

**THE CLASSICS OF INTERNATIONAL
LAW. IURIS ET IUDICII FECIALIS,
SIVE, IURIS INTER GENTES, ET
QUAESTIONUM DE EODEM
EXPLICATIO**

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RICHARD ZOUCHE & SIR THOMAS ERSKINE HOLLAND

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THE
CLASSICS OF INTERNATIONAL LAW

EDITED BY

JAMES BROWN SCOTT

Member of the Institute of International Law

Iuris et Iudicii Feccialis, sive, Iuris Inter Gentes, et
Quaestionum de Eodem Explicatio

BY RICHARD ZOUCHE

EDITED BY THOMAS ERSKINE HOLLAND

VOL. I. A Reproduction of the First Edition (1650), with Introduction, List of Errata, and Table of Authors.

VOL. II. A Translation of the Text, by J. L. Brierly.

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IVRIS ET IVDICII
F E C I A L I S,
S I V E,
IVRIS INTER
G E N T E S,
ET QVÆSTIONVM DE
EODEM EXPLICATIO.

Quæ
Quæ ad Pacem & Bellum inter diversos
Principes, aut Populos spectant, ex præcipu-
is Historico-jure-peritis, exhibentur.

Opera R. Z.
Autoris Elementorum Iuris-prudentiæ.



O X O N I Æ,
Excudebat H. HALL, Impensis THO: ROBINSON.
M. DC. L.



An Exposition of Feacial Law and Procedure,
or of Law between Nations, and Ques-
tions concerning the Same

Wherein are set forth Matters regarding Peace and War
between different Princes or Peoples, derived from
the Most Eminent Historical Jurists

BY

RICHARD ZOUCHE, D. C. L.

VOLUME TWO

THE TRANSLATION

BY J. L. BRIERLY, M. A., B. C. L.

*Of Lincoln's Inn, Barrister-at-Law; Fellow of All Souls College,
and Lecturer of Trinity College, Oxford*



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1911

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TO THE READER.

The author of the Elements of Jurisprudence, when setting out to show the foundations of Law and Procedure in accordance with the principle of human community, laid down first the general principles of Law and Procedure for a community in general; secondly the rules of Private and Public Law and Procedure for the communities which subsist between one private person and another, and between private persons and princes. He afterwards composed descriptions of the Law and Procedure of special communities; the Sacred, which is concerned with religion and pious causes; the Military, with military service in war and peace; the Maritime, with navigation and commerce; and the Feudal, with fealty and peace. In the three former he confined himself to the authorities of the Civil Law; for the last, the Feudal Community, he availed himself of the Milanese and Norman bodies of Customary Law. At length, being about to proceed to the explanation of those matters which relate to the community which exists between different princes or peoples, he found it necessary to consult other authors learned in historical law. Of these he considered that Albericus Gentilis and Hugo Grotius should be regarded as his leaders, both men distinguished in every branch of learning, of whom the former weighs his statements in the scales of law, the latter in those of reason. He has also consulted other authors, according to the subject of which he is treating; and after first setting forth certain propositions as to which there is little doubt about the law, he has reduced to the form of questions matters as to which the law appeared to be in controversy. In these he has refrained from deciding any point according to his own opinion, thinking it wiser to follow the practice of the Socratic Academy, which, after adducing cases and principles, and expounding the arguments on one side and the other, left the judgment of the hearers free and unfettered. The work, such as it is, he has composed

under the favor of Divine Providence, in fulfilment of the duties of the office which he has for some time held in the University, for the use of the youthful student, during a period of leisure not in other respects happy; if it prove useful to others without bringing discredit upon himself, his desire will be accomplished.

[Here in the original follows a very imperfect list of *errata*, all the entries in which are now incorporated in the full list of *errata* placed at the end of Vol. I, of this edition.]