

In the seventeenth century Grotius, the founder of the science of international law, divided articles of trade during war into three classes : (1) Articles exclusively or primarily used for war ; (2) articles susceptible of use in war as well as for purposes of peace ; and (3) articles incapable of use in war. Following this classification, it has always been the Anglo-American practice<sup>1</sup> to divide contraband merchandise into two classes, of which the first comprises articles exclusively used for war, such as arms and ammunition, and also certain articles of double use, such as the necessary machinery and material for the manufacture of arms and ammunition and vessels and articles of naval equipment. These commodities are called ' absolute ' contraband, and any kind of hostile destination is sufficient for them. The second class comprises all other articles, such as foodstuffs and clothing, of use alike in peace and war. These commodities are called ' conditional ' contraband, and are only liable to seizure when they have a particular destination which indicates or suggests that they are meant for the use of the enemy Government or its armed forces ; for it is not permissible to employ the law of contraband for the purpose of putting immediate pressure upon the civil population. On the Continent, however, the tendency has been to repudiate the Anglo-American doctrine of conditional contraband, with the result that many things have been declared unconditionally contraband, such as foodstuffs, forage, cotton, coal, and railway material, which are required by the non-combatant population as well as by the military authorities and the Government.

The Declaration of London adopts the distinction

<sup>1</sup> The *Jonge Margaretha* (1799), 1 C. Rob. 189 ; 1 E. P. C. 100 ; the *Peterhoff* (1866), 5 Wallace, 28.