

tyranny and cruelty, like fear and cruelty, are never far apart. To give a national and an individual example: Rome, before her zenith was reached, when the Fecials were, as Vattel puts it, "the interpreters, the guardians, and in some sort the priests of the public faith," made war with a measure of restraint, with a regard for law and custom; but imperial Rome, drunk with the lust of power, drifted from her previous high standing, the international ideals she had herself once evolved: so, too, Henry V., fighting, whether professedly or no, to impose what he considered to be a superior civilisation—or, as Germany would say, *Kultur*—on a country that preferred its own, however inferior the standard, started with more humanitarian sentiments and projects than later he could find to be compatible with all his schemes of conquest. In August, 1415, before the seizure of Harfleur, where "he played at tenys with his hard gonne stones," as a contemporary chronicler puts it, Henry issued a Proclamation the "Statutes and Ordenances . . . made at trefy and counseill of Maunt." These "Ordenances" very explicitly forbid desecration or robbery of "Holy Church;" killing or making prisoners of women, unarmed priests, or children under fourteen; and include rules "For kepinge of the Countre . . . that no man be so hardy to robe or pille therein after that the peas is proclamyd;" "For Prysoners"—several regulations—; "For women that lie in Gesem;" and against waste of "Vitaill," or "Robinge of Marchantes comyng to the Market."

This last phrase takes one back to prehistoric warfare, when market and trade route appear to have been at least partially exempt from the turmoil of intertribal strife, and recognised as necessarily common ground, a neutrality that conferred mutual benefit on all combatants. How and when questions of contraband arose it is difficult to decide, but they are no development of modern days. The actual word has been traced first to an Italian charter of 1445; in England it makes its initial appearance in the treaty of Southampton in 1625. The subject