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RIGHT OF ANGARY

The recent requisition of Dutch ships in American ports affords us an interesting example of a revival of *Jus Angariae*, or as it is sometimes called *Prestation*. This right has had a varied and often highly controversial history. In its origin it signified the right of the sovereign, or other public authority, to employ compulsory service for the carriage of messages. It was essentially a royal prerogative, very similar in character to certain feudal claims, such as the right of purveyance.

During the middle ages the term somewhat changed its meaning, and came to acquire a distinct maritime significance. As then employed, it described the practice of belligerent nations in seizing neutral ships within the local jurisdiction, and in pressing them, and their crews, into service for the transport of troops, food, supplies, munitions, etc. The validity of this practice was clearly recognized both by the civil and common law. By the civil law, according to the Black Book of the Admiralty, "a king was justified in pressing into service, or seizing ships of every description and of every nation which might be found in his ports for purposes of urgent necessity, but, nevertheless, a tacit condition of safe return was annexed to such seizure or pressing. By the ancient laws of England, the admiral might arrest any ships for the King's service, and after he had made a return of the arrest in chancery, the owner of the ship could not plead against such return because 'L'Admiral et son Lieutenant sont de record.'"

It is also evident "from the ancient writs and patents of England that the Admiral, the wardens of the Cinque Ports, and others, were authorized to seize ships of war and other vessels, to impress seamen, and commandeer provisions and arms for pur-

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1 Some of the older writers drew a distinction between Prestation and Angary. The former was applied to the impressment of neutral vessels and crews into the transport service of the belligerent; the latter was restricted to the requisitioning of neutral cargoes. But this distinction has been disregarded by modern writers. The terms are now used interchangeably.

2 Woolsey, International Law, Sec. 118, note.

3 2 Oppenheim, International Law 394.

4 1 Halleck, International Law 485, note.
poses of national defense.”5 The exercise of this right apparently was not limited to English ships only. By way of partial satisfaction to the neutral, it was customary for the belligerent to pay freight for such services in advance.

The exercise of this right became so vexatious to neutrals that a series of treaties were drawn up in the 17th and 18th centuries, in some cases abolishing and in others modifying the practice.6 According to the terms of some of these agreements, the states mutually agreed to prohibit the seizure of ships or merchandise for public purposes, either in times of peace or war. By the treaty of 1785 between Prussia and the United States,7 Article 16, it was provided “that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other for any military expedition or other public or private purposes whatsoever.” In certain other cases, where the right of angry was conditionally recognized, it is expressly stipulated that the neutral owners shall be fully compensated for their services. In the revision of the treaty with Prussia in 1799,8 the above clause was eliminated, and in its place there was inserted a provision authorizing the requisition of vessels of the respective countries, but providing that “the proprietors of the vessels which shall have been detained whether for some military expedition, or for what other use soever, shall obtain from the government that shall have employed them, an equitable indemnity, as well for the freight as for the loss occasioned by the delay.” Similar stipulations are to be found in a number of treaties with the Central and South American states.9

Writing in 1789 De Martens10 declared that:

5 Ibid.
6 2 Oppenheim, International Law 394.
7 2 Malloy. Treaties and Conventions, etc., between the United States and Other Powers 1482.
8 Ibid. p. 1492.
9 Article 7 of the treaty of 1828 with Brazil provides that the citizens of the contracting parties shall “not be liable to any embargo nor be detained with their vessels. cargoes, or merchandise or effects, for any military expedition nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.” 6 Moore, Digest of International Law 907. The treaty of 1830 with Venezuela runs to the same effect. 8 Stat. at L. 470. Germany has also entered into similar agreements with Salvador, Portugal, Costa Rica, Mexico, Dominican Republic, Guatemala, Honduras, Colombia, and Nicaragua. Perels, Das internationale öffentliche Seerecht p. 222, note.
10 De Martens, Précis du droit des gens moderne de l'Europe, Sec. 269.
"It is doubtful if the common law of nations gives to a belligerent, except in case of extreme necessity, the right of seizing neutral vessels lying in its ports at the outbreak of war, in order to meet the requirement of its fleet on payment of their services."

But, notwithstanding some misgivings, the majority of jurists continued to recognize the validity of the practice in time of national emergency, subject, of course, to the payment of proper compensation. Azuni, for example, boldly asserted that a neutral vessel which attempted to escape from such requisition, would be liable to confiscation.

