

MARE LIBERUM.

and their passengers would have been safeguarded against all risks except the ordinary dangers of the sea. On the other hand the traffic of belligerents would have been liable to seizure or interruption, subject only to the provision of full safeguards for the lives of non-combatants. Such was the British view of the freedom of the seas in time of war. It marked an immense advance on anything earlier proposed.

The German view of freedom of the seas in time of war was that a belligerent should have the right to make the seas dangerous to neutrals and enemies alike by the use of indiscriminating mines; and that neutral vessels should be liable to destruction or seizure without appeal to any judicial tribunal if in the opinion of the commander of a belligerent war-vessel any part of their cargo consisted of contraband. On the other hand, Germany was very ready to place belligerent vessels on the same footing as neutral vessels, and to forbid their seizure or destruction except when they were carrying contraband or endeavouring to force a blockade. In this way she hoped to deprive the stronger naval power of its principal weapon of offence—the attack upon enemy commerce—while preserving for the weaker naval power every possible means of doing harm alike to enemy or neutral ships. At the same time she was anxious to secure to belligerent merchant-ships the right of transforming themselves into war-ships on the high seas. Thus a belligerent merchant-ship might sally forth as a peaceful trader, under the protection of the “freedom of the seas,” and, so long as it carried no contraband, be safe from interruption from the enemy; then, picking up guns in a neutral port, it might begin to sink enemy or neutral ships which, according to the judgment of its captain, were