ自ラ之ヲ行フ爲、其ノ特權アル地位ヲ利用シタルノ證明確ナルトキハ、其ノ不可侵權ヲ失フ。

(註) 特權ヲ利用シテ、接受軍隊ノ不利益ヲ圖ラントスルガ如キ各種ノ行爲ハ、凡テ禁止セラルベク、之ヲ行ヘバ其ノ特權ヲ喪フニ至ルベシ。
接受ヲ拒絶セラレタル軍使ハ、直ニ退去スルヲ要スルモ、之ガ爲特權ハ之ヲ喪フコトナキモノトス。

第八 降伏規約 (Capitulations.) (陸戰條項第三十五條乃至第四十一條參照)

(第一部海戰法規綱要、第一戰時法規、(2)戰時規約ノ部參照)。(113頁)

第九 休戰 (Armistices.) (陸戰條規第三十六條乃至第四十一條參照)

(第一部海戰法規綱要、第一戰時法規、(2)戰時規約ノ部參照)。(119頁)

第十 敵國ノ領土ニ於ケル、軍ノ權力 (Military Authority over the Territory of the Hostile States.) (陸戰條規第四十二條乃至第五十六條參照)

(1) 占領ノ性質

一地方ガ、事實上、敵國ノ權力内ニ歸シタルトキハ、之ヲ占領セラレタルモノトス (陸戰條規第四十二條第一項參照)。

而シテ、其ノ區域ハ占領軍ガ權力ヲ樹立シ、且之ヲ行使シ得ル範圍ヲ以テ限度トス (同條第二項參照)。

侵入ハ、占領ノ意思ナクシテ行ハルルコトアルヲ以テ、侵入ガ直ニ占領ト爲ルモノニ非ズ。占領ニ依リテ其ノ地域ガ、當然占領國ノ領域ト爲ルモノニ非ズ。即チ征服ト異ル點ナリ。

占領時ニ於ケル、被占領國ノ主權ノ作用ハ、一時停止ノ狀態ニ在ルモノト見ルヲ至當トス。占領軍ノ行フ諸種ノ行爲ハ、單ニ事實上ノモノニ非ズシテ、一定ノ法的效果ヲ有スルモノトス。

(2) 占領地ノ秩序維持 (條約第四十三條參照)

國ノ權力ガ、事實上占領者ノ手ニ移リタル上ハ、占領者ハ絕對的支障ナキ限り、占領地ノ現行

第十 敵國ノ領土ニ於ケル軍ノ權力(占領)

三四二

法律ヲ尊重シテ、成ルベク公共ノ秩序及生活ヲ回復確保スル爲、施シ得ベキ一切ノ手段ヲ盡スベキモノトス。

(註)

(一) 現行法律ノ尊重ト謂フモ、軍ノ安全、占領地秩序維持トハ殆シド關係ナキ又ハ全然無關係ナル教育、衛生、言語、商工業農業等ニ付テモ新法令ヲ實施シタル程度ヲ超エタルモノナリトノ非難アリタリ。

(二) 帝國ハ南洋群島ニ於テハ能フ限り現存法令及舊慣ヲ尊重シタリ。

(三) 占領地人民ノ待遇(條約第四十四條乃至第四十六條参照)

(四) 情報供與強制禁止(帝國ハ留保ス)

交戦者ハ、占領地ノ人民ヲ強制シテ、他方ノ交戦者ノ軍又ハ其ノ防禦手段ニ付情報ヲ供與セシムルコトヲ得ズ。軍隊ノ道案内ヲ命ズルコトハ最モ普通ニ起ルコトナルガ、條約ノ規定ニ依レバ之ヲ強制スルコトハ禁止セラル。

(註) 帝國、獨、露ハ本件ヲ留保ス。第二十三條第二項ニハ「交戦者ハ又對手當事國國民ヲ強制シテ其ノ本國ニ對スル作戰動作ニ加ラシムルコトヲ得

ズ」ト規定シ居リ、本件ハ右規定ト重複スル嫌アルノミナラズ、不當ニ交戦者ノ行動ヲ制肘スル處アリトノ理由ニ依ルモノナリ。

(五) 忠誠ノ誓強制禁止
占領地ノ人民ハ之ヲ強制シテ其ノ敵國ニ對シ忠誠ノ誓ヲ爲サシムルコトヲ得ザルモノナリ。

(六) 生命財産等ノ保護

家ノ名譽及權利、個人ノ生命、私有財產並ニ宗教ノ信仰及其ノ遵行ハ之ヲ尊重スベク、私有財產ハ、之ヲ沒收スルコトヲ得ザルモノトス。

(註)

(一) 陸戦ニ於テハ、私有財產ハ原則トシテ尊重スペキモノト爲シアリ。海戦ノ場合ニ於テ、戦時禁制品、船舶等ニ付私有財產ヲ拿捕沒收シ得ル場合多キトハ、著シキ差異アリ。

(二) 大戦中獨國軍ガ占領地ノ住民ヲ占領地秩序維持ノ爲北部佛國及獨國內ニ移送シタルニ對シ、當該交戦國ハ勿論中立國ヨリモ激烈ナル抗議アリタリ。抗議ノ要旨ハ獨國軍ノ行フ所ハ計畫的ニシテ、勞働者ヲ獨國內ニ送リ、以テ獨國民タル兵役適應者ニ代リ其ノ業務ニ從事セシメ、右兵役適應國民ヲ戰場ニ送ラントスルモノナリ。而シテ移送ノ方法ガ殘忍ナルノミナラズ移送後ノ待遇モ不良ニシテ古ノ戰勝國ガ住民ヲ奴隸ト爲シタルニ近似スト謂フニ在

占領地ノ秩序維持ニ絕對必要ナラバ兎モ角、然ラザル限りハ住民移送ノ如キ手段ハ穩當ノ措置トハ謂ヒ難シ。

リタリ。

掠奪禁止(條約第四十七條参照)

(a) 租稅、賦課金、取立金等ノ制限(條約第四十八條、同第四十九條)

(i) 占領者ガ、占領地ニ於テ被占領國ノ爲ニ定メラレタル租稅、賦課金及通過稅ヲ徵收スルトキハ、成ルベク現行ノ賦課規則ニ依リ之ヲ徵收スペキモノトス。

此ノ場合ニ於テハ、占領者ハ被占領國ノ政府ガ、從來支辨シタル程度ニ於テ、占領地ノ行政費ヲ支辨スルノ義務アルモノトス。

(ii) 占領者ガ、占領地ニ於テ(1)ニ掲ゲタル稅金以外ノ取立金ヲ命ズルハ、軍又ハ占領地行政上ノ需要ニ應ズル爲ニスル場合ニ限ルモノトス。

連坐罰ノ禁止(條約第五十條参照)

人民ニ對シテハ連帶ノ責アリト認ムベカラザル個人ノ行爲ノ爲、金錢上其ノ他ノ連坐罰ヲ科スルコトヲ得ザルモノトス、但シ從來或ル程度此ノ方法採用セラレタルガ如シ。

(陸)

(1) 正規軍隊ニ屬スル者ノ行爲ニ對シテハ人民ガ責ヲ負フベカラザルコト勿論

ナリ。

(2) 如何ナル場合ニ人民ガ連帶ノ責アリト認ムベキヤヲ定ムルハ困難ナル問題ナルガ、數名ノ者ノ行爲ノ結果ヲ全然無關係ノ多數ノ部落民ニ負擔セシムル

コトハ正當トハ謂ヒ難シ。部落官憲ガ相當ノ注意ヲ以テ又相當ノ努力ヲ以テ防止ニ努ムルニ拘ラス行ハレタル行爲ニ對シテハ、右部落民ハ責ヲ負フベキモノニ非ズト解セザルベカラズ。然レドモ絕對ノ必要アル場合ニハ住民ヲ脅威セシムルガ如キ方法ヲ採ルコト已ムヲ得ザル場合ナキヲ保セズ。

(3) 大戰中白、佛國ノ被占領地ニ於テ電話線、橋梁、鐵道ノ破壞、揭示ノ毀損、「ガラス」片ノ道路上散布、國旗ノ汚損等ヲ理由トシテ當該町村等ニ多額ノ罰金ヲ課シタルガ、其ノ多クハ數名ノ者ノ單獨ノ行爲ニ過ギザリシト謂ハル。

(4) 金錢上ノ重課ハ人民ノ戰意ヲ喪失セシムル良方法ナリトノ觀念アレドモ、斯ル目的ヲ以テ連坐罰ヲ課スルコトハ、刑法ノ原則ヨリ見ルモ、又國際法ノ原則ヨリ見ルモ適法ニ非ズ。

(5) 日清、日露戰爭ノ際、清國人ノ特僻ニモ鑑ミ、我軍ハ里閭連座(罰金)ノ事ヲ以テ警告シタリ。尤モ連坐罰ヲ實行シタル例ナシ。

露國軍ハ連坐罰ヲ慣用シタルガ如ク、所在到ル處ニ支那文ヲ以テ「電信ノ切斷アリタル場合ニハ附近五十清里(約三十三キロメートル)以内ノ住民ノ家屋ヲ燒拂ヒ又ハ殺戮スル旨ヲ告示シタリ。

第十 敵國ノ領土ニ於ケル軍ノ權力(取立金)

三四六

尙日露戰爭ノ際、我軍ハ告發者裏實ヲ實行シタルガ其ノ成績見ルベキモノアリタリ。

滿洲軍總司令部ハ左ノ規則ヲ設ケ、東清鐵道ノ沿道ニ之ヲ貼出サシメタリ。

大日本帝國滿洲軍總司令官元帥陸軍大將侯爵大山

割切曉諭ニ事照得、茲改修鐵道、閉通火車、專辦接濟軍需糧等項。沿道

各村居民人等、必須遵守左開條規爲要。

一、毀損鐵路、或企圖毀損者、不論首從、均行死刑。

二、不論何事、敢行妨礙火車行走者、竝企圖妨碍者、一律死刑。

三、各村居民、會同公議、以定各村各條地界、嚴守爲要。

四、各村保界內鐵路、週有巡查出損壞處所、必須火速稟報。

五、監守失宜、被入損壞、各該村民是間、徵收該村年稅全額、以充罪款。

六、各村民人如有拿捕犯人者、必行重賞。

以上所開各條、嚴行不貸。本司令特念無知小民誤得大罪、先行諭飭沿

道居民人等、一體周知。則不貽悞。切々毋違。特示。

右諭通知

(4) 取立金 (Contribution) (陸戰條規第四十九條、第五十一條參照)

(1) 占領者ガ、占領地ニ於テ稅金賦課金以外ノ取立金ヲ命ズルハ、軍又ハ占領地行政上ノ需要ニ應ズル爲ニスル場合ニ限ルモノトス。

(b) 取立金ハ、總テ總指揮官ノ命令書ニ依リ、且其ノ責任ヲ以テスルニ非ザレバ、之ヲ徵收スルコトヲ得ズ。

取立金ハ成ルベク現行ノ租稅賦課規則ニ依リ、之ヲ徵收スベキモノトス。
一切ノ取立金ニ對シテハ、納付者ニ領收證ヲ交付スルヲ要ス。

(註)

(1) 取立金ヲ許スハ、私有財產尊重ノ例外ト見ルヲ得ベシ。尤モ各個人ニ對シテハ之ヲ爲サズ、府、縣、州、市、町、村等ノ團體ニ對シテ爲スヲ慣例トス。

(大戰中獨國ハ白耳義政府ニ對シ取立金ヲ命ジタルモ異例ナリトス。)

(2) 軍又ハ占領地行政上ノ需要ニ應ズル場合ニ限ルモノトス。如何ナルモノヲ以テ軍ノ需用ト謂フベキカハ、甚ダ不明瞭ナルガ少クトモ占領軍政府財源ヲ潤澤ナラシメ又ハ占領地ヲ荒廢セシムル目的ヲ以テスルガ如キコトハ、茲ニ軍ノ需用ト謂フ内ニハ入ラザルベシ。罰金ノ意味ヲ以テ取立金ヲ爲スコトモ正當ニ非ズ。

結局取立金ハ主トシテ微發ノ費用ニ充ツル目的ヲ以テスルモノト觀念スルヲ適當ナリトス。

(3) 取立金ノ額ハ市町村等ノ資力ニ應ズル程度ニ於テ定ムベキモノトス。

第十 敵國ノ領土ニ於ケル軍ノ權力(徵發)

三四八

地以外ノ占領地ニ於テスルハ正當ナリヤ否ヤ疑問ナリトノ意見アリ。
(獨國軍ノ白國ニ課シタル取立金ハ總額十五億「フラン」以上ト謂ハル。)

(A) 徵發 (Requisition.) (陸戰條規第五十二條參照)

(1) 徵發ノ目的

現品徵發及課役ハ、占領軍自體ノ需要ノ爲ニスルニ非ザレバ市區町村又ハ住民ニ對シテ之ヲ要求スルコトヲ得ザルモノトス。

(2) 程度

徵發及課役ハ、地方ノ資力ニ相應シ、且人民ヲシテ其ノ本國ニ對スル作戰動作ニ加ルノ義務ヲ負ハシメザル性質ノモノタルコトヲ要ス。

(註)

(1) 茲ニ作戰動作ト言フハ、戰場又ハ其ノ附近ニ於ケル攻擊防禦作業ト解スルヲ穩當トス。

(2) 大戰中獨國軍ハ多量ノ家畜穀物等ヲ徵發シタルガ、(或ル白國一小村ハ殆んど飢餓ニ類シタリト傳ヘラル)、之等徵發物品ヲ占領軍隊ノ需用ニ充テズ本國ニ輸送シタルハ明瞭ナル條約違反ナリトノ抗議アリタリ。
占領地ノ工場ヲ使用スルニ止マラズ、更ニ進シテ工場機械ヲ撤去シ本國ニ輸

(3) 條件

(1) 占領地方ニ於ケル指揮官ノ許可ヲ得ベキコト。

又徵發ガ農具ニ迄及ビタル點ニ付テハ違法ノ甚シキモノナリトノ非難アリタリ。

(2) 現品ノ供給ニ對シテハ、成ルベク即金ニテ支拂ヒ、然ラザレバ領收證ヲ以テ之ヲ證明スベク、且成ルベク速ニ之ニ對スル金額ノ支拂ヲ履行スベキコト。

(註) 速ニ金額ノ支拂ヲ履行スルノ點ハ、大戰中行ハルコトナク、實際上講和條約中ニ於テ處理セラルコトト爲リタリ。

(4) 押收 (Seizure) 没收 (Confiscation.) 使用、破壊等

(1) 原則

戰爭ノ必要上、萬已ムヲ得ザル場合ノ外、敵ノ財產ヲ破壊シ又ハ押收スルコトハ禁止セラル
(陸戰條規第二十三條第一項ト參照)。

(2) 國有財產

一地方ヲ占領シタル軍ハ、國ノ所有ニ屬スル現金、基金及有價證券、貯藏兵器、輸送材料、

第十 敵國ノ領土ニ於ケル軍ノ權力(國有財產)

三五〇

在庫品及糧秣其ノ他總テ作戰動作ニ供スルコトヲ得ベキ國有動產ノ外、之ヲ押收スルコトヲ得ザルモノトス(陸戰條規第五十三條第一項參照)。

(2) 不動產

占領國ハ敵國ニ屬シ、且占領地ニ在ル公共建物、不動產、森林及農場ニ付テハ、其ノ管理者及用益權者タルニ過ギザルモノナリト考慮シ、右財產ノ基本ヲ保護シ、且用益權ノ法則ニ依リテ之ヲ管理スペキモノトス(陸戰條規第五十五條參照)。

(註) 用益權ハ他人ノ所有物ヲ使用收益スル權利ナリ。從テ權利者ハ其ノ目的ノ範圍内ニ於テ權利ヲ行使スペク、其ノ目的物自體ヲ處分スルコトナク、善良ナル管理者ノ注意ヲ以テ、保存スルコトヲ要スルモノトス。從テ森林ヲ伐採スルニ付テモ自ラ一定ノ程度アルモノトス(大戰中杭木枕木用トシテ占領地森林ヲ伐採シ盡シタル例アリ)。

(3) 宗教、學術、技藝等ノ用ニ供セラル財產ノ保護。

市區町村ノ財產、並ニ國ニ屬スルモノト雖モ宗教、慈善、教育、技藝及學術ノ用ニ供セラル建設物ハ私有財產ト同様ニ之ヲ取扱ヒ、軍用ニ供セラレザル限りハ之ヲ保護スペキモノトス。

右ノ如キ建設物、歷史上ノ記念建造物、技藝及學術上ノ製作品ヲ故意ニ押收、破壞又ハ毀

(4) 損失コトハ總テ禁ゼラレ、且訴追セラルベキモノトス(陸戰條規第五十六條參照)。

(5) 私有財產

(1) 私有財產ハ、原則トシテ尊重セラレ、沒收ヲ免ルベキモノトス(陸戰條規第四十六條參照)。

戰鬪ニ際シ、損害ヲ受ケ、又戰爭上萬已ムヲ得ザル場合ニ破壞又ハ押收セラルコトアルハ免レザル所ナルモ、國有財產ノ如ク沒收シ又ハ占領軍ノ手ニ收メテ使用收益スルコトヲ得ザルモノトス。

(註) 大戰中農具ヲ押收シ、私人ノ森林ヲ伐採シ又ハ國有ニ非ザル銀行ヨリ證券金銀ヲ押收シタル例アルモ、之ハ法規ニ背ク方法ト謂フベキナリ。

(2) 報導、輸送機關兵器等

海上法ニ依リ支配セラル場合ヲ除クノ外、陸上、海上及空中ニ於テ報道ノ傳送又ハ人若ハ物ノ輸送ノ用ニ供セラル一切ノ機關、貯藏兵器其ノ他各種ノ軍需品ハ私人ニ屬スルモノト雖モ、之ヲ押收スルコトヲ得。但シ平和克服ニ至リ之ヲ還付シ且之カ賠償ヲ決定スペキモノトス(陸戰條規第五十三條第二項參照)。

(註) 白國政府ハ獨國軍ノ行爲ニ對シ、右諸物件ガ還付及賠償ノ條件ノ下ニ押收

セラルルバ曰ムヲ得ザル所ナルモ、計畫的ニ破壊シ又ハ輸出スル如キコトハ規定ニ背クモノナリトノ抗議ヲ爲シタリ。

白國內ノ鐵道ヲ破壊シ又ハ撤收シテ他ニ轉用シタル件ニ付テモ右ト同様ノ抗議アリタリ。

元來右諸物件ハ占領軍ニ於テ使用スルコトヲ許容シタルモノト解セラルルヲ以テ、之ヲ破壊シ又ハ他國ニ輸出スルガ如キコトハ適當ノ措置トハ謂ヒ難キニ似タリ。(尤モ軍事上絕對ノ必要アルトキハ右措置ニ出ヅルコト已ムヲ得ザルベシ。)

(3) 海底電線

占領地ト中立地トヲ連絡スル海底電線ハ、絕對的ノ必要アル場合ニ非ザレバ之ヲ押收シ又ハ破壊スルコトヲ得ズ。右電線ハ平和克服ニ至リ之ヲ還付シ且之ガ賠償ヲ決定スペキモノトス(陸戰條規第五十四條参照)。

(註) 海底電線ノ所有者ノ如何ヲ問ハザルモノトス。尙本件ニ付テハ第一部海戰法規綱要、第十海底電線ノ部參照ノコト。

第七部 陸戰ノ場合ニ於ケル中立國及中立人ノ權利義務摘要

第七部 陸戦ノ場合ニ於ケル中立國及中立人ノ権利義務摘要

第一 概 説

本件ニ付テハ、明治四十五年條約第五號陸戦ノ場合ニ於ケル中立國及中立人ノ権利義務ニ關スル（海牙）條約アリ。

右條約ハ、陸戦ニ關スルモノナレドモ、戰時ニ於ケル中立者ノ一般権利義務ヲ規定シタル點アリ。以下主要ナル部分ヲ摘記ス。

第二 中立國領土ノ不可侵

（陸戦ノ場合ニ於ケル中立國及中立人ノ権利義務ニ關スル條約第一條參照）。

（註） 海戦ノ場合ニ於ケル中立國ノ権利義務綱要第二、第三參照

第三 軍隊、軍需品等ノ中立國領土通過禁止

（條約第二條參照）。

交戦者ハ、軍隊又ハ彈薬若ハ軍需品ノ輜重ヲシテ、中立國ノ領土ヲ通過セシムルコトヲ得ザルモノトス。(往時ハ單純ノ通過ハ禁止セラレザル慣例ナリシモ、現今ニ於テハ一般ニ禁止セラル。)右勵行ハ、同時ニ中立國ノ義務タルベキモノナリ。

(註)

(一) 大戰中一九一五年英佛軍隊ハ「セルビア」ヲ援助スル爲、中立國タル「ギリシャ」領「サロニカ」ニ上陸シタリ。之ニ對シ「ギリシャ」政府ハ右ハ中立違反ナリトシテ英佛國政府ニ抗議シタルガ、軍隊ノ上陸ヲ阻止スルコトナカリキ。當時「ギリシャ」ハ「セルビア」ト攻守同盟ヲ締結シ居リ。而シテ英佛軍隊ハ「セルビア」ヲ援助スル爲「サロニカ」ニ上陸シタルモノナレバ、其ノ間複雜ナル事情存シ簡單ナル論斷ヲ許サザルモ、兎ニ角英佛ノ行動ハ條約第二條違反タルコトハ拒ミ離キニ似タリ。

(二) 獨國ノ白耳義國占領

大戰中獨國ガ永世中立國タル白國ヲ占領シタルハ、管ニ右ニ關スル條約違反タルノミナラズ海牙中立條約違反ナリトセラル。獨國ハ自衛上ノ必要ニ基クコト、永世中立條約締結當時トハ狀況ノ變化アリシコト等ヲ以テ自己ノ行動ヲ辯護シタルモ、一般ニ當時ニ於テ自衛上ノ絶對必要アリシモノトハ認メラレズ、要スルニ軍事上有利ナル地位ヲ獲得センガ爲ニ行ハレタルモノニシテ重大ナル中立權ノ侵害ナリトセラル。(ルクサン

ブルグ」占領モ略同様ノ行動ナリトセラル。)

(三) 帝國ノ青島攻略

帝國ガ青島攻略ノ爲支那領土タル龍山其ノ他ニ軍隊ヲ上陸セシメタルハ、中立違反ナリトノ說アリ。

然レドモ青島ハ究極ニ於テ支那ニ還付セラルベキ旨ヲ聲明シ、支那モ事實上我軍ノ行動ヲ承認シタルモノト見ルコトヲ得ベキヲ以テ、獨國ノ白國占領トハ同日ニ論ズベカラザルモノト認ム。(支那國ハ青島附近三十哩ヲ以テ戰爭區域タルベキコトヲ認メタリ。)

(四) 大戰中、英國政府ハ蘭國領域ヲ通ジテ各種軍需品ガ獨國ニ入ルヲ許容スルハ中立義務ニ反スルモノナリトシテ抗議シタルガ、蘭國政府ハ一般人ノ手ヲ經テ軍需品ガ輸送セラル場合ニ蘭國ノ領域ヲ通過スルモ之ヲ禁止スルノ義務ナシト回答セリ。尤モ獨國政府ノ徵發ニ係ル物件ノ通過ハ之ヲ禁止シタリ。

第四 通信ニ關スル取締

(一) 一般

(1) 交戦國ノ無線通信經營方法

戰時無線通信ノ經營ハ、成ルベク他ノ無線通信局ノ業務ヲ妨害セザル様ニ行フモノトス。尤モ、對手交戰國ノ無線通信局ニ對シテハ、右ニ依ルベカラザルコト勿論ナリ。

(四) 取締

交戰國及中立國ハ、戰時ニ於テモ平時ト同様、其ノ管轄内ニ於ケル無線通信局ノ運用ヲ取締リ又ハ禁止スルコトヲ得ルモノトス。

(二) 通信機關ヲ中立國領土内ニ設置シ、又ハ之ヲ使用スルコトノ禁止（條約第三條參照）。

交戰者ハ、左ノ事項ヲ爲スコトヲ得ザルモノトス。

(一) 通信機關ヲ中立國領土内ニ設置シ、又ハ之ヲ使用スルコトノ禁止（條約第三條參照）。

交戰者ハ、左ノ事項ヲ爲スコトヲ得ザルモノトス。

(一) 無線電信局、又ハ陸上若ハ海上ニ於ケル交戰國兵力トノ通信ノ用ニ供スペキ、一切ノ機械ヲ中立國ノ領土ニ設置スルコト。

(一) 交戰者ガ戰爭前ニ全然軍事上ノ目的ヲ以テ、中立國ノ領土ニ設置シタル此ノ種ノ設備ニシテ公衆通信ノ用ニ供セラレザルモノヲ利用スルコト。

(註) 日露戰爭ノ際、露國ハ旅順ヨリノ發信ヲ受クル爲、芝罘附近ノ支那領土内ニ受信機ヲ設置シテ、旅順ト本國トノ通信連絡ヲ圖リタルガ右ハ中立違反タルベキモノナリ。

中立國ハ、其ノ領土ニ於テ、右ニ掲グル一切ノ行爲ヲ寬容スベカラザルモノトス（條約第五條參照）。

(五) 一九二二年十二月海牙ニ於テ作製シタル、戰時無線通信取締規則案第三條

ニハ、左ノ如ク規定ス。右ト同趣旨ナリ。

交戰國又ハ其ノ代理人ガ中立國管轄内ニ於テ無線通信局ヲ設置シ又ハ之ヲ運用スルハ右通信局ノ設置又ハ運用ヲ許可スル中立國側ニ於ケルト均シク該交戰國側ニ於テモ中立違反ヲ構成ス。

(四) 交戰者ノ爲ニスル、通信機關ノ一般使用ハ、禁止スルヲ要セズ（條約第八條參照）。

(一) 中立國ハ、其ノ所有ニ屬スルト會社又ハ個人ノ所有ニ屬スルトヲ問ハズ、交戰者ノ爲ニ、電信若ハ電話ノ線條又ハ無線電信機ヲ使用スルコトヲ、禁止シ又ハ制限スルヲ要セザルモノトス。

(註) 特ニ軍用ノ目的ニ使用セラレザル限りハ、交戰者ガ中立國內ノ通信機關ヲ使用スルモ、之ヲ禁止スルヲ要セザルノ義ナリ。戰時無線通信規則案第四條第一項ニハ左ノ如ク規定ス。

中立國ハ軍又ハ軍事行動ニ關スル情報ニシテ交戰者ニ仕向ケラレタルモノノ傳送ヲ防止スルニ必要ナル程度以外並ニ第五條ノ規定（交戰國ノ移動通信局ノ使用禁止）以外ニハ其ノ管轄内ニ在ル無線通信局ノ使用ヲ制限シ又ハ禁止スルヲ要セザルモノトス。

(a) 中立國ハ、禁止制限スルノ義務ナキモ、若シ自發的ニ禁制ヲ爲ス場合ニハ、兩交戦者ニ均シク適用スベキモノトス（條約第九條参照）。

而シテ中立國ハ電信若ハ電話ノ線條又ハ無線電信機ノ所有者タル、會社又ハ個人ヲシテ右ノ義務ヲ履行セシムル様監視スベキモノトス。

（b）交戦國移動無線通信局ノ使用禁止

交戦國移動無線通信局ハ、中立國ノ管轄内ニ於テハ、其ノ無線通信機ノ一切ノ使用ヲ止ムベキモノトス。

（註）大戰中、各中立國共交戦國船舶ガ、其ノ領水内ニ於テ無線通信機ヲ使用スルコトヲ禁止シタリ。

無線電信法第五條ニ依レバ、遞信大臣ノ特許ヲ得テ設ケタルモノノ外、外國船船ニ裝置シタル無線通信機ハ、海難又ハ通信官署ト連絡ノ爲ノ通信以外ノ爲ニスル使用ヲ禁止セラル。

第五 戰闘部隊編成、徵募事務所開設禁止

(a) 何人タルヲ問ハズ、交戦者ノ爲、中立國ノ領土ニ於テ戰闘部隊ヲ編成シ又ハ徵募事務所ヲ開

設スルコトヲ得ズ（條約第四條参照）。

（註）

（a）戰闘部隊（遠征隊）ト謂フハ、指揮官ノ下ニ一定組織ヲ有スル團隊ニシテ、一方交戦者ニ對シテ敵對行爲ヲ行ハントスルモノヲ指ス。

出發當時、兵器ヲ携帶セズトモ戰闘部隊ト看做サルベキモノトス。右組織ヲ中立國領土外ニ於テ完成スルノ日途ヲ以テ、個々ニ出發スル場合之ヲ如何ニ取扱フベキヤニ付テハ一定ノ慣例ヲ存セズ。

（b）召集ヲ受ケタル交戦國兵役義務者ガ、領事等ノ手ヲ經テ歸國スルハ、徵募事務ト認メラルコトナシ。

（c）中立國ハ、交戦者一方ノ勤務ニ服スル爲、個人ガ簡々ニ其ノ國境ヲ通過スルノ事實ニ付、其ノ責ニ任ゼズ。即チ各箇人ガ任意ニ中立國ヲ出發シ、交戦國ノ軍務ニ從事セントスル場合ニ、之ヲ禁遏スルノ義務ナキモノトス（條約第六條参照）。

尤モ、中立國ガ自發的ニ、之ガ出發ヲ防止スルハ、交戦國双方ニ對シ公平ニ行フ限りハ自由タルベキナリ。

（註）自國民ガ、交戦國ノ兵籍ニ編入セラルコトヲ禁止スルヲ例トス。

第六 軍用材料ノ輸出通過自由 (條約第七條參照)。

中立國ハ、交戦者ノ一方又ハ他方ノ爲ニスル、兵器、彈薬其ノ他軍隊又ハ艦隊ノ用ニ供シ得ベキ一切ノ物件ノ輸出又ハ通過ヲ、防止スルヲ要セザルモノトス。

右ハ、各箇人ガ一般商取引トシテ爲ス場合ニシテ、政府自身ガ之ヲ爲スコトハ禁止セラルベキモノナリ。

(註) 海戦ノ場合ニ於ケル中立國ノ權利義務綱要第六參照。

第七 公債應募、需品ノ供給自由 (條約第十八條參照)

(一) 交戦者ノ一方ニ供給ヲ爲シ又ハ其ノ公債ニ應ズルコトハ、中立違反ト爲ルコトナシ。

中立國ハ、其ノ領域内ニ於テ何人ガ之ヲ行フヲ問ハズ、公然一方交戦國ノ公債募集ニ應ジ又ハ需品供給ヲ爲スコトヲ、防止スルノ義務ナキモノトス。又應募者供給者ハ、中立人タル地位ヲ喪フコトナシ。

(註)

(一) 日露戰爭ノ際、帝國ハ「ロンドン」及「ニューヨーク」ニ於テ、露國ハ「パリ」及「ベルリン」ニ於テ、公債ヲ募集シタリ。

但シ、之ヲ許スコトハ、結局交戦國ヲ援助シ、戰争ヲ容易ナラシムルモノナルヲ以テ、之ヲ禁止スルコトヲ中立國ノ義務トスベシトノ所說尠カラズ。

(二) 大戰中米國政府ハ公債應募ヲ禁止セザリシモ、好マシカラズトノ意思ヲ表示シタリ。右ハ公債應募ノ結果、應募國ニ對スル國民ノ同情ヲ誘致シ動モスレバ中立違反行爲ニ出ヅル虞アルコト、金流出ヲ來スコト等ノ顧慮ニ出デタルモノト思ハル。從テ交戦國ガ米國內ノ支拂ニ充ツル爲ノ信用ノ設定ニ對シテハ全ク無關心ノ態度ヲ示シタリ。

(二) 但シ、右ニ對シテハ左ノ制限アリ。

公債應募者又ハ供給者ガ、對手交戦國ノ領土又ハ其ノ占領地ニ住居セズ、且供給品ガ之等地方ヨリ來ラザルコトヲ要ス。

(註) 英國ハ第十八條ヲ留保ス。

第八 中立人 (條約第十六條乃至第十八條參照)。

(一) 戰爭ニ與ラザル國ノ國民ハ、中立人トス。

(註)

(一) 交戦國內ニ居住スル中立國民ト雖モ、中立人タルコト勿論ナリ。

交戦國內ニ居住スル中立國民ニ對シテハ、當該交戦國ハ自國民ニ對スルヨリモ優遇シ、戦争ノ結果ニ依ル國民特殊ノ義務（例へば徵發、課金、軍事ニ關係アル勤務）ヲ負ハシメザルベキモノナリトノ說ナキニ非ザルモ、斯ル優遇ヲ與ヘズ原則トシテ自國民ト同一ニ取扱フベキモノトス。

(二) 英國ハ第十六條ヲ留保ス。中立人ノ地位ヲ重ンズルニ過ギ、殖民地ニ在ル英國籍ヲ有セザル者ニ對シ、役務ヲ課スルニ障害アリトノ理由ニ基クガ如シ。

(二) 中立ヲ主張シ得ザル場合（條約第十七條參照）

左ノ場合ニ於テ中立人ハ、其ノ中立ヲ主張スルコトヲ得ズ。

(イ) 交戦者ニ對シ、敵對行為ヲ爲ストキ。

(ロ) 交戦者ノ利益ト爲ルベキ行為ヲ爲ストキ、殊ニ任意ニ交戦國ノ一方ノ軍ニ入リテ服務スルトキ。

尤モ、右ノ場合ニ於テモ、中立ヲ守ラザリシ中立人ハ同一ノ行為ヲ爲シタル他方交戦國ノ國民ニ比シ、一層嚴ナル取扱ヲ受クルコトナキモノトス。

(三) 中立主張ヲ害セザル場合（條約第十八條參照）。

左ノ事項ハ、(口)ニ所謂交戦者ノ利益ト爲ルベキ行爲ト認メズ。從テ左ノ事項ヲ行フモ、中立人タルコトヲ喪フモノニ非ズ。

- (1) 公債ニ應募シ、又ハ需品ヲ供給スルコト（條約第七参照）。
- (2) 警察又ハ民政ニ關スル勤務ニ服スルコト。

（註）英國ハ、第十七條ヲ留保ス。

第九 中立國內ニ於テ、留置スル交戦者及救護スル傷病者ノ取扱（條約第十一條乃至第十五條參照）。

(1) 中立國領土内ニ入りタル交戦國軍隊

交戦國ノ軍ニ屬スル軍隊ガ、中立國領土ニ入りタルトキハ該中立國ハ、成ルベク戰地ヨリ隔離シテ之ヲ留置ス。

中立國ハ、右軍隊ヲ陣營内ニ監置シ、且城寨又ハ特ニ之ガ爲ニ設備シタル場所ニ幽閉スルコトヲ得。

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交戦國ノ軍ニ屬スル軍隊ガ、中立國領土ニ入りタルトキハ該中立國ハ、成ルベク戰地ヨリ隔離シテ之ヲ留置ス。

中立國ハ、右軍隊ヲ陣營内ニ監置シ、且城寨又ハ特ニ之ガ爲ニ設備シタル場所ニ幽閉スルコトヲ得。

第九 中立國內ニ於テ留置スル交戦者及救護スル傷病者ノ取扱 三六四

許可ナクシテ中立國領土ヲ去ラザルノ宣誓ヲ爲サシメ將校ニ自由ヲ與フルト否トハ、中立國ニ於テ之ヲ決スルコトヲ得。

(二) 納與

特別ノ條約ナキトキハ、中立國ハ其ノ留置シタル人員ニ、糧食被服及人道ニ基ク救助ヲ供與スベキモノトス。

留置ノ爲ニ生ジタル費用ハ、平和克復ニ至リ償却セラルベキモノトス。

(三) 逃入シタル俘虜

逃走シタル俘虜ガ、中立國ニ至ルトキハ、該中立國ハ之ヲ自由ニ任スペク、若シ其ノ領土内ニ滯留スルコトヲ許ストキハ、之ガ居所ヲ指定スルコトヲ得。

中立國ノ領土ニ避退スル交戦國軍隊ノ引率シタル俘虜ニ付テモ、右ト同様ノ取扱ヲ爲スベキモノトス。

(四) 交戦國ノ傷病者

(1) 中立國領土通過

中立國ハ交戦國ノ軍ニ屬スル傷者又ハ病者ガ、其ノ領土ヲ通過スルヲ許ストヲ得。但シ之ヲ輸送スル列車ニハ、戦闘ノ人員及材料ヲ搭載スルコトヲ得ザルモノトス。通過ヲ許ス場合

ニ於テハ、中立國ハ之ガ爲必要ナル、保安及監督ノ處置ヲ執ルベキモノトス。

(2) 委ネラレタル傷病者ノ監守

交戦者ノ一方ガ中立領土内ニ引率シタル、傷者又ハ病者ニシテ對手交戦者ニ屬スペキ者ハ、

再び作戦動作ニ加ルコトヲ得ザル様、該中立國ニ於テ之ヲ監守ス。

右中立國ハ、自己ニ委ネラレタル他方軍隊ノ傷者又ハ病者ニ付テモ、同一ノ義務ヲ有スルモノトス。

第十 鐵道材料（條約第十九條參照）。

(一) 交戦國ノ處置

中立國ノ領土ヨリ來リタル鐵道材料ニシテ、該中立國又ハ私立會社（若ハ個人）ニ屬シ又ハ屬スト認ムベキモノハ、必要已ムヲ得ザル場合（及程度）ニ限り、交戦者ニ於テ之ヲ徵發使用スルコトヲ得。

一般ニ、右材料ハ成ルベク速ニ、之ヲ所屬國ニ送還スペキモノトス。

(二) 中立國ノ處置

中立國モ亦必要ナル場合ニ於テハ、交戦國ノ領土ヨリ來リタル材料ヲ、該交戦國ガ徵發使用シタル程度以内ニ於テ留置使用スルコトヲ得。

(四) 賠償

(イ) ノ場合ニ於テ、賠償ハ使用シタル材料及使用期間ニ應ジテ雙方ニ於テ之ヲ爲スペキモノトス。

(註) 「アルゼンチン」國ハ、第十九條ヲ留保ス。

第十一 中立國權利ノ性質 (條約第十條參照)。

中立國ガ、其ノ中立ノ侵害ヲ防止スル爲、兵力ヲ用フル場合ト雖モ、之ヲ以テ敵對行爲ト認ムルコトヲ得ザルモノトス。

附 錄 (關係條約及法令)

◎附錄內容

〔海戰〕

- (一) 海戰法規
- (二) 海戰法規書式英譯文
- (三) 海戰法規英譯(假譯)
- (四) 海上法要義ニ關スル宣言(巴里宣言)
- (五) 開戦ノ際ニ於ケル敵國商船取扱ニ關スル條約
- (六) 商船ヲ軍艦ニ變更スルコトニ關スル條約
- (七) 自動觸發海底水雷敷設ニ關スル條約
- (八) 戰時海軍力ヲ以テスル砲擊ニ關スル條約
- (九) 海戦ニ於ケル捕獲權制限ニ關スル條約
- (十) 病院船ニ關スル條約
- (十一) 「ジエネヴァ」條約ノ原則ヲ海戦ニ應用スル條約
- (十二) 「ロンドン」海軍條約中海戦ニ關スル規則
- (十三) 海戦ニ關スル倫敦宣言
- (十四) 捕獲審檢令
- (十五) 海軍戰利品取扱規程

〔空戰〕

- (十六) 輕氣球等ヨリ爆製物ノ投下ヲ禁止スル宣言
- (十七) 一九二三年海牙ニ於テ調印シタル空戰法規案

〔化學戰〕

- (十八) 聖比得堡宣言
- (十九) 窒息セシムベキ瓦斯又ハ有毒質ノ瓦斯散布ヲ唯一ノ目的トスル投射物ノ使用ヲ各自ニ禁止スル宣言書
- (二十) 對獨平和條約第百七十一條第一項、第二項
- (二十一) 一九二二年訓印ノ潛水艦及毒瓦斯ニ關スル五國條約(不發效)第五條

- (二十二) 一九二二年訓印ノ兵器取引取締條約附屬ノ窒息性毒性又ハ其ノ他ノ瓦斯及細菌學的戰爭方法ヲ戰爭ニ使用スルコトヲ禁止スル議定書
- (二十三) 國際聯盟・縮準備委員會成條約案第三十九條
- (二十四) 人體内ニ入りテ容易ニ展開シ又ハ局平ト爲ルベキ彈丸ノ使用ヲ各自ニ禁止スル宣言書

(二十五) 陸戰ノ法規慣例ニ關スル條約

(二十六) 戰地軍隊ニ於ケル傷者及病者ノ狀態改善ニ關スル千九百二十九年七月二十七日ノ「ジユネーヴ」

條約(赤十字條約關係)

〔中立〕

(二十七) 海戰ノ場合ニ於ケル中立國ノ權利義務ニ關スル條約

(二十八) 陸戰ノ場合ニ於ケル中立國及中立人ノ權利義務ニ關スル條約

義務ニ關スル條約

〔一般〕

(二十九) 國際紛爭平和的處理條約

(三十) 契約上ノ債務回収ノ爲ニスル兵力使用ノ制限ニ關スル條約

(三十一) 戰爭拋棄ニ關スル條約

(三十二) 萬國平和會議最終決議書

(三十三) 第二回平和會議最終決議書

(三十四) 國際聯盟規約第十條乃至第十七條

(三十五) 開戦ニ關スル條約

(三十六) 一九二三年海牙ニ於テ調印セラレタル戰時

無線通信取締規則案

(三十七) 俘虜處罰ニ關スル法律

(三十八) 俘虜情報局官制

(三十九) 海軍俘虜取扱規定

〔雜件〕

(四十) 大正三年八月十五日帝國ノ對獨最後通牒

(四十一) 毒府一般軍縮會議起草委員會作製ノ化學、燒夷、細菌兵器ニ關スル條約文案

(四十二) 右ニ關スル英國委員條約案

【海戰】

(一) 海戰法規 大正三年十月七日
軍令海第八號朕海戰法規ヲ制定シ之カ施行ヲ命ス(海軍大臣)
關署

海戰法規

第一章 總則

第一條 帝國軍艦ハ戰時ニ於テ本令、其ノ他ノ法令及條約ノ規定ニ依リ海上捕獲、其ノ他ノ敵對行為及戰爭ノ目的ヲ達スルニ必要ナル一切ノ措置ヲ爲スコトヲ得其ノ規定ナキ事項ニ付テハ國際法ノ原則ニ準據スヘシ

第二條 海上捕獲其ノ他ノ敵對行為ハ中立國領水ニ於テハ之ヲ行フコトヲ得ス

第三條 敵ニ於テ戰爭ノ法規及慣例ヲ遵守セス不法行為ヲ行ヒタル場合ニ於テ該加害者カ自己ノ權内ニ在ラス且其ノ損害ニ對シテ未タ救濟ヲ得サルトキハ帝國海軍指揮官ハ重大ナル必要アル場合ニ限り復仇ノ手段ヲ用ウルコトヲ得但シ人道ニ背カズ敵ノ加害行為ノ程度ニ相應スルモノタルコトヲ要ス

