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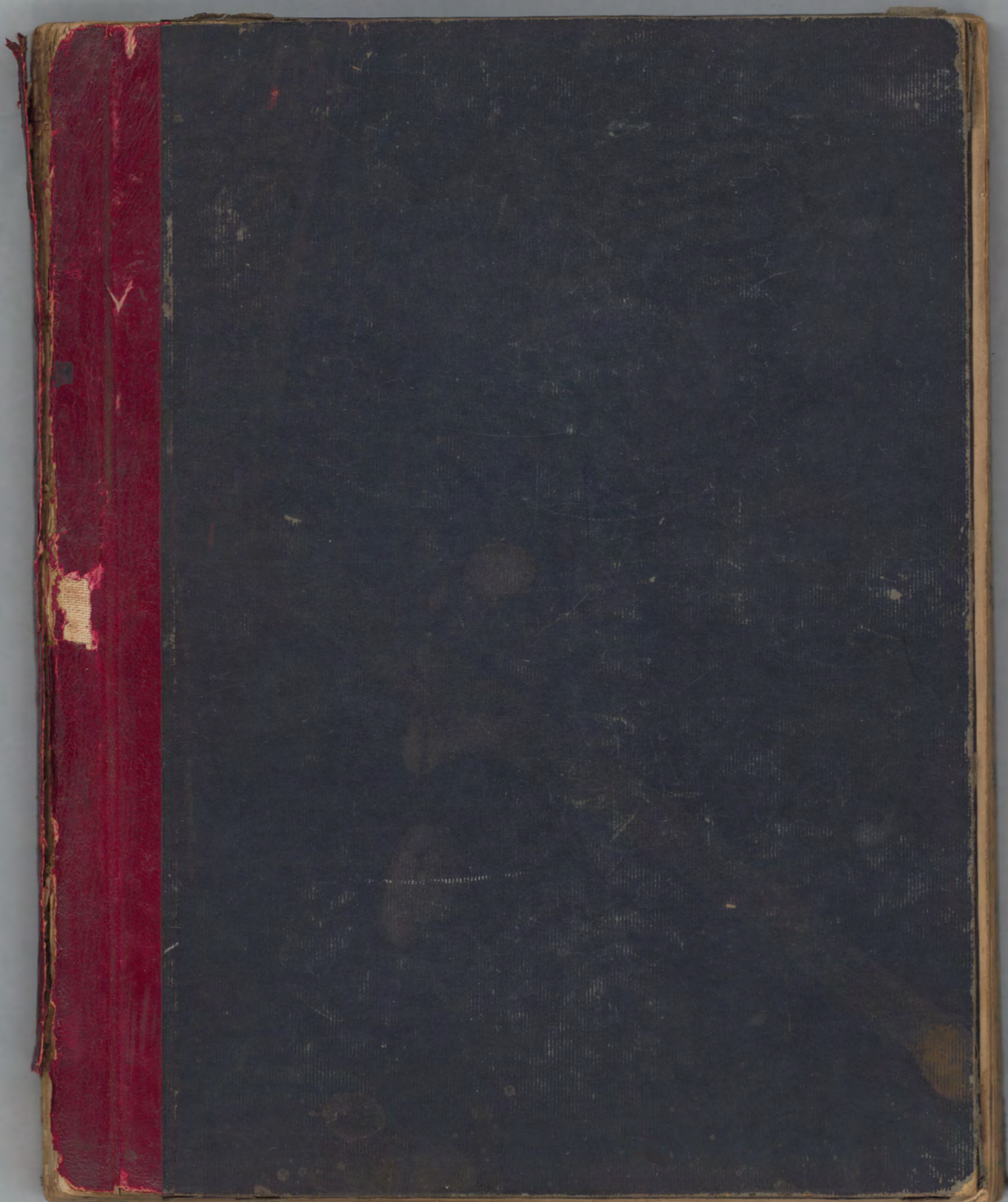
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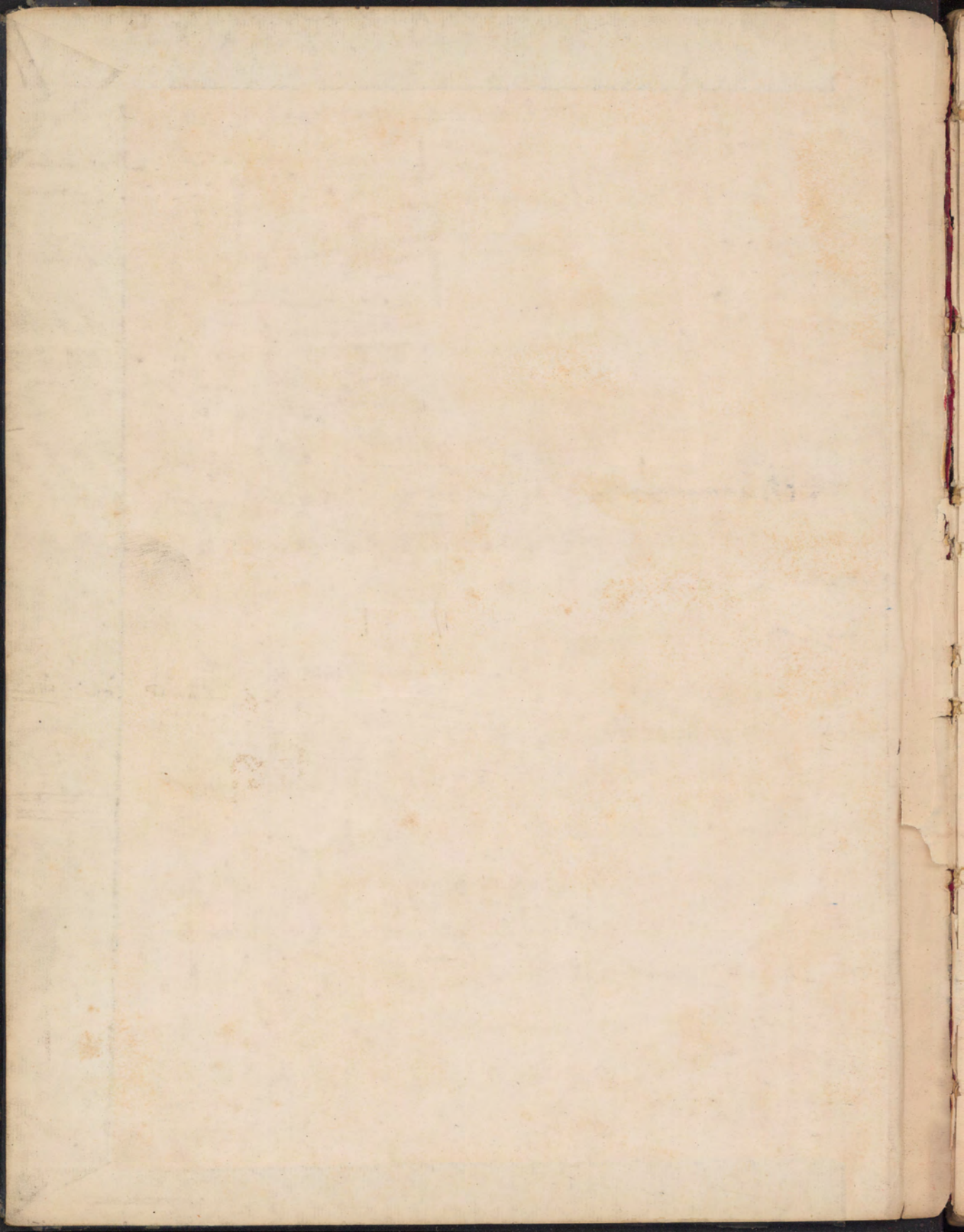
1900

International Law 1900-1901, 3rd Year

Donald Frank Matheson

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International Law 1900-1901
Dr Weldon Lielius

Drank Meehan
3rd year

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International Law

Lecture 1st 4th Sept 1900

A great English Law writer has stated that the term International Law is misleading and certainly we find foundations 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 punishments

There is nothing in the great systems 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 quite say that these rules are

not law at all. We have after all our great congresses or parliaments yet the powers which exert the force, 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 sentiment e.g. China Trouble. all nations render one general law 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. It had the Roman Law spirit

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 the foundation of its legal system from the Roman Law, yet during a period of nearly 400 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.

Other Roman Law Courts in England were

(2) Admirals Court was established. This was a Roman Law Court with Roman Procedure.

(3) A long criticism from Becket to Wolsey the
Lord Chancellor were prelates of the Ballibe Church
so that Chaucer's Court was a court of Roman Law
Logical completeness of system further con-
sidered by fact that English Lawyers
absorbed much of Roman Law uncon-
sciously

Statute for Distribution of Intestate Estates 27 & 28 Ch 2 c 10

is an exact copy of 1187 Ord of Justiciar. This was
concealed from House when bill was passing
University Courts in Europe were defined juris-

(4) diction. Under Clerical authority they form
fourth Roman Law Court in England

Intimation 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

Grotius. De iure Belli ac Pacis

Puffendorf. De iure Naturae et Gentium

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 Embassies 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. Lawrence was an International Law lecturer whose lectures have recently been published in book form. Phillimore is the fullest text writer in England. Blountschli is a very famous German writer.

The sources of International Law are twofold

(1) Natural (2) Positive.

Natural law is the law which governs all in common. Cicero said about it: "That law which natural reason makes binding for all mankind." Rothschke that law begins in heaven and is unalterable by human will.

Aristotle the law as to which mortals were divinely illumined.

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

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

Ed. Clowell in Helena to Chas. Post of his 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 Western 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
Consolato 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. Prize Courts 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.

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

Hutton v Dug 5 Cranch U.S. 353

This is not true of other courts.

Subjects of International Law

A free man is the unit in a state

a state is the unit in International Commerce

Ugo Grotius made the comparison

Commonwealth: Commonwealth :: man: man

In dealing with a Commonwealth we can bind it always and who can bind the foreign state?

State 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

Lord

Francis

CR 24 of 63

46 F3 ME 17

} 1876

Lecture 3. Sept 21st 1900

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

Sovereignty is an elementary principle. How far
does the rule extend? Generally speaking out
to three miles limit from shore. No foreign
warships 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 belligerent
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 un-
decided 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 had jurisdiction

Ports. Haulas & Rivers are usually like land
Queen v. Kaurman James 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 case also

Ripon v. Coombs 1 Brock 732 }
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 cutters
- (3) She can be searched by foreigner 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 L.J. 12
Method vs. A.G. N.S. Waba 1891 A.P.C.

Queen v. Carr 10 Q.B.D. 76
52 L.J. 12
Queen v. Allen 4 B.P. 647

General Rule a nation cannot punish
Crime committed against one of her
subjects abroad.

Imperial Statute ~~for~~ dealing with admiralty
jurisdiction to Supreme Court are

12+13 Act 1896, 18+19 Act 1910 & 21

Colonial Laws & Orders Act

29+30 Act 1884, 37+38 Act 1927

41+42 Act 1913, 53+54 Act 1927

Read

Quest US Bahr Co vs Anglo Am Co 2 ap Cr 416-419
41+42 ap

Regn v Benmyman. Bills & Co 76, 28 B Me 66

The maritime territory of every state extends to and
includes ports, harbors, mouths of rivers and ad-
jacent parts of sea enclosed by headlands and
belonging to state

Queen vs Keyn, Fauconia } a German vessel carrying the German
1876, 46 L.J.M.C. 14. } plog. under the command and
immediate direction of prisoner
a German subject, collided with an English steamer nav-
igating the English Channel at a point within 2 1/2 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 British Criminal
Court
held by majority. Brett, L.J., Kelly, Bramwell, Lush, Prender-
gast, Phillimore, Court to no jurisdiction.
But Colvill, Bull, Glyn, Denman, Amphlett, Lushall that
Court had jurisdiction.

a subsequent statute sustained these dissenting judgments
and case is important only for International Law
thrust out in judgments,

Queen Car } Theft committed on River going
10 QBD 76 } ship while lying afloat, in the
1882 } ordinary course of her trading, in
river at Rattindale in Shalford, moored to quay.
goods were afterwards wrongfully received in England by
persons with knowledge that they had thus been stolen. Place
where ship lay at time of theft was in open river 11 to 18 miles
from sea but within ebb and flow of tide. No bridges
between ship and sea and place where ship lay, was
where post ships usually lay. did not appear whether there
was or under what circumstances he was on board

Held that persons could be properly tried and convicted
at Central Criminal Court in this case as offence
took place within jurisdiction of court

Rex v Allen } a ship had sailed from London on a foreign (China)
70 x P 664 } trade and the chest of tea were stolen from
1837 } her when off Wampoa. It was stated
that Wampoa was on a river twenty or thirty miles from
the sea and no evidence was given as to the tides 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. Pacific Int'l Tel. Co. } appellants had bought
I appeal Cases 3904, 1877 } and laid a telegraph
cable to a bay more than thirty miles within Conception Bay
on east of New foundland, between two promontories distant
more than twenty miles, the average width of the bay being
15 miles. The distance of the land of the bay from its
two promontories being respectively 40 & 50 miles. The
said bay and cable were more than three miles
from the shore of the bay. Injunction granted restraining
appellants from using said bay, as respondents had exclusive
statutory right subappell

Substantive By general ideas of nations we find an
universal agreement that harbors, estuaries, and bays
landlocked belong to the territory of the nation which
possesses the shores round them but no ap-
reement as to what is the rule to determine what is "bay"
for the purpose. It seems generally agreed that
when configuration and dimension of bay are
such as to show that nation occupying adjoining
coast also occupies bay it is part of the territory
and with this idea most writers in subject refer
to defensibility from shore as a test of occupation
some say within of a narrow strait, three miles. Two miles

all these would exclude Conception Bay from 1772
British jurisdiction for a long time. even so
enclosed domain over the bay. will require
in by title national. strong proof of ownership
order of supreme court of the united kingdom

Queen v Cammeyer } The Bristol Channel between
38 L.J. M.C. 66 } shows of Glamorgan and
1859 } Comarshelie, when it is about
ten miles across and where one shore is visible from
other on a clear day is within border of counties
by which it is bounded. Therefore where a felony
was committed on board a ship in the
part of Bristol Channel about $\frac{3}{4}$ mile from
Glamorgan shore. Need of law committed
within Glamorgan county

Notes from Trancowa.

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 Franz von Holtzendorf. The usage and practice of International Law is in great measure founded upon the tardy 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.

Volume 4th

Sept 28th 1920

Melantee Fisheries Treaty of Paris.

Report of Walter Fisheries Commission p 56.

War of 1812 had the effect in dispute. It was not clear what effect war had on these questions so a convention was held in London in 1818. That law Convention of London binds us now.

Terms of that treaty what are they and what are the difficulties see citation supra. 57.

Reapportionment Treaty of 1854 This fisheries 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 mackerel remained 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 ports. Then Cruisers were put on to keep our fishermen out of our ports. But American

began about 1871 when
admiral was instructed to stand by
letter of treaty. Gladstone then
made a personal speech pregnant
with good feeling towards the Americans.
In a very few days thereafter negotiations
were on to settle all disputes. Treaty
was signed in spring of 1872. One
Canadian on Commission Sir
John A. Macdonald. It was ratified
by Canadian Parliament. Called
Treaty of Washington and made work
to settle fisheries disputes for ten
years. and at the end of ten ^{ended in} 1885
years if either party wished to withdraw
and gave notice then two years
thereafter. The old Convention of London
revived. New found land. P.E.,
Island. Confusion. England ratified
by their legislature these fisheries clauses.
But Americans were again unsatisfied.
and again asked for abrogation. It
was they who asked for abrogation of
Reciprocity Treaty

Reciprocity Treaty cables. Elgin Macey Treaty
Treaty of Washington cables. Albatross Treaty

Pursuant to terms of Albatross Treaty a
Commission was appointed to meet at
Hobart in 1877. The quid pro quo was
under discussion. England got deer for
for \$5,500,000. Newfoundland got her share
of them. Sir Alexander Gault 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 gross breach
of Convention of 1818. Part of
matter was American wanted to
come in to our waters and fish
for salmon. Wanted to come
to mulgee and send fish
by rail. They then wanted a
customs clearance despatching
their fishing vessels as merchant
ships. When their vessels were

Captain of our admiralty court says
that was a question of fact. All that
exists now is a *modus vivendi*, some-
thing that both work under. At every
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 "Boat". What is a British boat,
a "Territorial Boat".

American in Halifax Commission admits
that every body of water has their side

miles in width at its mouth than that
Bay belongs to adjoining nation.
What about a Bay more than 6 miles in
width when no agreement exists.

The Truconia case is important in
the particular and the Americas
used the as a very strong argument
saying that decision of our own
courts was a guest us but that
case dealt only with jurisdiction and
subsequent subsequently rule then
that decision

Lecture 5th November 16th 1900

Discussion Paper 36, 1888, for part of
treaty, fishing, between Canada and United States.
Treaty not ratified by US Senate. Though done
so by Canada and Great Britain. It was
a good treaty and dealt with difficulties in a
practical way.

- (1) It distinguished Baited Boats from open sea
- (2) Boats not baited were distinguished by distance
anything under ten miles was Baited and
anything over was open sea.

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

Text of 1818 see. Wheaton. Lawrence Edition p 320
Pork Harbor Boats ^{includes the boats} ~~includes the boats~~
are absolutely in violation.

Kent. vol I. in his Commentaries says p 96.

American Foreign Office. Denial of offence in
Delaware Bay. Based its claims upon a sense
Walsby page 25.

Recess of Fishery Commission. p 289, 4 lines from Buller's

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

Boys of Judaea. 10th May 1843. Sch. Woolington
seized and taken to Gdansk. Seized about
15 miles from shore. Special message
sent to Congress and matter referred
to arbitration in London. Result found
Boys of Judaea not to be a British Boy. Decision
founded on fact that Northern Newfoundland was
in American Territory. In all definition
of Territorial waters all authorities insist
that British headlands must be in territory
of nation claiming.

Open Sea is incapable of becoming property
of any nation. British & Portuguese both
make claims of perpetuity rights over High
seas, what about Strait? ²/₄

Baltic Strait. Denmark claims right to
block this Strait and exact tolls,
of all ships passing there. Britain
US and all Commercial Nations

bought out the right and now all nations
have rights to go.

Hardevelles Treaty that concluded a
Cunneau was his provision to say
that all merchant ships could
go but no warships.

Gut of Bawes All foreign ships
are allowed to go through. That
was settled by any treaty. But
treaty of 1878 contained provision but
never ratified. I would think
Britain could exclude if she
wants to.

Treaty of Washington
Canals Canal Statute 1852.

Art 27. Queen ^{undertakes to} ~~rules~~ upon Canada to
give equal rights to American equal
rights upon Canadian Canals.

Hawaii. gave use of the Chain Canal
and undertook to give upon that use of
other canals.

Just fiction on this article occurred
when Americans refused to allow
our lumber, ships, etc. to go through

Hudson river. We were allowed to
go through certain duties by canal but
when Hudson was reached, stop,
Americans afterwards complained of sharp
interruption on our part. All who
use Upper Canal 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.

Treaty 1892, pages 99+100. } deal with
Provisional Order in Canal 1842 } this matter

Article 9 Bonding laws.

goods going from ^{Canadian} British Territory outside or
coming inside to Canadian Territory come
pass through free of duty. I am
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 33.

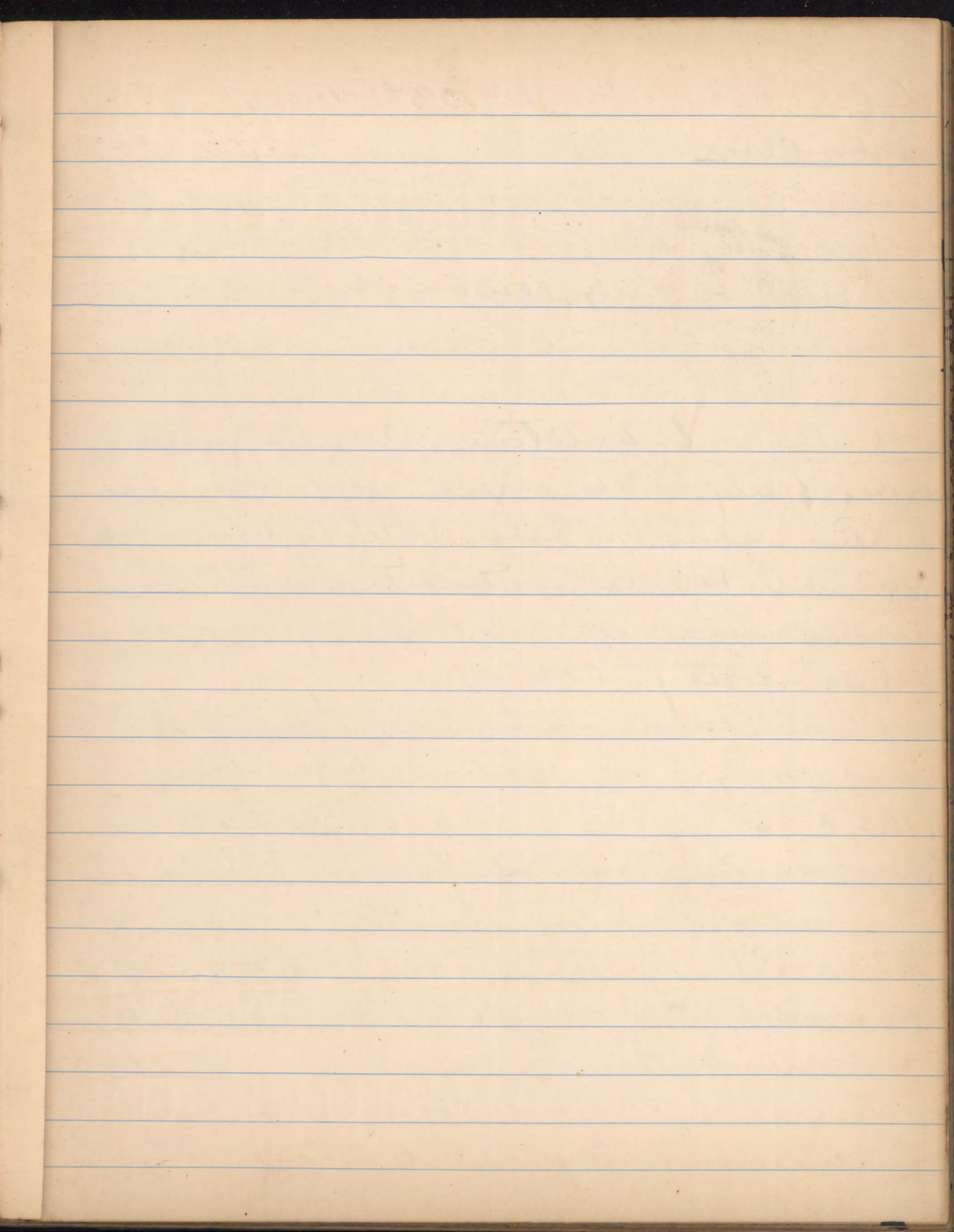
Under the provision Fishery clause and Boasting clause are to last for 12 years at most. At writing of time were Minister at London gave notice and these two clauses fell. These provisions showed that Bonding clauses fell or were see

Sessional paper. 1884. No 67 p 58
Art 26 Navigation of St Lawrence. To be open for purposes of Commerce. Navigation 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 bounds (2) Alaskan Boundary
- (3) Atlantic Fisheries (4) Bonding question



Lecture 6^{1/2} November 23rd 1900

Extradition.

State possesses sovereignty
Sovereignty includes control over subject
is there a duty on original 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. However said
all right. To be given up for general
justice. In 1889 Parliament of Canada
made entirely new laws in
matter of extradition. We would
deliver to any state as long as

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. There were
press placed great stress on their commitments.
All Canadian Statutes 1890 XXX 234 Nov 1899
England never had a political offender.
He 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 1 make more explicit, even

Art 3 of treaty says crime for which gives
up must be crime tried for.

Art 4 articles in possession of party shall
be given up or bear personal respecting rights
of third parties

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

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

Art 7 Taken for Art 1 of treaty of 1842
Murder, piracy, arson, robbery, forgery or
utterance of forged paper, leads 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 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 amended 1873

1870 Act Chap 32

1873 Act Chap 60

Privy Council Orders

1872 Act Chap 142

1889 Can Stat C 36

1882 " " C 20. 21.

Country. LR 50B HD. 42 STQB 217
Gauz base 71 STQB 419. 2 QB 93

Indictible offences under Act 1890.

- (1) Manslaughter when voluntary
- (2) Obtaining or passing money, telling or buying into circulation counterfeit or altered money
- (3) Embezzlement, larceny, receiving any money, valuable property or other property knowing full well the same has 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 shop breaking
- (8) Piracy by law of nations
- (9) Riot or conspiracy to riot by two or more persons on board a ship on the high seas against authority of master

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

10. Crimes and offences against the laws of British Country both Suppressor of Slavery and Slave Trading.

Queen v Wren } ~~Just 1882~~ was apprehension in
53 L3 M 74 } See 87 Schudlum Act 1870 includes
1882 } 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. Queen whether an appeal will 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 error

Queen v. George } extradition treaty between England
81 LS QB 419 } and Belgium. To deliver up to
1882 } every such person accused or

convicted of crime within boundaries. If a
person be arrested in either country upon
a warrant issued by competent authority
on information he shall nevertheless be
discharged unless within 14 days a requisition
for his surrender be made by the diplomatic agent
of his country. Prisoner was arrested upon
information of a crime having been com-
mitted by him in the Netherlands. It was
alleged 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 American
citizen.

It 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 save only and

Next subject of the state upon which demand
for surrender is made

A document bearing official seal of Department
of Justice at Hague signed by paper of great
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 the purpose not a copy but original
document

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

In Pauls Court } under Statute Oct 1870, 234
4255 QB 217 } 24 V.C. 52 which provides
1873 } that sworn depositions if

duy authenticated may be received in evidence
in proceedings under this act. Such depositions
are admissible although taken in the
absence of the person named and
without his having had an opportunity
of cross examining the witness
On the list of Statute cases in the
schedule to the act are included cases
by bankrupts of a bankrupt, law
Need 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. Castioni 60 L.J. M.C. 22 1890

Rule 12 of Extradition Act which states 15 days before
prisoner can be delivered up Limerick case

Rule 13 Consuls generally do the business

" 14 & 15 Political offenders

" 16, Point often arises whether Superior Court
judge go into matter at all and review the
Court's Court judge. Pretty well settled that
he will not if a question of fact or procedure is
raised

" 17, 18, 19, 20.

Introduction connects up an exposition on Sovereignty
Three classes of functionaries representing a
nation

America. ③ Ambassadors. ③ Consuls
Essentially Rule and Sovereigns by whatever name
known, are all equal in the eye of the law of
Nations. In England all men are equal True

A monarch in any case must be addressed by
his proper title. When abroad all suitable
respect must be shown up. Courts of a
foreign country open to foreign monarchs
{ see 27 Howell's S.T. 530 } { 27 Howell's 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 the case of murder, dealt with by government
and not by state. So he is liable to be searched
by customs officers, or have his baggage searched &c.
He does not pay taxes also applies to ambassadors.

Monarchs act in two capacities (1) State (2) Private
1st kind can not be reviewed in a court of law. 2nd
sort different.

{ King of Brunswick a King of Hannover 6 Geo 1
De Danes a Queen of Portugal Jo L's @ B 459 }

In part *Castro* } The Introduction Vol 1870 provides
65 L3 M.C. 22 } in certain cases for the summer
1890 } of fugitive criminals, ^{but with} (see 3 sub.)

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. In
Sept 1890 a political rising took place in the
Canton of Ticino in Switzerland. The in-
surgent Jacobin B was one of the
Government house but having been
refused by R (a member of the Government)
accused of treason. The gates were broken
down and immediately afterwards to
find a resolution of 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 shows
that the act of shooting took place in a
scene of great confusion and excitement
and not only in the course of but a part of
a political insurrection the alleged offence
was one of a political character which justified
him from surrender.

Russell in support of fruit and. Mr Stewart Mill
defines political offences as "any offence committed
"with the cause of or furthering civil war insurrection
"or political association"

Stephen J in his Notes on Civil Law vol 2 p 70. I think
the expression in Schadition bet or gas (verba
some letter interpretation can be suggested) to be
intended to mean that fugitive criminals are not
to be ~~intended~~ seized and for extradition
crimes if those crimes were incidental to
and formed part of political disturbances

Denman J states that in order to bring the case within
the words of the act and to avoid Schadition for ever and
out as an act of murder it must at least
show that the act which is done is being done
in furtherance of civil war or a sort of revolt
in the course of civil war with the intention of
assisting in a political matter.

In 77 Howells State Trials 677 1799 John Paulding
was tried for a libel published upon
and against the ^{occupancy} ideas of Russia in
Low Tombarkegasari. All former treat
ments on public opinion and to that of his own
subject may wise sovereign will look. The
opinion of his subject will force a sovereign to do
his duty and by that opinion. I can only say that
were one so to express ^{another} his private life in the country
it might be made the subject of a claim, and
when these papers went to Russia and held up
the great sovereign as being a tyrant and violator
of his duty it might lead to his calling
for satisfaction as a national affront if it
passed unreported by our government and in our
court of justice

Duke of Nassau v
King of Nassau
1 Dec 1, 1843

} a sovereign power
resident in the dominions
of another is ordinarily

except from the jurisdiction of the courts there
A foreign sovereign may sue in the courts 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 state himself to
be sued in that court for an important
matter by B. The King of Nassau after his
accession renewed his oath of allegiance
to the Queen of England and obtained the right
as an English Earl

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

de Nabe a Queen of Portugal } 20 L 80 B 489
Worsewout a Queen of Spain } 1851

No English Court do jurisdiction to entertain
an action against a foreign sovereign
for anything done, or omitted to be done, by him
in his public capacity, as a 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 plea has been entered in
that Court, the awarding 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 publication will lie
When therefore a plea was entered
in the Lord Mayor Court against Queen
of Portugal "as a young stranger and
Supreme head of the nation of P
to whom a debt alleged to be due
from the P plaintiff and a foreign
attachment had issued accordingly

to the Customs of the City of London
the Court made absolute a writ for a
prohibition to be shown per se
in the citation and a writ of habeas
Ducum per se applied in case
of Queen of France case.

The writ of Prohibition may in
such cases be granted on the appli-
cation of the Queen (Alex) before
she has appeared to answer in
Lord Drogen Ct.

Lord Campbell vs. Address applying a Br
subject is only to be obtained by the laws and
Tribunals of the country which the foreign patentee rules
or by his representative remonstrances or act of
the Br Government. To cite a foreign patentee 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 Chancery } The Court held that the ~~King~~
LR 40 App 59 } was not entitled to the privilege of a
1873 } Sovereign prince and pronounced
against the writ

Seable that a writ 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 writ
may possibly be entertained even against the
property connected with the Jus Coronae

Seable that if a sovereign assumes the char-
acter 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 Doyle de la S.S. Co v Marley } The public minister
28 Q.B. 310 } of a foreign state
1859 } accredited to, and receiv-
ed by the sovereign of England. Having no real

populæ in the County and knowing done
nothing to disentitle him to the privilege
generally belonging to such a public minister
cannot be sued in the Courts of this County
for a debt while he remains such public
minister. even though neither his person
nor his goods are touched by the debt
Lord Bacon B. 1. The defendant is occa-
sionally Plenipotentiary to the Republic of
Genova and Savona and a writ has
been sued out against him and served
upon him to recover an alleged debt for
the purpose of preventing the return to
judgment against him while he remains
the said minister. He is to be held at liberty
to devote himself body and soul to the business
of his embassy. He does not even owe a tem-
porary allegiance to the sovereign to whom
he is accredited and he has at least a great
privilege 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 do

nothing to waive or forfeit his privilege to
in for all judicial purposes except and
even to him in his own country. In the
first place there is great difficulty in saying
how the writ could be served properly for an
ambassador's house is sacred and is covered
and as part of the territory of the State which
he represents. nor could the ambassador
be ^{served} ~~seized~~ in it, or that to serve the writ
as to any proceeding to the Court of our Queen
or to negotiate affairs of his Sovereign with
one of her ministers. It is allowed that he
would not be bound to answer interrogatories
or to obey a subpoena requiring him to do
something as a witness for the plaintiff
but he must obey, unless Counsel and
instruct them. But all this takes place
without "Coactio" to the ambassador, ^{there}
can be no execution upon it while the
ambassador is in credito, nor even
when he is recalled if he only receives a
reasonable time in his country after his
recall. In countries where there may be a citation

the seizure of goods if an ambassador loses his privilege he engaging in commerce he may not only be cited but all his goods unconnected with his diplomatic functions may be arrested to force him to appear and may afterwards while he continues ambassador be taken in execution. Those who cannot safely trust to the honor of an ambassador in supplying him with what he wants may refuse to deal with him without a security, 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 in delicto.

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

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

King of Spain or Nulleto } a foreign sovereign
1817, 335. } power being declar-
1833 } ed entitled to sue

in & to sue here in his political capacity. Hence
the principle of putting in an answer by his
agent or without oath or signature to a
cross bill filed against him by the debt
to his original bill.

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

Prudence in Mr. Johnston } The best being in the
LR 2 29 657 } 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 the country, whether by an individual or by a foreign sovereign or corporate body is entitled to discontinue upon oral touching the matters upon which he is sued and to file a cross bill for the purpose of obtaining such discontinuance. Proceedings were accordingly stayed in a suit by U.S.A. against their corporate depositors until an answer should have been put in to the cross bill of defendant. But I held that Proceeding of U.S.A. had been improperly made a defendant to the cross bill as the person to give discontinuance.

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

to greater crimes unknown to International Law
than the murder of an ambassador. When
an ambassador is absent properly, carry
out the work of his embassy unless he
engages the immunity and he is protected on his
journey to and from the Capitol.

If an ambassador happens to own per-
sonal property it is free from process of
court but if he owns any other interest
than that in which his "title" is situated it is
not so exempt. The protection of an
ambassador extends to his family
and staff.

Musurus Bey of Goddeau } The immunity of
20B 352. 63 LS QB 621, } an ambassador
1891 } from process in
the Courts of the Country extends not merely
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, attend 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 accounted before that period has elapsed. While the immunity of an Ambassador from personal suits, it is not competent 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. Art 16 Pa 8 C, which enables plaintiffs by leave in certain cases to sue a writ or naves thereof out of the jurisdiction where Dept is neither a B or subject nor a R dominion has not the effect of accumulating the right under Art 16 Pa 8 C to bring an action against a person after his return from beyond the seas within the time limited by Art 21 Pa 1 C.

Mr. Smith L.J. Musurus Pascha for 30 years prior to Dec 7 1885 on which day he presented his letter of recall was Ambassador in London accredited by Sultan of Turkey

to and viewed by Hill on such 3rd Oct 1886
I was after viz Feb 1886 being proposed being
the intention in winding up and handing
over his official business and settling his own
affairs. He then returned to Turkey where
he resided until 1890 when he died leaving
appointed Philip his executor. Whilst in
London 1873 Messrs Borrowes of Leaden 31st
and that debt had never been paid. After
death of Messrs Invention in Nov 1891, Messrs
to their country and engaged Gabban to
collect bonds of F. G. G. and other
securities belonging to estate of Gabban.
and the return was brought (with issue
Oct 18 1892) to Messrs from Gabban. Since
the bonds and monies collected by Gabban
in his lifetime pursuant to agreement
with plaintiffs.

Now the real point is whether this estate
is taxed by the Statute of Secularisation
I agree no case to say that with issue that
he sued out against executor and
not served

The Statute applicable here

21 Dec 1816, 03, action to be begun within 6 years
with time 03 019. Time not to run when party makes
7 Dec 12. With agent authorized to be used.

I. In my judgment such a writ could not be
sued out and renewed every 6 mos as proposed
for such a renewal is only to be had when the Ct
is satisfied that possible 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 Magdalen case upon
that this could not be so (Keeping writ alive by
renewals) It was then held that there could
be no writ against an ambassador while
he is executing or even when he is recalled if he
only stay a reasonable time to fix up his
affairs which is precisely what Musurus did
It was said that this was proper. but I think it
law and good sense

III

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

Letter of 7/7

An ambassador's privilege commences when he lands on soil of Country, when he was to be accredited and it extends up to the time he goes away. No truth in statement that Bible supersedes ambassador. Some of most useful ambassadors are never heard of in newspapers, wife of the Ambassador is a splendid information gatherer.

Consular Courts began in Mediterranean Sea in Middle Ages. Establishment was first for two purposes

1st A bank for storing valuables etc.

2nd A court for sailors independent of local courts.

They have jurisdiction of public law but not to as great an extent as ambassadors see

of Hebborn 415

Consul General, Consul, Vice, and Agent

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

Then a Canadian acting for the
Government

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

Liquet vs Bath 3 Burrows

Vincent vs Becker 3 M + S 297 *

American say that

- (1) The articles of a consul are inviolate
- (2) That soldiers cannot be billeted or quartered on consuls
- (3) That he is exempt from duty.
- (4) That he is exempt from militia.
- (5) That he is not liable to arrest on civil process.

Davis & Field of a man is within five leagues
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 rep-
resent.

Consuls of lower rank or merchant houses
holding authority from foreign state do not
possess as much immunity

Treaties Law of Contract applies. It must be made by Competent States. Savonarola and New York could not make a treaty. Roman Law said such a contract. Gonsior Plenipotentiary is man who could make contracts. Representative cannot exceed powers given him. Any treaty made with US must be ratified by Senate before being. It is a duty cast upon the contracting party to know Constitutional Law of other.

It is of essence of a ~~contract~~ 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.

Rules - 9

Construction of Treaties

- (1) Recitals clauses which are ambiguous
~~Support and~~ Construct an ambiguous clause
1. Advancing to man at whose interests it was
inserted
2. Last clauses are to be construed narrowly

3) Avoid repugnance. If possible prefer that which reconciles.

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 face to loss of general.

5) In a conflict between prohibitions and permissions prohibitor rules. Prohibitor over permission.

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

Rule form very important. If clause must get at intention. Rule about consistency contrary to party at whose instance was put in not generally applicable.

Kneass is Becker } a resident merchant of London
3 m. S. 284 } who is appointed and
counsel to a

Treaty with the neutralizing
Gund Linn
9 July 763
signed April 1873

Markham Boundary
dispute.

3 Oct 362.

art 3. art 4.

... among the most useful
institutions for the utility of commerce
one of the most useful is that of
consuls. or persons residing in the

except from an
believe not a
relations nor
utter loose
to be pronounced
a public
each to a out
of the rest of
in being truly
valour of the
the least of
to be
willed to the
tions though
of paid in the

3) Avoid repugnance. If possible prefer that which is more certain.

4) If there is a grant of a general power in one clause and a special power in another, the special power is preferred to the loss of the general power.

5) If a condition is necessary to the exercise of a power, the condition is to be construed in favor of the power.

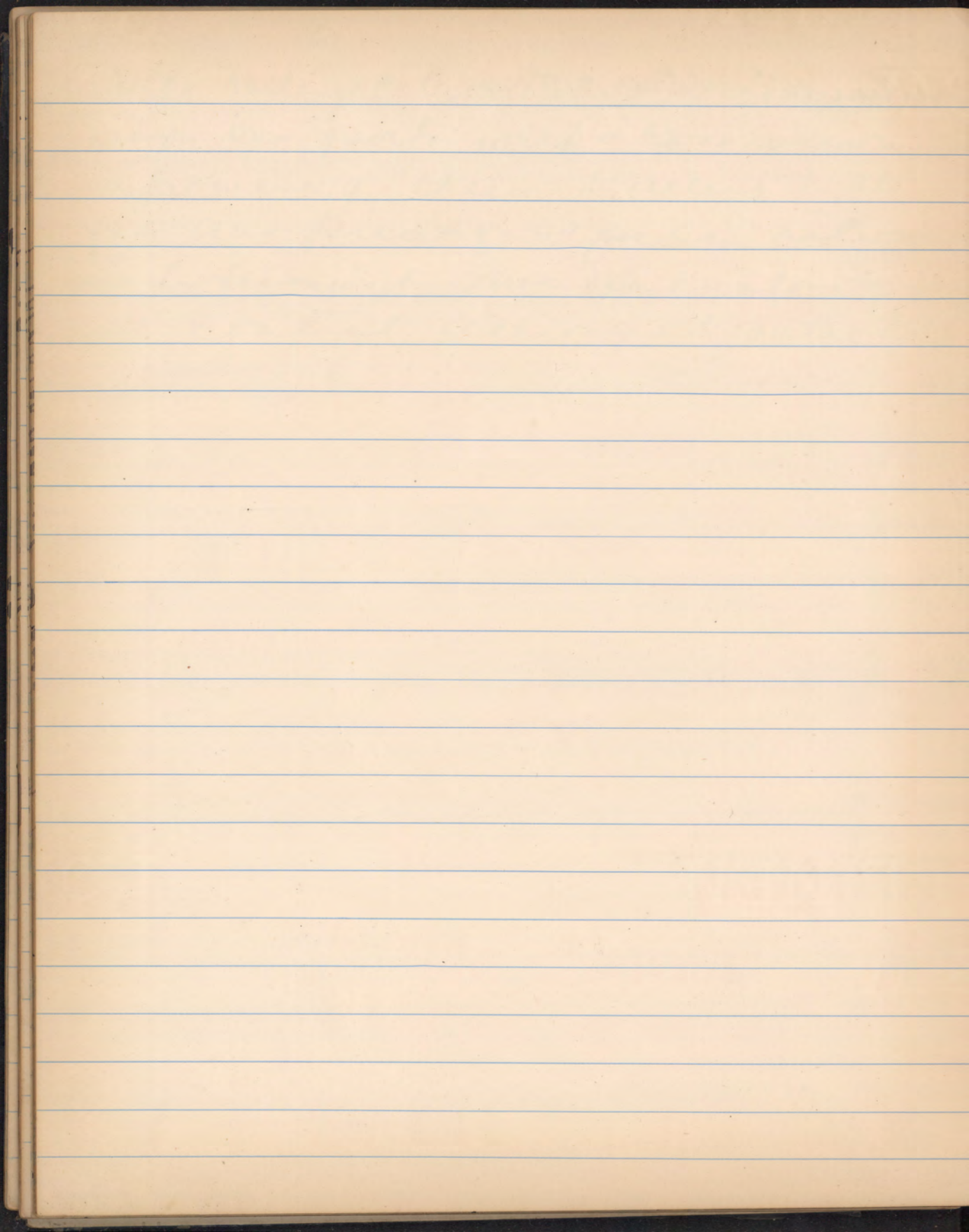
6) A limitation clause which is not necessary to the exercise of a power is to be construed in favor of the power. Rule from necessity at intention of party at whose instance.

