

Reference to the proceedings at the Hague and in London will show how strongly the representatives of Great Britain on both occasions pressed their views that the right of conversion claimed by some Powers was open to the gravest objection, and that in the interests of all nations it should be abandoned.

It was found impossible to obtain general assent to this view, or to the consideration of a suggestion that if the right were recognised it should only be exercisable in relation to vessels whose names had been notified during peace as potential vessels of war.

It has been said that the effect of the Declaration of London is to legalise privateering.

The Declaration, so far from legalising anything, carefully abstains from doing so, and merely records the disagreement of the Powers represented at the Conference.

Further, although the exercise of the power claimed may produce consequences of a serious character having something in common with those which arose from privateering, the convention drawn up at the Hague Conference, which records the nearest approach to any international agreement on this subject, does make provisions which, after conversion, give the vessel the attributes and impose on her the obligations of a man-of-war.

The central difficulty is that there is no generally recognised rule of international law forbidding this practice, and the claim that it is an inherent right of any sovereign Power to deal with its own ships in any manner recognised by its own municipal law cannot be controverted by reference to authority.

I have not found any case recorded in which Great Britain has commissioned a British merchant-ship on the high seas, but there are cases in which prizes have while at sea been sent forth for war by us, placed under the command of a commissioned officer of our navy, and have then hoisted the pendant.

It was therefore impossible to state in broad terms that conversion at sea was forbidden by the recognised law of nations, and in substance what had to be sought was the statement of a new rule forbidding or limiting the exercise of that power.

The Declaration does not alter the position, except that it may involve the possibility of the right being formally recognised in the International Court—with, on the other hand, the possibility that it might be rejected by that Court.

Personally I doubt whether our own Prize Courts would negative the right, and the only conclusion I can reach is that we neither gain nor lose by the Declaration, but are in the same position as before, except that as neutrals the force of diplomatic protest might be lessened by the right of appeal to the International Court.

It must, however, be borne in mind that a diplomatic protest unsupported by any recognised rule of law would not have much moral weight. It would be a claim to sustain by force a rule of our own making.

As belligerents, we should have to meet force by force and, if our municipal laws did not afford facilities for utilising converted merchantmen on a large scale, should have to create more cruiser squadrons to protect our trade routes, which is our present position. The question really is whether the fact that we have failed to improve matters in this respect is sufficient reason for abandoning the agreement reached on the other questions to which I have referred.

There is one way in which the exercise of this power might perhaps be hampered in existing conditions.

A belligerent would doubtless instruct its representatives in foreign neutral ports to report the presence there of any merchant-ship of the other belligerent suitable by construction and speed for a commerce-destroyer, and suspected to be destined for that service.

In that case, if there were evidence to indicate this purpose, the Power affected might call upon the neutral Power to which the port belonged to detain the suspected ship, and not permit the port to be used as a base of operations by the enemy.

No doubt the belligerent to whom the ship belonged would put pressure in the other direction on the neutral Power, but the course suggested might in some cases be effective, and it affords a possible check on the depredations of vessels sailing from a friendly neutral port as peaceful traders, intending to assume the character of war-ships immediately after leaving that port.

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In the foregoing observations I have endeavoured to indicate the practical effects of the ratification of the Declaration of London with regard to certain matters to which criticism has been directed. In many quarters the Declaration seems to have