against whole populations, of the destruction of ports of trade, and of the bombardment of places not fortified. The right of search also as practised in former wars is vexatious and needless. Since it is the destination that determines whether an article is contraband or not, it should rest with the belligerent cruiser to bar, if he can, the entrance of such into the enemy's country, without disturbing for that purpose the entire trade of the world. The case of the *Trent*, during the American War, showed the necessity of having it declared, that packets engaged in the postal service, and keeping up the regular and periodical communication between the different countries in Europe, America, and other parts of the world, should be exempt from visit and search. The list of contraband articles would need to be reduced and rendered more certain. The blockade of commercial towns also can scarcely be defended as useful or necessary, since, by the improvement of internal communication, the enemy is, in most cases, able to provide himself with necessaries from other means. Many, indeed, are the improvements needed in the principles of International Law relating to the rights and duties of belligerents.

But not less essential it is to define more correctly the rights and duties of neutrals. It is all important to realise the fact that a state of war between any two States is highly detrimental to the interests of every other nation, who suffer from the destruction of their trade and the diminution of their resources. It is not as a concession, but as a right, that neutrals claim to continue their trade and navigation undisturbed; and it was not more than they were entitled to, when they wrested from the belligerents the principle that the neutral flag shall cover enemy's goods, and that neutral goods shall not be liable to capture under the enemy's flag. But the great question of the duties of neutrals respecting the sale and transport of contraband of war remains to be settled.

What is most important of all, however, in International Law, is to put an end to the obscurity and uncertainty which now exists on many subjects; and I conceive that we could not pursue a better course to that end than by following up the useful precedent set by the Conference of Paris of 1856, in reducing as many of the points as are recognised and acted upon by the civilised States, into so many distinct propositions to be recognised and expressly assented to by all civilised States. If we could bring nations to understand that international Law is really binding upon us, and if we could clothe its precepts with the authority of an express agreement, we should do much to secure a fuller compliance with its requirements. A congress is likely to take place at the conclusion of the present war to restore order in the political system of Europe. Let us hope that an effort may then be made to put the law of nations on a firmer and more satisfactory footing than it has ever yet been placed.

And since, with the multifarious and complicated relations between States, disputes will ever arise, let us provide some means for their peaceful arrangement without resorting to the fearful alternative of war. The Treaty of Paris of 1856, concluded between Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, has a provision "that if there should arise between the Sublime Porte and one or more of the signing Powers any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte and each of such powers, before having recourse to the use of force, shall afford to the other contracting parties the opportunity of preventing such an extremity by means of their mediation." And, further, in the Protocol of the Congress the same powers, on the proposition of the late Earl Clarendon, agreed as follows:—"The plenipotentiaries do not hesitate to express in the name of their governments the wish that States between which any serious misunderstanding may arise, should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly power." It is true that Count Walewski, as representing France, in approving, added—"That the wish expressed by the Congress cannot in any case oppose limits to the liberty of judgment of which no power can divest itself in questions affecting its dignity." Yet it might have been expected that when England appealed to the protocol, and offered mediation, both powers, and France especially, by whom the offensive was taken, should have consented to submit her grievance, in the first instance at least, to the arbitration of two friendly powers. This important concession to public opinion, however, cannot be allowed to be thus foiled, and it is well to consider by what means the agreement may be rendered more operative.

What is wanted is the formation of an International Council composed of the foreign ministers and ambassadors, for the time being, of all the civilized powers, for the determination of any disputes and difficulties which may arise between such States, to be summoned only when such differences arise. We should guard against the admission of any provision, such as that which was taken advantage of to justify France in withdrawing from the agreement on this last and most fatal war to herself. And it ought to be part of the arrangement, on the example of our municipal jurisprudence in matters of arbitration, that should, notwithstanding such formal agreement, any one power refuse to abide by its engagement, the other power or powers should still appeal to the International Council for the determination of the dispute, and the pronouncement of an award, and that the Council should proceed with the consideration of the question without regard to that refusal. Two important advantages would result from such an arrangement.