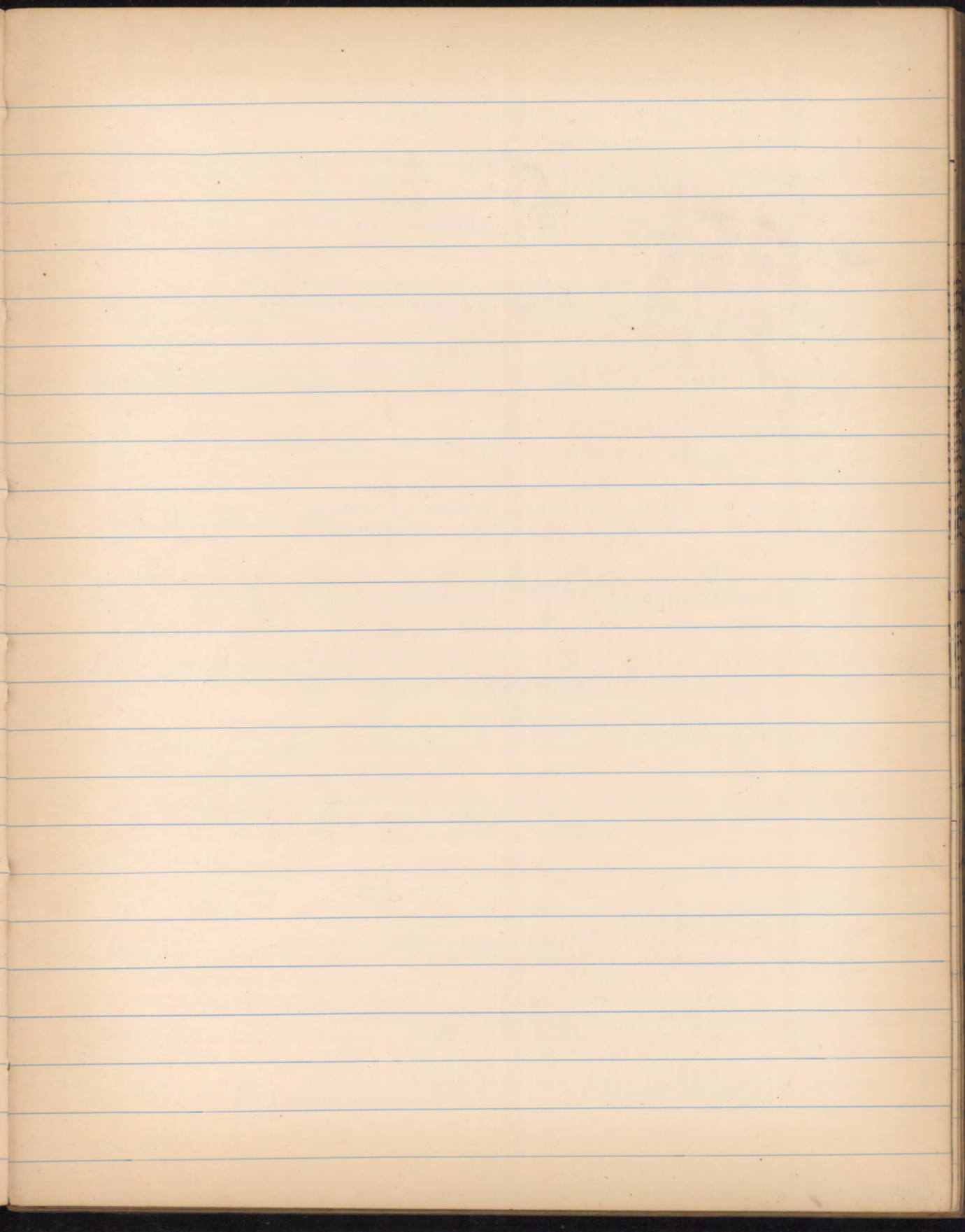
Kneass is Becker } a resident merchant of London
3 M. & S. 284 } who is appointed and
1814 } acts as counsel to a
foreign prince is not exempt from arrest
upon mesne process

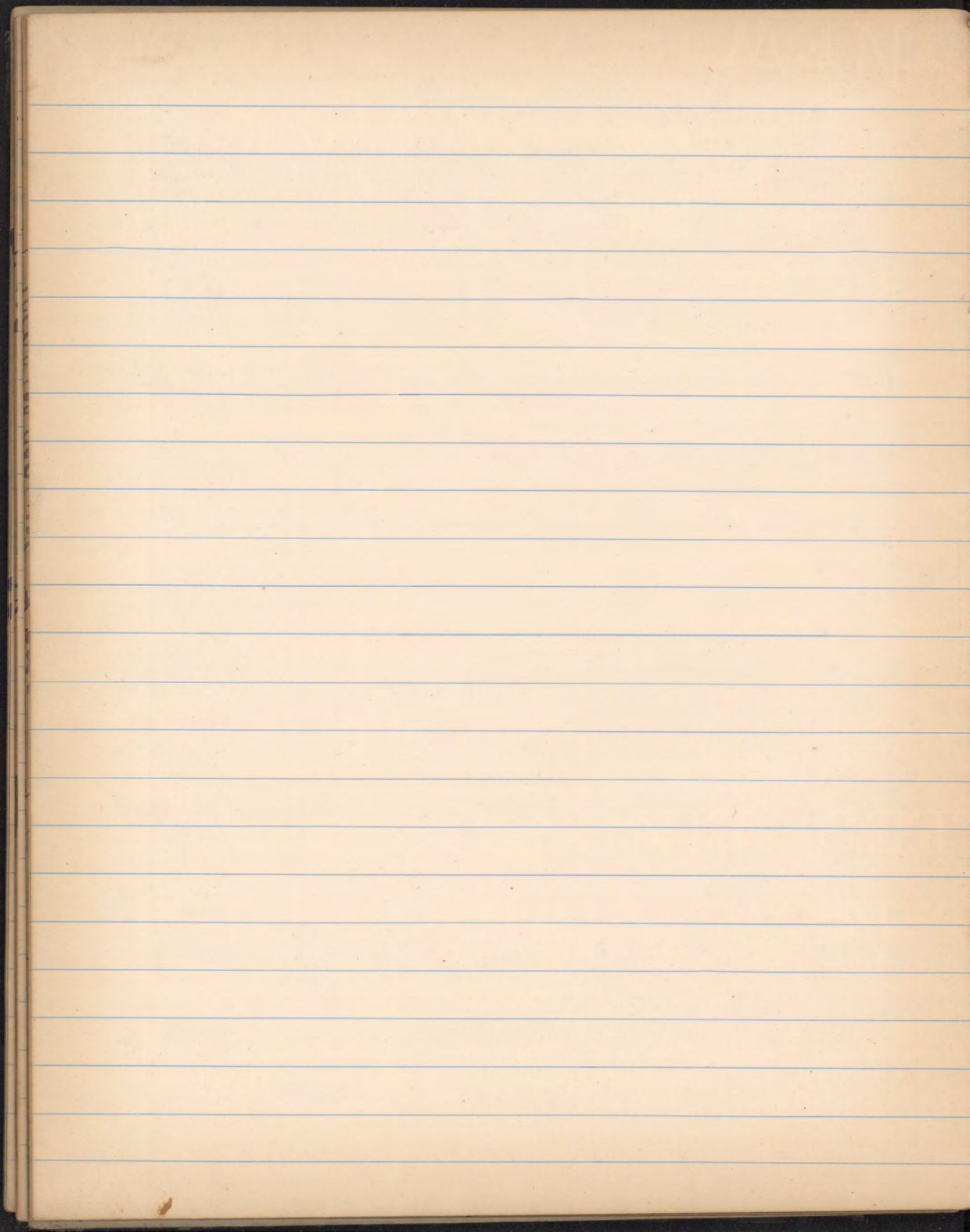
Lord Ellenborough There is I believe not a
single writer on the law of nations nor
even of those who have written loose
tracts on the ocean subject who has pronounced
that a consul is no more a public
minister and makes to be such he is not
within the comprehension of the act of
parliament. It has been very truly
said that the act is declaratory of the
Common Law and of the law of
nations and here 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. Kent says among the numerous
institutions for the utility of commerce
one of the most useful is that of
consuls or persons residing in the

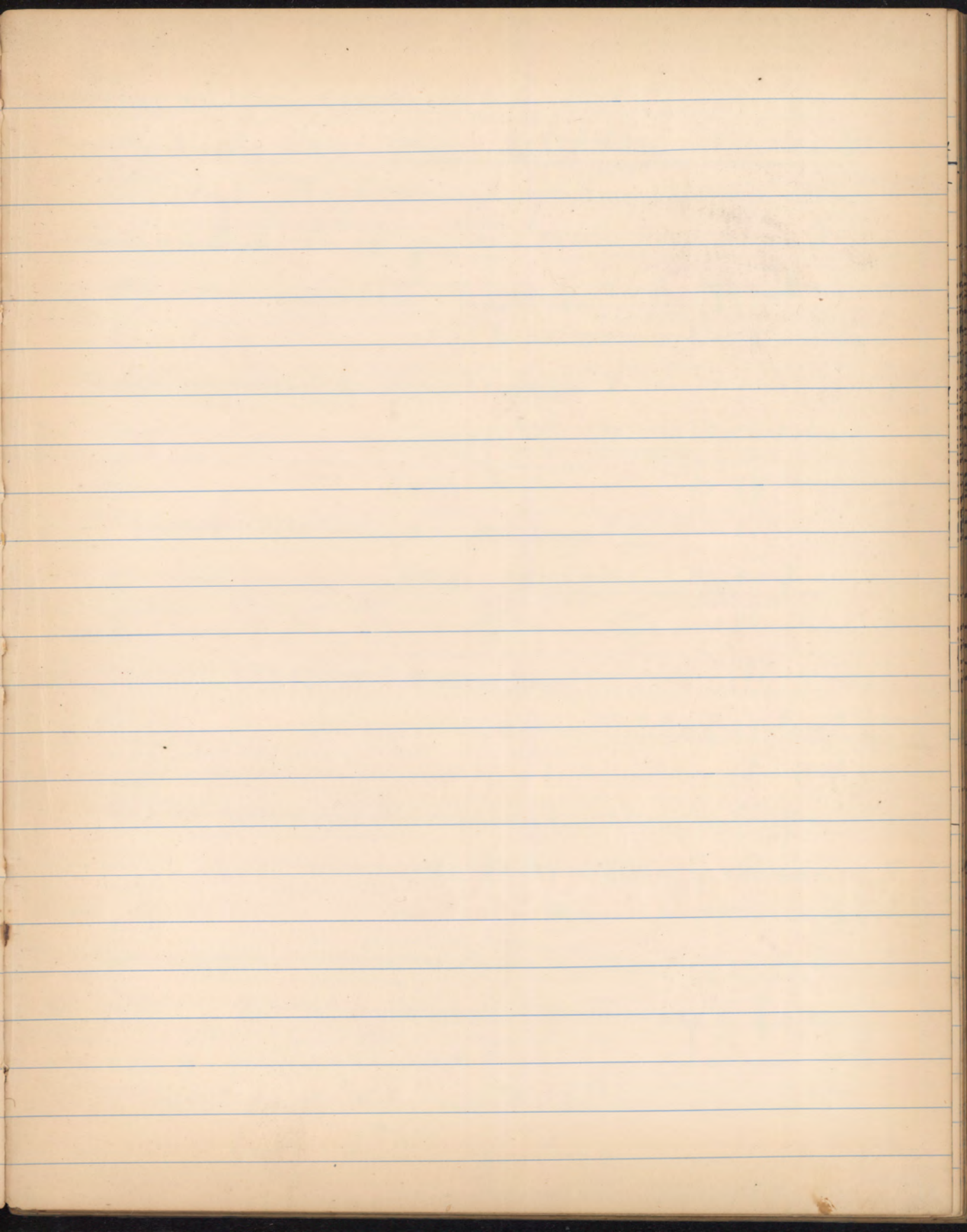
the large trading cities and especially in
foreign sea ports with a Commission
empowering them to attend to the
rights and privileges of their nations
and to terminate those of value of
and control according to nations

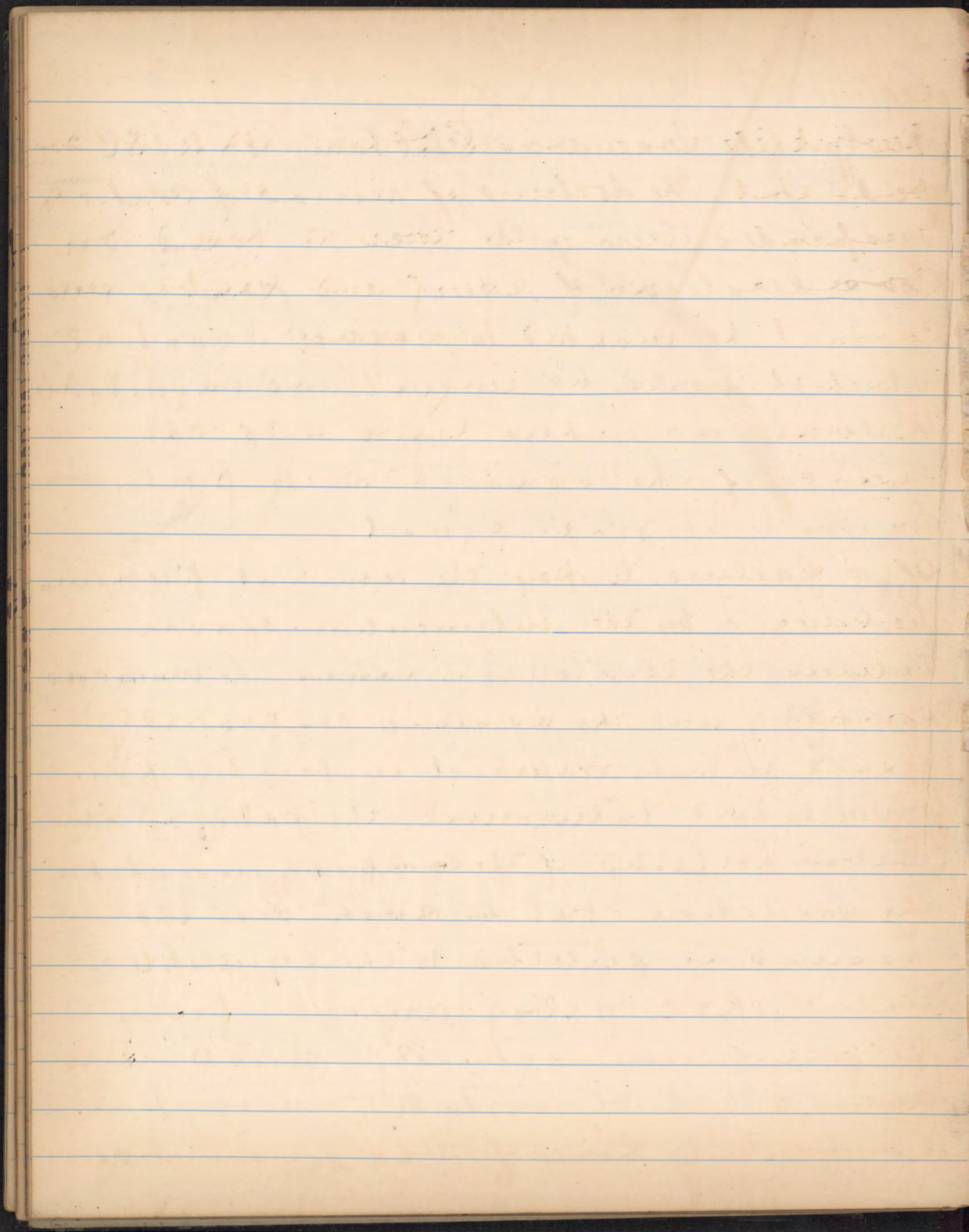
Lecture 10th Dec 21st 1900











Lecture 11th January 4th 1901

New York Life Insurance Co. v. Glatton. 93 U.S. 274
does not. 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.

Of a failure to pay the annual premium
caused by the intervention of war
between the territories in which the insurance
company and the assured respectively
reside, which makes it unadvisable for
them to hold intercourse, the policy is some-
times 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 fun-
damental basis of life insurance

and as this is subjected by going to the
assumed the option to revive their patents
or not after they have been suspended
by a war (since none but the act or doing
would apply) it would be sufficient to
compel a revival against the company.

What makes a man an alien enemy?

Bro Stowell says it depends upon if a man
is a Trade domicil even though he may
own real estate in England. If a man
has a Trade home in Maine and a residence
in New Brunswick he is an alien enemy
if he is either a social or a Trade resident
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
sea forces is justifiable. This was
decided in American Cent war when

England protected against blockade of
Southern ports in the summer

Prisoners of war cannot be put to
death though old with say you can
do so under the greatest necessity
such as killing of POWs.

Rights of farmers on their farms are to be
respected though in the Franco Prussian
war the farmers encouraged their conduct
in killing french farmers on the ground
that they were firing at them from
hills ~~for~~ ledges. This defence is a
good one

Non Combatant, 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. Disturbances are opposed
with farmers not with Barons
England brought in the rule that an
army cannot plunder the country
through which they are marching

This was to give by Wellington in Spain
Privateers purporting seized though no doubt
of the owner thereof must be paid for
in a receipt given for the things taken
Admiral Boscawen was briefly con-
sumed in War of Bonapartes by Sir
James Ross Dalglish for having burned
the Capital at Washington and public
feeling is very much against England
in that matter

England and most other nations have
tied themselves by treaty and compact
with privateers United States and Spain
did not join in the treaty. Treaty of 1856
introduced this rule

Declaration of Paris with treaty binding
these nations and the United States agreed
to accept if prohibition was extended
to all privateers purporting on the sea
That right States have signed this
declaration. France claimed that
Prussia was privateer and she
she refused a mitigation of

the sea. The goods captured
on board of ~~the~~ ~~captured~~ ~~ship~~
property on the sea captured and
shall after capture that a before
found in the prize court in England
the rule is that property captured
and taken in land is property
to the receiver of the prize
for the town or is taken captured
ship in the presence of the
own country. The cabin of a
captured ship cannot be a
prize court. The cabin of the
Alabama was made a prize court.
room

Lecture 12th January 11th 1901

Rights and Duties of Neutral States.

(1) Impartiality. (2) Abstention.

They must favor neither belligerent.

Ships of belligerent states 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 either opposing belligerent or any other neutral 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. Whiston says if there was a treaty to the effect that such courts be made a prize court, between the belligerent and the neutral it would be all right. But the Dallas thinks 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 intercourse with direct or indirect

(2) She would admit to all her ports, but ~~free~~, 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 despatches

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 C-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 Albatross was the first great triumph of Substitution. The Albatross was built near Liverpool and U.S. rebels discovered that she was being built for the Confederates 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 Union 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) Insurances rates had advanced (2) Privateer 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 1858. It was made between Earl Clarendon for England and Johnson who presided

plumpatory powers & etc. 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 a
next conciliatory move and the result was
the Treaty of Washington which was in
Washington in 1871. We also had a claim
coming up for settlement in connection
with American raids but our claim was
brushed aside revealing to us reason-
ably Yankee trickery and a deplorable
lack of interest in our affairs by the home
government. Upon boundary Atlantic Ocean we set up
British Commissioners were, Earl Grey, Murray, Ripon
Sir S. Doughty, Earl Stourton, Sir Bernard
Professor at Oxford and Sir John Ainsworth and
American Commissioners were Fiske, Peter
Nelson, Hoar, Willson
The sixth of the treaty is in three parts
contained in Article 6. Provision was
made for another meeting at Geneva

In England. However Italian. Bonzelbani ~~and~~
and a Swiss composed the arbitration. Lord
Brockton represented Britain. The arbitration
awarded the US \$ 15,500,000 dollars
about one half of this award still lies in the
US Treasury according to Clarendon which
shows excessiveness of award and
the typical Yankee honesty

Section 13^d January 18th 1911

In many parts of public law you must distinguish between

(1) State acting through its regular officers & among others
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 the 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 trade even
in innocent goods.

President Washburn 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 somewhat 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 peaceful interval
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 hers. And so 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 vessel the property 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) Blockades neutralizing the Block Sea

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

So she said that since she had gone into the treaty under dishes and dress, and so these cases and will avoid any contact under English law. she declared the contract null and void Russia too now a fleet on the Barents 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 twice endeavored to join this treaty and compact but they want modifications. They want provisions.

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 distinctions 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 articles a nation can handle in time of peace

but not in time of war, and then an ad-
ditional proviso which can not be intended
Right of Search England since the reign of
W^m III have changed the law of contraband
Ask what is the Kind of goods. what their
nature and what the penalty

Nature There is no duty cast upon a nation
by public law to stop contraband
goods of its merchants but if it's con-
tract will allow it such a Trade
"Catch them if you can"

{ Trade between a bona fide neutral port
and a neutral port prohibited
nation is not contraband

Imina { Li to Seize The rule respecting contraband
§ 168 } as I have always understood it is that
1800 } the articles must be taken in delict 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 proceeds 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-

Letter #4^L, January 25th 1901,

Barataria You cannot have contraband unless the goods are going from the County complained of to the belligerent. But difficulty has been raised when the ship comes from a neutral port close to the belligerent, the question is whether the outward journey is prohibited. The doctrine of Boothman's Voyages was set up in opposition to the claim for protection. The question is have these goods a belligerent destination. The answer is in form no, in spirit yes.

The Policy } New Library.
JCR, 396

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

But give the firmness and Maxon would with the Government. Now there could not be any belligerent port. The British Officers claimed and exercised the right.

seize vessels carrying contraband to Vera Cruz
Managers. The Germans and Mexicans 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 Americans set up the English doctrine of that
time. Leading American cases are:

The *Bermuda* } a voyage from a neutral to a
 Swallow } 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 some purpose
The *Springbok* } is 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 transhipped at Nassau
with some vessel more likely to succeed

in safety reaching a blockaded port, it was 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 is explained
during any part of the voyage attached to the
cargo from time of sailing.

The Peteroff } The Classification of goods as
& Wallace & } Contraband or not, which is but
supported by American and English decisions
divides all goods and merchandise into three
classes

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

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

3) Articles exclusively used in time of peace
Contraband articles contraband, the articles
not contraband of a cargo if belonging to the
same owner, and non-contraband must share
the fate of contraband.

Case Bermuda no bearing on this case

Matamoros was not blockaded. We must say therefore that trade between London and Matamoros even with intent to supply from Matamoros goods to Texas 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 its side of the American Court 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.

The law therefore seems to be that goods seized if contraband bound to a neutral port or transit only, but really to a belligerent are free from capture. To this all the Int Law writers agree as a good 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 gun powder and
shells. The same is now true of coal. So the distinc-
tions 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 es-
pecially 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 cargo 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 Franco-German war.

The Abencorras in the Trent affair claimed as the authority of Lord Stowell in the next case that the dispatches carried by those vessels were contraband of war. and finding that they had no dispatches in their possession they set up the claim that they were themselves mere contraband of war. This was showing 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 Cr 336 }
Prudently The cargo of course is liable to condemnation. Formerly the ship was condemned also but now she is not so liable but loses her freight, but under the present rules she may be condemned if there are approving 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 secure the contraband goods
 - ④ If the ship and cargo were the property of the same owner.

How long does the taint of the guilty cargo attach to the ship. The answer is that it lasts only during the outward trip, and that having discharged her cargo in the belligent 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 visit her ships to some fixed blockaded ports.

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

lets may delay a blockading. The same in
power always but see
The Roll a Letter a Commodore
6 Oct 364 } going out to a distant
Station may reasonably be supposed
to carry with him such a portion of
some of his authority delegated to him as may
be necessary to provide for the exigencies
of the service on which he is employed

2

Lecture 15th February 1st 1911.

Blockade Paper blockades are unlawful by Treaty of 1763
It must be of sufficient force to greatly endanger
an attempt to evade. Is notice necessary?
No not essential but a merchant vessel who
knows nothing about it has prima facie.

Notice is usual but not indispensable.

Distinguish between blockades with notice and
those without notice. If a ship receives
a port after news of blockade has been cement
notice presumed to know.

A blockade with notice is deemed to continue
until later notice is published if it discontinues.

Neptunus. (Lord Stowell) 1 Cr. 172

With modern cable, telegraph, newspapers etc. pretty
hard to set up law of no notice. old cases
show that it is no defence to set up "no notice".

How much force is needed to make a blockade?

Palatoff

Walpole & G

where a heavy stone drives a neutral cruiser
out to sea is blockade raised, and a new
one opened up when they return? Boeck

US & British courts have decided no. Vane

no blockade in news notice

If Blockading Nation gives no notice of raising
of blockade it is in a breach of duty.

When a Blockading Squadron has been driven
from its post by a foe. What can neutral
ships then do. If the blockade is resumed
must new notice be given. Suppose
an Spanish-Ship was Ship left Halifax when
blockade was on. One day out she heard blockade
raised by Spanish fleet heading of Havana.

If this again returns Halifax ship could run
up to harbor of Havana and no talk of
fair or neutral.

H 176

6 CR. 116

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

Stacey

1 Section 57

New presence of ship or two not enough

Blockading Squadron cannot desist. It
loses its right to capture any when force is shown

Palla 6 CR 364

This would not apply to a red cross ship etc

It is a breach of law to sail from a blockaded port
with intent to break blockade. Calho next set

Chaceon & Wallace

Columbian 1866

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

Depends on the intervening 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 blockade harbor. if without
cargo will be undisturbed and if Belsey said
no matter if owners were charged in proceeding

Practically ship confiscation happens she
gets in and gets out to sea. does that
water 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 is
innocent with certain limitations.

11 states that innocent cargo owner is new that
ship was going to run blockade

Render in or capture to show goods of cargo
if cargo and ship owned by different owners
said Lord Stowell

Now far is a breach of blockade a breach of
English law. English authorities give
mandate and ship owners desist.

Can be sue for freight earned in receiving
a blockade decreed against by English.

The English Courts would allow the plaintiff
to sue in that Court and decree of illegal running ^{through} ~~out~~

Usher SR 1 Article 1 Seizing

Aford

The Neptunus } Su. W. Scott I do not say that a
1 BR 112 } blockade of this sort not in ~~law~~
1799 } possible *res espine de facto*
but I say such a conduct is not hastily to be
presumed against any nation, and
therefore all such a case is clearly modest
I shall hold that a blockade by notification
is presumed to be presumed to continue
till the notification is revoked

The Chief Justice in the case of the Peterhoff 50 said
 " it must be presumed that no paper or con-
 ' structure blockade is allowed by International Law
 ' when such blockades have been attempted
 ' by other nations the Neutral States have
 ' been protected 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 this principle is now
 ' more fully recognized than in our own country
 ' though not a party to that declaration "

Blockade is not to be extended by construction ^(head) _(rule)

The Hoffnung } Su. v. Scott It appears that the
 6 B R 116 } part of Codz and St. Louis were
 1805 } 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 B. force had been
 recently driven off by a superior force. In a
 former case a question was raised whether

the ratification which had issued was not
still operative 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 circum-
stances to preserve the continuance of the
blockade nor to act upon a supposition
that the blockade would be resumed by any
other competent force. 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 circum-
stance would create a charge of desistance since
it could not be expected that any blockade
would continue many months without being
liable to such temporary interruptions.

The Vasey

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 conventions mentioned had described to have been previously maintained by a number of vessels and with such unparalled vigour that no vessel whatever had been able to enter the island during its continuance.

The Dolla

6 B 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 suffering some ships to go in and others
to come out which would tend to deceive other
persons and would therefore vitiate the
effect of the notification and courses of
I was satisfied after that fact that such
instances did occur I should be disposed
to admit the conclusion that such a mode of
keeping up or rather of relaxing the blockade
would altogether destroy the effect of it
For it is a blockade but a universal
exclusion of all vessels not permitted
by law. If some are permitted to pass
others will ~~retain~~ have a right to insist that
the blockade is raised

The Collocation of Law Section I see clearly of
B.R. 156 } opinion that the sailing
1.7.99 } with an intention of evading
the blockade of the Canal was a trespass to
execute that intention and is to be taken as
an overt act constituting the offence
From that moment the blockade is fraudulently
invasion I must therefore on full Commission
pronounce this a breach of blockade

The peevish of breaking a blockade at sea in
the pursuit of the persons of some of the fleet
by the conduct of the master or of their
consignee if entrusted with power over
the vessel. The actual sailing was
intention to break a blockade is a breach of a
blockade.

26 Hellen } By private authority and usage at
#1 Ad. Exp 1 } a rule a municipal officer by the
1865 } law of nations for a neutral to
Carry on trade with a blockaded port. In a
suit for wages upon an agreement taking
into for the purpose of breaking the
blockade of the Confederates States
of Mexico, an article in the
appendix assured abiding
such a precedent to be contrary to
law was struck out.

Lecture 16th February 5th 1901,

Munroe Doctrine. This has slept for 80 years but
has lately arisen. Takes us back to French
Revolution and 28 years war. Napoleon
was a prisoner and the crowned heads which
he had set off then came back and then
formed the Holy Alliance. Great Britain
very much in favor of this alliance. They met
every year but the humanitarianism which had
so marked the opening of the alliance gave
way to ideas of safety. Deseroy they
said was cause of the world. French
Revolution great blot upon civilization. They
they said even better than a monarchy.
Cabinet of Vienna then said let us put
our plans arms etc. together and
destroy these small growing democracies
in South America. Lord Liverpool and
Canning formed English cabinet.
England was invited to join but refused
Canning sent a message to Monroe that
he should give a notice to European states
to keep hands off in South America. This
was origin of Monroe Doctrine.

In National Review for May 1900

In the Secret Council of Vienna! Two articles were solemnly
declared void by the states, which:

- 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

because of submitted report to US ministers in London
the 1st Memoir & Memoir to Jefferson who strongly
supported. He Adams opposed following
England and advocated going through direct to
Russia and the states. The Result was
the Monroe Doctrine, it also looks upon the
Russian Boundary in Alaska

- 1) the American continent by the free and
independent manner they have conducted themselves
that have with the Colonies North & South America
are not to be the subject of ^{for colonization} any disturbance
by European powers

2) Consider any attempt on the part to

intend every part of the system to
the continent or dangerous to our
peace and safety

When a government imports an unfriendly disposition to
another it is a very strong expression

It is impossible for any European state
to impose their system without an an-
few of our peace and happiness.

They must not interfere with South America
Bolivia because it is a menace to our peace
How far is the doctrine Law?

(1) It was never endorsed by Congress in whole
or in part. Leading members of Congress

tried to have this endorsed by legislation
but failed. (1824) Henry Clay introduced a

motion to ratify but the motion was not
pulled up for vote. Another similar motion

with a similar fail. In 1848 an

abolished congressman said that the doctrine did
not represent the will of the people. ^{specifically}
_{affair}

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

on the whole simply a declaration of President

Dr. John Nelson Lewis failed to recognize docteur
Low Salisbury writing to Paumenfort in
1894 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 public law
of the country since the promulgation and
Secretary can not now be denied.

Articles on International Law on the docteur

Woolsey par. 488 5th Edition

and on the whole this passage is not a national one
{The president's chapter was and the house of sele}

and Wheaton. Second Edition (Vol) 124

and Phillimore 1st vol 193

22p does not deny right of European Powers to
Colonize South American States

Dean thinks this altogether wrong. I agree with him

It later and more reluctantly attempt was
made by the US to apply the docteur

For many years England had a running dispute
between themselves and New Zealand. As
quarrel was on Ebeion, were on a US
democratic people always wanted to twist
lion's tail and they did so on the Deceon.
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 the war
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 mercator doctrine was again reasserted by Mr Blaine and in effect in a very strong way. It was in connection with the Venezuela Boundary dispute and the Americans set themselves up as the supreme decider in the matter of all American disputes. In Dec^r of 1895 Cleveland's message came to Congress and later again in 1897. England did then break down and agreed to arbitrate. Though by the arbitration she got more than she asked for still her loss in prestige was great. By the backing down of England she partially recognized the doctrine.

Canals are a new thing in International Law. Professor Hallard of Oxford assumes erroneously that a canal is a mere artificial or natural waterway and forwards 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

100000 staus. She bought them in 1875. The revenue from the Canal is very great In 1882 England seized the Canal to prohibit 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's 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 Each with Canal looked after.

3 Plant of Canal to be kept intact

4 No act 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 & oceans as well
as within a radius of 3 marine miles
from those ports even though Ottoman
Empire be one of those ~~ports~~ belligerents.
Vessels of war of belligerents shall not
revisit or take in the Canal and its
ports & oceans except in so far as may be
strictly necessary.

Ships stay at Port Said and in vicinities 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 power may
(except belligerents) keep two in Port Said
and Suez

8 Prohibit for future carrying on of work
of Canal

- 9/ Egypt to take measures to execute treaty
- 10/ To same effect. " also
- 12/ Equity to guide all the parties
- 13/ Exercise of Sultan's authority not affected
- 14/ Engagements resulting from present treaty not to be limited by duration of act of concession of Universal Surg. Convention
- 15/ Ordinary arrangement.
- 16/ Knowledge of treaty to be more known to the Sultan inviting them to subscribe.
- 17/ Ratification of treaty to be more within 6 months

Neuroqua Canal. "Central America" now means all the territory from Mexico to South America. It formerly meant only Costa Rica, Neuroqua, Part of Honduras, Guatemala, San Salvador. This republic was broken up in 1824. In 1763 England had a station at Bay Islands with 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.

once 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 Great Britain declares
that neither she 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 canal
or in the vicinity thereof or accept of territory
or colonize or assume or exercise any
dominion over Nicaragua Costa Rica or
Mosquito Coast or any part of Central
America, or of assuming or exercising
dominion over the same. No word
GB or us take advantage of any intimacy
or use any military 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 all open and free. To be protected.

6/ Other states to be invited to join

7/ Work to be pushed ahead

8. The provisions of the Convention having not only secured its entry into the Convention to accomplish a particular object but also

of neutrality and equal rights

to establish a general principle, they solemnly
agree to extend their protection by Treaty
Stipulation to any other probable
communications whether by Canal or
railway across the Isthmus which connects
North South America and especially to the
inter oceanic communications advanced to
some point to be probable whether by
Canal or railway which are now proposed
to be established by way of Tehuantepec or
Panama. In granting however their joint
protection to any such Canal or railway
as are by this article specified it is always
understood by Great Britain and the U.S.
that the party constructing or owning the
same shall impose on other charges
or conditions of traffic thereon, than
the aforesaid provisions shall apply
for just and equitable and that the
same Canal or railway being open
to the subject and citizens of both U.S.
on equal terms shall also be open on
like terms to the subject and citizens

of every other state which is willing to front
them to such protection on first refusal or
we engage to afford
9/ Ratification to be made within 6 mo

Lecture February 21st 1900

We saw that England occupied Belize and asserted rights over Honduras & Bay Islands, and also a protectorate over the Mosquito coast. She had a larger claim of right in Honduras than in the future. The Americans were jealous as displayed by the correspondence preceding the Clayton-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 give up the whole country.

There are three parts to the Clayton-Bulwer Treaty (1) where both parties agree to renounce certain rights and agree to require 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 I sent

a copy of each 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 that shows that Clayton well un-
derstood the meaning of the term Central
America not to apply to ~~Central America~~
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 ad idem and that therefore
the Clayton Bulwer Treaty is not
binding.

Now as a matter of fact how did the Senate
~~to~~ 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 Be Honduras. Mr King replied that the
Senate perfectly well understood that Be
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 W^m L. Murray Secy of 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 got-damn rotten
piece of business it is on the part of the
American fifty years later in the face of
such evidence to say that the American
Senate or the Nation did not understand
the treaty to include Be Honduras

Even if England has broken one clause of
treaty by Public Law the remaining clauses
would still be intact

They again say time has filled the treaty

My say portion of the treaty refers to a particular company doing the work and since company have disappeared the treaty is gone.

The Blaine in 1881 said it would when completed form part of the Coast line Los Francisco. 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 my secretary of State another attempt was made to settle the difference. England agreed to have a treaty like the Suez Canal but both parties expressed agreement. And the Hay-Panamafrick treaty was signed at Washington and sent to the senate for Ratification. But the Senate refused to indorse it

without certain changes. He established
all the conditions of equality under the
former treaty. We are to supply money for
the construction of canal they said and
why should we not control it. Some rules
to fortify it - and in time of war only our
ships shall go through. Mutual treaty
upset. Question stands thusly today

Lecture March 1st 9 Novy 763

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

The Naval Force to be maintained upon
the 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 " " " " " "

3 Upper Lakes 2 " " " " " "

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

5 Six months notice shall make treaty null & void

6 Free to be restricted to such services as will
in no other respect interfere with the

proper duties of armed vessels of the
other party.

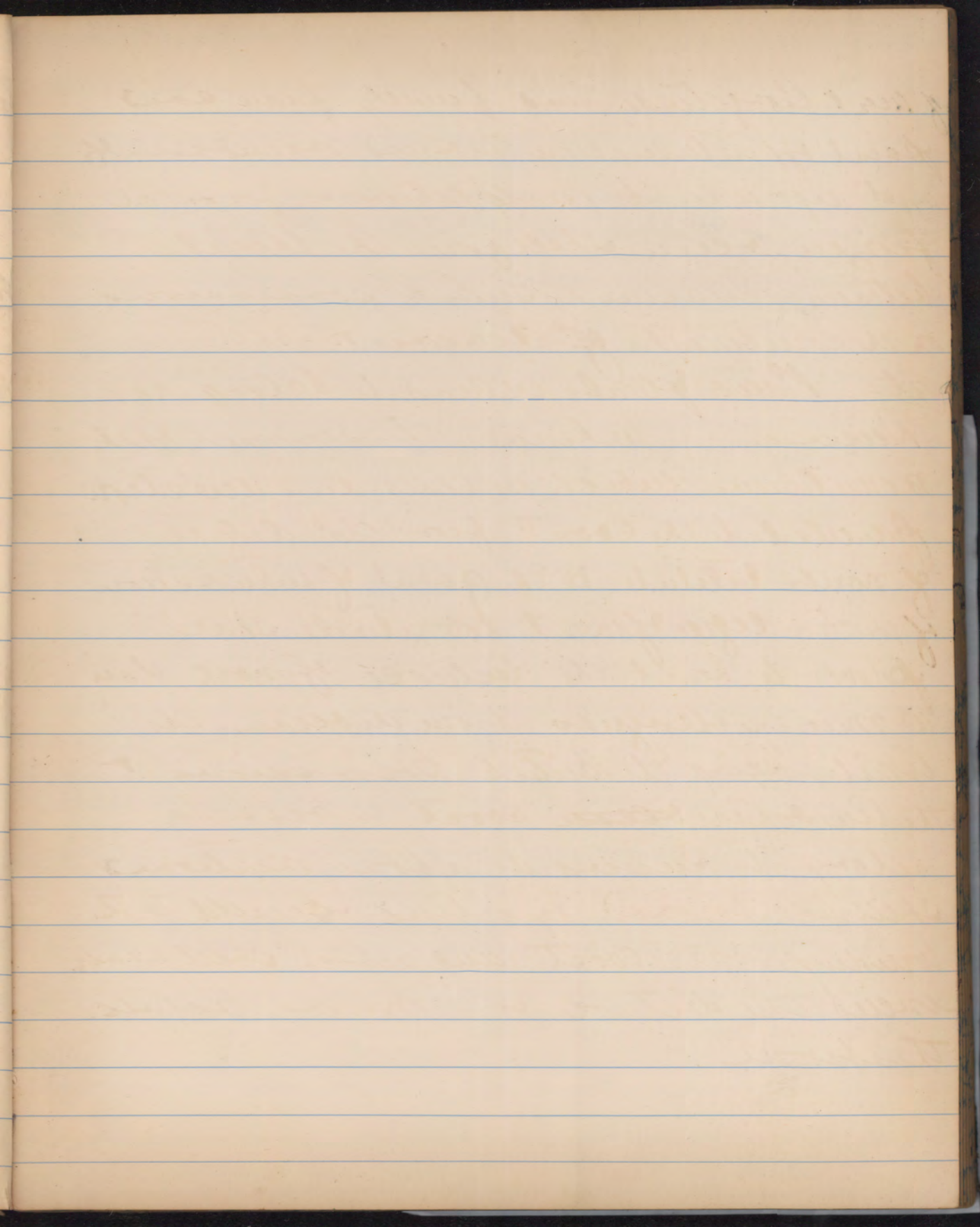
Treaty between Russia & Great Britain. made at
St Petersburg February 28. 1825

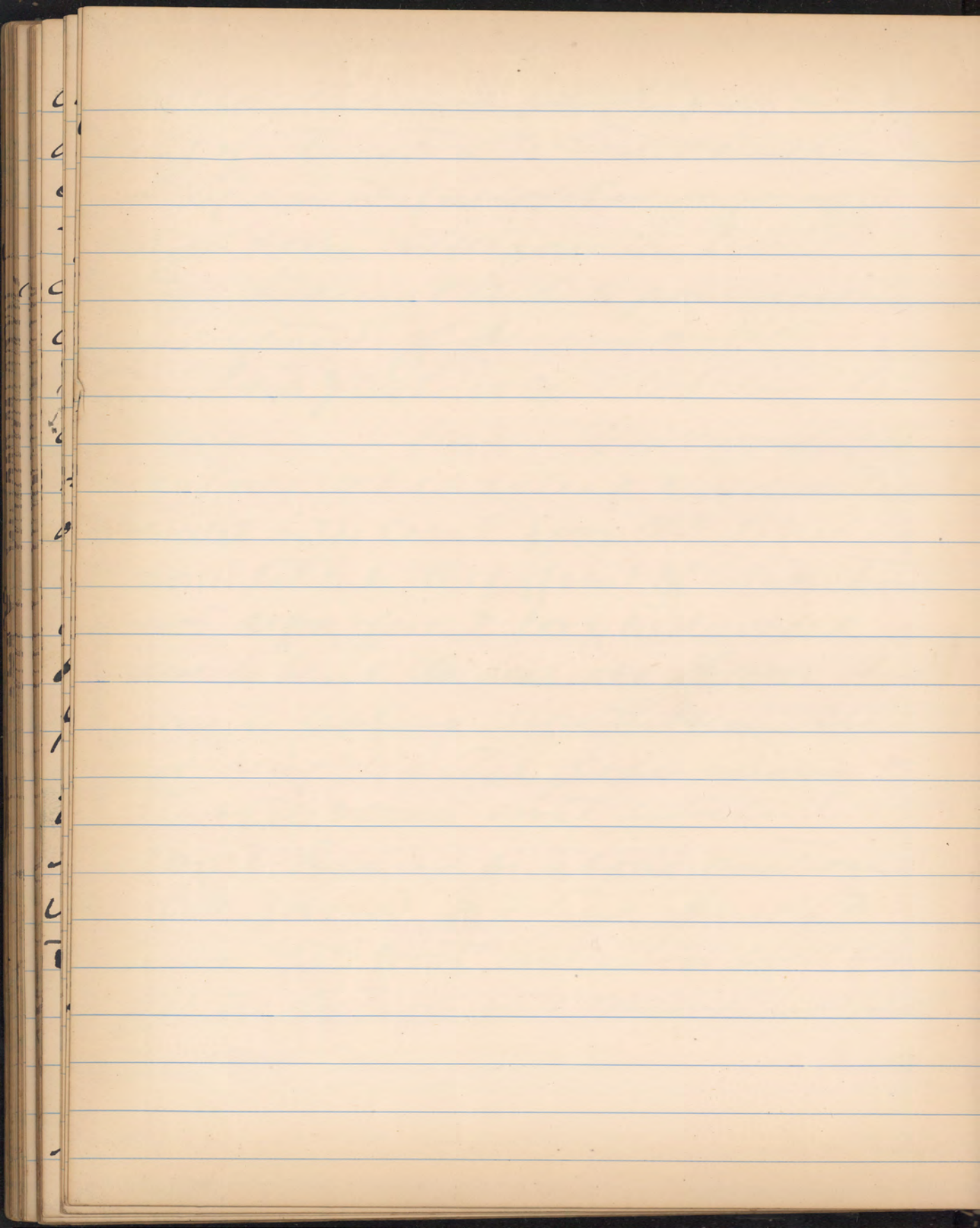
Art 1. Fishery very much discussed in re
Behring sea dispute.

