for we are dealing with the conduct of Great Britain in the situation produced by the Queen's Proclamation, and there is here no room for discussion of any grievance on the part of the United States from the public act of Great Britain in issuing that Proclamation. But nothing in the conduct of the Argument on our part justifies this suggestion of the eminent Counsel.

On the subject of "*coaling*," it is said that it is not of itself a supply of contraband of war or of military aid. *Not of itself.* The grounds and occasions on which we complain of coaling, and the question of fact, whether it has been fairly dealt out as between the belligerents, connect themselves with the larger subject (which is so fully discussed under this head by the eminent Counsel), a topic of discussion of which coaling is merely a branch, that is to say, the use of neutral ports and waters for coaling, victualling, repairs, supplies of sails, recruitment of men for navigation, &c. These may or may not be obnoxious to censure under the law of nations, according as they have relation or not with facts and acts which collectively make up the use of the neutral ports and waters as "the bases of naval operations" by belligerents. Accordingly, the Argument of the eminent Counsel does not stop with so easy a disposition of the subject of coaling, but proceeds to discuss the whole question of base of operations—what it means, what it does not mean, the inconvenience of a loose extension of its meaning; the habit of the United States in dealing with the question both in acts of Government and the practice of its cruizers; the understanding of other nations, giving the instances arising on the correspondence with Brazil on the subject of the Sumter, and produces as a result of this inquiry the conclusion that it was not the intention of the second Rule of the Treaty *to limit the right of asylum.*

In regard to the special treatment of this subject of coaling provided by the regulations established by the British Government in 1862, it is urged that they were *voluntary* regulations, that the essence of them was that they should be fairly administered between the parties, and that the rights of asylum or hospitality in this regard should not be exceeded. Now, this brings up the whole question—the use of neutral ports or waters as a "base of naval operations," which is proscribed by the second Rule of the Treaty.

You will observe that while the first Rule applies itself wholly to the particular subject of the illegal outfit of a *vessel* which the neutral had reasonable ground to believe was to be employed to cruise, &c., or to the detention in port of a *vessel* that was in whole or in part adapted for war—while the injunction and duty of the first Rule are thus limited, and the violation of it, and the responsibility consequent upon such violation, are restricted to those narrow subjects, the proscription of the second Rule is as extensive as the general subject, under the law of nations, of the use of ports and waters of the neutral as the basis of naval operations, or for the renewal or augmentation of military supplies, or the recruitment of men.

What, then, is the doctrine of hospitality or asylum, and what is the doctrine which prohibits the use (under cover of asylum, under cover of hospitality, or otherwise) of neutral ports and waters as bases of naval operations? It all rests upon the principle that, while a certain degree of protection or refuge, and a certain peaceful and innocent aid, under the stress to which maritime voyages are exposed, are not to be denied, and are not to be impeached as unlawful, yet anything that under its circumstances and in its character is the use of a port or of waters for naval operations, is proscribed, although it may take the guise, much more if it be an abuse, of the privilege of asylum or hospitality.

There is no difference in principle, in morality, or in duty, between neutrality on land and neutrality at sea. What, then, are the familiar rules of neutrality within the territory of a neutral, in respect to land warfare?

Whenever stress of the enemy, or misfortune, or cowardice, or seeking an advantage of refreshment, carries or drives one of the belligerents or any part of his forces over the frontier into the neutral territory, what is the duty of the neutral? It is to *disarm* the forces and send them into the interior till the war is over. There is to be no *practising* with this question of neutral territory. The refugees are not compelled by the neutral to face their enemy; they are not delivered up as prisoners of war; they are not surrendered to the immediate stress of war from which they sought refuge. But from the moment that they come within neutral territory they are to become non-combatants, and they are to end their relations to the war. There are familiar examples of this in the recent history of Europe.

What is the doctrine of the law of nations in regard to *asylum*, or *refuge*, or *hospitality*, in reference to belligerents at sea during war? The words themselves sufficiently indicate it. The French equivalent of "*relâche forcée*" equally describes the only situation in which a neutral recognizes the right of asylum and refuge; not in the sense of shipwreck, I agree, but in the sense in which the circumstances of ordinary navigable capacity to keep the seas, for the purpose of the voyage and the maintenance of the cruise, render the resort of vessels