

The
Advertiser
August 26, 1914

THE FROZEN SOUTH.

SIR DOUGLAS MAWSON LECTURES.

Sydney, August 25.

At the Science Congress to-day Sir Douglas Mawson, who was cordially received, said they were all satisfied that there was a great continent at the southern extremity of the world, though if all the ice melted there would probably be a number of detached masses of land—one portion of which was known to be elevated and of considerable extent. The most important expeditions had spent their time in the Ross Sea, and efforts had been concentrated on reaching the pole, thus diminishing the scientific result. Now, however, that the pole had been reached, he hoped efforts would be directed more towards scientific enquiries. (Hear, hear.) The land of Antarctica rose abruptly from the sea to a considerable height, and the high land surrounding the pole was covered by a thick ice cap. The western base party had continued the previous work of mapping, and by piecing together the results of different expeditions a fair knowledge of the contour of the continent had been gathered. It had an area of about five million square miles, mostly a huge ice cap, with here and there rock breaking out. Attempts had been made to break through pack ice, and they had sailed over parts where on previous charts land was supposed to exist. It was difficult to make errors of latitude, and the Wilkes expedition had mistaken packed ice for land itself. The mirage effect threw up the ice into a misleading appearance of land. Except Adelie Land, all other lands marked on Wilkes' chart were doubtful. In Adelie Land the lecturer's expedition had to deal with the worst climatic conditions ever found in the world. The winds reached a velocity of 116 miles an hour, and nothing could stand against them. Here, too, the lowest temperatures were felt, and cold currents of air poured down from the Antarctic continent. The snow covered everything in the neighborhood of the wintering huts, and their tents were destroyed by strong winds.

Beautiful views showed the great formations of blue ice, which existed in various parts. The islets off the shore of Adelie Land developed masses of frozen spray raised by the winds, and a picture of Captain Davies' vessel, half buried with ice, was applauded as a revelation of the anxious cares felt by the explorers. Some islets in summer were melted about the base by the warmer water, leaving a mushroom-like formation. Magnificent glowing views of broken and crumbling ice were also applauded, and the lecturer explained that much of this ice was impassible. Icebergs, including pinnacled specimens, abounded along the coast in fantastic forms. On some glaciers there was a continuous booming, like the roar of artillery, and one could actually feel the mass moving when encamped on the surface. Macquarie Island rose abruptly from the sea to about 100 ft., and many small lakes lverted the upper surface. It was covered with tussock grass, there being no trees, and the higher land was shrouded in mists. The beaches were alive with swarms of penguins. Excellent views of bird and animal life were much admired. Ninety-foot whales were shown sporting alongside the ship. According to soundings, a remarkable submerged moat surrounded the Antarctic continent, which might indicate a former much more extensive ice cap. If Australia had been connected with Antarctica, colder conditions would have existed in what was now warm, southern Australia, the cold winds sweeping over the whole area. There were indications that a great ice mass had once existed over Macquarie Island, where forms of animal life continental in origin had been found.

Professor David declared that Antarctica was a great force centre, and its presence was of the utmost importance to Australia, not only for understanding the distribution of animals and plants in the past, but particularly from the point of view of meteorology. If Antarctica were wiped off the map there would be far less stirring up of the atmosphere, and what would be the result on the rainfall could not be predicted.

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—Sir Douglas Mawson.—

Sir Douglas Mawson, the Australian antarctic explorer, is now in Australia to deliver the lecture on the expedition which he recently gave before the King and the Royal Geographical Society, London. The story is absorbingly interesting, and is illustrated by a magnificent series of moving pictures and studies of polar regions. It will be remembered that Sir Douglas heroically

marched through the antarctic solitudes alone for 31 days and nights after the deaths of Lieut. Ninnis and Dr. Mertz, only to find that the Aurora had sailed, and he was forced to remain another year in the frozen south. Sir Douglas will give three lectures in Adelaide, at the Town Hall, on September 7, 8, and 9.

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August 28th 1914

INTERNATIONAL LAW IN TIME OF WAR.

V.—The Declaration of London.

[By W. Jethro Brown, LL.D., Litt.D.]