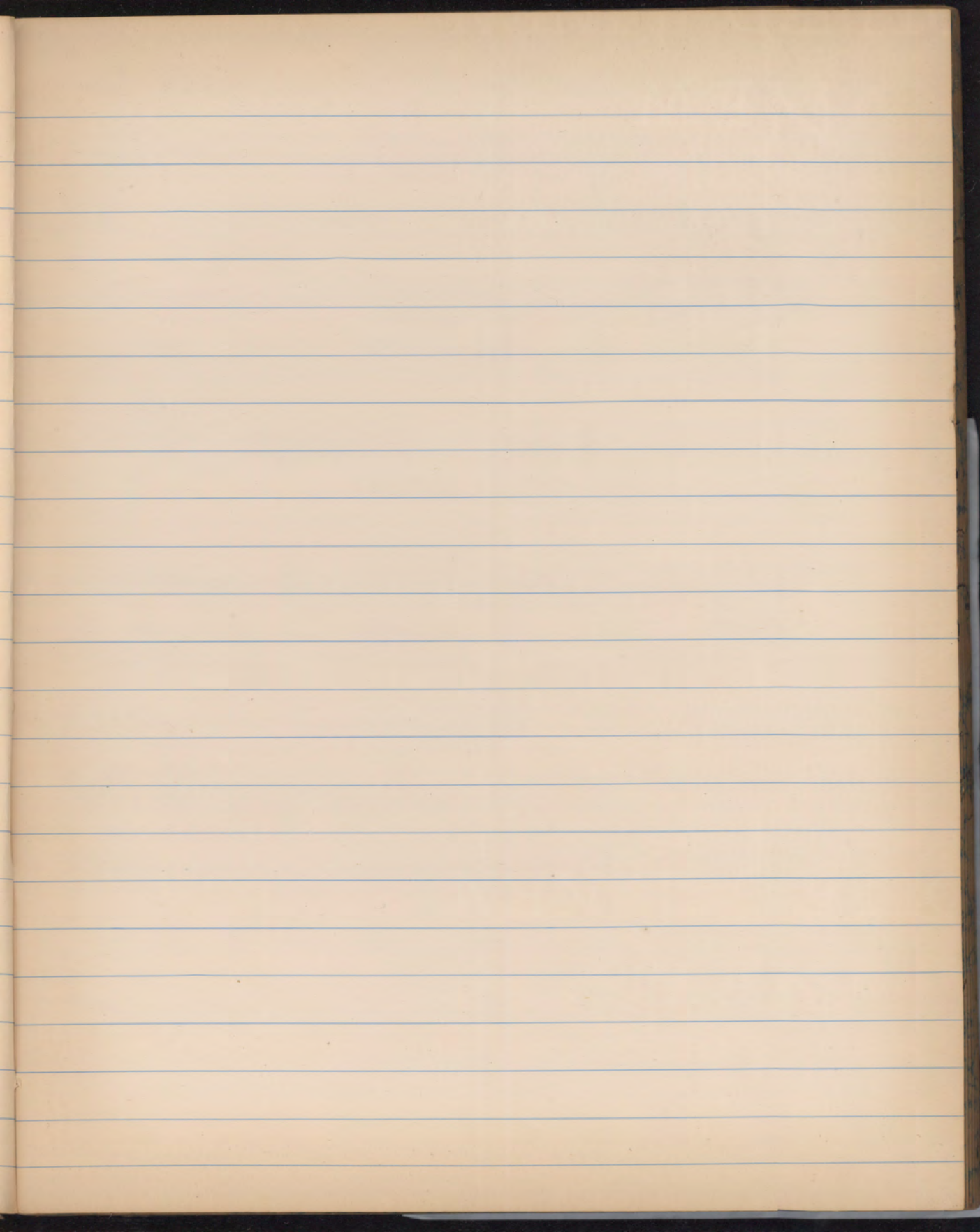
Art 2 Russians not to land on British and
British not to land on Russian territory.

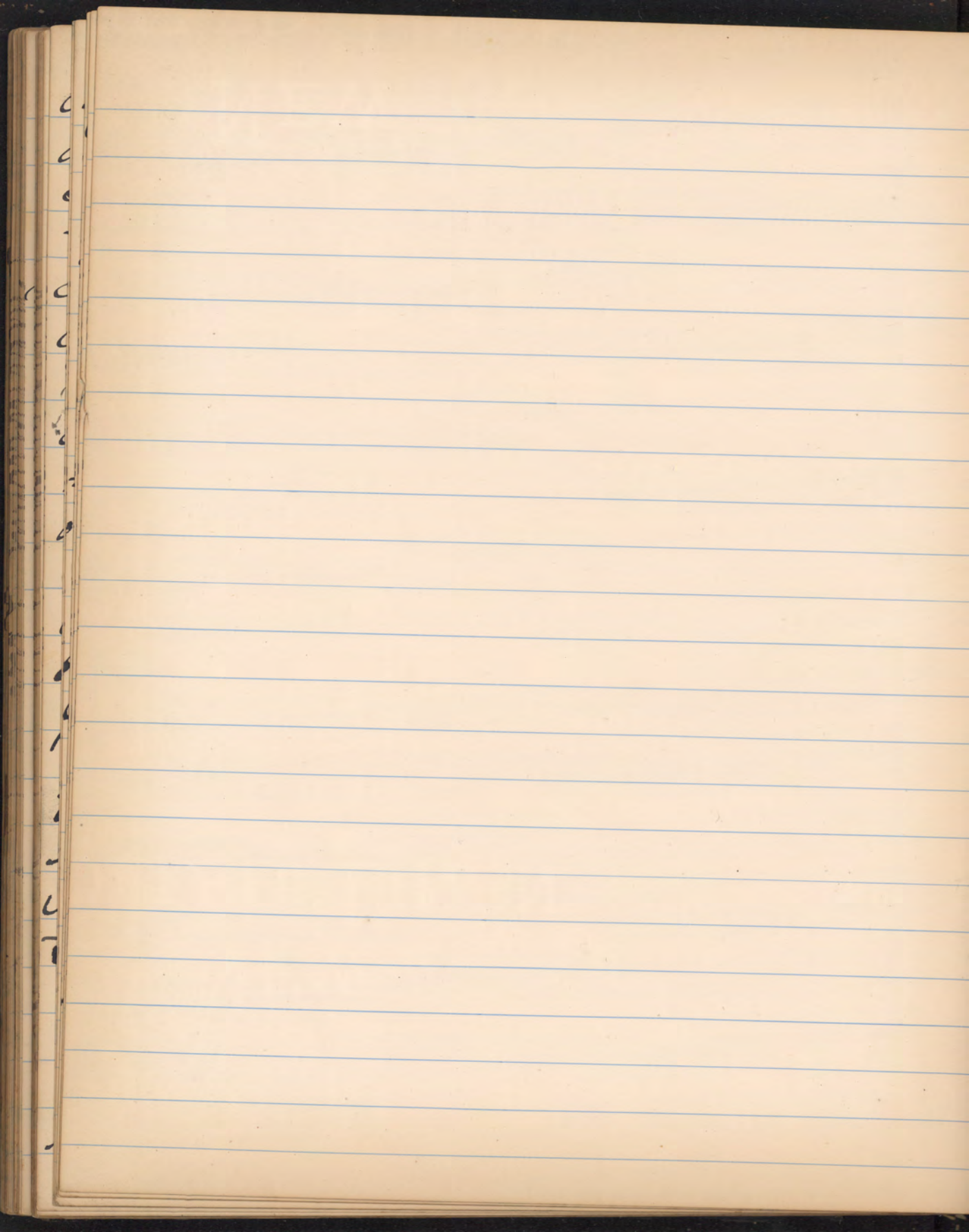
Art 3 The line of demarcation between the
possession of contracting parties upon the
coast of the continent and islands of
America to N.W. shall be drawn in the manner
following. Commencing from southernmost
point of island called Plover Wales Island which
point lies in the parallel of $54^{\circ} 40'$ north
latitude and between the 131^{st} & $131\frac{1}{2}^{\text{d}}$ 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 the last mentioned
point the line of demarcation shall
follow the summit of the mountains
situated parallel to the coast as far as the
point of intersection of $141\frac{1}{2}^{\text{d}}$ degree of

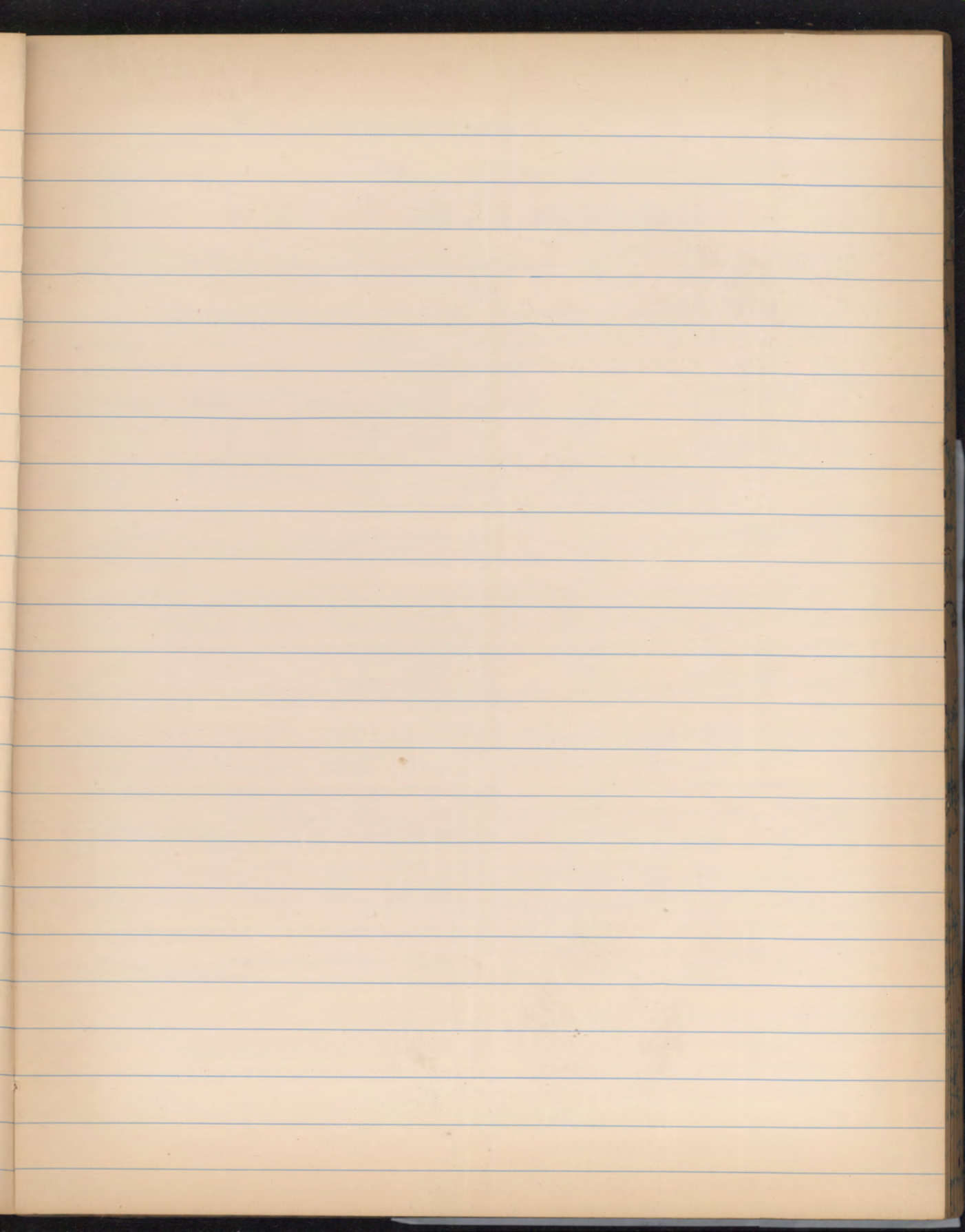
of west longitude, and finally from said
point of intersection to said meridian of
141st degree in its prolongation as for the
frozen ocean shall form the limit
between Russian & British possessions
on the continent of America on the
Mt. St. Pierre & Foulke island to belong to
Russia. Wherever the sea meets yet
mountains which extend in a direction
parallel to the coast from 70th 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 ~~sea~~ coast which is to
belong to Russia as above mentioned
shall be formed by a line parallel to the
winding of the coast and which shall never
exceed the distance of 10 marine leagues
therefrom

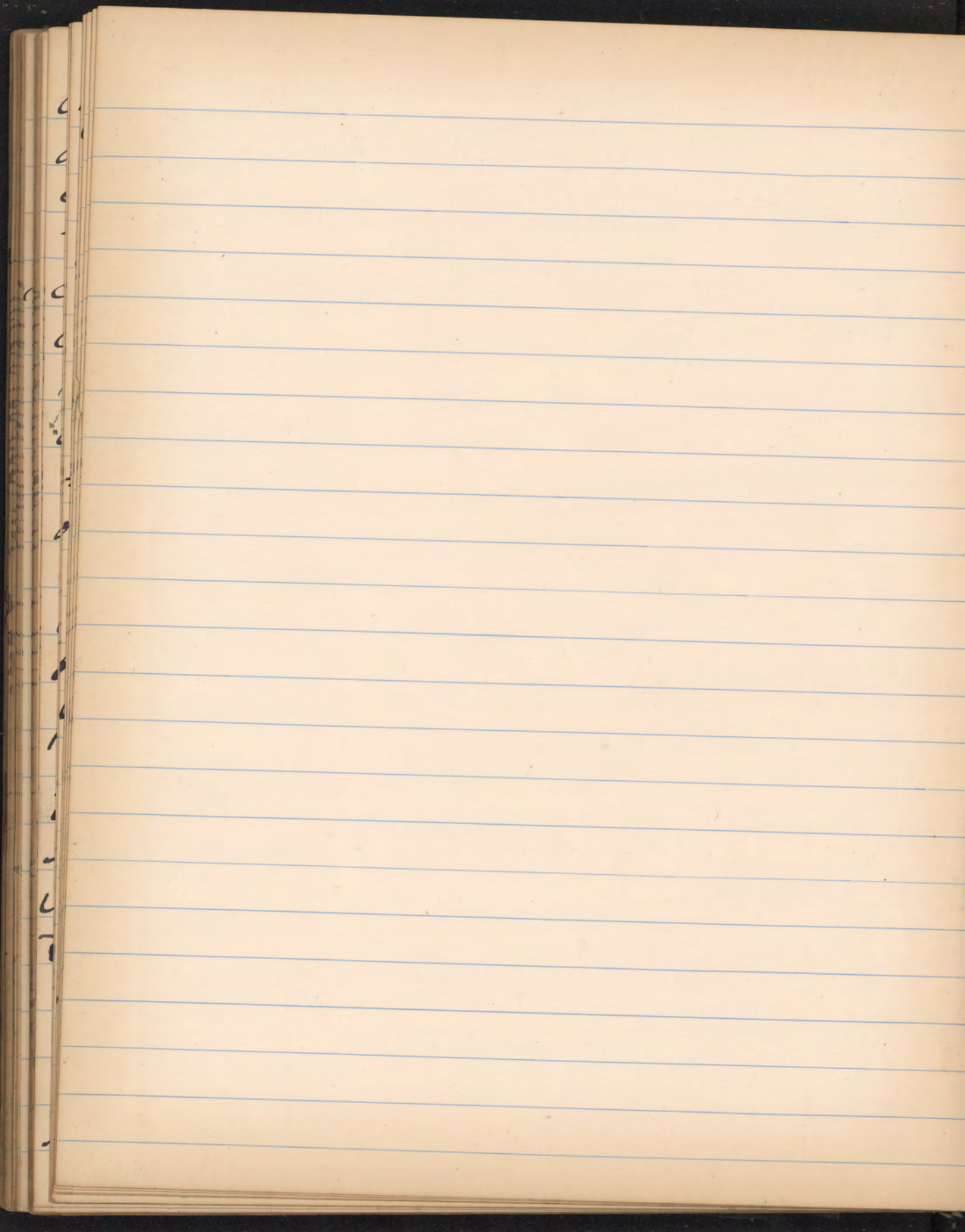


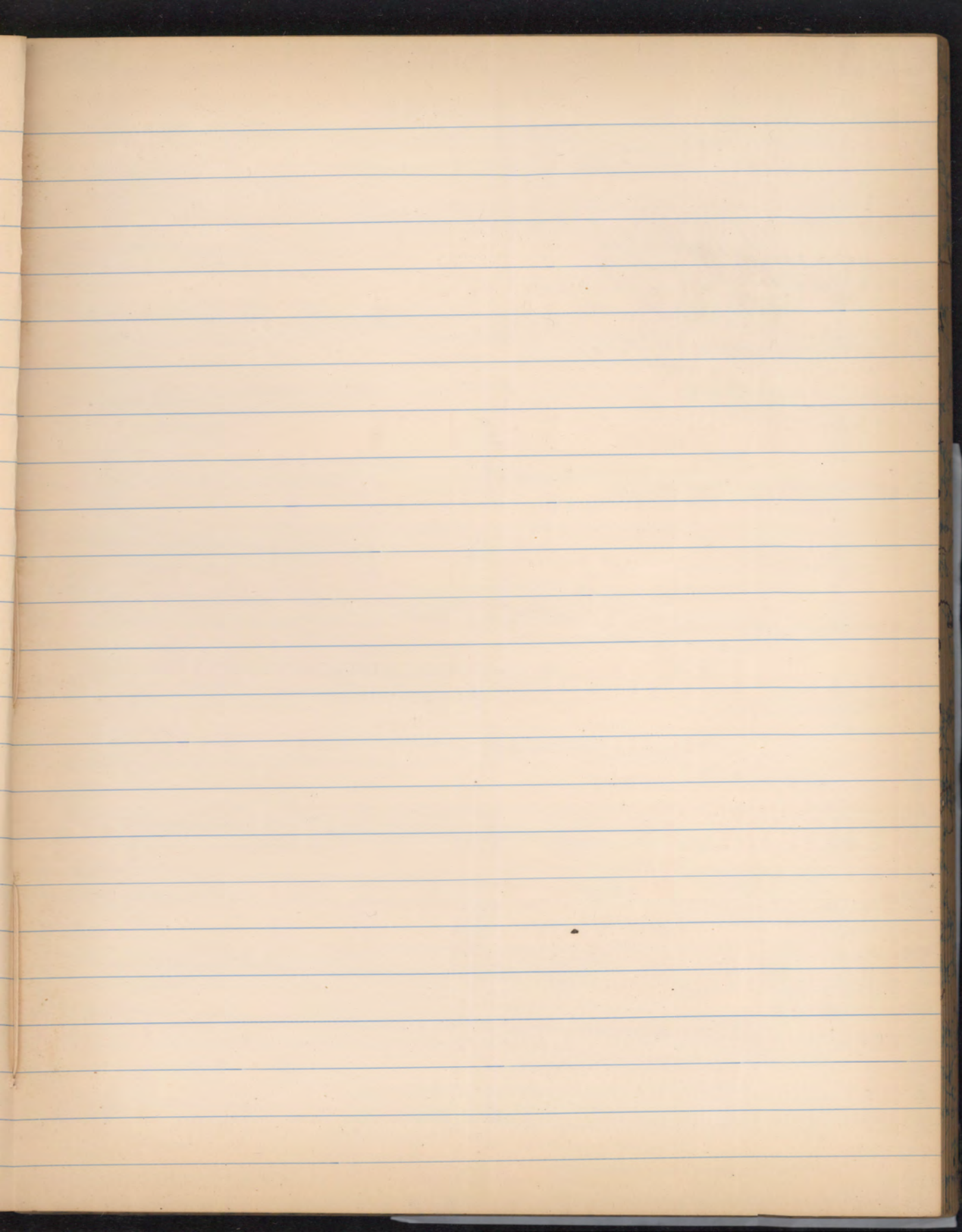


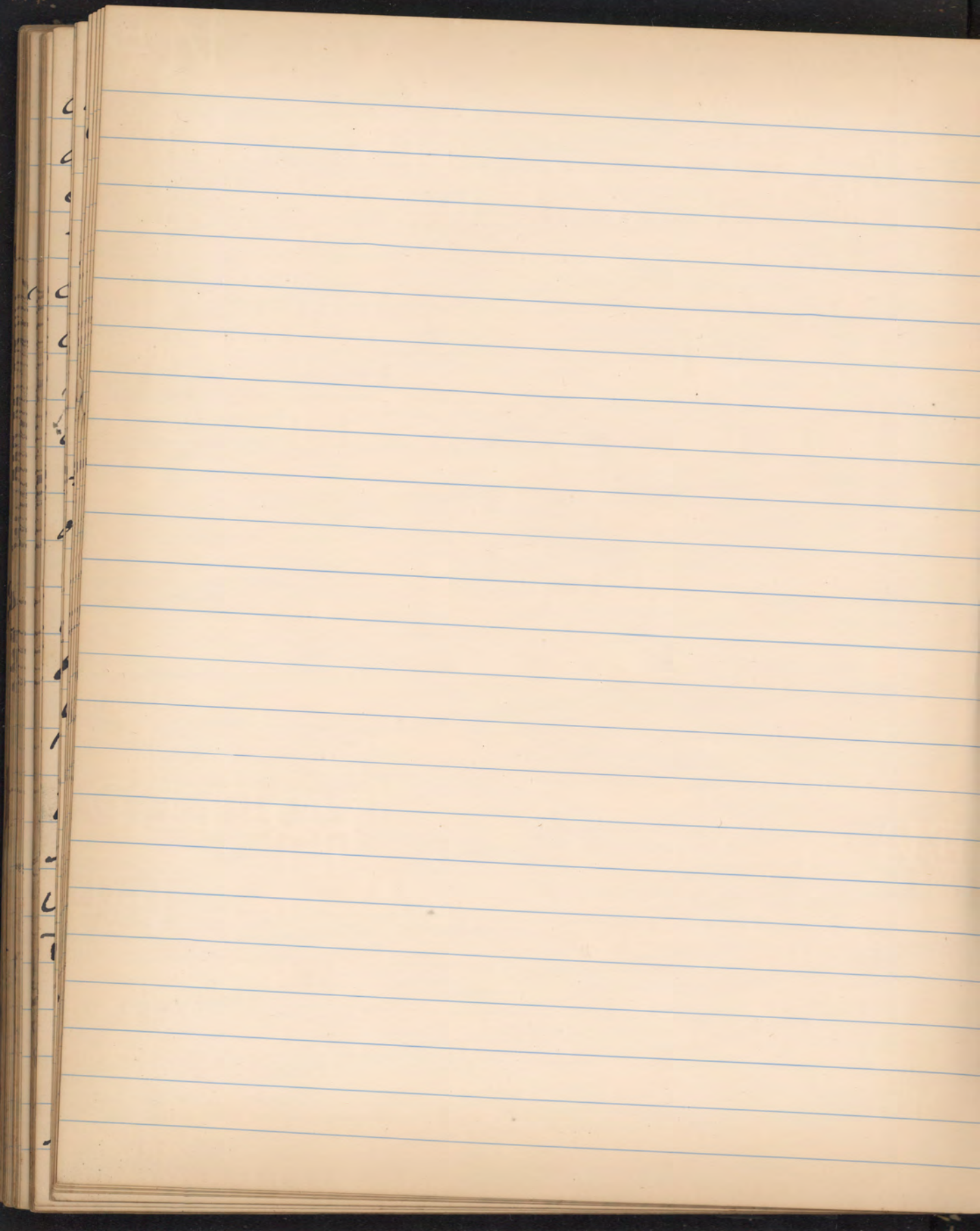


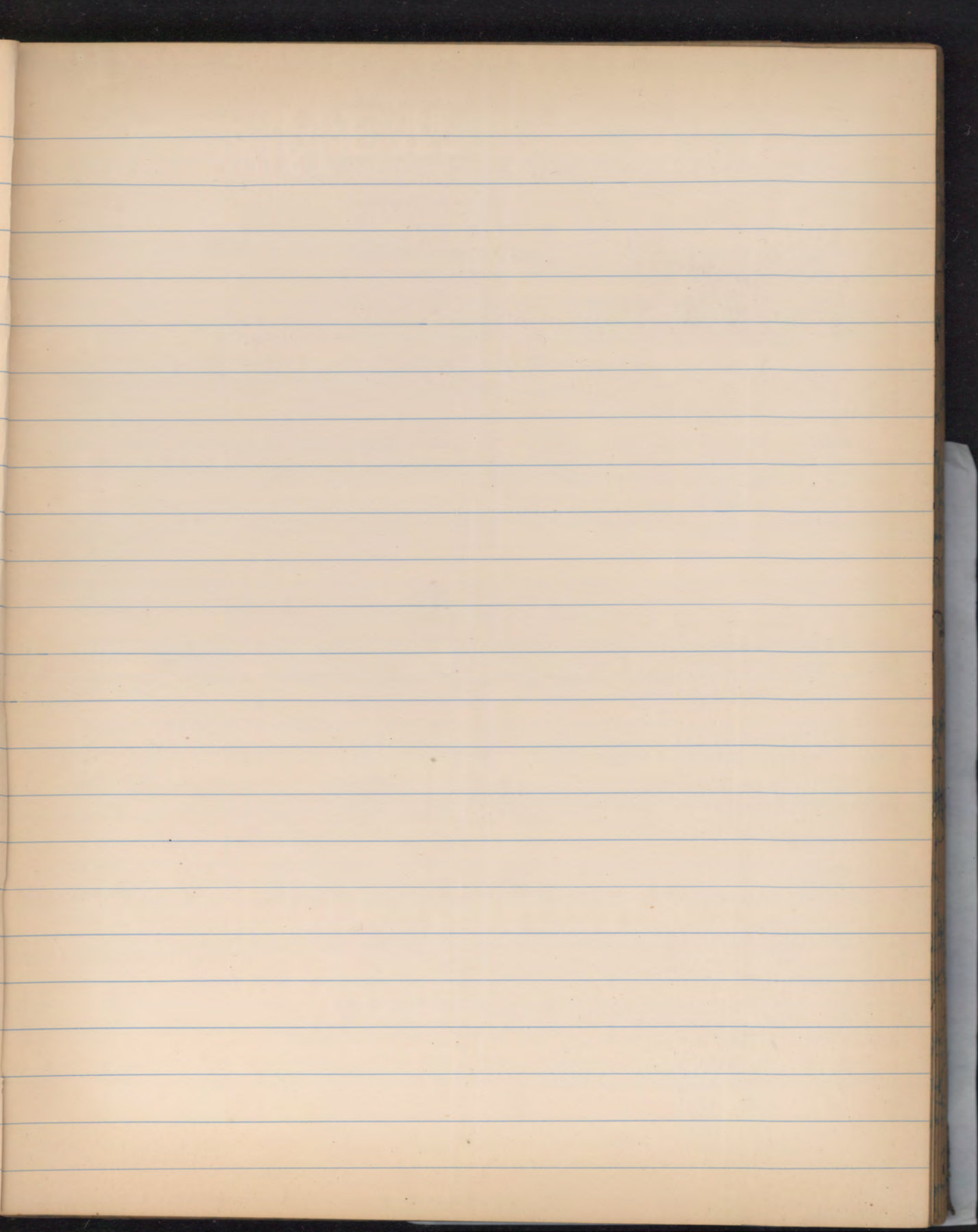


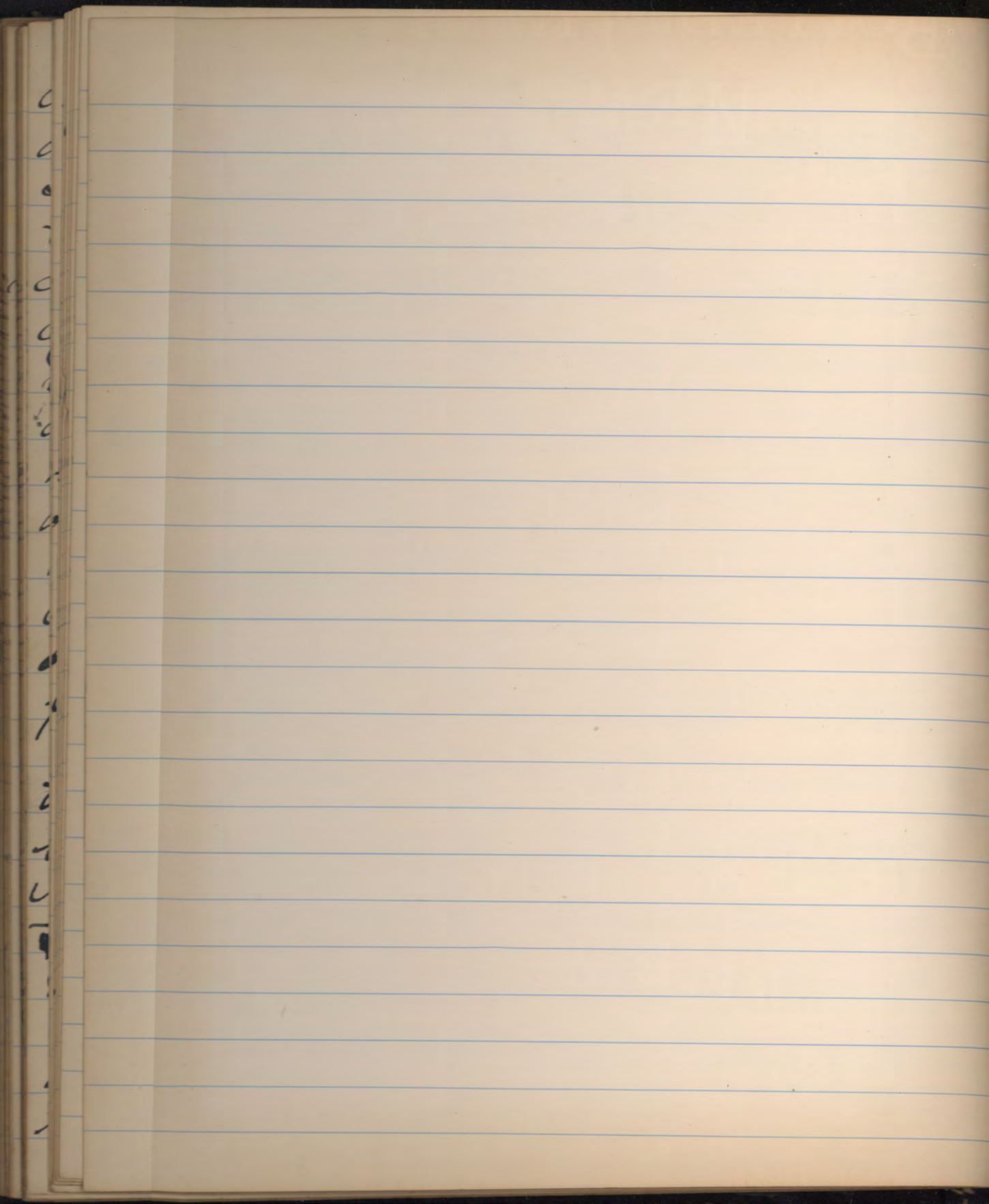


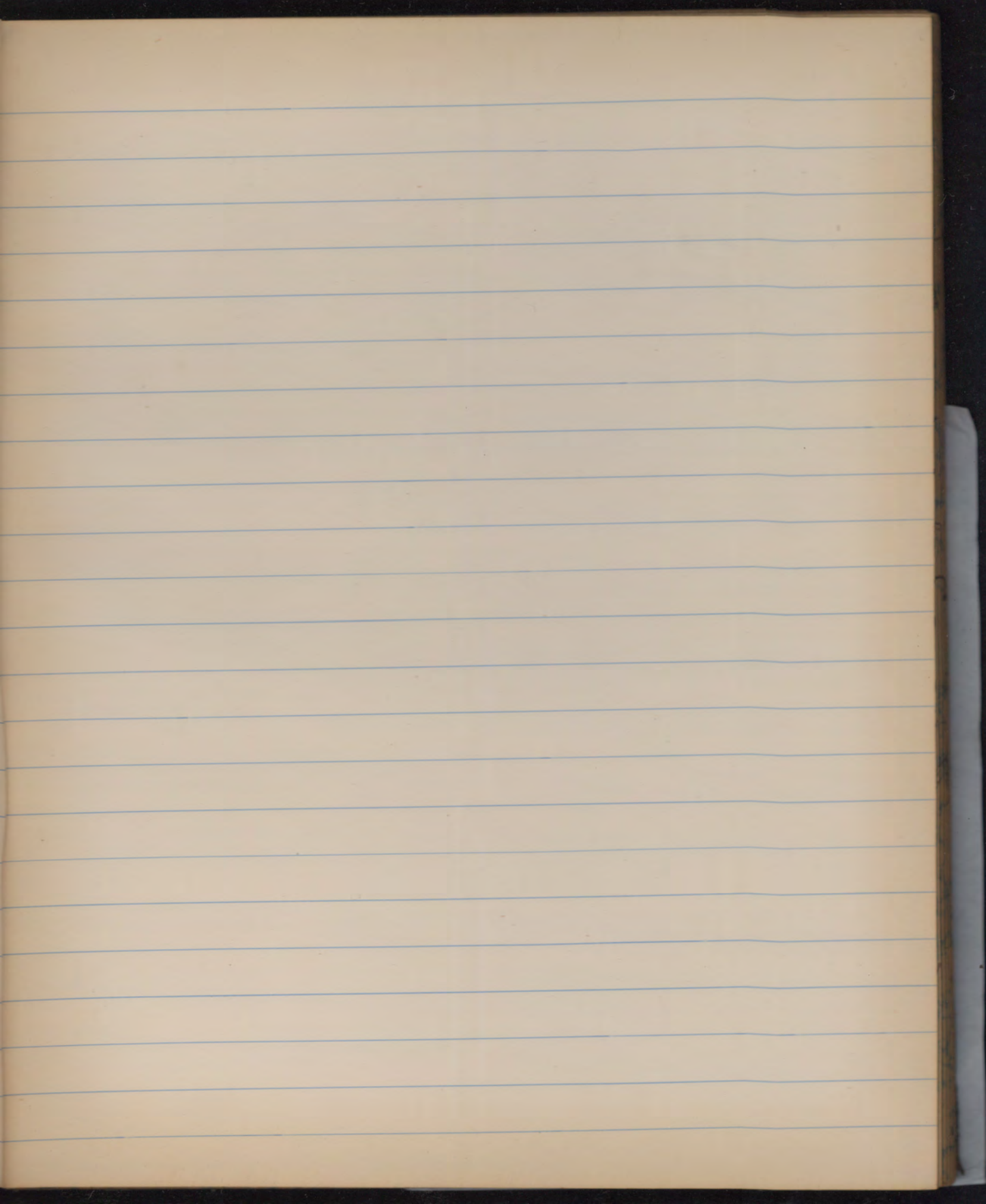


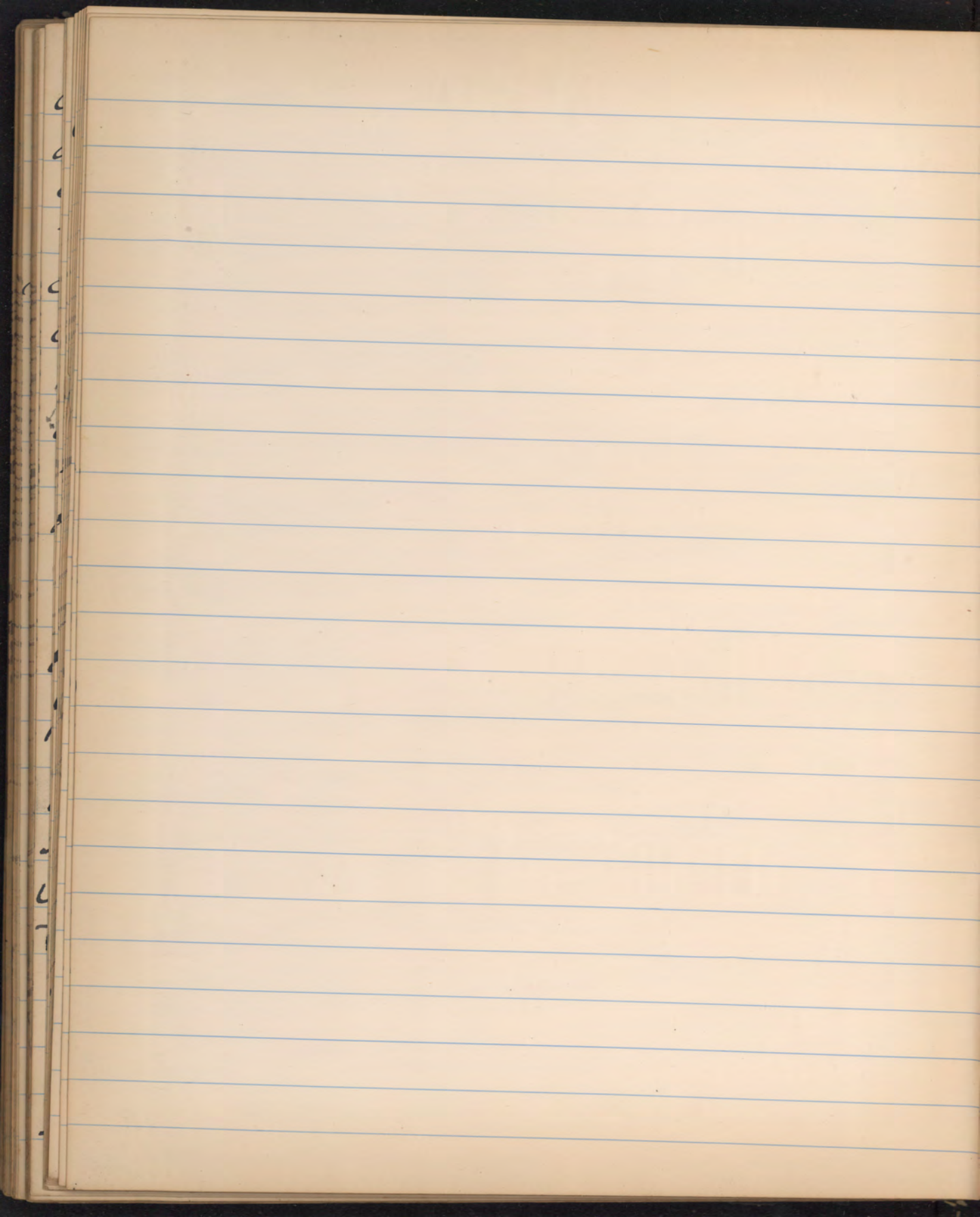


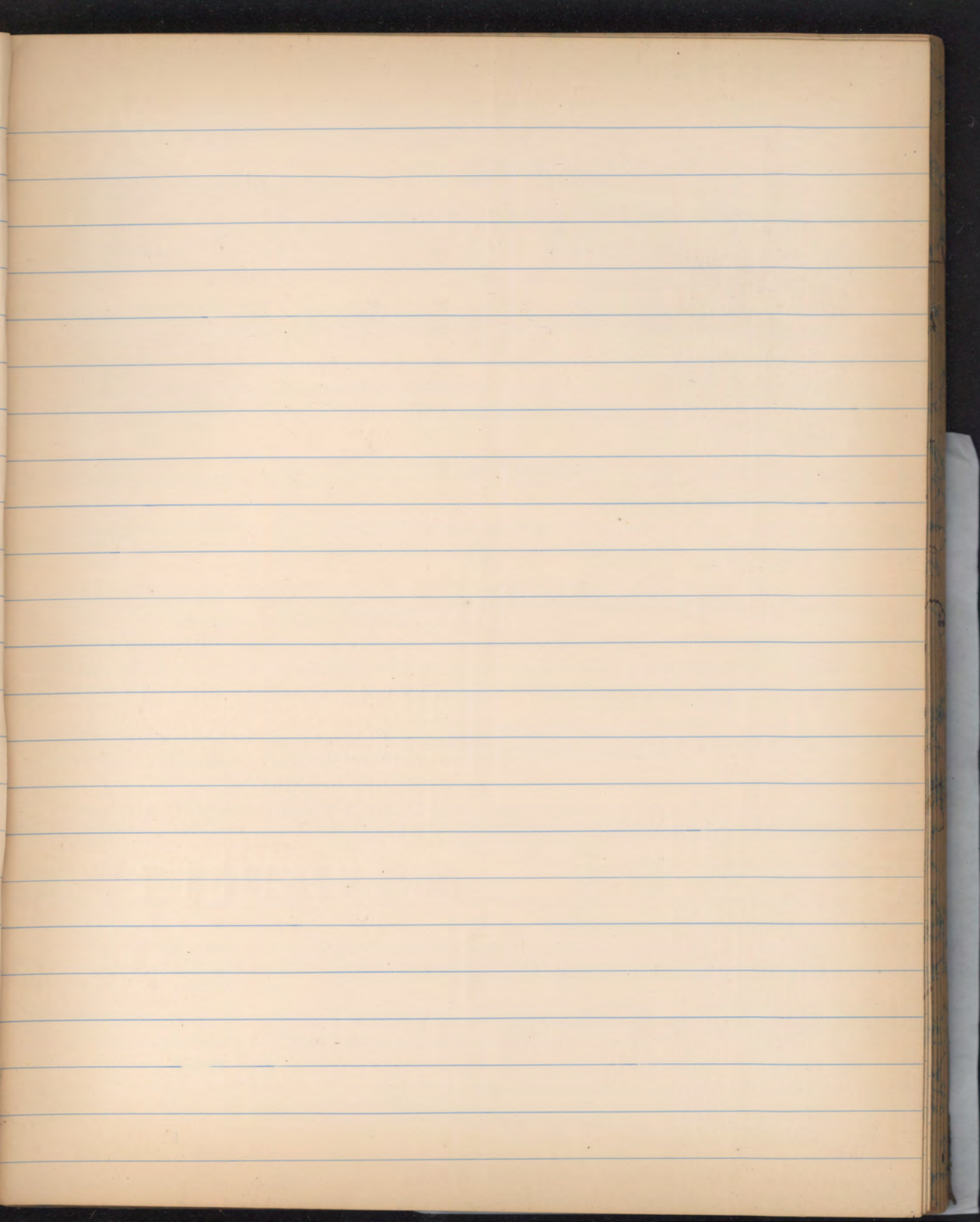


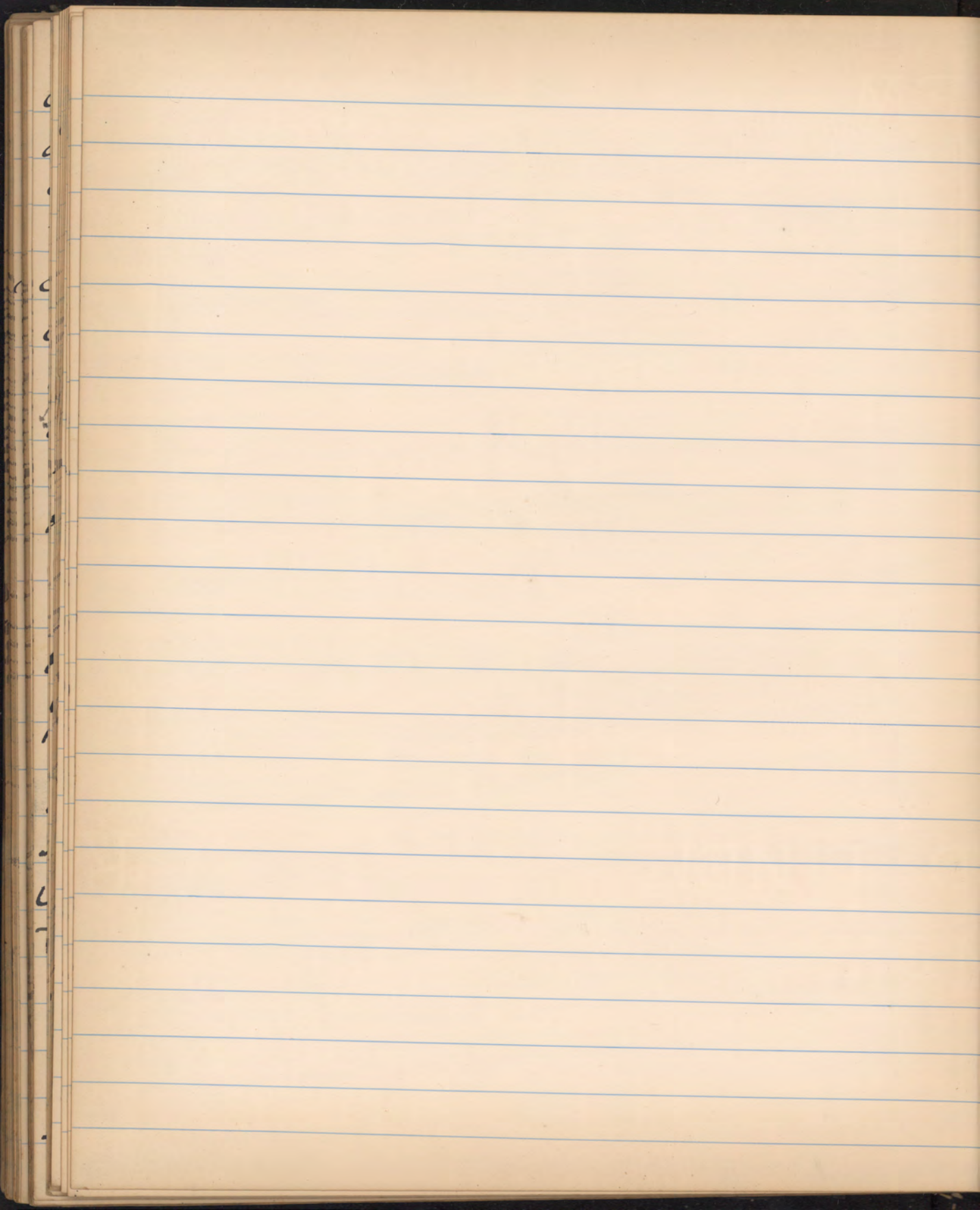


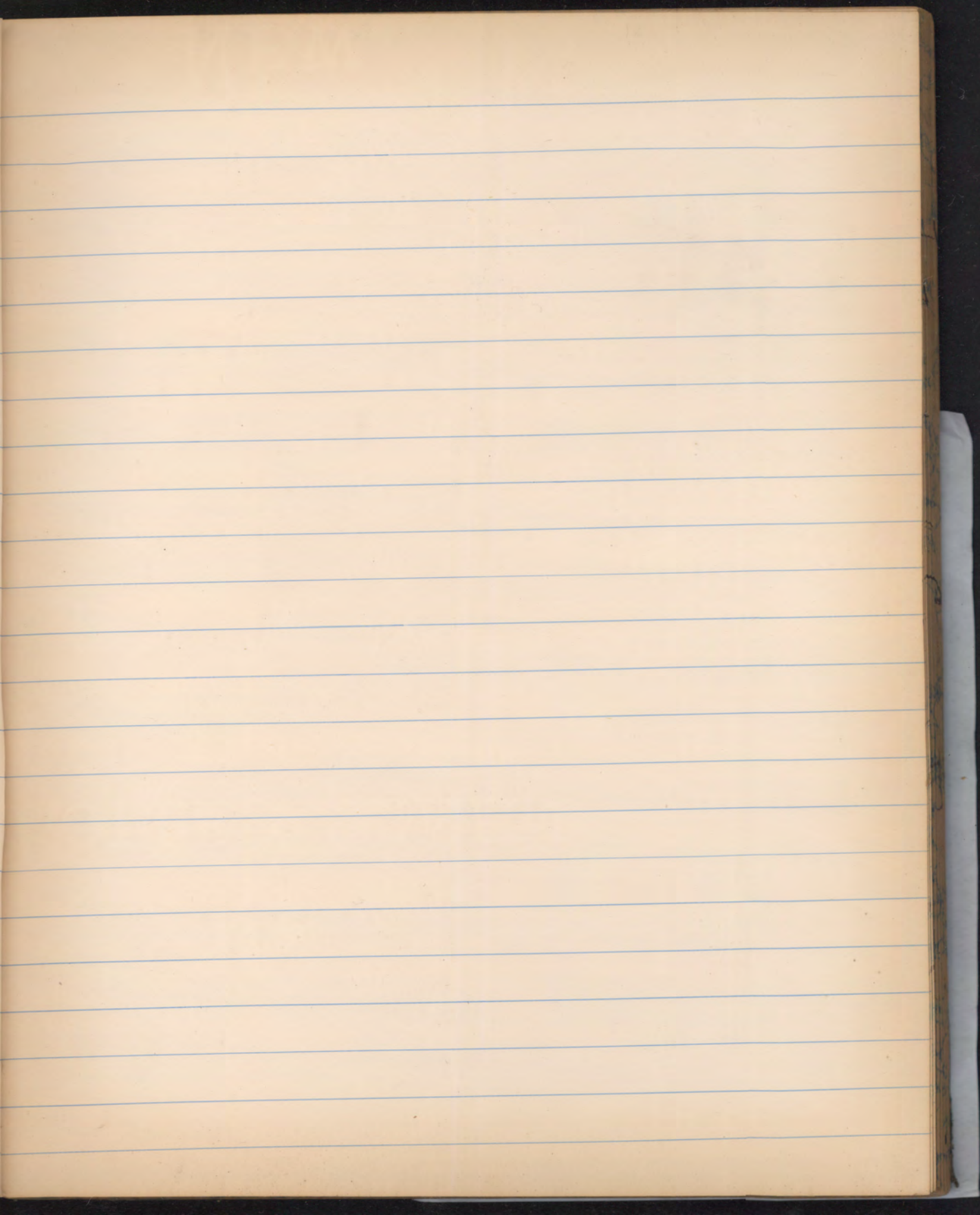


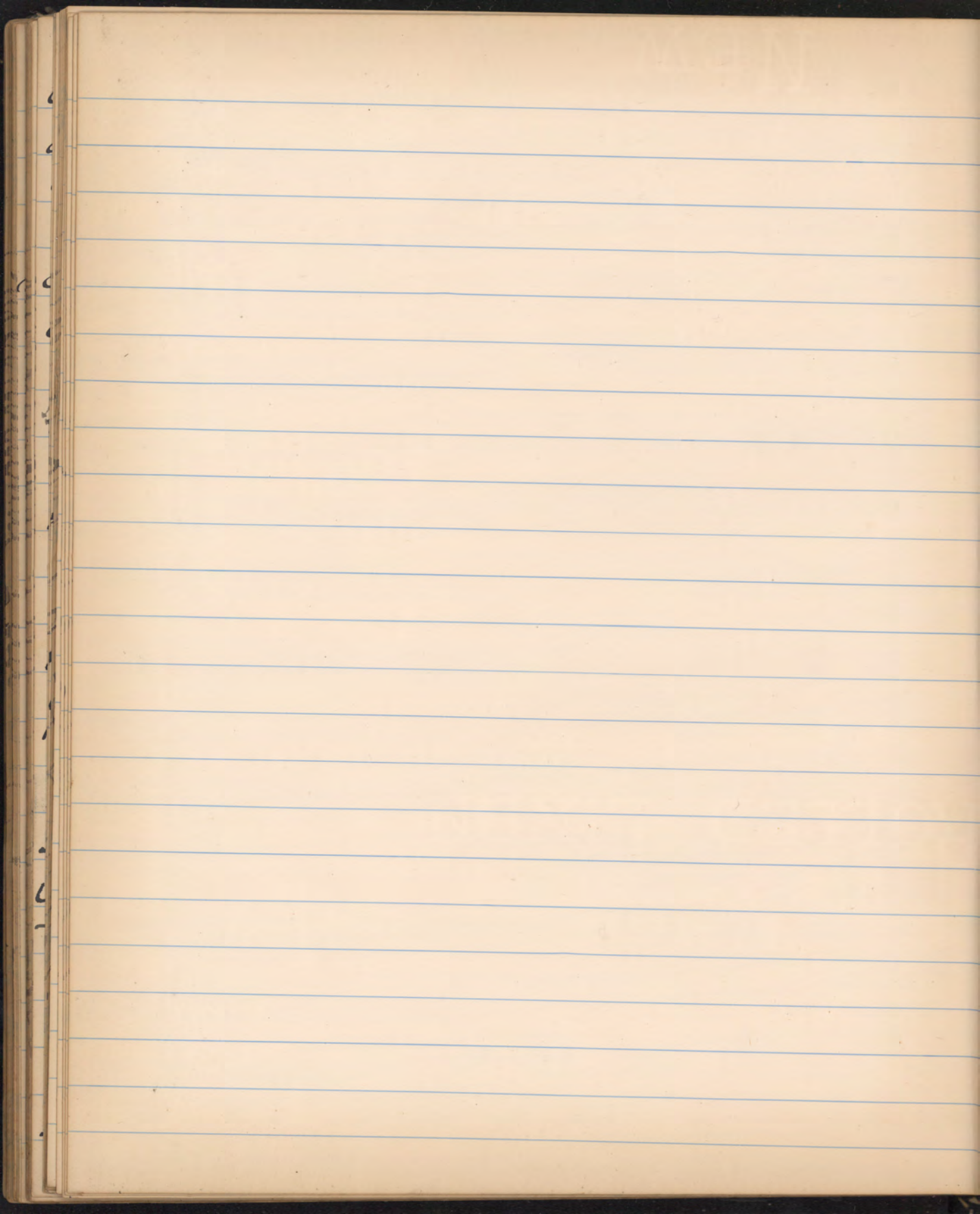


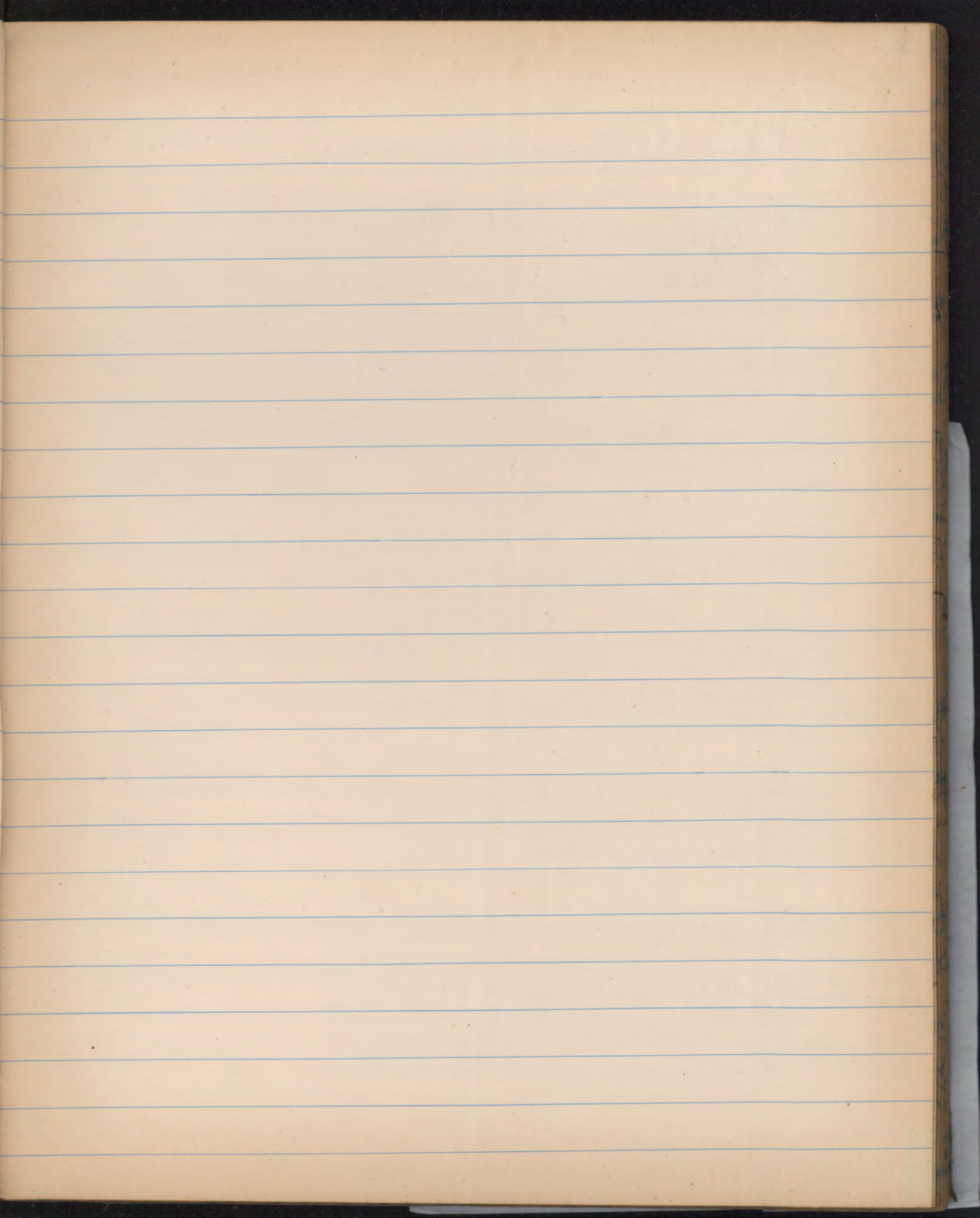


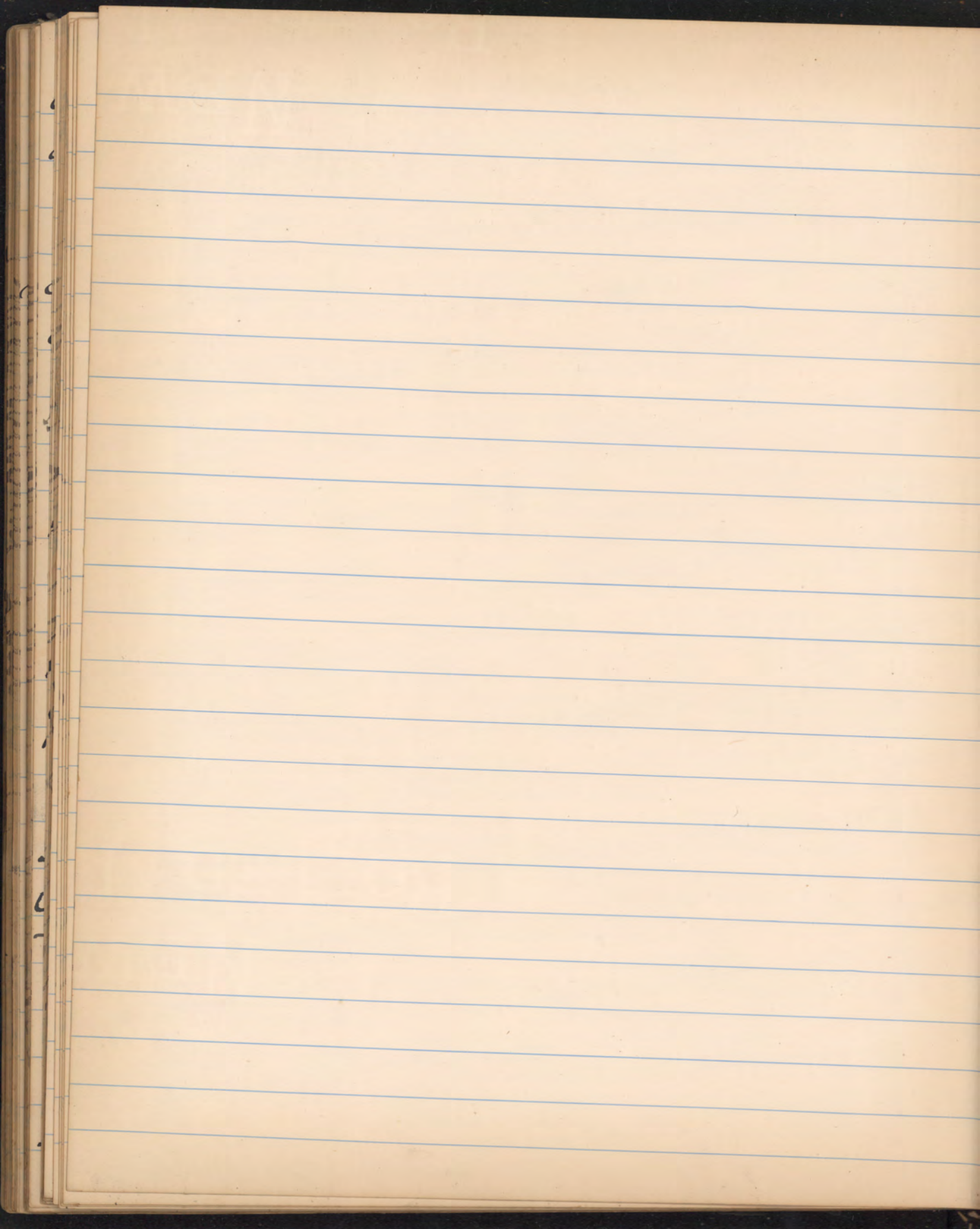


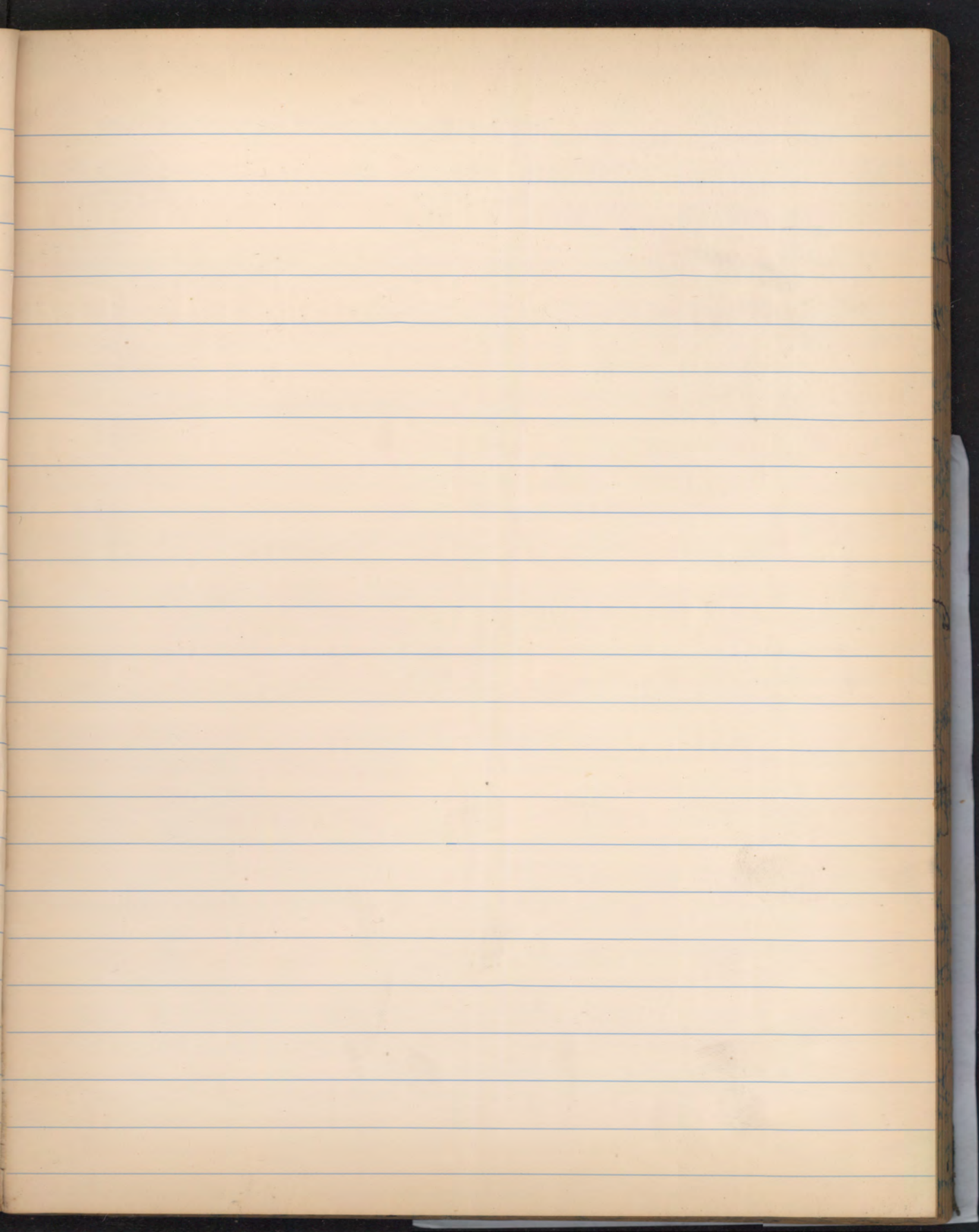


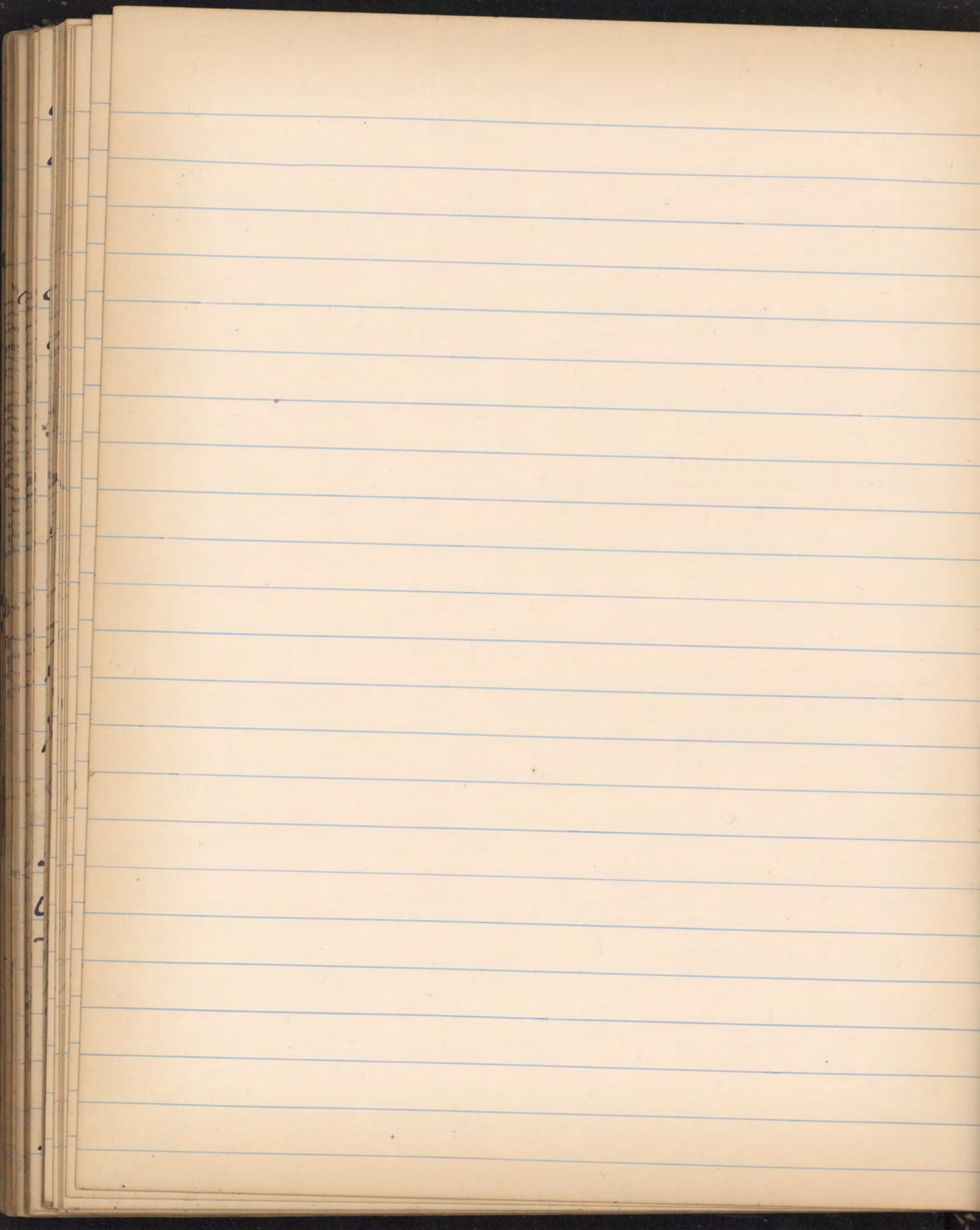


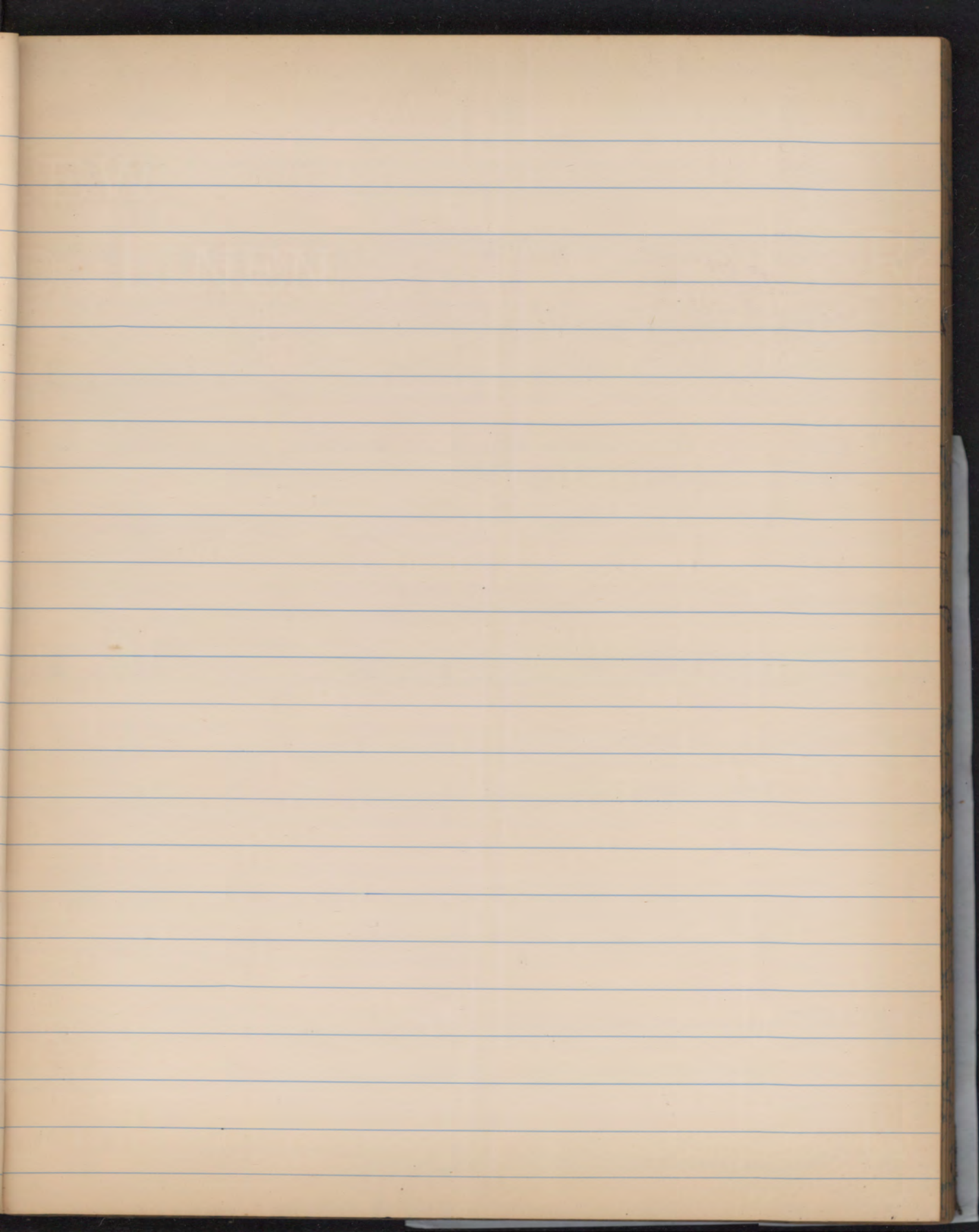


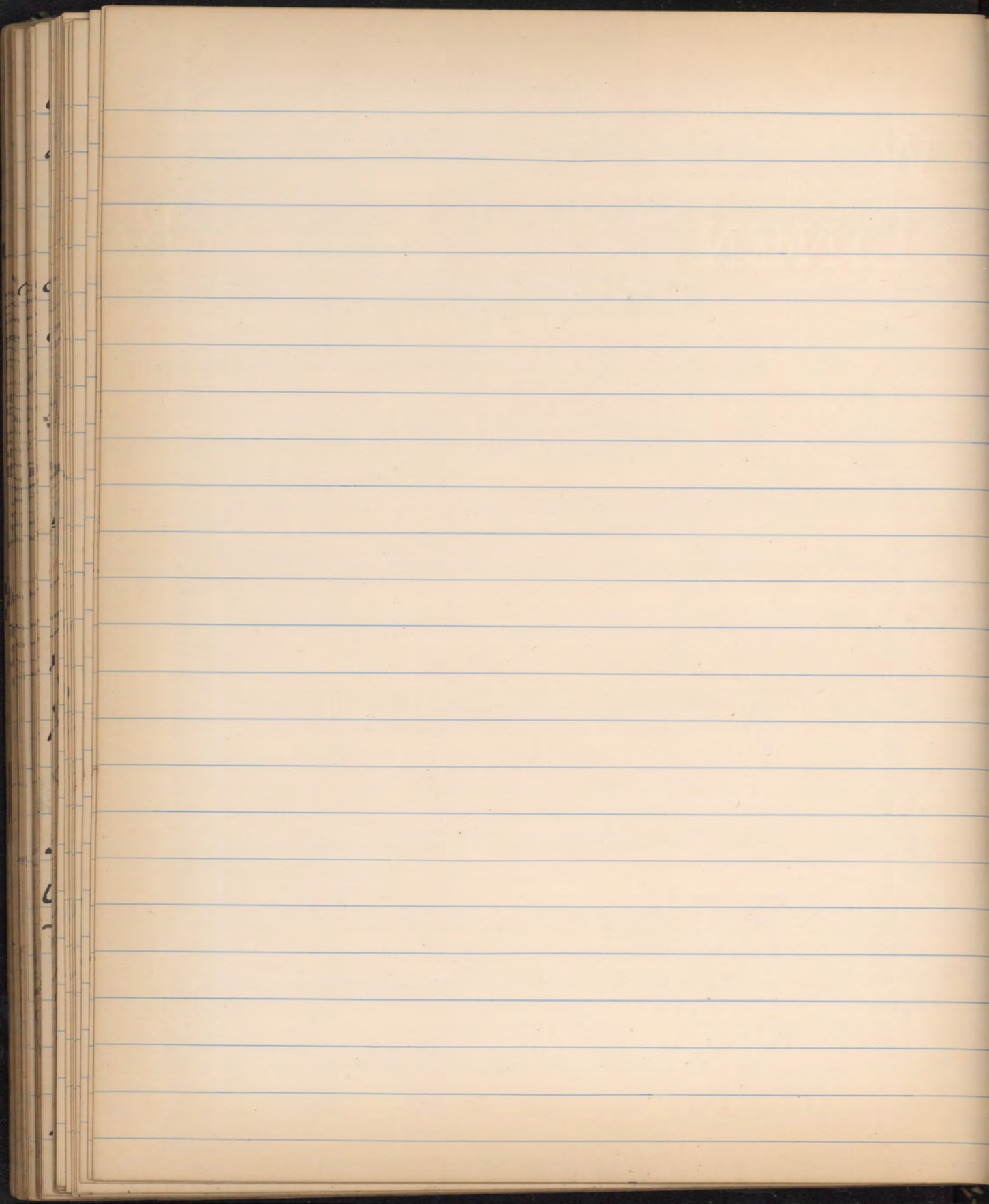


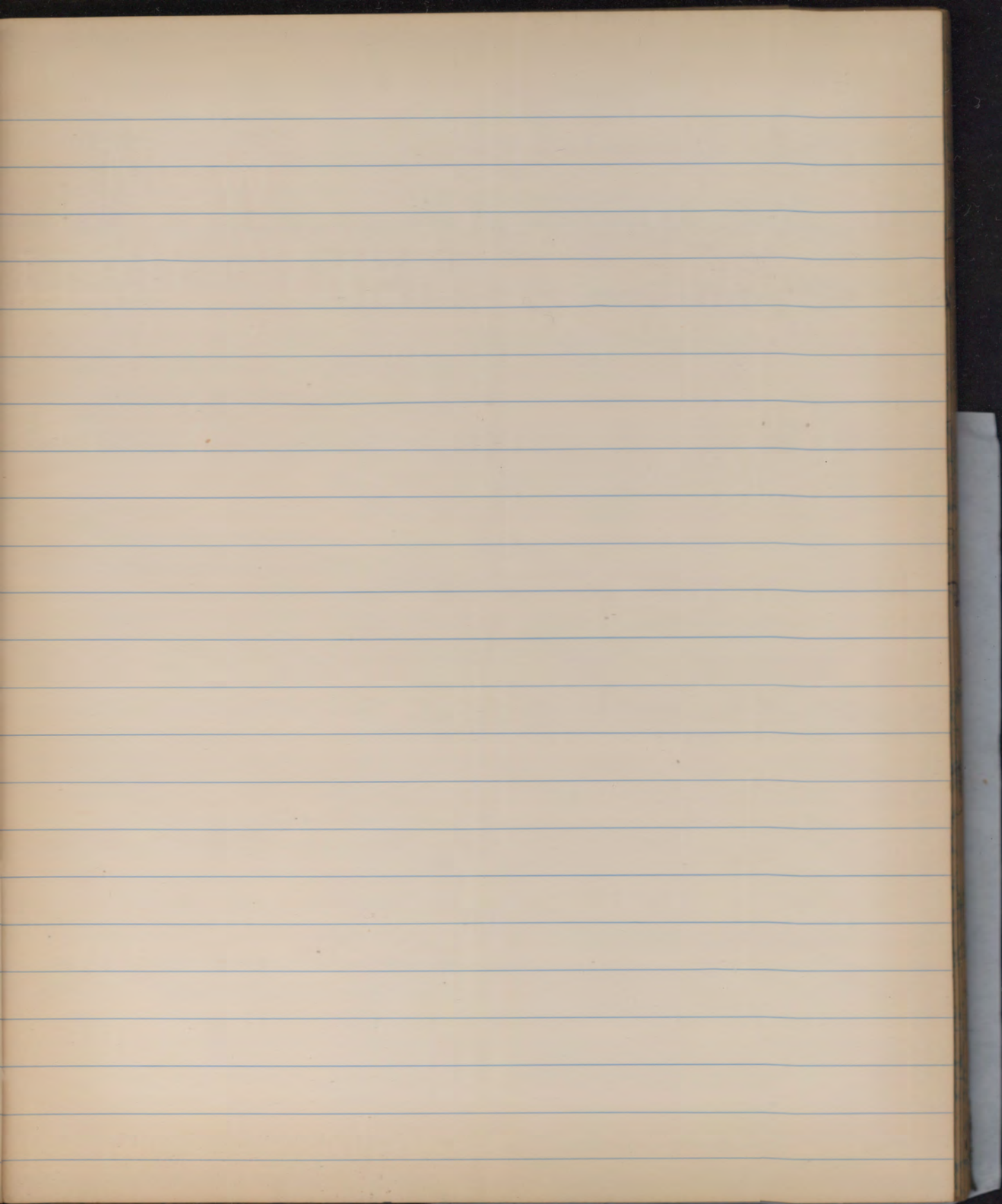


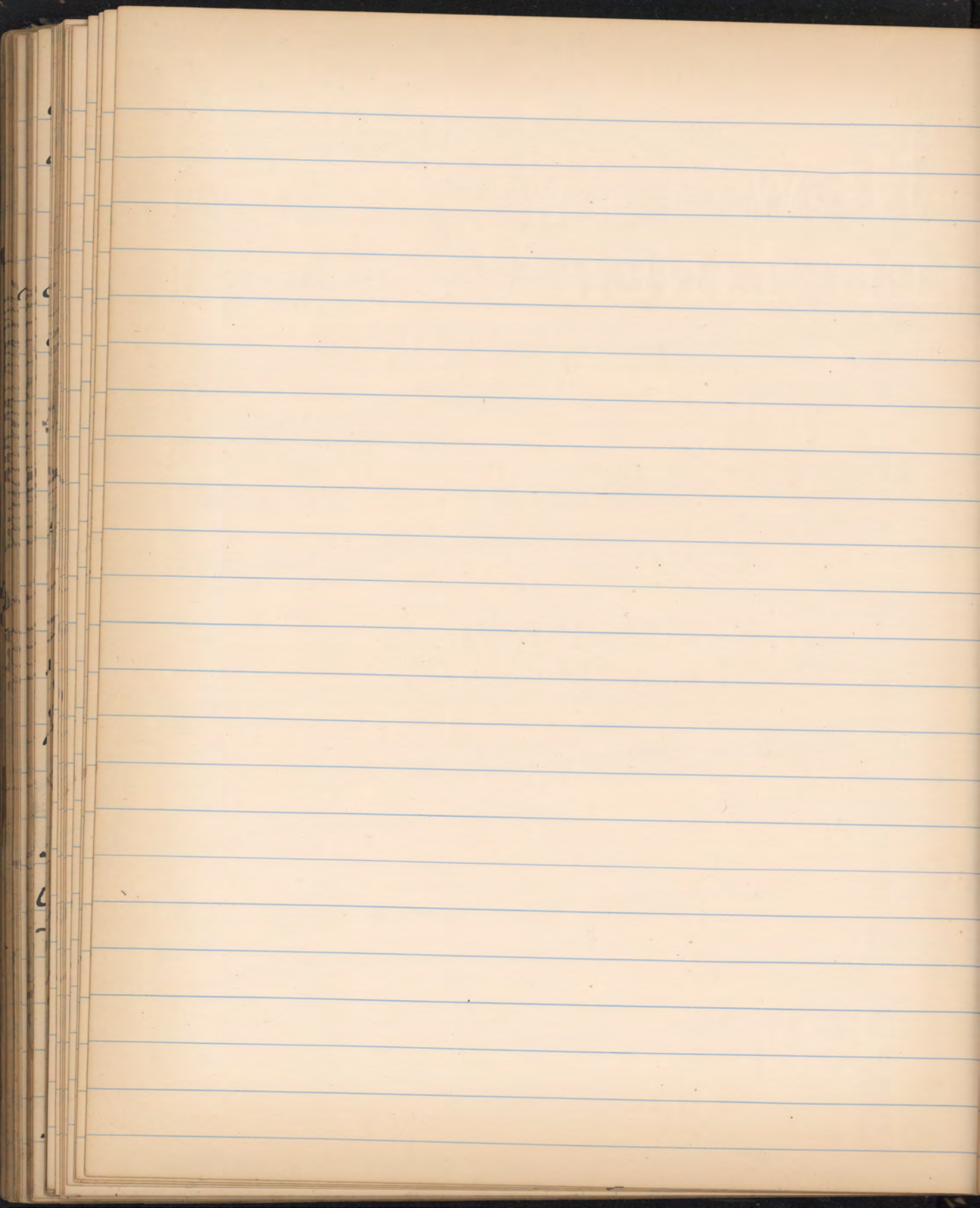


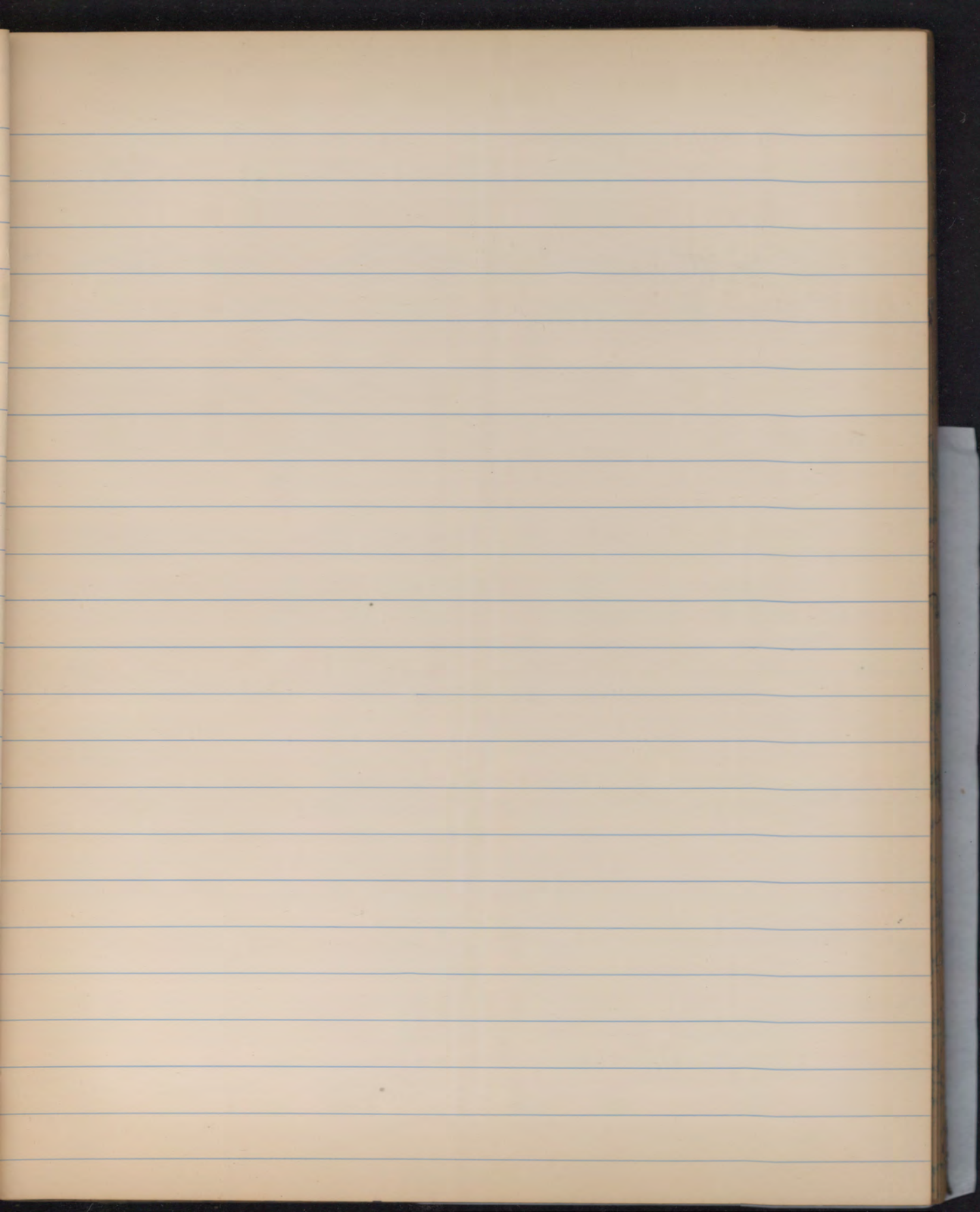


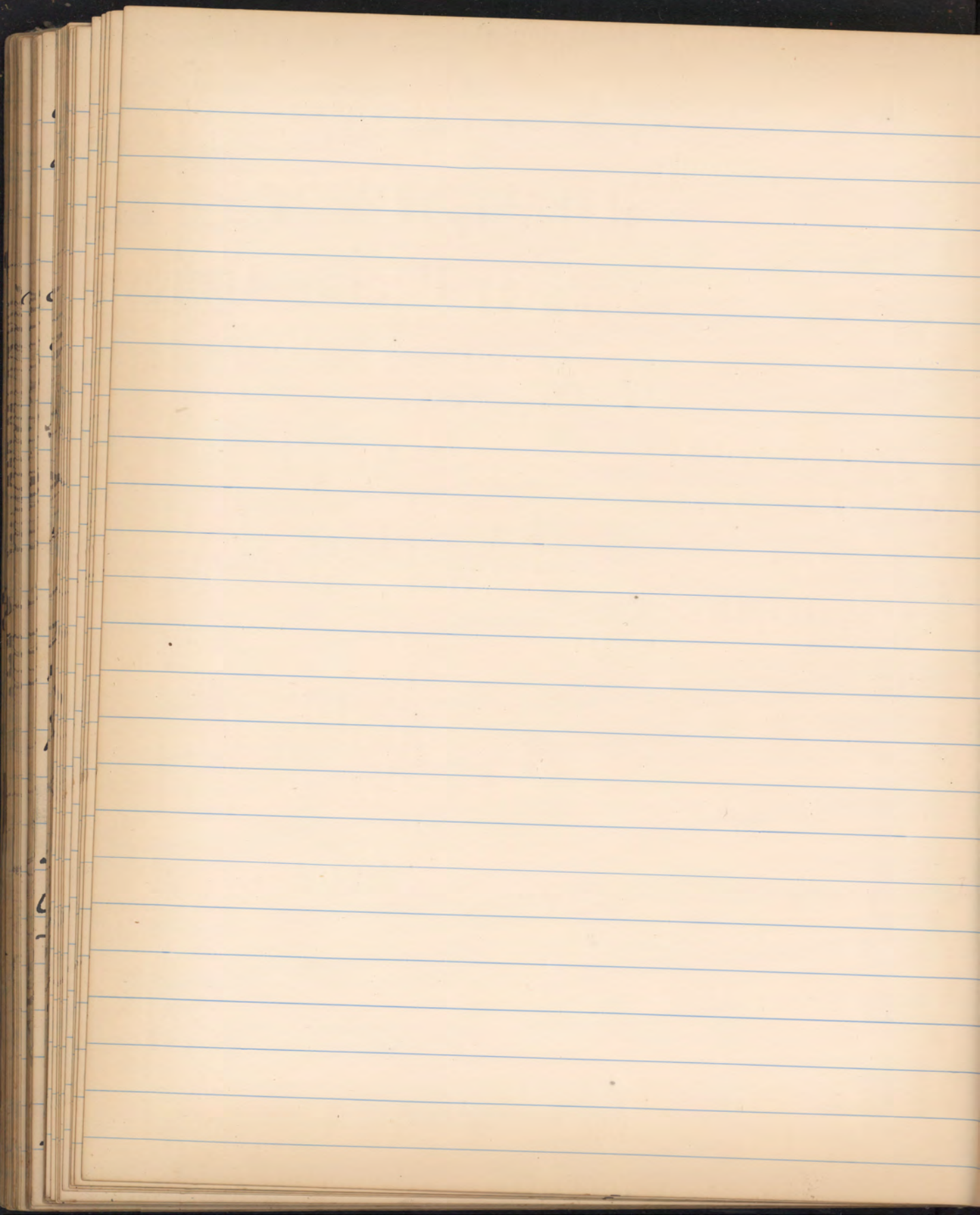


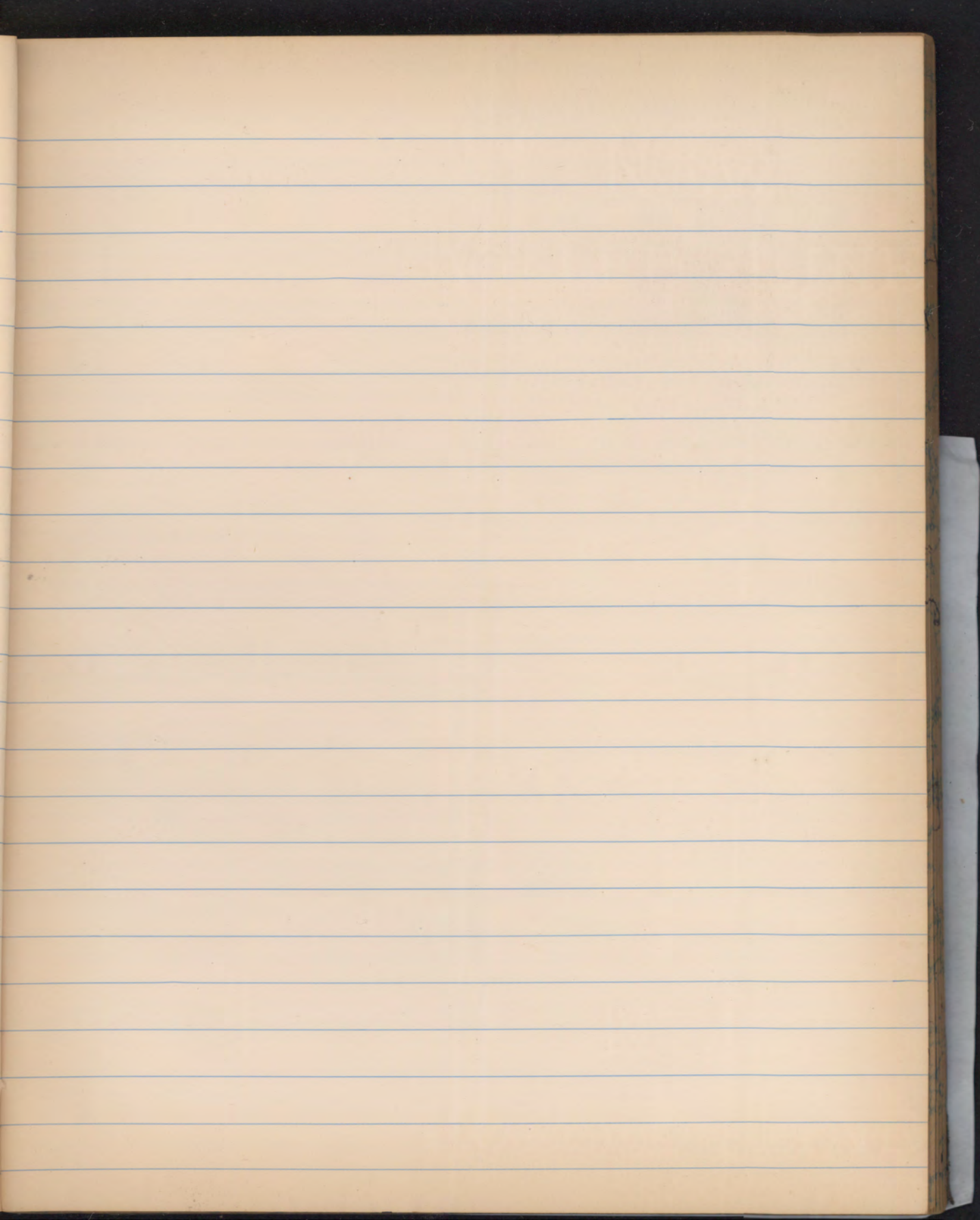


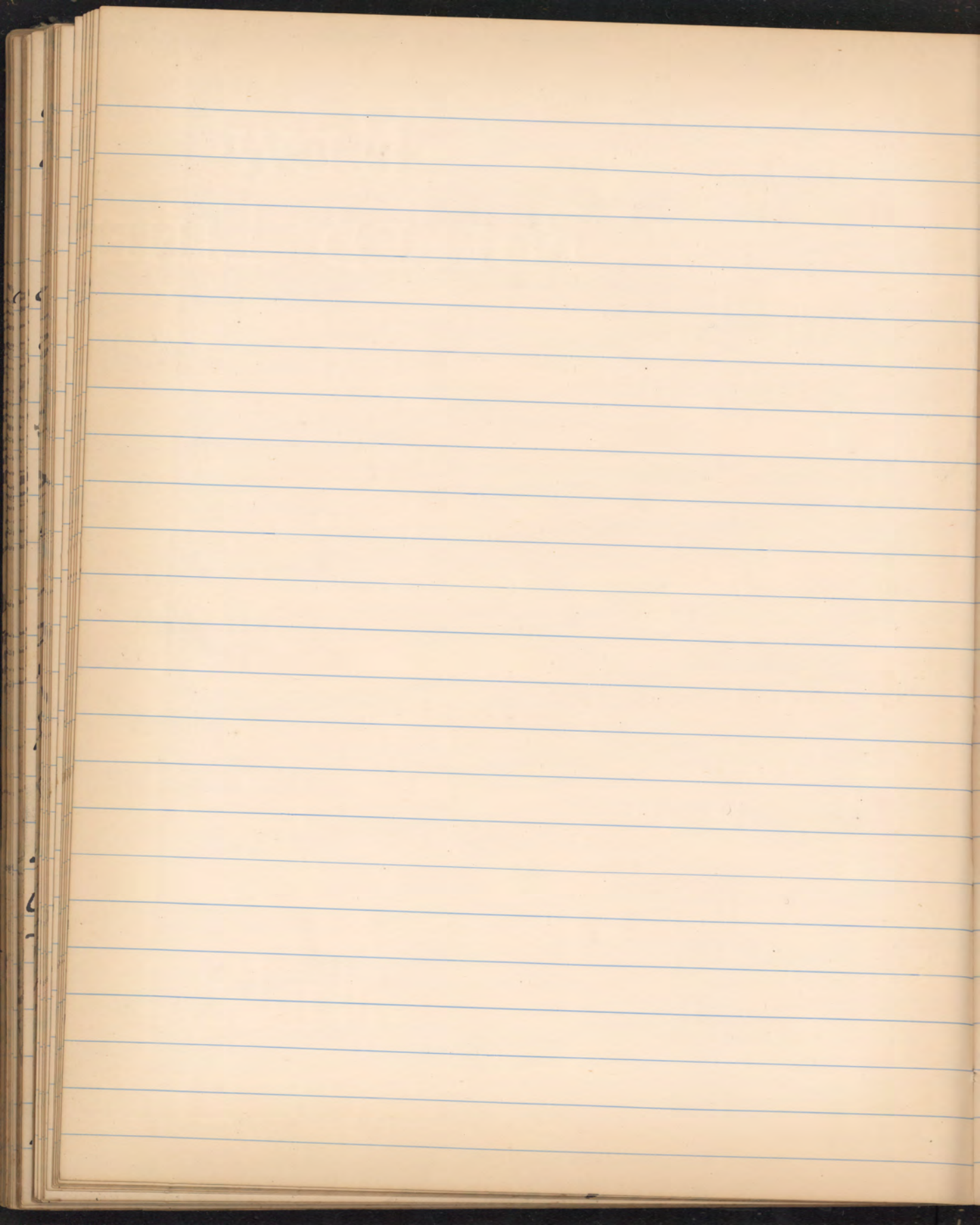


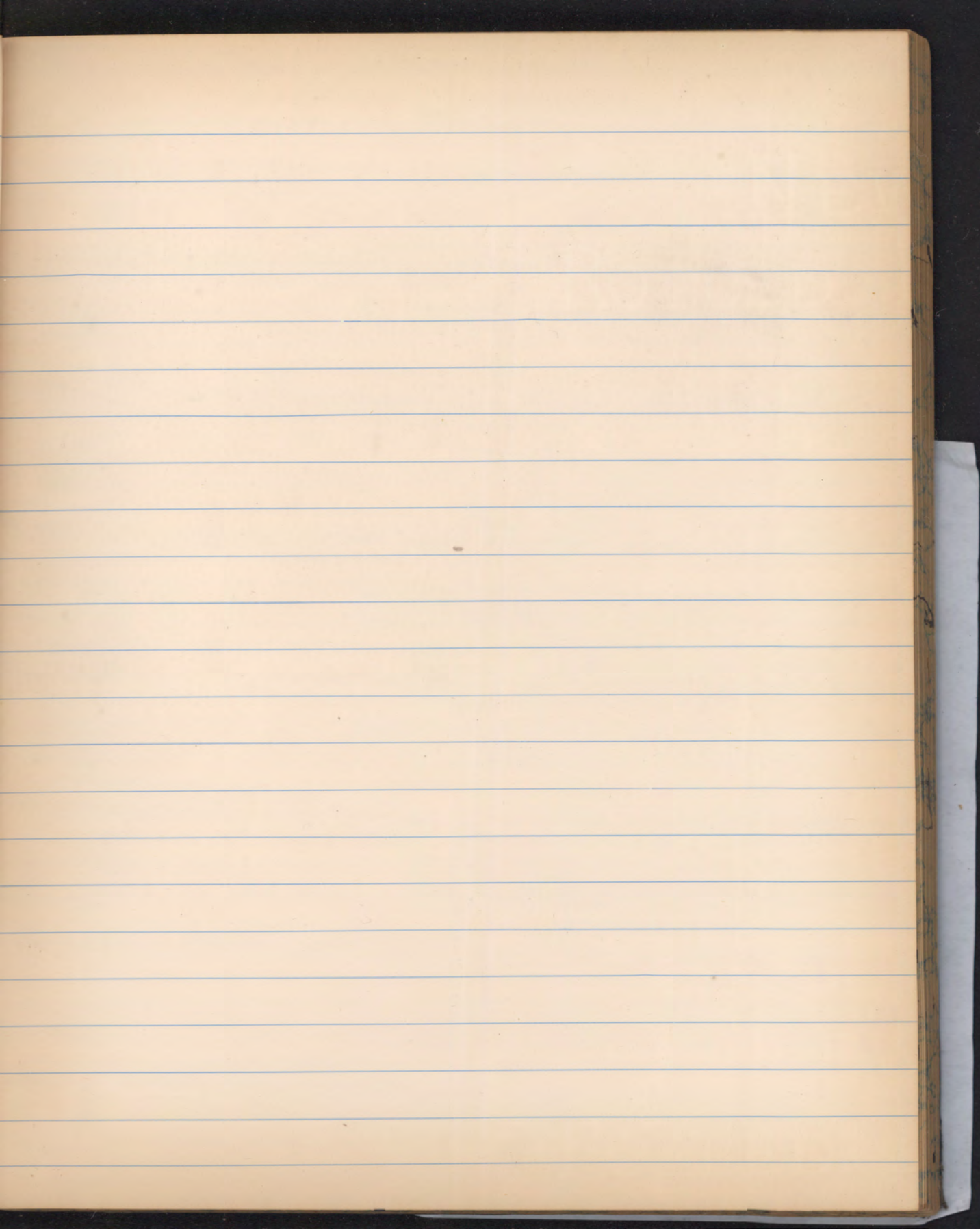


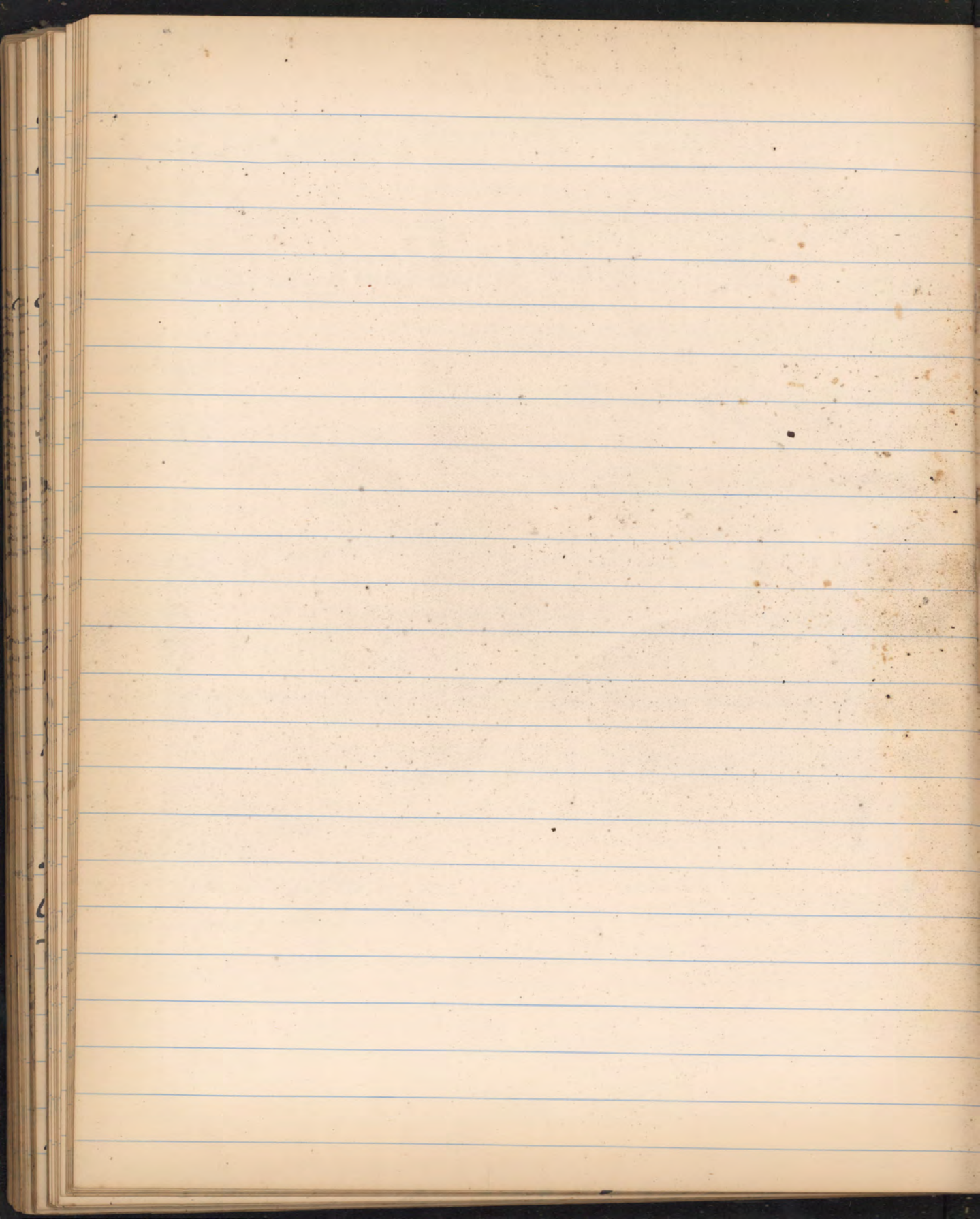


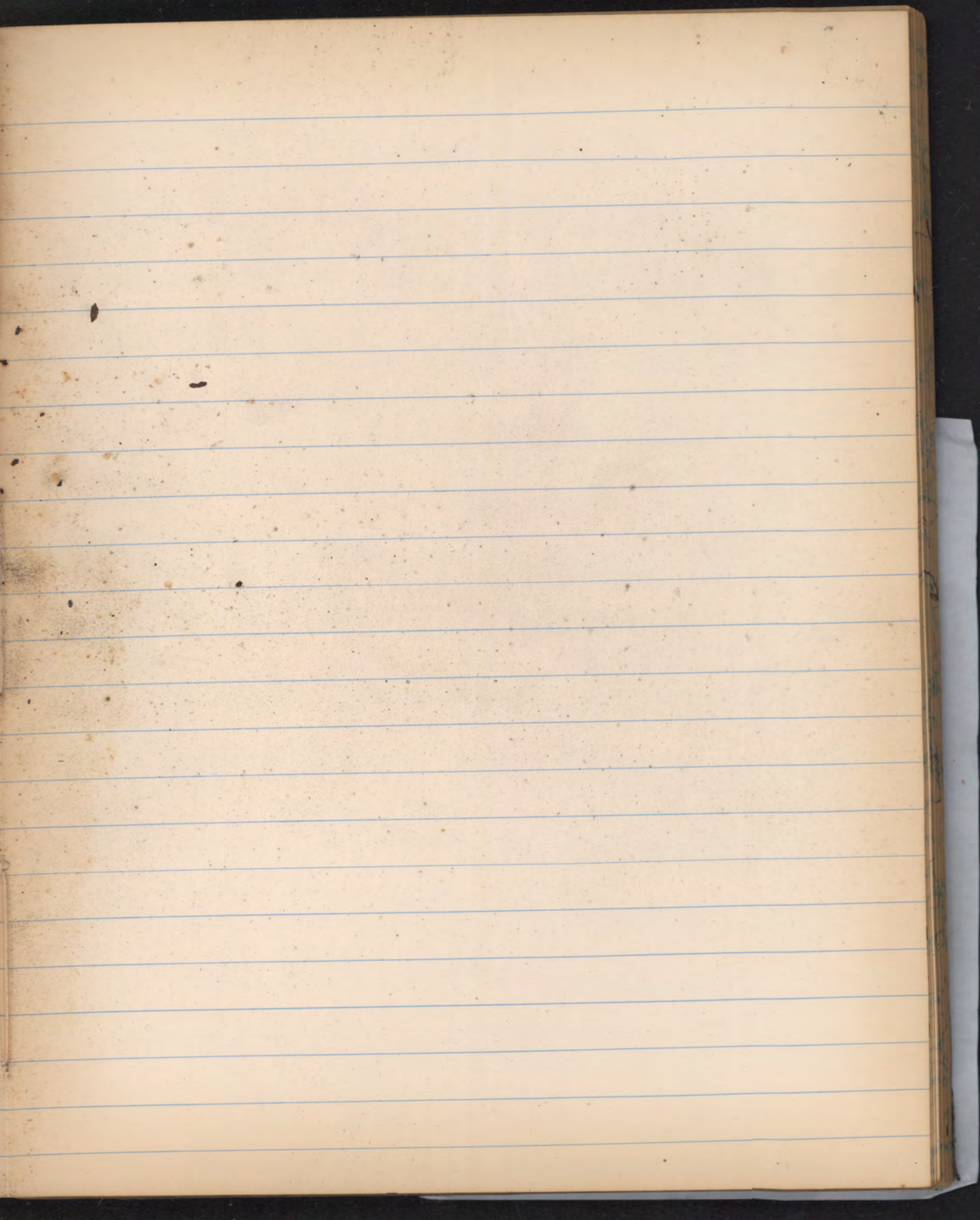


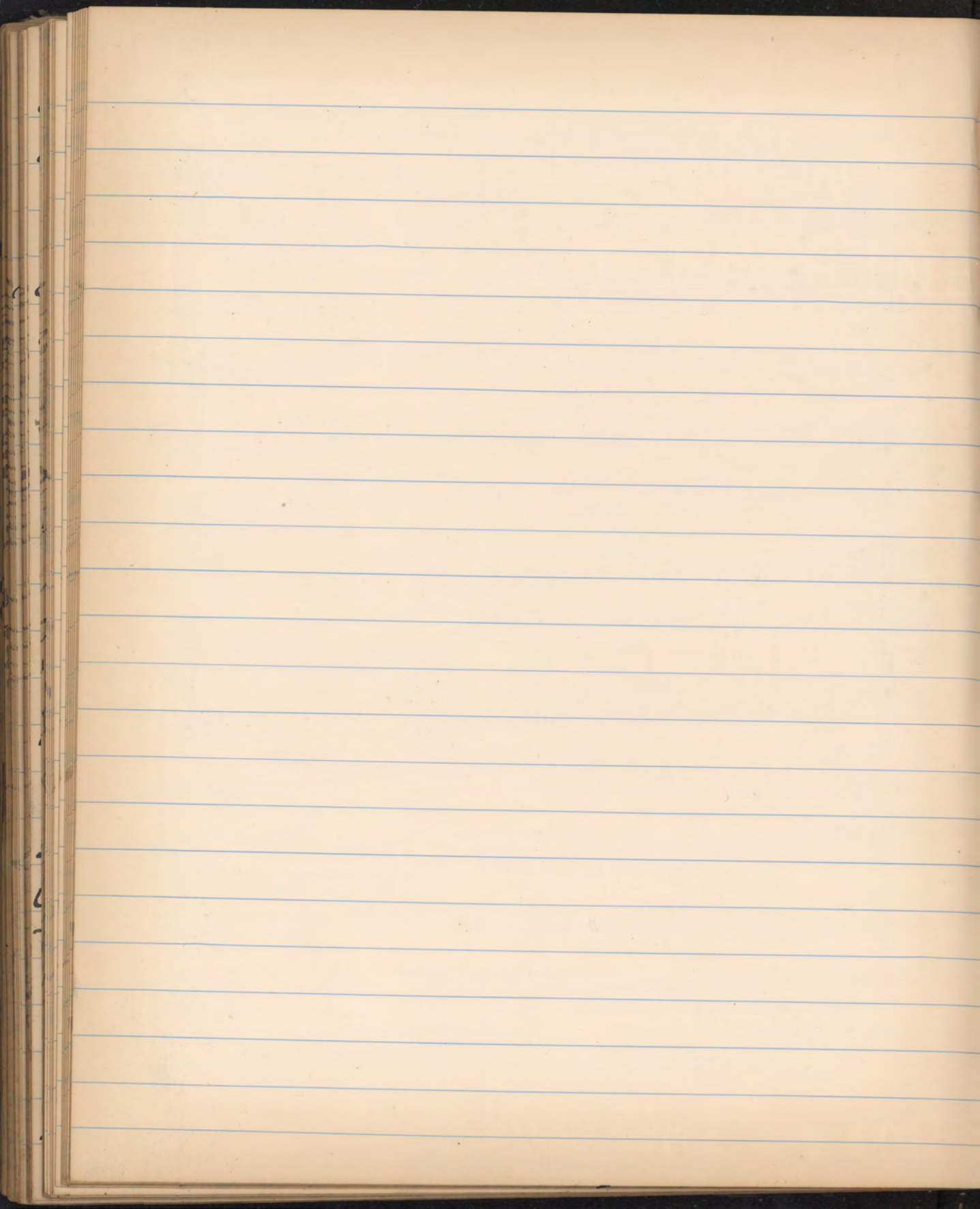


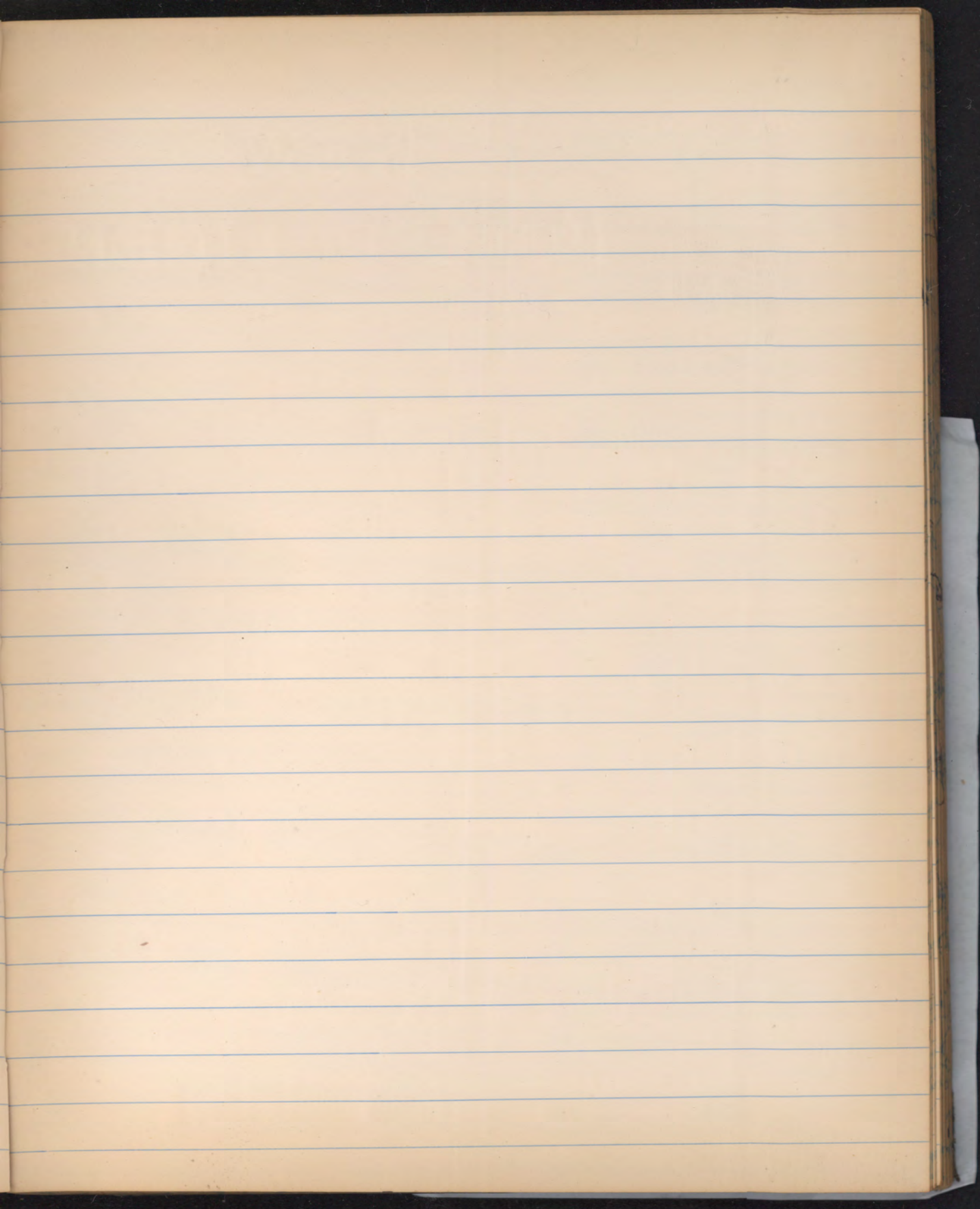


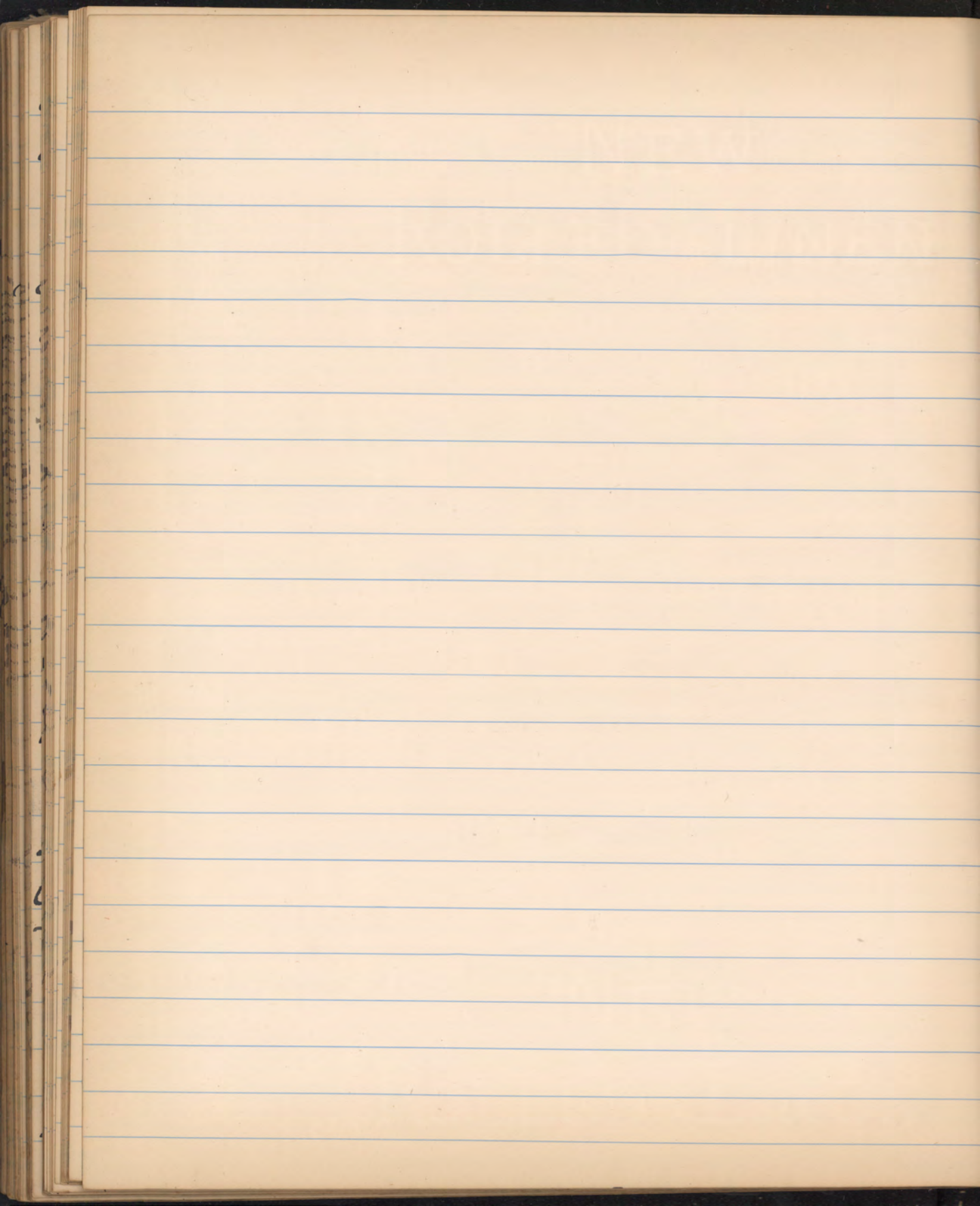


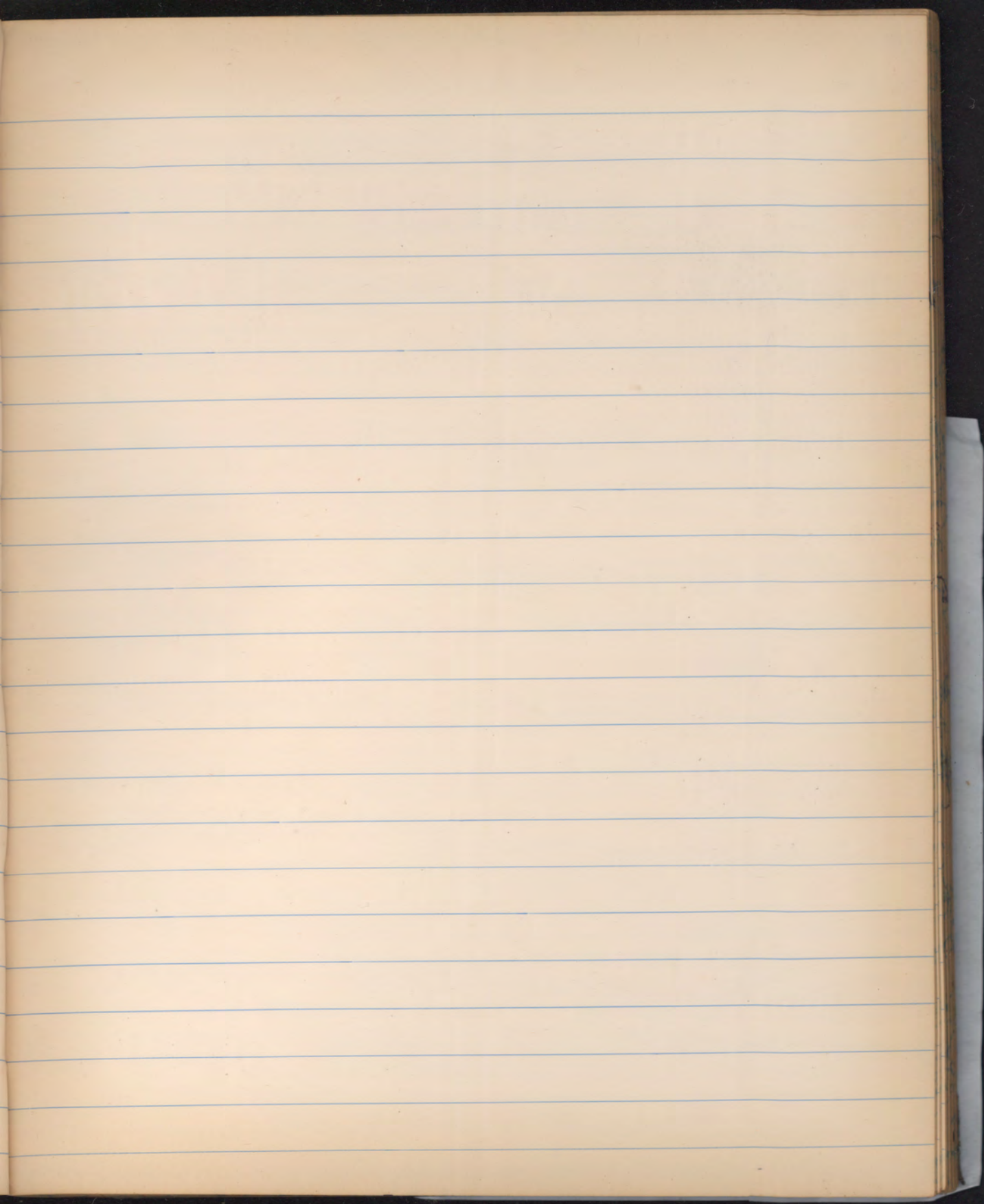


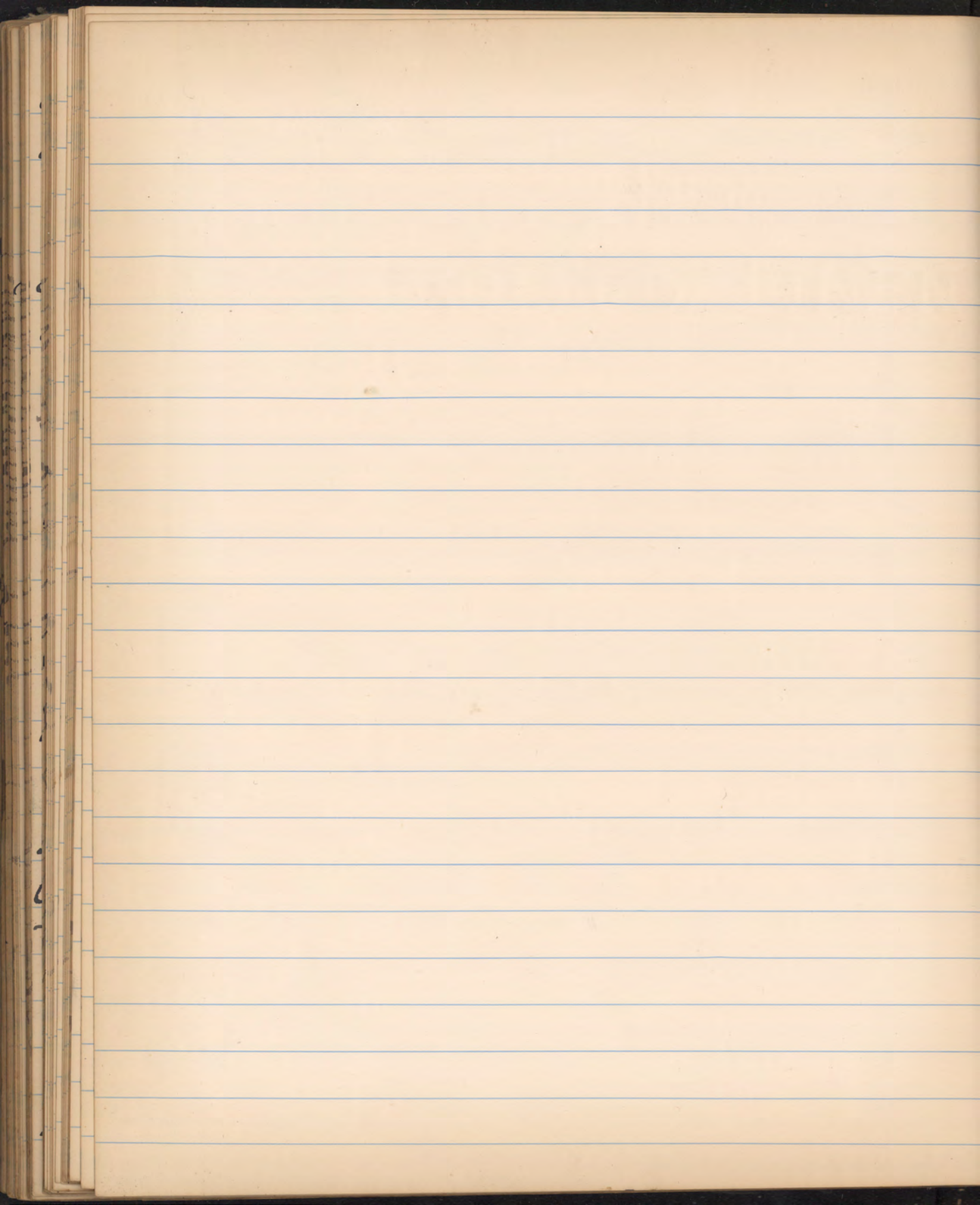


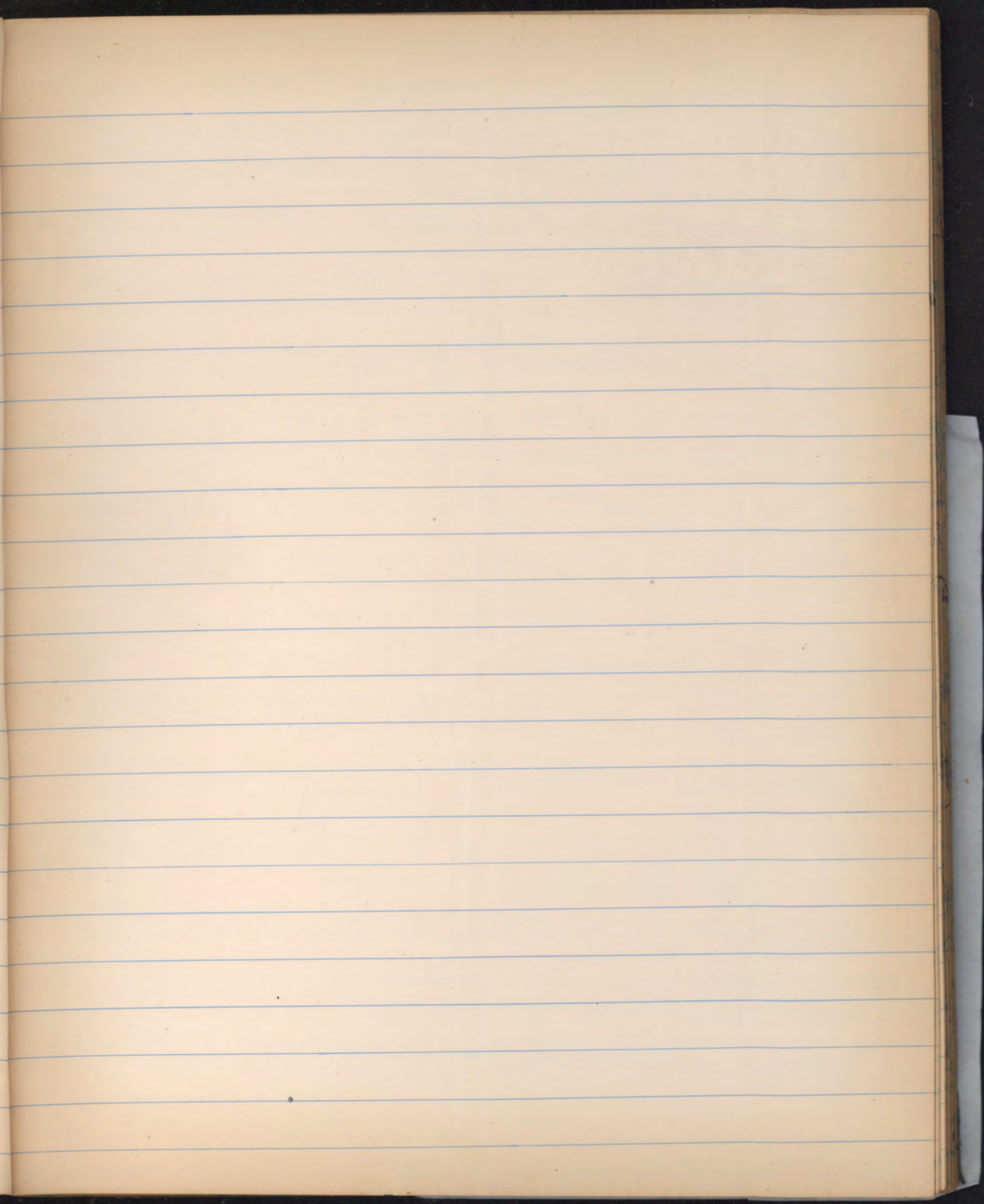


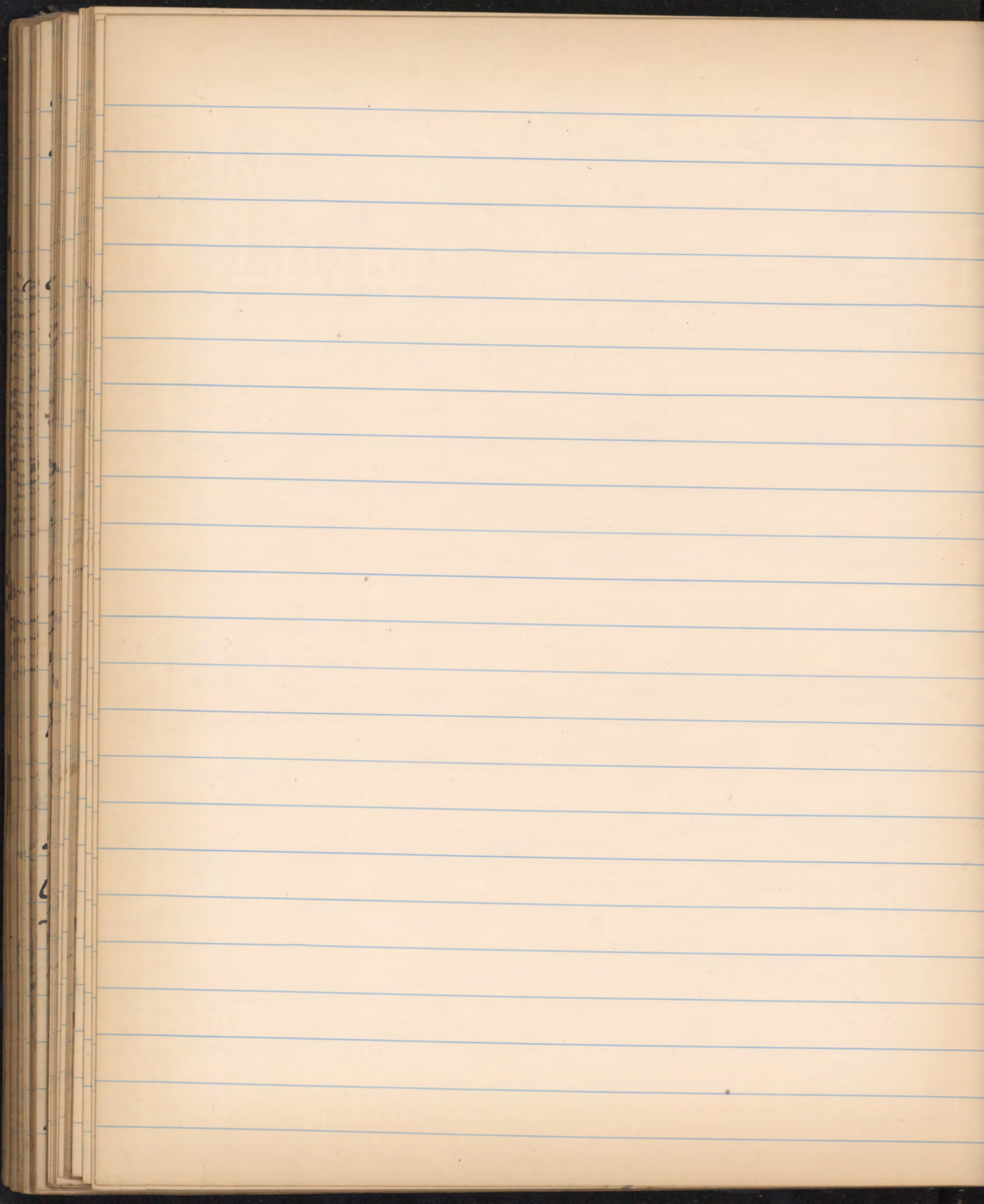


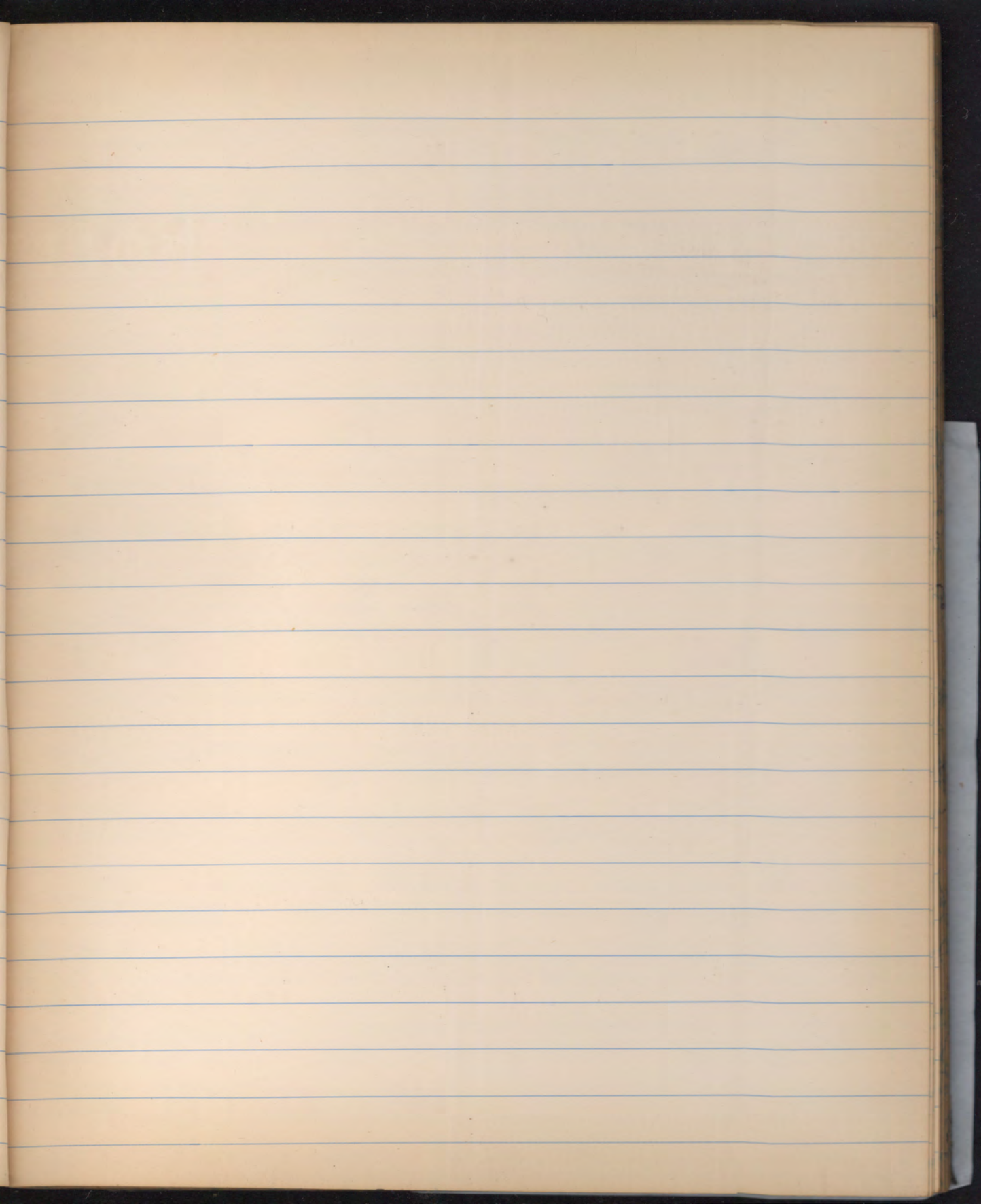


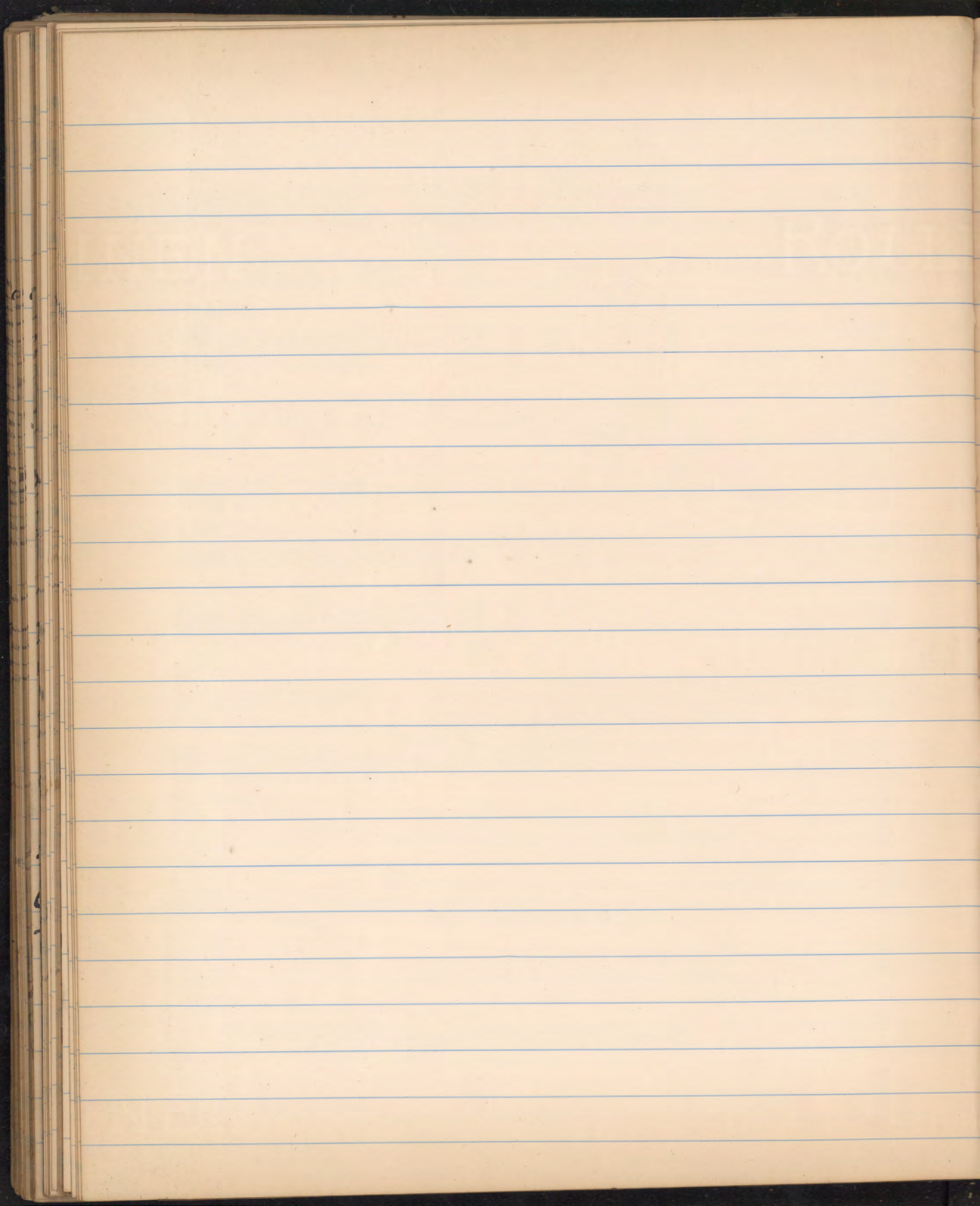


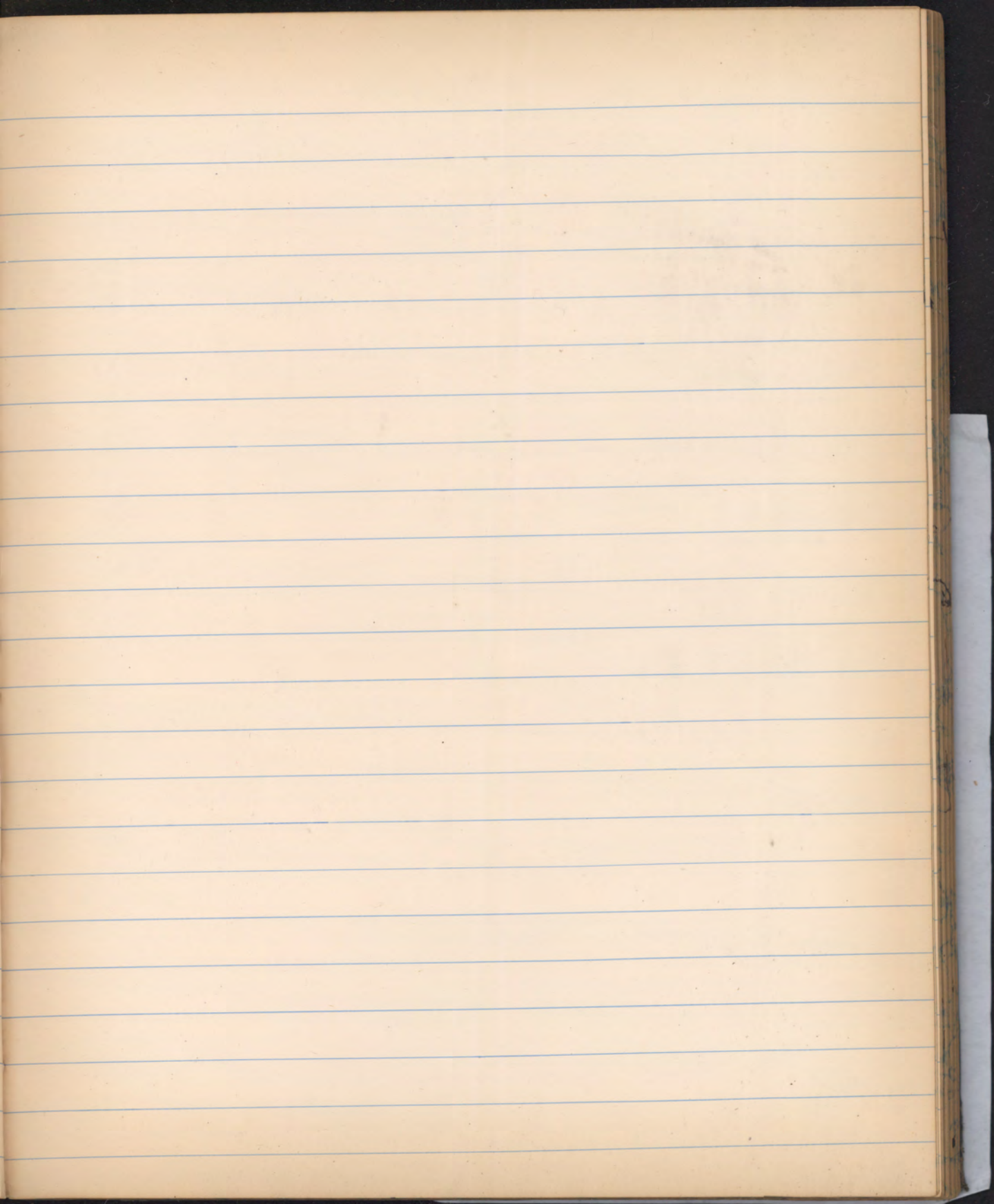


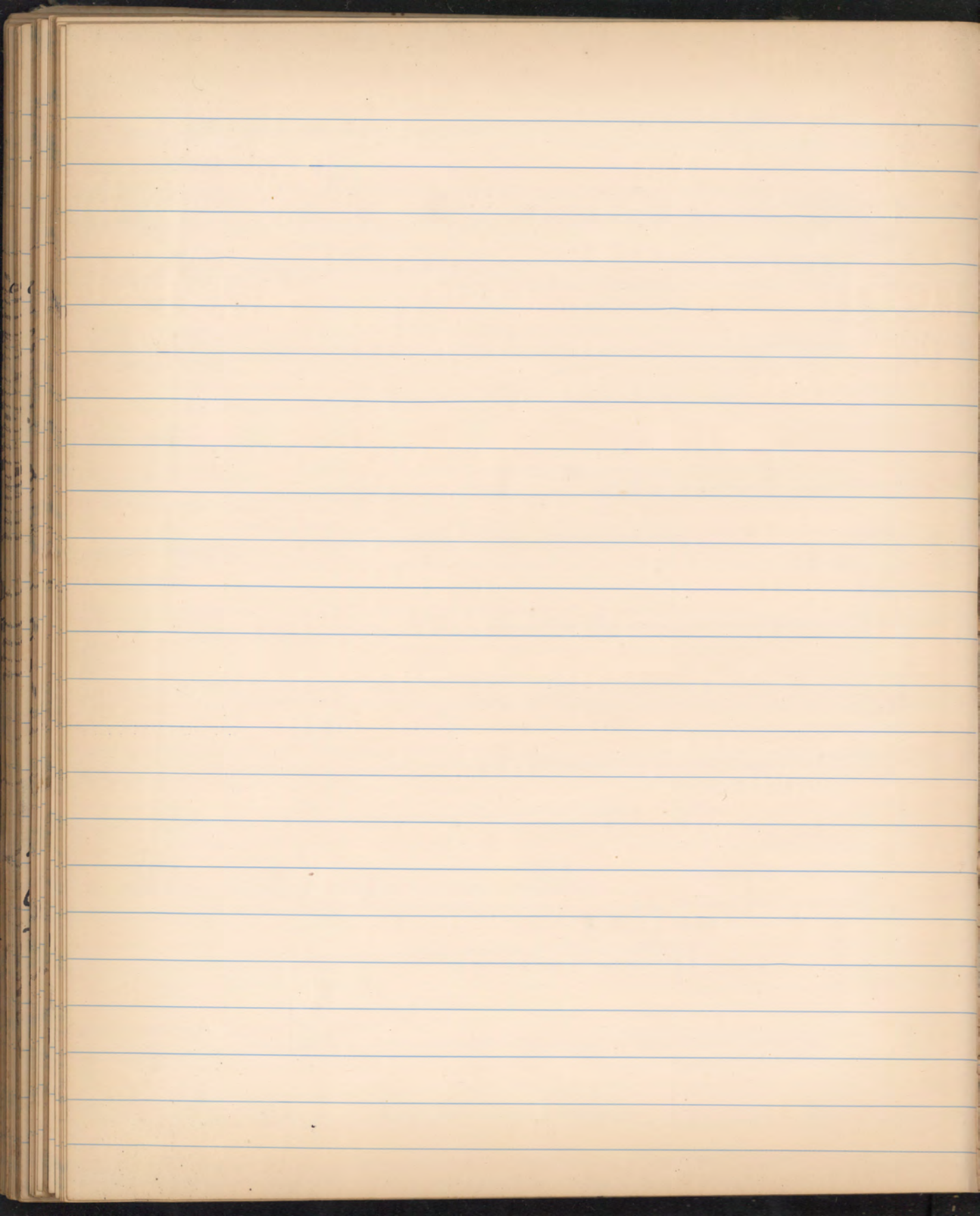


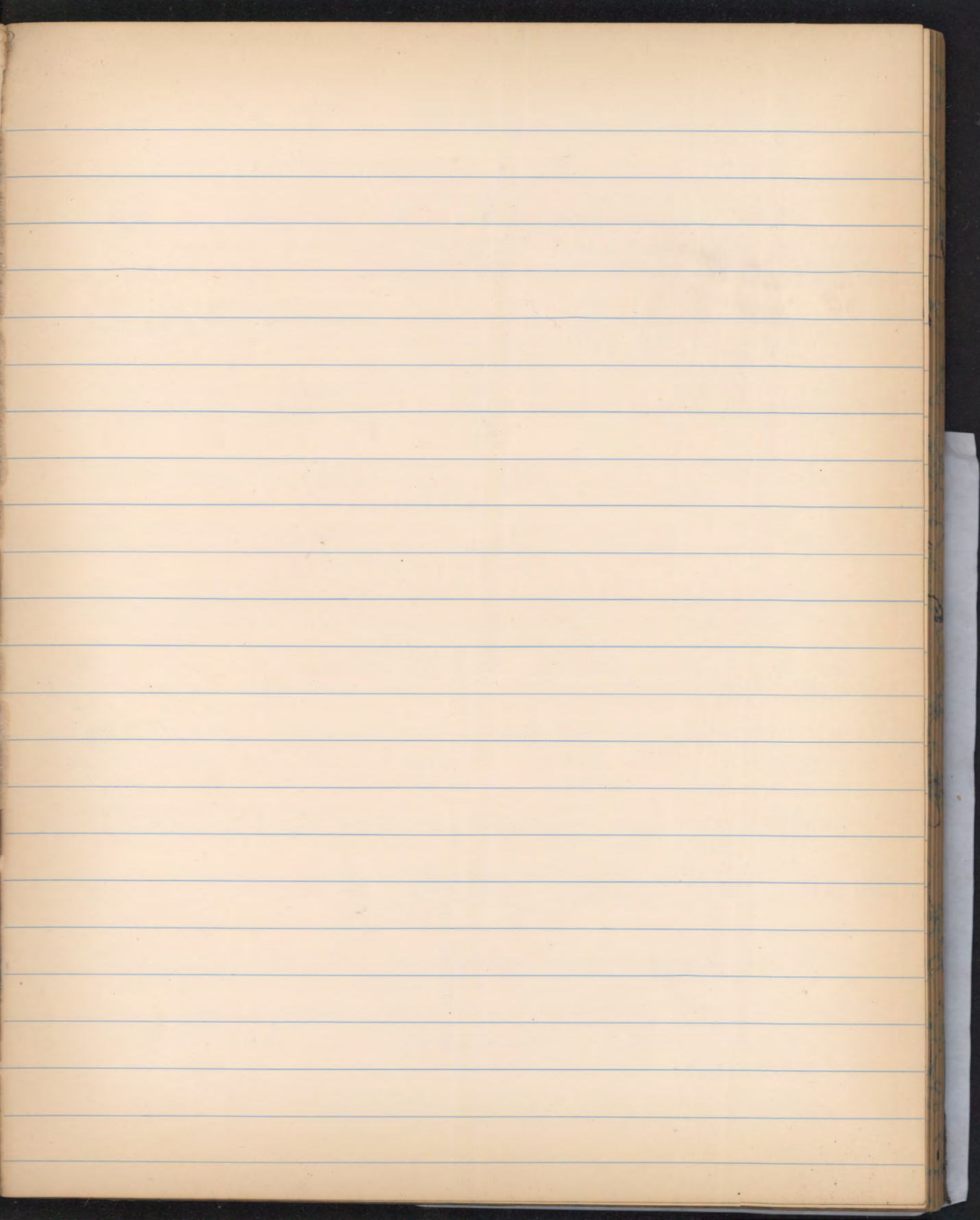


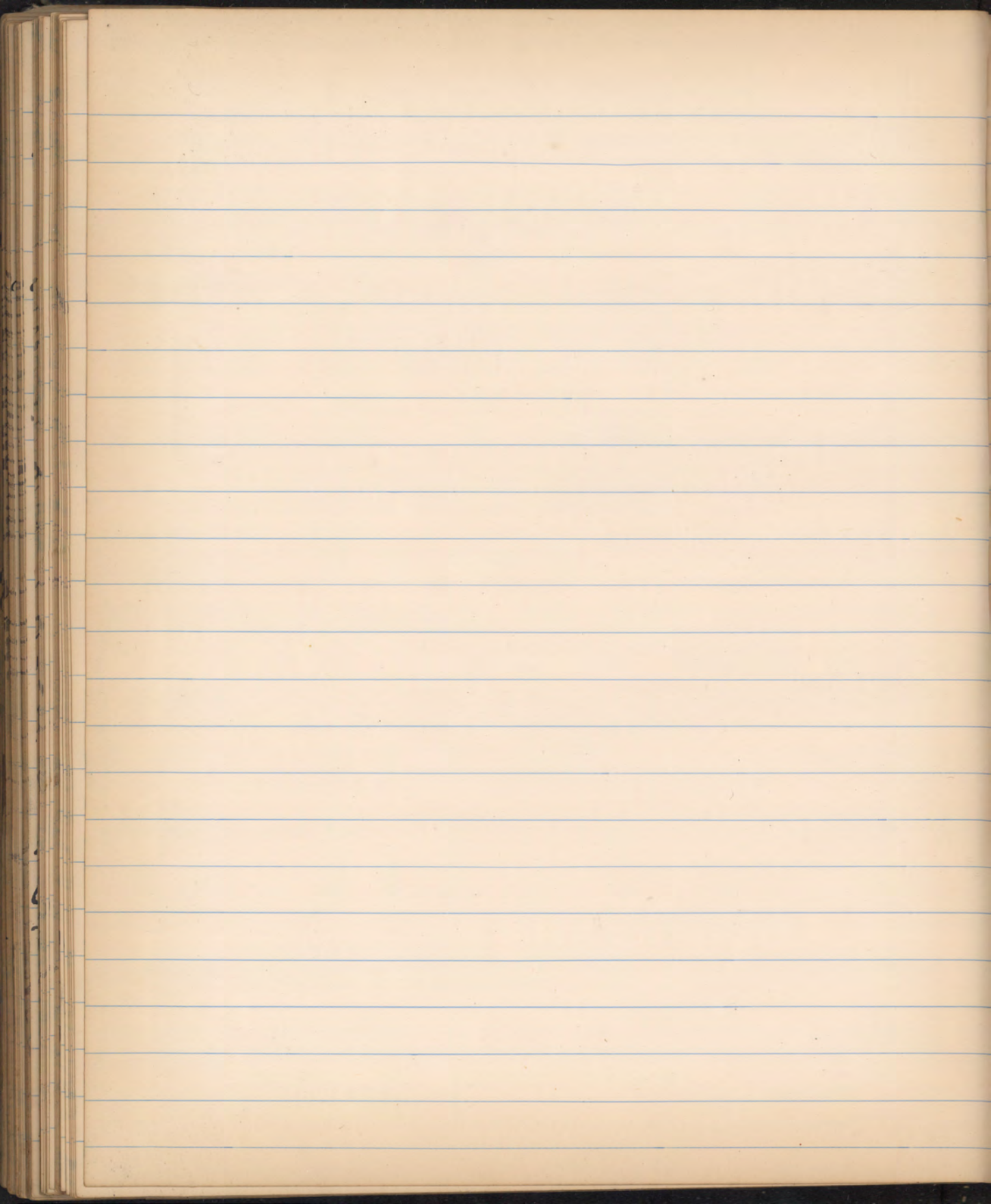


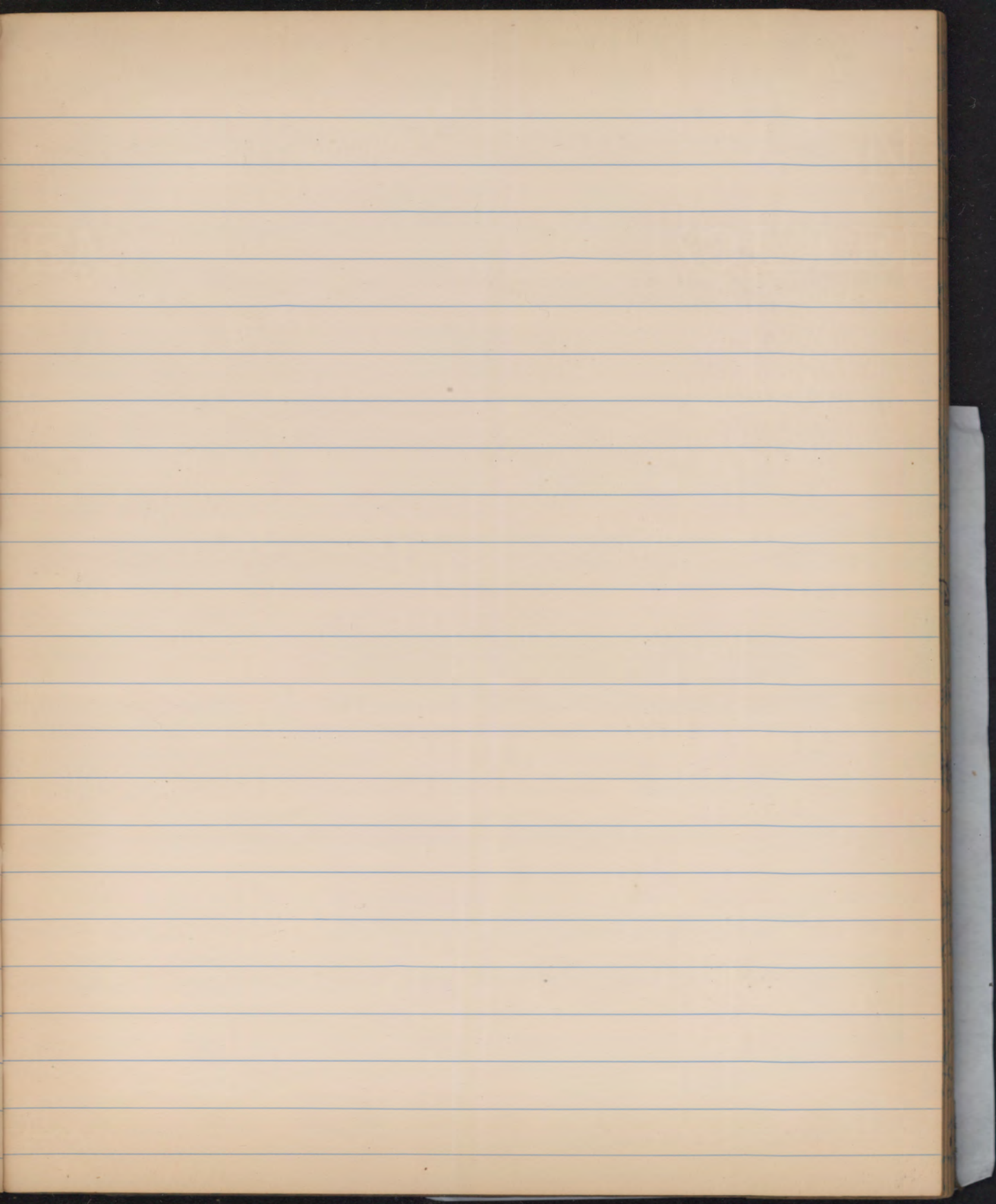


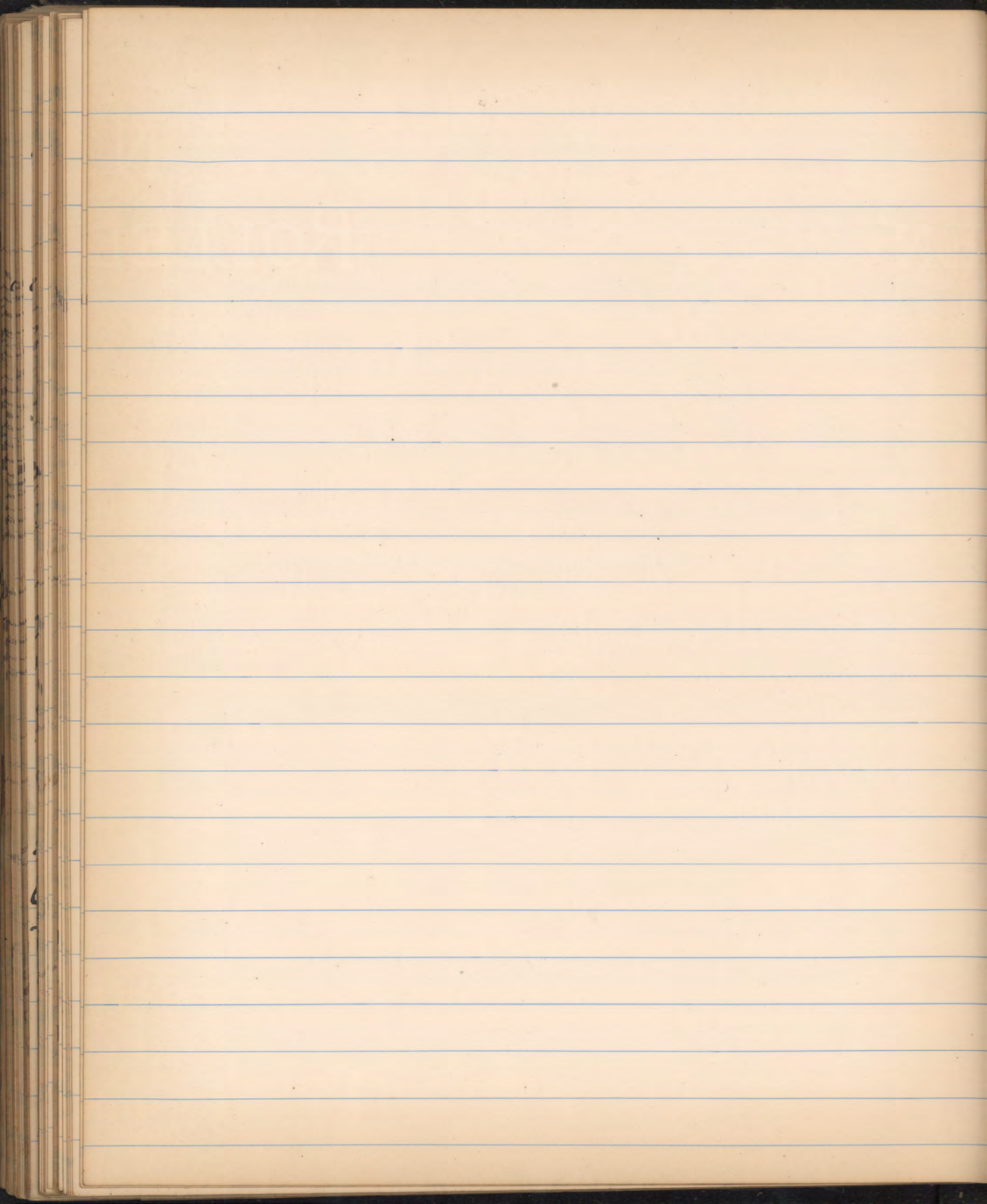


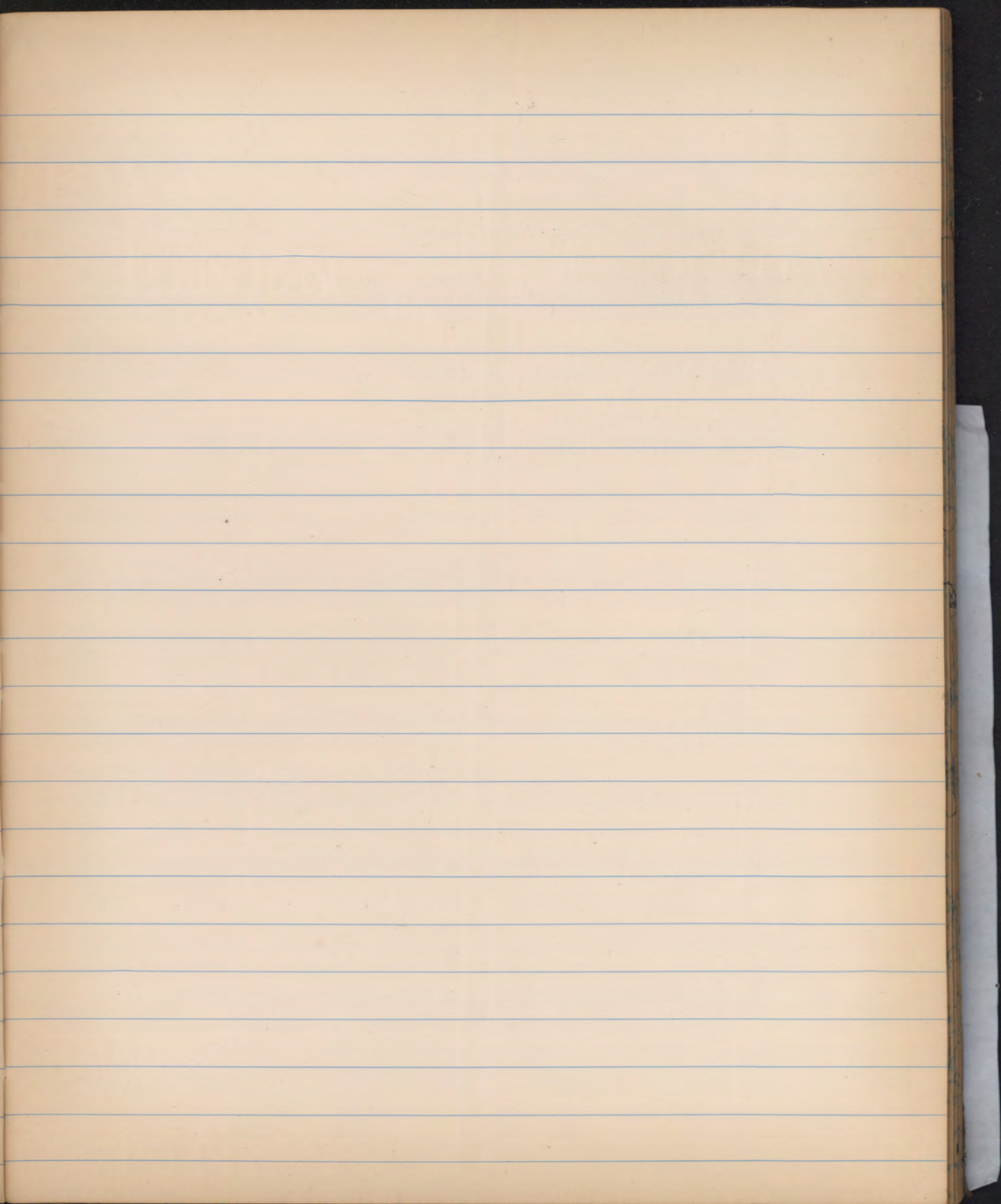


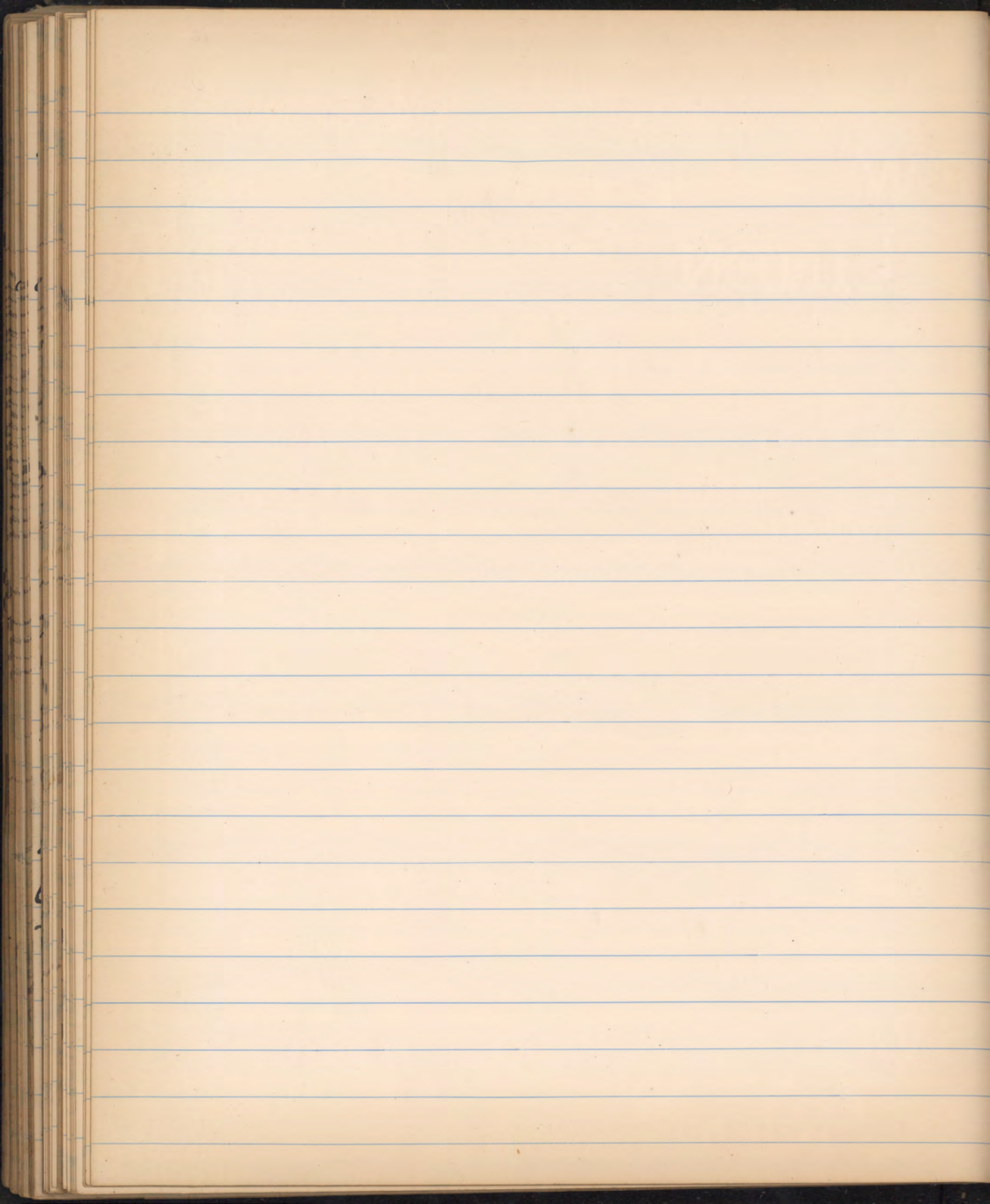


