

**THE LAW OF BLOCKADE: ITS  
HISTORY, PRESENT CONDITION,  
AND PROBABLE FUTURE: AN  
INTERNATIONAL LAW ESSAY,  
1870**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649326327

The Law of Blockade: Its History, Present Condition, and Probable Future: An International Law Essay, 1870 by H. Bargrave Dean

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**H. BARGRAVE DEAN**

**THE LAW OF BLOCKADE: ITS  
HISTORY, PRESENT CONDITION,  
AND PROBABLE FUTURE: AN  
INTERNATIONAL  
LAW ESSAY, 1870**



**THE LAW OF BLOCKADE.**

THE  
LAW OF BLOCKADE:  
ITS HISTORY,  
PRESENT CONDITION,  
AND  
PROBABLE FUTURE.  
AN  
INTERNATIONAL LAW ESSAY,

1870,

By H. BARGRAVE DEANE, B.A.,

*Balliol College, Oxford; Student of the Inner Temple.*

"Que Sçay-je."  
*Montaigne, L. 2, c. 12.*



LONDON:  
LONGMANS, GREEN, READER, AND DYER;  
WILDY & SONS, LINCOLN'S INN ARCHWAY, W.C.  
1870.

## P R E F A C E .

---

THE following pages were in substance written in 1869, on the subject chosen that year for the International Law Prize at Oxford.

The writer had the good fortune to obtain the prize, and was led by the wishes of some friends to print the Essay for private circulation among them ; but, whilst the manuscript was going through the press, the outbreak of the present war imparted a more practical interest to the subject.

Hence the writer has been induced to publish the Essay.

H. B. D.

*November, 1870.*

1



## ANALYSIS.

---

### Introduction.

The History of Blockade from its origin to the Treaty of Paris in 1856.

### The origin of Blockade in the Law of Nature.

The Phœnicians and Tyrians.

The Greeks.

The Carthaginians.

The Romans.

### The gradual progress of International Law, to A.D. 1600.

The Jus Naufragii.

The system of private wars.

The growth of the power of Governments.

The consequent increase of International intercourse.

The Consolato del Mare.

The Rôles d'Oleron.

The Hansatic Deputies.

Treaty in 1370.

Comparison of the rights of Belligerents and Neutrals, by Albericus Gentilis.

### The progress of International Law during the 17th century.

Grotius.

The first instance of Blockade proper, 1630.

Groningius.

### The Law of Blockade during the 18th century.

Bynkershoek.

Vattel.

Hübner.

French Règlement, 1778.

The Armed Neutrality, 1780.

Summary of the Law of Blockade up to the end of the 18th century.

The Law of Blockade during the 19th century.

Lord Stowell.

Tetens.

Decrees of Berlin.

British Orders in Council.

Decree of Warsaw.

Decree of Milan.

De Rayneval.

Wheaton.

Hautefeuille.

Halleck.

The Russian War.

The Treaty of Paris.

ii. The Present Condition of the Law of Blockade.

i. What constitutes the Legal Existence of a Blockade.

ii. What constitutes the Legal Cessation of a Blockade.

Notification of the Institution of a Blockade.

Actual Notice.

Constructive Notice.

Notification of the Cessation of a Blockade.

Breach of Blockade.

Breach outwards.

Breach inwards.

Excuses for breach.

Penalty for breach of Blockade.

The late American War.

Pacific Blockade.

iii. The Probable Future of the Law of Blockade.

Arguments for and against the continuance of Blockade as an act of War.

The Possible Modifications in the Law.

Conclusion.

AN ESSAY  
ON  
THE LAW OF BLOCKADE.

---

Few, if any, questions in International Law, open a wider or more interesting field for discussion, than the Law of Blockade. Its origin in a simple act of warfare, its slow and almost imperceptible growth, becoming more and more enlarged in principle, and in application, as time passed on ; and its present importance, render it a subject full of interest, in tracing the advance of civilization, and the commercial relations of different countries.

Blockade, as an act of war, has always been considered a belligerent right, which neutrals were bound on their part, to respect. Reparation for a wrong inflicted, has ever been an absolute right, and whenever reparation has been sought by lawful means, he who has suffered the wrong, has had a right to expect others to keep aloof, until he has obtained the reparation due. The obligation not to interpose, lay upon all who were not parties in the original wrong.

No doubt this obligation of non-interference, or remaining neutral, often had a great inconvenience, and pressed with greater weight upon the freedom, trade, and interests of neutrals, than any other belligerent right. The interests of the belligerent and