

Prefatory Note

There are several causes tending to make the Declaration of London the object of vital interest to students of international relations and international law. The possibility of achieving the establishment of an international court of appeal in prize matters, an achievement which would be of substantial effect in the field of maritime law itself and which would, moreover, provide an international institution of more direct and concrete action than almost all other such institutions hitherto established, depends upon the success with which the nations agree upon the code to be applied in such a court. The equitable solution of that problem, which, because of the strategic importance of the seas in the life of the nations, lies at the heart of the effort for a fruitful international reorganization, the problem of the freedom of the seas, depends in its most acute phases, upon the proper writing of the laws of war at sea. Finally, there is in debate a considerable body of law with a long history behind it and a complicated and rich technical content which presents in itself a fascinating study in legal science.

For all these reasons the subject claims attention. That the Declaration was not ratified and officially sanctioned in its own right and that it has finally been abandoned even in substance does not, it would seem, detract from the value of the collection which follows. The Declaration constitutes the best statement of the laws of war at sea as they stood in 1914, and it marks the high tide, historically, of the liberalization of those laws. The proposals in preparation for and in course of the conference and the eventual compromises attained embody in written form all those perplexing conflicts between sea and land, island and continent, navy and army, belligerent and neutral, and, to a certain extent, war and peace, which have emerged into public attention since August, 1914.

Mr. Root gathered this historical process, and the place of the Declaration in that process, into a pointed summary in an address delivered in Washington in 1912; that address is here used as an introduction to the texts.

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