

3rd Day.]

DECLARATION OF LONDON.

[1 June, 1911.]

Mr. BATCHELOR: Nearly all the foreign mail steamers, particularly the Germans, are heavily subsidised by the Government, and they are much the biggest steamers plying, and they are almost invariably manned by officers and men of the Naval Reserve, so that conversion is a very much bigger thing with us than it would be here.

Sir EDWARD GREY: It is quite desirable to get it, but as it is not in the Declaration of London you can hardly use that as an argument against the Declaration of London, if the Declaration of London, as it stands, is satisfactory.

Mr. BATCHELOR: But it is an argument for trying to bring about an alteration of condition.

Sir EDWARD GREY: Yes, but you could not get that into the Declaration of London. You must try for it at another Conference. Having found ourselves in a minority on this point at the actual Conference which took place, it is no good raising it and trying to get it in the Declaration of London now.

Mr. FISHER: You say we must appeal to the common-sense of the people of the world to bring the nations forward?

The PRESIDENT: To come round to our view.

Sir EDWARD GREY: We have to try and educate them to our view.

The PRESIDENT: With reference to something Sir Edward Grey said, I do not think it has been sufficiently noted that Article 34 is merely commentary upon and interpretative of Article 33. Article 33 is the governing article, and nothing is liable to capture as conditional contraband unless it is shown—*établi*—to be destined for the use of the armed forces or of a Government Department of the enemy. That is the proposition you have to prove, and unless you can prove that proposition it is not liable to capture. As Sir Edward Grey has pointed out, Article 34 merely says that in that process of proof there are certain rebuttable presumptions, one of which is, is the commodity in question consigned to a place serving as a base of the enemy? It is all governed by that, and unless it can be brought within that in the judgment of the tribunal, it is not liable to capture.

Sir EDWARD GREY: These articles have very limited application.

The PRESIDENT: They are mere expositions.

Sir EDWARD GREY: With regard to the abolition of continuous voyage, I think it would not help you to get the food supplies into Australia.

Mr. PEARCE: It would be of no value to us for that purpose.

Sir EDWARD GREY: No, I think it would not help you for that purpose. It might be of some value in getting goods out under a neutral flag, because you could consign them to a neutral port. It is inconceivable, of course, that as long as the British Fleet has command of the sea, there should be an enemy's fleet which is operating in waters near Australia; but supposing there were two or three cruisers not yet caught, but for a month or two—

Mr. BATCHELOR: For a while.