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International Law 1900-1901, 3rd Year

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International Law 1900-1901

Dr Weldon Lectures

D Grant Watterson
3rd Year

International Law

Lecture 1st 4th Sept 1920

A great English Lawyer writes to stated that the term International Law is misleading and certainly we find foundation for the criticism when we give a

Definition of Law as a superior power imposing any duty upon an inferior and enforcing that duty by means of fines and other punishment

There is nothing in the great system of International law that partakes of the nature of a statute. There is no International Executive or Legislature. There exists no centralized power with authority to enact International law, no executive to enforce it and no court to interpret it

There are however certain well known rules which are regarded as binding and for the breach of which the wrath of all the world would be turned against the violator. e.g. rights of ambassadors rules of blockade and contraband

So we cannot certainly say that these rules are

not law at all. We have also all our great congresses or parliaments of the powers which exert treaties, the breach for the punishment of which is war. The great difference between these world congresses and a parliament as we understand the term lies in this, that the nations are free to accept or reject all or any of the terms and only those powers are bound which sign and are governed by what they sign

In great crises there is the disposition to follow the lead of one which in some degree corresponds to a world's executive e.g. China trouble. all nations under one general

We have also the symbol of an international court e.g. the Hague conference. a permanent staff has been appointed here. Commissions will be appointed and arbitrators chosen. This is something of the genesis of an International Court of Law

International Law is the outgrowth of the study of Roman Law. Had the Roman Law spread

to England and America International Law would be stronger and clearer than it is at present. It is a more logical and complete system than the English.

There are two bars in England:-

(1) Westminster Hall = Common Law Bar

(2) Doctors Commons = Roman Law Bar

England is the only European state of which it can be said that it borrowed nothing for its foundation of its legal system from the Roman Law. Yet during a period of nearly 1000 years, from the reign of the Emperor Claudius to that of Justinian, some of the great Roman Law Writers were English Judges.

When the Romans retired from Britain their laws (1) were perpetuated by the clergy and ecclesiastical courts. and this court was the first to be established under Roman Law Procedure

<u>Other Roman Law Courts in England were</u>

(2) Admiralty court was established. It was a Roman Law Court with Roman Procedure.

(3) For long centuries from Becket to Wolsey the Lord Chancellors were prelates of the Catholic Church so that Chancery Court was a court of Roman Law

Logical completeness of system further considered by fact that English Lawyers absorbed much of Roman Law unconsciously

Statute for Distribution of Intestate Estates 22+23 Ch 2. c.10. is an exact copy of 118th Novel of Justinian. This was concealed from House when bill was passing

University Courts in Europe well defined juris-
(4) diction. Under clerical authority they form fourth Roman Law Court in England

International Law in England may be said to date from Reign of Henry VIII. It received a great impetus, at least, in this reign.

Some great International Law Writers

Albericus Gentilis. 1554

Zouch. Reins of Stuarts

Sir Lionel Jenkins.

Lord Stowell or William Scott

He is probably greatest English Roman Lawyer.

England's diplomatic relations made study of Roman Law necessary and indispensable

Lecture 2. Sept 14th 1900

Foreign Embassays stimulated the study of International Law in England for the attaches of these institutions must know Latin Roman Law, Foreign Law and their own Home Law

Vattel was a great International Law writer. We have no English writer of great authority

Wheaton an American writer is very good

Laurence was an International Law lecturer whose lectures have recently been published in book form

Phillimore is the fullest text writer in England

Bluntschli is a very famous German writer

The sources of International Law are twofold

(1) National (2) Positive.

National law is the law which governs all in common

Cicero said about it "That law which natural reason makes binding for all mankind"

Lactantius That law begotten in heaven and unalterable by human will.

Aristotle The law as to which mortals were divinely illumined

Hooker in referring to International law said "Of law there can be no less acknowledged

than her seat in the bosom of God and her voice the harmony of the world.

Lord Clowell in Helena v. Chris Rob 1 has some very appropriate remarks

There is one doctrine put forth by some writers "might is right" but the doctrines of International law are opposed to that. The grand doctrine of all International Law is Right is might Reason and Justice is the great underlying principle of International Law. We may call this law a great umpire which people put up to settle their disputes.

It was the ambition of the Roman church to have a great International Law Court at Rome

Some writers say Bible is great source of International Law

Positive International Law

Treaties, National usages etc are examples of Positive International Law Some treaties are International in the true sense of the word or pretty much so at least. Declaration of Paris was almost International

Consulate del Mare was a collection of sea law and usages made in the

middle ages. It is now a part of our International Law and referred to as of great authority.

<u>Prize Court</u> is an admiralty court which every nation must set up when she is belligerent and the judgments of these courts are always looked upon as of very great authority.

Seal of a foreign admiralty is always taken judicial notice of in all parts of the world

Gelston v Hoy 5 Cranch U.S. 353

This is not true of other courts.

<u>Subjects of International Law</u>

A free man is the unit in a state

a state is the unit in International combine

Hugo Grotius made the comparison

commonwealth : commonwealth :: man : man

In dealing with a commonwealth we can bind it always ask who can bind this foreign state?

<u>State</u> who can bind it what is it? It is hard to get a good definition. Generally speaking if it can make peace and war it is a state

<u>Lord</u>

Francoria LR 24 QB 63 } 1876
46 LJ MC 17

Lecture 3. Sept 21st 1900

Essential qualities for a state to possess are (1) Independence, (2) Equality (3) Sovereignity a state must be able to make war and peace

Sovereignity is an elementary principle. How far does the rule extend? Generally speaking out to three mile limit from shore. No foreign warship can make this a battle ground, fish found there is belong to the adjacent land owners, when nation makes war upon nation all neutral nations must observe strict neutrality and grant no concessions to either belligerant. The question naturally arises in this particular as to how far this three mile zone resembles the outside body of water viz the high seas in the right of free passage to all. This is a very undecided point some writers say yes that all nations have the same right within the three mile limit as they have outside. others say the very opposite

The Limits of an English County extend to water mark either high or low. From that mark admiral lord jurisdiction

Ports. Harbors & Rivers are legally like land
Queen v Keyman January 62 decides that a British court has no jurisdiction to punish a foreigner for an offence committed on the high seas in a foreign ship against a British subject. In this particular are also
{Regina v Coombes 1 Leach 432}
a merchant ship is not altogether like a piece of floating territory because
(1) She is subject to the laws of the port
(2) She can be detained by revenue officers
(3) She can be searched by foreigners for contraband
But she resembles the land inasmuch as crime committed on board of her is punishable same as if committed on land.
See Queen v Anderson 28 LJ MC 12
McLeod vs A.G. N.S. Wales 1891 Ap Cas
Queen v Carr 10 QBD 76
52 LJ MC 12
Queen v Allen 7 QBD 044
General Rule a nation cannot punish crime committed against one of her subjects abroad.

Imperial Statutes ~~fully~~ dealing with admiralty jurisdiction to Supreme Court are
12+13 Vict c96, 18+19 Vict c91 & 21
Colonial Laws Validity Act
29+30 Vict c84. 37+38 Vict c27
41+42 Vict c73. 53+54 Vict c27
Read
{ Dunet vs Bath Co vs Anglo Am Co 2 App Cas 416-419 41 LT App
{ Reg vs Burnham. Bitts Ch Cas 26, 28 LJ MC 66
The maritime territory of every state extends to and includes ports harbors. mouths of rivers and adjacent parts of sea enclosed by headlands and belonging to state

Queen vs Keyn. Franconia } a German vessel carrying the German flag. under the command and immediate direction of prisoner
1876, 46 LJ. MC. 17. } a German subject collided with an English steamer navigating the English channel at a point within 2½ miles from Dover Beach and the collision caused English ship to sink and the death by drowning of an English subject aboard of her. Prisoner was tried and found guilty of manslaughter at the Central Criminal Court
Held by majority. Cockburn. Kelly Brunwell Lush Prelock
Filed. Phillimore. Court had no jurisdiction.
But Coleridge. Butt. Lyne. Denman. Amphlett Lindley that Court had jurisdiction.
a subsequent statute sustained these dissenting judgements and case is important only for International Law thrashed out in judgments.

Queen Can } Theft committed on ocean going
10 Q B D 76 } ship while lying afloat in the
1882 } ordinary course of her trading in
river at Rotterdam in Holland, moored to quay.
goods were afterwards wrongfully received in England by
prisoner with knowledge that they had thus been stolen. Place
where ship lay at time of theft was in open river 1 1/2 or 18 miles
from sea but within ebb and flow of tide. No bridge
between ship and sea and place where ship lay was
where great ships usually lay. Did not appear who thief
was or under what circumstances he was on board

Held that prisoner could be properly tried and convicted
at Central Criminal Court in this country as larceny
took place within jurisdiction of admiralty

Rex v Allen } a ship had sailed from London on a foreign (China)
7 C & P 664 } voyage and three chests of tea were stolen from
1837 } her when off Wampoa. It was established
that Wampoa was on a river twenty or thirty miles from
the sea and no evidence was given as to the tide flowing
there or not

Held that this was sufficient evidence that ship was on
high seas to give Central Criminal Court
jurisdiction.

Direct U.S. Cable Co. v. Anglo Am. Tel. Co. } appellants had bought
2 Appeal Cases 394, 1877 } and laid a telegraph
cable to a buoy more than thirty miles within Conception Bay
in East of New foundland, between two promontories distant
more than twenty miles, the average width of this bay being
15 miles. The distance of land of this bay from the
two promontories being respectively 20 & 30 miles. The
said buoy and cable were more than three miles
from the shore of this bay. Injunction granted restraining
appellants from using said buoy as respondents had exclusive
statutory right on appeal

Land Boundaries By general law of nations we find an
unusual agreement that harbors, estuaries and bays
landlocked belong to the territory of the nation which
possesses the shores round them but no agreement as to what is the rule to determine what is "bay"
for this purpose. It seems generally agreed that
when configuration and dimensions of bay are
such as to show that nation occupying adjoining
coasts also occupies bay it is part of the territory
and with this idea most writers on subject refer
to defensibility from shore as a test of occupation
some say within of a marksmans shot, three miles. Ten miles

all these waters enclosed Conception Bay from 1792 British government has for a long term exercised exclusive domain over this bay. was acquired in by title paramount. strong proof of ownership order of supreme court of Newfoundland affirmed

Queen v Cunningham 38 L J M C. 66 1859 } The Bristol Channel between shores of Glamorganshire and Somersetshire, where it is about ten miles across and where one shore is visible from other on a clear day is within bodies of counties by which it is bounded. Therefore where a felony was committed on board a ship in the part of Bristol Channel about 3/4 mile from Glamorgan shore. Held offence committed within Glamorgan county

Note from Jacobus.

The law of nations is said to be founded upon justice equity convenience and the reason of the thing and confirmed by long usage.

Dr Francis Von Holtzendorf. the usage and practice of International Law is in great measure founded upon the tacit recognition of principles which have been long before been taught and recommended by the voice of wise and discerning men and that thus the fabric of international jurisprudence has been built up.

Lecture 4th Sept 28th 1920

Atlantic Fishery. Treaty of Paris.

Report of Halifax Fishery Commission p 56.
War of 1812 had the effect in dispute. It was not
clear what effect were had on these questions so
a convention was held in London in 1818. That
was Convention of London which we now.
Terms of that treaty what are they and
what are the difficulties. See citation supra. 57.
Reciprocity Treaty of 1854 This fishery treaty was
suspended and for 12 years. March to March
U.S. fishermen came into our shores and
they allowed us to sell our fish there.
Bad feeling in U.S. caused abrogation
of treaty. and for two years matter rum-
ained in chaos. The war was then
on. Canada was instructed to be
very cautious and guarded in dealing
with them. U.S. was warned that
treaty had expired but still fishermen
came in to our port. Then Cruisers
were put on to keep them fishermen
out of our port. But American

began abusing subsidy recital 1871 when admiral was instructed to clear by letter of treaty. Gladstone then made a peroration speech pregnant with good feeling towards the American. In a very few days thereafter negotiations were on to settle all disputes. A treaty was signed in spring of 1872. One article on commission Sir John accepted. It was ratified by Canadian Parliament. Beach Foxy of Worcestershire and under took to settle fishery dispute for ten years. and at the end of ten years if either party wished to withdraw and gave notice then two years thereafter. The old convention of London revived. Newfoundland. P.E. Island. Congress. England ratified by their legislature these fishery clauses But Americans were again misbehaved. and again asked for abrogation. It was they who asked for abrogation of Reciprocity Treaty

[ended in 1885]

Reciprocity Treaty called. Elgin Marcy Treaty
Treaty of Washington called Alabama Treaty

Pursuant to terms of Alabama Treaty a commission was appointed to meet at Halifax in 1871. The quid pro quo was undue discussion. England got damages for $5.500.000. Newfoundland got her share of this. Sir Alexander Galt was the Canadian representative. This was what American took umbrage at and put an end to the treaty which ended in summer of 1885. The American press almost brought war on by their lying stories about alleged press breach of Convention of 1818. Fact of matter was American wanted to come in to our waters and fish for mackerel. Wanted to come to Halifax and send fish by rail. They thus wanted a customs clearance designating their fishing results as merchant ships. When their vessels were

Captured our admiralty court & was that was a question of fact. All that exists now is a modus vivendi something that both work under. At any moment the question may be a live one for nothing definite is settled despite common opinion to the contrary. Dr Weldon thinks American base utterly indefensible. British base somewhat overclaimed but still (as in the case of a law suit) is all O.K. The U.S. inconsistency is exemplified by their attitude on Behring sea question. They want to fish etc in our waters still they fired on our vessels when they were over 700 miles from shore.
The reading of the Convention of 1818 is quite clear but where a real conflict exists is in the definition of the word "Bay". What is a British bay. a "Territorial Bay"
Americans in Halifax Commission admitted that any body of water has their size

miles in width at its mouth then that Bay belongs to adjacent nation.
What about a Bay more than 6 miles in width when no agreement exists.
The Franconia case is important in this particular and the Americans used this as a very strong argument saying that decision of our courts in court was against us but that case dealt only with jurisdiction and parliament subsequently overthrew that decision

Lecture 9th November 16th 1900

Decision of Paper 36., 1888. Comport of treaty, fishery, between Canada and United States. Treaty not ratified by U.S. Senate. Though done so by Canada nor Great Britain. It was a good treaty and dealt with differences in a practical way.

(1) It distinguished Bubak Bays from open sea

(2) Bays not named were distinguished by drawing anything under ten miles was Bubak and anything over was open sea.

Though never ratified this is silent law and Both nations obey it.

Treaty of 1818 see. Wheaton. Lawrence Edition p 320 Includes by headlands

Port Harbors Bays mouths of Rivers, Etc. Bays are absolutely in Nelson.

Kent. Vol I. in his commentaries says. p 76.

American Foreign office. Dengue of France in Delaware Bay. Based its claim upon a dense Walsey page 75.

Record of Fishery Commission. p 284, 4 miles from Bottom

American claim right to fish in open bays by treaty and British deny that by Public Law. This is a summary of total argument on that side.

Bay of Fundy. 10th May 1843 sch Washington seized and taken to Yarmouth. Seized about 15 mile from shore. Special message sent to Congress and matter referred to arbitration in London. Result found Bay of Fundy not to be a British Bay. Decision founded on fact that Northern Headland was in American Territory. In all definition of Territorial waters all authorities insist that Brit headlands must be in territory of nation claiming.

Open Sea is incapable of becoming property of any nation. British & Portuguese both made claims of perpetuity rights over the high seas, what about Straits?

Baltic Straits. Denmark claim right to block these straits and exacted tribute of all ships passing there. Britain US and all commercial nations

bought out the right and now all nations have right to it.

Dardanelles Treaty that concluded Crimean war has provision to say that all merchants ships could go but no warships.

Gut of Canso All foreign ships are allowed to pass through. Though not settled by any treaty. Draft treaty of 1878 contained provision but never ratified Dr Weldon thinks Britain could exclude if she wants to. Treaty of Washington

Canals Canal Statute 1892.

Art 27. Queen undertakes upon Canada to give equal rights to American equal rights upon Canadian Canals.

Reciprocal. Gave use of St Clair canal and undertook to urge upon State use of other canals.

First friction on this article received when Americans refused to allow our lumber, ships, etc. to go through

Hudson river. Tow were allowed to go through Canadian dominions by canal but when Hudson was reached, stop. Americans afterwards complained of harsh interpretation on our part. All who use upper canals must pay tolls. But all vessels who afterwards came down through free St Lawrence route would get rebate. This is what Americans complained of. They said unjust discrimination in favor of Canadians or they were the ones who would get rebate.

Statutes 1892 pages 99 + 100. } deal with this matter
Canadian Orders in Council 1072 }

Article 29 Bonding laws.

goods going from ~~Dutch~~ Canadian Territory outwards or coming inwards to Canadian Territory come & pass through free of duty. Same provision in regard to American. Some claim that this treaty has been abrogated by subsequent events.

They base this argument upon first line which says that time is same as in sec 23.
Under this provision Fishery Clause and Coasting Clause are to last for 12 years at most. At expiry of time our Minister at London gave notice and these two clauses fell. Then Americans claimed that Bonding Clauses fell as well see Sessional Paper. 1884. No 67 p 58
Art 26 Navigation of St Lawrence. To be open for purposes of Commerce. Mackenzie Yukon. Stikine. Porcupine were also to be open for same purpose
There is no absolute rule of law regarding the Commercial use of rivers about whose banks different nations dwell. This is all settled by Treaty
Matters now in controversy between Britain & U.S.
(1) Upper Canada Canals (2) Alaskan Boundary
(3) Atlantic Fisheries (4) Bonding question

Lecture 6th November 23rd 1900

Extradition.

State possesses no new powers
Sovereignty includes control over subjects
is there a duty on a foreign state to
deliver up criminal to demanding
state.

Clark on Extradition, argues question
very fully. He argues that number of
treaties show no other duty to deliver up.
Canada has an extradition treaty with
United States in 1842. Treaty was not at
all satisfactory. One difficulty which caused
much discussion was whether
if a party was asked to be brought
back to be tried for a certain crime
can he be brought back and tried for
another crime. Discussion said
all right. Done given up for general
justice, In 1889 Queen v Cawdor
made entirely new rule in
matter of extradition. Not would
deliver to any state authorized

any party for any one of crimes mentioned in schedule. In consequence of this statute in a very few weeks we had a new treaty. This treaty passed in 1890. Canadian press placed great stress on their admonishing all Canadian Statute 1890 XXX 23rd Nov 1899 Enjoined inena hand to track a political offender. She prefers to receive them open armed.

Sometimes hard to determine what a political offender is.

a crime committed during course of a political uprising and in furtherance of it

Art 9. of treaty says crime for which given up must be crime tried for.

Art 4 Articles in possession of party shall be given up on bars possible respecting offence offended parties

Art 5 Several States asking for one offender. First come first served.

Art 6. Extradition shall be carried out in conformity with laws of relating extradition in surrendering state

Art 7 Taken for X^th article of treaty of 1842

Murder. piracy. arson. robbery forgery or utterance of forged paper. added to list of crimes

Art 8 This convention not to apply to any crime or conviction made prior to coming into force of convention

Art 9

Relates to the coming into effect of this convention

Art 10 of said treaty is to be incorporated in this treaty. Britain has treaties with nearly all states in world.

Statutory Law of Extradition

Act of 1870 Revised 1873

1870 ch 52

1873 ch 60

Principal Government act

R S 2 Chap 142

1889 Can Stat C 36

1882 " " C 20. 21.

Chap 142 RS C.

1. Title, 2. Interpretation 3) Application

4. Order in Council - to be published

5. Supreme & County Court Judges and Commissioners appointed for purpose are required to act in this matter

6) Judge may issue his warrant on warrant of another state. and may also issue on information laid here Judge must issue body upon to Mr Julia

Req. Weld. 53 L.J. N.C. 704.

7) Canada all one country. warrant may be executed in any part of Canada

8) Every fugitive criminal liable to arrest. irrespective of whether before or after date of treaty

9. Judge to hear charge nearly as magistrate depositions on both sides. Political offence not liable.

10) Depositions of statements. may be authenticated Body constructed section.

Bourtoge. LR 8 QB 410. 47 L J QB 217
Ganz case 71 L J QB 419. 9 QBD 93

Extraditable offences under Act 1890.

(1) Manslaughter when voluntary
(2) Counterfeiting or uttering money, uttering or bringing into circulation counterfeit or altered money
(3) Embezzlement, larceny, receiving any money valuable security or other property knowing same to have been embezzled stolen or fraudulently obtained
(4) Fraud by a bailee, banker, agent, factor, trustee or director or member or officer of any company made criminal by the laws of both countries.
(5) Perjury or subornation of perjury
(6) Rape, abduction, child stealing, kidnapping
(7) Burglary housebreaking or shoplifting
(8) Piracy by law of nations
(9) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against authority of master

wrongfully sinking or destroying a vessel at sea or attempting so to do, assault on board ship on high seas with intent to do grievous bodily harm

10. Crimes and offences against the laws of both countries touching suppression of Slavery and slave trading.

Queen v Weil 53 L.J. M.C. 74 1882 } ~~Jurisdiction~~ Wrongful application in sec 87 Extradition Act 1870 includes detention. A person who is already in custody may therefore be detained for an offence under the Act although he was originally arrested without a warrant. Quere whether an appeal would lie to the Court of Appeal from refusal of a divisional Court to issue a writ of Habeas Corpus on the application of a person in custody for an alleged extradition crime

Queen v Garz. 51 LJ QB 419 1882 } Extradition treaty between England and Belgium. to deliver up to each other persons accused or convicted of crime within boundaries. If a person he arrests in either country upon a warrant issued by competent authority on information he shall nevertheless be discharged unless within 15 days a requisition for his surrender be made by the diplomatic agent of this country. Prisoner was arrested upon information of a crime having been committed by him in the Netherlands. It was objected that he was not subject to the extradition law as between UK & Netherlands because he was not shown to be a subject of the Netherlands but on the contrary there was evidence of his being a naturalized Am citizen

Held) he must be surrendered as the provisions were of general application to all persons who had committed crimes in the Territory of the government whose diplomatic agent required by the extradition same only and

Fugitive subject of the State upon which demand for surrender is made

A document bearing official seal of department of police at Hague signed by proper officials purporting to be decree of court, setting charge against prisoner, authorizing his arrest, was held to be a judicial document authorizing arrest and was for such purpose not a copy but original document

Rule B Leading principle underlying all treaties in this - extraterritorial rights civil or otherwise a man may have affected by domicil it is clear that each person is subject to the jurisdiction of the country in which he commits a crime

Re Paris Counsor } under Extradition Act 1870, 33 &
W & S QB 314 } 34 Vict c 52 which provides
1873 that foreign depositions if
duly authenticated may be received in evidence
in proceedings under this act. Such depositions
are admissible although taken in the
absence of the person accused and
without his having had an opportunity
of cross examining the witnesses
In the list of extraditable crimes in the
schedule to the act are included crimes
by bankrupts against bankruptcy law
Held that a married woman charged
with complicity in the fraudulent
bankruptcy of her husband is not a
person charged with a crime within
the meaning of the above description as it is
limited to crimes committed by bankrupts only

Lecture 7th November 30th 1900

Political Offenders

Queen v. Cushioni 60 L.J. M.C. 22 1890

Rule 12 of Extradition Act which makes 15 days before prisoner can be delivered up Lemarard's case

Rule 13 Consuls generally do the business

" 14 & 15 Political offenders

" 16. Point often arises whether Superior Court judge go into matter afresh and review the County Court judge. Pretty well settled that he will not if a question of fact produced is raised

" 17, 18, 19, 20.

Extradition consists of an erosion on Sovereignty

Three classes of functionaries representing a nation

1 Sovereign. 2 Ambassadors. 3 Consuls

Elementary Rule all Sovereigns by international law are known, are all equal in the eye of the law of nations. In England all men are equal Jure

A sovereign at home must be addressed by his proper title. Abroad all suitable respect must be shown up. Courts of a foreign country open to foreign monarch {see 27 Howell S.T. 530} {22 Howell S.T. 627}
When a monarch is travelling in a foreign country that monarch can not be drawn into courts. No monarch can be made a defendant. and this in true men of murder. dealt with by government and not by state. Do he liable to be searched by customs officials or have his luggage examined &c.
Neither must pay taxes also applies to ambassadors.
Sovereign acts in two capacities (1) State (2) Private
1st kind can not be reviewed in a court of law. 2nd sort different.
{King of Brunswick v King of Hanover 6 Beav 1
De Haber v Queen of Portugal 20 L.J. Q.B. 489}

In part Castioni } The Extradition Act 1870 provides
60 LJ MC. 22 } in certain cases for the surrender
1890 } of fugitive criminals, but wrongly (ex 3 subs.)

that a fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character. On Sept 1890 a political rising took place in the Canton of Ticino in Switzerland. The insurgents of whom C was one had the Government house but entrance had been refused by R (a member of the Government) accompanied retreat. The gates were broken down and immediately afterwards C fired a revolver at R and killed him. There was some evidence to show that the killing of R was not necessary to the success of the movement

Held that inasmuch as the evidence showed that the act of shooting took place in a scene of great confusion and excitement and not only in the course of but as part of a political insurrection the alleged offence by C was one of a political character which prevented him from surrender

Russel in support point ans. Mr J Stuart Mill defined political offence as "any offence committed "with the cause of or furthering civil war insurrection "or political commotion"

Stephen J in his Digest on Crim Law vol 2 p 70. I think the expression in Extradition Act original (unless some better interpretation can be suggested) to be interpreted to mean that fugitive criminals are not to be ~~interrupted~~ surrendered for extradition crimes if those crimes were incidental to and formed part of political disturbances

Denman J I think that in order to bring the case within the words of the act and to avoid Extradition for such an act as an act of murder it must at least shown that the act which is done is being done in furtherance of civil or a civil act not in the course of civil war with the intention of assisting in a political matter

In 27 Howells State Trials 687 1799 John Peng Esq
were found guilty of a libel published upon
and against the Emperor of Russia the son of his
Lord Protector says. All governments rest
mainly on public opinion and to that of his own
subjects every wise sovereign will look. The
opinion of his subjects will force a sovereign to do
his duty and by that opinion. I can only say that
were one so to offend, in another private life in this country
it might be made the subject of an action, and
when these papers went to Russia and held up
the great sovereign as being a tyrant and ridi-
culous one hemisphere it might lead to his calling
for satisfaction as a national affront if it
passed unnoticed by our government and in our
courts of justice

Duke of Hamilton v. King of Hanover
1 Bev 1. 1843

a sovereign prince resident in the dominions of another is ordinarily exempt from the jurisdiction of the court there. A foreign sovereign may sue in this country both at law and in equity and if he sues in equity he submits himself to the jurisdiction and a cross bill may be filed against him which he must answer on oath but a foreign sovereign does not by filing a bill in Chancery against a subject submit himself to be sued in that court for an unrelated matter by B. The King of Hanover after his accession renewed his suit of allegiance to the Queen of England and claimed the rights as an English Earl

Held that he was exempt from the jurisdiction of the English Courts for acts done by him as a sovereign prince but was liable to be sued in those courts in respect of matters done by him as a subject. Held that the sovereign character prevailed when acts were done abroad and also when it was doubtful in which of the two characters they had been done

De Haber v Queen of Portugal } 20 L J Q B 489
Woodsworth v Queen of Spain } 1851

No English Court has jurisdiction to entertain an action against a foreign sovereign for anything done, or omitted to be done, by him in his public capacity as representative of the nation of which he is the head

When the Lord Mayor Court of London has no jurisdiction over the person of a defendant against whom a plaint has been entered in that Court, the according process of a foreign attachment against a person having funds in his hands belonging to the defendant as a means of compelling an appearance is an excess of ~~jurisdiction~~ jurisdiction for which prohibition will lie

When therefore a plaint was entered in the Lord Mayor Court against Queen of Portugal "as upon a sovereign and Duchess head of the nation" for a debt alleged to be due from the P pursuant and a foreign attachment had issued accordingly

to the Costom of the City of London the Court made absolute a rule for a prohibition to restrain proceedings in the Sheriff's Court in the attachment of Queen of Spain case.
The writ of Prohibition may in such cases be granted on the application of the Queen (Alex) before she has appeared to an action in Lord Mayor Ct.
Lord Campbell 25 Reduces appealing a Br subject is only to be obtained by the laws and tribunals of the country which the foreign potentate rules or by his representative in non-barbarous or oth of the Br Government. To cite a foreign potentate in a municipal court for any complaint against him in his public capacity is contrary to the law of nations and an insult which he is entitled to resent

Lecture 8th Dec 7th 1900

Immunity of Foreign Princes from process in our Court

The Charkieh LR 4 Ad & Ec 54 1873 } The Court held that the Khedive was not entitled to the privilege of a Sovereign prince and pronounced against the probat

Semble that a suit in rem to enforce a damage claim may be entertained without any violation of international law though the owner of the res be the Sovereign of a foreign state and that such a suit may possibly be entertained even against the property connected with the jus coronae

Semble that if a Sovereign assumes the character of a trader and sends a vessel belonging to him to this country to trade here he must be considered to have waived any privilege which might otherwise attach to the vessel as the property of a sovereign

The Parlement Belge 5 P.D. 197 1879 } The public minister of a foreign state accredited to, and received by the Sovereign of England. having no real

properly in the country and having done nothing to dissentitle him to the privileges generally belonging to such a public minister cannot be sued in the Courts of the country for a debt which he remains such public minister. even though neither his person nor his goods are covered by the suit

Lord Campbell C.J. The defendant is accredited Plenipotentiary to the republic of Guatemala & Honduras and a writ has been sued out against him and served upon him to recover an alleged debt for the purpose of prosecuting the action to judgment against him while he remains the said minister. He is to be left at liberty to devote himself body and soul to the business of his embassy. He does not even owe a temporary allegiance to the sovereign to whom he is accredited and he has at least as great privileges from suit as the sovereign whom he represents. He is not supposed even to live within the territory of the sovereign to whom he is accredited and if he has done

nothing to waive or forfeit his privilege. He is for all judicial purposes supposed even to live in his own country. In the first place there is great difficulty in saying how the writ could be served properly for an ambassador lives in secret and is concealed as part of the territory which sovereign he represents. Nor could the ambassador be safely supposed in the short time to serve the writ as he may be proceeding to the Court of our Queen or to negotiate affairs of his sovereign with our other ministers. It is allowed that he would not be bound to answer interrogatories or to obey a subpoena requiring him to be examined as a witness for the plaintiff. But he must defend, retain counsel and instruct them. Can all this take place without "Coactio" to the ambassador? There can be no execution upon it which the ambassador is accredited. Nor even when he is recalled if he only remains a reasonable time in this country after his recall. In countries where there may be a citation

be seized of goods if an ambassador loses his privilege by engaging in commerce he may not only be cited but all his goods unconnected with his diplomatic function may be arrested to force him to appear and may afterwards which he contumacious ambassador be taken in execution. Those who cannot safely trust to the loss of an ambassador in supplying him with what he wants. may refuse to deal with him without a surety, who may be sued and the resource is always open of making a complaint to the government by which the ambassador is accredited. Such inconveniences are trifling compared with those which might arise were it to be held that all public ministers may be impleaded in our courts and that judgment may be obtained against them in an action either ex contractu or ex delicto

The authorities are clear that where a sovereign loses his civil life he also loses

his principles. If a sovereign comes into an English Court he must take the law as he finds it. In such a case he must also answer interrogatories

King of Spain vs Hullett } a foreign sovereign
1 C. & J. 333. } prince being declared entitled to sue
1833 } in Chancery here in his political capacity, claim the privilege of putting in an answer by his agent or without oath or signature to a cross bill filed against him by the defdt to his original bill

Held that he stands on the same footing with ordinary suitors as to rules and practice of Court and is bound like them to answer a cross bill personally and upon oath.

Prelleau vs McKeon } The U.S. suing in the
LR 3 Eq 657 } Courts of this Country
and thereby submitting themselves to the jurisdiction
stand in the same position as a foreign
sovereign and can only obtain relief
subject to the control of the Court in which they sue and

and pursuant to its rules of practice according to which every person sued in this country, whether by an individual or by a foreign sovereign or corporate body is entitled to discovery upon oath touching the matters upon which he is sued and to file a cross bill for the purpose of obtaining such discovery. Proceedings were accordingly staged in a suit by U.S.A. suing in their corporate capacity until an answer should have been put in to the cross bill of defendant. But I held that Procedure of U.S.A. had been improperly made a defendant to the cross bill as the person to give discovery

The Trent Affair. The only question of importance with this affair now is what was the position occupied by Mason and Slidell. And this most is clear that at least they were not ambassadors. The person of an ambassador is inviolable and insult to him an insult to the state by which he is accredited

No greater crime is known to International Law than the murder of an ambassador. An ambassador cannot properly carry out the work of his embassy unless he enjoys this immunity and he is protected on his journey to and from the Capital.

If an ambassador happens to own personal property it is free from process of Court but if he owns any other land than that on which his "hotel" is situate it is not so exempt. The protection of an Ambassador extends to his family and staff

Musurus Bey v Gadban 2QB352. 63 LJ QB 691, 1894 } The immunity of an ambassador from process in

the Courts of his country extends just nearly to the time during which he is accredited to the Sovereign. but to such a reasonable period after he has presented his letters of recall as is necessary to enable him to wind up his affairs. appeal business. and prepare for his return to his own country

and he is not deprived of his immunity by reason that his successor is duly accredited before that period has elapsed
which the immunity of an ambassador from personal is, it is not completed for any person to sue out a writ against him (even though it be not served) or to renew such writ if issued. Consequently statute of Limitation does not begin to run against creditor during that period.
Ord 16 R 8 C, which enables of plaintiff by leave in certain cases to serve a writ or notice thereof out of the jurisdiction when Deft is neither a Br subject nor in Br dominions has not the effect of accumulating the right under 21 Jac I c 16 to bring an action against a person after his return from beyond the seas within the time limited by 21 Jac I c 16
Mr. Smith L.J. Musurus Pasha for 30 years prior to Dec 7 1885 on which day he presented his letters of recall was ambassador in London accredited by Dallas of Turkey

to and received by W.M. on such. He had stopped
I was after 25 Feb 1886 being engaged during
the interval in winding up and closing
over his official business and settling his own
affairs. He then returned to Turkey where
he resided until 1890 when he died leaving
appointed plaff his executor. Which in
London 1873 Memus borrowed of Gabriel 3105
and that debt had never been paid. After
death of Memus Executor in Nov 1890, came
to this country and engaged Goldsmith to
collect bonds of £ 38000 and other
security belonging to Estate of Valentine
and the claim was brought (writ issued
Oct 19 1892) to recover from Goldsmith the
the bonds and securities which had been collected
in his lifetime pursuant to agreement
with plaintiff
Now the val ~~[illegible]~~ in calculating the debt
is claimed by the Statute of Limitations
I agree no case to say that writ could not
be sued out against ambassador and
not served

The Statutes applicable here

31 Jac 1, c 16, s 3, actions to be begun within 6 years
not Mass c 3 s 19. Time not to run when party resides
7 Mass c 12. Writ against ambassador to be void.

I. In my judgment such a writ could not be
served out and renewed every 6 mos as provided
for such a renewal is only to be had when the Ct
is satisfied that reasonable efforts have been made
to serve defendant. Here there is no defendant
at all when such a writ would be served out

II, It was decided in Magdalena case supra
that this could not be so (Keeping writ alive by
renewals) It was there held that there could
be no writ against an ambassador while
he is occupied or even when he is recalled if he
only stays a reasonable time to fix up his
affairs which is precisely what Musurus did
It was said that this was obiter. but I think it
law and good sense

III

It has been clearly decided that an Embassy cannot
be a refuge for foreign criminals

Lecture 9th

An ambassador's privileges commence when he lands on soil of his country when he was to be accredited and it extends up to the time he goes away. So much in statement that bodh supercedes ambassador. Some of most useful ambassadors are never heard of in newspapers, wife of the ambassador is a splendid information gatherer.

Consular Service began in Mediterranean sea in middle ages. Established on foot for two purposes

1st. A bank for slaves ransoms etc.

2nd A court for sailors independently of local courts.

They have perfection of public law but not to as great an extent as ambassadors are

J P Hubbson 415

Consul General, Consul, V.C. and agent

First question you ask in Consular agent a citizen of State which he represents of he is he is entitled to more privileges

than a Consular agency for the government

Another thing is if he is a trader he is not as privileged as if he were not

Liquet vs Bath 3 Burrows

Viveash v Becker 3 M+S 297 *

Authorities say that

(1) The archives of a consul are inviolate

(2) That soldiers cannot be billeted on consuls

(3) That he is exempt from Jury.

(4) That he is exempt from militia.

(5) That he is not liable to arrest on civil process.

Dand & Field If a man in another foreign legation of court house he must come as a witness if more than that must be taken under commission is a suggestion as to whether or whether not a consul can be subpoenaed. As yet unsettled.

If no ambassador in country consul represent.

Consuls of lower rank i.e. merchant traders holding authority from foreign state do not possess as much immunity

Treaties Law of Contract applies. It must be made by Competent States. Canada and Newfoundland could not make a treaty. Roman Law called such a contract Jus gentium. Plenipotentiary is man who could make contracts. Representative cannot exceed powers given him. Any treaty made with US must be ratified by Senate before binding. It is a duty cast upon the contracting parties to know constitutional Law of other.

