crime. Nor do we need to recur to Vattel for what is certainly a most sensible proposition, that the reason of the Treaty—that is to say, the motive which led to the making of it and the object in contemplation at the time—is a most certain clue to lead us to the discovery of its true meaning.

But the inference drawn from that proposition, in its application to this case, by the learned Counsel, seems very wide from what to us appears natural and sensible. The aid which he seeks under the guidance of this rule, is from the abstract propositions of publicists on cognate subjects, or the illustrative instances given by legal commentators.

Our view of the matter is, that as this Treaty is applied to the past, as it is applied to an actual situation between the two nations, and as it is applied to settle the doubts and disputes which existed between them as to obligation, and to the performance of obligations, these considerations furnish the resort, if any is needed, whereby this Tribunal should seek to determine what the true meaning of the High Contracting Parties is.

Now, as bearing upon all these three topics, of due diligence, of treatment of offending cruizers in their subsequent visits to British ports, and of their supply, as from a base of operations, with the means of continuing the war, these Rules are to be treated in reference to the controversy as it had arisen and as it was in progress between the two nations when the Treaty was formed. What was that? Here was a nation prosecuting a war against a portion of its population and territory in revolt. Against the Sovereign thus prosecuting his war there was raised a maritime warfare. The belligerent itself thus prosecuting this maritime warfare against its Sovereign, confessedly had no ports and no waters that could serve as the base of its naval operations. It had no ship-yards, it had no foundries, it had no means or resources by which it could maintain or keep on foot that war. A project and a purpose of war was all that could have origin from within its territory, and the pecuniary resources by which it could derive its supply from neutral nations was all that it could furnish towards this maritime war.

Now, that war having in fact been kept on foot and having resulted in great injuries to the sovereign belligerent, gave occasion to a controversy between that Sovereign and the neutral nation of Great Britain as to whether these actual supplies, these actual bases of maritime war from and in neutral jurisdiction, were conformable to the law of nations, or in violation of its principles. Of course, the mere fact that this war had thus been kept on foot did not of itself carry the neutral responsibility. But it did bring into controversy the opposing positions of the two nations. Great Britain contended during the course of the transactions, and after their close, and now here contends, that, however much to be regretted, these transactions did not place any responsibility upon the neutral, because they had been effected only by such communication of the resources of the people of Great Britain as under international law was innocent and protected; that commercial communication and the resort for asylum or hospitality in the ports was the entire measure, comprehension, and character of all that had occurred within the neutral jurisdiction of Great Britain. The United States contended to the contrary.

What then was the solution of the matter which settles amicably this great dispute? Why, first, that the principles of the law of nations should be settled by convention, as they have been, and that they should furnish the guide and the control of your decision; second, that all the facts of the transactions as they occurred should be submitted to your final and satisfactory determination; and, third, that the application of these principles of law settled by convention between the parties to these facts as ascertained by yourselves should be made by yourselves, and should, in the end, close the controversy, and be accepted as satisfactory to both parties.

In this view we must insist that there is no occasion to go into any very considerable discussion as to the meaning of these Rules, unless in the very subordinate sense of the explanation of a phrase, such as "base of operations," or "military supplies," or "recruitment of men," or some similar matter.

I now ask your attention to the part of the discussion which relates to the effect of a "commission," which, though made the subject of the second topic named by the Tribunal, and taken in that order by the learned Counsel, I propose first to consider.

It is said that the claims of the United States in this behalf, as made in their Argument, rest upon an exaggerated construction of the second clause of the first Rule. On this point I have first to say, that the construction which we put upon that clause is not exaggerated; and, in the second place, that these claims in regard to the duty of Great Britain in respect to the commissioned cruizers that have had their origin in an illegal outfit in violation of the law of nations, as settled in the first Rule, do not rest exclusively upon the second clause of the first Rule. They undoubtedly, in one construction of that clause, find an adequate support in its proposition; but, if that construction should fail, nevertheless, the duty of Great Britain in dealing with these offending cruizers