

1 June, 1911.]

## DECLARATION OF LONDON.

[3rd Day.

Dr. FINDLAY—*cont.*

these strong nations have heretofore objected to do. But we have secured something much better than the existing state of affairs. First of all, the chapter begins with a declaration that destruction is not to take place. There is a general prohibition against destruction: "A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture." Then follow the exceptions, that where the observance of that rule would involve danger to the safety of the warship or the success of operations in which she is engaged at the time, then destruction may take place. Let me emphasize one point so far not noticed. The first thing which has to be done when this matter comes before a court is that the captor has to justify himself first and foremost, on the ground that circumstances demanded the action he took. He must show that the circumstances were so urgent as to come within these exceptions contained in Rule 49, and if he does not do that it does not matter whether the ship was liable to be captured or not; he has to pay compensation. I suggest that as a very strong reason indeed why a belligerent should think twice about capturing arbitrarily and improperly a vessel in those circumstances. No doubt it will not prevent it, but the fact that an independent tribunal would have the right to call upon him first to make clear to it that the circumstances did demand this drastic action will certainly potently act as a deterrent upon the present arbitrary and very often unnecessary destruction of neutral vessels in these cases.

I suggest that these circumstances taken together are a distinct advance upon the existing chaos, that they give a great measure of protection to us as neutrals, and that they deserve unqualified adoption by this country.

I do not think it necessary to traverse other grounds which have been raised. The point made that conversion might take place on the high seas is not touched by this Declaration at all, and it is found, if you look at the reports, that such nations as France, Russia, and Germany all refused to take the British view, and strongly resisted the British view; so it was hopeless to get an agreement, however desirable that may be, and the best that was possible in the circumstances was done.

For these reasons, and many others with which I will not occupy the attention of this Conference, it seems to me that in every respect the Declaration of London is one of the best things which has been done for British commerce for very many years, and that, apart from any national obligation to ratify it, because we, in a sense, are responsible for it—upon the simple ground of self interest—it should, undoubtedly, in my judgment, be adopted. The expression of regret which is contained in the proposition I do not think calls for any discussion from me. It has led to an exceedingly interesting reply from Sir Edward Grey, and as Mr. Fisher does not make it the basis of any motion, it is unnecessary for me to refer to that now. The reply which Sir Edward Grey has given is still more gratifying I feel sure to every one at the table, and shows still more fully how closely those in charge of the destinies of the Empire are disposed to consult those who represent the Dominions overseas.

Mr. FISHER: I think it would be wise to pass some resolution on this point.

General BOTHAM: I would suggest adjourning now.

The PRESIDENT: You would rather defer what you have to say until to-morrow morning?

General BOTHAM: Yes.

Adjourned to to-morrow morning at 11 o'clock.