

would that breach of our neutrality take away from a hostile act committed in the enemy's territory, the immunity due to it ?

The Counsel for the prosecution answer this question in the affirmative. But I cannot find this pretension sustained by any authority ; certainly not by any of the numerous authorities they cited. The law of nations does not recognize such a principle. No judgment of any court that I am acquainted with has ever declared it. On the contrary, the true doctrine incontrovertibly is, that the violation of the neutrality of a nation, by a belligerent, has no effect or bearing whatever upon the belligerent character of the offender, in reference to acts done within the enemy's territory. That such violation is illegal no one denies, and in that respect the authorities cited for the applicants are unimpeachable. But those authorities have reference chiefly to the transfer of property by capture, and they properly hold that a maritime capture may be held void by reason of any breach of the law of neutrality which occurred in making it. But this objection to the validity of a maritime capture is a thing with which belligerents have nothing to do. If the Southern belligerent violates our neutral or municipal law, what has the United States Government to say to that ? Can they complain of the violation of our law ?

So far from that, all writers on international law hold that no violation of neutral territory can be considered at all, in the interest of either belligerent. It is the neutral alone who can complain. But examining for a moment the pretension as to the deprivation of the character of hostility by a breach of neutrality. Take the case of Gen. Lee coming here with 75,000 men, taking possession of one of the railroads in Canada, conveying his troops through the heart of our territory, and in retaliation for acts done in the South, making a raid on Vermont. Lee's authority to do this, would not be more extensive than Young's was ; and the act would be a greater breach of neutrality than Young's could have been.

Is it possible that Lee would be held to have lost his belligerent character and to be liable to be treated as a mere robber ? Or that he would be held to retain his belligerent character, merely because he perpetrated the breach of neutrality with more men than Young had, their acts being the same, and their authority derived from the same source. Surely he who commits a similar act, though with but 20 men, would be entitled to be judged by the same rule. A different decision would be manifestly wrong in principle. And if the doctrine be applied fairly, as we, as neutrals, are bound to apply it, what becomes of the hostile character of the thousands of Federal soldiers, who have passed through Western Canada. Are they all robbers because they have done so ? are the soldiers illegally enlisted here for the Fed-