

to observe: "During the eighteenth century the complete appropriation of real property disappeared, but its revenues continue to be taken, or at least to be sequestered; and property of other kinds was sometimes sequestered and sometimes definitely seized": *Ib.* 433. "This right of sequestering the private property of enemies was asserted by an act of Congress of the Confederate States in 1861, but Lord Russell remarked that, "Whatever may have been the abstract rule of the Law of Nations in former times, the instances of its application in the manner contemplated in the Act of the Confederate Congress in modern and more civilized times are so rare and have been so generally condemned, that it may be said to have become obsolete": *Ib.* 434.

This writer, therefore, concludes: "Upon the whole, although subject to the qualification made in reference to territorial waters, the seizure by a belligerent of property within his jurisdiction would be entirely opposed to the drift of modern opinion and practice, the contrary usage, so far as personal property is concerned, was, until lately, too partial in its application, and has covered a larger field for too short a time to enable appropriation to be forbidden on the ground of custom, as a matter of strict Law; and as it is sanctioned by the general legal rule, a special immunity can be established by custom alone. For the present, therefore, it cannot be said that a belligerent does a distinctly illegal act in confiscating such personal property of his enemies existing within his jurisdiction as is not secured upon the public faith; but the absence of confiscation in the more recent European Wars, no less than the common interest of all nations, and present feeling, warrant a confident hope that the dying right will never again be put in force, and that it will soon be wholly extinguished by disuse": *Ib.* 435. See also Wheaton International Law, s. 303 *et seq.*; Woolsey International Law, s. 124.

These writers all concede that the right of confiscation exists, but Hall and Wheaton both express the opinion that it will not be exercised; but before it can be positively affirmed that the

\*It has been recently said in the public press that it is the intention of the Italian Government to confiscate a number of German vessels interned in Italian ports prior to the outbreak of the present war.