第四條 帝國ト協同シテ作戦ニ從事スル國ノ船舶ハ海上捕獲ノ關係ニ付テハ之ヲ帝國船舶ニ準ス

第五條 戰爭ニ關スル國際條約ノ規定ハ交戦國カ悉ク當該條約ノ當事者タルトキニ限り適用セラルヘク

且條約ノ條項ヲ留保ノ上批准又ハ加盟シタル國ハ當該條項ニ拘束セラレサルコトニ注意スルヲ要ス

第六條 敵國ニシテ本令ノ規定ト異ル措置ヲ爲ス場合ニ於テハ海軍大臣ハ本令ノ一部又ハ全部ヲ適用セ

ス必要ニ應シ適宜ノ規定ヲ設クルコトヲ得

第二章 防守セラレサル港、都市、村落、住宅又ハ建物ノ砲擊

第七條 防守セラレサル港、都市、村落、住宅又ハ建物ノ砲擊ニ關シテハ明治四十五年條約第九號戰時
海軍力ヲ以テスル砲擊ニ關スル條約ノ規定ニ依ルヘシ

第八條 前條ノ條約第一條第二項ノ規定ハ之ヲ適用スルノ限ニ在ラス

第三章 敷設水雷ノ使用

第九條 敷設水雷ニ關シテハ明治四十五年條約第八號自動觸發海底水雷ノ敷設ニ關スル條約ノ規定ニ依
ルヘシ

第十條 前條ノ規定ハ該條約ヲ批准又ハ加盟シタル國ニ對スル場合ニ於テノミ之ヲ適用ス

該條約ノ條項ニ付留保ヲ爲シタル國ニ對スル場合ニ於テハ其ノ留保シタル條項ハ之ヲ適用スルノ限ニ

在ラス

第四章 海底電線

第十一條 敵國領土間ヲ連絡スル海底電線ハ中立國領水ヲ除クノ外如何ナル場所ニ於テモ之ヲ切斷シ其
ノ他軍事上必要ノ處分ヲ爲スコトヲ得

軍事上必要ナルトキハ帝國ト敵國トノ領土間ヲ連絡スル海底電線ニ付亦前項ニ同シ

第十二條 敵國ト中立國トノ領土間ヲ連絡スル海底電線又ハ中立國領土ヲ首尾トスルモ敵國ノ領土ヲ通
過スル海底電線ハ絕對的必要アルトキハ中立國領水ヲ除クノ外如何ナル場所ニ於テモ之ヲ切斷シ其ノ
他軍事上必要ナル處分ヲ爲スコトヲ得

第十三條 中立國領土間ヲ連絡スル海底電線ハ之ヲ尊重スヘシ

第十四條 前三條ノ規定ハ海底電線ノ所有者ノ如何ヲ問ハス均シク之ヲ適用ス

第五章 商船ヲ軍艦ニ變更スルコト

第十五條 商船ヲ軍艦ニ變更スルコトニ付テハ明治四十五年條約第七號商船ヲ軍艦ニ變更スルコトニ關
スル條約ノ規定ニ依ルヘシ

第六章 病院船

第十六條 病院船ニ關シテハ明治四十五年條約第十號「ジエネヴァ」條約ノ原則ヲ海戰ニ應用スル條約ノ

規定ニ依ルヘシ

第七章 陸戦ノ場合ニ於ケル法規慣例

第十七條 陸上ニ於テ軍事行爲ヲ爲ス場合ニ於テハ明治四十五年條約第四號陸戦ノ法規慣例ニ關スル條約及同條約附屬書並明治四十一年條約第一號戰地軍隊ニ於ケル傷者及病者ノ状態改善ニ關スル條約ノ規定ニ依ルヘシ

第八章 敵性

第十八條 船舶ノ中立性ヲ有スルヤ又ハ敵性ヲ有スルヤハ其ノ掲揚ノ權利ヲ有スル國旗ニ依リ之ヲ定ム

中立船ニシテ敵國政府ノ特許ヲ得テ敵國カ平時ニ於テ他國船ニ禁止スル航海ニ從事スルモノハ之ヲ敵船ト看做ス

第十九條 敵船内ニ在ル貨物ノ中立性ヲ有スルヤ又ハ敵性ヲ有スルヤハ其ノ所有者ノ國籍ノ中立ナルヤ又ハ敵ナルヤニ依リ之ヲ定ム所有者カ二重ノ國籍ヲ有スル場合ニハ其ノ住所ノ中立國ニ在ルヤ又ハ敵國ニ在ルヤニ依リ之ヲ定ム

第二十條 敵船内ニ在ル貨物ニシテ中立性ヲ有スルコトヲ立證スルヲ得サルトキハ該貨物ハ敵性ヲ有スト推定ス

第二十一條 敵船内ニ在ル貨物ノ敵性ハ戰爭開始後其ノ航海中ニ所有權ノ移轉ヲ行フトモ其ノ到達地ニ著スル迄ハ猶存續スルモノトス

現所有者タル敵人ノ破産シタル場合ニ於テ前所有者タル中立人ニシテ拿捕以前ニ該貨物ニ對シテ合法ノ取戻權ヲ行使シタルトキハ該貨物ハ再ヒ中立性ヲ取得スルモノトス

第九章 船籍移轉

第二十二條 戰爭開始前敵船ヲ中立國籍ニ移轉シタル場合ニ於テハ該移轉ニシテ敵船タル性質ヨリ生スル結果ヲ免レムカ爲行ハレタルモノナルコトヲ立證スル場合ヲ除クノ外之ヲ有效ナリトス船舶ニシテ戰爭開始前六十日以内ニ交戦國ノ國籍ヲ喪失シタル場合ニ於テ該船内ニ移轉證書ヲ有セサルトキハ該移轉ハ無効ナリト推定ス但シ反證ヲ許スモノトス

戰爭開始前三十日以前ニ行ハレタル移轉ニシテ絕對ニ完全ニ及關係國ノ國法ニ遵ヒテ爲サレ且移轉ノ結果該船舶ノ監督及其ノ使用ヨリ生スル利益ニシテ其ノ移轉前ニ於ケル同一人ニ屬セサルニ至リタルトキハ該移轉ハ之ヲ有效ナリト看做ス但シ船舶ニシテ戰爭開始前六十日以内ニ交戦國ノ國籍ヲ喪失シ且船内ニ移轉證書ヲ有セサルトキハ該船舶ノ拿捕ハ損害賠償ノ理由トナルコトナシ

第二十三條 戰爭開始後敵船ヲ中立國籍ニ移轉シタル場合ニ於テハ該移轉ニシテ敵船タル性質ヨリ生スル結果ヲ免レムカ爲行ハレタルモノニ非サルコトヲ立證スル場合ヲ除クノ外之ヲ無効トス

前項ノ規定ニ拘ラス左ニ掲タル場合ニハ移轉ハ無効ナリト看做ス

- 一 移轉ニシテ船舶航行中又ハ其ノ封鎖港内ニ在ル間ニ行ハレタル場合
- 二 移轉ニシテ買戻又ハ返還ノ條件ヲ有スル場合

三 國旗掲揚ノ權利ニ關シ其ノ本國法ニ規定スル條件ヲ遵守セサル場合

第十章 敵 船

第二十四條 敵船ハ之ヲ拿捕スヘシ

第二十五條 專ラ沿岸漁業又ハ地方的小航海ニ用キラル敵船ハ其ノ漁獵具、船具及搭載物ト共ニ捕獲ヲ免除ス

前項ノ免除ハ右船舶カ如何ナル方法ニ依ルヲ問ハス敵對行為ニ加ハルトキヨリ其ノ適用ナキモノトス

第二十六條 艦長ハ必要ニ應シ敵國沿岸ニ於ケル沿岸漁業及地方的小航海ヲ晝夜ヲ問ハス全然之ヲ禁止ス

得若シ帝國陸海軍ノ作戰行動ニ對シ右ノ免除ヲ濫用スルノ處アルトキハ晝夜ヲ問ハス禁止スルコトヲ得

第二十七條 船舶ニシテ前條ノ禁止制限ヲ知リ又ハ知リタルモノト推定シ得ヘキニ拘ラス之ニ違反シタルトキハ敵對行為ニ加ハリタルモノト看做ス

第二十八條 宗教、學術又ハ博愛ノ任務ヲ帶フル敵船ハ專ラ其ノ目的トスル任務ノミニ從事スルコト明ナルトキハ拿捕ヲ免除スヘシ

第二十九條 敵船及其ノ船内ニ在ル敵貨ハ沒收セラルヘキモノトス

第十一章 帝國船舶

第三十條 左ニ掲タル場合ニ於テ帝國船舶ハ敵ト交通スルモノトス

一 敵地又ハ敵ノ陸海軍所在地ニ寄港シ又ハ到達スル目的ヲ以テ航行スルトキ

二 敵地又ハ敵ノ陸海軍所在地ニ寄港スルノ已ムヲ得サルニ至リタルトキ

三 海難ニ遭遇シ他ニ入港シ得ヘキ港ナク敵地ニ寄港スルノ已ムヲ得サルニ至リタルトキ

第三十二條 敵ト交通スル帝國船舶ハ之ヲ拿捕スヘシ但シ未タ開戦ノ事實ヲ知ラサルモノハ此ノ限ニ在ラス

第三十三條 敵ト交通スル帝國船舶ハ沒收セラルヘキモノトス其ノ載貨中船舶所有者、船舶全部ノ備船者又ハ船長ニ屬スル貨物及敵貨亦同シ

第十二章 封鎖

第三十四條 封鎖ハ敵國又ハ敵國占領地ノ港及沿岸ニ限リ之ヲ施行スルモノトス

第三十五條 千八百五十六年巴里宣言ニ準據シ封鎖ハ其ノ有效ナルカ爲ニハ實力ヲ用ウルヲ要ス即チ實際敵岸ニ接到スルコトヲ防止スルニ足ルヘキ充分ノ兵力ヲ以テ之ヲ維持スルコトヲ要ス

第三十六條 封鎖ハ封鎖艦隊ニシテ荒天ノ爲一時其ノ地ヲ離レタル場合ニ於テモ仍其ノ效力ヲ失ハサルモノトス

第三十七條 封鎖ハ各國船舶ニ對シ公平ニ之ヲ適用スルヲ要ス

第三十八條 封鎖ハ其ノ有效ナルカ爲ニハ第三十九條ノ規定ニ依リ之ヲ宣言シ且第四十條及第四十五條ノ規定ニ依リ之ヲ告知スルヲ要ス

第三十九條 帝國政府ニ於テ封鎖ノ宣言ヲ爲ササル場合ニ於テハ艦隊ノ指揮官ハ封鎖ノ宣言ヲ爲スコトヲ得

封鎖ノ宣言ハ書式第一ニ依リ左ノ事項ヲ記載スヘシ

一封鎖開始ノ日及時

二 封鎖地域ノ地理的限界

三 中立船ニ許容スヘキ猶豫期間

第四十條 艦隊ノ指揮官封鎖ノ宣言ヲ爲シタルトキハ直ニ左ノ各號ノ手續ヲ爲スヘシ

一封鎖ノ宣言及封鎖ノ設定ニ關スル一切ノ措置ヲ最モ迅速ナル方法ニ依リ海軍大臣ニ報告スルコト

二 封鎖地域内ノ相當官憲及中立國領事官アルトキハ少クトモ其ノ一名ニ軍使旗ヲ用キテ書式第二ニ依リ封鎖ノ宣言ヲ告知スルコト但シ敵ニ於テ軍使船ヲ拒絶シ其ノ他軍使船ヲ使用スル能ハサル事

情アルトキハ便宜ノ手段ニ依リ成ルヘク之ヲ告知スルコト

第四十一條 封鎖ノ宣言及告知ニ關スル前諸條ノ規定ハ封鎖地域ヲ擴張スル場合又ハ一旦封鎖解除アリタル後更ニ施行スル場合ニ之ヲ適用ス

第四十二條 封鎖ヲ解除シタル場合及封鎖地域ノ限界ニ關シ制限ヲ加ヘタル場合ニ於テハ第四十條ノ規定ニ依リ報告及告知ノ手續ヲ爲スヘシ

第四十三條 封鎖犯トシテ船舶ヲ拿捕スルニハ其ノ現實上又ハ推定上封鎖ノ事實ヲ知ルコトヲ要件トス

第四十四條 船舶ニシテ中立港ノ所屬國ニ對シ封鎖ノ告知アリタル後相當ノ期間ヲ經テ該港ヲ出港シタル場合ニ於テハ右船舶ハ反證アル場合ヲ除クノ外封鎖ノ事實ヲ知リタルモノト推定ス

封鎖地域内ノ當該官憲ニ對シテ封鎖ノ告知アリタル後相當ノ期間ヲ經テ敵地ヲ出港シタル船舶及封鎖宣言ノ公示アリタル後帝國港又ハ同盟國港ヲ出港シタル船舶ハ總テ封鎖ノ事實ヲ知リタルモノト推定ス

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第四十五條 封鎖港ニ接到スル船舶ニシテ封鎖ノ存在ヲ知ラス又ハ知リタルモノト推定スルヲ得サル場合ニ於テハ封鎖艦隊ニ屬スル軍艦ノ指揮官ハ麾下ノ士官ヲシテ該船舶ニ對シテ其ノ告知ヲ爲サシムルヲ要ス

前項ノ告知ハ書式第三ニ依リ之ヲ爲シタル日及時並當時ニ於ケル該船舶ノ地理上ノ位置ヲ明示シテ之ヲ其ノ船舶書類ニ記入スルヲ要ス

第四十六條 封鎖艦隊ハ船舶ノ中立港及中立沿岸ニ接到スルコトヲ遮断スルヲ得ス

第四十七條 封鎖艦隊ノ指揮官ハ外國軍艦ニ對シテ封鎖港内ニ航入シ且更ニ出港スルノ許可ヲ與フルコトヲ得

第四十八條 中立船ハ封鎖艦隊ニ屬スル官憲ニ於テ其ノ海難ニ遭遇シタルコトヲ認定シタル場合ニハ封鎖地域内ニ航入シ且載貨ノ卸下又ハ積載ヲ爲ササルノ條件ヲ以テ更ニ出航スルコトヲ得ス

第四十九條 封鎖ヲ破リテ封鎖地域ヲ出港シ又ハ封鎖地域ニ航入セムコトヲ企ツル船舶ハ其ノ國籍ノ如何ヲ問ハス封鎖犯トシテ總テ之ヲ拿捕スルコトヲ得シ

第五十條 封鎖ヲ破ラムトスル船舶ハ封鎖ノ有效ナルコトヲ確保スルノ任ヲ帶ヘル艦隊ノ行動區域内ニ非サレハ封鎖犯トシテ之ヲ拿捕スルコトヲ得ス

第五十一條 封鎖ヲ破ラムトスル船舶ハ封鎖艦隊所屬ノ軍艦ニ於テ其ノ追蹤ヲ繼續スル間ハ之ヲ拿捕スルコトヲ得既ニ追蹤ヲ止メタル場合及封鎖ヲ解除シタル場合ニハ之カ拿捕ヲ行フコトヲ得ス

第五十二條 船舶ニシテ封鎖艦隊ノ行動區域内ニ入り附近ヲ徘徊スルモノハ其ノ船舶書類ニ示セル到達地ノ如何ニ關セス之ヲ拿捕スルコトヲ得

第五十三條 船舶ニシテ該船舶又ハ其ノ載貨ノ最後ノ到達地ノ如何ニ拘ラス現ニ封鎖セラレサル港ニ向テ航行スル場合ニ於テハ封鎖犯トシテ之ヲ拿捕スルコトヲ得ス

第五十四條 封鎖ヲ破リタル船舶ハ沒收セラルヘキモノトス其ノ載貨亦同シ但シ荷積人ニシテ載貨ヲ積込ミタル當時ニ於テ其ノ封鎖ヲ破ラムトスル意思ヲ有スルコトヲ知ラス又知ルヲ得サリシコトヲ證明スルトキハ此ノ限ニ在ラス

第十三章 戰時禁制品ノ輸送

第五十五條 別段ノ規定ナキ限ハ左ノ各號ニ掲クル材料及物件ハ絶對的戰時禁制品タルヘキモノトス
 一 一切ノ武器(狩獵用武器ヲ含ム)及其ノ組成品タルコト明ナルモノ
 二 一切ノ彈丸、裝藥、彈藥包及其ノ組成品タルコト明ナルモノ
 三 特ニ戰爭用トシテ製造セラレタル火藥及爆發物
 四 砲架、彈藥車、前車、軍用運搬車、野戰鐵冶器及其ノ組成品タルコト明ナルモノ

- 五 軍用タルコト明ナル被服及武裝具
- 六 軍用タルコト明ナル一切ノ馬具
- 七 特ニ軍用トシテ製造セラレタル工兵器材
- 八 戰爭ノ用ニ供スルヲ得ヘキ乗用輶用駄用ノ獸類
- 九 陣營具及其ノ組成品タルコト明ナルモノ
- 十 甲鐵鋸
- 十一 軍艦及戰闘用艇舟竝特ニ上記艦艇ニ限り使用シ得ヘキコト明ナル組成品
- 十二 飛行機、飛行船、氣球其ノ他一切ノ航空機及其ノ組成品タルコト明ナルモノ竝航空機用ニ供セラルモノト認ムヘキ屬具、物件及材料
- 十三 兵器彈藥製造ノ爲又ハ陸海軍用ノ武器及材料ノ製造修理ノ爲専ラ作製セラレタル機械器具
- 第五十六條 別段ノ規定ナキ限ハ左ノ各號ニ掲クル材料及物件ハ條件附戰時禁制品タルヘキモノトス**
- 一 糧食
- 二 獸類ノ飼料用ニ適スル飼秣及穀類
- 三 軍用ニ適スル被服、被服用織物及靴類
- 四 金銀貨幣、地金銀及紙幣
- 五 戰爭ノ用ニ供スルヲ得ヘキ一切ノ車輛及其ノ組成品
- 六 一切ノ船舶及艇舟、浮船渠、船渠ノ部分竝其ノ組成品
- 七 鐵道ノ固定及運轉用材料竝電信、無線電信及電話ノ材料
- 八 燃料及機械潤滑用材料
- 九 特ニ戰爭用トシテ製造セラレタルモノニ非サル火薬及爆發物
- 十 刺アル鐵線及其ノ架設又ハ切斷用ニ供スヘキ機械
- 十一 蹄鐵及蹄鐵用材料
- 十二 輓用及鞍用ノ物件
- 十三 雙眼鏡、望遠鏡、「クロノメートル」及各種ノ航海用具
- 第五十七條 左ノ各號ニ掲クルモノハ前二條ノ規定ニ拘ラス之ヲ戰時禁制品ト爲スコトヲ得ス**
- 一 專ラ病者傷者ノ看護用ニ供スヘキ物件及材料但シ軍事上重大ナル必要アル場合ニ於テハ此等ノ物件及材料ニシテ第五十八條ニ規定スル到達地ヲ有スルトキニ限り賠償ヲ爲スノ義務ヲ負ヒテ之ヲ徵収スルコトヲ得
- 二 船舶ノ自用ニ供スヘキ船内ニ在ル物件及材料竝航行中該船舶ノ乗員及乘客ノ用ニ供スヘキ物件及材料

第五十八條 第五十五條ノ物件及材料ニシテ其ノ敵國ノ領土若ハ占領地又ハ敵國軍隊ニ仕向ケラレタルモノト認ムヘキトキハ其ノ直接ニ輸送セラルルト又ハ轉載若ハ陸路ニ依リ輸送セラルルトヲ問ハス之ヲ戰時禁制品トス

第五十九條 前條ニ規定スル到達地ハ左ニ掲タル場合ニ於テハ明確ニ證明セラレタルモノトス
一 貨物ニシテ敵港ニ陸揚セラレ又ハ其ノ軍隊ニ引渡サルヘキモノナルコトヲ船舶書類ニ記載スルトキ

二 船舶ニシテ敵港ニノミ到達スヘキモノナルトキ又ハ船舶ニシテ船舶書類上貨物ノ陸揚地タル中立港ニ達スル以前ニ於テ敵港ニ寄港シ若ハ敵國軍隊ニ會合スヘキモノナルトキ

第六十條 船舶書類ハ絕對的戰時禁制品ヲ輸送スル船舶ノ航海ニ關スル證據タルヘキモノトス但シ該船舶ニシテ船舶書類ノ記載ニ依リ航行スヘキ航路ヲ明ニ離レタル際ニ帝國軍艦ニ遭遇シ且其ノ航路變更ニ付テ充分ナル理由ヲ辯明スルコト能ハサル場合ハ此ノ限ニ在ラス

第六十一條 第五十六條ノ物件及材料ニシテ其ノ敵國軍隊又ハ行政廳ノ使用ニ仕向ケラレタルモノト認ムヘキトキハ之ヲ戰時禁制品トス但シ行政廳ニ仕向ケラレタル場合ニ於テ此等ノ物件及材料ハ事實上該戰爭ノ爲ニ使用セラルヘキモノニ非サルコトヲ諸般ノ情況ニ依リ立證セラレタルトキハ此ノ限ニ在ラス

前項但書ノ規定ハ第五十六條第四號ニ規定スル物件ノ輸送ニハ之ヲ適用セス

第六十二條 第五十六條ノ物件及材料ハ左ニ掲タル各號ノ一一該當スルトキハ前條ニ規定スル到達地ヲ有スルモノト推定ス

一 敵國官憲ニ仕向ケラレタルトキ

二 敵國ニ在住シ此種ノ物件又ハ材料ヲ敵國政府ニ供給スルコト著名ナル商人ニ仕向ケラレタルトキ

三 敵國政府ノ代理人又ハ敵國政府ノ監督ノ下ニ在ル商人若ハ其ノ他ノ人ニ仕向ケラレタルトキ

四 敵ノ防備アル場所又ハ敵國軍隊ノ策源地若ハ補給地タル其ノ他ノ場所ニ仕向ケラレタルトキ

第六十三條 第五十六條ノ物件及材料ニシテ第六十一條ノ到達地ヲ有スルモノト認ムヘキトキハ之ヲ輸送スル船舶ノ到達地ノ如何ニ拘ラス又ハ該物件及材料ヲ陸揚スル港ノ如何ニ拘ラス之ヲ戰時禁制品トス

船舶書類ハ船舶ノ航海及貨物ノ陸揚場所ニ關スル證據タルヘキモノトス但シ該貨物カ第六十一條ノ到達地ヲ有スルコトヲ認ムヘキ他ノ充分ナル證據アルトキハ此ノ限ニ在ラス

第六十四條 絶對的又ハ條件附戰時禁制品ヲ輸送スル船舶ハ其ノ航海中何時ニテモ公海又ハ交戰國領水内ニ於テ之ヲ拿捕スルコトヲ得該船舶ニシテ其ノ敵タル到達地ニ達スル以前ニ中間港ニ寄港セムトス

ル意思ヲ有スル場合亦同シ

第六十五條 義ニ履行シ且現ニ終了シタル戰時禁制品輸送ノ理由ヲ以テ拿捕ヲ行フコトヲ得ス
第六十六條 戰時禁制品ヲ輸送スル船舶ハ第六十七條及第七十條ノ場合ヲ除クノ外其ノ國籍ノ如何ヲ問
 ハス總テ之ヲ拿捕スヘシ