The Hague Conference of 1907 adopted a draft convention for the establishment of an International Court of Appeal in matters of prize. The conception and formulation of the convention mark an epoch in the history of the human race. Nothing less was involved than the creation of an international jurisdiction capable of giving a binding decision upon the many and difficult questions which might come within its jurisdiction. Unfortunately, much doubt existed as to the nature of the rules of law which the International Prize Court was to administer. Accordingly the British Government proposed a further conference. The proposal resulted in the Naval Conference of 1909 at which representatives were invited from Berlin, Paris, Madrid, Rome, St. Petersburg, Tokio, Vienna, and Washington. The conference framed the Declaration of London. The British Government submitted the Declaration, together with the draft convention for the establishment of an International Prize Court, to Parliament for ratification. The House of Commons voted in the affirmative; the House of Lords in the negative. In the absence of formal ratification much uncertainty has hitherto prevailed as to the precise value of the provisions in the Declaration. Those provisions, in some respects codify, in some respects involve a departure from, international law as previously understood. But the distinction between the declaratory and enacting law is not formally recognised in the Declaration; and there has been room for much difference of opinion as to which class a particular provision might belong. Now that the British Government, in common with its allies, is pledged to a substantial observance of the Declaration in the present war, many uncertainties are removed. I propose to review very briefly the more important articles of the Declaration, in so far as they may involve a deviation from, or an addition to, my statement of international law in preceding articles. It is necessary, however, to write with diffidence. Great Britain has announced its intention to observe the Declaration with "slight modifications and additions." We do not know as yet what these modifications and additions may be.

—Blockade.—

I have little to add to my previous statement of the law relating to blockade. A declaration of blockade must be notified both to neutral Powers or their representatives, and to the local authorities. The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade. By article 17, neutral vessels may not be captured except within the area of operations of the warships detailed to render the blockade effective. The most important of the articles relating to blockade is article 19, to which I referred in my discussion of the subject. By that article a vessel cannot be captured for breach of blockade, whatever may be the ulterior destination of the vessel or its cargo, if the vessel is on her way to a non-blockaded port.

—Contraband and Unneutral Service.—

The more important provisions of the Declaration on the subject of contraband were stated in my last article, which appeared in Tuesday's issue. According to well established rules of international law, a neutral must not directly facilitate the operations of either belligerent, e.g., by allowing any of her ports to be used as a naval basis. The articles of the Declaration relatively to unneutral service state the conditions under which neutral vessels will be confiscable when engaged in the transport of armed forces of the enemy, or in the transmission of intelligence to the interest of the enemy, or in other services which indicate an intention to help the enemy in the conduct of the hostilities.

—Destruction of Neutral Prizes.—

A neutral vessel which has been captured must be taken to such Court as is proper for the purpose of determining the validity of the capture. But, by article 49, a neutral vessel which is captured, and which would be liable to condemnation, may be destroyed if the destruction is necessary to the safety of the captor or to the success of the operations in which the captor is engaged at the time. Cohen, one of the leading authorities who have commented on the Declaration, points out that article 49 is so ambiguous that it leaves uncertain whether, according to the true construction of the article, the mere inability to spare a prize crew might not be a justification for destruction of the neutral prize. The article is a compromise. The British view had been that the destruction of neutral vessels could in no case be justified. Some protection, however, is accorded to neutrals by later articles which provide that all persons on board must be placed in safety, and that the captor who has destroyed a neutral vessel must establish, prior to any decision respecting the validity of the prize, that he only acted in the face of an exceptional necessity. If he fails to do so, interested parties are entitled to compensation, and no examination can be made of the question whether the capture was valid or not.

—Transfer to a Neutral Flag.—

In a previous article I expressed the opinion that German commerce, during the progress of the present war, would be carried on in neutral ships. Chapter V. of the Declaration of London deals with the question of the extent to which the rights of capture may be limited where the vessel which claims to be neutral had originally been enemy property. Article 56 affirms that the transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is an absolute presumption that the transfer is void if it has been made during a voyage, or if a right to repurchase or recover the vessel is reserved to the vendor. A recent cable has announced that, in America, consideration is being given as to the advisableness of providing means for a wholesale admission of vessels under the flag of a belligerent to the American flag. Clearly such an admission would not, as a general rule, exempt the vessels from liability to capture. But the United States is a neutral Power, with which for obvious reasons we must keep on good terms. The situation might become very delicate and complicated if the suggestion which has been made in America were formally adopted by the American Government. Personally, I incline to the opinion that the suggestion will not be adopted so long as President Wilson is in office. Unfortunately for Great Britain, however, the British practice in the past has been in favour of a much greater latitude with respect to the conditions under which there may be a valid transfer to a neutral flag, than is in accordance with the Declaration of London to which Great Britain and her allies now propose to adhere.