WAR CABINET, 57.

Minutes of a Meeting of the War Cabinet held at 10, Downing Street, on Thursday, February 8, 1917, at 11:30 A.M.

Present:

The PRIME MINISTER (in the Chair).

The Right Hon. the EARL CURZON OF KEDLESTON, K.C., G.C.S.I., G.C.I.E.

The Right Hon. A. HENDERSON, M.P.

The Right Hon. A. BONAR LAW, M.P.

In attendance:


The Right Hon. Sir J. MACLAY, Bart., Shipping Controller (for Minutes 7 to 10).

The United States:

1. THE War Cabinet had under consideration the application of the Secretary of State for Foreign Affairs to reply to the request of the United States Government for the provision of a safe-conduct to the German Ambassador and his Staff, and their request for search arrangements to be made at Halifax instead of at Kirkwall. It was agreed that:

   In view of the great desire of the United States Government to get rid of Count Bernstorff, the safe-conduct should be given.

With regard to the question of calling at Kirkwall, two alternatives were considered:

(a) The proposal of the Admiralty that we should insist that no exception should be made in favour of the German Ambassador, and that the ship should call at Kirkwall.
The object of this proposal is that the examination of the ship's documents, &c., is a very highly expert business, and, in the opinion of the Admiralty, could not be carried out so effectively at Halifax as at Kirkwall.

(b.) The proposal of the Secretary of State for Foreign Affairs that we should refuse to waive, in principle, our general policy of insisting on the Kirkwall call, but should make a special exception to meet the views of the United States of America.

The War Cabinet considered that our main objects should be to conciliate the United States of America, and to get rid of the German Ambassador before he can take advantage of any reaction from the present wave of enthusiasm; but on no account to abandon the general principle of our right to insist that the ship shall call at Kirkwall.

The War Cabinet therefore—

Approved the proposal of the Secretary of State for Foreign Affairs, and authorised him to telegraph in that sense to the British Ambassador at Washington (Appendix I).

The Secretary of State for the Colonies undertook, after consultation with the Admiralty, to send a telegram to the Government of the Dominion of Canada, impressing on them the importance of an exhaustive and comprehensive but courteous search being made of the German Ambassador and his Staff, the passengers, and crew of the ship, to be carried out in conjunction with the Senior Naval Officer present.

The First Sea Lord undertook to send a corresponding communication to the Senior Naval Officer at Halifax.

The Conference in Russia.

2. The War Cabinet took note that the Chief of the Imperial General Staff is taking steps to give effect to a recommendation by General Sir H. Wilson for the establishment of a British Mission in Russia to expedite the delivery of guns and ammunition, and to deal with various artillery and aviation matters.

Delay on the French Railways.

3. It was brought to the notice of the War Cabinet that, owing to delays on the French railways, our military preparations for the campaign of 1917 were being interfered with, and the general situation was, in consequence, becoming very unsatisfactory.

The War Cabinet directed the Chief of the Imperial General Staff to obtain a statement from the Commander-in-Chief of the British Expeditionary Force, and lay it before the Cabinet at an early date, with a view to the Foreign Office transmitting it to the French Government.

Mining of a Transport.

4. The First Sea Lord reported the mining of the transport "Tindarius" off Cape Aghullas, near the Cape of Good Hope. He stated that the troops had been taken off by a hospital ship and transport, and that the "Tindarius" herself was making her way to Simonstown.
5. The First Sea Lord reported a number of engagements with submarines, including several that indicated a probability of successful results. The War Cabinet considered the serious situation threatened by the increased losses from submarines. They decided that—

The question ought to be examined from the point of view of a much more serious situation arising than at present, culminating in something approaching a blockade.

The Prime Minister stated that the lines we were working on at present were in the direction of—

(a.) A more extensive system of food production.
(b.) An increase in our tonnage.
(c.) The restriction of imports.
(d.) An examination of the possibilities of a temporary curtailment of imports of raw materials for munitions, with a view to the accumulation of a larger stock of foodstuffs.

The Prime Minister undertook to invite the attention of the Food Controller to various suggestions made for checking waste and extravagance in the consumption of food, and requested the Chief of the Imperial General Staff to confer with the Minister of Munitions, and report how far the production of munitions might be temporarily decreased consistent with the safety of the Army.

6. The War Cabinet discussed with the Secretary of State for the Colonies a telegram from the Governor-General of the Union of South Africa, dated the 6th February (Appendix II). Having regard to the general arrangements with our Allies, that no definite decisions should be taken in regard to rearrangement of territory until the question could be treated as a whole at the Peace Conference at the conclusion of the war, the War Cabinet authorised—

The Secretary of State for the Colonies to reply in the sense that in his speech he had expressed views which he believed to be held by the Dominion Governments generally; that it would be as well for the Governor-General to make no reference to the subject in his speech; and that the whole question would be considered with the Imperial Representatives at the forthcoming Special Meetings of the War Cabinet.

7. The War Cabinet had before them the draft of an Order in Council (Appendix III), prepared by the Minister of Blockade in accordance with the decision taken on the 5th February (War Cabinet 54, Minute 11 (a)). The effect of this Order is to deter neutral ships from endeavouring to avoid the British patrols, by substituting condemnation for the existing detention and loss of time as the penalty for evasion.