第六十七條 戰時禁制品ヲ輸送スル船舶ニシテ開戦ノ事實又ハ其ノ載貨ニ對シ適用スヘキ戰時禁制品ノ宣言ヲ知ラスシテ航海中帝國軍艦ニ遭遇シタル場合ニ於テハ該船舶ハ之ヲ抑留スルコトヲ得
 船長ニシテ戰爭ノ開始又ハ戰時禁制品ニ關スル宣言ヲ知リタルモ未タ戰時禁制品ヲ陸揚スルヲ得サリ
 シ場合亦前項ニ同シ

船舶ニシテ中立港ノ所屬國ニ對シ戰爭開始又ハ戰時禁制品ノ宣言ノ通告アリタル後相當ノ期間ヲ經テ
 該港ヲ出港シタルトキハ該船舶ハ交戦狀態又ハ戰時禁制品ノ宣言ヲ知リタルモノト推定ス尙船舶ニシ
 テ戰爭開始後敵港ヲ出港シタルトキ又ハ戰爭開始後若ハ戰時禁制品ノ宣言ノ公示アリタル後帝國港若
 ハ同盟港ヲ出港シタルトキ亦同シ

第六十八條 前條ノ場合ニ於テ船長ハ必要ニ應シ戰時禁制品ヲ押收スルコトヲ得此ノ場合ニ於テハ將來
 賠償ヲ爲スヲ要スヘキヲ以テ船長ハ押收スル戰時禁制品ノ種類、價格、保險料及運賃ニ關シ書式第四ニ
 依リ調書二通ヲ作成シ内一通ヲ船長ニ交付スヘシ

第六十九條 船長第六十七條ノ船舶ヲ抑留セサルトキハ臨檢士官ヲシテ其ノ船舶書類ニ書式第五ニ依リ
 警告ヲ記入セシムヘシ必要ト認ムルトキハ他方ニ航路ヲ變更セシムル等相當ノ措置ヲ爲スコトヲ得

第七十條 戰時禁制品輸送ノ理由ヲ以テ停船ヲ命シタルモ戰時禁制品ノ分量ノ關係上沒收セラルヘキモノニ非サル船舶ニシテ船長ニ於テ帝國軍艦ニ對シ戰時禁制品ノ引渡ヲ爲スコトヲ申出テタルトキハ船長ハ情況ニ應シ其ノ航海ノ續航ヲ許可スルコトヲ得

船長ハ戰時禁制品ノ引渡ヲ受ケタルトキハ之ヲ該船舶ノ船舶書類ニ記入シ且該船長ヲシテ一切ノ必要
 ナル船舶書類ノ認證暦本ヲ提出セシムヘシ

船長ハ引渡ヲ受ケタル戰時禁制品ヲ破壊スルコトヲ得
 スヘシ

第七十一條 戰時禁制品ハ沒收セラルヘキモノトス

第七十二條 戰時禁制品ヲ輸送スル船舶ハ該戰時禁制品ニシテ其ノ價格、重量、容積又ハ運貨上全載貨
 ノ半數以上ニ上ル場合ニ限り沒收セラルヘキモノトス

第七十三條 戰時禁制品ヲ輸送スル船舶ニシテ解放セラルトキハ審檢手續ニ關シ竝審檢中該船舶及其
 ノ載貨ニ關シ當該官憲ニ於テ支拂ヒタル費用ハ該船舶ノ負擔タルヘキモノトス

第七十四條 戰時禁制品ノ所有者ニ屬シ且同一船舶内ニ在ル貨物ハ沒收セラルヘキモノトス

第七十五條 第六十七條ノ場合ニ於テ戰時禁制品ヲ輸送スル船舶及戰時禁制品以外ノ載貨ハ沒收セラルルコトナシ

前項ノ船舶及載貨ニ對シチハ第七十三條ニ規定スル費用ハ免除セラルヘキモノトス

第十四章 軍事的幫助

第七十六條 中立船ニシテ左ニ掲タル場合ニ該當スルトキハ之ヲ拿捕スヘシ

一 船舶ニシテ敵國軍隊ニ編入セラレタル乗客ヲ輸送スル目的ヲ以テ又ハ敵ヲ利スル爲情報ヲ傳達スル目的ヲ以テ特ニ航海スル場合

二 船舶所有者、船舶全部ノ傭船者又ハ船長ニ於テ情ヲ知リテ敵ノ軍隊ノ一部又ハ敵ノ作戰行動ニ對シ航海中直接ノ幫助ヲ與フル一人若ハ數人ヲ輸送スル場合

前項ノ船舶ニ對シテハ一般ニ戰時禁制品輸送ノ爲沒收セラルヘキ中立船ト同一ノ取扱ヲ爲スコトヲ得

第七十七條 前條ノ場合ニ於テハ船舶及船舶所有者ニ屬スル貨物ハ沒收セラルヘキモノトス

第七十八條 第七十六條ノ規定ハ船舶ニシテ海上ニ於テ帝國軍艦ニ遭遇シタル際ニ未タ開戦ノ事實ヲ知ラサルトキ又ハ船長ニ於テ開戦ノ事實ヲ知リタルモ未タ其ノ輸送スル人員ヲ上陸セシムルヲ得サルト

キハ之ヲ適用セス

船舶ニシテ戰爭開始後帝國港、同盟國港若ハ敵港ヲ出港シタルトキ又ハ中立港ノ所屬國ニ對シ戰爭開始ノ通知アリタル後相當ノ期間ヲ經テ該港ヲ出港シタルトキハ該船舶ハ交戰狀態ヲ知リタルモノト推定ス

第七十九條 艦長ハ開戦ノ事實ヲ知ラサル船舶ニ對シテハ臨檢士官ヲシテ其ノ船舶書類ニ書式第五ニ準シ警告ヲ記入セシムヘシ必要ト認ムルトキハ他方ニ航路ヲ變更セシムル等相當ノ措置ヲ爲スコトヲ得

第八十條 中立船ニシテ左ニ掲タル場合ニ該當スルトキハ之ヲ拿捕スヘシ

一 該船舶ニシテ直接ニ戰闘行爲ニ加ハル場合

二 該船舶ニシテ敵國政府ニ於テ該船内ニ乘組マシメタル代理人ノ命令又ハ監督ヲ受クル場合

三 該船舶ニシテ全部敵國政府ノ爲ニ傭入レラレタル場合

四 該船舶ニシテ現ニ且專ラ敵國軍隊ノ輸送又ハ敵ヲ利スル爲情報ノ傳達ニ從事スル場合

前項ノ船舶ニ對シテハ一般ニ敵商船ト同一ノ取扱ヲ爲スコトヲ得

第八十一條 前條ノ場合ニ於テハ船舶及船舶所有者ニ屬スル貨物ハ沒收セラルヘキモノトス

第八十二條 敵國軍隊ニ編入セラレタル一切ノ人員ニシテ中立商船内ニ在ル者ハ該船舶ヲ拿捕スルヲ得

サル場合ト雖之ヲ俘虜ト爲スコトヲ得

第八十三條 前條ノ場合ニ於テハ臨檢士官ハ艦長ノ命ヲ承ケ其ノ人員ノ引渡ヲ船長ニ請求スルコトヲ得

船長引渡ヲ拒絶シタルトキハ臨檢士官ハ該人員ノ收容ニ著手シ乗員之ニ抵抗シタルトキハ該船舶ヲ拿捕スヘシ

第八十四條 前條ノ場合ニ於テハ臨檢士官ハ書式第七ニ依リ引渡ニ付異議ヲ申立テタルトキハ艦長ハ速ニ其ノ要領及之ニ對シテ執リタル措置ヲ海軍大臣ニ報告スヘシ

第八十六條 本章ノ規定ハ帝國船舶及同盟國船舶ニ付之ヲ準用ス

第十五章 無線電信

第八十七條 艦隊又ハ軍艦ノ指揮官ハ作戦行動上必要アルトキハ其ノ作戦區域内ニ於ケル無線電信裝置ヲ有スル船舶ニ對シテ左ニ掲タル事項ヲ禁止スルコトヲ得

- 一 艦隊、軍艦又ハ軍用船ノ位置及其ノ動作ニ關スル通信ヲ發送スルコト
- 二 艦隊、軍艦又ハ軍用船ヨリ發スル通信ヲ登録スルコト

三 艦隊、軍艦又ハ軍用船ノ通信ヲ妨害スヘキ一切ノ行爲ヲ爲スコト

艦隊又ハ軍艦ノ指揮官ハ必要ニ應シ前項ノ船舶ニ對シテ暗號電信ノ發信ヲ禁止シ又ハ無線電信ノ用語ヲ制限スルコトヲ得

第八十八條 艦隊又ハ軍艦ノ指揮官前條ノ禁止又ハ制限ヲ爲ス場合ニ於テハ右禁止制限ノ及フヘキ地理的限界、禁止制限ノ内容及其ノ開始ノ日並必要アルトキハ禁止制限ノ時期又ハ時間ヲ明示シタル宣言（書式第八）ヲ爲シ麾下ノ士官ヲシテ必要ニ應シ之ヲ禁止制限ノ區域及其ノ附近ニ在ル無線電信裝置ヲ有スル船舶ニ告知セシムヘシ

前項ノ告知ハ書式第九ニ依リ之ヲ爲シタル日及時並當時ニ於ケル該船舶ノ地理上ノ位置ヲ明示シテ之ヲ其ノ船舶書類ニ記入スルヲ要ス

第八十九條 前條ノ告知ヲ受ケ又ハ第八十七條ノ禁止制限ヲ知リタルコトヲ認メ得ヘキニ拘ラス禁止制限ヲ犯シタル船舶ハ之ヲ拿捕スヘシ

第九十條 第八十七條ノ禁止制限ヲ知ラスシテ之ヲ犯シタル船舶ニ對シテハ艦長ハ必要ニ應シ其ノ離隔ヲ命シ航行スヘキ方向ヲ示命シ且其ノ船中ニ監督員ヲ乗込マシメ若シ重大ナル場合ニ於テ必要ト認ムルトキハ之ヲ抑留スルコトヲ得

前項ノ場合ニ於テハ艦長ハ其ノ下シタル諸命令ヲ成ルヘク該船舶ノ船舶書類ニ記入スヘシ

第九十一條 前條ノ場合ニ於テ該船舶内ニ在ル通信ノ登錄簿ニシテ禁止制限事項ニ關スル記事ヲ記入シタルモノハ之ヲ押收スルコトヲ得

該船舶ノ善意ニ付疑フヘキ充分ノ理由アルトキハ其ノ無線電信機モ亦之ヲ押收スルコトヲ得

第九十二條 第八十九條又ハ第九十條ノ場合ニ於テ該船舶ノ行爲ニシテ軍事的幫助ニ該當スト認ムヘキトキハ第十四章ノ規定ニ依リ之ヲ處置スヘシ

第九十三條 第八十九條ノ船舶ハ沒收セラルヘキモノトス該船舶ニ搭載スル無線電信機及禁止制限事項ニ關スル通信ノ登錄簿亦同シ

第九十四條 敵國領土内ニ在ル無線電信海岸局ハ其ノ所有者ノ如何ヲ問ハス軍事上ノ必要ニ應シ之ヲ押收シ又ハ破壊シ其ノ他通信ヲ不可能ナラシムヘキ處分ヲ爲スコトヲ得

第十六章 臨檢ニ對スル抵抗

第九十五條 船舶ニシテ停船、臨檢、搜索及拿捕ノ権利ノ合法ナル行使ニ對シ強力ヲ以テ抵抗スルトキハ其ノ國籍ノ如何ヲ問ハス之ヲ拿捕スヘシ

第九十六條 前條ノ船舶ハ沒收セラルヘキモノトス前項ノ船舶ニ搭載スル貨物ハ敵船ノ載貨ト同一ノ處分ヲ受クヘシ船長又ハ船舶所有者ニ屬スル載貨ハ之ヲ敵貨ト看做ス

第十七章 軍艦護送

第九十七條 中立船ニシテ其ノ本國軍艦ノ護送ヲ受クルモノニ對シテハ護送軍艦指揮官カ之ヲ臨檢セムトスル帝國軍艦指揮官ノ請求ニ依リ其ノ船舶ノ性質及載貨ニ付テ臨檢ニ依リテ知ルヲ得ヘキ一切ノ情報ヲ書面ヲ以テ通知シタルトキハ臨檢及搜索ヲ行フコトヲ得ス

第九十八條 帝國軍艦指揮官ニシテ護送軍艦指揮官ノ欺カレ居ルコトヲ疑フコトアルトキハ嫌疑ノ旨ヲ護送軍艦指揮官ニ通知スヘシ此ノ場合ニ於テ検證ヲ行フハ護送軍艦指揮官ニ限ルモノトス但シ護送軍艦指揮官ニ於テ該檢證ニ付テ帝國軍艦指揮官ノ助力ヲ請求スルトキハ麾下士官ヲ派遣シテ之ニ立會ハシムルコトヲ得

前項ノ檢證ノ結果ハ護送軍艦ニ於テ之カ調書ヲ作リ其ノ副本一通ヲ帝國軍艦士官ニ交付スルモノト
ス

第九十九條 護送軍艦指揮官ニ於テ其ノ護送スル船舶ノ一隻又ハ數隻ヲ拿捕スルニ相當ノ事實アリト認メ此等ノ船舶ニ對シテ軍艦護送ノ保護ヲ撤回シタルトキハ帝國軍艦指揮官ハ該船舶ヲ拿捕スヘシ

第一百條 帝國軍艦指揮官ニ於テ中立國軍艦ノ護送スル船舶ニ關シ護送軍艦指揮官ト見解ヲ異ニスルモノアルトキハ帝國軍艦指揮官ハ護送軍艦指揮官ニ對シ抗議書ヲ送達シ直ニ其ノ旨ヲ海軍大臣ニ報告スヘシ

第一百一條 敵國軍艦ノ護送ヲ受ケ航行スル船舶ハ之ヲ拿捕スヘシ
前項ノ船舶ハ必要ニ應シ之ヲ攻撃破壊スルコトヲ得

第一百二條 敵國軍艦ノ護送ヲ受ケ航行スル船舶及其ノ載貨ハ沒收セラルヘキモノトス

第十八章 船舶書類

第一百三條 通常船舶内ニ備フヘキ重ナル船舶書類ハ左ノ如シ

- 一 船舶國籍證書
- 二 航海日誌
- 三 海員名簿
- 四 乘客名簿
- 五 備船契約書
- 六 船荷證券及送狀
- 七 載貨目錄
- 八 出港證書
- 九 健康證書
- 十 船舶賣渡證書

第一百四條 總長ハ船舶ノ國籍、發航地、到達地、航路及任務竝載貨ノ性質、種類、到達地及其ノ他必要ナル事項ヲ明ニスル爲必要ナル船舶書類ヲ検査スヘシ

第一百五條 總長ハ必要アリト認ムルトキハ左ノ書類ノ提出ヲ請求スルコトヲ得

- 一 機關日誌
- 二 船舶又ハ載貨ノ保險契約書
- 三 無線電信裝置ヲ有スルトキハ其ノ發信及受信簿
- 四 第百六條 船舶ニシテ左ノ各號ノ一二該當スルトキハ其ノ國籍ノ如何ヲ問ハス之ヲ拿捕スヘシ
- 一 船舶書類ヲ備ヘサルトキ
- 二 船舶書類ヲ投棄、破毀又ハ隠匿シタルトキ
- 三 二重ノ船舶書類又ハ變造若ハ偽造シタル船舶書類ヲ備フルトキ
- 四 第百七條 船舶ニシテ左ノ各號ノ一二該當スル場合ニ於テ情狀疑フヘキモノアルトキハ其ノ國籍ノ如何ヲ問ハス之ヲ拿捕スルコトヲ得
- 一 船内ニ備フヘキ必要ナル書類ヲ提供セス又ハ船舶書類不整頓ナルトキ
- 二 船舶書類互ニ矛盾シ又ハ其ノ書類ト船長ノ陳述ト齟齬スルトキ
- 三 第十九條 郵便信書

第一百八條 海上ニ於テ中立船又ハ敵船内ニ在ル中立者又ハ交戦者ノ郵便信書ハ其ノ性質ノ公私ヲ問ハス不可侵トス船舶ヲ拿捕シタルトキハ右信書ハ捕獲艦長ニ於テ爲シ得ル限り速ニ之ヲ發送スヘシ

前項ノ規定ハ封鎖違反ノ場合ニ於テ封鎖港ニ宛テ又ハ封鎖港ヨリ來リタル信書ニ之ヲ適用セス

第一百九條 郵便信書ノ不可侵ハ之カ爲中立郵便船ニ對シ一般中立商船ニ關スル海戰ノ法規慣例ノ適用ヲ免除スルモノニ非ス但シ臨檢搜索ハ成ルヘク寛大且迅速ニ必要アル場合ニ限リ之ヲ行フコトヲ要ス

第二百十條 第百八條ノ規定ハ明治四十五年條約第十一號海戰ニ於ケル捕獲權行使ノ制限ニ關スル條約ヲ批准シ又ハ之ニ加盟シタル諸國ニ對シテノミ之ヲ適用ス

第二百十一條 第百八條第二項及第二百十條ノ場合ニ於テハ艦長ハ拿捕船内ニ在ル郵便信書ニシテ敵國官憲又ハ敵國若ハ敵ノ占領セル土地ニ居住スル者ニ宛ラレタルモノハ其ノ性質ノ公私ヲ問ハス之ヲ押收シ必要ト認ムルモノハ之ヲ海軍大臣ニ送致スヘシ

拿捕船内ニ在ル郵便信書ニシテ前項ニ該當セサルモノハ成ルヘク速ニ之ヲ其ノ到達地ニ發送スルノ手段ヲ執ルヘシ

第二十章 拿捕シタル船舶ノ乗員及乗客ノ取扱

第二百十二條 敵船ヲ拿捕シタル場合ニ於テ中立國ノ國籍ヲ有スル船員ハ之ヲ俘虜ト爲スコトヲ得ス

第二百十三條 敵船ノ船長及職員ニシテ中立國ノ國籍ヲ有スル者ハ戰爭繼續中敵船ニ於テ勤務セサルコトヲ得ス

ヲ書面(書式第十)ヲ以テ正式ニ約束シタルトキハ之ヲ俘虜ト爲スコトヲ得ス

第二百十四條 敵船ノ船長、職員及船員ニシテ敵國ノ國籍ヲ有スル者ハ戰爭繼續中作戰動作ニ關係ヲ有スル何等ノ勤務ニモ服セサルコトヲ書面(書式第十)ヲ以テ正式ニ誓約シタルトキハ之ヲ俘虜ト爲スコトヲ得ス

第二百十五條 敵船ノ船長、職員及船員ニシテ前二條ノ規定ニ依リ正式ニ約束又ハ誓約シタル者ハ之ヲ解放スヘシ此ノ場合ニ於テハ艦長ハ直ニ其ノ解放者ノ氏名ヲ海軍大臣ニ報告シ且相當ノ手續ヲ經テ成ルヘク之ヲ敵國ニ通告スルコトニ努ムヘシ

第二百十六條 前四條ノ規定ハ敵對行為ニ加ハリタル敵船ニハ之ヲ適用セス

第二百十七條 敵船内ニ在ル乗員ハ反證ナキ限り之ヲ敵國ノ國籍ヲ有スルモノト推定ス

第二百十八條 拿捕シタル中立船ノ乗員ハ之ヲ俘虜ト爲スコトヲ得ス但シ證人ト爲スノ必要アリト認ムル者ハ之ヲ抑留スルコトヲ得

前項ノ船舶ニシテ第十八條第二項、第八十條、第九十五條又ハ第一百一條ニ該當スルトキハ該船舶ノ乗員ハ必要ニ應シ之ヲ俘虜ト爲スコトヲ得

第二百十九條 拿捕シタル船舶内ニ在ル乗客ハ敵國軍隊ニ編入セラレタル人員ヲ除クノ外成ルヘク速ニ便宜ノ港ニ於テ上陸セシムヘシ

前項ノ乗容中證人ト爲スノ必要アリト認ムル者ハ之ヲ抑留スルコトヲ得

第百二十條 拿捕シタル船舶内ニ在リテ救法、醫療及看護ニ從事スル敵國人ハ之ヲ俘虜ト爲スコトヲ得
ス但シ其ノ情況疑ハシキ者アルトキハ其ノ證跡明トナル迄之ヲ抑留スルコトヲ得

第百二十一條 總テ拿捕シタル船舶ノ乗員、乘客及俘虜ハ之ヲ遇スルニ道ヲ以テシ其ノ私有財產ノ保護
ニ注意スヘシ

俘虜ニ對シテハ必要ニ應シ檢束ヲ加フルコトヲ得ルモ其ノ他ノ乗員及乘客ニ對シテハ特別ノ理由ナキ
限ハ之ニ檢束ヲ加フルコトヲ得ス

第二十一章 拿捕シタル敵船及其ノ載貨ノ破壊

第百二十二條 拿捕シタル敵船ヲ帝國港ニ送致スルカ爲帝國軍艦ノ安全又ハ作戰行動ノ成效ヲ害スト認
ムル場合ニ於テハ之ヲ破壊スルコトヲ得

第百二十三條 前條ノ破壊ヲ爲スニ當リテハ艦長ハ豫メ該船舶内ニ在ル一切ノ人員ヲ安全ノ場所ニ移シ
且審檢上必要ナル一切ノ書類物件ヲ總テ艦内ニ轉載スヘシ

第百二十四條 敵船ヲ破壊シタル場合ニ於テハ艦長ハ破壊ノ已ムヲ得サルニ至リタル情況及處分ノ顧末
ヲ詳記シテ書式第十一ニ依リ調書ヲ作リ捕獲士官ヲシテ破壊シタル船舶ノ人員竝轉載シタル船舶書類
及其ノ他ノ書類物件ト共ニ之ヲ最近ノ帝國捕獲審檢所ニ送致セシムヘシ

艦長ハ前項ニ準シ船舶破壊ニ關スル詳細ナル報告ヲ海軍大臣ニ提出スヘシ

第二十二章 拿捕シタル中立船及其載貨ノ破壊

第百二十五條 艦長ハ其ノ拿捕シタル中立船ヲ破壊スルコトヲ得ス

第百二十六條 拿捕シタル中立船ニシテ其ノ沒收セラルヘキコト明ナリト認ムルモノハ之ヲ帝國港ニ送
致スルカ爲帝國軍艦ノ安全ヲ害シ又ハ現ニ從事スル作戰行動ノ成效ヲ害スル場合ニ於テハ之ヲ破壊ス
ルコトヲ得

第百二十七條 前條ノ破壊ヲ爲スニ當リテハ艦長ハ豫メ該船舶内ニ在ル一切ノ人員ヲ安全ノ場所ニ移シ
且捕獲ノ有效ナルコトヲ檢定スルニ必要ナリト認ムル一切ノ船舶書類及其ノ他ノ書類物件ヲ艦内ニ轉
載スヘシ

第百二十八條 中立船ヲ破壊シタルトキハ艦長ハ捕獲ニ關スル審檢前ニ於テ先ツ第百二十六條ニ規定シ
タル特別ノ必要アリタルカ爲破壊ノ手段ヲ執ルノ已ムヲ得サルニ至リタル事實ヲ辯明スルコトヲ要
ス

第百二十九條 前條ノ場合ニ於テハ艦長ハ破壊ノ已ムヲ得サルニ至リタル情況及處分ノ顧末ヲ詳記シ
書式第十二ニ依リ辯明書ヲ作成シ捕獲士官ヲシテ破壊シタル船舶ノ人員竝轉載シタル船舶書類及其ノ
他ノ書類物件ト共ニ之ヲ最近ノ帝國捕獲審檢所ニ送致セシムヘシ

艦長ハ前項ニ準シ直ニ船舶破壊ニ關スル詳細ナル報告ヲ海軍大臣ニ提出スヘシ

第百三十條 艦長ハ拿捕シタル中立船ニシテ沒收セラルヘキモノニ非スト認ムル場合ニ於テ第百二十六條ノ規定ト同一ノ情況アルトキハ該船舶内ニ在ル沒收セラルヘキ貨物ノ引渡ヲ請求シ又ハ之ヲ破壊スルノ手段ヲ執ルコトヲ得

前項ノ場合ニ於テハ艦長ハ其ノ引渡ヲ受ケ又ハ破壊シタル物件ヲ該船舶ノ船舶書類ニ記入シ且船長ヲシテ一切ノ必要ナル船舶書類ノ認證謄本ヲ提出セシムヘシ

前項ノ引渡ヲ受ケ又ハ破壊ヲ終リ且之ニ關スル手續ヲ終リタルトキハ艦長ニ對シテ其ノ航海ヲ續航スルコトヲ許可スヘシ

第百三十一條 第百二十八條及第百二十九條ノ規定ハ之ヲ前條ノ場合ニ準用ス(書式第十三)

第二十三章 拿捕シタル敵船及其ノ載貨ノ使用

第百三十二條 拿捕シタル敵船ハ軍事上必要アリト認ムル場合ニ於テハ之ヲ武裝シ其ノ他軍用ノ爲之ヲ使用スルコトヲ得

第百三十三條 艦長ハ敵船ヲ使用スル前豫メ該船舶内ニ在ル一切ノ人員ヲ安全ノ場所ニ移シ且審檢上必要ナル一切ノ書類物件ヲ艦内ニ轉載スヘシ

第百三十四條 拿捕シタル敵船ヲ使用スル場合ニ於テハ艦長ハ之ヲ使用スルニ至リタル事由ヲ詳記シ書用ス

第二十四章 臨檢、搜索及拿捕

式第十一ニ準シ調書ヲ作り捕獲士官ヲシテ該船舶ノ人員並轉載シタル船舶書類及其他ノ書類物件ト共ニ之ヲ最近ノ帝國捕獲審檢所ニ送致セシムヘシ

艦長ハ前項ニ準シ直ニ船舶使用ニ關シ詳細ナル報告ヲ海軍大臣ニ提出スヘシ

第百三十五條 拿捕シタル敵船内ニ在ル載貨ニシテ敵貨ト認ムヘキモノノ使用ニ付テハ本章ノ規定ヲ準用ス

第百三十六條 拿捕スヘキ嫌疑アリト認ムヘキ一切ノ私船ニ對シテハ其ノ何レノ國籍ニ屬スルヲ問ハス臨檢及搜索ヲ行フコトヲ得

第百三十七條 艦長嫌疑アル船舶ヲ發見シタルトキハ麾下職員ヲシテ左ノ事項ヲ錄取セシムヘシ
一 初テ船舶ヲ發見シタル時刻及位置、同船舶ノ本艦ニ對スル距離方位及同船舶ノ取レル針路、他ノ帝國又ハ同盟國軍艦ヲ發見シタルトキハ同船舶ニ對スル該軍艦ノ距離方位及該軍艦ノ針路
二 追蹤中ニ於ケル同船舶ノ針路、他ノ帝國又ハ同盟國軍艦ヲ發見シタルトキハ其ノ時刻方位及距離、該軍艦ノ針路及其ノ共同追蹤シタル範囲
三 船舶ニ追及シタル時刻及位置、他ノ帝國又ハ同盟國軍艦ヲ發見シタルトキハ其ノ方位距離及該軍艦ノ針路、他ノ帝國又ハ同盟國軍艦カ同船舶ヲ拿捕シタルトキハ本艦ノ之ニ對スル方位距離及本

艦ノ針路

第百三十八條 艦長臨檢又ハ搜索ヲ行フニ際シテハ船舶ヲシテ必要以外ニ其ノ原航路ヲ離レシメス且成ルヘク迷惑ヲ與ヘサルコトニ注意スヘシ

第百三十九條 艦長船舶ニ停止ヲ命スルニ當リテハ必ス帝國軍艦ノ旗章ヲ掲揚スヘシ
第百四十條 艦長ハ如何ナル場合ニ於テモ臨檢又ハ搜索ヲ爲スヘキ船舶ニ對シテ其ノ短艇、乗員又ハ書類等ヲ本艦ニ送致スヘキコトヲ請求スルコトヲ得ス

第百四十一條 艦長ハ先ツ信號旗又ハ汽笛ヲ以テ臨檢ヲ行フヘキ意思ヲ當該船舶ニ通スヘシ但シ夜間ニ在リテハ軍艦旗ノ上ニ白燈ヲ掲ケテ信號旗ニ依ル信號ニ代フヘシ

天候不良ノ爲前項ノ手段ニ依リ臨檢ノ意思ヲ通スルコト能ハサルトキ又ハ當該船舶ニ於テ前項ノ信號ニ應セサルトキハ空砲二發ヲ連發シ尙必要アルトキハ其ノ船首ノ前方ニ向ケ實彈ヲ發シテ停船ヲ命スヘシ

前項ノ警告ヲ爲シタルモ尙停船ノ命ニ應セサルトキハ先ツ船舶ノ檣杆ヲ砲擊シ最後ニ其ノ船體ニ及ホスヘシ

第百四十二條 船舶停止シタルトキハ艦長ハ臨檢士官一名ニ便宜補助員ヲ添ヘ之ヲ短艇ニ乗組マシメ該船舶ニ派遣スヘシ

短艇員ハ武器ヲ帶フルコトヲ得ス但シ之ヲ短艇内ニ備置クコトヲ妨ケス

臨檢士官及補助員乗船ノ際必要アリト認ムルトキハ少數ノ短艇員ヲ隨伴スルコトヲ得

第百四十三條 臨檢士官ハ先ツ船舶書類ヲ検査スヘシ

第百四十四條 臨檢士官船舶書類ヲ検査シタル後尙嫌疑アリト認ムルトキハ船舶及載貨ノ搜索ヲ行フヘシ

前項ノ場合ニ於テ臨檢士官必要アリト認ムルトキハ短艇員ヲシテ乘船助力セシメ又ハ本艦ニ助力ヲ求ムルコトヲ得

第百四十五條 搜索ハ船長又ハ其ノ代理者立會ノ上之ヲ爲スヘシ

閉鎖シタル場所、器具及載貨ハ船長又ハ其ノ代理者ヲシテ之ヲ開カシムヘシ

前二項ノ場合ニ於テ船長又ハ其ノ代理者之ヲ拒ムトキハ臨機ノ處置ヲ爲スコトヲ得

第百四十六條 臨檢士官搜索中船舶ヲ拿捕又ハ抑留スヘカラサルモノト認ムルトキハ搜索ヲ中止シ艦長ノ命ヲ受ケ之ヲ解放スヘシ

第百四十七條 臨檢士官ハ其ノ船舶ヲ去ル前臨檢又ハ搜索ノ手續其ノ他ノ點ニ付異議アリヤ否ヤヲ船長ニ質シ其ノ異議ヲ申立テタルトキハ書面ニテ之ヲ差出サシムヘシ

第百四十八條 臨檢士官臨檢搜索ヲ爲スニ方リテハ禮節ヲ重スヘシ

第一百四十九條 臨檢士官ハ書式第十四ニ依リ其ノ船舶ノ航海日誌ニ臨檢又ハ搜索ノ時、場所、本艦艦名及艦長ノ官氏名ヲ詳記スヘシ

第一百五十條 艦長ハ臨檢搜索ノ上嫌疑アリト思考スルトキハ臨檢士官ヲシテ一應船長ノ辯明ヲ聽取ラシメ其ノ辯明ニ依ルモ尙拿捕又ハ抑留スヘキモノト認ムヘキ充分ノ嫌疑アルトキハ船舶ヲ拿捕又ハ抑留スヘシ

第一百五十一條 船舶ヲ拿捕又ハ抑留スヘキヤ否ヤヲ判定スルニハ其ノ船舶ノ性質、艦裝、載貨、船舶書類、乗員及其ノ證言等ニ依ルヘシ

第一百五十二條 艦長船舶ヲ拿捕又ハ抑留スヘキモノト決定シタルトキハ船長ニ其ノ理由ヲ告ケ必要ナル士官及下士卒ヲ該船舶ニ派遣シテ之ヲ占有セシムヘシ

第一百五十三條 船舶ヲ占有シタルトキハ艦長ハ臨檢士官ヲシテ左ノ各號ニ掲クル手續ヲ爲サシムヘシ

一 船舶内ニ在ル船舶書類其ノ他一切ノ書類ヲ押收シテ其ノ目錄ヲ作成シ書類ニ封緘ヲ施スコト

二 投棄、破毀又ハ隠匿セラレタル書類ヲ發見又ハ拾得シタルトキハ其ノ事由ヲ詳記シテ前號ノ手續ヲ爲スコト

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三 船内ニ在ル通貨、有價證券其ノ他貴重品ノ目錄ヲ作成スルコト

四 載貨ノ狀態ヲ検査シテ船口ヲ閉鎖シ封印ヲ施スコト

五 書式第十五又ハ書式第十六ニ依リ拿捕又ハ抑留ニ關スル調書二通ヲ作成シ内一通ヲ船長ニ交付スルコト

第一百五十四條 拿捕又ハ抑留シタル船舶ニハ帝國軍艦ノ旗章ヲ掲揚スヘシ第百五十二條第二項ノ場合ニ於テハ船舶ヲシテ其ノ旗章ヲ撤去セシムヘシ

第一百五十五條 艦長ハ船舶ヲ拿捕又ハ抑留シタル後其ノ拿捕又ハ抑留ノ不當ナルコトヲ確知シタルトキハ直ニ之ヲ解放スヘシ

第一百五十六條 艦長ハ本艦ノ航海日誌ニ臨檢、搜索及拿捕又ハ抑留ニ關スル一切ノ事項ヲ記入セシムヘシ

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第一百五十七條 艦長ハ臨檢、搜索及拿捕又ハ抑留ニ關スル詳細ナル報告書ニ自己ノ意見ヲ添ヘ速ニ之ヲ海軍大臣ニ提出スヘシ但シ臨檢又ハ搜索ニ當リテ船長ヨリ異議ヲ申立テタル場合及拿捕又ハ抑留ノ場合ニ在リテハ出來得ル限り直ニ電報ヲ以テ之ニ關スル重要ナル事項ヲ報告スヘシ

第二十五章 共同拿捕及再拿捕

第一百五十八條 帝國軍艦同盟國軍艦ト共同シテ船舶ヲ拿捕又ハ抑留シタル場合ニ於テハ該船舶ノ管理ハ

左ノ各號ニ依ルヘシ

- 一 帝國又ハ同盟國ノ一方ノ軍艦ニ於テ現ニ之ヲ拿捕又ハ抑留シ他方ノ軍艦之ニ共同シタルトキハ先任ノ順序如何ニ拘ラス現ニ之ヲ拿捕又ハ抑留シタル軍艦ノ艦長之ヲ其ノ本國港ニ送致ス
- 二 帝國軍艦及同盟國軍艦同時ニ船舶ヲ拿捕又ハ抑留シタルトキハ各艦長中先任官ニ於テ之ヲ其ノ本國港ニ送致ス

第百五十九條 艦長ハ敵ニ拿捕又ハ抑留セラレタル帝國船舶、同盟國船舶又ハ中立船ノ再拿捕ヲ爲シタル場合ニ於テ其ノ船舶カ未タ敵港ニ送致セラレス又ハ敵國ノ使用スル所トナラサルトキハ之ヲ解放スルコトヲ得

第二十六章 拿捕船舶送致ノ手續

第百六十條 艦長ハ拿捕シタル船舶ヲ回航セシムルカ爲捕獲士官及必要ナル士官下士卒ヲ選任シテ之ニ乗組マシメ速ニ該船舶及其ノ載貨ヲ最近ノ帝國捕獲審檢所所在港ニ送致スヘシ

第百六十一條 艦長ハ拿捕シタル船舶ノ船長其ノ他ノ乗員ニ對シ捕獲士官ノ命ヲ受ケ船舶ノ回航ニ援助ヲ與フルコトヲ請求スルコトヲ得但シ其ノ請求ニ應セサルトキハ之ヲ強請スルコトヲ得ス

第百六十二條 艦長ハ船長其ノ他ノ乗員及一切ノ載貨並調書及押收シタル船舶書類ヲ拿捕シタル船舶ニ搭載シ成ルヘク拿捕當時ト同一ノ情況ヲ保タシメ之ヲ送致スヘシ

船長ハ必要アリト認ムルトキハ拿捕ノ情況ヲ證明シ得ル麾下ノ職員ヲ該船舶ニ便乗セシムヘシ

第百六十三條 艦長ハ船長其ノ他ノ乗員ノ全員ヲ船舶ト共ニ送致スルコトヲ不適當ナリト認ムルトキハ少クトモ船長、事務長、運轉士又ハ荷物係ノ中若干人ヲ選ヒ證人トシテ之ヲ送致スヘシ

轉乘セシメタル其ノ他ノ乗員ハ速ニ之ヲ當該船舶ノ回航地ニ送致スヘシ

第百六十四條 前條ノ場合ニ於テハ艦長ハ捕獲士官ヲシテ書式第十七ニ依リ他船ニ轉乘セシメタル乗員及其ノ理由ニ關スル調書ヲ作成セシムヘシ

第百六十五條 艦長ハ載貨中腐敗シ易キモノ其ノ他之ヲ送致スルニ適セサルモノアルコトヲ報告シタルトキハ艦長ハ拿捕地又ハ附近ノ帝國港若ハ同盟國港ニ於テ其ノ載貨ヲ賣却スヘシ但シ其ノ賣却ニ適セサルモノハ適宜ノ處分ヲ爲スコトヲ得

第百六十七條 艦長ハ前條ノ處分ヲ爲ス前出來ル限り適任者ヲ選定シ賣却又ハ處分セムトスルニ載貨ニ付書面ヲ以テ之ヲ評價セシムヘシ

賣却ハ捕獲士官ヲシテ現場ニ臨マシメ成ルヘク公賣ニ付シテ之ヲ行ハシムヘシ

第一百六十八條 艦長ハ捕獲士官ヲシテ書式第十八ニ依リ一切ノ賣却手續ニ關スル調書ヲ作成セシメ之ニ
調査委員ノ調査書、評價書、賣却計算書其ノ他ノ書類ヲ添附シ拿捕シタル船舶ト共ニ之ヲ送致スヘ
シ

第一百六十九條 艦長ハ拿捕シタル船舶ニシテ之ヲ送致スルニ堪ヘスト認ムルトキハ麾下ノ高等官中適任
ナル調査委員ヲ選定シ調査書ヲ差出サシムヘシ

調査ノ要領ハ之ヲ本艦ノ航海日誌ニ記入スヘシ
第一百七十條 調査委員拿捕シタル船舶ヲ送致スルニ堪ヘサルコトヲ報告シタルトキハ艦長ハ附近ノ帝國
港又ハ同盟國港ニ之ヲ送致スヘシ

第一百七十一條 前條ノ場合ニ於テハ艦長ハ捕獲士官ヲシテ書式第十九ニ依リ船舶ヲ附近ノ帝國港又ハ同
盟國港ニ送致セル情況ヲ詳記シタル調書ヲ作成セシメ調査委員ノ調査書ヲ之ニ添附シ該士官ヲシテ證
人、船舶書類其ノ他ノ審檢ノ爲必要ナル書類ト共ニ之ヲ最近ノ帝國捕獲審檢所ニ送致セシムヘシ

第一百七十二條 拿捕シタル船舶ハ航海ノ不能、海上ノ險惡又ハ燃料若ハ糧食ノ缺乏ノ事由ニ因ルニ非サ
レハ之ヲ中立港ニ寄港セシムルコトヲ得ス

前項ノ船舶ハ其ノ入港ヲ正當ナラシムルノ事由止ミタルトキハ直ニ該中立港ヲ出發セシムヘシ

第一百七十三條 拿捕シタル船舶ハ帝國捕獲審檢所ノ検定アル迄之ヲ拘置スル爲中立港ニ送致スルコトヲ
得ス

第一百七十四條 第百七十二條ノ場合ニ於テ中立國ニシテ拿捕シタル船舶ノ寄港ヲ拒絶シ又ハ不當ニ滯泊
期間ヲ制限シタルトキハ捕獲士官ハ之ヲ當該國ニ在ル帝國外交官又ハ領事官ニ通知シテ當該國官憲ニ
對スル交渉ヲ依頼シ且直ニ之ヲ海軍大臣ニ報告スヘシ

第一百七十五條 捕獲士官其ノ回航船舶ニ乘組ミタルトキハ書式第二十二依リ需品、器具及載貨ニシテ積
載ノ儘調査スルコトヲ得ヘキモノノ目録二通ヲ作成シ内一通ヲ船長ニ交付スヘシ此ノ目録作成ニ付テ
ハ船長ノ助力ヲ請求スルコトヲ得

第一百七十六條 捕獲士官ハ日誌ヲ作リ回航中船舶、載貨及乗員ニ關スル異動ヲ記入スヘシ

第一百七十七條 捕獲士官ハ回航中他ノ書類ヲ受領シ又ハ投棄、破毀若ハ隠匿セラレタルモノヲ發見又ハ
拾得シタルトキハ其ノ目録ヲ作成シ書類ニ封緘ヲ施シテ書式第二十一ニ依ル調書ニ之ヲ添附スヘシ

第一百七十八條 捕獲士官ハ回航ニ付最モ嚴密ナル注意ヲ爲シ船舶又ハ載貨ニ損害ヲ及ホササルコトヲ務
ムヘシ

第一百七十九條 捕獲士官ハ緊急ノ必要アル場合ニ限り乗員又ハ載貨ヲ陸揚シ又ハ之ヲ他ノ船舶ニ轉載ス
ルコトヲ得此ノ場合ニ於テハ書式第二十二ニ依リ陸揚又ハ轉載シタル乗員、載貨及其ノ事由ヲ詳記シ

タル調書ヲ作成スヘシ

陸揚又ハ轉載シタル乗員及載貨ハ便宜ノ方法ニ依リ遲滯ナク之ヲ帝國捕獲審檢所ニ送致スヘシ
第百八十條 捕獲士官回航地ニ到達シタルトキハ直ニ拿捕シタル船舶及載貨ヲ帝國捕獲審檢所ニ引渡シ
審檢ノ請求ヲ爲スヘシ

第百八十一條 艦長及捕獲士官ハ拿捕シタル船舶ノ回航ニ關スル詳細ナル報告書ニ自己ノ意見ヲ添へ速ニ之ヲ海軍大臣ニ報告スヘシ但シ乗員若ハ載貨ヲ陸揚シタル場合、船舶ヲ同盟國港ニ送致シ若ハ中立港ニ寄港セシメタル場合又ハ載貨ノ賣却其ノ他臨機ノ處分ヲ爲シタル場合ニ在リテハ直ニ電報ヲ以テ其ノ理由及處分ニ關スル要領ヲ報告スヘシ

第百八十二條 本章ノ規定ハ抑留シタル船舶ニ付之ヲ準用ス但シ抑留シタル船舶ニ對シテハ其ノ乗員ノ轉載又ハ載貨ノ賣却若ハ臨機ノ處分ヲ爲スハ絶對ノ必要アル場合ニ限り成ルヘク船舶又ハ載貨ノ現狀ヲ保タシムルコトニ注意スヘシ

書式第一（第三十九條ニ依リ出征艦隊司令長官又ハ軍艦艦長ノ爲ス場合）

封鎖ノ宣言

本官ハ 年月日午 何時經度何々緯度何々何處ヨリ經度何々緯度何々何處ニ至ル何處ヲ本官ノ指揮下ニ屬スル海軍力ヲ以テ封鎖シ之ヲ維持スルコト並右封鎖地域内ニ在ル友邦及中立國ノ船舶ニ對シ封鎖地域ヲ退去スル爲

間ノ猶豫期間ヲ與フヘキコトヲ宣言ス
右封鎖ヲ破ラムトスル一切ノ船舶ニ對シテハ國際法及帝國ト中立諸國トノ條約ニ依リ之ヲ處置スヘシ

何々艦隊司令長官（軍艦何々艦長）

官 氏

名印

書式第二（第四十條）

封鎖宣言ノ告知

帝國何々艦隊司令長官（帝國軍艦何々艦長）官氏名ハ 年月日午 何時本官ニ於テ（又ハ帝國政府ニ於テ）別紙謄本ノ通封鎖ヲ宣言シタルコトヲ何港官憲ニ告知スルモノナリ同官憲ハ速ニ之ヲ封鎖地域内ニ駐在スル外國領事官ニ通達セラルヘシ

帝國軍艦何々ニ於テ

年月日

書式第三（第四十五條）

中立船ニ對スル封鎖宣言ノ告知

年月日午 何時經度何々緯度何々何處ニ於テ官氏名（臨檢士官）ハ帝國封鎖艦隊ノ一部ヲ爲ス帝國軍艦何々艦長官氏名ノ命ニ依リ何國汽（帆）船何々（臨檢シタル船名）ヲ臨檢シ年月日午 何時帝國政府（帝國何々艦隊司令長官氏名又ハ帝國軍艦何々艦長官氏名）ニ於テ封鎖宣言ヲ爲シタルコトヲ告知シ且該宣言書ノ謄本ヲ交付スルモノナリ

年月日

四〇八

書式第四(第六十八條)

戰時禁制品ノ押收ニ關スル調書

帝國軍艦何々乗組
臨檢士官 官 氏
名印

船名 何國汽(帆)船何々

船長氏名 何某

一年月日 經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ノ命ニ依リ前記船舶ヲ臨檢シタリ

二 本官ハ其ノ船舶書類ヲ検査シ尙載貨ヲ検査シタル結果前記船舶ハ年月日何地ヲ出港シ何地ヲ到達地トシテ何地ニ向フモノニシテ何々ヲ到達地トスル戰時禁制品ヲ輸送スルモノナルコトヲ認メタリ

三 本官ハ前記船舶カ未タ開戦ノ事實ヲ知ラサルコト(帝國政府ノ發シタル戰時禁制品ニ關スル宣言ヲ知ラサルコト又ハ戰爭開始ノ事實若ハ戰時禁制品ニ關スル宣言ヲ知リタルモ未タ戰時禁制品ヲ陸揚スルノ暇ナカリシコト)ヲ認メタリ

四 前記船舶ニ搭載スル貨物ハ沒收セラルヘキモノニ非サルモ之ヲ押收スルヲ得ヘキモノナルヲ以テ本官ハ艦長ノ命ニ依リ左記目録記載ノ通該戰時禁制品ヲ押收シ之ヲ軍艦何々ニ轉載シタリ

日 錄

ノ命ニ依リ左記目録記載ノ通該戰時禁制品ヲ押收スルヲ得ヘキモノナルヲ以テ本官ハ艦長

品目	箇數	價格	保險料	運賃
一	、	、	、	、
一	、	、	、	、
一	、	、	、	、
五	本官ハ尙前記船舶ノ船舶書類ニ右押收シタル戰時禁制品ノ品目ヲ記入シタリ			
六	(船長異議ヲ申立テタルトキハ其ノ異議ノ概要ヲ記入スヘシ)			
七	本調書ハ二通ヲ作成シ一通ハ署名(船長署名ヲ諾シタルトキハ連署)シテ之ヲ船長ニ交付シタリ			

年月日

帝國軍艦何々乗組
臨檢士官 官 氏
名印

書式第五(第六十九條)

戰爭開始(戰時禁制品ノ宣言)ノ警告

年月日 經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ノ命ヲ受ケ何國汽(帆)船何々ヲ臨檢シ帝國ト何國ト戰爭ヲ開始セル旨ヲ警告セリ(帝國ハ何國ト交戰中別紙謄本ノ通戰時禁制品ニ關スル宣言ヲ般シタル旨ヲ警告セリ)

年月日

帝國軍艦何々乗組
臨檢士官 官 氏
名印

注意 戰時禁制品ノ宣言ニ關スル警告ヲ爲ストキハ戰時禁制品ノ品目ニ關スル規定ノ體本ヲ船長ニ交付スヘシ

書式第六(第七十條)

戰時禁制品ノ引渡ニ關スル調書

船名 何國汽(帆)船何々

船長氏名 何某

一年月日經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ノ命ニ依リ前記船舶ヲ臨検シタリ

二 本官ハ其ノ船舶書類ヲ検査シ尙載貨ヲ検査シタル結果前記船舶ハ年月日何地ヲ出港シ何地ヲ到達地トシテ何地ニ向フモノニシテ何々ヲ到達地トスル戰時禁制品ヲ輸送スルモノナルコトヲ認メタリ

三 船長ハ右戰時禁制品ノ引渡ヲ申出テタルヲ以テ本官ハ艦長ノ命ニ依リ左記目錄記載ノ通該戰時禁制品ノ引渡ヲ受ケ之ヲ軍艦何々ニ轉載シタリ

目錄

品目 簡數

一 、 、 、 、 、 、 、

四 本官ハ尙前記船舶ノ船舶書類ニ引渡ヲ受ケタル戰時禁制品ノ品目ヲ記入シタリ

五 船長ハ本調書ニ添附スル船舶書類ノ認證謄本ヲ提出シタリ

六 本調書ハ二通ヲ作成シ一通ハ署名(船長署名ヲ諾シタルトキハ連署)シテ之ヲ船長ニ交付シタリ

年月日

帝國軍艦何々乗組

臨檢士官

官

氏

名印

注意 引渡ヲ受ケタル戰時禁制品ヲ破壊シタルトキハ其ノ旨附記スルヲ要ス

書式第七(第八十四條)

敵國軍隊ニ編入セラレタル人員ノ引渡ニ關スル調書

船名 何國汽(帆)船何々

船長氏名 何某

一年月日經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ノ命ニ依リ前記船舶ヲ臨検シタリ

二 本官ハ其ノ船舶書類ヲ検査シ尙船内ヲ検査シタル結果前記船舶ハ年月日何港ヲ出港シ何地ヲ到達地トシテ何地ニ向フモノニシテ該船舶ニ搭乗セル乗客中左ニ記載シタル者ハ敵國軍隊ニ編入セラレタル人員ナルコトヲ認メタリ

姓名 官階 年齢 所屬軍
姓 名 官 階 年 齡 所 屬 軍

(乗客名簿ニ記載シタル姓名カ實際ノ姓名ト異リタルトキハ其ノ旨ヲ附記シ其ノ他必要ト認ムル點アラハ併セテ之ヲ記入スヘシ)

三 船長ハ前記人員ノ引渡ヲ承諾シタルヲ以テ本官ハ艦長ノ命ニ依リ之ヲ俘虜ト爲シタリ

(船長カ引渡ヲ拒絶シタル場合)

船長ハ前記人員ノ引渡ヲ拒絶シタルカ故ニ本官ハ船長ニ對シテ船長又ハ乗員ニ於テ抵抗ヲ爲ストキハ船舶ヲ拿捕スヘキ旨ヲ豫告シタルニ船長ハ遂ニ引渡ヲ承諾シタルヲ以テ本官ハ艦長ノ命ニ依リ前記人員ヲ俘虜ト爲シタリ(尙船長異議ヲ申立テタルトキハ其ノ異議ノ要領ヲ附記スヘシ)

四 本官ハ俘虜及其ノ私有物ヲ收容シ私有物ニ付テ左ノ目錄ヲ作成シタル後之ヲ軍艦何々ニ轉載シタリ
俘虜私有物目錄

一 何々

五 本調書ハ二通ヲ作成シ一通ハ署名(船長署名ヲ諾シタルトキハ連署)シテ之ヲ船長ニ交付シタリ
年 月 日

帝國軍艦何々乗組
臨檢士官 官 氏
名印

注意 船長又ハ乗員引渡ニ抵抗シタル爲船舶ヲ拿捕スルニ至リタルトキハ書式第十五ニ依ルヘシ

書式第八(第八十八條第一項)

無線電信使用禁止(制限)ノ宣言

本官ハ何年何月何日午 何時ヨリ帝國艦隊(又ハ軍艦)ノ作戦區域タル何々ヨリ何々ニ至ル(又ハ何何地點ヨリ何々海里ノ半徑ヲ以テ區劃セル海面内)ノ區域ニ於テ國籍ノ如何ヲ問ハス無線電信裝置ヲ有スル船舶ニ對シテ左ニ

上記ノ禁止(制限)ノ事實ヲ知リテ之ヲ犯シタル船舶ハ之ヲ拿捕スヘシ
年 月 日

帝國軍艦何々ニ於テ
何々艦隊司令長官
(帝國軍艦何々艦長) 官 氏
名印

書式第九(第八十八條第二項)

船舶ニ對スル無線電信使用禁止(制限)宣言ノ告知

年月日午 何時經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ノ命ニ依リ何國汽(帆)船何々(臨檢シタル船名)ヲ臨檢シ年月日午 何時何々艦長司令長官氏名ニ於テ無線電信使用禁止(制限)ノ宣言ヲ爲シタルコトヲ告知シ且該宣言書ノ謄本ヲ交付スルモノナリ
年 月 日

帝國軍艦何々乗組
臨檢士官 官 氏
名印

書式第十(第百十三條及第百十四條)

敵ノ勤務ニ從事セサルコトニ關スル誓約書

姓名 何々
國籍 何々
現住所 出生ノ場所及日 年月日何處ニ於テ
年月日帝國軍艦何々ニ依リ拿捕セラレタル何國汽(帆)船何々ニ於テ船長(職員又ハ船員ナルトキハ其ノ職名ヲ記スヘシ)ノ職ヲ執リタル前記何某ハ茲ニ
(中立國ノ國籍ヲ有スル場合)

戰爭繼續中敵國ノ國籍ヲ有スル船舶ニモ於テ勤務セサルコトヲ正式ニ約束ス
(敵國ノ國籍ヲ有スル場合)

戰爭繼續中作戰動作ニ關係ヲ有スル何等ノ勤務ニモ服セサルコトヲ正式ニ誓約ス
余ハ帝國軍艦何々艦長官氏名カ前記誓約ヲ條件トシテ余ヲ解放スルモノナルコトヲ承認ス
年月日何處ニ於テ本誓約書二通ヲ作り一通ハ自署シテ之ヲ艦長ニ提出シ一通ハ余ニ於テ保管ス

注意、敵國ノ國籍ヲ有スル船員ニシテ無筆ノ者アルトキハ證人トシテ船長及同國人一名ヲ立合ハシメ誓約セシムヘシ
タル後其ノ旨ヲ附記シテ船長證人ヲシテ自署セシムヘシ

書式第十一(第百二十四條)

拿捕シタル敵船ノ破壊ニ關スル調書

船名 何國汽(帆)船何々
船長氏名 何某

- 一 本官ハ年月日經度何々隸度何々何處ニ於テ前記船舶ノ敵船タルコトヲ確メ之ヲ拿捕シタリ
- 二 本官ハ左記ノ理由ニ依リ前記船舶ヲ帝國港ニ送致スルコト能ハスト認メ之ヲ破壊スルコトニ決定セリ
理由
- 三 本官ハ右破壊ニ著手スル前ニ前記船舶内ニ在ル一切ノ乗員及乗客ヲ退去セシメ且一切ノ船舶書類並審檢上必要ト認ムル其ノ他ノ書類(及載貨物件)ヲ本艦ニ轉載シタリ
- 四 前號ノ手續ヲ終リタル後本官ハ年月日何處ニ於テ前記船舶ヲ破壊セシメタリ

年月日

帝國軍艦何々艦長

官 氏

名印

注意、船舶拿捕ニ關スル調書ハ書式第十五ニ準シ別ニ臨檢士官ヲシテ作成セシムヘシ

書式第十二(第百二十九條)

拿捕シタル中立船ノ破壊ニ關スル證明書

船名 何國汽(帆)船何々

船長氏名 何某

一 本官ハ年月日經度何々諱度何々何處ニ於テ戰時禁制品輸送ノ理由ニ依リ（又ハ何々ノ理由ニ依リ）前記船舶ヲ拿捕シタリ

二 本官ハ前記船舶ニ搭載スル戰時禁制品カ其ノ價格（重量、容積又ハ運賃）上全載貨ノ半數以上ニ上ルニ依リ（又ハ何々ノ理由ニ依リ）前記船舶ノ沒收セラレ得ヘキモノナルコトヲ認メタリ

三 本官ハ左記ノ理由ニ依リ前記船舶ヲ帝國港ニ送致スルコト能ハスト認メ之ヲ破壊スルコトニ決定シタリ

理由由

何々（第百二十六條ノ規定ニ該當スル理由ヲ詳記スヘシ）

四 （以下書式第十一ノ第三號及第四號ニ掲ケタル事項ヲ列記スヘシ）

年月日

帝國軍艦何々艦長

官 氏

名印

注意、船舶拿捕ニ關スル調書ハ書式第十五ニ準シ別ニ臨檢士官ヲシテ作成セシムヘシ

書式第十三（第百三十一條）

戰時禁制品ノ引渡請求（破壊）ニ關スル辯明書

船名 何國汽（帆）船何々

船長氏名 何某

一 本官ハ年月日經度何々諱度何々何處ニ於テ官氏名（臨檢士官）ヲシテ前記船舶ヲ臨檢セシメタリ
二 船舶書類及載貨ヲ検査セシメタル結果前記船舶ハ年月日何地ヲ出港シ何地ヲ到達地トシテ何地ニ向フモノニシテ何々到達地トセル戰時禁制品ヲ輸送スルモノナルコトヲ認メ之ヲ拿捕セシメタリ
三 前記船舶ハ其ノ搭載スル戰時禁制品ノ價格、重量、容積又ハ運賃上沒收セラルヘキモノニ非サルコトヲ認メタリ

四 本官ハ左記ノ理由ニ依リ前記船舶又ハ戰時禁制品ヲ帝國港ニ送致スルコト能ハスト認メ該戰時禁制品ノ引渡ヲ船長ニ請求シ（之ヲ破壊スルコトニ決定シ）タリ

理由由

何々（第百二十六條ノ規定ニ該當スル理由ヲ詳記スヘシ）

五 本官ハ（右破壊ニ著手スル前）船長ヲシテ一切ノ必要ナル船舶書類ノ認證謄本ヲ提出セシメタリ

六 引渡ヲ受ケ（破壊シ）タル戰時禁制品ハ左ノ如シ

品目

箇 數

一 、 、 、 、 、 、 、 、

七 本官ハ尙前記船舶ノ船舶書類ニ引渡ヲ受ケタル戰時禁制品ノ品目ヲ記入セシメタリ
八 （以上ノ手續ヲ終リタル後本官ハ年月日何處ニ於テ該戰時禁制品ヲ破壊セシメタリ）

年月日

書式第十四(第百四十九條)

臨檢(搜索)調書

年月日午 何時經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ノ命ニ依リ何國汽(帆)右航海日誌ニ記入シテ之ヲ證明ス

年月日

帝國軍艦何々艦長
官・氏
名印

書式第十五(第百五十三條)

船舶拿捕ニ關スル調書

船名 何國汽(帆)船何々
船長氏名 何某

一年月日經度何々緯度何々何處ニ於テ官氏名(臨檢士官)ハ帝國軍艦何々艦長官氏名ソ命ニ依リ前記船舶ヲ臨檢シタリ

二 本官ハ其ノ船舶書類ヲ検査シ尙船内ヲ搜索シタル結果前記船舶ハ何々ノ理由(拿捕ノ理由ヲ詳記スヘシ)ニ依

帝國軍艦何々乘組

臨檢士官 官 氏

名印

リ拿捕スヘキモノナルコトヲ確認シ艦長ノ命ニ依リ之ヲ拿捕シタリ

三 本官ハ拿捕當時船舶書類其ノ他一切ノ書類ヲ押收シ之ニ封緘ヲ施シタル別紙第何號目錄ハ當時押收シタル書類ニシテ番號ヲ記入シタルノ外ハ受領當時ノ儘ニシテ毫モ變更シタルコトナシ

四 拿捕數分前(又ハ何々)本官ハ何處ニ於テ前記船舶ノ舷孔ノ一ヨリ書類何包ヲ水中ニ投棄シタルヲ實視セリ依テ直ニ短艇ヲ卸シタリ該書類中何包ハ終ニ沈没シタルモ他ノ何包ハ短艇員ヲシテ之ヲ拾得セシメ封緘ヲ施シタリ(破毀又ハ隠匿ノ場合ニハ各其ノ事由ヲ記スヘシ)別紙第何號目錄ハ當時拾得シタル書類ニシテ番號ヲ記入シタルノ外ハ當時ノ儘ニシテ毫モ變更シタルコトナシ

五 本官ハ船長ヨリ別紙第何號目錄ノ適當時船内ニ在ル一切ノ通貨、有價證券其ノ他ノ貴重品ノ引渡ヲ受ケタリ合ニハ其ノ旨ヲ記スヘシ

六 本官ハ何某ニ對シテ前記船舶書類ノ封緘及何々ノ場所ノ封印ニ對シテ船長ノ封印ヲ求メタリ(拒絶シタル場合ニハ其ノ旨ヲ記スヘシ)

七 本官ハ船長ニ對シテ前記船舶書類第何號記載ノ陳述ヲ得タリ

年月日

帝國軍艦何々乘組
臨檢士官 官 氏
名印

注意、第八號ノ訊問ハ必要アル場合ニ限ルモノトス

附錄 海戰法規書式

四二四

船長氏名 何某

- 一 年月日帝國軍艦何々艦長官氏名ハ經度何々緯度何々何處ニ於テ前記船舶ヲ拿捕シタリ
- 二 年月日艦長ハ拿捕船舶ノ調査ヲ命シタリ
- 三 別紙第何號ハ調査委員ノ調査書ナリ
- 四 該調査ノ結果艦長ハ本官ニ命スルニ拿捕船舶ヲ何々港ニ回航スヘキコトヲ以テセリ
- 五 前記命令ニ依リ本官ハ年月日何々港ニ到著シテ拿捕船舶ヲ何某ニ引渡セリ

年 月 日

帝國軍艦何々乘組

捕獲士官 官 氏

名印

書式第二十(第一百七十五條)

拿捕船舶ノ需品、器具及載貨ノ目錄

船名 何國汽(帆)船何々

船長氏名 何某

- 一 年月日本官ニ於テ審檢ノ爲前記船舶ヲ何々港ニ回航スルノ命ヲ受ケ其ノ回航中ニ於テ該船舶ニ搭載セル需品、器具及載貨ノ中積載ノ儘調査スルコトヲ得タルモノノ目錄左ノ如シ

何々

書式第二十一(第一百七十七條)

帝國軍艦何々乘組

捕獲士官 官 氏	名印
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名印

- 一 (船長異議ヲ申立テタルトキハ其ノ概要ヲ記入スヘシ)
- 二 本官ハ本調書二通ヲ作成シ一通ハ署名(船長署名ヲ諾シタルトキハ連署)シテ之ヲ船長ニ交付シタリ
- 三 同回航中受領(投棄、破毀又ハ隠匿)シタル船舶書類ニ關スル調書

回航中受領(投棄、破毀又ハ隠匿)シタル船舶書類ニ關スル調書

船名 何國汽(帆)船何々

船長氏名 何某

- 一 年月日本官ハ審檢ノ爲前記船舶ヲ何々港ニ回航スルノ命ヲ受ケタリ
- 二 同回航中年月日本官ハ該船長ヨリ別紙第一號乃至第何號ノ書類ヲ受領シタリ(事由アルトキハ其ノ事由ヲ詳記スヘシ投棄、破毀又ハ隠匿ノ場合亦同シ)
- 三 前記書類ハ本官ノ受領シタル一切ノ書類ニシテ番號ヲ記入シタル外ハ當時ノ儘ニシテ毫モ變更シタルコトナシ

年 月 日

帝國軍艦何々乘組

捕獲士官 官 氏

名印

書式第二十二(第一百七十九條)

拿捕船舶ヨリ乗員(載貨)ヲ陸揚(轉載)シタルコトニ關スル調書

船名 何國汽(帆)船何々

船長氏名 何某

一年月日本官ハ審檢ノ爲前記船舶ヲ何々港ニ回航スルノ命ヲ受ケタリ

二 同回航中年月日本官ハ該船舶ヨリ左記ノモノヲ陸揚(轉載)シタリ

何々(陸揚(轉載)シタル物件又ハ人員及其ノ場所

三 之ヲ陸揚(轉載)シタル理由ハ云々

年 月 日

帝國軍艦何々乘組
捕獲士官 官 氏

名印

(二) 海戰法規書式英譯文

Form No. 1. (Referred to in Art. 39.)

Declaration of Blockade.

I hereby declare that at ...o'clock M., on this day of, 19, between..... in latitude....., longitude....., and..... in latitude, longitude....., was placed in a state of blockade by a naval force under my command and continues to be in such state, and that the vessels of friendly and neutral Powers which are in the Blockaded Port are given..... hours' (days') grace to leave it.

All measures authorized by international law and treaties between the Empire of Japan and the respective Neutral Poweres, will be enforced on behalf of His Imperial Majesty's Government against all vessels which may attempt to violate the blockade.

Given on board H. I. M. S. ".....," this day of, 19

(Signed)

Commander-in-Chief of Squadron.
(Commanding H. I. J. M. S. ".....")

Form No. 3. (Referred to in Art. 45.)

Notification of the Declaration of Blockade
to Neutral Vessels.

..... I. J. N. (boarding officer), by order of Captain....., Commanding H. I. J. M. S. "....." belonging the Blockading Squadron, has visited the.....steamer (sailing vessel), "....." (boarded vessel), at.....o'clock.....M., on the.....day of, 19..... at, in Lat....., Long....., and notified that Blockade was declared by His Imperial Majesty's Government (by Commander-in-Chief of.....or Squadron, by Captain....., Commanding H. I. J. M. S. "....." at.....o'clock.....M., on the.....day of, 19....., and delivered a copy of the Text of the said Declaration.

Signed this.....day of....., 19.....

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

Form No. 2. (Referred to in Art. 40.)

Notification of the Declaration of Blockade.

..... Commander-in-Chief of Squadron (Captain....., Commanding H. I. J. M. S. ".....") hereby notifies the local authorities of that Blockade was declared by me (by His Imperial Majesty's Government) at.....o'clock.....M., on the.....day of, 19....., as given in the annexed copy. The same authorities are also requested to notify the said Declaration as soon as possible to the Foreign Consular Officers at the coast under blockade.

On board H. I. J. M. S. "....."
this day of, 19.....

detained, though not be liable to condemnation except on payment of compensation, I have detained and removed on board H. I. J. M. S. ".....," by order of my Commanding Officer, the Contraband Goods as shown in the following Inventory.

Inventory.

Name.	Quantity.	Value.	Insurance Rate.	Freight.
1.
2.

(5) I have entered the List of the detained Contraband Goods on the Ship's Papers of the said vessel.

(6) (Here state briefly any objection that may have been raised by the Master.)

(7) I have drawn up two copies of this Certificate and delivered one of the same, signed by myself (jointly signed by the Master and myself) to the Master of the said vessel.

Signed this day of, 19.....

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

Form No. 4. (Referred to in Art. 68.)

Certificate as to Detention of
Contraband Goods.

The..... Steamer (Sailing Vessel) ".....,"
....., Master.

(1) I, the undersigned, holding the rank of..... in His Imperial Japanese Majesty's Navy, and belonging to H. I. J. M. S. ".....," have visited the above-named vessel by order of Captain....., commanding H. I. J. M. S. ".....," on this day of 19....., at....., in Lat....., Long.....

(2) Upon examination of the Ship's Papers and also the cargo on board, I have ascertained that the said vessel sailed from..... on the day of 19....., bound for....., carrying Contraband Goods on board destined for.....

(3) I have further ascertained that the said vessel had no knowledge of the Outbreak of Hostilities. (that the said vessel had no knowledge of the Declaration issued by His Imperial Majesty's Government as regards the Contraband Goods.)

or,
(that the said vessel, while having knowledge of the Outbreak of Hostilities (the Declaration of His Imperial Majesty's Government concerning the Contraband Goods), had no opportunity to discharge the said Contraband Goods.)

(4) As the cargo on board the said vessel may be

Form No. 6. (Referred to in Art. 70.)

Certificate as to Delivery of
Contraband Goods.

The Steamer (Sailing Vessel) "....."
....., Master.

(1) I, the undersigned, holding the rank of
in His Imperial Japanese Majesty's Navy, and belonging
to H. I. J. M. S. ".....," have visited the
above-named vessel by order of Captain,
Commanding H. I. J. M. S. ".....," on this.....
day of, 19....., at....., in Lat., Long.

(2) Upon examination of the Ship's Papers and
also the cargo on board, I have ascertained that the
said vessel sailed from on the day
of, 19....., bound for....., carrying Contra-
band Goods destined for

(3) The Master of the said vessel having offered
to hand over the Contraband Goods on board, I have
received and removed on board H. I. J. M. S.
".....," by order of my Commanding Officer,
the said Contraband Goods as shown in the following
Inventory.

Inventory.

Name.	Numbers (quantity).
-------	---------------------

1.
2.

(4) I have entered the List of the delivered

Form No. 5. (Referred to in Art. 69.)

Warning of the Hostilities (the Declaration
of Contraband Goods).

....., I. J. N. (boarding officer), by
order of Captain....., Commanding H. I. J. M.
S. ".....," visited the steamer (sailing
vessel), "....." on the day of,
19....., at....., in Lat..... Long....., and
warned it that a State of War has existed and
exists between the Empire of Japan and,
(warned that, in view of the state of war existing
between the Empire of Japan and, His
Imperial Majesty's Government has issued the Decla-
ration concerning Contraband Goods as shown in the
separate copy.)

Signed this day of, 19.....

.....
Boarding Officer,

belonging to H. I. J. M. S. "....."

Note.—When the Warning is made of the
Declaration concerning Contraband Goods,
a copy of the said Declaration must be
delivered to the Master.

Form No. 7. (Referred to in Art. 84.)

Certificate as to Delivery of Persons embodied
in Enemy's Armed Forces.

The.....Steamer (Sailing Vessel) "....."
....., Master.

(1) I, the undersigned, holding the rank of.....
in His Imperial Japanese Majesty's Navy, and belonging
to H. I. J. M. S. ".....," have visited the
above-named vessel by order of Captain....., Com-
manding H. I. J. M. S. ".....," on this.....
day of....., 19....., at....., in Lat....., Long.
.....

(2) Upon examining the Ship's Papers and also
searching the vessel, I have ascertained that the said
vessel sailed from.....on the.....day of.....,
19....., bound for....., with.....as her des-
tination, and carrying among her passengers the
following Persons who had been embodied in the
Armed Forces of the Enemy.

Name. Official Rank. Age. Belonging to.

.....
(In case the Names given in the Passengers List
differ from the real names, mention the fact
together with necessary particulars.)

(3) The Master of the said vessel having consented
to surrender the above-named Persons, I have taken
them all as Prisoners of War, by order of my Com-
manding Officer,

Contraband Goods in the Ship's Papers of the said
vessel.

(5) The Master of the said vessel has produced
the duly certified copies of the Ship's Papers as here-
unto annexed.

(6) I have drawn up two copies of this Certificate
and delivered one of the same, signed by myself
(jointly signed by the Master and myself), to the
said vessel.

Signed this.....day of....., 19.....
.....

Boarding Officer,

belonging to H. I. J. M. S. "....."
Note.—In case the Contraband Goods handed
over are destroyed, the fact should also be
mentioned in this Certificate.

Form No. 8. (Referred to in Art. 88, Paragraph 1)

Declaration of Prohibition (Restriction)
of Radio-Service.

I, the undersigned, do hereby declare that from o'clock..... M., on the day of, 19....., all Vessels of whatever Nationality, provided with Radio-Telegraphic Apparatus, are prohibited from using the same Apparatus within the Area of the Sea from to (or, within the Area of the Sea inside the Circle drawn with radius, as its centre,) to the following purposes,

- (1) (Mention what are to be prohibited or restricted, according to the Provisions of Article 87.)
- (2)

I do further declare that the Vessels which knowingly violate this Prohibition (Restriction) shall be liable to capture.

Given on board H. I. J. M. S. "....."
this day of, 19.....

Commander-in-Chief of Squadron.
(Commanding H. I. J. M. S. ".....")

(The Master of the vessel having refused to surrender the above-named Persons, I have notified him that any resistance on his part or that of the Crew would involve the capture of the Vessel, and as he has consented to the surrender, I have taken all the Persons named in the above list as Prisoners of War by order of my Commanding Officer.)

(State briefly any objection that may have been raised by the Master.)

(4) I have taken in charge the said Prisoners and all the Private Property belonging to them, and after drawing up the following Inventory removed them all, Persons and Property aforesaid, on board H. I. J. M. S. "....."

Inventory of Private Property belonging
to Prisoners.

- 1.
- 2.

(5) I have drawn up two copies of this Certificate and delivered one of the same, signed by myself (jointly signed by the Master and myself), to the Master of the said Vessel.

Signed this day of, 19.....

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

Note.—In case the Vessel has been captured in consequence of resistance offered by the Master or Crew, use Form No. 15 instead,

Form No. 10. (Referred to in Arts. 113 and 114)

Undertaking not to engage in Enemy's Services.

Name

Nationality

Place of residence

Date and place of birth

Born at.....on
the.....day of.....,
18.....

I, the above-named, Master (mention his function on board in case of an officer or member of the crew) of the.....Steamer (Sailing Vessel) "....." which was captured by H. I. J. M. S. ".....," on the..... day of....., 19.....,

(if of neutral nationality)

hereby give a formal undertaking not to serve on an Enemy Ship while the War lasts.

(if of enemy nationality)

hereby undertake, on the faith of a written promise, not to engage, while hostilities last, in any service connected with the operations of the War.

I acknowledge that, it is on condition of the said formal undertaking that Captain....., Commanding H. I. J. M. S. "....." has set me at liberty.

I have drawn up two copies of this undertaking at....., on the.....day of....., 19....., and delivered one of them, signed by myself, to the said Captain,

Form No. 9. (Referred to in Art. 88, Paragraph 2.)

Notification as to Declaration of Prohibition

(Restriction) of Radio-Service.

....., I. J. N. (boarding offer), by order Captain....., Commanding H. I. J. M. S. ".....," visited the.....steamer (sailing vessel), "....." (boarded vessel), at.....o'clock.....M. on the.....day of....., 19....., at....., in Lat....., Long., and notified that Prohibition (Restriction) of Radio-Telegraphic Service was declared by....., Commander-in-Chief of..... Squadron, at o'clock... M. on the..... day of....., 19....., and delivered a copy of the Text of the said Declaration.

Signed this.....day of....., 19.....

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

Form No. 14. (Referred to in Art. 149.)

Certificate of Visit (Search).

....., I. J. N. (boarding officer), by order
of Captain....., Commanding H. I. J. M. S. ".....,"
visited (Searched) the..... Steamer (Sailing Vessel)
".....," at..... o'clock..... M., on the..... day of
....., and found that the Ship's Papers concerning
the Vessel and her Cargo, which were produced by
the Master as well as the Cargo on board were
lawful.

I hereby certify the above fact by entering it in
the log-book of the Vessel.

Signed this day of, 19.....

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

other being kept by me.

(Signed)

Note.—In case of an illiterate member of the crew
who is a national of the Enemy State, the
Master and one of the same nationality as such
Member shall cause him to make the formal
undertaking in their presence, and shall, after
entering this fact in this document, sign it as
witness.

sealed. (In case of Destruction or Concealment of Papers, mention the circumstances in like manner.) The annexed Inventory No..... gives the names of the Papers thus saved, and are now in exactly the same condition, save the numbering thereof, as when they were so saved.

The Master has delivered to me all Money and Valuables found on board the said Vessel at the time of Detention; the annexed Inventory No. is the Correct Account of the Money and Valuables so delivered up.

(6) I have made survey of the condition of the Cargo on board the said Vessel, ascertained the same to be in good (bad) order, closed Hatches, Stores, Safes,....., seized the Keys of aforesaid, and set Seals at.....

(7) I have requested the Master to affix his seal to each of the Seals so set by me and to all the Packets of the seized Papers, with which request the said Master has complied (mention here the fact in case of refusal).

(8) I have examined.....and made the Procès-Verbal, numbered.....and annexed hereunto.

(9) I have drawn up two copies of this Certificate, and delivered one of the same, signed by myself (jointly signed by the Master and myself), to the said Master of the Vessel.

Signed this..... day of....., 19.....

Form No. 15, (Referred to in Art. 153.)

Certificate as to Capture of a Vessel.

The..... Steamer (Sailing Vessel ".....",
....., Mastr.

(1) I, the undersigned, holding the rank of..... in His Imperial Japanese Majesty's Navy, and belonging to H. I. J. M. S. ".....," have visited the above-named Vessel by order of Captain..... Commanding H. I. J. M. S. "....." at....., in Lat....., Long., on this.....day of....., 19.....

(2) Upon Examination of the Ship's Papers and through search of the Vessel, I have ascertained by reason of.....(here state minutely the reason of the Detention), and have detained her as lawful Prize of War by order of my Commanding Officer.

(3) I have seized the Ship's Papers and all the document that were on board the said Vessel at the time of Detention, and sealed them all. The annexed Inventory No..... gives the names of all the Papers thus seized, which Papers are now in exactly the same condition, save the numbering thereof, as when they were first seized.

(4) A few minutes before the aforesaid Detention took place, I saw.....packet(s) of Papers thrown overboard from the Scuttle (.....) of the said Vessel; the boats were immediately lowered;..... of such packets sunk and were lost, but the boat's Crew succeeded in saving the other packets, which latter I

.....
(Signed)
(to be signed by the Person who made
the statement.)
(in case the said Person refuses to sign,
mention the fact.)

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

Note.—The Examination mentioned in (8) is to be
made only in case of necessity.

Annexed Papers No. 1.

Inventory of Ship's Papers and other Docu-
ments seized on board at the time of Detention.

1.
2.

Annexed Papers No.

Inventory of Ship's Papers thrown over-board
(destroyed, or found concealed.)

1.
2.

Annexed Papers No.

Inventory of Money and other Valuables found
on board at the time of Detention.

1.
2.

Annexed Papers No.

Procès-Verbal of the Master (a member of
the Crew, or a passenger.)

....., Master of the Vessel, (a member of the
Crew of the Vessel, or one of the passengers on
board), has voluntarily made to me the following
statement.

Form No. 20. (Referred to in Art. 175.)

Inventory of the Stores, Furniture,
and Cargo of the Prize.

The.....Steamer (sailing Vessel) "....."
....., Master.

(1) On the.....day of....., 19....., I, the undersigned, was appointed Prize Officer in charge of the above-named Vessel for the purpose of taking her to the Port of.....for adjudication, and in the course of the said voyage, I examined the Stores, Furniture and Cargo on board the said Vessel. The following is a correct Inventory of the above, so far as the same were ascertained without disturbing the Stowage:

.....
.....

(2) (Here state briefly any objection that may been raised by the master.)

(3) I have drawn up two copies of this Certificate, and delivered one of the same, signed by myself (jointly by the Master and myself), to the Master of the said Vessel.

Signed this.....day of....., 19.....

.....
Prize Officer,
belonging to H. I. J. M. S. "....."

Form No. 16. (Referred to in Art. 153.)

Certificate of Detention of a Vessel.

The.....Steamer (sailing Vessel) "....."
....., Master.

(1) I, the undersigned, holding the rank of..... in His Imperial Japanese Majesty's Navy, and belonging to H. I. J. M. S. ".....," have visited the above-mentioned Vessel by order of Captain....., Commanding H. I. J. M. S. "....." at, in Lat..., Long., on this.....day of....., 19.....

(2) Upon Examination of the Ship's Papers and thorough Search of the Vessel, I have ascertained that the Vessel has on board Absolute (Conditional) Contraband Goods destined for....., and that the Vessel had no knowledge of the Outbreak of Hostilities (the Declaration concerning the Contraband Goods), or,

that the Vessel, having knowledge of the Outbreak of Hostilities (the Declaration concerning the Contraband Goods), had no opportunity to discharge the said Goods, and thereupon I have detained her by order of my Commanding Officer.

(3) (Mention the necessary matters as prescribed in Clauses 3—9 of Form No. 15.)

Signed this.....day of....., 19.....

.....
Boarding Officer,
belonging to H. I. J. M. S. "....."

with the Japanese Empire in warlike operations, shall be treated in the same manner as those belonging to the Empire.

Art. 5. The provisions of international conventions concerning war shall apply only to such Powers as are parties to such conventions, and attention is called to the fact that those Powers that have ratified or become parties to such convention reserving certain provisions are not bound by such provisions.

Art. 6. If an enemy takes such measures as are different from the present rules, the Minister of Marine may at his discretion not apply a part or the whole of the present rules, and may make such special rules as are necessary.

Chapter II. Bombardment of Undefended Port, Towns, Villages, Dwellings or Buildings.

Art. 7. With regard to the Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings, Treaty No. 9 of the 45th year of Meiji (Hague Convention 1907) shall be complied with.

Art. 8. The second paragraph of Article 1 of aforesaid Convention shall not apply.

Chapter III. Use of Submarine Mines.

Art. 9. With regard to Submarine Mines, Treaty No. 8 of the 45th year of Meiji (Hague Convention

(三) 海戰法規英譯 (假譯)

RULES OF NAVAL WAR.

Chapter I. General Rules.

Art. 1. H. I. J. M. Warships are empowered to effect captures at sea, to carry out hostile actions, or to take all other measures that are necessary in accomplishing the object of war, in compliance with the present rules or other law or conventions. With regard to matters for which no provision is made in aforesaid rules, law, or conventions, principles of international law shall be complied with.

Art. 2. Captures at sea and all other hostile actions must not be carried out in neutral waters.

Art. 3. In the event of any enemy violating the law and customs of war, such offenders being outside of the power of the Commander of H. I. J. M. warship or squadron and full compensation not having made for the damage done, the said Commander is, in case of absolute necessity, authorized to resort to reprisal, provided that such reprisals are not contrary to humanity, and do not exceed the amount of damage done by the enemy.

Art. 4. With regard to captures at sea, merchant vessels belonging to a Power which is co-operating

Chapter V. Conversion of Merchant Ships into Warships.

Art. 15. With regard to the Conversion of Merchant ships into Warships, the Treaty No. 7 of the 45th year of Meiji (Hague Convention 1907, Annex No. 7.) shall be complied with.

Chapter VI. Hospital Ships.

Art. 16. With regard to Hospital Ships, Treaty No. 19 of the 45th year of Meiji, the Convention for the Adaptation of the principles of the Geneva Convention to Maritime Warfare (Hague Convention 1907, Annex No. 10.) shall be complied with.

Chapter VII. Laws and Customs of War on Land.

Art. 17. When carrying out warlike operation on Land, Treaty No. 4 of the 45th year of Meiji, Convention concerning the laws and customs of war on land and its Annex No. 4) and Treaty No. 1 of the 41st year of Meiji, Convention for the Amerioration of the Condition of the Wounded and Sick in Armies in the Field shall be complied with.

Chapter VIII. Enemy.

Art. 18. The neutral or enemy character of a vessel

1907, Annex No. 9) shall be complied with.

Art. 10. The foregoing Article shall apply only to those Powers that have ratified or adhered to the aforesaid Convention.

In case of Powers that have reserved certain provisions of the aforesaid Convention, such provision shall not apply.

Chapter IV. Submarine Cables.

Art. 11. Submarine cables connecting a part of enemy territory with another may be destroyed or disposed of as the necessity of war may require at any place other than neutral territorial waters.

The same rule shall apply to submarine cables between the Japanese Empire and enemy territory in the case of military necessity.

Art. 12. In the case of absolute necessity submarine cables connecting enemy territory with neutral territory or those that start and terminate in neutral territories but pass through enemy territory may be destroyed or disposed of as the necessity of war may require at any place other than neutral territorial waters.

Art. 13. Submarine cables connecting a neutral territory with another shall be respected.

Art. 14. The three preceding Articles shall apply no matter who are the owners of the cables.

the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character. (Art. 60 of D. of L.)

Chapter IX. Transfer to a Neutral Flag.

Art. 22. The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not

is determined by the flag which she is entitled to fly.

When a neutral vessel is engaged, under the licence of an Enemy Government, in a trade which the enemy state forbids to foreign vessels in time of peace, she is presumed to be enemy vessel.

Art. 19. The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the nationality of the owner. In a case where he has double nationalities, the neutral or enemy character of his domicile. (see Art. 58 of Declaration of London.)

Note.—The Declaration of London has omitted to mention the criterion of the enemy character of a cargo-owner, but it is clearly laid down in the Japanese rules. With regard to enemy character, Japan hitherto adopted the British principle, but in the present rules she has adopted the French principle, the British principle, being appreciable only when a cargo-owner has double nationalities.

Art. 20. In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods. (Art. 59 of D. of L.)

Art. 21. Enemy goods on board an enemy vessel retain their enemy character until they reach their destination; notwithstanding any transfer effected after

coast fishery or petty local navigation along the coast of enemy territory in the daytime only. If they are considered likely to take advantage of aforesaid exemption, against the operation of Imperial Army and Navy, the Captain may absolutely prohibit them from using these waters.

Art. 27. A vessel which violates the rule mentioned in the foregoing Article with the actual or presumptive knowledge thereof, shall be regarded as having taken part in the hostilities.

Art. 28. Enemy vessels, charged with religious, scientific, or philanthropic missions, are exempt from capture, if it is clearly shown that they are exclusively engaged to the aforesaid missions.

Art. 29. Enemy ships and enemy goods found on board them are liable to condemnation.

Chapter XI. Japanese Vessels.

Art. 30. In the following cases a Japanese vessel is considered to be trading with an enemy:—

(1) When she comes from enemy territory or from a place where the armed forces of the enemy are present.

(2) When she calls at or is destined for enemy territory or a place where the armed forces of the enemy are present.

Art. 31. The foregoing Article will not apply to Japanese vessels coming under the following items:—

on board, the capture of the vessel gives no right to damages. (Art. 55 of D. of L.)

Art. 23. The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void—

(1) If the transfer has been made during a voyage or in a blockaded port.

(2) If a right to repurchase or recover the vessel is reserved to the vendor.

(3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled. (Art. 56 of D. of L.)

Chapter X. Enemy Ships.

Art. 24. Enemy ships are liable to capture.

Art. 25. Enemy boats solely intended for coast fishing or for petty local navigation are exempt from capture, as well as their appliances, rigging, fitting, and cargo.

This exemption ceases to apply to them whenever they in any way take part in the hostilities. (Art. 3, of Hague Convention 1907, Annex No. 11.)

Art. 26. The Captain may, as necessary, allow

the blockading force is temporarily withdrawn on account of stress of weather. (Art. 4 of D. of L.)

Art. 37. A blockade must be applied impartially to the ships of all nations. (Art. 5 of D. of L.)

Art. 38. A blockade, in order to be binding, must be declared in accordance with Article 39, and notified in accordance with Articles 40 and 45.

Art. 39. The commander of a squadron may, at his discretion, declare blockade even if H. I. J. M. Government has not already done so.

The declaration of blockade must specify:—

- (1) The day and hour when the blockade begins;
- (2) The geographical limits of the coast under blockade;
- (3) The period within which neutral vessels may leave port.

Art. 40. The commander of a squadron, when he has declared blockade, shall—

(1) Immediately inform the Minister of Marine of the declaration and all measures he has taken in connection with it;

(2) Notify the local authorities and at least one of the consuls of neutral Powers by an envoy under a flag of truce, but should the enemy refuse to receive the envoy or circumstances prevent his being sent, they are to be notified by some other suitable means.

Art. 41. The rules as to declaration and notifica-

(1) When they have received special permission of the Japanese Government or the Commander of a squadron or warship belonging to Japan.

(2) When they have been permitted to leave enemy territory or have escaped from it at the commencement of war.

(3) When they have been obliged to enter an enemy port on account of stress of weather, etc.

Art. 32. Japanese vessels trading with an enemy are liable to capture excepting those that have no knowledge of the commencement of war.

Art. 33. A Japanese vessel trading with an enemy is liable to condemnation, and goods belonging to the owner, the charterer, or the master of vessel as well as enemy goods found on board her are liable to condemnation.

Chapter XII. Blockade.

Art. 34. A blockade must not extend beyond the ports and coast belonging to or occupied by the enemy. (Art. 1. of D. of L.)

Art. 35. In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline. (Art. 2 of D. of L.)

Art. 36. A blockade is not regarded as raised if

itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's log-book, and must state the day and hour, and the geographical position of vessel at the time. (see Art. 16 of D. of L.)

Art. 46. The blockading forces must not bar access to neutral ports or coast. (Art. 18 of D. of L.)