The close of the century witnessed a revival of the right. Napoleon again called the practice into play. The fleet that carried his expedition into Egypt in 1798 was largely made up of neutral ships, which were commandeered in French ports for that purpose.

With the development of more humane methods of warfare and a more general recognition of the rights of neutrals in the 19th century, the right of angary took on a less arbitrary and oppressive character. According to modern usage the right is restricted to the seizure or use of neutral ships and property which may be found within the local jurisdiction or on the enemy territory or the high seas. In case of military necessity it is sometimes recognized that the property may even be destroyed.

The right of angary in many respects resembles an embargo. But the two powers, as Calvo points out: "different dans leur nature comme dans leurs effets." An embargo "pour être légitime, doit être général, restreint dans les plus étroites limites et fonde sur des raisons majeurs: il n'implique, le plus communement, que la responsabilité morale du gouvernement qui l'exerce." . The right of angary "au contraire, est essentiellement spécial, et, en raison des risques et des charges onéreuses qu'il impose au navire qui le subit, il engage la responsabilité materielle et financiere de l'Etat qu'une necessite d'ordre superieur condamne a y recourir."

Neutral crews, it will be observed, are no longer forced to become active participants in the war. The neutral property only remains liable to seizure for military purposes. In other words neutral ships in certain exigencies are treated the same as national property.

11 Azuni. Droit Maritime, Pt. 1 Chap. III Art. 5; Taylor, International Law 702.
12 Hall, International Law 767.
13 2 Oppenheim, International Law 395.
14 3 Calvo, Droit International 139.
"The object of the right of angary" says Oppenheim, "is such property of subjects of neutral states as retains its neutral character from its temporary position on belligerent territory, and which therefore is not vested with enemy character. All sorts of neutral property, whether it consists of vessels or other means of transport or arms, ammunition, provisions, or other personal property, may be the object of the right of angary, provided the articles concerned are serviceable to military ends and wants. The conditions under which the right can be exercised are the same as those under which private enemy property can be utilized or destroyed, but in every case the neutral owner must be fully indemnified."

During the Franco-Prussian War the German military authorities had recourse to this right on several occasions. They took possession of a large quantity of rolling stock belonging to the Swiss and Austrian railroad systems, and used them for some time for military purposes. A still more striking illustration is to be found in the seizure and sinking of several British merchant vessels in the Seine to prevent French gunboats from going up the river and interfering with the means of German communication across the river. The English Government entered a strong protest against the brutal manner in which the sinking took place, while the crew were still on board the vessels, but it did not question the legality of the act of the German commander. At the same time it put in a claim for full compensation for the destruction of the ships. Bismarck defended the action of the military authorities on strictly military grounds. "The measure in question," he declared, "however exceptional in its nature did not overstep the bounds of international warlike usage." There was a pressing danger at hand "and every other means of meeting it was wanting; the case was therefore one of necessity, which even in time of peace may render the employment or destruction of foreign property admissible under the reservation of indemnification." He was not willing to admit, however, that the German government was under any legal obligation in this instance to indemnify the neutral owners of the vessels, but as an act of comity he agreed that compensation should be paid.

A majority of the leading English and American jurists recognize the legality of the modern right of angary, provided that due indemnification is made for the use or destruction of the

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15 Oppenheim, International Law 395.
16 Ibid. p. 396.
17 Stowell and Munro, International Cases, War and Neutrality, p. 544.
vessels. Two or three brief excerpts from representative writers will suffice.

According to Sir Robert Phillimore18 "such a usage is not without the sanction of practice and usage and the approbation of many good writers upon international law."

Halleck remarks19 that "By virtue of this right neutral vessels may be appropriated by a belligerent on payment of a reasonable price for compensation."

Oppenheim comes to the same conclusion:20 "As a rule," he lays down, "this law gives under certain circumstances and conditions, the right to a belligerent to appropriate enemy property only, but under other circumstances and conditions and exigencies, it likewise gives a belligerent the right to appropriate and destroy neutral property."

Calvo,21 the greatest of South American jurists, likewise declares: "En cas de troubles civils ou de guerre extérieure l'intéret de se défense ou de sa sûreté peut mettre un Etat dans l'obligation morale de porter momentanément atteinte à la liberté des transactions commerciales, de paralyser les mouvements des navires marchands, et même de requérir ceux-ci pour les employer à des transports de troupes et de munitions ou à d'autres opérations militaires. La raison d'État prime ici l'intérêt privé, national ou étranger, et légitime l'emploi de ces moyens extrêmes désignés sous le nom d'arrêt de prince et d'angairie."

The same view is entertained by many continental writers.22 Perels, who is perhaps the leading German authority on Seerecht is apparently ready to admit the legality of the right of angary, even in its older and more arbitrary form.23 "Das Kriegsrecht erkennt nicht nur die Zurückhaltung neutraler Handelsschiffe als statthaft an, sondern auch die Befugnis der Kriegführenden, sie in ihren Hafen zu Transportdiensten und ihre Besatzungen zu Dienstleistungen hierbei heranzuziehen."

The views of the continental writers on the legitimacy of angary have been greatly influenced, as Professor Oppenheim points out,24 by their attitude towards the doctrine of conditional
contraband. Inasmuch as they deny the validity of the Anglo-American doctrine of conditional contraband, they have been forced to set up another principle in its place to justify the right of the belligerent to pre-empt all goods which are bound for a hostile state. That principle they have found in the right of angry.

These precedents and opinions find confirmation in the provisions of the United States Naval code of 1900. Article 6 of that code expressly stipulates:

"If military necessity should require it, neutral vessels found within the limits of the belligerent authority may be seized and destroyed, or otherwise utilized for military purposes, but in such cases the owners of neutral vessels must be fully recompensed. The amount of the indemnity should, if practicable, be agreed on in advance with the owner or master of the vessel. Due regard must be had to treaty stipulations upon these matters."

No provision of the Hague Convention deals directly with the question of angry in relation to ships, but chapter 4, article 19 of the Fifth Convention, 1907, respecting the rights and duties of neutral powers and persons in case of war on land, provides that:

"Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers, or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin."

"A neutral power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of a belligerent Power."

"Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage."

There is no material difference in principle, it is submitted, between the rules which should govern the requisition of instruments of commerce on land and in port. The two cases are clearly analogous. The above convention is, by necessary implication, equally adapted to transportation by sea. To lay down any other rule would discriminate against sea powers. It would confer upon a powerful inland state with excellent railroad connections an effective control over neutral means of communication, while

similar powers would be denied to its enemies who were forced to rely upon naval forces and instrumentalities for purposes of communication. It would be singular indeed if the right of angary in respect to ships should be abrogated at the very moment when the corresponding right of requisition of rolling stock on land was receiving full recognition.

Notwithstanding these precedents, it must be admitted, there are many jurists, including several English and American writers of recent date, who either deny the legality of the right or, as is usually the case, while admitting its validity, severely condemn its exercise and demand its abolition. Dana acknowledges that angary is recognized both by treaty and in practice but declares: “It is not a right at all, but an act resorted to from necessity for which an apology and compensation must be made at the peril of war.”

DeBoeck pronounces it as “odieux et vexatoire.” Lawrence lays down that “nothing but long and uninterrupted usage can justify a practice which runs counter to the rudimentary principle that a belligerent must make war with his own resources.” He admits, however, that “unfortunately there can be no doubt that the practice of states, even in modern times, has permitted such seizures.” The Institute of International Law has also pronounced most strongly in favor of its abolition.

The British Regulations and Admiralty instructions furnish perhaps the most striking argument in support of this view. Article 446 reads:

“In the case of any British merchant ship, whose nationality is unquestioned, being coerced into the conveyance of troops or into taking part in other hostile acts, the senior naval officer, should there be no diplomatic or consular authority on the spot, will remonstrate with the local authorities, and take such other

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27 Wheaton, International Law, Dana Ed. note 152. He admits, however, after a review of the treaties on the subject that “these treaties certainly seem to recognize this angaria as a right, or at least as a practice of nations, and only seek to regulate its exercise.”

28 De Boeck, De la propriété privée ennemie sous pavillon ennemie Sec. 737.


30 5 Revue Generale de Droit International Public, 1898, 838.
steps to assure her release or exemption as the case may demand, and may be in accordance with the regulations."

But this provision, it would seem, is directed primarily against the older and now discredited form of angry, rather than against the present mode of exercising the right. Moreover the regulations do not venture to deny the legality of the practice. They simply provide an effective means for securing the release of the British vessel, which may have been requisitioned for naval purposes without just cause.

