

- (ii.) Nothing herein shall affect the validity of anything done under the Orders in Council hereby withdrawn.
- (iii.) Any cause or proceeding commenced in any Prize Court before the making of this Order may, if the Court thinks just, be heard and decided under the provisions of the Orders hereby withdrawn so far as they were in force at the date when such cause or proceeding was commenced, or would have been applicable in such cause or proceeding if this Order had not been made.

This Order may be cited as "The Maritime Rights Order in Council, 1916."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, officers, and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

No. 48.

New Zealand, No. 551.

MY LORD,—

Downing Street, 21st July, 1916.

With reference to my despatch, No. 542, of the 18th July, I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of a parliamentary paper (Cd. 8293), containing a note addressed by His Majesty's Government to neutral representatives in London respecting the withdrawal of the Declaration of London Orders in Council.

I have, &c.,

A. BONAR LAW.

Governor His Excellency the Right Hon. the Earl of Liverpool,
G.C.M.G., M.V.O., &c.

Enclosures.

NOTE ADDRESSED BY HIS MAJESTY'S GOVERNMENT TO NEUTRAL REPRESENTATIVES IN LONDON
RESPECTING THE WITHDRAWAL OF THE DECLARATION OF LONDON ORDERS IN COUNCIL.

No. 1.

THE Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador,* and has the honour to transmit herewith, for the information of the United States Government, the text of an Order in Council of to-day's date, effecting a change in the rules hitherto adopted by His Majesty's Government to govern their conduct of warfare at sea during the present hostilities. A memorandum which has been drawn up by the British and French Governments is also enclosed explaining the grounds for the issue of this Order.

Foreign Office, 7th July, 1916.

Enclosure 1 in No. 1.

MEMORANDUM.

At the beginning of the present war the Allied Governments, in their anxiety to regulate their conduct by the principles of the law of nations, believed that in the Declaration of London they would find a suitable digest of principles and compendium of working rules. They accordingly decided to adopt the provisions of the Declaration, not as in itself possessing for them the force of law, but because it seemed to present in its main lines a statement of the rights and the duties of belligerents based on the experience of previous naval wars. As the present struggle developed, acquiring a range and character beyond all previous conceptions, it became clear that the attempt made at London in time of peace to determine not only the principles of law, but even the forms under which they were to be applied, had not produced a wholly satisfactory result. As a matter of fact, these rules, while not in all respects improving the safeguards afforded to neutrals, do not provide belligerents with the most effective means of exercising their admitted rights.

As events progressed the Germanic Powers put forth all their ingenuity to relax the pressure tightening about them and to reopen a channel for supplies; their devices compromised innocent neutral commerce and involved it in suspicions of enemy agency. Moreover, the manifold developments of naval and military science, the invention of new engines of war, the concentration

* Also sent to other neutral representatives in London.