

II

THE TREATY OF UTRECHT, 1713, AND THE MAXIM "FREE SHIPS FREE GOODS"

IN March, 1812, the Duc de Bassano, Minister of Foreign Affairs, presented a Report to Bonaparte, which was read before the *Sénat-Conservateur* of the Empire. It began with the following sentences:—

"Sire,

"Les droits maritimes des neutres ont été réglés solennellement par le traité d'Utrecht, devenu la loi commune des nations. Cette loi, textuellement renouvelée dans tous les traités subséquents, a consacré les principes que je vais exposer. Le pavillon couvre la marchandise. La marchandise ennemie sous pavillon neutre est neutre, comme la marchandise neutre sous pavillon ennemi est ennemie.

"Les seules marchandises que ne couvre pas le pavillon, sont les marchandises de contrebande, et les seules marchandises de contrebande sont les armes et les munitions de guerre."

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The Report is based on this thesis: the Berlin and Milan Decrees must remain in force until the English Orders in Council are withdrawn, and the principles of the Treaty of Utrecht regarding neutrals are restored to validity (*remis en vigueur*). England is to be banished from the Continent until she consents "finally to adopt the principles on which European society is based, to recognise the Law of Nations, and to respect the rights consecrated by the Treaty of Utrecht."

England's many offences were recited in the preamble to the Berlin Decree, but her crowning iniquity, in the eyes of the enemy, was the declaration of blockade of the coasts from the River Elbe to the Port