

themselves the adhesion of other nations; in declarations of text writers of authority generally accepted, and lastly, and with most precision, in the field which they cover, in the authoritative decisions of prize courts. I need hardly stop to point out the great work under the last head accomplished, amongst others, by Marshall and Story in these States, by Lord Stowell in England and by Portalis in France.

From these sources we get the evidence which determines whether or not a particular canon of conduct, or a particular principle, has or has not received the express or implied assent of nations. But international law is not as the twelve tables of ancient Rome. It is not a closed book. Mankind are not stationary. Gradual change and gradual growth of opinion are silently going on. Opinions, doctrines, usages, advocated by acute thinkers are making their way in the world of thought. They are not yet part of the law of nations. In truth, neither doctrines derived from what is called the law of nature (in any of its various meanings) nor philanthropic ideas however just or humane, nor the opinions of text writers, however eminent, nor the usages of individual States—none of these, nor all combined, constitute international law.

If we depart from the solid ground I have indicated, we find ourselves amid the treacherous quicksands of metaphysical and ethical speculations; we are bewildered, particularly by the French writers in their love for *un systeme*, and perplexed by the obscure subtleties of writers like Hautefeuille with his *Loi primitive* and *Loi secondaire*. Indeed it may, in passing, be remarked that history records no case of a controversy between nations having been settled by abstract appeals to the laws of nature or of morals.

But while maintaining this position, I agree with Woolsey when he says that if international law were not made up of rules for which reasons could be given, satisfactory to man's intellectual and moral nature, it would not deserve the name of a science. Happily those reasons can be given. Happily men and nations propose to themselves higher and still higher ethical standards. The ultimate aim in the actions of men and of communities ought, and I presume will be admitted, to be to conform to the divine precept, "Do unto others as you would that others should do unto you."

I have said that the rules of international law are not to be traced with the comparative distinctness with which municipal law may be ascertained—although even this is not always easy. I would not have it, however, understood that I should to-day advocate the codification of international law. The attempt has been made, as you know, by Field, in this country, and by Professor Bluntschli, of Heidelberg, and by some Italian jurists, but has made little way towards success. Indeed codification has a tendency to arrest progress. It has been so found, even where branches or heads of municipal law have been codified, and it will at once be seen how much less favorable a field for such an enterprise international law presents, where so many questions are still indeterminate. After all it is to be remembered that jural law in its widest sense, is as