

some three hundred years, of the leading maritime powers. These usages have been created by the action of belligerent rather than of neutral states, and with a view to extending and not restricting the advantages that accrue to a belligerent from the possession of a predominant command of the sea.

Amid all the uncertainty and indefiniteness that exists on many points of the law of neutrality, it cannot possibly be contended that a neutral government is under any obligation, apart from a special convention, to prevent its subjects from trading in contraband of war ; and such a fundamental change in the prevailing law as would be required to establish this obligation, even if desired and agreed upon by a majority of states, could not be effected, so as to make the obligation generally binding, without the consent of Great Britain and every other important maritime power. The mercantile interests of non-belligerent countries would suffer still more severely than they do at present if warlike material could not be supplied even to the belligerent who was strong enough to ensure its safe passage by sea. Such interests would gain by the abolition of the doctrine of contraband ; but the maintenance of a strict law of contraband is essential for a belligerent state that depends largely upon naval power for its safety. The present war has shown the inadequacy of the provisions of the Declaration of London to secure this safety.

In order clearly to distinguish shipment of contraband from the use of neutral territory as a base for belligerent operations and to determine the limits under the established law of the non-responsibility of a neutral state for the supply of articles of warlike use by its subjects to the belligerents, I have dealt somewhat more fully than the title of the book might warrant with the subject of illegal shipbuilding.