But, notwithstanding the numerous protests against the right of angry, it must be admitted, that the opponents of the legality of the measure are in a minority. History and precedent are alike against them. Some of these jurists, it is to be feared, have allowed their righteous indignation at the frequent abuses of the right to bias their judgment as to its legality, and to lead them to the conclusion that the right has disappeared or at any rate ought to be abolished. "The wish has been father to the thought." But it is "worse than idle" as Phillimore says:31

"To speak or write in a depreciatory tone as some modern writers do on the value and influence of usage in all international affairs. Not only is it a law to which both contending parties may be held to have assented, but its notoriety acts as a notice and warning to foreigners, that in certain contingencies certain consequences will fall within a certain jurisdiction. It is optional with them to place themselves or not within that jurisdiction; but when the contingency does arise and a consequence does follow ignorantia juris is morally and legally a bad plea."

The right of angry has indeed received either expressly or by implication too frequent recognition, both in treaties and practice, even in modern times to be abrogated by the opinions of international publicists. Most of these criticisms, moreover, it will be observed have been directed rather against the abuses than the legality of the right. As is too often the case in international discussions, law, policy and expediency have become hopelessly confused in the minds of the writers, and of the general public.

A number of international jurists, particularly those on the continent, base the right of angry upon the doctrine of military necessity.32 Von Liszt, for example, looks upon it as a form of Kriegsraison.33 To him it is a rule of force rather than a principle of law. But this conception savors altogether too much of

31 3 Phillimore, International Law 42.
32 For example, Dana, Rivier, and von Liszt.
33 Von Liszt, Das Völkerrecht 197.
Prussian militarism to commend it to the great majority of students of international law. To this interpretation of the right is doubtless due in part, much of the suspicion as to the legitimacy of its exercise.

The true basis of the right, according to most Anglo-American jurists, is to be found in the principle of territorial sovereignty. The law of every state is supreme over both persons and property within the local jurisdiction. In the case of the *United States v. Diekelman*, the Supreme Court laid down emphatically that ships which voluntarily enter a foreign port "thereby place themselves under the laws of that port, whether in time of war, or of peace." In other words, neutral vessels enter a belligerent port at their own risk. They cannot claim the privileges of international commerce in time of war, without subjecting themselves to the legitimate rights and operations of war. Neutral ships and neutral property in belligerent territory enjoy the rights, and must share the liabilities of the ships and property of citizens of the state, save insofar as they are exempted by treaty or by the rules of international law. The jurisdiction of the belligerent, it is true, is seldom exercised over neutral goods which are only temporarily within the country. But this limitation is essentially self-imposed; it is a concession which is made to neutral interests on the ground of public policy and convenience. It is a relaxation of the rights of the belligerent state, rather than an acknowledgement of the legal claims of the neutral. In short, an ancient Roman maxim, *salus populi est suprema lex* is operative in time of national danger upon citizens and neutrals alike, within the local jurisdiction.

But as this power is from its very nature a dangerous measure, it should be exercised with the greatest caution, and only under the pressure of national emergency. This right most vitally affects the political and commercial interests of neutrals. It ousts the captain and crews from the vessel; it dispossesses the neutral of his property; it interrupts the regular course of business; and diverts the ordinary channels of commerce. And what is even more serious, from a national standpoint, is the fact that it

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34 Hall, International Law 743.
35 (1875) 92 U. S. 520, 23 L. Ed. 742.
36 Hall, International Law 743.
37 Phillimore says "it can only be excused and perhaps scarcely then justified by that clear and overwhelming necessity which would compel an individual to seize his neighbor's horse or weapon to defend his own life." 3 International Law 42.
changes the flag of the vessel, and forcibly withdraws it from the protection and control of its own government. To assert this right is certainly a legitimate though extreme exercise of the war power, but its enforcement is almost certain to occasion a feeling of resentment and humiliation on the part of the weaker nations. There is all the greater reason on this account that the right should be exercised with all due consideration to the national pride and financial interests of neutral states.

According to the older view, the belligerent was seemingly under an obligation to compensate the neutral for loss of freight only.

"Il serait juste aussi" says Massé, "de les indemniser en outre des dommages qu'ils ont eu souffrir par suite de l'interruption de leur voyage ou de leurs expeditions; mais l'usage ne parait pas aller jusque-la."

