

to the limits which they or their prize courts might impose in the particular war. Our rules do not, as is sometimes argued, exclude destruction; they limit the right more strictly, and in all cases involve the payment of full compensation to those who have suffered by the act of destruction. We should therefore be in a less advantageous position without the Declaration.

That there are circumstances in which naval officers must and would destroy a neutral prize is obvious—it was recognised by Lord Stowell; and all that can be done, as has been done in the Declaration, is to limit that right, and ensure compensation where it has been done in the absence of the conditions which alone render it justifiable.

The criticism of these provisions is indeed surprising, for the whole of the gain is in the direction of our own view, and the application of it would be hardly distinguishable from that which under existing circumstances we should adopt, and have adopted, and the consequence of it is practically in accordance with our own view.

The Report of the Conference.

I do not myself attach the importance to the report of the conference which has been attributed to it; but the criticism on it appears to me not to be well founded. Whether it would be accepted if and when necessary (and this would rarely occur) is doubtless arguable; but as a matter of fact the writer feels no doubt that in continental courts it would be accepted as explanatory. Its formal adoption by the whole conference gives it an authoritative character in this respect.

Base.

This is explained as including a base of supply, and is said to extend the meaning of the Article. But the Article is actually dealing with supply, and there can be no question that an enemy would, and we maintain should, treat destination for a place which was exclusively or mainly used to supply a fleet, army, or Government with articles that might be used for the purpose of the war, or to support the war, as making food contraband.

Whether "commerçant" is translated as trader or contractor is really immaterial. The point is that the person "notoriously"—which must mean habitually—supplies the enemy Government. As pointed out above, enemy can only mean enemy Government, and the explanation in the report is superfluous, but accurate.

The criticism on Article 35 is surely somewhat minute. What it means is simply that papers are not to include false papers. The language may not be felicitous, but it is impossible to satisfy critics who not only expect that in an international conference foreign Powers are simply to record the view of Great Britain, but that Great Britain shall not even allow them any voice in the drafting of the language to be used.

Non-applicability of the Principle of Continuous Voyage to Conditional Contraband.

By this we lose nothing and we gain something. We could not identify and stop cargo bearing no warlike character going to a neutral port if the principle applied. It would not be earmarked for the enemy Government, and there would be nothing to show its ultimate destination.

For what it is worth, we should gain, as food or other cargo could be brought to neutral ports across the Channel if it became necessary. Russian or Indian corn could come to us via Marseilles or any other Southern European port if it were necessary to avoid the Atlantic. Supplies coming to us by sea through a cross-Channel port would reach us at less cost than similar supplies would reach a continental Power by rail from a neutral port.

So far, therefore, as we should depend on neutral shipping for supplies we have a means of meeting the situation even if the gloomy views of the critics as to the interpretation of Article 34 of the Declaration were correct.

DESART.

April 17, 1911.