

of war with a belligerent by means of first conveying these articles to some neutral port close to the frontier of that belligerent would not only be a grave wrong to the other belligerent, but would almost certainly not be tolerated if he were in a position to stop it. It would, in such a case, be apparent that the articles could not have any other than enemy destination, and to stop such a traffic could constitute no oppressive treatment of neutral trade. We asserted this right during the South African war, when it was contested by the German Government. If the Declaration is ratified the doubts that now exist on this point will be removed.

With regard to conditional contraband, the position is altogether different. Conditional contraband consists of goods and articles which, although they may be serviceable to a belligerent force, are in themselves ordinary articles of trade bearing no warlike impress. For them no mere destination to enemy territory (if and when that could be established) is sufficient. Only destination to the military forces or Government of the enemy would be sufficient to create their contraband character. It appeared to the Government in these circumstances that, even if the principle of ultimate destination were held to be applicable to conditional contraband, it would in modern conditions be of little if any practical advantage to the belligerent who desired to intercept that trade.

In that case it is obvious that any cargo intended for belligerent forces or a belligerent Government would not be so earmarked. It would be consigned either to a neutral trader in the neutral port to which the carrying vessel was bound, or to order of a neutral consignee there. Thus, as the cargo would consist of articles of ordinary trade, there would not be a scrap of evidence from their character or their destination to show that they were contraband, and their seizure or the detention of the vessel would be equally unjustifiable. In the altered conditions of traffic and the modern facilities of land communications no real check could be maintained on this traffic, carried on in this way, by the assertion of the right to look to the ultimate destination of the cargo. It may be said that this nullifies all effective power as to checking the trade in conditional contraband. To a great extent this must be so, but it arises from unavoidable conditions, and not from the non-applicability of the doctrine. Recourse to land-carriage does, however, largely increase the cost to the belligerent of obtaining his supplies, and in that respect the powers of a belligerent as to intercepting conditional contraband are by no means without value.

It has been urged, in criticism of the action of the British Government on this point, that, whereas Continental Powers, when belligerent, have been afforded greater facilities for supplying themselves with food, no such advantage has been obtained by insular Powers in the same position. So far as regards Great Britain this is only partially true, although no doubt the facilities of Continental Powers for obtaining supplies through a neutral port would be somewhat greater than those of Great Britain.

As it appears to the writer, this country would, however, also gain materially. Cargoes in neutral ships might, in case of war with a Power in the north-east of Europe, be brought to a French port within a few hours' sail of our ports, and, in case of war with France, to a Norwegian or Swedish port. Thus it would be necessary for the enemy to have deprived us permanently, in the one case, of command of the Channel, or in the other, of the North Sea, to interfere with the subsequent carriage of grain or other foodstuffs to our ports. If this were the case, our position would have already become desperate.

It has been urged that the food supply of the population might be cut off on the pretence that it was conditional contraband, and that the powers created by the Declaration of sinking neutral prizes under limitations would further operate in this direction.

The first proposition rests on alleged ambiguities in the provisions of the Declaration as to conditional contraband, and the second on the alleged alteration of international law by the provisions as to dealing with neutral prizes.

The provisions of the Declaration do not appear to me to support the contentions of the critics in these respects.

By the governing article of the Declaration as to conditional contraband (33), it is clear that goods alleged to be conditional contraband must be destined for the use of the armed forces or a Government Department of the enemy State.

Unless this condition can be shown to exist, the goods are not capable of being condemned as contraband.

So far, the language of the Declaration does not appear to admit of doubt, and