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2. If the frontiers of the neutral State march with those of the territory where the War is being waged, its Government must take care to occupy its own frontiers in sufficient strength to prevent any portions of the belligerent Armies stepping across it with the object of marching through or of recovering after a Battle, or of withdrawing from War captivity. Every member of the belligerent Army who trespasses upon the territory of the neutral State is to be disarmed and to be put out of action till the end of the War. If whole detachments step across, they must likewise be dealt with. They are, indeed, not prisoners of War, but, nevertheless, are to be prevented from returning to the seat of War. A discharge before the end of the War would presuppose a particular arrangement of all parties concerned.

The neutral must guard its inviolable frontiers. It must intern the Troop-passers.

If a convention to cross over is concluded, then, according to the prevalent usages of War, a copy of the conditions is to be sent to the Victor.¹ If the troops passing through are taking with them prisoners of War, then these are to be treated in like fashion. Obviously, the neutral State can later demand compensation for the maintenance and care of the troops who have crossed over, or it can keep back War material as a provisional payment. Material which is liable to be spoilt, or the keeping of which would be disproportionately costly, as, for example, a considerable number of

enlistment for the purpose, without the express permission of the Government. Similarly the American law of 1818. The United States complained energetically during the Crimean War of English recruiting on their territory.

*[This Act applies to British subjects wherever they may be, and it also applies to aliens, but only if they enlisted or promoted enlistment on British territory. For a full discussion of the scope of the Act see *R. v. Jameson* (1896), 2 Q.B. 425.—J.H.M.]

¹ At the end of August, 1870, some French detachments, without its being known, marched through Belgian territory; others in large numbers fled after the Battle at Sedan to Belgium, and were there disarmed. In February, 1871, the hard-pressed French Army of the East crossed into Switzerland and were there likewise disarmed.