"Il nous semble que l'adoption d'une pareille proposition équivaudrait à l'inclination d'un moyen facile d'éluder la règle qui déclare incompatible avec la neutralité d'un pays l'organisation, sur son territoire, d'expéditions militaires au service d'un des belligérants. Il suffira, s'il s'agit d'une entreprise maritime, de faire partir en deux ou trois fois les éléments qui la constituent; d'abord le vaisseau, puis les hommes, puis les armes, et si tous ces éléments ne se rejoignent que hors des eaux de la puissance neutre qui les a laissés partir, la neutralité sera intacte. Nous pensons que cette interprétation de la loi internationale n'est ni raisonnable, ni équitable."

It will be, then, for the Tribunal to decide what the law of nations is on this subject. If the Tribunal shall assent to the principles which I have insisted upon, and shall find them to be embraced within the provisions of the three Rules of this Treaty, and that the facts in the case require the application of these principles, it stands admitted that Great Britain has not used and has refused to use any means whatever for the interruption of these contributory provisions of armament and munitions to the offending cruizers.

It is not for me to dispute the ruling of the eminent lawyers of Great Britain upon their Foreign Enlistment Act; but, for the life of me, I cannot see why the Alar and the Bahama and the Laurel, when they sailed from the ports of England with no cargo whatever except the armament and munitions of war of one of these cruizers, and with no errand and no employment except that of the rebel Government, through its agents, to transport these armaments and munitions to the cruizers which awaited them, were not "transports" in the service of one of the belligerents, within the meaning of the Foreign Enlistment Act of Great Britain. That, however is a question of municipal law. It is with international law that we are dealing now and here. The whole argument to escape the consequences which international law visits upon the neutral for its infractions, has been, that whatever was blameworthy was so only as an infraction of the municipal law of Great Britain. And when you come to transactions of the kind I am now discussing, as they were not deemed violations of the Foreign Enlistment Act nor of international law, and as the powers of the Government by force to intercept, though the exercise of prerogative, or otherwise, did not come into play, the argument is that there were *no consequences whatever* to result from these transactions. They were merely considered as commercial transactions in contraband of war.

But the moment it is held that these things *were* forbidden by the law of nations, then of course it is no answer to say, you cannot indict anybody for them under the law of Great Britain. Nor does the law of nations, having laid down a duty and established its violation as a crime, furnish no means of redressing the injury, or of correcting or punishing the evil. What course does it sanction when neutral territory is violated by taking prizes within it? When the prize comes within the jurisdiction of the neutral, he is authorized to take it from the offending belligerent by force, and release it. What course does it sanction when a cruizer has been armed within neutral territory? When the vessel comes within the jurisdiction of the neutral, he is authorized to disarm it,

Now, our proposition is, that these cruizers, thus deriving their force for war by these outfits of tenders, with their armament and munitions and men, when brought within the British jurisdiction, should have been *disarmed*, because they had been armed, in the sense of the law of nations, by using as a base of their maritime hostilities, or their maritime fitting for hostilities, the ports and waters of this neutral State.

Why, what would be thought of a cruizer of the United States lying off the Port of Liverpool, or the Port of Ushant, in France, and awaiting there the arrival of a tender coming from Liverpool, or from Southampton, by pre-arrangemant, with an augmentation of her battery and the supply of her fighting crew? Would it, because the vessel had not entered the Port of Southampton or the Port of Liverpool, be less a violation of the law of nations which prohibited the augmentation of the force of a fighting vessel of any belligerent from the contributions of the ports of a neutral?

The fourth chapter of this special Argument is occupied, as I have already suggested, with the consideration of the true interpretation of the Rules of the Treaty, under general canons of criticism, and under the light which should be thrown upon their interpretation by the doctrines and practices of nations. I respectfully submit, however, that the only really useful instruction that should be sought, or can be applied, in aid of your interpretation of these Rules, if their interpretation needs any aid, is to be drawn from the situation of the parties, and the elements of the controversy between them, for the settlement and composition of which these Rules were framed, and this Tribunal was created to investigate the facts, and to apply the Rules to them in its award.

The whole ground of this controversy is expressed in the firmest and most distinct manner by the statesmen, on both sides, who had charge of the negotiations between the two countries, and who could not misunderstand what were the situation and the field of debate, for application to which the High Contracting Parties framed these Rules. And