

*Lecture on an International Code of Commerce morally and judicially considered.*

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MY LORD AND GENTLEMEN,—The purpose and end of all social inquiries is to connect abstract theories with the practical business of life; to discover that link by which the conception of an idea may be joined to its realization, and to analyse, with mathematical precision, the elements composing it, so that sifted, and weighed in the balance of philosophical truth, it may be launched in the arena of public controversy. To a society formed for so dignified a purpose, presided over by the eminent and learned Prelate whom I have the honour to address, I need not enlarge on the importance of the inquiry now submitted for consideration. It may be set in the form of the following question:—By what means may we ameliorate and systematise the administration of justice, and extend the principles of pure ethics in the jurisprudence of nations?

In the career of human advancement, when the alienating distinction of distance is all but vanished; when international communication brings the resources, industry, and learning of countries into a common field of competition; when commerce, wafting with thousand sails across oceans and seas the riches of Providence, gives to them, by their equal distribution, a double character of bounty, we may with reasonableness expect, that in conjunction with such a wonderful development, the precepts of morality and justice, transcribed from common reason, and common feeling of human nature, may also receive a form, a system, which, meeting the requirements of the civilized world, may find a ready response and a general adoption.

The foundation of all laws rests in that law of nature which God has appointed for the preservation and welfare of the human family. This law, apprehended by our reason and regulated by the revelation of the will of God, dictates the rules of right and wrong, rules which direct man to the end of his creation, and govern him in his relation to society. Hence his duties towards God and man both established and implanted in him. The former constitute his religion, and are illustrated by love and obedience; the latter constitute the rules of his conduct, and are illustrated by love towards his fellow-creatures, and by an habitual reverence for truth and justice.

These he is called on to practice in the manifold engagements under which he is placed; engagements springing both from the natural relations, such as husband and wife, parent and child, kindred and consanguinity, and from his social condition in the

\* London, Simpkin and Marshall, Dublin, Hodges and Smith.

mutual exercise of labour, industry, and services. Natural laws are engraven in the human heart; but as the light of reason is often perverted by the depraved state of the heart, Providence established the institution of government to watch the observance of natural precepts, and to supply, by arbitrary laws, provisions adapted to each particular state of society; so that by the union of natural and positive laws the universal justice of all laws may be attained.

If we analyse the principles which govern mercantile intercourse, we shall find them all resulting from these primary laws; and as it has been wisely determined that the requirements of moral duties should be expounded and enacted by the forms of human laws, so mercantile rights and duties have been defined and established.

This union of natural and positive laws is what constitutes a code of commerce, namely, a body of written laws serving to enlighten men in their respective commercial rights and obligations. Natural laws determinate the duties and habilities of partners, *inter se*, and towards others, the obligations resulting from voluntary engagements, in covenants of all sorts, and the rights and duties of principal and agent. Positive laws fix the age of majority at which persons enter into capacity to contract, establish the rights of widows in the estate of their husbands, and determinate the times for prescription, and the form for the validity of contracts.

Codification has two-fold objects One, to define and to enforce by fixed rules the will of the legislator; the other, to collect the experience of the past as a light for the future. Positive laws need be promulgated in order to become binding. "All men ought to know the sacred laws that bind the lives of men, that they, knowing the enactments of the law, may avoid what is unlawful, and follow what is lawful." And natural laws derive, from a perspicuous statement of their principles, additional strength and jurisdiction.

Having thus drawn the source of mercantile law mainly from natural law, modified by positive laws, only upon points which need definition according to the position of countries, we shall not be surprised in observing that the development of most of the doctrines of mercantile jurisprudence dates from those enlightened ages which left the noblest monuments of wisdom and elevated morality.

The Roman law seems to have resulted from the purest views of justice and equity, inspired in the superior powers of the soul. Chief Justice Tindal expressed it to be the fruits of the researches of the most learned men, the collective wisdom of ages, and the groundwork of the municipal laws of most of the countries of Europe. And Chancellor Kent, after describing the value of its various branches, observed "that no one who peruses it can well avoid the conclusion, that it has been the fruitful source of those comprehensive views and solid principles which have been applied to elevate and adorn the jurisprudence of modern nations." And as these remarks apply to the Roman law, for the admirable discussion of the various ways by which property may be acquired, en'larged,

transferred, and lost, and the incidents and accommodations which belong to property, the rights and duties flowing from personal contracts express and implied, and under the infinite variety of shapes which they assume in the business and commerce of life; so for other branches of mercantile relations developed in later times, other luminaries are set before us, who, having once discovered the true principles of justice and equity, have established the basis of jurisprudence for all times.

Thus we have the celebrated "Consolato del Mare," the Rhodian Laws, the Laws of Wisby, the Roles d'Oleron, and the Hanseatic Ordinances, which have become the foundation of those first principles which fill modern codes.

These, constantly enriched with additional lights, developed with the gigantic progress of commerce, modified, refined, and matured by experience, and brightened by the newer lustre of modern civilization, constitute the present mercantile law of nations. Accordingly, the codes now in force exhibit a striking uniformity in their provisions. Founded on the same basis, aiming at the same object, they present throughout the same glittering brilliancy of the pure gold of equity and justice, whilst their dictates, lucidly and briefly expressed, define and expound individual duties. Let it then be granted that the essence of mercantile law is alike in all countries, and that its principles, drawn from the same fountain, contain the same intrinsic elements, what would it prevent that what is generically uniform should be specifically equalized? Let the juridical minds sever these great natural and immutable laws from those which are arbitrary or positive, and a similar body of mercantile law will be the result.

I shall now glance over the present state of jurisprudence in various principal countries. In general we shall observe, in the words of Lord Holt, "that the laws of all nations are raised out of the ruins of the Roman law, and that the principles of the English law are borrowed from that system, and founded on the same reason;" yet, as an authoritative code, the Roman law has no force in England. The system of English jurisprudence is altogether national. The laws of Great Britain are partly enacted by statutes, and partly delivered by common law judges, according to precedents founded on principles and established customs. The common law has risen with the growth of the empire. The study of English law, scientifically and perseveringly pursued, will fully reward the investigation; as, buried under a mass of heterogeneous materials, there will be found an amount of profound reflections, and a range of philosophical discernment on the various phasis in which man's actions are revealed, scrutinized with the most disciplined and penetrating juridical eye, ever to be found in any other body of laws; but they are wanting in system, elucidation, and defined authority. Honour to that government which, snatching those monuments of learning from the dusty, ponderous, and dry materials of thousands of volumes, will vindicate their strength and value, and raise upon

them an edifice of noble construction, the reputation of which may henceforth be entwined with the name of Great Britain. The administration of the law is worthy of all commendation for impartiality and soundness. The enlargement of jurisdiction of the County Courts is of the greatest importance, as tending to extend further the arms of the law, and to simplify the machinery of legal practice. It would be desirable to unite to such courts some commercial assessors, to adjudicate mercantile cases, in order that to expedition and cheapness may be added the not less essential requisite, practical experience of commerce.

The institutional writers of English law comprise Bacon, a philosopher as well as jurist, who universalized human science. Blackstone, who, with masterly learning, exhibited in a methodical and attractive style the whole essence of the law. Sir William Jones, a wonderful genius, who was endowed with the highest attainments in jurisprudence and languages. His treatise on the Law of Bailment is written with the strictest accuracy, elegance, and philosophy. Sir James Mackintosh, a fountain of learning, who possessed an unrivalled strength of intellect, a masterly sagacity, and a symmetric and precise cast of mind, able to grasp the root of the most abstruse science, and to be the intrepid champion of all that is philanthropic and humane. Bentham, an indefatigable writer, whose labours prepared the ground for the complete reform and improvement of the law. Of mercantile law I shall enumerate the most useful compendiums of Smith and Chitty, the learned treatises of Bayley and Byles on bills of exchange, the standard works of Park, Marshall, and Arnould on insurance, and the excellent treatise of Lord Tenterden on shipping.

Scotland is gradually assimilating to English law; and should a more elevated character pervade in the Scotch bar, should the jurists of that country form a bulwark against the time-serving and casuistical sophistry of modern days, they may, by incorporating their system with the flowers of English law, render to both countries the greatest benefit. Scotland possesses Lord Stair's invaluable Institutes, recently re-edited by Professor More with most excellent notes, Erskine's Institutes, and the learned commentaries of Bell, and also the able treatises of Brown on the Contract of Sale, and Thomson on Bills of Exchange. Mr. Reddie's learned works on the Science of International Law and Maritime Commerce are also very useful.

American jurisprudence is founded principally on the law of England, and it is characterised by the same features. A considerable step has, however, been made in the adoption of a code of civil procedure and a criminal code in the state of New York. That country, with the freshness and vigour of youth, and untrammeled by the customs or by the binding force of the decisions of former days, steers on in the path of progress, and she may bear the palm in the thorough improvement of the law. The code of civil procedure embodies the whole law of the State concerning judicial reme-

dies in civil cases, and supersedes several statutes, and all of the common law on the subject. It is divided into four parts. The first relates to the courts of justice, their organization and jurisdiction; the second embraces civil actions with all their incidents; the third relates to special proceedings, and the fourth to evidence. By it, summary remedy is granted in a certain class of contracts where the defendant has liquidated the demand and given an unconditional promise to pay it. Kent is the chief ornament of American jurisprudence. His celebrated Commentaries exhibit the widest field of observation, together with solid doctrines and deep researches on all the various branches of law. He is the Blackstone of America. Story rendered, by his copious works, invaluable benefit to jurisprudence. He explored the law of all nations, and produced elaborate and original treatises showing the conflict of law on the various points. A work on Insurance is in course of publication by Duer, in an admirable style, which promises to be most useful.

France possesses the Code Napoleon, to which the highest tribute is due. That country, previous to the framing of the code, was governed by numerous laws. Some parts were ruled by customs; some by written laws; the Roman law had the force of law upon certain subjects. Then the law of the prince, such as ordinances, edicts, declarations, and lastly the parliaments often made general regulations. The work of reform commenced as early as 1789, but the political condition of the country prevented the amalgamation of all laws into one system, until the genius of Napoleon ordered the compilation of a complete national code. Assisted by the experience and wisdom of the past; by the Ordinances de la Marine et de Commerce; and by the celebrated and great works of Pothier, who, with profound intelligence, had dived into the deepest mine of legal learning; the commissioners within a short time produced a true model of clear and defined jurisprudence. The French school of law was founded in the sixteenth century by Andrea Alciati, an Italian, invited by Francis I. to Avignon. Fifteen years afterwards, Cujas opened at Toulouse a course on the Institutes. His industry, his ardour, his penetrating researches were most extensive, and he left invaluable monuments of his learning. The names of Doneau, Dumoulin, L'Hospital and Bodin, the judicious Domat, the celebrated D'Aguesseau, and Montesquieu, are the bright ornaments of the French school. Mr. Justice Story, with his accustomed felicity of expression, awards the following unqualified testimony to the merits of French jurists: "Where shall we find more full and masterly discussions of maritime doctrines coming home to our own bosoms and business, than in the celebrated commentaries of Valm? Where shall we find so complete and practical a treatise on insurance as in the mature labours of Emerigon? Where shall we find the law of contracts so extensively, so philosophically, and so persuasively expounded, as in the pure, moral, and classical treatises of Pothier? Where shall we find the general doctrine of commercial law so briefly yet beautifully laid down, as in the modern commer-

cial code of France?" To these invaluable works must be added the large compilation of Ancient Maritime Laws of Pardessus and his valuable works on mercantile law, and the learned Concordance of M. Anthoine de St. Joseph, labours of great utility. Germany, that country where thought reigns in its intense creative element, where ethics and philosophy have found the most zealous expounders and advocates, law is studied as a science, and its noble properties are adequately appreciated. The German and Roman law, interpreted by the learned labours of Savigny, have acquired a novel and distinct feature in the eyes of the student. Aspiring at national unity, the regeneration of the law which shall merge all the various systems into one, presented an alluring aspect, and as the Zollverein succeeded in freeing the country from the barriers of the custom-houses, so equality in mercantile jurisprudence was sought as an earnest of a great system of national legislation. Divided into so many states, each had its special law on bills of exchange, the disadvantages of which were sensibly felt. Prussia formed a project of law on the subject. She communicated it to the several states, and invited them to a conference. The delegates met at Leipzig, and, after a grave and minute discussion, adopted the project. The outbursts of 1848 followed. The German parliament, constituted in the heat of political fermentation, was sitting at Frankfort. Destined to a short and not glorious existence, it produced a single juicy fruit out of its unmanured soil. Without debate, without amendment, it passed the project into law. Each state afterwards successively adopted it, and it now forms the German law on bills of exchange. Many judicious reforms were lately made in the administration of justice in Prussia. To Germany belongs Liebnitz, a great mathematician as well as philosopher, Hugo, Haubold, Savigny, Niebuhr, Hegel, whose labours it would be impossible even briefly to notice.

To Holland belongs Grotius, who by his *Juris Belli*, produced a metamorphosis in the international relations of states, and was succeeded in that science by Puffendorf, Wolfius, Burlamaqui, and Vattel.

I shall now speak of Italy, which was the cradle and the pillar of the law, which gave to it a noble lustre, and a most elevated and scientific character. Already has the Roman law been noticed, and its great moral influence over all nations. Among the host of its celebrated commentators we have first, Irnenius, who in the twelfth century founded a famous school by his name. Next comes Accursi, who compared and compiled the labours of the school of Irnenius in the thirteenth century. Bartolo then appears, Baldi his scholar, and Angelo Politiani, the favourite of Lorenzo de Medici, an orator, a poet, a grammarian, and a philosopher. He first introduced literature and philology into jurisprudence. These formed a wonderful era in the history of jurisprudence, and for four centuries this science was exclusively Italian. Jurisprudence then

shined there with poetry. Dante was born a few years after the death of Accursi, and Petrarcha and Boccaccio were contemporaries of Bartolo. After that period there flourished in Italy Gravina, Beccaria, and Filangieri. Vico, Stracca, Roccus, Scaccia, and Targa are all standard writers on maritime jurisprudence. The learned Casaregis, Baldassaroni Ascanio, and Pompeo, D'Azuni, and Piantanida are all authorities of the highest rank on bills of exchange, insurance, and other branches of mercantile law. Albericus Gentilis, who was professor of law at Oxford College, was a native of Ancona, and was the first to write on international laws; afterwards, however, excelled by Grotius and Puffendorf. Italy, now oppressed by her rulers, divided into states, and paralysed in her energy, exhibits symptoms of mental decrepitude; but she has the seed of that knowledge which distinguished her for centuries, and it may be that so fertile a soil, after having for years wanted the sturdy hand of the cultivator, may at its first ploughing germinate delicious and savoury fruits. Her ancient laws are engrafted in the laws of all nations. "The tree under which the countries of Europe once reposed, after the lapse of centuries, is still undecaying and majestic. Its branches, though curtailed in their proportions, still spread in luxuriance and vigour; and the trunk, though its exterior is rugged from age, is solid within."

In resuming the subject more especially under consideration, I shall recapitulate some few observations made in a former lecture on an International Code of Commerce in connection with the law of nature and nations, I had the honour to deliver in London and Edinburgh. I have there shown how, in the progress of mercantile jurisprudence, the French code of commerce was introduced into most of the continental states of Europe and even into Louisiana; and how some important countries, such as America and Great Britain, are still wanting a clear, systematic, and intelligible digest of their laws. Then, dissecting a commercial code into its elements, I have expounded its various branches, and shown how the principles embraced in them are derived from the law of nature.

In support of such conclusions, I shall now produce some statements of the Prussian and French jurists respecting the nature and spirit of two essential branches of mercantile law, namely, bills of exchange and insurance.

In the "Exposé des Motifs" of the new law of bills of exchange of Germany, I find the following:—"It is useless to demonstrate the difficulties which the differences existing in the law on bills of exchange have created in commerce. Having for its object to unite what is distant, the law of exchange is essentially a law common to all provinces and states which are engaged in international commerce. In order that it may accomplish this purpose, it is requisite that at least the principal points be rendered uniform, and such a uniformity may to a certain point exist, because the regulations of this branch of law depend less than any other upon local circumstances, and upon their relation with other institutions. The differences

which the laws on the subject exhibit between themselves, are founded either in the usages and arbitrary prescriptions, or in that the law of exchange has not itself arrived to its complete development; and because in this as well as in other branches the progress of commerce has not been followed, or on account of the very inconvenient mixture of heterogeneous elements appertaining to civil law. The negotiation of bills of exchange touches, it is true, the civil law in various respects, but their provisions are also defined and circumscribed. A law on exchange limited within this province may adapt itself to all legislations." And the general spirit of the law of insurance is beautifully illustrated in the following language of the French jurists, at the close of their report to the Council of State, on the title of Insurance in the Code of Commerce, and rendered by M. Duer, in his work on insurance:—"Marine insurance may justly be deemed one of the noblest creations of human genius. From a lofty height it surveys and protects the commerce of the world. It scans the heavens, it consults the seasons, it interrogates the ocean; and regardless of its terrors or caprice, defines its perils and circumscribes its storms. It extends its cares to every part of the habitable globe, studies the usages of every nation, explores every coast, sounds every harbour. To the science of politics it directs a sleepless attention; it enters the councils of monarchs, watches the deliberations of statesmen, weighs their motives and penetrates their designs. Founding on these vast materials its skilful calculations, secure of the result, it then addresses the hesitating merchant, 'Dismiss your anxiety and fears; there are misfortunes that humanity may deplore, but cannot prevent or alleviate. Such are not the disasters you dread to encounter. Trust in me, and they shall not reach you. Summon all your resources, put forth all your skill, and with unfailing courage pursue your adventures. Succeed, your riches are enlarged; fail, they shall not be diminished. My wealth shall supply your loss. Rely on me, and for your sake, at my bidding, the arm of your enemies shall be paralyzed, and the dangers of the ocean cease to exist.' The merchant listens, obeys, and is rewarded. Thousands, tempted by his success, follow his example. Those whom it had long separated the ocean now unites. The quarters of the world approach each other, and are bound by the permanent ties of mutual interest and mutual benefits." I should not deem it necessary to adduce further evidences of the universality of the law of merchant, had not the learned Dr Reddie opposed the notion of its belonging to the law of nations, on the ground that it does not necessarily involve international legal relations. But if we take Sir James Mackintosh's acceptation of the law of nations, and the value of the *jus gentium* of the ancients, namely, the law of nature as applied to states, it follows that although the law of merchant forms a part of private law, yet resulting as it does from principles mostly independent of positive laws, it may be applied under the category of the law of nations. And as Mr. Meredith, in his note to Emerigon, justly observes,

"It is the universality of the law and not its connection with international rights, so called, that has hitherto given reason to comprehend it in the law of nations;" and M. Duer, in his treatise on insurance, says, "The law merchant resembles the law of nations properly so called, in the sources whence it is chiefly derived, the rules of natural equity and justice, and in its general adoption by civilized powers, but differs from it widely in the nature of the obligation which it imposes, and of the sanction by which it is enforced." The law of nations is binding on states by treaties, international equity, and the tacit acknowledgment of rights; the law merchant is binding because it is "a supreme, invariable, and uncontrollable rule of conduct to all men." Therefore the development of a doctrine of natural equity in one state becomes a guide in another, and the courts take cognizance of it. Of such opinion was Blackstone, when he said, "The law of nations (whenever any question arises which is the proper subject of its jurisdiction) is adopted in the full extent by the common law, and is held to be a part of the law of the land. Thus, in mercantile questions, such as bills of exchange and the like, in all maritime causes relating to freight, anchorage, demurrage, insurance, bottomry, and others of a similar nature, the law merchant, which is a branch of the law of nations, is regularly and constantly adhered to." Thus in fact the law merchant is properly a part of the *jus gentium*, yet not a branch of international law in the meaning attached to it by Mr. Bentham, and referred to by Mr. Reddie, and now generally adopted by jurists, until the proposed international code of commerce is adopted and sanctioned.

Whilst, however, such is the nature, spirit, and universality of the laws which regulate commerce in all countries, their provisions differently expounded and unmethodically defined exhibit a most strange dissimilitude. The various degrees of development of mercantile jurisprudence, the differences of languages, and the requirements of positive laws, produce a total want of unity even in the simplest and most universally approved of rule of conduct. Experience shows how these prove to be trammels to the progression of commerce; how the ignorance which necessarily ensues from the multiplied and conflicting systems of laws redound to the injury of the merchant, who, in the vastness of his calculations, admits of no boundary, and who, stretching his operations to the four quarters of the earth, puts a tacit trust in the just, severe, and equitable administration of justice.