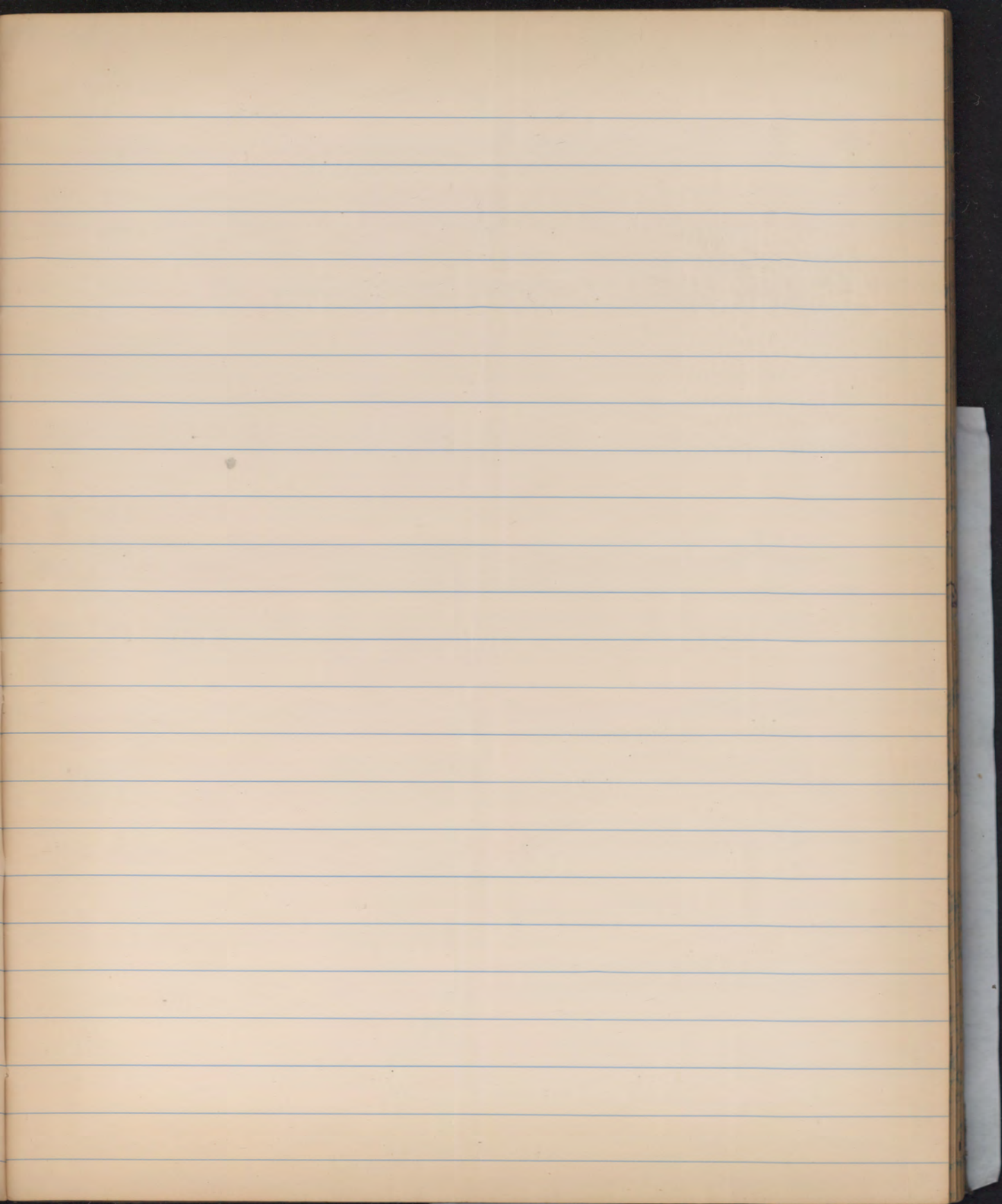


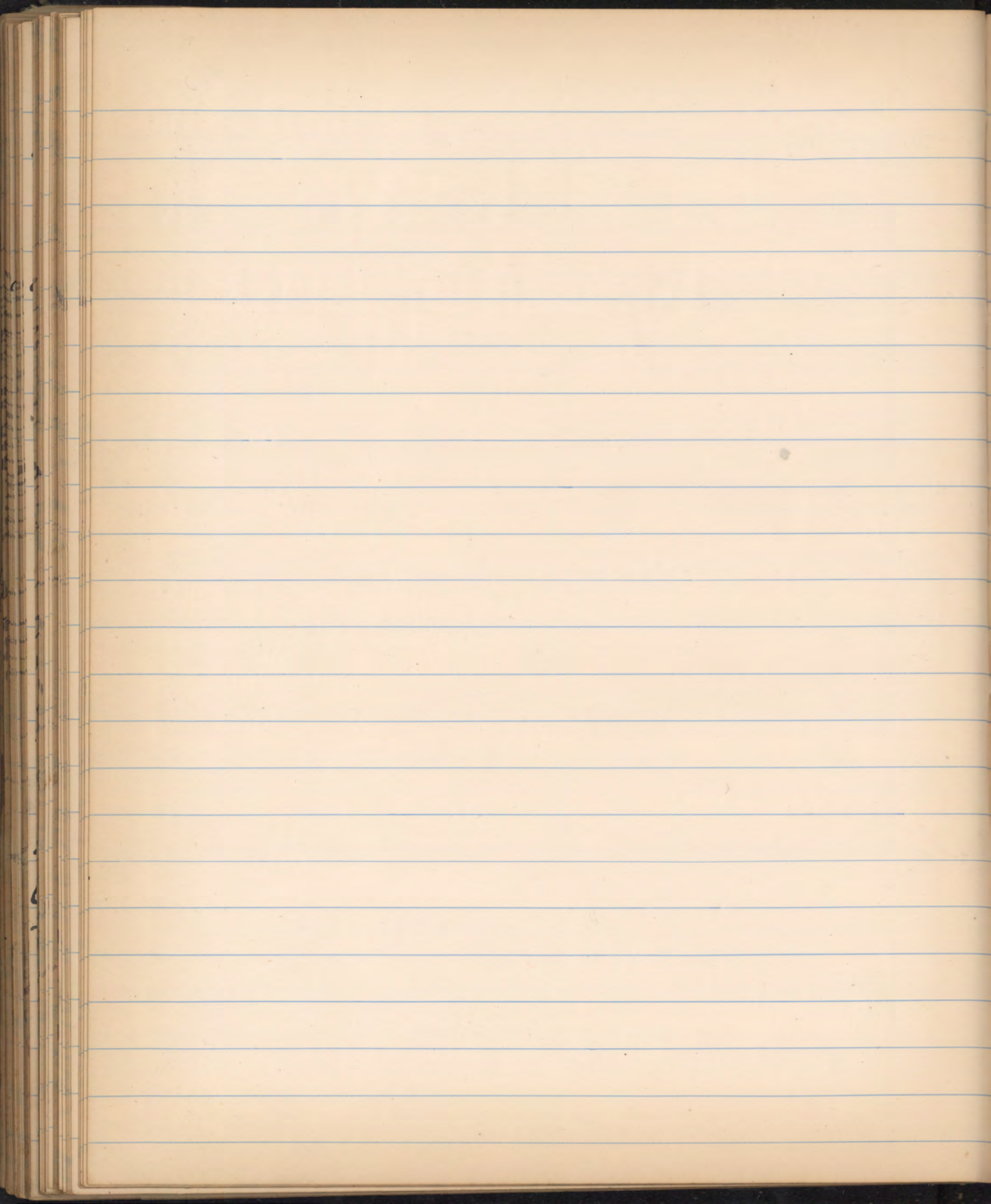


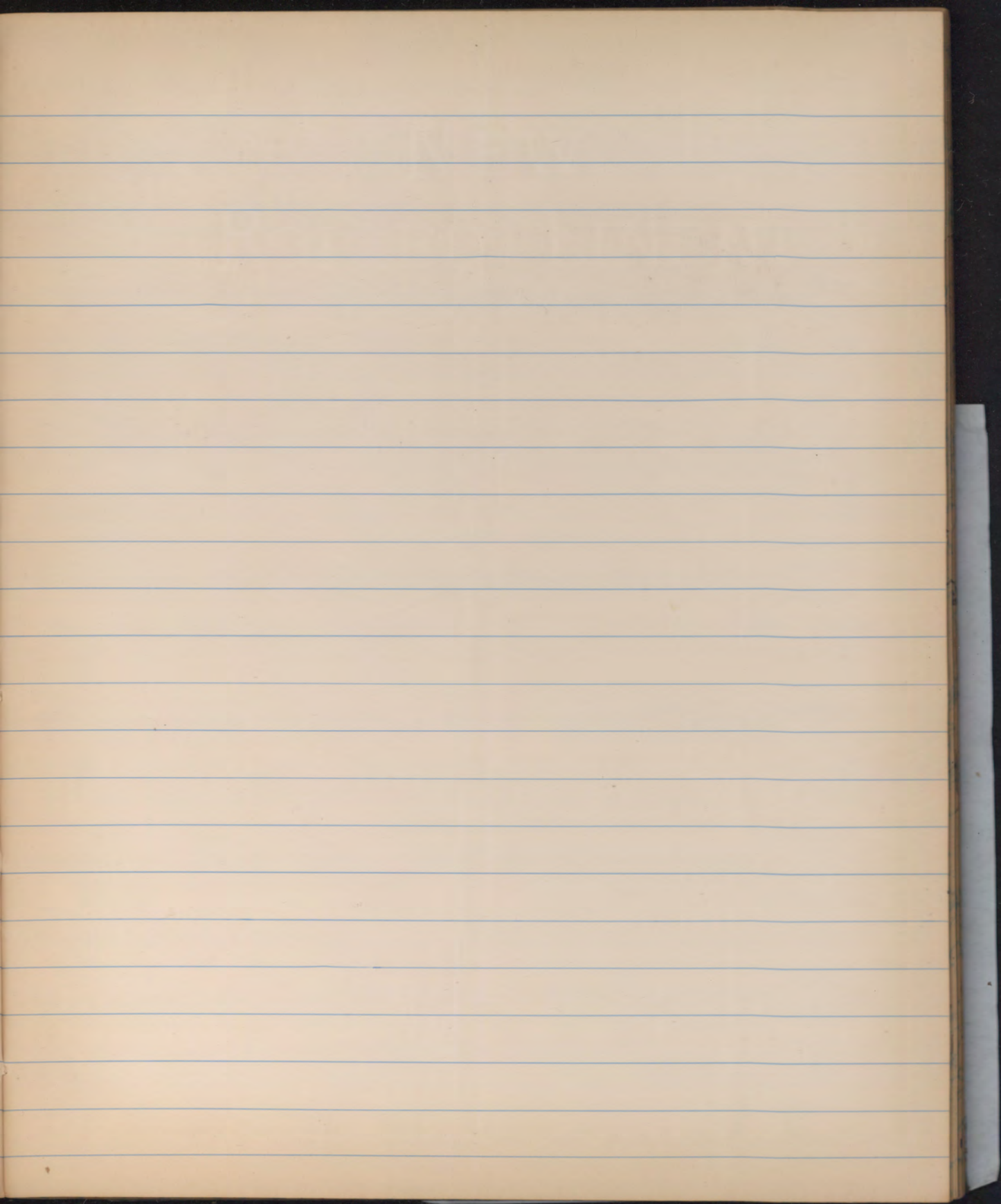


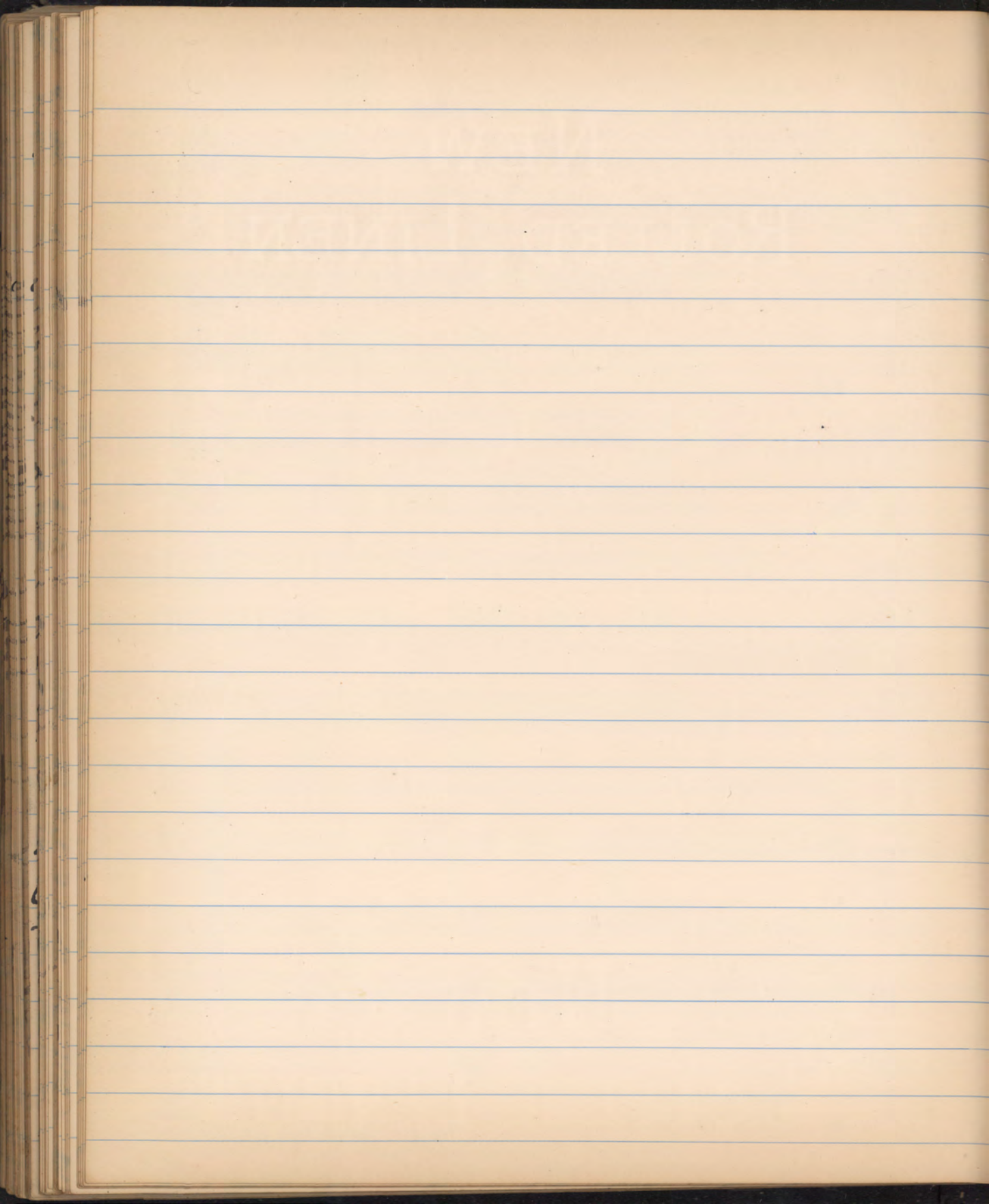


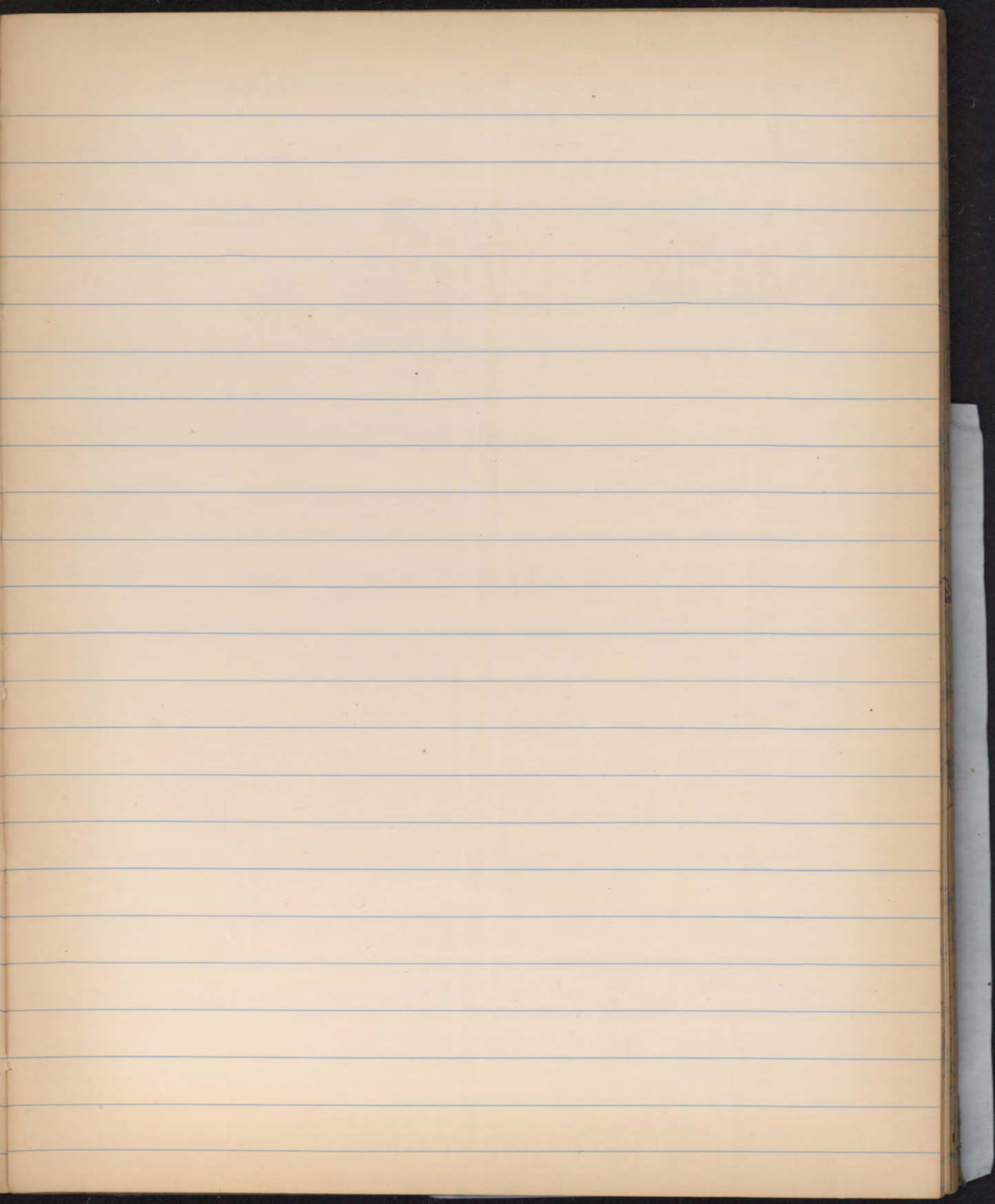


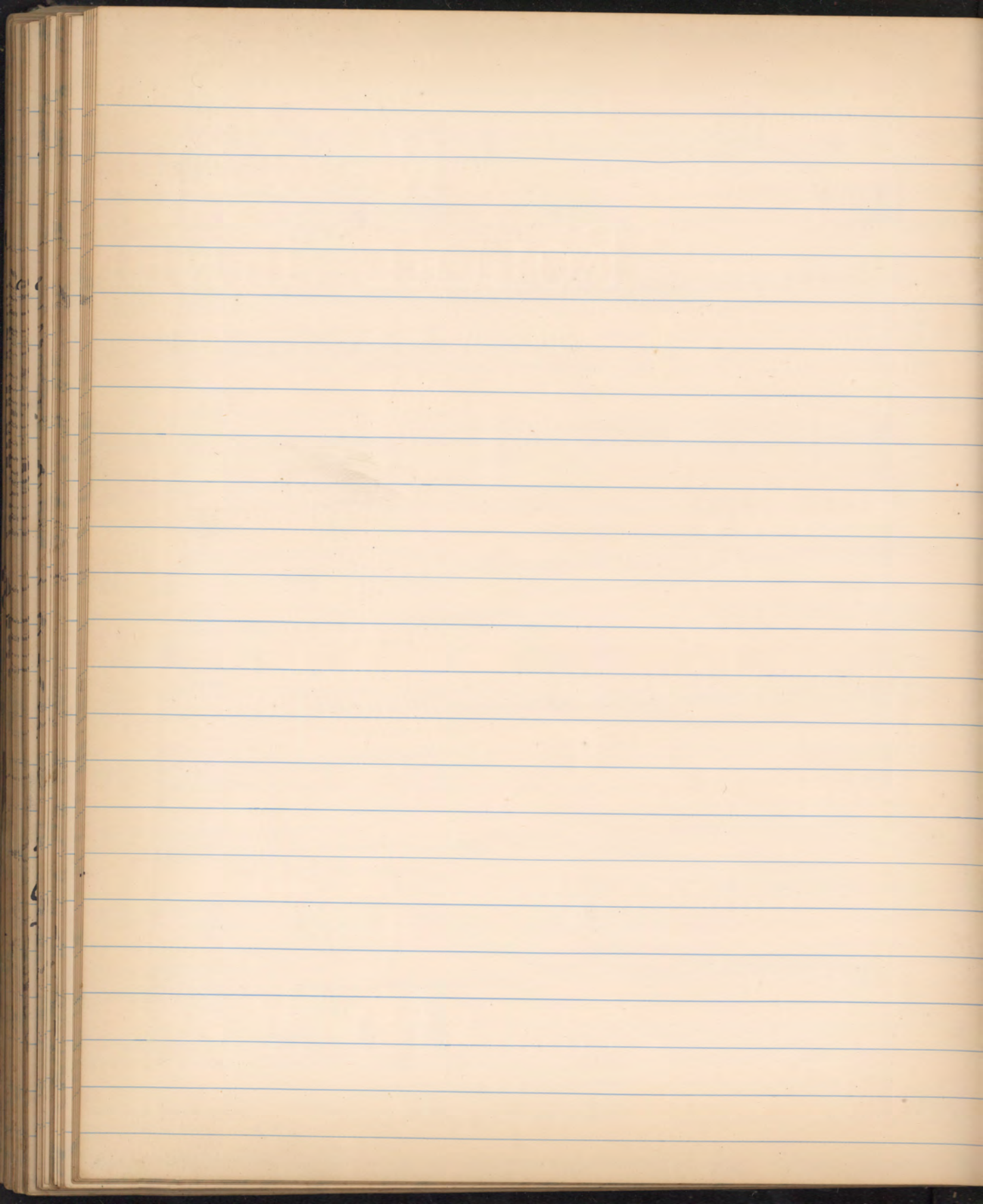


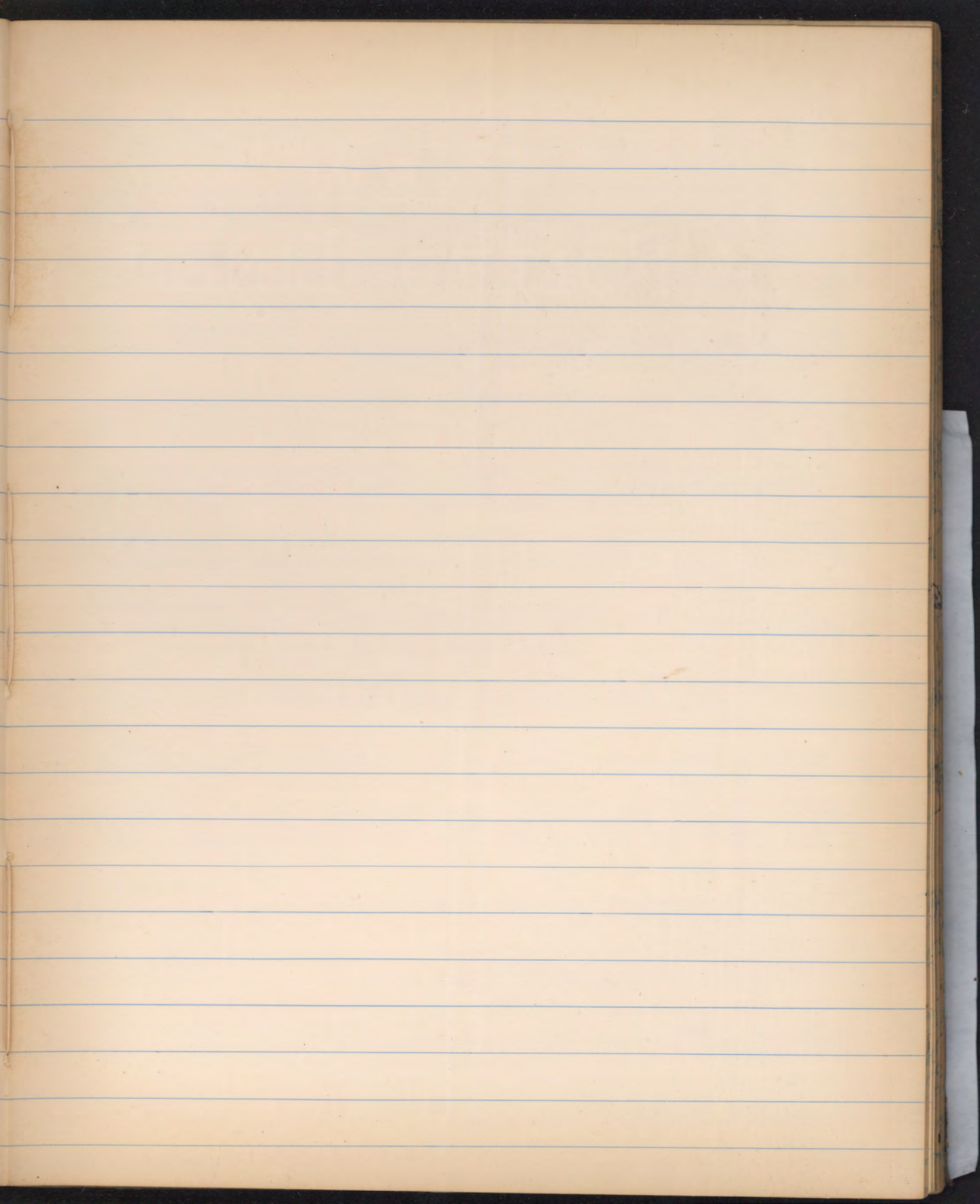


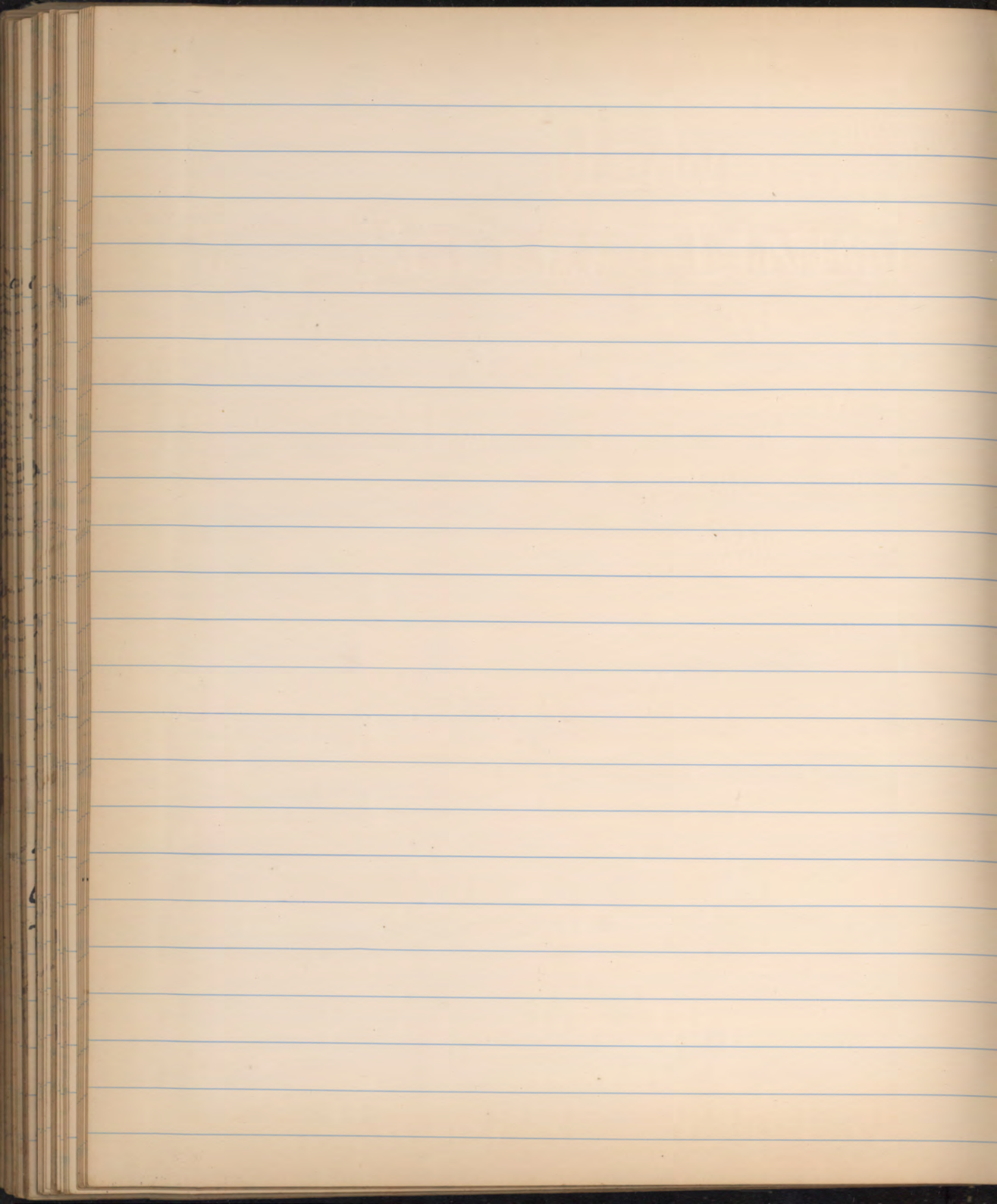


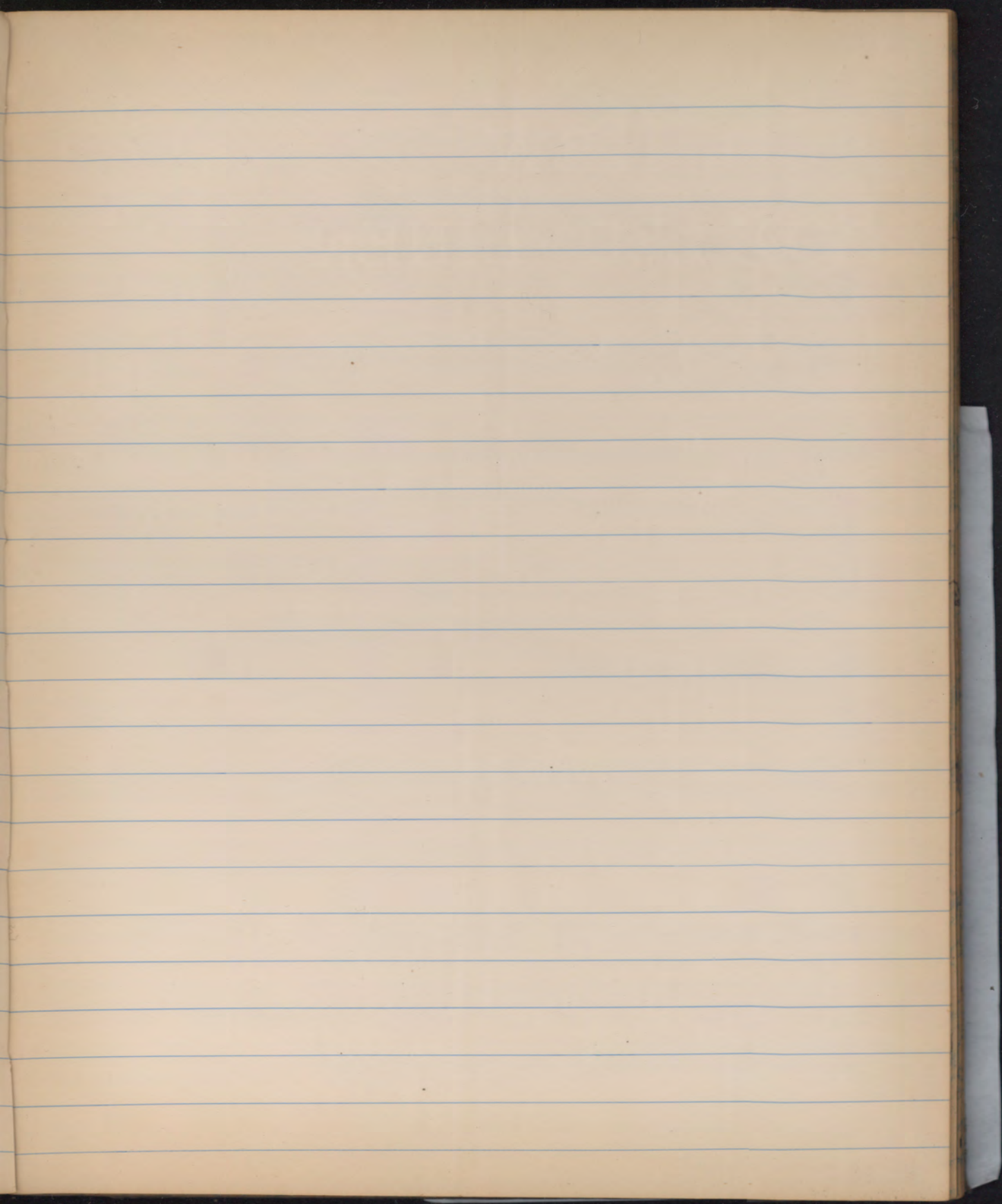


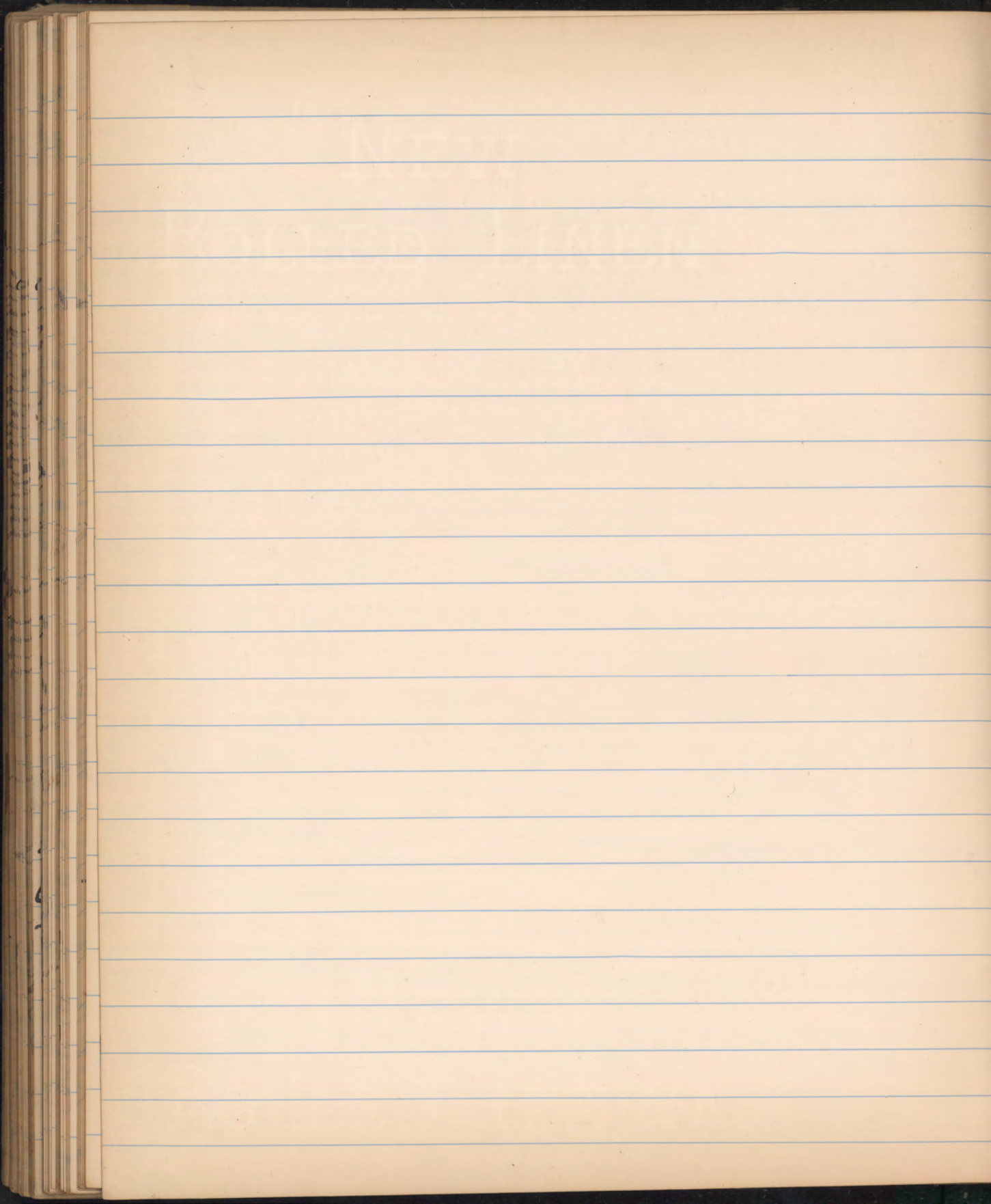


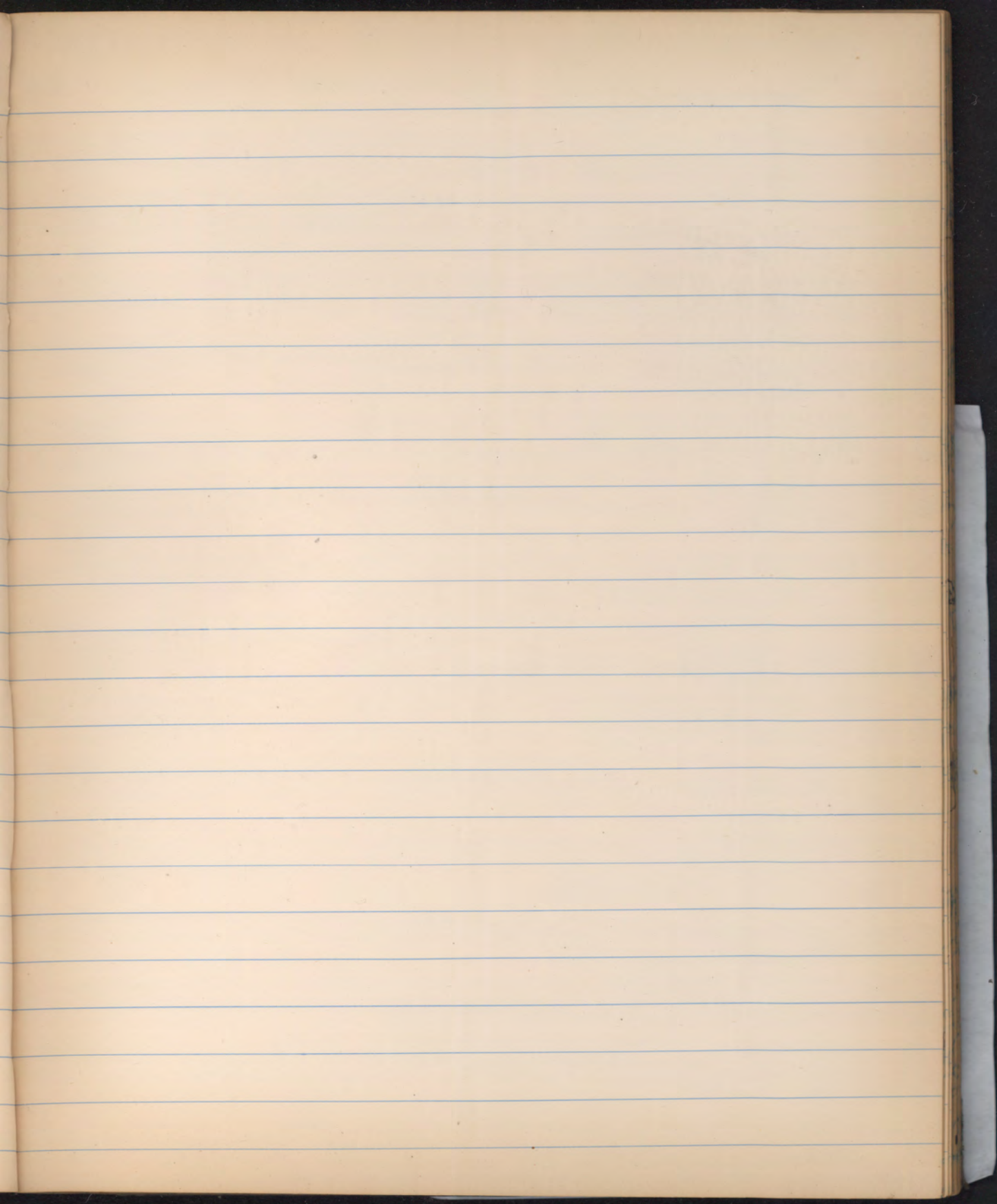


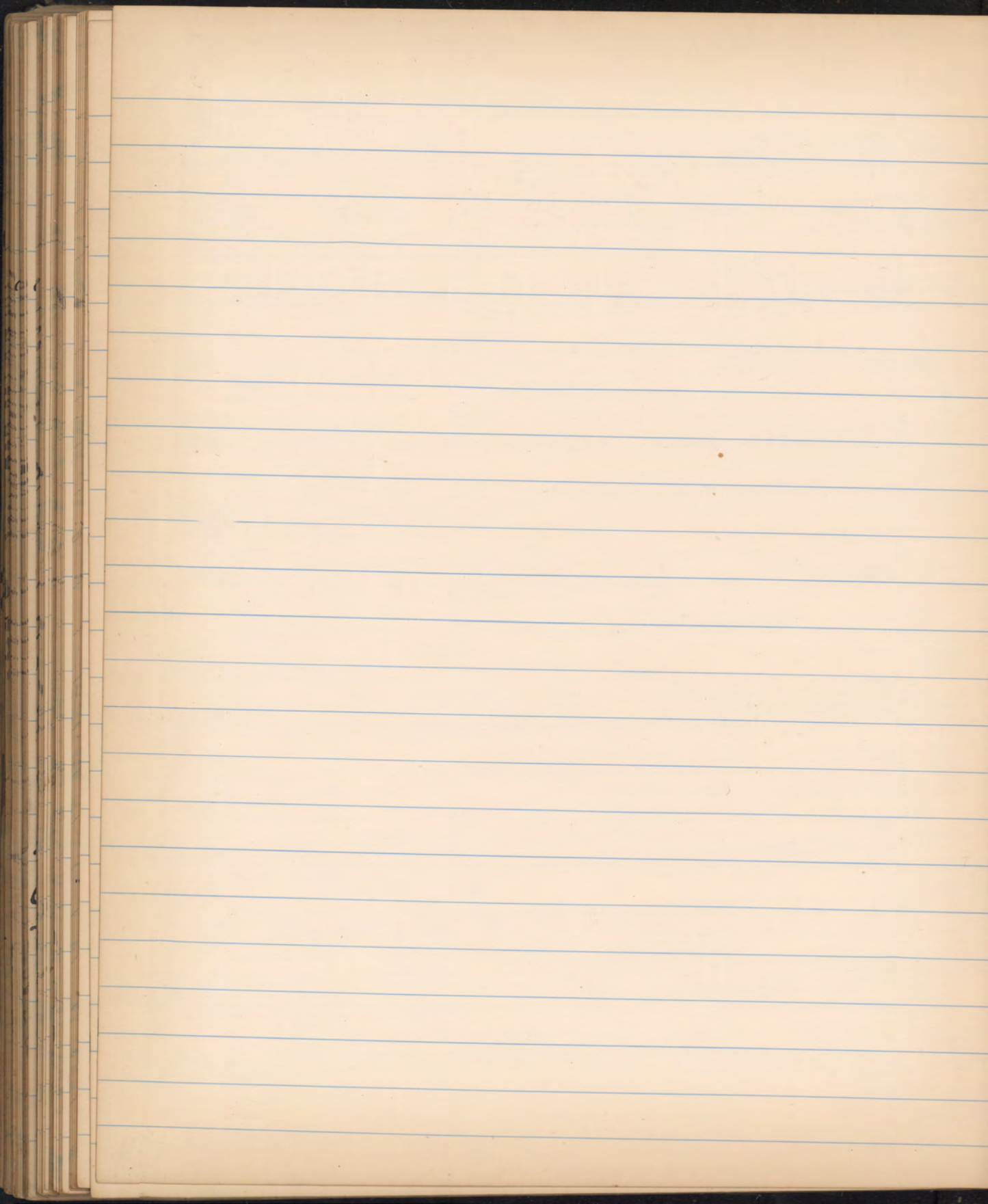


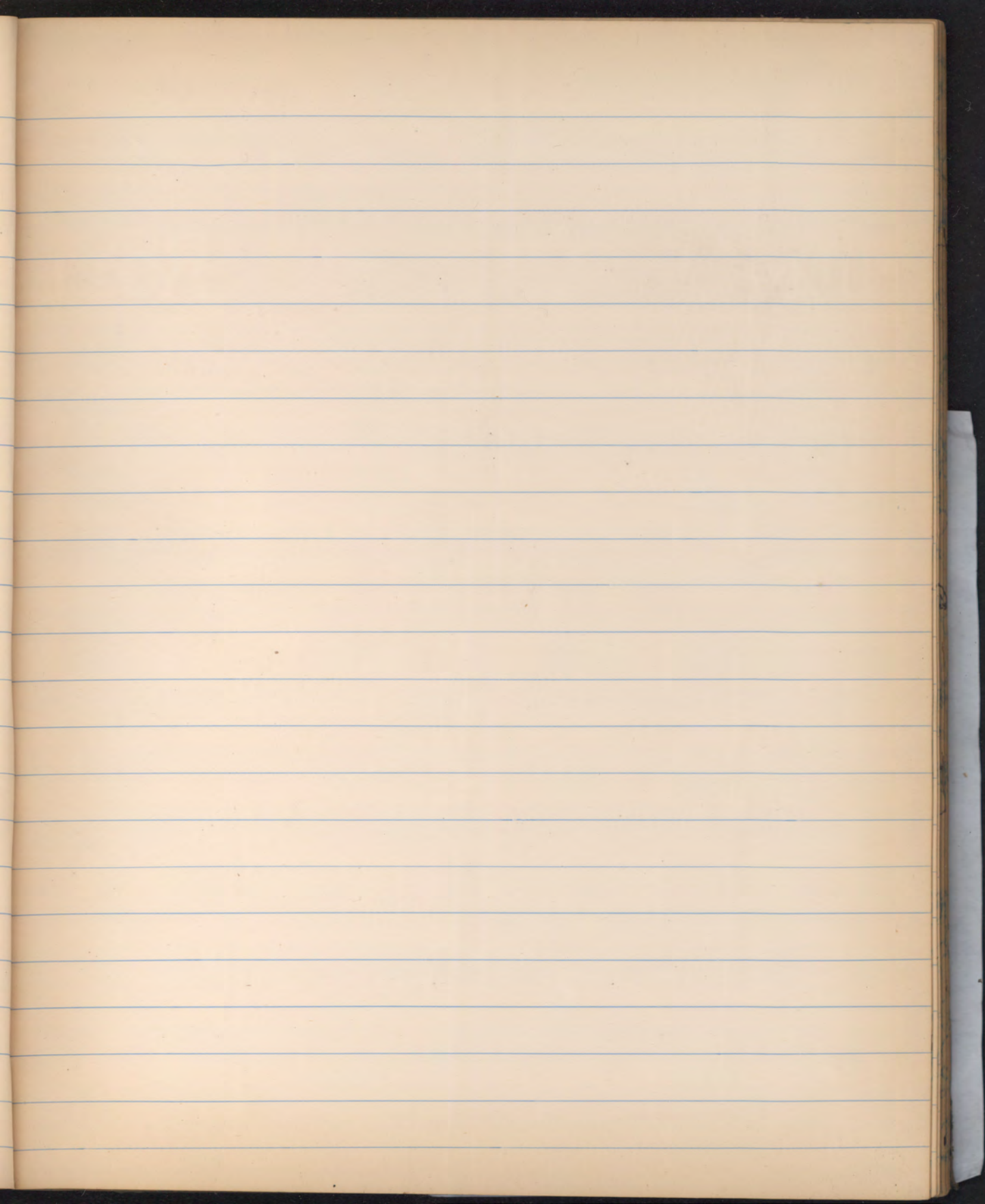


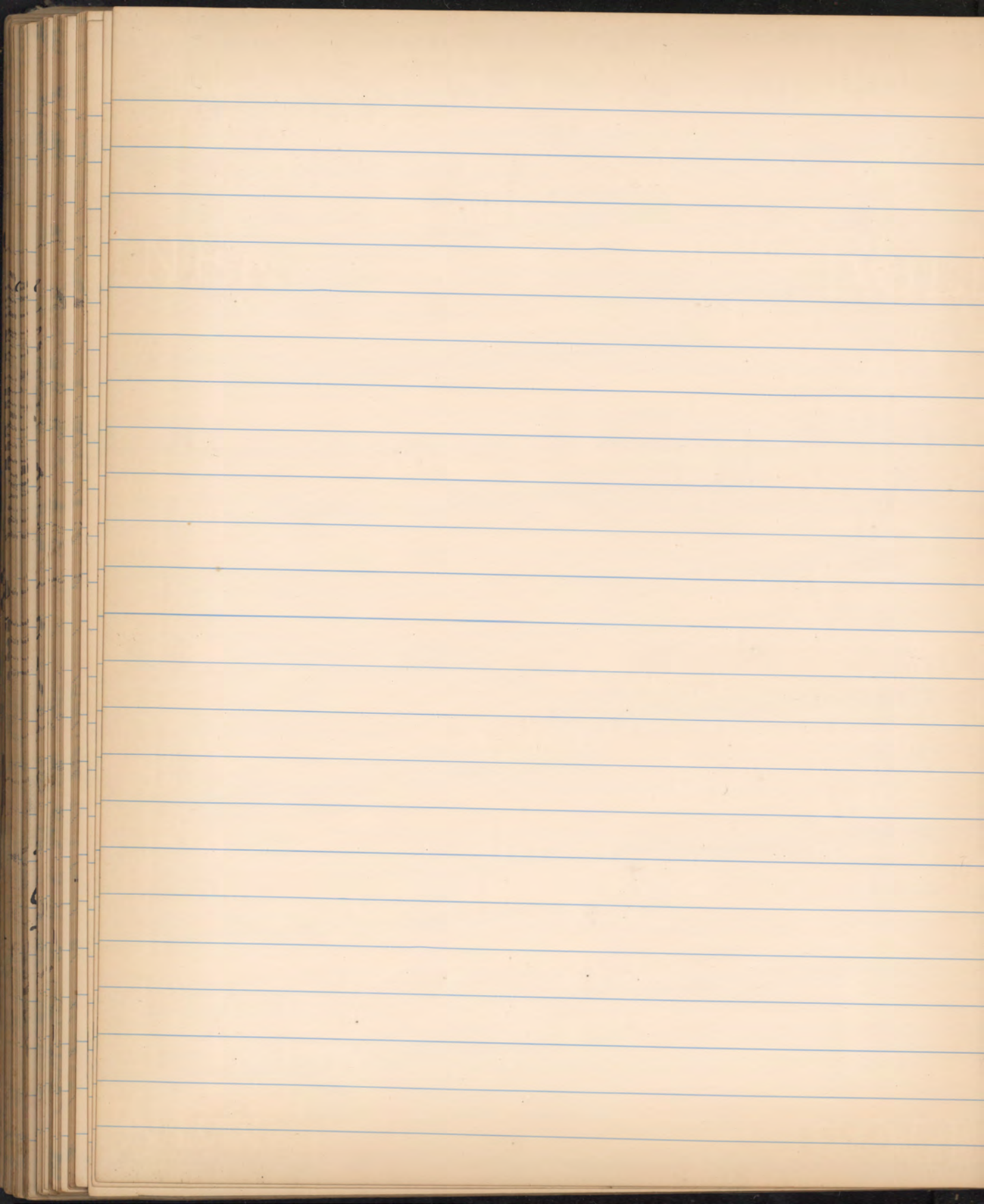


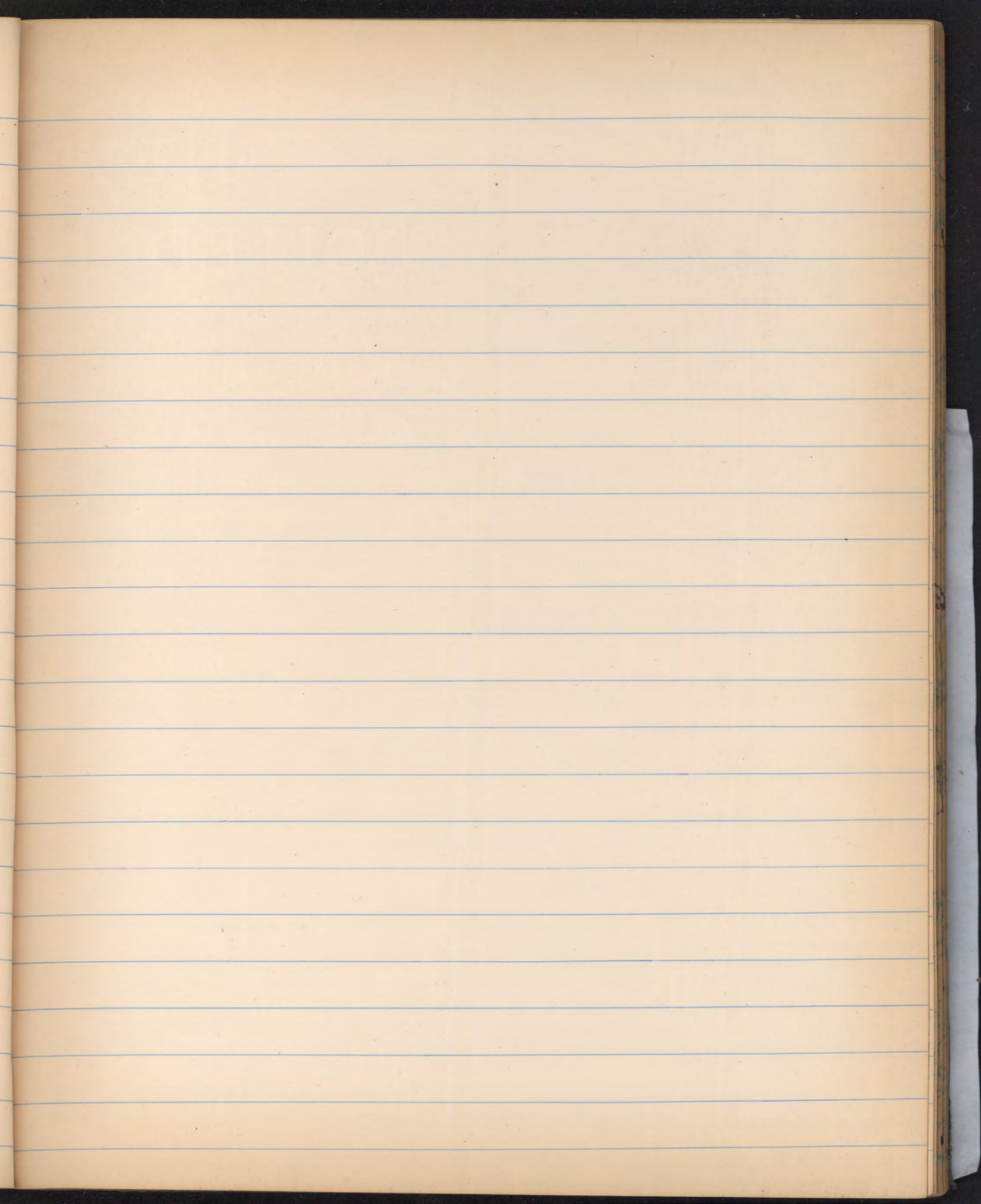


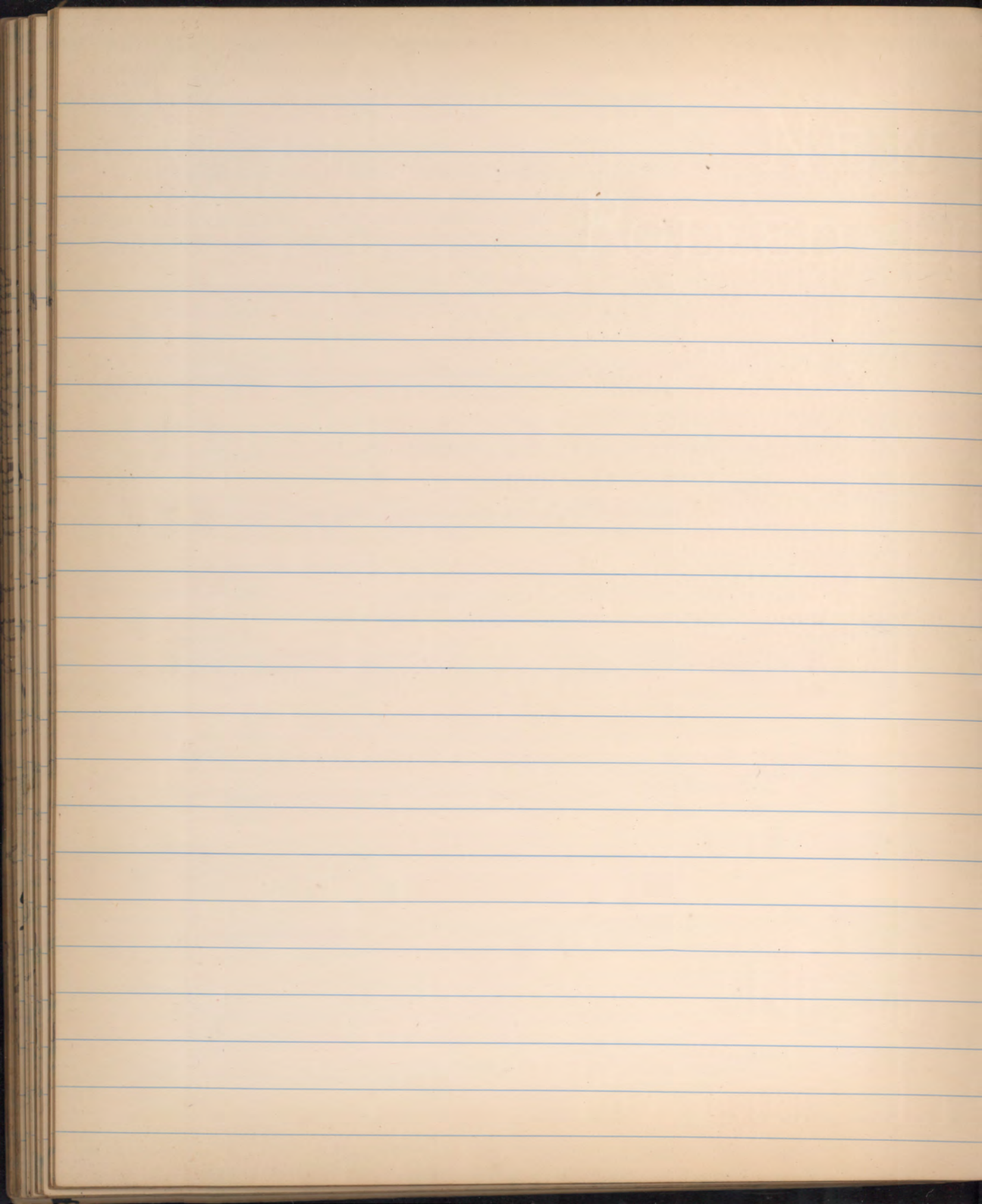












Placeminent

about 1815 or thereabouts
by the name of the country
was very very large
position did not was a very
large part of the a part
then the was in Court
Questions they do not
had a right to interfere in
a part between the two
Oaksburg some in the