Having regard to the inability of the Admiralty to guarantee that more than a proportion of neutrals endeavouring to escape our patrols will be captured—

The War Cabinet approved the Order in Council, and directed the Minister of Blockade, in connection with it, to make a communication to neutral Governments to the effect that we would, in special cases, make arrangements to examine ships in ports outside the danger zone.
8. The Minister of Blockade brought to the notice of the War Cabinet the fact that the French are continuing to time-charter at high rates, thus making our negotiations difficult, and that Mr. Royden had gone to France with a view to improving the arrangements.

Neutral shipping is still being held up in our ports, except that Norwegian ships are being allowed to trade with France. On the other hand, neutrals are holding up their own shipping from coming here.

The Minister of Blockade reported that no strong protest had been received from neutral Governments, but that it was evident that our policy cannot be maintained much longer. He hoped that arrangements might be made for purchasing the vessels, and in this connection the War Cabinet decided that—

40l. a ton would not be excessive, having regard to the importance of obtaining this addition to our shipping, amounting to about 500,000 tons.

9. The Minister of Blockade informed the War Cabinet that there was evidence to show that there may be difficulty in persuading the crews of neutral vessels to sail under existing circumstances. He therefore proposed, where vessels are chartered on Government account, a bonus should be paid to the officers and crew, calculated upon the basis of 50l. for a captain, and 5l. for a seaman, other ranks and ratings pro rata. In the first instance, these bonuses to be only paid to vessels chartered on Government account. He estimated that this would mean an expenditure of 200,000l. for neutral services, and 2,250,000l. for British services. The War Cabinet—

Authorised the grant of a bonus to masters and crews of neutral ships if this was necessary to the success of the negotiations. They stipulated, however, that if a bonus is given to neutrals it should also be given to British merchant seamen, who are at present running very great risks.

10. With reference to War Cabinet 50, Minute 5, the War Cabinet had under consideration the Report of Lord Curzon's Committee on Reprisals (Appendix IV), and approved the recommendations contained therein, except as regards communicating, at the present stage, the form the reprisals would take. The War Cabinet decided that—

The Admiralty and the Director of Prisoners of War should, as soon as one of our hospital ships had been attacked, arrange for the embarkation in each hospital ship of a sufficient number of German officers and men as would ensure that they could not be recaptured and all embarked in one of the enemy's submarines.

(Initialled) D. Li. G.

2, Whitehall Gardens, S.W.,
February 8, 1917.
APPENDIX I.

Paraphrase of Telegram dated February 8, 1917, to Sir C. Spring-Rice (Washington) from the Foreign Office.

WE are readily prepared to give Bernstorff and his suite safe-conduct against any perils which might present themselves from British action; we do not see any reason either in courtesy or in equity why our general policy should be changed to safeguard him against his own countrymen's acts of illegality. Should, however, the Government of the United States of America press it, we shall be willing to oblige them, to make an exception to the rule, which we consider of the first importance, that vessels must put in at Kirkwall. In that event we should make arrangements for the ship and party to be searched at Halifax.

APPENDIX II.

Telegram from the Governor-General of the Union of South Africa to the Secretary of State for the Colonies, and Proposed Draft Telegram to the Governor-General, Pretoria.

(Received, Colonial Office, 2:34 p.m., February 6, 1917.)

REUTER reports here that in speech Friday 2nd you stated: "Let no man think that struggle by which we acquired the German Colonies has been fought in vain; let no man think that these territories shall ever return to German rule." May I quote and emphasise this declaration in speech at dinner to Smuts on Friday? Would be useful here if I might. I leave for Cape Town to-day.—BUXTON.

APPENDIX III.

[February 7, 1917.]

WHEREAS by an Order in Council dated the 11th day of March, 1915, His Majesty was pleased to direct certain measures to be taken against the commerce of the enemy in retaliation for the orders issued by the enemy which, in violation of the usages of war, purported to declare the waters surrounding the United Kingdom to be a military area in which British and Allied merchant vessels would be destroyed irrespective of the safety of the lives of passengers and crew, and in which neutral shipping would be exposed to similar danger in view of the uncertainties of naval warfare;

And whereas the German Government has now issued a memorandum declaring that from the 1st February, 1917, all sea traffic will be prevented in certain zones therein described adjacent to Great Britain and France and Italy, and that neutral ships will navigate the said zones at their own risk;

And whereas similar directions have been given by the other enemy Powers;

And whereas the orders embodied in the said memorandum are in flagrant contradiction with the rules of international law, the dictates of humanity, and the treaty obligations of the enemy;

And whereas such proceedings on the part of the enemy give to His Majesty an unquestionable right of retaliation, and render it necessary for His Majesty to adopt further measures in order to maintain the efficiency of those previously taken to prevent commodities of any kind from reaching or leaving the enemy countries, and for this purpose to subject to capture and condemnation vessels carrying goods with an enemy destination or of enemy origin unless they afford unto the forces of His Majesty and his Allies ample opportunities of examining their cargoes, and also to subject such goods to condemnation;

[And whereas the Allies of His Majesty are associated with him in the steps now directed to be taken]:

[1865–57]
His Majesty is therefore pleased, by and with the advice of His Privy Council, to Order, and it is hereby Ordered, that the following directions shall be observed in respect of all vessels which sail from their port of departure after the date of this Order:—

1. Any vessel carrying goods with an enemy destination, or of enemy origin, shall be liable to capture and condemnation in respect of the carriage of such goods.