It is of essence of a ~~contr~~ Treaty

(1) Made by Independent States

(2) Made by duly constituted authority

(3) Must be by and for lawful purpose

A contract procured by force is no good. Now about a treaty procured by force. Yes

Rules of

Construction of Treaties

(1) Reconcile clauses which are ambiguous. ~~Suppose not~~ Construe an ambiguous clause adversely to man at whose interests it was inserted

2 Last clauses are to be construed narrowly

(3) Avoid repugnancy. If possible prefer that which vacates

(4) If there is a grant of a general power in one clause and a grant of a particular power in another. enforce the particular in preference to loss of general

(5) If a conflict between prohibitive and permissive ~~provisions~~ rules, ∴ Prohibitive overrule permissive

(6) A later clause in conflict with an earlier overrules that earlier

Rule four very important. If clause sweet fit at intention. Rule about construction contrary to party at whose instance was put in not primarily applicable

Vincent v. Becker } a resident merchant of London
3 M. & S. 384 } who is appointed and
commissioned to a
f wept from arrest
u
Lo believe not a
a rations nor
le nitten loser
to who has pronounced
th e a public
m such be in out
wi of the rest of
p en very likely
se valor of its
C h level of
ri to been
a nilled to the
p tions though
le opated in the
de g among the modern
institutions for the utility of commerce
one of the most useful is that of
consuls or persons residing in the

Italy treaty neutralizing Grand Lake
9 Stat 763
signed April 1873

Alaskan Boundary dispute.
3 Stat 362.
art 3. art 4,

(3) Avoid repugnancy. If possible prefer that which reconciles

(4) If there is a grant of a general power in one clause de[illegible] power in another [illegible] ier free to loss of [illegible]

(5) If a con[illegible] der per-missions [illegible] emb permission

(6) A later cl[illegible] erlier over-rules that [illegible]

Rule from neg[illegible] at get at intention [illegible] trary to party at whose [illegible] ugh applicable

Knecht v. Becker } A resident merchant of London
3 M. & S. 384 } who is appointed and
1814 } acts as consul to a
foreign prince is not exempt from arrest
upon mesne process

Lord Ellenborough. There is I believe not a single writer on the law of nations nor even of those who have written lower down on the same subject who has pronounced that a consul is not a public minister and unless he be such he is not within the contemplation of the act of parliament. It has been very truly said that the act is declaratory of the Common Law and of the law of nations and hence it has been argued that he may be entitled to the privilege by the law of nations though he be not expressly designated in the act, but after all among the modern institutions for the utility of commerce one of the most useful is that of consuls or persons residing in the

the large trading cities and especially in foreign sea ports with a commission empowering them to attend to the rights and privileges of fishermen and to terminate mismanagement and control alcoholic saloons

Lecture 10th Dec 21st 1900

Lecture 11th January 14th 1901

New York Life Insurance v Statham. 93 US 24 holds that the doctrine of revival of contracts suspended during the war is based on considerations of equity and justice and cannot be invoked to revive a contract which it would be unjust and inequitable to revive - as where time is of the essence of the contract or the parties cannot be made equal.

If a failure to pay the annual premium be caused by the intervention of war between the territories in which the insurance company and the assured respectively reside, which makes it unlawful for them to hold intercourse, the policy is nevertheless forfeited if the company insist on the condition but in such case the assured is entitled to the equitable value of the policy arising from the premium actually paid. The average rate of mortality is the fundamental basis of life insurance

and as the is subjected by going to the assumed the option to revive their policies or not after they have been suspended by a war (since none but the such or dying would apply) it would be unjust to compel a revival against the company.

What makes a man an alien enemy?
Prof Stowell says it depends upon if a man has a trade domicil even though he may owe allegiance to England. If a man has a trade house in Maine and a residence in New Brunswick he is an alien enemy. If he has either a social or a trade residence the law looks upon him as an alien enemy.

Rights of war
Poisoning of wells. assassination of leaders not allowable in modern war. Public opinion was against England for employing indians in war of American revolution. Blockading a harbor by old hulks is justifiable. This was decided in American Civil war when

England protested against blockading of Southern ports in this manner
Prisoners of war cannot be put to death though old writers say you can do so under the greatest necessity such as killing of Soldiers.
Rights of farmers on their farm are to be respected though in the Franco Prussian war the Germans excused their conduct in killing French farmers on the ground that they were firing at them from behind ~~for~~ hedges. This defence is a good one
<u>Non Combatant</u>, acting in good faith on the land must not be molested
Property of a non-combatant on the sea is liable to capture. This rule is said to have been introduced by England. Fishermen are classed with farmers not with pirates England brought in the rule that an army cannot plunder the country ~~through~~ which they are marching

This was to given by Wellington in Spain
Private property seized through neglect
of the owner thereof must be paid for
or a receipt given for the thing taken
Admiral Cochrane was bitterly condemned in House of Commons by Lord
Jones was dismissed for having burned
the Capitol at Washington and public
feeling is very much against England
in that matter
England and most other nations have
tied themselves by treaty and cannot
use privateers United States and Spain
did not join in this treaty. Treaty of 1856
introduced this rule
Declaration of Paris was the treaty bending
these nations and the United States agreed
to accept if protection was extended
to all private property on the sea
Thirty Eight States have signed this
declaration. Prussia claimed that
Prussia was privateer given when
she organized a military of

the seas. The good capt. Semmes
Mebelage Co. [illegible]
property in the sea captured and
shortly after retaken that a bona
fide prize court in England
the rule is that property of friends
purg in there is less if capture
to be condemned possession
for 24 hours. or is taken captured
ship into port within
our country. The cabin of a
captors ship cannot be a
prize court. The cabin of the
Alabama was made a prize court
room.

Lecture 18th January 11th 1901

Rights and Duties of Neutral States.

(1) Impartiality (2) Abstinence.

They must favor neither belligerent.

Ships of Belligerent state cannot buy coal or ship men in any port of a neutral state and the neutral state if she permits it cannot plead a prior contract or treaty. Denmark once did this when she supplied ships to Russia.

When a war ship captures a ship of the opposing belligerent or any other intruding ship her duty is to bring her into the nearest prize court port. Now would it be if the ship was brought into a neutral port. Wheaton says if there was a treaty to the effect that such could be made a prize court, between the belligerent and the neutral it would be all right. But the doctrine which such is not quite true in our country now. In his book on Int Law Phillimore quotes from a Proclamation that Sweden once made. she said

(1) She would abstain from any interference either direct or indirect

(2) She would admit to all her ports, but fleet, belligerent ships of war but not privateers

(3) To these ships of war she would sell supplies of war not contraband

(4) Would not allow captured vessels into her ports except through distress

Coal We have a distinct rule concerning coal. We will sell to a ship of war sufficient coal to enable her to make for her nearest home port.

Recruiting of Troops is not allowable and it is a crime to do so. We have a statute on this point. Foreign Enlistment Act (UK) 1870 Cap 90

Loans. A neutral government cannot loan money to a belligerent State but there is nothing to prevent a private citizen doing so. And neither can they prevent him from serving but the Dean is of opinion that our courts will not lend their aid towards recovering such a loan.

Treaty of Washington or Alabama Treaty
was the first great triumph of Arbitration
The Alabama was built near Liverpool
and U.S. debtors discovered that she was
being built for the Confederate and the U.S.
minister in London protested against her
being built. He got no satisfaction however.
Before completion she was towed outside
the harbor and into the high seas where
she was completed and furnished with troops
and munitions of war. The United States
then said England had fitted out an armed
fleet to prey on her commerce and that
the U.S. had consequently suffered great damage
(1) Insurance rates had advanced
(2) Privateers had been protected
(3) The war had been prolonged
(4) Ships had been destroyed
and they claimed compensation from
England therefor.
An attempt was made at a treaty in
1868. It was made between Earl Clarendon for
England and Johnson who possessed

plenipotentiary powers offering for the United States. The treaty was made complete and signed but was subsequently rejected by the US Senate. Much bitter feeling was caused by the rejection of this treaty and for a time war was almost precipitated. Gladstone however made the next conciliatory move and the result was the Treaty of Washington which sat in Washington in 1871. We also had a claim coming up for settlement in connection with Fenian raids but our claim was brushed aside revealing to us wondrously yankee trickery and a deplorable lack of interest in our affairs by the home government. On our boundary & Atlantic fisheries we drew up British Commissioners were. Earl Spry. Marquis of Ripon Sir S Northcote. Earl Thornton. Mr Bernard Professor at Oxford and Sir John Macdonald Mr Commissioners were Fish. Evarts. Nelson. Hoar. Williams

The gist of this treaty is in three rules contained in Article 6. Provision was made for another meeting at Geneva

Mr Frighstman. Bonevar. Italian. Brazilian [redacted]
and a Swiss composed the arbitration. Lord
Cockburn represented Britain. The arbitration
awarded the US $ 15.500.000 damages
about one-half of this award still lies in the
US Treasury according to Claims which
shows excessiveness of award and
the typical yankee greed

Lecture 13th January 18th 1901

In many parts of public law you must distinguish between

(1) State acting through its regular officers i.e. Ministers, Consuls, ambassadors etc

(2) State acting through its merchants and bankers

. It used to be an international law rule "Free ships make free goods and hostile ships make hostile goods"

This at any rate was the English rule and free ship meant a neutral ship. If a ship carried with flag of a neutral nation she was immune from capture, even though she had on board the innocent goods of a hostile nation. In the absence of a treaty arrangement to the contrary the neutral state must be friendly to both nations. When the vessel and cargo are both neutral the law has been settled for two hundred years. They must not be touched. And the difficulty arises when a neutral ship is carrying a belligerent cargo

Common Law Rule was that free ships do not make free goods in the absence of treaty - Under an innocent flag

an enemy cannot protect its foes even in innocent goods.

President Washington said "the goods of an "enemy in the ship of a neutral are lawful "prize of war and the goods of a friend "under the flag of a foe are not liable to "capture" This is also a good statement of the English side of the question.

Where the interests are sometimes mixed up. Where one nation owns cargo. another freight. and a third the ship. England asks the question "which of these belongs to my foe?" and she will take it restoring the others to their rightful and lawful owners.

France holds the opposite view. Anything under hostile flag would be seized by them whereas England only looked to a particular interest viz that of her foe. When these two nations were allies against Russia in the Crimean war their rules regarding seizure naturally clashed so they made a compromise England dropped half of her rule and France did part of this. And as the rule stood then

it was "Free ships make free goods and hostile ships don't make hostile goods"

The war was brought to a close by the Declaration of Paris of 1856 to which all nations except Spain and the United States subscribed. The most important provisions of the treaty were

(1) Privateering is abolished

(2) Free ships make free goods.

(3) The goods of a neutral under the flag of a foe, not contraband, are not liable to seizure.

(4) Paper blockades are unlawful. a blockade must be actual and real and not mere proclamations

(5) Clauses neutralizing the Black Sea

Russia was to pull down the forts and not to make any port in the Black Sea a port of supplies. But she did not keep this treaty. She said she wanted a reconsideration and at the time of the Franco-Prussian war she made application for relief. If more opportune time could not have been chosen

So she said that since she had gone into the treaty under dishers and duress, and so these cases and will avoid any contract under English law. She declared the contract null & void. Russia has now a fleet on the Baltic Sea.
The Effect of these rules is to make peace. The only case where goods can be seized now is "Hostile goods in a hostile ship"
United States authorities have tried endeavoured to join this treaty and compact but they want modifications. They want privateers.
Freight Lord Stowell in the case of the Immanuel said. When hostile goods are seized in a neutral carrier freight is given to such carrier pro rata, and this is true even though there is no such doctrine as pro rata freight in England.
Contraband goods are not in this subject at all. There are three material destinations to rights of commerce. There are things we could do the day before war which we could not do the day after. There are certain which a nation can handle in time of peace

but not in time of war, and there are added certain treaties which can not take entire Right of Search. England avoids the rough of Wm. III have abrogated the law of contraband. Ask what is the kind of goods, what their nature and what the penalty.

Nature. It is no duty owed upon a nation by public law to stop contraband trade of its merchants but if this merchants indulge at such a trade "Catch them if you can"

Trade between a bona fide neutral port and a neutral port of belligerent nation is not contraband

Imina 3 C.R. 168 1800 — Lord Stowell. The rule respecting contraband as I have always understood it is that the articles must be taken in delicto in the actual prosecution of the voyage to the enemy's port. Under the present understanding of this law of nations you cannot generally take the property in the return voyage. From the moment of quitting port on a hostile destination indeed the offence is complete and it is not necessary to wait till the goods are actually en-

deavoring to enter the enemy's port; but beyond that if the goods are ~~actually contraband~~ not taken in delicto, and in the actual prosecution of such a voyage, the penalty is not now generally held to attach

Lecture 19th, January 28th 1901,

Contraband You cannot have contraband unless the goods are going from the country complained of to the belligerent. But difficulty has been raised when the ship clears for a neutral port close to the belligerent, the question is whether the outward journey is protected. The doctrine of Continuous Voyage was set up in opposition to this claim for protection. The question is have these goods a belligerent destination. The answer is in form no, in spirit yes

The Polly } Not in Library.
JCR, 396

A trade forbidden in peace cannot be carried on in war. Often the question arose can this be done by breaking voyage. The test there came what is a sufficient breaking of the voyage.

Just year the Furnace and Maccon traded with the Transvaal. Now there could not be any belligerent port. The Russian Officers claimed and exercised the right to

seize vessels carrying contraband to Lorenzo Marquez. The Germans and American disputed the right, of the three Germany has the most consistent position. The English were setting up the new doctrine which 30 or 40 years previously they so vigorously resisted, when set up by the americans during the civil war, which the American set up the English doctrine of that time. Leading American cases are:-

The Bermuda } a voyage from a neutral to a
Swallow & Ind } belligerent port is one and the same voyage whether the destination be ultimate or direct? and whether with or without the interposition of one or more intermediate ports and whether to be performed by one vessel or several employed in the same transaction and in the accomplishment of same purpose

The Springbok } Q. upon the whole case we
S. Wallace } cannot doubt that the cargo was originally shipped with intent to violate the blockade, that the owners of the cargo intended it to be transshipped at Nassau with some vessel more likely to succeed

in safety reaching a blockaded port, claims the Springbok. that the voyage from London to the blockaded port was, as to cargo, both in law and in the intent of the parties one voyage, and that the liability in condemnation of explained during any part of the voyage attached to the cargo from time of sailing

The Peterhoff } The classification of goods as
5 Wallace 28 } contraband or not, which is not supported by American and English decisions divides all goods and merchandise into three classes

1) Articles manufactured and primarily or ordinarily used for military purposes in time of war

2) Articles which may be and are used for purposes of war or peace according to circumstances

3) Articles exclusively used in time of peace

Contraband articles contaminate the articles not contraband of a cargo if belonging to the same owner. and non-contraband must share the fate of contraband.

Cf. Bermuda no bearing on the case

Matamoros was not blockaded. We must say therefore that trade between London and Matamoros even with intent to supply from Matamoros goods to Denos violated no blockade and cannot be declared unlawful. +

Hall condemns the American decisions but after all it must be admitted that reason and right were on the side of the American Courts in the decisions they gave.

The net result of the Anglo-German-American controversy over contraband goods seized by England! was that Britain had to recede from their position and make apology and restitution

<u>The law therefore seems to be</u> that goods even if contraband bound to a neutral port ostensibly but really to a belligerent are free from capture. To this all the Int Law writers agree as a fixed statement of the law

Let us now turn to the question of the nature of the goods. The old writers divided them into three classes

1) Goods used only in war

① Goods never used for war ② Goods used in war and peace.
The first two need no explanation. so we shall deal with the third class. The law on this point is in very bad shape. Take foodstuffs. There are times when such goods are as essential to the prosecution of a successful war as are gunpowder and shells. The same is now true of coal. So the distinctions made by the old writers are not so easily accepted and do not fit modern conditions.
Lord Stowell once said that he would look with much more forbearance upon the case of a ship carrying the products of her own country also that he would look to the real destination of the goods. The first of these propositions would hardly fit modern conditions for the reason that one or two of the powers especially Great Britain practically do all the carrying trade of the world.
The Americans laid down and carried out a rule that when there is a doubt as to whether goods are or are not contraband of war that the proper course is to seize such goods pay the freight to the ship

and reimburse the crew owners. thus satisfying all parties and leaving no ground for complaint This is called the doctrine of pre-emption and seems to have been the rule followed in the Transvaal war

The Alabama in the Trent affair claimed on the authority of Lord Stowell in the rest case that the dispatches carried by Mason & Slidell were contraband of war. and finding that they had no dispatches in their possession then set up the claim that they were themselves were contraband of war. This was stretching the doctrine too far and would not for a moment be considered to be a good statement of this rule of International Law

The authority claimed for this proposition was Caroline 6 C R 336 Penalty The crew of course is liable to condemnation. Formerly the ship was condemned also but now she is not so liable but loses her freight, but even under the present rules she may be condemned if there are aggravating circumstances

e.g.
① false papers ② Carrying contraband in violation of treaty between her own and captors country
③ If the stevedore in stowing the cargo took pains to secrete the contraband goods
④ If the ship and cargo were the property of the same owner.

How long does the taint of the guilty voyage attach to the ship. The answer is that it lasts only during the outward trip. and that having discharged her cargo in the belligerent port. she is free from capture on the homeward voyage.

If innocent goods are on board the ship owned by a party other than the owner of the guilty goods they are free. but if owned by the same party they are liable to condemnation.

We have seen that a neutral nation may carry on trade with a belligerent in all goods except contraband. but she cannot sail her ships to bona fide blockaded ports.

There is a similarity in all the writings of the jurists on the law of blockade showing the clearness of this law

who may declare a blockade? The sovereign power alone but see
The Rolla } The Scotia a commander
6 Ch R 364 } going out to a distant station may reasonably be supposed to carry with him such a portion of sovereign authority delegated to him as may be necessary to provide for the exigencies of the service on which he is employed

Lecture 15th February 1st 1911.

Blockade Paper blockades are unlawful by Treaty of 56
It must be of sufficient force to really endanger
an attempted entrance. Is notice necessary?
No not essential but a merchant vessel who
knows nothing about it has prima facie right.
Notice is usual but not indispensible.
Distinguish between blockades with notice and
those without notice. If a ship leaves
a port after news of blockade has been current
she is presumed to know.
A Blockade with notice is supposed to continue
until later notice is published of its discontinuance.
Neptunia. (Lord Stowell) 1 C.R. 172
With modern cable, telegraph, newspapers etc. pretty
hard to set up fact of no notice. Old cases
show that it is no difficult to set up "no notice".
How much force is needed to make a blockade?
Pelletoff v Walker 29
where a heavy storm drives a sentinal cruiser
out to sea is blockade raised. and a new
one opened up when they return? Court
U.S. v Rubert court have decided no. Same
also Blockade is never notice

If Blockading Nation gives no notice of raising of blockade it is in a breach of duty.
When a blockading squadron is been driven from its port by a for. what can neutral ships when do. If the blockade is assumed must new notice be given. Suppose in Spanish-Am war. Ship left Halifax when blockade was on. The day out she heard blockade raised by Spanish fleet heading of Morocco. If this again returned Halifax ship could run right up harbor of Havana. are no Wash of fact or neutrality

Hitt 6 CR. 116

During a temporary raising of blockade where one fleet is closing another what can neutral do.

Nancy 1 Dekton 57

Mere presence of a ship or two not enough
Blockading squadron cannot desert midst. It loses its right to capture any when force is shown

Paula 6 CR 364

This would not apply to a red cross ship Et

It is a breach of law to sail for a blockaded port with intent to break blockade. Cases mentioned

Circassian 7 Wallace

Columbia 1 C.R. 1.5.6

Ignorance of the law is no excuse. Ignorance of the fact is excuse in International Law of blockade.

Depends on the extenuating circumstances

Ships in a port when blockading force comes up are given so many days to leave port. sometimes with or without cargo.

A ship coming out of a blockaded harbor. If without cargo will be undestroyed and the Belsey said no matter if owners were charged in mitigation

Penalty Ship confiscated Supposed she gets in and gets out to sea. does Treaty adhere to her. English court says yes. You can catch her any place on way home.

Cargo If owned by ship owner it is also confiscated. Any cargo not owned so is innocent with certain limitations.

1st Makes that innocent cargo owner knew that ship was going to run blockade

Burden is on Captor to show guilt of cargo
if cargo and ship owned by different men
said Lord Stowell

How far is a breach of blockade a breach of
English law. English Merchants give
mandate and ship owner disobeys it.
Can he sue for freight earned in running
a blockade decreed against by English.
The English Courts would allow the plaintiff
to sue in that Court and deduct of illegal running which cost

Helena 5 R 1 Ma Rec 1 Lushington

Ford

The Neptunus 1 C R 172 1799 | Sir W. Scott I do not say that a blockade of other sort not in force possible case espine de facto but I say such a conduct is not hastily to be presumed against any nation and therefore till such a case is clearly made out I shall hold that a blockade by notification is prima facie to be presumed to continue till the notification is revoked

The Chief Justice in the case of the Peterhoff 5 Wallace 56 said
"It must be presumed that no paper or con-
"structive blockade is allowed by International Law
"when such blockades have been attempted
"by other nations the United States have
"been protested against them and denied their
"validity. It was solemnly declared in the
"declaration of Paris of 1856 to which most
"of the civilized nations of the world have
"since adhered, and their power is somewhere
"more fully recognized than in our own country
"though not a party to that declaration"

A Blockade is not to be extended by Construction (head note)

The Hoffburg 6 C R 116 1805 — Sir W. Scott It appears that the port of Cadiz and St Lucar were put under blockade by a notification of 25th April but it unfortunately happened that the notification issued at the time when it became equally notorious that no blockade actually existed since the Br force had been recently driven off by a superior force. In a former case a question was raised whether

the notification which had issued was not all specific at least for the purpose of fulfilling the effect of these instructions. But the Court was of opinion that it could not be so considered and that a neutral power was not obliged under such circumstances to presume the continuance of a blockade nor to act upon a supposition that the blockade would be resumed by any other competent power. When a squadron is driven off by accidents of weather which must have entered into the contemplation of the belligerent imposing the blockade and there is no reason to suppose that such a circumstance would create a change of sentiment since it could not be expected that any blockade would continue many months without being liable to such temporary interruptions

The Nancy
1 Acton 57
1799

The Court held that to constitute a blockade the intention to shut up the port should not only be generally made known to the vessels navigating the seas in the vicinity but that it was the duty of the blockaders to maintain such a force as would be of itself sufficient to enforce the blockade. This could only be done by keeping a number of vessels on the different stations so communicating with each other as to be able to intercept all vessels attempting to enter the ports of the island. The periodical appearance of a vessel of war in the offing could not be supposed a continuance of a blockade which the correspondence mentioned and described to have been previously maintained by a number of vessels and with such unparalleled vigour that no vessel whatever had been able to enter the island during its continuance.

The Adela
6 C R 372
1807

It is then said that there are other circumstances that will defeat the operation of the penalty viz: that the blockade was irregularly maintained by the blockading

force, in dabbering some ships to go in and other to come out which would lead to decave other persons; and would therefore vitiate the effect of the notification. And I confess of I was satisfied of that fact that such instances did occur I should be disposed to admit the conclusion that such a mode of keeping up or raising of raising the blockade would altogether destroy the effect of it. For what is a blockade but a universal exclusion of all vessels not provided by law. If some are permitted to pass others will have a right to infer that the blockade is raised

The Columbia } Sir W Scott I am clearly of
6 R 156 } opinion that the sailing
1799 } out an intention of trading
the blockade of the Seine was a sequency to
execute that intention and is to be taken as
an act of Constructive the offence
from that moment the blockade is fraudulently
invaded. I must therefore on full consideration
pronounce this a breach of blockade

The penalty of breaking a blockade attaches on the property of the persons ignorant of the breach by the conduct of the master or of their consignee if intrusted with power over the vessel. The actual sailing was intention to break a blockade in a breach of a blockade.

The Helen } By parole authority endorsed it
*1 Ad Rep 1 } is not a municipal offence by the
1865 } law of nations for a neutral to
carry on trade with a blocked port. In a
suit for wages upon an agreement entering
into for the purpose of breaking the
blockade of the Confederate States
of America, an article in the
defendants answer (article?) alleging
such agreement to be contrary to
law was struck out.

Lecture 16th February 8th 1901.

Munroe Doctrine. Has stopt for 80 years but has lately arisen. Takes us back to French Revolution and 18 years war. Napoleon was a prisoner and the crowned heads which he had set off those came back and then formed the Holy Alliance. Czar of Russia very much in favor of the alliance. They met every year but the humanitarian object had so marked the opening of the alliance gave way to idea of safety. Democracy they said was curse of the world. French Revolution great blotch upon civilization. Meetings they said can be better than a Monarchy. Congress of Verona then said let us put our fleets and armies etc together and destroy these small growing democracies in South America. Lord Liverpool and Canning governed English affairs. England was invited to join but refused. Canning sent a message to Munroe that he should give a notice to European Powers to keep hands off in South America. This was origin of Munroe Doctrine

Mr Debtors Review for May 1900

In the Secret Council of Vienna! Two objects were collectively entered into by the state chancellor

(1) to abolish all representative governments and to prevent free parliaments where they did not then exist

(2) to prevent a free press.

This was a direct slap at England who had saved them by defeating Napoleon

Canning submitted suggestions to US minister in London he to Monroe & Monroe to Jefferson who strongly supported. J Q Adams opposed following England and advocated going straight direct to Russia and the states, The Result was the Monroe Doctrine, it also touches upon the Russian Boundary in Alaska

(1) the American continents by the free and independent manner they have constituted themselves are not to be the subject for colonization or any distinctions by European powers

(2) Consider any attempt on their part to

followed very soon after Polk's appeal to the continent as a danger to our peace and safety

§ when a government impels an unfriendly disposition to another it is a very strong expression

It is impossible for any European State to impose their system without endangering our peace and tranquillity.

They must not interpose with South American Colonies because it is a menace to our peace

How far is the Monroe Law ?

(1) It was never endorsed by Congress in whole or in part. Leading members of Congress tried to have it endorsed by Legislation but failed. (1824) Henry Clay introduced a motion to table but the motion was not called up for table. Another similar motion met a similar fate. In 1848 an

bottomless Congressman said that the doctrine did not represent the will of the people. uncertain of effect

use Senator Wilson until doctrine is adopted by Senate and ratified the best said about it the better

In the end simply a declaration of President

Other States have failed to recognize doctrine

Lord Salisbury writing to Pauncefote in 1896 said he did not recognize it and said it attempted to introduce an innovation in International Law which it could not do

Only said. It has been the accepted practice: law of other Country since the promulgation and Secular can not now be denied.

Writers on International Law on the doctrine

Woolsey paragraph 48 5th Edition

and On the whole the policy is not a nationalist one

{The President Chairman way and the Tower the sole}

and Wheaton. Lawrence Edition Vol. 1 124

Eng Phillimore 1st vol 543

says does not deny right of European Powers to Colonize Small Uncivilized States

Dean thinks this altogether wrong. I agree with him

A later and more elaborate attempt was made by the US to apply the doctrine

For many years England had a running dispute between themselves and Venezuela. As quarrel was on Election. when on in US democratic people always wanted to twist lions tail and they did so in this decision. Cleveland made suggestions for settling this dispute. England respectfully refused. But the US persisted and wanted whole matter submitted to arbitration. England would not. but in Cleveland's message to Congress he said you must arbitrate or take the consequences. A commission of his was to be appointed to look into the matter and then he would see what was to be done

Lecture February 15th 1901

About 1815 the Monroe doctrine was again reasserted by Mr Blaine and he acting in a very strong way. It was in connection with the Venezuela Boundary dispute and the Americans set themselves up as the supreme dictator in the matter of all American disputes. In Dec of 1895 Cleveland's message came to Congress and later again in 1897. England did then back down and agreed to arbitrate. Though by the arbitration she got more than the asked for since her loss in prestige was great. By this backing down of England she practically recognized the doctrine.

Canals are a new thing in International Law. Professor Theldod of Oxford assumes erroneously that a canal is a mere strait or natural waterway and forms his argument thereon. Rather is it to be considered as and compared to a road belonging to the country through whose territory it passes. England owns 176000 out of

400000 shares. She bought them in 1875. The revenue from the Canal is very great In 1882 England seized the Canal to protect it and shipping generally during the Egyptian war France was entitled to cooperate but declined doing so to her ultimate regret The Canal is at present regulated by the treaty of 1888.

