sible to imagine a combination of circumstances which could render it, even indirectly, the subject of a judicial decision. Neither will the absence of all reference to it in the *Consolato del Mare* and other like compilations appear important to any one who considers their scope and structure. But the silence of marine Ordinances is important, although, as affirmative evidence, they are of no great value; the assertion of the right in one such Ordinance, or in several, would not prove that it existed; but, if it did exist, it would be pretty sure to be asserted in some of them. We might have expected also to find some notice of it in the works of those text-writers who have explained and defined the belligerent right of visit and search. Taking the whole mass together, the presumption is strong that, as they afford no proof of the right having been ever exercised, it never existed at all.

Legal analogy, it is true, has something to say on the other side. The law has always permitted the property of enemies to be captured on board of a neutral ship —then why not their persons? But before you can apply the principle, you must ask what it is. On what principle may enemies' goods be seized under a neutral flag? Modern writers, following Bynkershoek, have generally founded this right upon that of visit and search. It is lawful for you to stop and search the neutral ship—if for nothing else, for articles contraband of war: being there, you have a right to take the property of your enemy,—which is, as it were, under your hand, —and the neutral carrier is not injured by your doing so, because you must pay him the freight which he would have earned had he conveyed his cargo to its destination. By English writers the analogy has frequently been used to justify the search for seamen in neutral merchant-