

eral armies robbers also? But assuming that there is a violation of neutral territory in this case, in its largest possible sense; that these men have gone through this country to St. Albans to make this raid, and that doing so, as well as receiving instructions from Mr. Clay, were in violation of the laws of neutrality. Let us see how far the authorities sustain the proposition I have laid down, that it is the neutral only, and not either belligerent that can complain of such violation, at least before any court of justice. I shall cite for convenience sake, the letters of "Historicus" to illustrate the matter. They are sustained by the force of their reasoning and also in every case, by the citation of authorities. There is no rule upon the point now under consideration laid down in the letters of "Historicus," which is not supported by authority, not only from international law, and the text writers, but to a great extent, by the decisions of the Courts of England and of the United States themselves.

Mr. Harcourt says, p. 150: "The elementary and universal principle which lies at the root of the whole question, is the absolute title of the neutral sovereignty to immunity, whether as regards its territory or its prerogatives, from the interference of belligerent operations of any kind. A violation of this immunity is one of the clearest and highest offences against public law. For one belligerent to pass through the neutral territory without the leave of its Sovereign—to carry on hostile operations within neutral jurisdiction; to levy soldiers or sailors, or to equip vessels of war within the neutral soil—are familiar instances of violations of the rights of neutral sovereignty. They are acts eminently unlawful, and the neutral Government is entitled to prohibit, and, if necessary, to avenge their commission. In order the more clearly to illustrate the argument, I will select the particular instance of levying forces and equipping armaments by one of the belligerents within the neutral territory, without the leave of its Sovereign; in order accurately to examine the rights and duties to which such an act gives rise. It is now admitted on all hands (though the matter was at one time faintly disputed) that such conduct on the part of a belligerent is a gross violation of the rights of the neutral Sovereign." And he says at p. 151, "Such acts are a clear violation of right as between the offending belligerent and the neutral government." And at page 151 he continues, "Such proceedings are, therefore, upon both grounds in the highest degree unlawful; municipally, as between the Sovereign and the subject; internationally as between the offending belligerent and the offended neutral."

This is a statement in succinct and clear language, of the doctrine which pervades every case cited on this point by the Counsel