Hertslet Treaty vol 18 p 369. Signed by England Germany Austria Spain France Italy. Netherlands Russia Turkey

Art. 1 The Suez Maritime Canal shall always be free and open in time of war as in time of peace to every vessel of commerce or of war without distinction of flag

Contracting parties agree not in any way to interfere with free use of canal in time of war as in peace. Canal shall never be subject to exercise of right of blockade

2. Fresh water canal to be kept intact

3. Plant of canal to be kept intact

4 No right of war, no act of hostility nor any act having for its object to obstruct free

navigation of Canal shall be committed in Canal and its ports & access as well as within a radius of 3 marine miles from those ports even though Ottoman Empire be one of the ~~port~~ belligerents.
Vessels of war of belligerents shall not revictual or take in the Canal and its ports & access except in so far as may be strictly necessary
Their stay at Port Said and in roadstead of Suez not to exceed 24 hours except in distress
Interval of 24 hours to elapse between sailing of belligerent ship of one power and ship of hostile power
5 Troops munitions etc not to be embarked or disembarked, except in case of accidental hindrance detachment not more than 1000 with corresponding amount of munition
6 Prizes of war subject to same rules
7 No ~~vessel~~ of war to be kept but powers may (except belligerents) keep two in Port Said and Suez
8 Provision for future carrying on of work of Canal

9/ Egypt to take measures to execute treaty
10/ To same effect. 11/ also
12 equity to guide/ all the parties
13/ sovereign rights of sultan & khedive not affected
14/ Engagements resulting from present treaty not to be limited by duration of acts of concession of universal Suez Canal Co
15/ Sanitary arrangement.
16/ Knowledge of treaty to be made known to other states inviting them to subscribe.
17/ Ratification of treaty to be made within one month

Nicaragua Canal. "Central America" now means all the territory from Mexico to South America. It formerly meant only Costa Rica Nicaragua, Part of Honduras, Guatemala & San Salvador. This republic was broken up in 1839. In 1763 England had a station at Boy Islands was the right of cutting wood. In 1797 in a war with Spain she seized the whole country and called it Belize. In 1841 she declared a protectorate

over the Mosquito coast In 1849 U.S. made a treaty with Nicaragua by which she agreed right to put a canal through In 1850 the Clayton-Bulwer treaty was made between England and US but the latter repudiated it.

Art 1 The Government of G Britain hereby declares that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof or occupy or fortify or colonize or assume or exercise any dominion over Nicaragua Costa Rica, the Mosquito Coast or any part of Central America, or of assuming or exercising dominion over the same Nor will G B or US take advantage of any intimacy or use any influence connection or influence that either may possess with any state or government through whose territory the said canal may pass for the purpose of

acquiring or holding directly or indirectly for the subjects or citizens of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the subjects or citizens of the other

2/ Vessels of both, in case of war between the contracting parties, be exempt from blockade detention or capture, from either end of canal at a distance to be afterwards determined

3/ Property of any contracting party exempt from detention seizure or confiscation.

4/ Government claiming jurisdiction over territory to be asked to facilitate work and attempt will be made to establish two free ports on it each end of canal

5/ Neutrality of canal guaranteed. Canal to be for ever open and free. to be protected.

6/ Other states to be invited to join

7/ Work to be proceed ahead

8. The government of Great Britain having not only desired in entering into the convention to accomplish a particular object but also

of neutrality and original rights

to establish a general principle, they hereby agree to extend their protection by similar stipulations to any other practicable communications whether by canal or railway across the Isthmus which connects North & South America and especially to the inter oceanic communications should the same prove to be practicable whether by canal or railway which are now proposed to be established by way of Tehuantepec or Panama. In granting however these joint protections to any such canals or railways as are by this article specified it is declared understood by Great Britain and the United States that the parties contracting or authorizing the same shall impose no other charges or conditions of traffic thereupon, than the aforesaid Governments shall approve for just and equitable and that the same canals or railways being open to the subjects and citizens of G.B. & U.S. on equal terms shall also be open on like terms to the subjects and citizens

of every other state which is working to grant
them such protection or grant bounties or
we engage to afford
9/ Rule for calculation table model lessen 6 mos

Lecture February 21st 1900

We saw that England occupied Belize and asserted rights over Honduras - Bay Islands, and also a protectorate on the Mosquito coast. She had a larger claim of right in Honduras than in the Defence. The Americans were jealous as displayed by the correspondence preceding the Clayton B. Bulwer Treaty.

There was a dispute as to the meaning of the words Central America. The British contended that this did not include British Honduras, while the Americans claimed that when England agreed to get out of Central America they agreed to get out of the whole country

There are three parts to the Clayton Bulwer Treaty (1) where both parties agree to renounce certain rights and agree to acquire no more
(2) where they agree not to fortify
(3) agreement to neutrality

It is certain that England abandoned her rights to Mosquito Coast and Bay

a copy of such treaty to us. She also did the same with the Bay Islands
The americans claim that England agreed to abandon her rights in British Honduras and that not having done so they were guilty of a breach of treaty. The New York Sun has been agitating this question but a reply thereto shows that Clayton well understood the meaning of the term Central America not to apply to ~~Central America~~ in British Honduras. But the Americans claim the Senate did not do so and as they are a component part of the treaty making power the contracting parties were never at idem and that therefore the Clayton Bulwer Treaty is not binding.
Now as a matter of fact how did the Senate understand the term?
In a letter from Clayton to King Chairman of the Senate Committee on Foreign affairs in 1849 asked King to send assurances to Bulwer that "Central America" did not

includes Br Honduras. Mr King replied that the senate perfectly well understood that Br Honduras was not included.

Pres Fillmore, in his message to Congress same year "The British title to Honduras stands precisely today as it stood before the treaty. In 1853 Wm. L Marcy Secy State said "It is believed G.B. has a qualified right over Belize as it is not included in Central America.

Pres Buchanan in 1860 expressed himself as perfectly satisfied with the Clayton Bulwer treaty.

Now what a small mean god-damn rotten piece of business it is on the part of the American people fifty years later in the face of such evidence to say that the American Senate or the Nation did not understand the treaty to exclude Br Honduras

Queen of England has broken on claim of treaty by Public Law the remaining clause would also be indeed

They again say time has killed the treaty

Any any portion of the treaty referred to a particular company doing the work and since company have disappeared the treaty is gone.

Mr Blaine in 1881 said it would when completed form part of the Great line Lord Granville. however in a courteous message knocked the stuffing out of that silly rat

The English claimed and continue to claim that the treaty is binding but if the Americans want a revised treaty more suited to modern conditions they would agree to make a new one.

When McKinley became President and Hay secretary of State another attempt was made to settle the difficulty England agreed to have a treaty like the Suez Canal treaty both parties expressed agreement. and the Hay-Pauncefoote treaty was signed at Washington and sent to the senate for Ratification. But the senate refused to endorse it

without certain changes. It established all the conditions of equality unduly wing the former treaty. We are to supply money for the construction of canal they owe and why should we not control it. We refused to ratify it - and in time of war only our ships shall go through. Whole treaty upset. Question stands thus by today

Lecture March 1st 9 Hedy 763

Treaty entered into April 1817 between United States and Great Britain in re Great Lakes

The Naval Force to be maintained upon Am Lakes by GB & US shall be confined to following vessels on each side

1 Lake Ontario. One 100 ton vessel & one 18 lb cannon
2 Lake Champlain " " " " " "
2 Upper Lakes 2 " " " " "

4 All other vessels to be dismantled and no other vessels of war to be built thereon armed

5 Six months notice shall make treaty null & void

6 Force to be restricted to such services as will in no other respect interfere with the proper duties of armed vessel of the other party.

3 Hertz 362

Treaty between Russia & Great Britain. model Act
St Petersburgh February 28. 1825

Art 1. Fishery very much discussed in re
Behring sea dispute.

Art 2 Russians not to land on British and
British not to land on Russian territory.

Art 3 The line of demarcation between the
possession of contracting parties upon the
coast of the continent and islands of
America to N.W. shall be drawn in the manner
following. Commencing from southernmost
point of island called Prince Wales Island which
point lies in the parallel of 54° 40' north
latitude and between the (131st) & (133rd) of
west longitude (greenwich) the said line
shall ascend to north along the channel
called Portland Channel as far as point
of continent where it strikes 56° of
north latitude; from this last mentioned
point the line of demarkation shall
follow the summit of the mountains
situated parallel to the coast as far as the
point of intersection of 141st degree of

of west longitude and finally from said point of intersection to said meridian of 141st degree in its prolongation so far as the frozen ocean shall form the limit between Russian & British possessions on the continent of America to N.W.

Art 4. Prince of Wales island and to belong to Russia. Wherever the summit of mountains which extend in a direction parallel to the coast from 56° degree of north latitude to the point of intersection of 141st degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean. the limit being the British possessions & the line of the ~~ocean~~ coast which is to belong to Russia as above mentioned shall be formed by a line parallel to the windings of the coast and which shall never exceed the distance of 10 marine leagues therefrom

Illustration Lecture

about 1815 the doctrine was created by Mr Blaine and his secretary in a very strong way. By Cont. position that US was a very strong power and US a Western power. This was in Central Question. Only slightly said US had a right to interfere in a South American dispute. Salisbury denied this in Colo when arbitration came on England got more than she asked for

In 1886 US resented our flag

Illustration Lesson

about 1815 a doctrine was created by Mr Blaine and his secretary in a very strong way. By Lord Position that US was a very strong power and as a Western power. This was in Central Question. Only Clay said US had a right to interfere in a South American dispute. Salisbury denied this in Colo When arbitration came on England got more than she asked for

In 1886 US resented our flag

Canals are new things in Oriental Egypt. Suez Canal built in 1854. Commenced then England owns 176 out of 400 shares. Other nations have rights there as well. It is more larger French than English Revenue in neighbor

£ 75-00,000. Expenses very small, tolls very high. In 1882 Eng seized canal. Said she must occupy to protect. Protest was made but not taken notice of

Arrangement mostly treaty 1888 (18 Hertslet Treaty 369). Recall, 1st clause very important

Canal dispute between US and Britain in Isthmus

Neutral Province as used in treaty not all between Panama and Costa Rica. As used in Clayton Bulwer treaty. Included Bay Island & Mosquito Coast. In 1763 England took station same as French took on Nfld shore. In 1797 in a wooden vessel Spain she seized it and called it Belize. In 1841 she declared a protectorate over the Mosquito coast. In 1849 US made a treaty with Nicaragua with reference to the canal. In 1850 the Clayton Bulwer treaty between England & US was formed

Summary in 8 Hertslet 969 1st, 8th

Dy XI.

Evidence

C. S. Hanaghan vs
Selma

D. Frank Matheson
3rd year