But it is safe to say that this restricted view of the liability of the belligerent would not be entertained today. In all cases full compensation should be made, not only for the use of the vessel, but also for the loss of profits and for the damage and destruction of any of the ships during the voyage. Whenever possible an agreement for indemnity should be arranged in advance. This obligation is recognized not only in numerous treaties, but is confirmed in spirit, if not by the letter of the law, by article 53 of the Hague Convention, providing for compensation for the use of requisitioned means of communication in occupied territory.

The action of the United States government in this instance is the more justifiable, because of the peculiar circumstances of the case. The United States naval regulations, as we have seen, distinctly recognized the legality of angry. The Dutch vessels accordingly entered the United States ports at their own risk, and they knew, or ought to have known, that they were subject to requisition at any time.

In this case, moreover, the vessels were not simply birds of passage temporarily within the jurisdiction. On the contrary, the masters of the vessels at the instance of the Dutch government had tied up the ships, and had permitted them to lie idle for months in American ports, because they were either unwilling or afraid to put to sea. Meanwhile the United States government

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38 Phillimore, International Law 42, note.
39 Calvo, Droit International 139.
40 Scott, The Hague Peace Conferences.
41 Ante p. 420.
was negotiating with the Netherlands for the reciprocal exchange of Dutch shipping for American supplies. But the efforts of the government at Washington to effect an equitable arrangement were defeated by German pressure at the Hague. During all this time, the Dutch vessels were enjoying the protection of the American government. It was evidently the intention that the ships should remain in American ports indefinitely. For all practical purposes, these vessels had acquired a new commercial domicile; they had been transferred from Rotterdam to New York. They were enjoying all the privileges of American ports, and yet were refusing to make any return for the same.

At any time, as Secretary Lansing well says, "the United States might have exercised its right to put these ships into a service useful to it." Still it refrained from taking drastic action, so long as there was any likelihood that the Dutch government would agree to carry out the temporary arrangement which had been entered into between the two countries early in the year for such an exchange. The attitude of the Dutch government is the more surprising in view of the fact that Norway has recognized the justice of the American position and has agreed to place a portion of its shipping at the disposal of the United States upon most favorable terms. All that the United States has demanded is that the Dutch shall put their vessels into active service again. But the Dutch government has refused to make any concessions or to meet the United States half way; it has continued to clamor for food stuffs, but it has declined to charter its ships or restore them to normal activity.

Meanwhile, the railroads and canal boats of Holland have been busily employed conveying goods to and from Germany and the occupied districts of Belgium and France. And this commerce, it would seem, has not been confined solely and exclusively to innocent goods. A different rule has apparently been applied to the continental, than to the sea board traffic of the country. Private and public organizations have been free to carry on trade

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42 Memo. of Secretary of State Lansing. The Minneapolis Morning Tribune, Apr. 13, 1918.
43 Ibid.
44 Memo of President Wilson, New York Times, Mar. 21, 1918.
46 Ibid.
47 Correspondence respecting the Transfer Traffic across Holland of Materials susceptible of employment or Military Supplies. Misc. No. 17 (1917) Cd. 8693.
through the regular instrumentalities with the Central Powers. There has been no interdict on commerce with Germany, as in the case of trade with England and the United States. There can be little doubt in the present instance but that the action of the Dutch ship owners has been governed by political considerations. They have not been free-will agents. Almost from the outbreak of the war, the commerce of the country has been placed under the direct service of the government or of semi-public organizations, such as the Netherlands Over-Sea Trust, acting on its behalf. Rotterdam masters and merchants have had no occasion for discriminating against the United States. The Allies have undoubtedly exercised their belligerent rights upon the high-seas in a high-handed manner at times to the great annoyance and disadvantage of Dutch shipping, but they certainly have not been guilty of flagrant illegality, or of the wholesale destruction of the lives and property of Dutch citizens, by a systematic policy of piracy. There was every reason to expect that the Dutch government would meet the United States in a frank and conciliatory spirit. But the German menace evidently got on the nerves of Dutch statesmen. They dared not enter into an advantageous shipping agreement which might offend their powerful and threatening neighbor. The spirit may have been willing, but the flesh was weak.

