

INTRODUCTORY NOTE

Since the month of August, 1914, the expression "Freedom of the Seas" has been on the lips alike of belligerent and neutral, and it seems as advisable as it is timely to issue—for the first time in English—the famous Latin tractate of Grotius proclaiming, explaining, and in no small measure making the "freedom of the seas."¹

The title of the little book, first published, anonymously, in November, 1608, explains the reason for its composition: "The Freedom of the Seas, or the Right which belongs to the Dutch to take part in the East Indian trade." It was an open secret that it was written by the young Dutch scholar and lawyer, Hugo Grotius. It was a secret and remained a secret until 1868 that the *Mare Liberum* was none other than Chapter XII of the treatise *De Jure Praedae*, written by Grotius in the winter of 1604-5, which first came to light in 1864 and was given to the world four years later.²

The publication of the treatise on the law of prize is important as showing that the author of the *Mare Liberum* was already an accomplished international lawyer, and it

¹ For the freedom of the seas and the relation of Grotius to the doctrine, see Ernest Nys's *Les Origines du Droit International* (1894), pp. 379-387, and the same author's *Etudes de Droit International et de Droit Politique*, 2e série (1901), *Une Bataille de Livres*, pp. 260-272. For an account in English see Walker's *History of the Law of Nations*, Vol. I (1899), pp. 278-283.

For an interesting sketch of the illustrious author of the *Mare Liberum*, see Motley's *The Life and Death of John of Barneveld*, Vol. II, Chap. XXII; for an analysis of Grotius' views on the law of nations, see Hallam's *Introduction to the Literature of Europe* (4th edition), Vol. II, Part III, Chap. IV, Sec. III; for an account of Grotius as a humanist, see Sandys' *History of Classical Scholarship* (1908), Vol. II, pp. 315-319.

² *Hugonis Grotii De Jure Praedae*, edited, with an introduction, by H. G. Hamaker, and published at The Hague in 1868 by Martinus Nijhoff.