

1756, which it seems she has considered as "the ancient and established principle of maritime law,"* was peculiar to Great Britain : and Mr. Madison says, " it is well known that Great Britain is the only nation that has acted upon, or otherwise given a sanction to it."† He also mentions this rule as having been introduced, for the first time, in the war of 1756 ; as having been in operation only a few years in that war ; and not afterwards acted upon until 1793. ‡ Let us examine the subject.

In Valin's celebrated work on maritime law (a book in the secretary of state's office) is a regulation of Louis the fourteenth, in 1704, from which I will recite some passages.

The title of the regulation is remarkable : it is " concerning prizes made at sea, *to secure the navigation of neutral states and allies during war* ;" implying that this regulation was intended to abate the rigor of maritime law before that time practised towards neutral commerce.

After observing that propositions had been made to him by the deputies of the council of commerce, the French king expresses his approbation of them, " seeing he finds in them the means which he has always sought of procuring equally the advantages of the subjects of neutral princes and French cruizers." He adds, " The subjects of neutral princes will thus find the care which his majesty has taken to preserve for them *the same extent and the same liberty of commerce which they have been accustomed to enjoy during peace.*"

I will now read such of the articles of this French regulation as relate to the question under examination.

"*Article 1.* His majesty forbids French privateers to stop or bring into the ports of his kingdom, vessels belonging to subjects of neutral princes, going from the ports of their dominion, and laden on account of the owners or other subjects of the said neutral princes, with merchandise of the growth or manufacture of their own country, to carry the same *directly* into any other states whatsoever, even those with which his majesty is at war ; provided nevertheless, that there be not in the said vessels any contraband goods.

"*Article 2.* They are in like manner forbidden to stop vessels belonging to subjects of neutral princes, going from the ports of any state whatsoever, even of those with which his majesty is at war, and laden on account of the owners or other subjects of the said neutral princes, with merchandise which they shall have received in the same country or state whence they shall have departed, to return *directly* into the ports of the dominion of their sovereign.

"*Article 3.* He also forbids them to stop vessels belonging to the subjects of neutral princes, departing from the ports of one of the

* Mr. Madison's letter of March 25, 1808, to Mr. Erskine.

† Same letter.

‡ Idem.