2. A vessel which is encountered at sea on her way to or from a port in any neutral country affording means of access to the enemy territory without calling at a port in British or Allied territory shall, until the contrary is established, be deemed to be carrying goods with an enemy destination or of enemy origin, and shall be brought in for examination, and, if necessary, for adjudication before our Prize Court.

3. Provided that, in the case of any vessel which calls at an appointed British or Allied port for the examination of her cargo, no such presumption as is laid down in article 2 shall arise, and no sentence of condemnation shall be pronounced in respect only of the carriage of goods of enemy origin or destination.

4. Goods which are found on the examination of any vessel to be goods of enemy origin or of enemy destination shall be liable to condemnation.

5. Nothing in this Order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this Order, or to derogate from the provisions of the Orders in Council of the 11th March, 1915, and the 10th January, 1917, framing reprisals for restricting the commerce of the enemy.

APPENDIX IV.

Proceedings of a Committee held at the Foreign Office on Friday, February 2, 1917, to consider the Question of Reprisals if our Hospital Ships are Sunk by the Germans.

Present:

The Right Honourable the Lord Robert Cecil, K.C., M.P., Minister of Blockade.
The Right Honourable the Lord Newton, Under-Secretary of State for Foreign Affairs.
Major-General Sir G. M. W. Macdonogh, C.B., Director of Military Intelligence, War Office.
Rear-Admiral Jackson, Director of Operations Division, Admiralty.

The Committee considered the question of reprisals in the event of Germany carrying out her threats to sink our hospital ships en route between France and England, and vice versa.

The precedent of the action of the Germans in 1870 during the Franco-German War of putting prisoners, such as mayors of towns, on the engines of military trains liable to attack, was brought to the notice of the Committee.

It was noted that whenever during the present war we have threatened reprisals on minor points the Germans have always given way, as, for instance, in the case of—

(a.) The threatened solitary confinement of two British civilian prisoners in Buhleben;
(b.) Forcing our non-commissioned officers, who were prisoners, to work; and
(c.) Not giving our officers and men the proper rate of exchange, thus making deductions from their remittances from England.

The following forms of reprisals were considered:

1. The punishment at the end of the war of those responsible for giving the orders for sinking hospital ships. This was considered impracticable.
Threats to this effect have already been made in the case of other atrocities; but it is doubtful to what extent we may be able to put them into execution.

2. Threats to execute the next German officer taken on any submarine. The sense of the Committee was against this proposal, on the ground that the reprisal had no immediate relation to the offence for which it would be inflicted; that it might have to be delayed for a long time; that it was a cold-blooded and brutal act, which would probably be repugnant to public opinion, both in this and neutral countries; and that it would almost certainly provoke counter-reprisals of an even more bloody description.

3. The question of bombing undefended towns. The Committee felt that it was far preferable to inflict reprisals on military individuals than on women and children. Moreover, owing to the increasing need of sending all our aeroplanes to the front for other purposes, it was pointed out that this form of reprisal might involve the sacrifice of valuable men and machines.

4. Putting German officers and men on board hospital ships, in numbers to be decided by the War Cabinet. It was pointed out by the Admiralty that arrangements would have to be made to prevent these persons from interfering with the rescue of the wounded, &c., if the hospital ship was sunk.

In this connection the status of the hospital ship was considered, and it was suggested that so-called hospital ships which take wounded between France and England might not strictly by law be covered by the Hague Convention, but might come under the Geneva Convention. Under the latter it was suggested that they could be defensively armed, and that possibly circumstances might arise in which it would be desirable to do so.

The Committee further considered the question of disguising hospital ships so that they might appear to be ordinary passenger ships, and sending them unlighted. The Admiralty pointed out that in such cases we should have to provide escorts, as in the case of mail steamers carrying wounded back to the Colonies, and this would be a matter of considerable difficulty.

The Committee decided to recommend to the War Cabinet that:

1. The threat should be communicated to Germany that if they attack our hospital ships in the manner foreshadowed by them, we shall place a number of German officers and men on board similar ships in future. It was roughly estimated that we have about 1,000 military and naval officers in Great Britain, while the French have, in France, a large number in addition.

2. For the present, and until the Germans show their hand, it would be wise to treat hospital ships as heretofore, i.e., they should show all the distinguishing marks and lights.

3. If the Germans continue to attack our hospital ships, in spite of the reprisals recommended above, it would then be desirable that the character and appearance of the hospital ships should be disguised; that they should be armed; that they should, as far as possible, travel under escort, and carry no lights at night.

4. We should inform our Allies as to any steps we propose to take in the above direction.