

far as regards food supplies carried in neutral vessels. It creates, as a rule of international law accepted by the principal naval Powers, a principle we maintain, but which is not now accepted by other powerful nations. It is of value to the nation when belligerent, and, when neutral, frees its traders from danger of seizure and condemnation to which they may now be exposed, and, whether at war or neutral, we are equally the gainers.

The limitation as to other articles of absolute contraband almost equally essential to our existence is of advantage to us, but in this paper I am dealing specially with food supply.

(B.) Some writers seem to think the Declaration has made food conditional contraband. Food has, as pointed out above, been treated from time to time as *absolute* contraband, but it has always been recognised as contraband when going to the enemy Government to support a war.

The Declaration of London contains nothing which will in practice affect our position or our food supply in time of war. For that food supply we depend mainly on our own merchant fleet, and although a portion of our food supply would, no doubt, if we were at war, be brought to us in neutral bottoms, it could only be a relatively small proportion, and could not be sufficient for our population. If we were dependent on oversea supplies in neutral vessels, therefore, economic pressure would bring us to our knees.

Thus, the position is the same as it is at present in this respect. If we cannot protect our own carriers and our trade routes we should have to make terms with our enemy. If we failed in this, neutral carriage could not fill the gap. So far as we should be supplied by neutral ships, we should afford their ships the same protection as to our own vessels—that is, we should keep the trade routes clear of enemy cruisers. The occasional stoppage of a neutral ship would not, any more than the occasional capture of one of our own ships, be more than an incident, and if we could not keep our trade routes practically safe from the action of hostile cruisers we could not continue the war at all.

Thus, even accepting the views of the most violent assailants of the Declaration on this point, our position would not be materially affected so far as regards our supplies of food and raw material. These views are, however, I think, quite ill-founded and inconsistent with the language of the Declaration.

Article 34 has been the subject of much criticism. It is explanatory only of Article 33, and must be interpreted in connection with the list of absolute contraband (Article 22). Under the last-mentioned Article, food-stuffs cannot be contraband generally (absolute contraband).

*Primâ facie*, therefore, food going to a commercial port is not contraband. To make it so (conditional contraband) there must be a Government destination (Article 33). Article 34 is explanatory only of Article 33; it cannot extend or alter the provisions as to the requisite destination prescribed by the preceding article, and enemy, quite apart from the report, can only mean enemy Government.

The presumption that consignment going to a "base" has a contraband character (of supply or otherwise) has been denounced.

Now "base" must be a word of limitation. The exact extent of the limitation may be matter of controversy, but that it does not mean an ordinary commercial port must be clear. There must be something more. Every port in any civilised country is connected by rail with all other parts of the country, and if this were sufficient, it renders absolutely nugatory both the Article which excludes food supply from being contraband generally and Article 33, which prescribes a Government destination, and makes the united articles nonsense. No honest court could so hold. The base must in some way be specifically utilised for supplying the Government or its forces, or the articles cease to have any meaning. You cannot argue it properly on Article 34 alone, but jointly with the other articles to which I have referred.

Further, it makes no difference if it could be so presented, which, in my judgement, it could not be, for in existing conditions the enemy would be able to act if he chose exactly as it is suggested he could act under Article 34. At present his commanders and his courts are the sole judges.

As to delay: there would be a delay in getting through the belligerent's prize courts of first instance and appeal which would have just the same effect as the delay in getting the judgement of the International Court; and the stopping of the cargo would be the same with or without the Declaration.

The rules as to destruction of neutral vessels are quite clearly to our advantage, as they limit a right which would now be exercised by our own opponents subject only