

and inevitably from the admission of the right of visit and search. This brings us back again to the point from which we set out. A neutral ship is as inviolable as neutral ground, except as against the exercise of belligerent rights. Granted; but what are these belligerent rights? That is the very question under discussion.

If the neutral has some reason to complain, so also perhaps has the belligerent, who appears to be debarred in some cases from exercising the right of self-defence, unless where justice permits him to inflict a penalty. It can hardly be denied, whatever may be thought of the views here expressed, that some confusion between these two perfectly distinct things has found its way into the law; nor is it difficult to see how this has happened. The right which a belligerent has against a neutral is that of preventing the neutral from doing him an injury—a right which is not judicial; but it has come to be exercised through the agency of courts of justice, which act judicially and govern themselves by judicial principles. Out of that right their jurisdiction springs, and to regulate its exercise is their proper duty; yet while the belligerent is entitled to regard nothing but the wrong, the judge is bound to take into account the knowledge and intentions of the wrongdoer. Their power has consolidated itself by degrees, riveted by degrees its wholesome and beneficent restraints, possessed itself gradually of the whole field, and given a strong forensic colour to this part of international law. It has become settled by degrees that, until confirmed by them, no seizure, whether of ship or goods, is valid against a neutral; and an appeal to them on all questions arising out of maritime captures has become his great security against violence and injustice.