

despatch has given rise. But the Netherland law is copied from the French Penal Code. It is impossible to mistake its tenor and signification.

Moreover, this law is commented on at length by French writers of undisputed authority, Dalloz, Chauveau and Hélie, Bourguignon, Carnot, and others, who all express themselves entirely in the sense of our Argument. All this will be found in the documents annexed to our Counter-Case. And we have added an opinion by the late M. Berryer, which shows that these articles of the French code apply to certain proceedings of the Confederates in France with regard to the equipment of vessels of war, proceedings entirely identical with those which took place in England (Counter-Case of the United States, French translation, p. 490).

In support of this conclusion we have cited decisions of the French Courts.

It is the same with Italy: we have quoted Italian commentators in support of our proposition, and these commentators, in explaining their own law, adopt the conclusions of the French commentators.

The same ideas are found in the Spanish and Portuguese commentators on the subject of the similar provisions of their codes. We cite Silva Ferrao, for Portugal, and Pacheco and Gomez de la Serna, for Spain (*ubi supra*, pp. 553, 576). These commentators reason as well as us, it seems to me, on the subject of military expeditions and privateers. I do not understand this contemptuous tone on the subject of foreign laws. It cannot be believed that all juridical knowledge, all morality of thought in legislative matters are the exclusive and absolute property of England and the United States.

The British Counsel passes very lightly over the laws of Switzerland and Brazil.

On a study of the laws of Brazil it is found that the definitions of crimes of this category are more comprehensive and more complete than those of the laws of England (*ubi supra*, p. 594).

Among the documents annexed to the British Case are two letters which furnish matter for reflection.

Sir A. Paget, British Minister in Portugal, acknowledging the receipt of a despatch from the Portuguese Minister of State, adds:—

“There is one point, however, upon which Her Majesty’s Government are most desirous of information, to which your Excellency’s note and the inclosures it contains, do not refer, namely, what laws or regulations, or any other means, are at the disposal of the Portuguese Government for preventing within its territory any acts which would be violations of the Portuguese neutrality laws, as contained in the declarations of neutrality which your Excellency has transmitted to me.”

And M. Cazal Ribiero replies as follows:—

“In reply, it is my duty to state to your Excellency that the laws and regulations in the matter are those which were enclosed in my note of the 25th of that month, or were mentioned in those documents, and the means of execution, in the case of any violation of neutrality, are criminal proceedings, the use of force, complaints addressed to foreign Governments, or any other means, in order to meet some particular occurrence.”

I can well believe it. Where there is a will the means are not wanting.

The British Counsel is mistaken when he maintains that the United States do not understand these laws, so clearly commented on by the writers referred to, and applied by Courts of Law and jurists with at least as much learning as the corresponding laws of England.

As for Switzerland, we have collected in our evidence valuable documents showing the zeal and goodwill with which that Republic maintains its neutrality in the midst of the great wars of Europe.

I beg also to refer to the explanations of the law of Switzerland by the Federal Council, on the occasion of the Concini affair, to show that the Counsel of Great Britain is entirely in error in his apprehension of these laws, as well as of those of Italy and Brazil (“*Droit Public Suisse*,” vol. i, p. 459).

Now, I appeal to the honourable Arbitrators: let them judge and decide which is right with regard to these laws,—Great Britain relying upon an equivocal expression in a diplomatic despatch, or the United States, who rely upon the text of these laws and on the commentaries of the best jurists of France, Italy, Spain, Portugal, and Brazil.

I refer particularly to the honorable Arbitrators on the question whether the institutions of England are in reality more constitutional than those of Italy, Brazil, and Switzerland. According to the opinion of the British Counsel, these countries possess no neutrality laws. But they observe the duties of neutrality, and they observe them without infringing their Constitution. Which then is mistaken with regard to them? England or America: