

validity of the charter, and not suggesting counterclaims upon another kind of title, they will give the go-by to what is the question we have to consider entirely ; and the fact that it was not brought before them is a thing to be considered." And he closed with the following piece of information : " A case and opinion relate to the matters brought to the attention of counsel, and to the question raised by those matters, and not to other questions quite different."

To students of international law it is scarcely necessary to state that the laws of nations, or, as Lord Selborne termed them, " the laws of the world," are largely made up of treaties, and the usages of nations, and the opinions of statesmen contained in despatches and other state papers, and the commentaries thereon by law writers respecting the several principles and rules of the laws of nations which they enforce, or which may be deduced therefrom.

Very different treatment was given to such commentators, in the judicial opinions of Chief Justices Cockburn and Coleridge, Chief Baron Kelly, Lord Justices Bramwell, Brett and Amphlett, Sir R. Phillimore and Justices Grove, Lush, Denman, Lindley and Field, reported some years before in *Regina v. Keyes*, 2 Ex.D. 63, where not only were the opinions of English law writers on international law cited as authoritative statements of that law, but also the opinions of American and European writers as equally authoritative. And the Lord Chancellor might have been effectively answered by the counsel reading to him Lord Coleridge's judgment in the case referred to, where he says : " Strictly speaking, international law is an inexact expression, and is apt to mislead, if its exactness is not kept in mind. . . . The law of nations is that collection of usages which civilized states have agreed to observe in their dealings with one another. What these usages are, whether a particular one has or has not been agreed to, must be a matter of evidence. Treaties and acts of state are but evidence of the agreement of nations, and do not in this country, at least, *per se*, bind the tribunals. Neither, certainly, does a consensus of jurists ; but it is evidence of the agreement of nations on international points. Regarding jurists, therefore, in the light of witnesses, it is their competency, rather than their ability, which most concerns us. We find a number of men of education, of many nations, most of them quite unin-