There is another factor which cannot be overlooked. The rights and privileges of neutral nations must always be affected somewhat adversely during a period of war. But it has been one of the primary objects of international law to protect these rights as far as possible. During the last fifty years more attention has probably been paid to this phase of international law than to any other. The extravagant claims of belligerent nations have been gradually restricted in favor of neutral rights. But from the very outbreak of the present war Germany has systematically flouted these restrictions. She has cast the principles of international law to the winds. The rights of neutrals have been no more respected than those of belligerents. By a policy of terrorism she has forced some of her neighbors to serve her own purpose. In fact, if not in theory, the latter have been reduced to a condition of physical subjection.


49 The German government threatened to destroy all Dutch vessels that engaged in the carriage of food supplies between America and Europe.
This was the practical problem that the United States and the other Allies had to face. It was useless to protest to Germany against these flagrant violations of international law. She heeded them not. The Allies had already learned in the course of the bitter struggle, that force could only be met by force. Slowly and unwillingly they have been obliged to adopt retaliatory measures of war, to meet gas attacks with counter attacks and Zeppelin raids by bombing expeditions against German cities. To have adopted any other policy would have placed a premium on illegality, and have imperilled the fighting efficiency of their own forces. They would have fought the enemy with their own hands tied.

It was equally futile to appeal to neutral states to vindicate their rights against Teutonic aggressions. They were powerless to act. And in their helplessness they sacrificed not only their own rights, but imperilled the rights of the Allies. When Holland, under coercion, withdrew her ships from the high seas, she, wittingly or unwittingly, played the German war game. The conduct of the Dutch government was even more effective than the German submarine in driving commerce off the ocean. Here was a new phase of the same problem. Neutrals as well as belligerents were now involved. How was the illegal action of Germany in respect to neutral commerce to be met by the Allied Powers? The latter could not be indifferent to such a dangerous indirect attack upon their most vital interests. The United States, as we have seen, had no desire to resort to arbitrary measures. But it could not permit Germany to carry out her submarine policy through the medium of a neutral state. If Holland was unwilling or unable to protect herself against Germany, she could not justly complain if the United States should take such legal measures, short of war, as might be necessary to defend this country against her unneutral conduct. The requisition of the Dutch ships was the American reply to the Dutch or more truly the German embargo. In other words, it was a legitimate act of reprisal. But the act, it should be remembered was a blow at Germany not at Holland. The United States found it necessary to fight Germany with the latter’s own weapons and in this case the weapons proved to be the ships of a neutral nation. There is however, a fundamental difference in the mode in which the opposing belligerents have dealt with neutral shipping. It is the difference between full compensation and “spurlos versenkt,” between an extreme but legitimate exercise of war power and ruthless murder on the high seas.
Throughout the negotiations, the United States has acted with marked consideration. It not only postponed action until the last possible moment, but also, on taking over the ships, offered the most generous terms to the Dutch owners, for the use of them.\textsuperscript{50} Only a relatively small proportion of Dutch shipping has been requisitioned. The remaining tonnage is more than sufficient to supply the domestic and colonial needs of the Netherlands. The transaction is indeed a most profitable one for the Dutch ship owners, since they receive the returns from the operation of the ships, whereas the Allied governments assume all the risks. Not only so, but the United States government has been more liberal than the law demands.

"In order to insure to The Netherlands the future enjoyment of her merchant marine intact, not only will ships be returned at the termination of the existing war emergency, but the associated governments have offered to replace in kind, rather than in money, any vessels which may be lost whether by war or marine risk. One hundred thousand tons of bread cereal which the German government when appealed to refused to supply, have been offered to The Netherlands by the associated governments out of their own inadequate supplies, and arrangements are being perfected to tender to The Netherlands government other commodities which they desire to promote their national welfare and for which they may freely send their ships."\textsuperscript{51}

In short, the United States government has sacrificed its own belligerent rights and commercial interests to promote the national well being and prosperity of a neutral nation.

In view of all these circumstances we may then conclude that the action of the United States government is not only justifiable in law and by precedent, but may also be defended on the grounds of morality and fair dealing. On this issue the American government need not fear an appeal to the judgment of history.

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\textsuperscript{50} The New York Times. Mar. 21, 1918.

\textsuperscript{51} Memo. of Secretary of State Lansing, The Minneapolis Morning Tribune, Apr. 13, 1918.