

**THE DECLARATION OF  
LONDON; A LECTURE  
DELIVERED AT UNIVERSITY  
COLLEGE, GOWER STREET**

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The Declaration of London; a lecture delivered at University college, Gower street by Arthur Cohen

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**ARTHUR COHEN**

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OF LONDON

# THE DECLARATION OF LONDON

A LECTURE DELIVERED AT UNIVERSITY COLLEGE,  
GOWER STREET

BY THE RIGHT HON.  
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DECLARATION OF LONDON

I. MUCH has been said, much has been written, about the Declaration of London. There have been articles in all the newspapers and reviews, letters written by eminent jurists, lawyers and merchants, pronouncements made by Chambers of Commerce, answers to them by Sir Edward Grey, followed by replies and rejoinders. There has been an able vindication of the Declaration by the Liverpool Steamship Owners' Association. There has been a full dress debate in the House of Lords, and numberless speeches have been made by Mr. Mackinnon Wood and others. Moreover, some notable books have been written on the subject, amongst others

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Professor Higgins's excellent and most useful work on the Hague Conferences, and Mr. Bray's extremely able book, the value of which is, however, somewhat diminished by the fact of the author being evidently one who is unable to see any flaw, error or defect in the instrument he has resolved to support, and lastly Mr. Thomas Gibson Bowles's work on Sea Power, remarkable by the vigour of its onslaught both on the Declaration of London and the Declaration of Paris.

2. It would seem, therefore, extremely difficult to say anything interesting on the subject, or at any rate anything both new and true. But the question whether the Declaration of London should be ratified unconditionally or subject to any and what conditions is of so much importance, and the arguments urged on both sides are so discordant and perplexing that, when I had the honour of being invited to deliver an address on this subject at the University of

London, the only hesitation I had arose from fear of my inability to do adequate justice to the subject. But I feel less diffidence when I remember that His Majesty's Government has given satisfactory assurances as to two points, on the importance of which I ventured strenuously to insist in an early letter to *The Times*, namely, that there should be no ratification until the Declaration had been thoroughly discussed in Parliament, and until it had been submitted to the consideration of the approaching Imperial Conference. There is, therefore, ample time for arriving at a just and safe conclusion.

3. Before entering upon the details of the Declaration, it will be useful to premise a few general considerations relating to the establishment of an International Prize Court, which should be constantly borne in mind during this discussion. Prize Courts are almost entirely concerned with the mutual rights and obligations of the

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belligerent and the neutral, and scarcely ever deal with questions directly affecting the relation of belligerents to each other. Now the captors and the captured property are necessarily in the power and control of the National Prize Court, and cannot be in the power or control of the International Prize Court. From this follows the important consequence that compensation from the captor, or restitution of captured property, can be enforced only by the Prize Court of the belligerent, and that no coercive jurisdiction can be directly exercised by the International Prize Court. For this reason Article 66 of the Declaration of London contains the following provision: "The signatory Powers undertake to insure in any war, in which all the belligerents are parties to the present Declaration, the mutual observance of the rules contained herein. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures