

*THE LAW OF THE FRONTIER.*

The following diplomatic note, dated April 28, 1887, was addressed to the French Ambassador at Berlin on the release of M. Schnaebele:—

On the strength of communications made to me by his Excellency the Ambassador of the French Republic with regard to the judicial arrest of the French police commissary Schnaebele, as well as of communications from the French Minister of Foreign Affairs to the Imperial Chargé d'Affaires at Paris, the undersigned has given the affair his careful consideration. For this purpose the judicial authorities concerned were requested to furnish the documents relating to the arrest of Schnaebele and its attendant circumstances.

Copies of the most important of these documents, especially the statement made by Schnaebele after his capture, and all the depositions of witnesses officially examined, have been communicated to the Ambassador of the French Republic; and from these it is beyond doubt that the arrest in each of its stages was made exclusively on German territory, without any crossing of the French frontier.

The judicial proceedings against Schnaebele were taken on information that he had committed the crime of treason within the territory of the German Empire, and were based on complete evidence of his guilt, consisting of the confessions made by the German subject Klein, similarly accused, and of autograph letters posted at Metz by Schnaebele, and afterwards acknowledged by him. On the ground of the proved guilt of Schnaebele, and his own subsequent confession, the Imperial Court issued an order for his arrest whenever he set foot on German soil. This was done on the 20th inst., on the occasion of a business meeting at the frontier between Schnaebele and the German police commissary Gautsch. In these circumstances, therefore, it is not possible to doubt that Schnaebele would be convicted, and that his punishment would presumably be all the more severe seeing that in acting criminally, as he did, he abused the confidence reposed in him in an especial degree

from the very fact of his being a frontier official. Schnaebele did harm to the trust which is so indispensable for international intercourse in that he used his official position as a frontier servant to bribe German subjects into the commission of criminal actions against their Fatherland. This abuse of his office aggravates Schnaebele's offence in the eyes of the Court, apart from the question whether or not he acted on higher instructions. The undersigned takes the liberty of pointing out this view of the case, so as to meet the contingency of Schnaebele, after his present liberation, being again found on German territory, without being secured against seizure by previous official agreement.

The undersigned ventures to hope that the documents communicated will convince the Ambassador that the judicial order for the arrest of Schnaebele was well justified, and that in executing it the German Government was within its right, and that French rights were not infringed.

Nevertheless, the undersigned thought it his duty to beg the Emperor, his most gracious Master, to command the liberation of Schnaebele. He was guided in so doing by the doctrine of international law that the crossing of a frontier, when done on the strength of official agreement between the functionaries of neighbouring States, must always be looked upon as carrying with it the tacit assurance of a safe-conduct. It is not credible that the German official Gautsch invited Schnaebele to a conference with the object of facilitating his arrest; but there are letters which prove that Schnaebele, when seized, had come to the spot where this was done in consequence of an agreement with a German official to meet and transact common official business. If on such occasions frontier officials were exposed to the danger of being arrested on the strength of the claims preferred against them by the tribunals of the neighbouring State, the caution thus enjoined upon them would carry with it a cause of hindrance to current border business, which would not harmonise with the spirit and traditions of present international relations. The undersigned is, therefore, of the opinion that such official meetings should always be