Commerce forms a separate commonwealth of the inhabitants of different countries engaged in mercantile pursuits. Baldasseroni said, "The merchants of all nations form a single society, and have one single language common to all." The laws established for the government of this commonwealth are less, than any other, subject to arbitrary regulation, and they are entrusted to the guardianship of the rulers of nations. Why should the depositaries of such a trust and the expounders of its requirements not give it a common

form ? If, independent of the action of governments, merchants are by intercommunion and by social undertakings merging into one great family, should it not be the duty of governments to provide a law common to all her scattered yet united members ? And let us not undervalue the action of government. Government, whether elective or hereditary, is the representative of the nation. It rules by her power, it directs by her consent, it governs by her sanction. The people, by the choice of their rulers, endorse to it the authority and the responsibility of governing and maintaining public order, and to procure that justice be administered to all. Henceforth it is by the authority of government that laws are enacted and enforced, and it is the wisdom and justice of such laws that most of all raise the nation to universal respect. Therefore it is incumbent upon the rulers of nations, to bestow by the authority deputed to them their sanction to wise and just laws. Justice may be equitably and scrupulously administered. It may be founded on religion and morality ; yet the nation will never acquire the character of possessing wise and exemplary laws, unless defined and established by the hands of the state. The Roman law, the Rhodian law, the Greek law, or, in modern times, the French law, would never have assumed that direct overpowering superiority, if not promulgated by their government. Thus it is with the commonwealth of commerce. It may have common and universal laws. It may be governed by the same natural principles of right and wrong, yet unless their principles are defined and expounded in an uniform system by all nations, commerce will ever bear the injurious results of numerous, confused, and often opposing laws. It is to supply this desideratum that it suggests to my mind the propriety of promoting an international code of commerce, by which I mean a treaty to be formed between Great Britain and foreign countries in order to establish, with the solemnity of laws, those fundamental principles which govern mercantile intercourse.

It would then be requisite judiciously to discriminate the nature of the various laws, form a separate digest of those which are of an universal character, and analyse those which are arbitrary or positive. How far positive laws may be assimilated will depend on their bearing, more or less, on the peculiar customs of a nation. Much must always remain to be developed by time, and in proportion as commerce and amity tend to identify the interests of countries. It would, moreover, be peculiarly requisite to draw out a well defined line into the province of each branch of law, namely, the commercial and civil, although they often come into contact, and, in fine, to render by a process of mathematical division the whole labour methodical and clear.

Such is an outline of the measures of this great edifice. Some essential articles would be necessary to be inserted in the code, such as that the creditor might have a choice to institute an action either at the domicile of the debtor, at the place where the contract was passed, or at the place where payment must be made ; and others

of an international character. To accomplish this great object, the countries of Europe and America should be invited to send delegates to a great conference preparatory to the framing of the code, and these should constitute a working committee for drawing up this common standard. The committee, as Bacon properly described, should consist of men who by habits of public business have been led to take a comprehensive survey of the social order, of the interests of the community at large, of the rules of natural equity, of the manners of nations, of the different forms of government; and who are thus prepared to reason concerning the wisdom of laws both from considerations of justice and policy; and they, by investigating the principles of natural justice and those of political expediency, should exhibit a theoretical and practical model of legislation, which should serve as a standard for estimating the comparative excellence of municipal codes." The model code thus framed should be submitted to the respective governments and nations of the civilized world, and pass through the ordeal of their respective legislatures. It is easy to perceive how incumbent would it be upon Great Britain to prepare beforehand such a project of law, or such a bill as would give to the committee a clue for their labours. The law of this country being extensively developed with her commercial progress, would if clearly digested become the groundwork of their researches, and lead them through a storehouse of judicial inquiries; whilst the committee would collect the experience and wisdom of all countries into a great focus, affording an amount of information which could never otherwise be acquired, and subject to a profound scrutiny many legal positions which have ever been sources of disputes. Mr. Phillimore, in his recent work on civil law, writing on the state of the law in Great Britain, loudly laments the isolation in which this country at present stands: "While the treasures of ancient wisdom and modern science lie untouched before us, while our neighbours on both sides of the Rhine elicit truth by the collision of their opinions, and vie with each other in endeavouring to raise the grand and harmonious fabric of jurisprudence on an imperishable basis, we live in our mud hovel, content with acorns when bread is within our reach, and with a state of things which, ruinous as it is to some and dangerous to all, few have more reason (if they know what is really and for its own sake desirable, or if they covet future fame), to regret than those who have acquired high rank and large fortune by its operations." It behoves therefore Great Britain, for the sake of her reputation, for the sake of her commerce, and for the sake of her extended and important interests, to come forth as the leader of this great legislative measure.

I shall now enumerate some of the most important results of the development of international law.

Commerce, that great instrument of progress, will be the first to feel the advantages of uniformity in mercantile jurisprudence, as it will enlarge the sphere of its acquisitions by encouraging the formation of commercial establishments in foreign countries, assist the

circulation of capital, and stimulate manufactures. The merchant will obtain by it a greater security in his transactions, whilst the influence it may have in strengthening friendly feeling among nations will lessen the chances of those calamitous obstructions which, destroying the elements of labour and industry, stop the current of commerce. And it will approach and facilitate the adoption of an uniform standard of the precious metals, a general system of national statistics, and an assimilation of weights and measures, the discordance and multiplicity of which at present prevents the natural extension of commercial enterprise.

Morals will extend the domain of their jurisdiction. As our faculties are strengthened by cultivation and exercise, so the dictates of morality, illustrated by the numerous phasis under which we may be able to explore human nature, will acquire higher power and more universal sway. The dissemination of its principles in a lucid and popular form among the mercantile classes, will generalise the knowledge of them, and introduce them more largely into the daily business of life.

Justice will thereby be promoted. Those who hold its sacred sceptre will find their path strewed with flowers of modern adjudication, capable of guiding them to sound and practical knowledge. Law and equity will no longer form the basis of two jurisdictions. The development of a doctrine in any place will, with the celerity of lightning, be known in the other; and as every new discovery in science furnishes an additional data for proceeding into higher investigation, so in the administration of justice, wherever the systems of law are equalised, the development of juridical ethics in a country will find an echo into all others; whilst, with an increased knowledge among the people, and the ever-watchful eye of the press, the power of the judge will be tempered and the propriety of his judgments severely tested.

Litigation will decrease in proportion with a greater acquaintance with the main principles of mercantile law, and arbitration will be more widely resorted to, which will protect the merchant from the heavy burden of expenditure, and the long and suspensive anxiety necessarily connected with law suits; and law, studied on enlarged and philosophical principles, may thereby be raised to its rightful eminence, and the bar become a vast arena in which lawyers of profound knowledge and forensic eloquence will display their extensive acquirements; for, as Mr. Justice Story observes, "what indeed could tend more to exalt and purify the mind, than researches upon the origin and extent of moral obligations, upon the great truths and dictates of natural law, upon the immutable principles that regulate right and wrong in social and private life, and upon the just application of these to the intercourse and duties and contentions of independent nations." Knowledge, partaking of that universal law of nature, progress and advancement, never reaches the climax it aspires to. Thought, the faithful indication of our spiritual being, is ever at its laboratory, forming a new mass of ideas, purifying

them by judgment and experience, severing from them all that is impure and unproductive, and ever and anon adding some particles of refined gold to the accumulating stock of science. Where, then the progress of the science of law will be brought into a common field, where the elevated views, the scientific disquisition, and the profound researches of the learned of all countries, will be brought to refine and to enlarge the mental labours of our jurists, a large measure of sterling worth will be acquired.

Such are some of the natural consequences flowing from the cosmopolitan measure, and such is the mode by which, in my humble apprehension, we may extend the principles of pure ethics in the jurisprudence of nations. Happy consummation! which would join all countries under one great code of law, based on religion, morality, and justice.

Nations are now united into a close society. The ties of friendship, relationship, commerce, civilization, learning, and religion are daily extending their harmonious influence over the civilized world. The political economist, raising himself to a height, surveys the general laws which govern trade, population, and resources, and thence proclaims freedom of trade. Steam, the most potent and pliable of motors working miracles, and electricity which is performing the mightiest of revolutions in human affairs, are powerful agencies which unite men under one universal regime, that of thought—potent, creative thought. To subjugate thought to reason, and reason to law, is the purpose of the philosopher, moralist, and legislator.

DOCTOR LAWSON moved that the thanks of the society be given to Mr. Levi for the interesting address which he had read, and observing that the intercourse which was going on between all nations rendered it advisable that a uniformity of laws should exist, he expressed an opinion that the project, being confined to mercantile regulations, was perfectly feasible. The subject was well worthy of consideration, and he trusted that the proposal would be carefully considered and supported.

JONATHAN PIM, Esq., in seconding the resolution, remarked that the project of getting mercantile laws assimilated should not be given up as without hope, for it should be recollect that whatever difficulties were felt by merchants in this kingdom, they similarly affected other countries; and by the increased communication which was likely to arise, those difficulties would be increased, and therefore, in proportion, the necessity of applying a remedy would be more generally admitted.

The resolution having been put from the chair, was passed with acclamation.