

1 June, 1911.]

## DECLARATION OF LONDON.

[3rd Day.

Sir JOSEPH WARD—*cont.*

the part of those opposed to the Declaration, a strong and persistent effort made to influence the opinions and judgment of the representatives of the oversea Dominions attending this Conference, and after weighing the views of those whose opinions I consider worthy of respect, and examining the matter carefully for myself, I have arrived at the conclusion that the Declaration of London now before us is better in the general interests of the British Empire, either as a neutral or as a belligerent, than the conditions existing at present.

The chief thing that actuated me in arriving at a decision favourable to the proposed Declaration was the one material question: Will the food supplies for Great Britain be exposed to greater risks than at present? After considering the matter as carefully as it was possible for me to do, I came to the conclusion that they would not be exposed to greater risks, but, on the contrary, there would be an improvement. Foodstuffs are to be recognised as conditional contraband, and their protection would be increased, because the captor has the responsibility of proving his case, and hitherto the responsibility has not been on the warship, but on the shipmaster or shipowner. Having come to that conclusion upon that point, the others that I looked into with the view to ascertaining our position in connection with the Declaration of London, though important, were not, to my mind, of such direct importance to Great Britain and the oversea Dominions as the one I have just referred to. For instance, I have a distinct recollection of what took place during the Russo-Japanese War, when a vessel from New Zealand called the "Knight Commander" was sunk by the Russians. The prize court was the tribunal of the country that sank the vessel, and they would not give a penny piece in connection with the sinking of that vessel. Now it seems to me the proposals made here—I know there is a very strong exception taken to them by some people whose opinions are entitled to consideration—to establish an international prize court to which an appeal could be made, would be of very great importance in a matter of that kind. This aspect of the matter concerns the Dominion of New Zealand and all the other oversea Dominions. Great Britain would have representation upon an international prize court. To my mind, the representation of the small Powers is a minor matter, because the court would consist of not less than 9 or more than 15 members, and upon that court there would be eight great Powers; so that the minor countries to which the exception is taken that they have a right to sit and vote where important oversea Dominions have no right of vote at all would, as far as the great countries are concerned, every time be in a minority. Out of 15 members the smaller countries to which exception is taken as to their having representation upon the international court would be, practically, every time in a minority. Naturally, I am anxious to see that the oversea Dominions should not be overlooked in connection with an important issue of this kind; but what weighs with me in considering this aspect of the matter is the fact that, generally speaking, there would not be more than two belligerents, and the balance of the representatives sitting upon the international court would be neutrals. If the assumption is that because the right is given to countries outside the United Kingdom to have representation upon an international court, every time a decision affected a ship or the cargo of a ship, or any other matters referred by way of appeal to the international court, the neutral members of that court, because they were in a majority as far as numbers were concerned over the British members, would give decisions against British interests, they would find themselves, in all probability, at some future time in a similar position. It is not reasonable to suppose that anything of that nature would actuate men in coming to a decision upon matters which affect two belligerents being tried by a court the members of which would be bound to be a majority of neutrals. Though I would naturally like to see Great Britain and the oversea Dominions having a larger representation upon such an international court, I do not think, after carefully considering the matter, that it is of such material consequence as has been represented to, and urged upon, me by people who are anxious and, I think, sincerely anxious in the matter, because opposition to it really implies that Britain should have a majority on such a court, and that is impossible. It does seem to me that when there is the substitution of a method by which cases