

because they do, at first sight, seem to come within the scope of the true "Freedom of the Seas."

If there were any substance in the contention that a widely spread recognition of a theory entitles it to rank as a principle of the Law of Nations, then undoubtedly there is a mass of evidence favourable to this theory of the neutrals. On this so-called unanimity the writers persistently dwell, and on the strength of it the Declaration of Paris was framed. The other side of the case was ignored. Of greater weight than England's consistent refusal to accept the theory is the fact that, when these neutrals went to war, they had no qualms of conscience about abandoning it. They advocated it only when it suited their purpose and brought them profit. English statesmanship during the great wars was specially directed to combating what were rightly called "new-fangled doctrines," to whose appearance a specific date, 1752, and to whose development a specific period, 1752 to 1815, can be assigned.

The form of this treatise, which is essentially historical, does not admit of any prolonged study of the doctrines themselves: but they must be briefly examined in order to make history intelligible. The historical analysis makes this much plain: that the doctrines had their origin in a human desire, as old as fighting itself, to make profit out of other peoples' wars. The trader contended that "commerce" attracts to itself certain natural rights which are paramount in war. But the rights of commerce had been reduced into something like order in the thirteenth century by the *Consolato del Mare*, in which the claims of the neutral trader to non-interference were nicely balanced against the claims of the belligerent to non-interference. The principles worked out by the *Consolato* had become time-honoured through their adoption by the majority of States. The new contention involved a departure from them.

In the seventeenth and eighteenth centuries another person forced himself prominently into notice—the carrier. He, like the trader, pursued a profitable