national relations, which were entirely within the domain of the sovereign power. But when you asserted your independence, the laws of the family of nations, of which you then became a member, were bound up with and became in part the justification for your existence as a sovereign power, and assumed for you importance and pre eminence beyond the common law itself. Further, your remoteness from the conflicts of European powers and the wisdom of your rulers in devoting their energies to the consolidation and development of home affairs gave to your people a special concern in that side of international law which affects the interests, rights and obligations of neutrals; and thus, it has come to pass that your writers have left their enduring mark on the law of nations touching allegiance, nationality, neutralization and neutrality, although as to these there are points which still remain indeterminate.

It is substantially true to say that while to earlier writers is mainly due the formulation of rules relating to a state of war, to the United States,—to its judges, writers and statesmen, we largely owe the existing rules which relate to a state of peace and which affect the rights and obligations of powers, which, during a state of war, are themselves at peace.

On the other hand, while in Great Britain, writers of great distinction on international law are not wanting, and while the judges of her Prize Courts have done a great work in systematizing and justifying, on sound principles, the law of capture and prize, it is true to say that British lawyers did not apply themselves, early, or with great zeal, to the consideration of international jurisprudence.

Nor, again, is the reason far to seek. Great Britain had existed for centuries before international law, in the modern sense, came into being. The main body of English law was complete. The common law, springing from many sources, had assumed definite and comprehensive proportions. It sufficed for the needs of the time. Neither English statesmen nor English lawyers experienced the necessity which was strongly felt on the continent of Europe—the constant theatre of war—for the formulation of rules of international conduct.

The need for these was slowly forced upon England, and, it is hardly too much to say that, to the British admiral, accustomed to lord it on the high seas, international law at first came, not as a blessing and an aid, but, as a perplexing embarrassment.

Notwithstanding all this, there is a marked agreement between English and American writers as to the manner in which international law is treated. They belong to the same school—a school distinctly different from that of writers on the continent of Europe. The essential difference consists in this: Whereas in the latter, what I shall call the ethical and metaphysical treatment is followed, in the former, while not ignoring the important part which ethics play in the consideration of what international law ought to be, its writers for the most part carefully distinguish between what is, in fact, international law from their views of what the law ought to be. Their treatment is mainly historical.

By most continental writers, and by none more than Hautefeuille,