Art. 47. The commander of a blockading force may give permission to a foreign warship to enter, and subsequently to leave, a blockaded port. (see Art. 6 of D. of L.)

Art. 48. In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there. (Art. 7 of D. of L.)

Art. 49. A vessel which attempts to leave or enter the limits of a blockade is liable to capture for breach of blockade, irrespective of her nationality.

Art. 50. Vessels that attempt to break blockade may not be captured for breach of blockade except within the area of operations of the squadron detailed to render the blockade effective.

Art. 51. A vessel which attempts to break blockade is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can

tion of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised. (Art. 12 of D. of L.)

Art. 42. The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 40. (Art. 13 of D. of L.)

Art. 43. The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

Art. 44. Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port of subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

Knowledge of the blockade is likewise presumed if the vessel left an enemy port subsequently to the notification of the blockade to the local authorities within the limits of the blockade, provided that such notification was made in sufficient time, or if left a port belonging to the Japanese Empire or her ally after the declaration of the blockade. (see Art. 15 of D. of L.)

Art. 45. If a vessel approaching a blockade ports has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel

waggons, field forges, and their distinctive component parts.

(5) Clothing and equipment of a distinctively military character.

(6) All kinds of harness of a distinctively military character.

(7) Implements and material for engineers specially prepared for use in war.

(8) Saddle, draught, and pack animals suitable for use in war.

(9) Articles of camp equipment, and their distinctive component parts.

(10) Armour plates.

(11) Warships, boats for combatant use and their distinctive component parts of such a nature that they can only be used on a vessel of war.

(12) Aeroplanes, airships, balloons and their distinctive component parts, together with accessories and articles recognisable as intended for use in connection with airplanes, airships and balloons.

(13) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea. (see Art. 22 of D. of L.)

Art. 56. The following articles are conditional contraband of war unless otherwise provided for :

(1) Foodstuffs.

(2) Forage and grain, suitable for feeding animals.

no longer be effected. (see Art. 20 of D. of L.)

Art. 52. A vessel which wanders about within the area of operations of the squadron detailed to render the blockade effective, is liable to capture, irrespective of the destination mentioned in her papers.

Art. 53. Whatever may be the ulterior destination of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port. (Art. 10 of D. of L.)

Art. 54. A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

(Art. 21 of D. of L.)

Note.—Articles 3, 10, and 11 of the Declaration of London are omitted in the Japanese text.

Chapter XIII. Contraband of War.

Art. 55. The following articles are absolute contraband of war unless otherwise provided for :—

(1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

(2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

(3) Powder and explosives especially prepared for use in war.

(4) Gun-mountings, limber boxes, limbers, military

(2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

(see Art. 29 of D. of L.)

Art. 58. Articles mentioned in Article 55 are liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transhipment or a subsequent transport by land. (Art. 30 of D. of L.)

Art. 59. Proof of the destination specified in the preceding Article is complete in the following cases:—

(1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.

(2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented. (see Art. 31 of D. of L.)

Art. 60. Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found by H. I. J. M. warship clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation. (see Art. 32 of D. of L.)

Art. 61. Articles mentioned in Article 56 are liable

(3) Clothing, fabrics for clothing, and boots and shoes suitable for use in war.

(4) Gold and silver in coin or bullion; paper money.

(5) Vehicles of all kinds available for use in war, and their component parts.

(6) Vessels, craft, and boats of all kind; floating docks, parts of docks and their component parts.

(7) Railway material both fixed and rolling stock, and material for telegraphs, wireless, telegraphs, and telephones.

(8) Fuel, lubricants.

(9) Powder and explosive not specially prepared for use in war.

(10) Barbed wire and implements for fixing and cutting the same.

(11) Horsehouse and shoeing materials.

(12) Harness and saddlery.

(13) Field glasses, telescopes, chronometers and all kinds of nautical instruments. (see Art. 24 of D. of L.)

Art. 57. Despite the provision of the two preceding Articles the following may not be treated as contraband of war:—

(1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 58.

carrying them, and irrespective of their landing place.

Her papers are considered to be conclusive proof as to the voyage on which she is engaged and as to the landing place of her cargo, provided that there is no stronger proof as to the destination referred to in Article 61.

Note.—This Article shows that Japan has adopted the principle of continuous voyage even in regard to conditional contraband.

Art. 64. A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination. (see Art. 37 of D. of L.)

Art. 65. A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

(see Art. 38 of D. of L.)

Art. 66. A vessel carrying contraband of war, irrespective of her nationality, is liable to capture with the exception of the cases referred to in Articles 67 and 70.

Art. 67. If a vessel is encountered by H. I. J. M. warship at sea, while unaware of the outbreak of hostilities, or of the declaration of contraband which applies to her cargo, she may be detained.

The same rule applies if the master, after becoming

to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 56 (4). (see Art 33. of D. of L.)

Art. 62. The destination referred to in the preceding Article is presumed to exist if—

(1) The goods are consigned to enemy authorities:

(2) Or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy government:

(3) Or to an agent of the enemy Government or to a merchant or any other person placed under the control of the enemy Government:

(4) Or to a fortified place belonging to the enemy or other place serving as a base of operations or supplies for the armed forces of the enemy. (Art. 33 of D. of L.)

Note.—The words "No such presumption, etc." and the second and third paragraphs of Art. 34 of the Declaration of London are omitted in this text.

Art. 63. The articles and material mentioned in Article 56, when they are shown to have destination referred to in Article 61, will be treated as contraband of war, irrespective of the destination of the vessel

tion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the log-book of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The Captain is to make out two copies of the list of the contraband handed over to him, and give one copy to the master.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions. (see Art. 44 of D. of L.)

Art. 71. Contraband goods are liable to condemnation (Art. 39. of D. of L.)

Art. 72. A vessel carrying contraband, may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo. (Art. 40 of D. of L.)

Art. 73. If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during proceeding. (Art. 41 of D. of L.)

Art. 74. Goods which belong to the owner of the contraband and are on board the same vessel are

ing aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities, or if she left a port belonging to the Japanese Empire or her ally after the outbreak of hostilities or the declaration of contraband. (Art. 43 of D. of L.)

Art. 68. In the case referred to in the preceding Article the Captain may, as necessary, seize the contraband, but as it is necessary to pay compensation eventually, he is to make out two copies of the list of the contraband showing its kind, cost insurance, and freight, and give one copy to the master of the vessel.

Art. 69. When a vessel is not detained under Article 67, the officer visiting her is to enter in her log-book a warning and make her alter course or take other measures as necessary.

Art. 70. A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the propor-

band. (Art. 45 of D. of L.)

Art. 77. In the case referred to in the preceding Article the vessel and goods belonging to the owner of the vessel are liable to condemnation. (Art. 45 of D. of L.)

Art. 78. The provisions of Article 76 do not apply if the vessel is encountered by H. I. J. M. warship at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers.

The vessel is deemed to be aware of the existence of a state of war if she left a port belonging to the Japanese Empire or her ally or an enemy port after the outbreak of hostilities, or if she left a neutral port subsequently to the notification of the outbreak of hostilities to the power to which such port belongs, provided that such notification was made in sufficient time. (Art. 45 of D. of L.)

Art. 79. If a vessel is unaware of the commencement of hostilities, the Captain is to order the officer visiting the vessel to enter in her log-book a warning, and make her alter course or take other measure as necessary.

Art. 80. A neutral vessel is liable to capture:—

- (1) If she takes a direct part in the hostilities;
- (2) If she is under the orders or control of an agent placed on board by the enemy Government;

liable to condemnation. (Art. 42 of D. of L.)

Art. 75. In the case provided for in Article 67, the vessel carrying the contraband and goods that are not contraband are not liable to condemnation.

In the aforesaid case the costs and expenses referred to in Article 73 will be exempted.

Note.—Articles 22, 25, 26, 27, 28, 34, and 36 of the Declaration of London are omitted in this text. It is noteworthy that Article 28 concerning "Free List" is left out in the Japanese text.

Chapter XIV. Unneutral Service.

Art. 76. A neutral vessel is liable to capture:—

(1) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.

(2) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the case specified under the above heads, the vessel will receive the same treatment as a neutral vessel liable to condemnation for carriage of contra-

handing over of the said individual, and give one copy to the master.

Art. 85. If the master lodges a protest with regard to the handing over of the individual referred to in Article 82, the Captain shall immediately report to the Minister of Marine the circumstances and measures he has taken.

Art. 86. The provisions of this Chapter will apply to the vessels belonging to the Japanese Empire and her allies.

Chapter XV. Wireless Telegraph.

Art. 87. The commander of a squadron or warship may, as necessary in carrying out warlike operations, prohibit vessels fitted with wireless installations and found within the area of his operations:—

(1) To transmit messages concerning the positions and movements of the squadron, warship, or any other ship in the service of the army or navy;

(2) To register messages transmitted by the squadron, warship, or any other vessel in the service of the army or navy;

(3) To do any act that may interrupt the transmission of messages from the squadron, warship, or any other ship in the service of the army or navy.

The Commander of the squadron or warship may

(3) If she is in the exclusive employment of the enemy Government;

(4) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the case specified under the above head, the vessel will receive the same treatment as would be applicable to her if she were an enemy merchant vessel. (Art. 46 of D. of L.)

Art. 81. In the case referred to in the preceding Article the vessels are liable to condemnation. (Art. 46 of D. of L.)

Art. 82. Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel may be made a prisoner of war, even though there be no ground for the capture of the vessel. (Art. 47 of D. of L.)

Art. 83. In the case referred to in the preceding Article the boarding officer may by order of the Captain demand the master to hand over the said individual.

If the master resists, the officer shall seize the said individual, and if the crew resist, the vessel shall be captured.

Art. 84. In the case referred to in the preceding Article, the boarding officer is to make out two copies of the record stating the circumstances concerning the

stances require it.

In the foregoing case the Captain will, if possible, enter his orders in the log-book of the vessel.

Art. 91. In the case referred to in the preceding Article any register found in the vessel which mentions matters affecting the prohibition or limitation may be seized.

If there is sufficient reason to suspect the *bona fide* of the vessel, her wireless installations may likewise be seized.

Art. 92. If the action of the vessel referred to in Articles 89 and 90 is deemed to come under Chapter XIV (Unneutral Service), she shall be dealt with in compliance with the provisions of that chapter.

Art. 93. The vessel referred to in Article 89 is to be condemned and the wireless installations and register concerning the prohibition or limitation found in her are likewise liable to condemnation.

Art. 94. All wireless shore stations in enemy territory, irrespective of their owners, may be seized, destroyed, or disposed of as military necessity may require.

Chapter XVI. Resistance to Search.

Art. 95. Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the capture of the vessel, irrespective of her nationality. (Art. 63 of D. of L.)

likewise prohibit the aforesaid vessels to transmit any telegrams in code, or may limit the language to be used in transmitting messages.

Art. 88. In the case referred to in the preceding Article, the Commander of the squadron or warship is to make a declaration stating the geographical limits of the area within which such prohibition or limitation is to be carried into effect, other particulars, date of commencement, and if necessary, duration of such prohibition or limitation; and is to order, as necessary, an officer under his command to notify vessels fitted with wireless installations found in or about the area of such prohibition or limitation.

The aforesaid notification is to be entered in the log-books of the vessels clearly stating the day and hour when such notification was given and their geographical positions at the time.

Art. 89. If a vessel violates the prohibition or limitation despite the fact that she received the notification referred to in the preceding Article, or that there is good reason to deem that she is aware of the prohibition or limitation referred to in Article 87, she is liable to capture.

Art. 90. If a vessel unwittingly violates the prohibition and limitation referred to in Article 87, the Captain may, as necessary, order her off, make her take a certain course, and put a commission on board; he may even detain her, if the gravity of the circum-

the facts shown in the report justify the capture of one or more vessels, has withdrawn the protection of the convoy from such vessels, the Commander of H.I.J.M. warship shall capture them (Art. 62 of D. of L.)

Art. 100. If the opinion of the Commander of H.I.J.M. warship is at variance with that of the commander of the convoy in regard to the vessels under convoy, the Commander of H.I.J.M. warship shall lodge a protest, in writing, with the commander of the convoy, and shall immediately inform the Minister of Marine.

Art. 101. Vessels under convoy of the enemy warship are liable to capture.

The aforesaid vessels may be attacked or destroyed as necessary.

Art. 102. Vessels under convoy of the enemy warship and their cargo are liable to condemnation.

Chapter XVIII. Ship's Papers.

Art. 103. The following are the essential papers usually kept on board a vessel:—

- (1) The register of the nationality of the vessel.
- (2) The log-book.
- (3) The muster roll of the crew.
- (4) The list of the passengers.
- (5) The charter party.

Art. 96. The vessel referred to in the foregoing Article is liable to condemnation.

The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods. (Art. 63 D. of L.)

Chapter XVII. Convoy.

Art. 97. Neutral vessels under national convoy must not be searched, if the commander of a convoy gives, in writing, at the request of the commander of H.I.J.M. warship, all information as to the character of the vessels and their cargoes, which could be obtained by search. (Art. 61, D. of L.)

Art. 98. If the Commander of H.I.J.M. warship has reason to suspect that the confidence of the commander of the convoy has been abused, he shall communicate his suspicion to him. In such case it is for the commander of the convoy alone to investigate the matter. But if the commander of the convoy asks for the assistance of the Commander of H.I.J.M. warship in such investigation, the latter may send an officer under his orders to be present at such investigation.

The Commander must record the result of such investigation in a report, of which one copy is to be handed to the officer of H.I.J.M. warship. (Art. 62 of D. of L.)

Art. 99. If the commander of the convoy, deeming

statements made by the master are at variance with her papers.

Chapter XIX. Postal Correspondence.

Art. 108. The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is to be forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph shall not apply, in case of violation of a blockade, to correspondence destined for or coming from the blockaded port. (Hague Convention 1907, Annex No. 11.)

Art. 109. The inviolability of postal correspondence does not exempt a neutral mail-ship from the laws and customs of maritime warfare relating to neutral merchant ships in general. Nevertheless, visit and search should only be exercised in respect of them in case of necessity, and then, with every consideration and all possible speed. (Hague Convention, Annex No. 11.)

Art. 110. The provisions of Article 108 shall apply only to those Powers that have ratified or adhered to the Convention relating to Certain Restriction in the Right, of Capture in Maritime War. (Hague Convention, Annex No. 11.)

Art. 111. In the cases specified under the second

- (6) The bill of lading and invoices.
- (7) The manifest.
- (8) The clearance.
- (9) The bill of health.
- (10) The bill of the sale of the vessel.

Art. 104. The Captain shall examine such ship's papers as are necessary to ascertain the nationality, port of departure, destination, course, and service of a vessel as well as the character and destination of her cargo and other necessary matters.

Art. 105. The Captain may, as necessary, demand the presentation of the following documents:—

- (1) The engine room log.
- (2) The insurance policy for the vessel or cargo.
- (3) The record of wireless messages sent and received.

Art. 106. A vessel is liable to capture irrespective of her nationality:—

- (1) If she has not on board the ship's papers;
- (2) If these papers are thrown away, destroyed, or hidden;

Art. 107. A vessel, when there is fair ground for suspicion, is liable to capture irrespective of her nationality:

- (1) If she refuses to present her papers, or her papers are irregular;
- (2) If her papers contradict one another, or

the operation of the war. (Hague Convention, Annex No. 11.)

Art. 115. The captain, officers, and members of the crew of the enemy merchant ship are to be set free when they make a formal promise in accordance with the two preceding Articles. In such case the Captain shall immediately report the names of such captain, officers, and members of the crew to the Minister of Marine, and shall endeavour, if possible, to notify them to the enemy state by a suitable means.

Art. 116. The provisions of the four preceding Articles shall not apply to ships taking part in the hostilities.

Art. 117. The crew of an enemy merchant ship is presumed to have enemy nationality in the absence of counter-evidence.

Art. 118. The crew of a neutral prize are not to be made prisoners of war. But those who are considered to be required as witnesses may be detained.

If the vessel referred to in the preceding paragraph comes under the second paragraph of Article 18 or under Articles 80, 96, or 101, her crew may, as necessary, be made prisoners of war.

Art. 119. The passengers on board a prize, except those embodied in the armed forces of the enemy, are to be landed at a convenient port as soon as possible.

Passengers who are considered to be required as witnesses may be detained.

paragraph of Article 108 and under Article 110, the Captain shall seize all postal correspondence addressed to an enemy authority or to persons living in territory belonging to or occupied by the enemy, whatever its official or private character may be, and shall send to the Minister of Marine such correspondence as he may deem necessary.

Postal correspondence not coming under the above description shall be despatched to their destination as soon as possible.

Chapter XX. Treatment of the Crew and Passengers of a Prize.

Art. 112. When an enemy merchant ship is captured, such of her crew as are nationals of a neutral State are not made prisoners of war. (Hague Convention 1907, Annex No. 11)

Art. 113. The same rule as the foregoing shall apply in the case of the captain and officers, likewise nationals of a neutral State, if they give a formal promise in writing not to serve on an enemy ship while the war lasts. (Hague Convention, Annex No. 11.)

Art. 114. The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, provided that they undertake, on the faith of a formal written promise, not to engage, while the hostilities last, in any service connected with

and must order the Prize Officer to send it to the nearest Prize Court, together with the crew, ship's papers, and other documents and articles transshipped from the vessel destroyed.

The Captain must likewise immediately submit the same report to the Minister of Marine.

Chapter XXII. Destruction of Neutral Prizes.

Art. 125. The Captain is not to destroy a neutral vessel which he has captured. (Art. 48 of D. of L.)

Art. 126. A neutral vessel, which has been captured, and which is clearly liable to condemnation, may be destroyed, if the taking her to a port belonging to the Japanese Empire would involve danger to the safety of the warship or to the success of the operation in which she is engaged at the time. (Art. 49 of D. of L.)

Art. 127. Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents and articles which are considered relevant to the purpose of deciding on the validity of the capture must be taken on board the warship. (Ar. 59 of D. of L.)

Art. 128. The Captain who has destroyed a neutral vessel must prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contem-

Art. 120. The nationals of the enemy State found on board a prize, who are employed in religious, medical, or nursing work, are not to made prisoners of war. But if there is fair reason to suspect their character, they may be detained until their character is proved.

Art. 121. The crew and passengers of a prize and prisoners of war shall be humanely treated, and care be taken to protect their personal belongings.

The prisoners of war may be confined as necessary, but the crew and passengers are not to be confined without special reason for it.

Chapter XXI. Destruction of Enemy Prizes and their Cargo.

Art. 122. An enemy prize may be destroyed if the taking her to a port belonging to the Japanese Empire would involve danger to the success of the operations in which she is engaged.

Art. 123. Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents and articles which are necessary for adjudication must be taken on board the warship.

Art. 124. When an enemy vessel has been destroyed, the Captain must prepare a report stating minutely the circumstances which obliged him to destroy her,

Chapter XXIII. Employment of Enemy Prizes and Cargo.

Art. 132. An enemy prize may be armed and employed for military purposes as military necessity may require.

Art. 133. Before the vessel is employed the Captain must place all persons on board in safety, and must take on board his warship all the ship's papers and other documents and articles which are necessary for adjudication.

Art. 134. When the vessel is to be employed, the Captain must prepare a report stating the circumstances which obliged him to employ her, and must order the Prize Officer to send it to the nearest Prize Court, together with the crew, ship's papers, and other documents and articles transshipped from the vessel employed.

The Captain must likewise immediately submit the same report to the Minister of Marine.

Art. 135. The provisions of this Chapter shall apply in the case where the goods which are found on board an enemy prize, and which are considered to be enemy goods, are to be utilised for military purposes.

lated in Art. 126.

Art. 129. In the case referred to in the preceding Article the Captain must prepare a report establishing that the circumstances obliged him to destroy the vessel, and must order the Prize Officer to send it to the nearest Prize Court, together with the crew, ship's papers, and other documents and articles transshipped from the vessel destroyed.

The Captain must likewise immediately submit the same report to the Minister of Marine.

Art. 130. The Captain may demand the handing over, or may proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would under Article 126 justify the destruction of a vessel herself liable to condemnation.

In the foregoing case the Captain must enter the goods surrendered or destroyed in the log-book of the vessel stopped, and must obtain duly certified copies of all relevant papers.

When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage. (Art. 54 of D. of L.)

Art. 131. The provision of Articles 128 and 129 shall apply in the case referred to in the preceding Article.

Art. 138. In exercising the right of visit or search, the Captain must be careful not to cause the vessel visited any avoidable deviation from her course, and be also careful to cause her as little annoyance as possible.

Art. 139. The Captain must hoist the Ensign and pendant when he is going to order a vessel to stop.

Art. 140. The Captain must not, in any circumstances, require the vessel which is to be visited or searched to send her boat, her crew, or her papers.

Art. 141. The Captain, when he is going to visit a vessel, must warn her with signal flags or whistle, but at night he must hoist a white light over the Ensign instead of making signal with flags.

When he is unable to warn the vessel on account of heavy weather, or when the vessel does not obey the signal, he shall fire in succession two blank charges, and, if necessary, a shot across her bows in order to stop her.

If the vessel does not stop despite the warning mentioned in the preceding paragraph, he is to fire at her mast first and at her hull eventually.

Art. 142. When the vessel has stopped, the Captain shall send by boat a visiting officer to her, accompanied by some assistants if convenient.

The crew of the boat must not be armed but may carry arms in the boat.

The visiting officer and assistants, on boarding the

Chapter XXIV. Visit, Search and Capture.

Art. 136. Any private vessel, which is suspected of being liable to capture, may be visited and searched, irrespective of her nationality.

Art. 137. The Captain who has found a suspicious vessel must order an officer under his command to note the following particulars:—

(1) The time and position where the vessel was first sighted; her distance and bearing from his ship, and the course which she was steering; and if any other Japanese or allied warship was in sight, her distance and bearing to the vessel and such other warship's course;

(2) The course of the vessel during pursuit; the time, bearing and distance of any other Japanese or allied warship which was in sight; and such other warship's course and the extent, to which she joined in pursuit;

(3) The time and position where the vessel was overtaken; the bearing, distance and course of any other Japanese or allied warship which came in sight; and when in the case such other warship has captured the vessel, the bearing and distance of his ship from such other warship and the course of his ship.