

any special sense responsible to the government by virtue of any commission or other governmental authority issued in her behalf. Should she use her armament offensively she will thereby render herself liable to the consequent results under international law; but the mere fact of her having an armament on board does not change her status from that of a merchant vessel to that of a vessel of war, which a privateer was.

The right of a merchant vessel so to arm was not questioned until the actions of belligerents indicated an intention on their part to use converted merchant vessels for offensive purposes, and for fear that unconverted merchant vessels should be so used, the Second Hague Peace Conference laid down the conditions upon which merchant ships might be incorporated in the fighting fleet in time of war. This Convention was signed and ratified by both Germany and Great Britain, and regardless of any technical question as to whether it is in force in the present war, may be taken as indicating their views upon this subject which has now become so important. According to the Convention, before a merchant vessel may be considered a warship it must:

1. Be placed under the direct authority, immediate control, and responsibility of the power whose flag it flies (Art. 2).
2. It must bear the external marks which distinguish the warships of their nationality (Art. 2).
3. The commander must be in the service of the state and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet (Art. 3).
4. The crew must be subjected to military discipline (Art. 4).
5. A belligerent who converts a merchant ship into a warship must as soon as possible announce such conversion in the list of warships (Art. 6).

In the face of the provisions of this Convention, one of the signatory and ratifying powers seeks to maintain that a merchant vessel may be considered a warship, regardless of whether the provisions of this Convention have or have not been complied with. It is significant, in this connection, that the United States, in order to retain full liberty of action with reference to the use of merchant ships in time of war, neither signed, ratified, nor adhered to this Convention.

The declared intention of belligerents to convert merchant vessels to war vessels and the policy of nations to have merchant vessels built in such a way that they might carry armament, and thus be more useful when converted, suggested the possibility that merchant vessels