

proves beyond peradventure that the masterpiece of 1625 on the "Law of War and Peace" was not a hurried production, but the culmination of study and reflection extending over twenty years and more. More important still is the fact that neither the law of prize nor the *Mare Liberum* was a philosophic exercise, for it appears that Grotius had been retained by the Dutch East India Company to justify the capture by one of its ships of a Portuguese galleon in the straits of Malacca in the year 1602; that the treatise on the law of prize, of which the *Mare Liberum* is a chapter, was in the nature of a brief; and that the first systematic treatise on the law of nations—The Law of War and Peace—was not merely a philosophical disquisition, but that it was the direct outgrowth of an actual case and of professional employment.¹

¹ In support of the view that Grotius appeared as counsel in cases arising out of captures made by vessels in the service of the Dutch East India Company, and that the treatise, *De Jure Praedae*, is a legal brief, see R. Fruin's *Een Onuitgegeven Werk van Hugo De Groot in Verspreide Geschriften*, Vol. III, pp. 367-445. The following passages are quoted from this remarkable essay:

"While busy with the sale of the goods [of the captured merchantman *Catherine*, which had been unloaded in the Amsterdam arsenal], the process of adjudicating the booty before the admiralty court was conducted in the usual forms. Claimants: Advocate General of Holland, the Board of eight Aldermen, and Admiral Heemskerck; . . . on Thursday, September 9, 1604, final sentence was rendered, and 'the merchantman together with the goods taken from it were declared forfeited and confiscated'" (pp. 389-390).

"Hulsius in some measure replaces what the fire at the Marine Arsenal has robbed us of; among other records he has preserved for us in his *Achte Schiffart* the sentence pronounced in this matter by the admiralty, and of which we have knowledge from no other sources. From it we learn the grounds upon which the claimants demanded the adjudication of the booty. These grounds are the same twelve which De Groot discusses in his book. . . . This concordance can be explained on the ground that De Groot must have had acquaintance with the sentence; but he was not a man merely to repeat what others had before him witnessed. I should be inclined to feel that in the process he had served as counsel for the Company, and that he himself was one of the authors of the written claim upon which the sentence was based. It would not then be surprising if in his book he should develop at greater length and throw light upon what had already been set forth in the claim" (pp. 390-391).

"I cannot state definitely that Hugo De Groot was persuaded by the Directors to write such an argument; I have been unable to discover any evidence to