

has been granted, and in what circumstances it may be exercised. Nowhere—so far as I have been able to trace—has the form in which the maxim is commonly introduced in the treaties been fully considered and properly emphasised. It is to this effect: if one of the two contracting parties is at war with a third State, then the other, remaining neutral, may trade freely with the enemy, and may even carry his goods free. To take a concrete case. Suppose a treaty between Holland and Peru contained this clause: then, if Peru were at war with Bolivia, Holland might carry Bolivian goods free; or, if Holland were at war with Bolivia, Peru might do the same. Obviously this is a very limited adoption of the principle, for the case of war between Holland and Peru does not come within the scope of the arrangement. If the principle were agreed to in such a case, the language of the clause would run somewhat as follows—"If the two contracting parties are at war with each other (which God forbid), then the goods of each may be carried on neutral vessels without interference from the other."

The consequences resulting from these two forms are radically different. By the first, the right to carry free is granted to one neutral only. The enemy, the "third State" with which one of the parties may be at war, will only have a very limited right to "free" carriage for his goods. By the second, free carriage by *all* neutrals would be conceded to the potential enemy, and thus, through him, the privilege would be acquired by all neutrals.

There are so many treaties in which the principle is introduced, that I hesitate to make the positive statement that this second form does not exist in any of them. It is almost certain, however, that it is not to be found in any treaty prior to the Armed Neutrality Conventions. It was introduced into them in circumstances which are explained in this treatise, and also in many concluded under its inspiration between 1780 and 1800. These conventions were intended to have a collective operation; and the agreement in them