when settlement occurs in
regions for more than one
about for
Grasse the remains on top

Nullification Law

about 1815 the doctrine was asserted
by Mr. Calhoun and his secretary in
a very strong way. They took
position that the US was a very
strong power and was a sovereign
power. This was in Calhoun's
Question. They said that
the US had a right to interfere in
a South American dispute.
Calhoun denied that in 1820
when arbitration came on
England put more than she
asked for
In 1820 the result was a flag

2
Bonds are new thing in international
Law. Every case dealt in 1884.
Composed them England own
176 out of 400 cases. Other nations
have right there as well. It is
more largely French than English
Revenue in one year

\$ 75,000,000 Expense
very small. Looks very high. In
1827 by signed treaty. She said
she must signed to protect,
Part 1 was made but not
taken notice of

Arrangement made by treaty 1888
(18 November Dec 369) 1 Read,
1st clause very important

Could dispute belgium in and
Dutch in Belgium

Central America assessed in

treaty that all between Denies
and limit Denies. As used

in Belgium Denies treaty. Belgium
1841 Denies or Belgium Denies

In 1841 England had a station
same as Denies has on Denies
shore. In 1797 in a a water

with Spain she signed
it and Denies Denies

In 1841 she declared
a Denies Denies Denies Denies

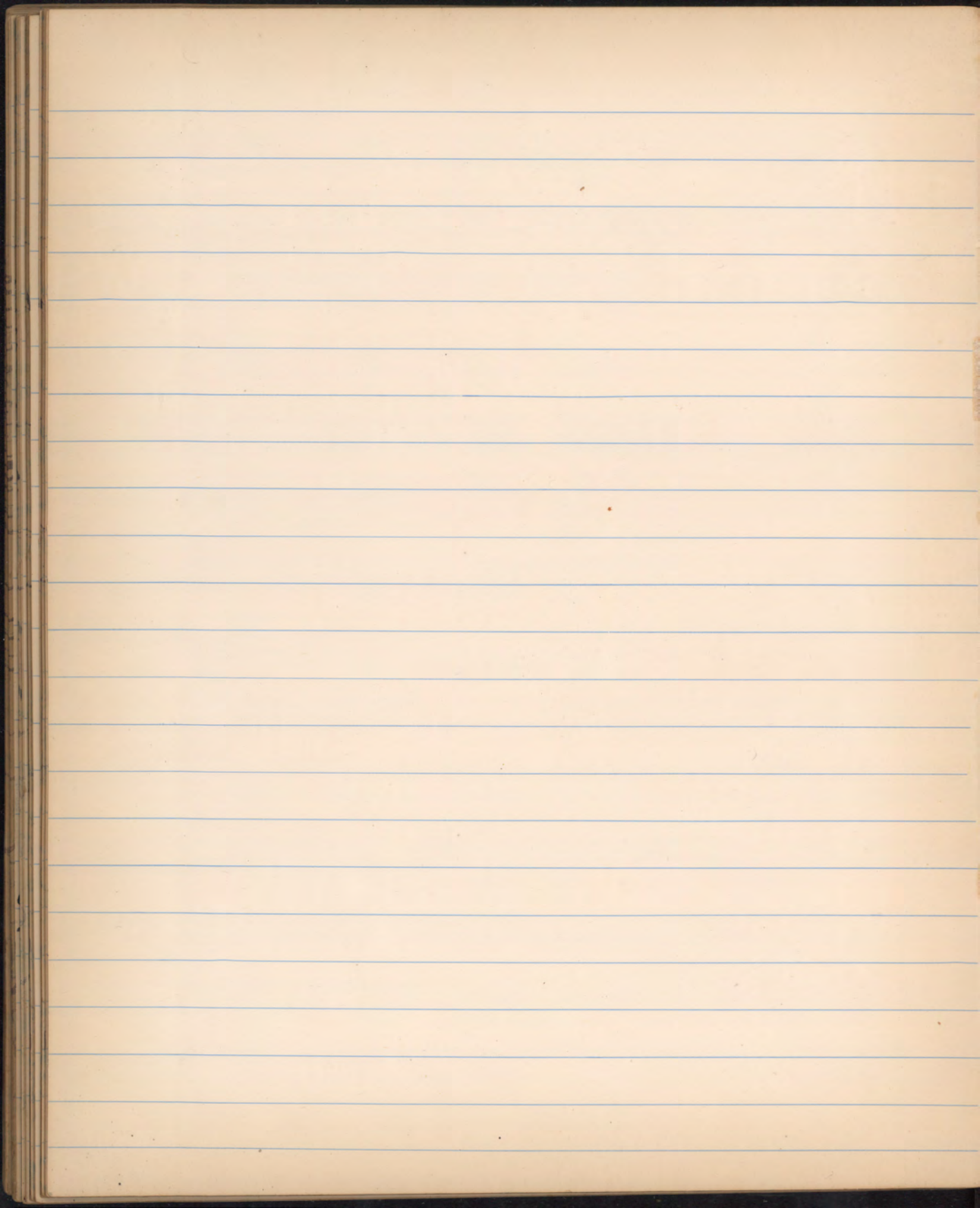
Denies Denies Denies in 1849
we Denies a treaty with

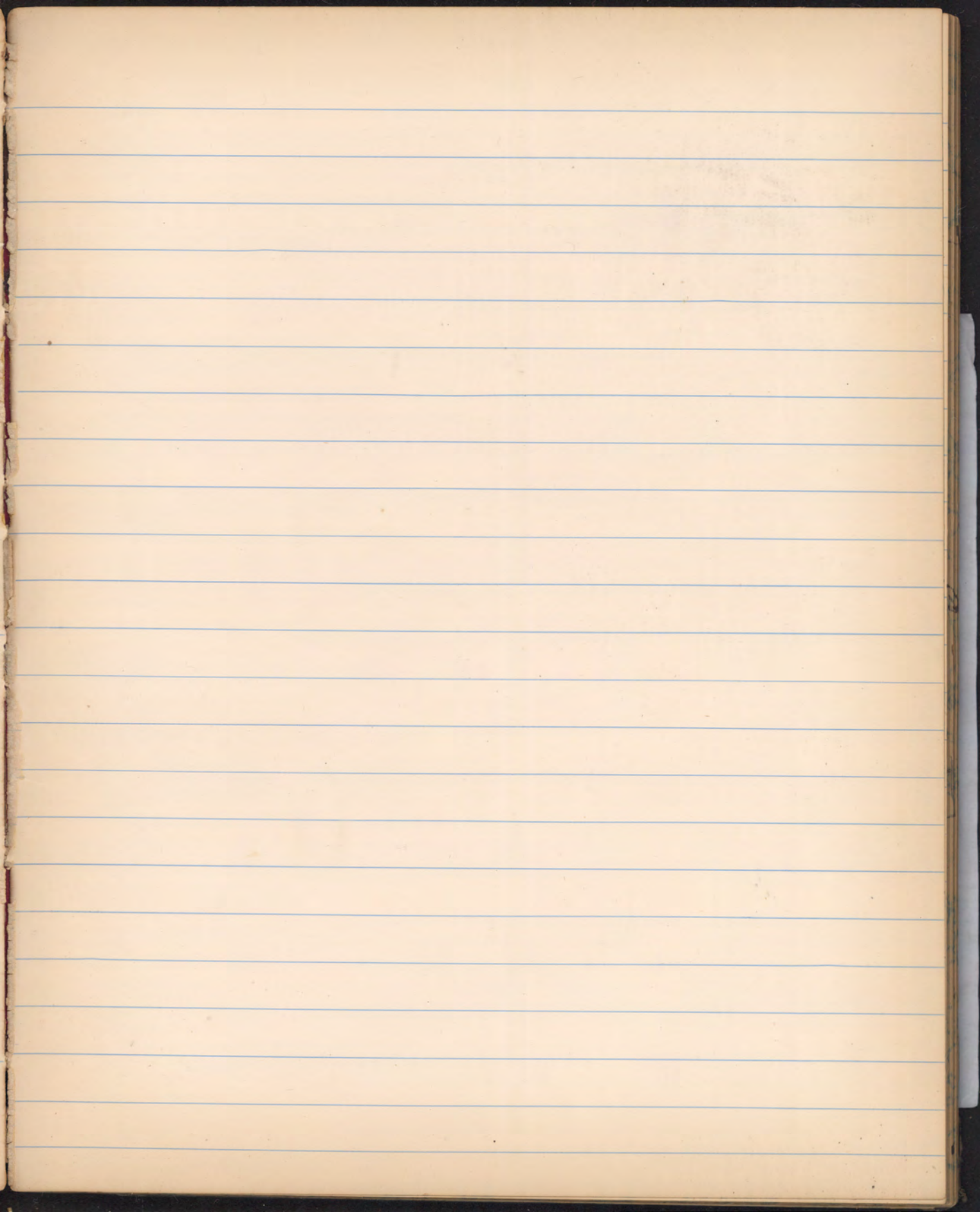
Denies Denies. with Denies
with Denies. In 1850. Denies

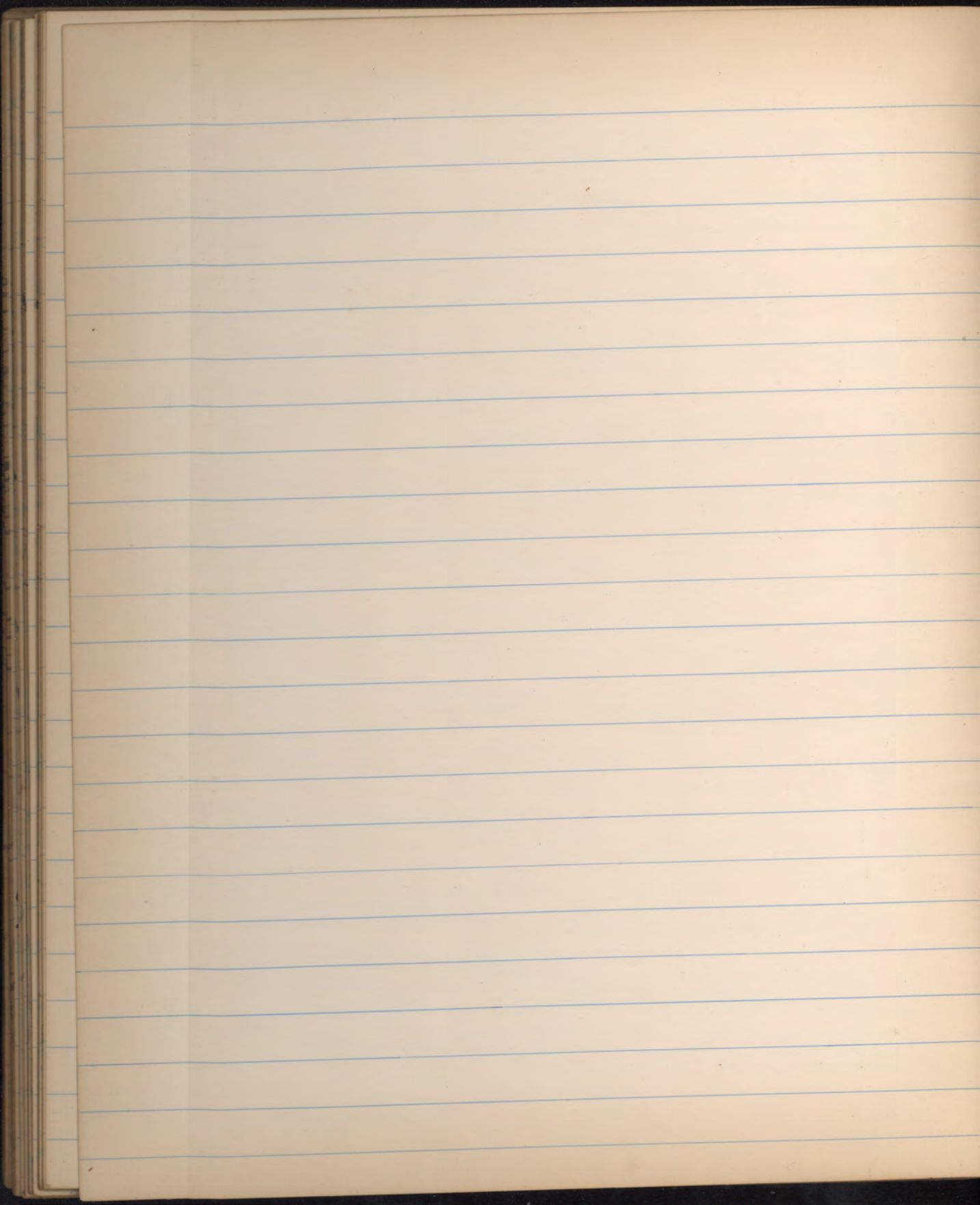
Denies Denies Denies Denies
Denies Denies Denies Denies

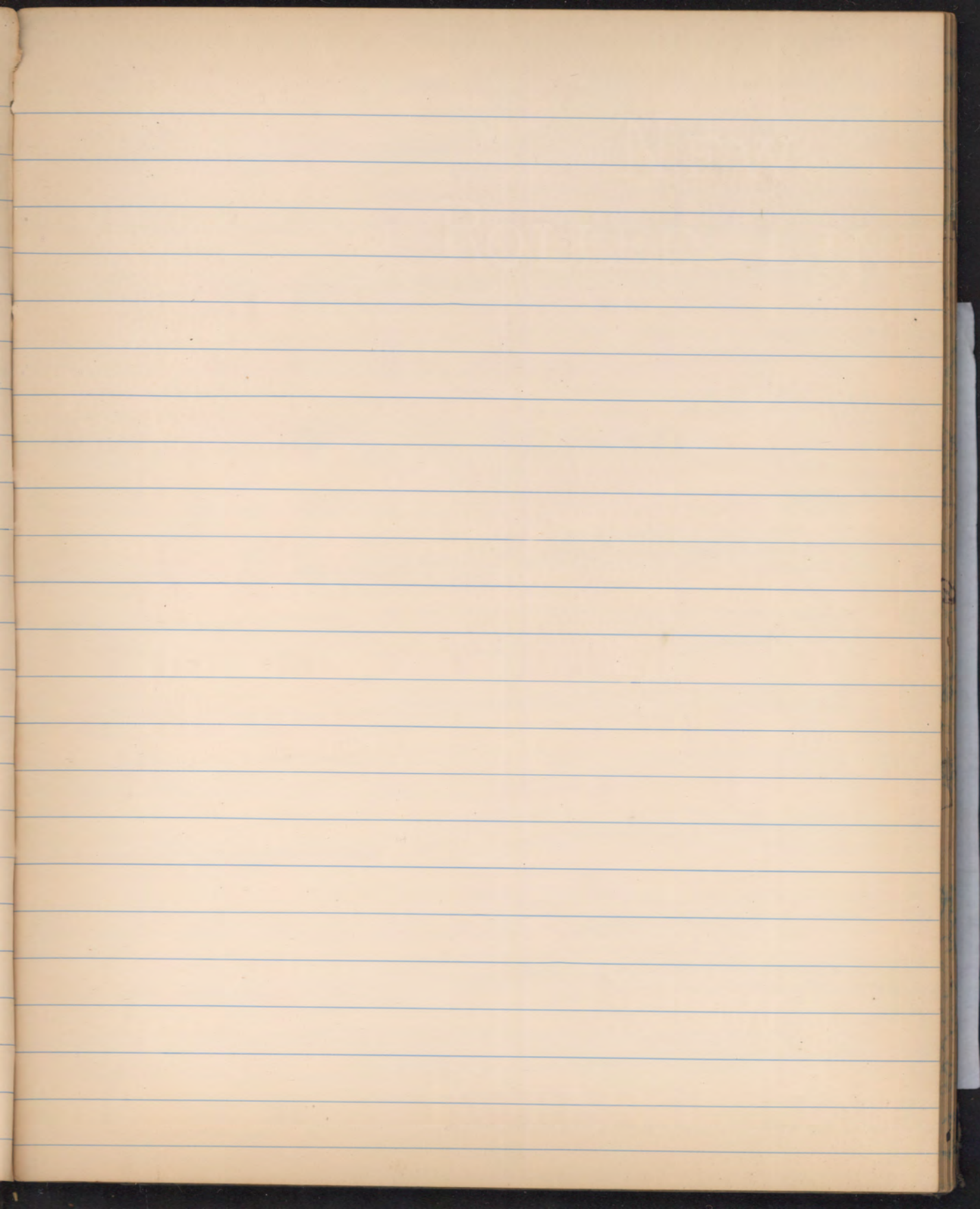
Denies Denies Denies Denies
8 November 1849 1848

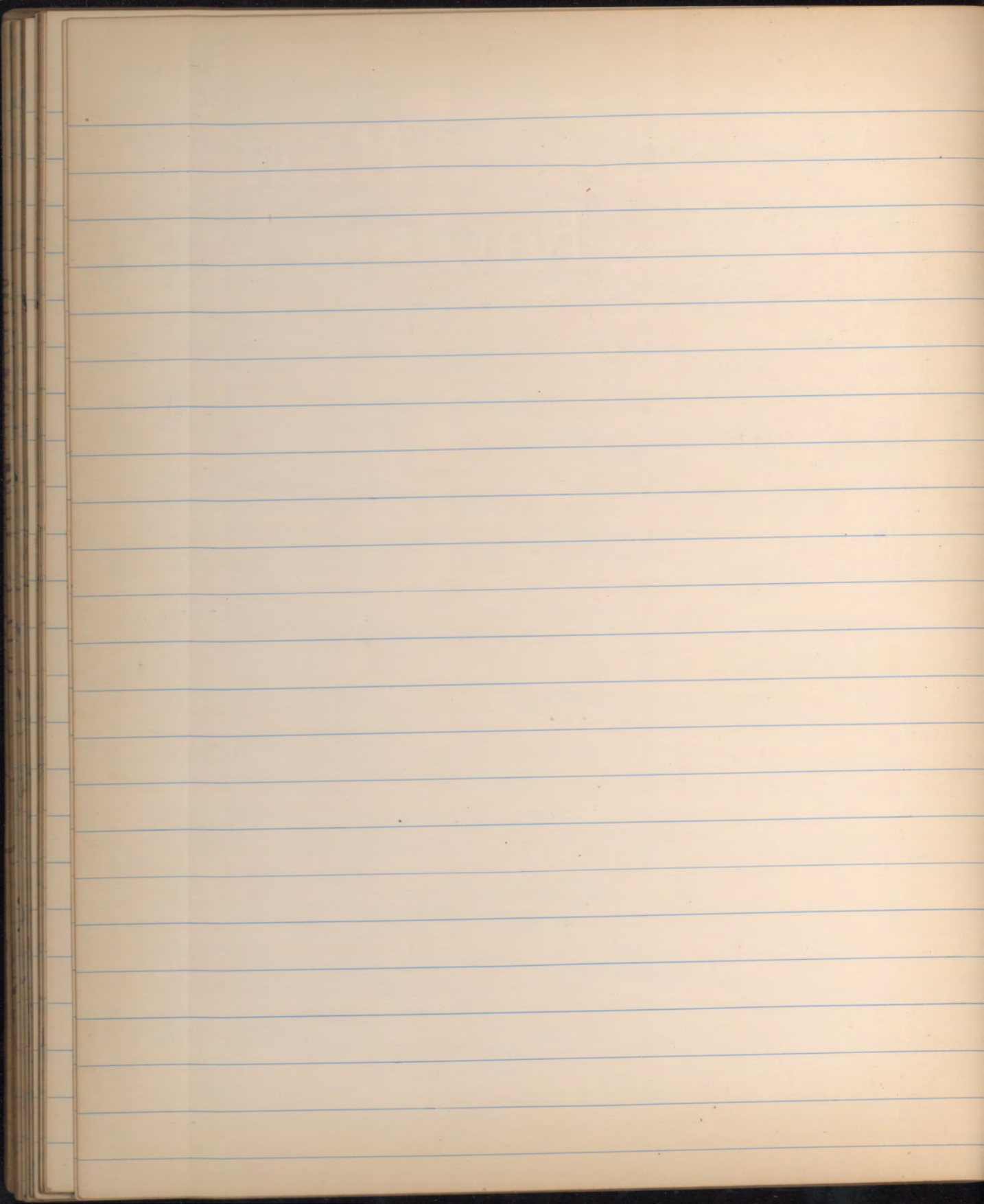
1848

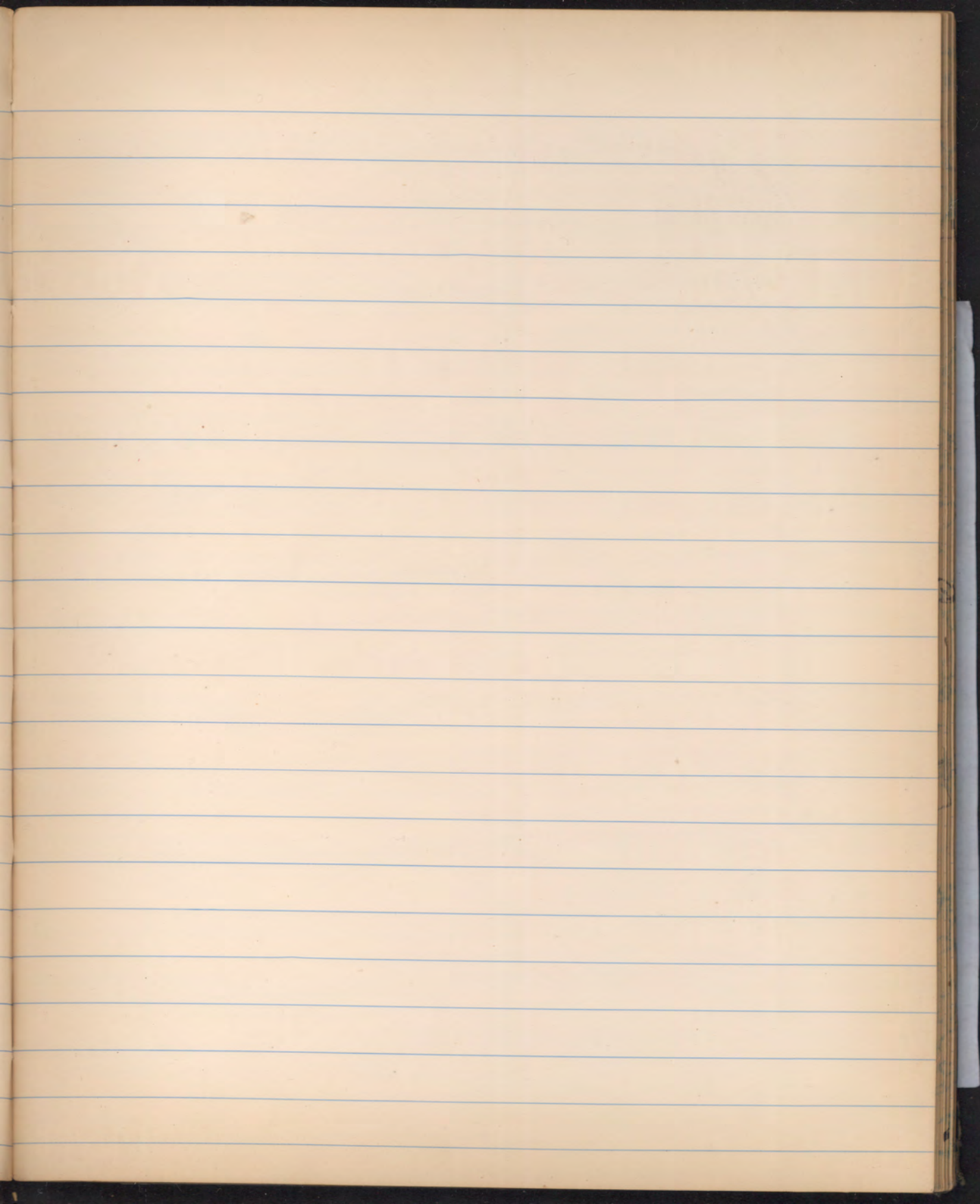


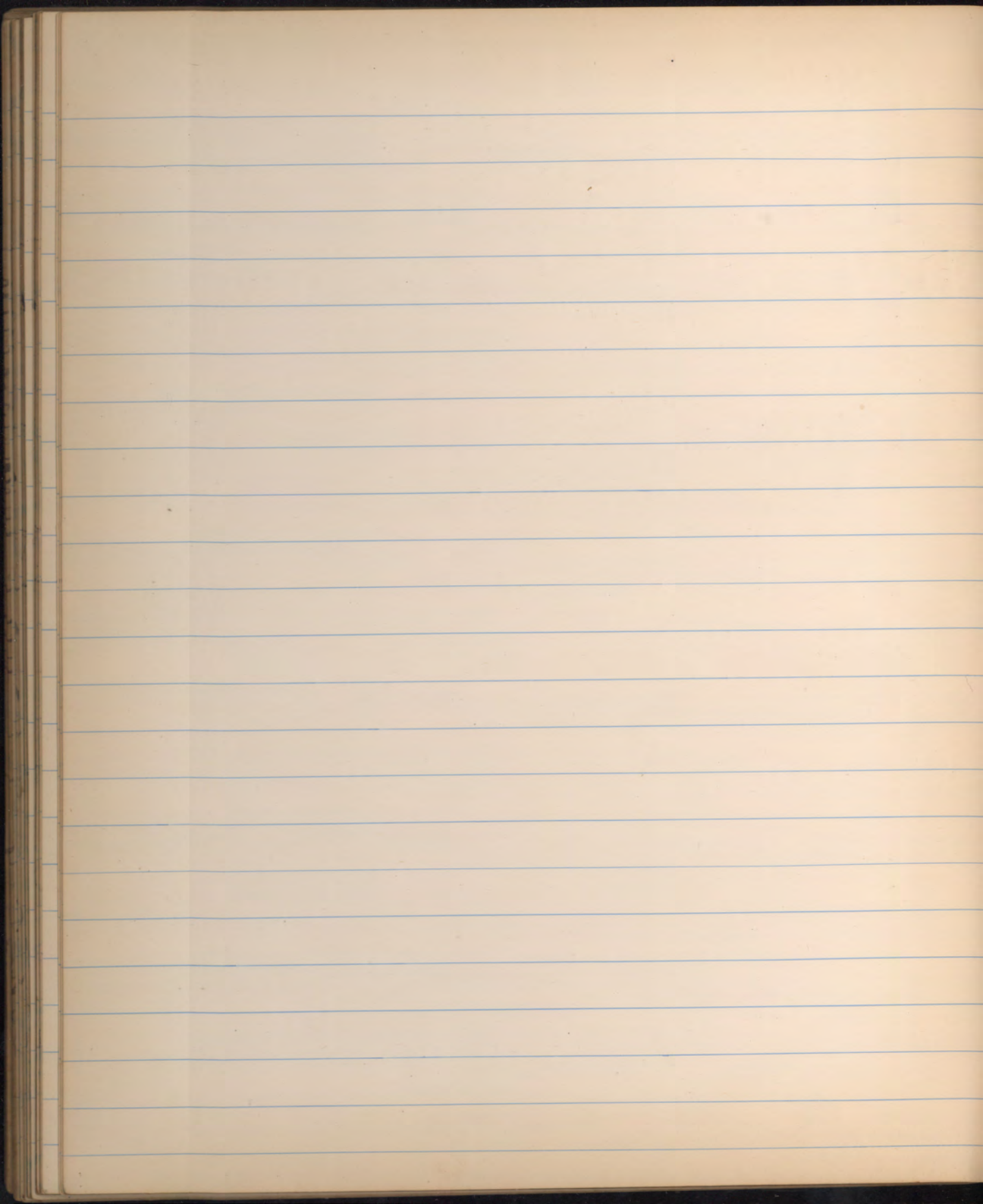


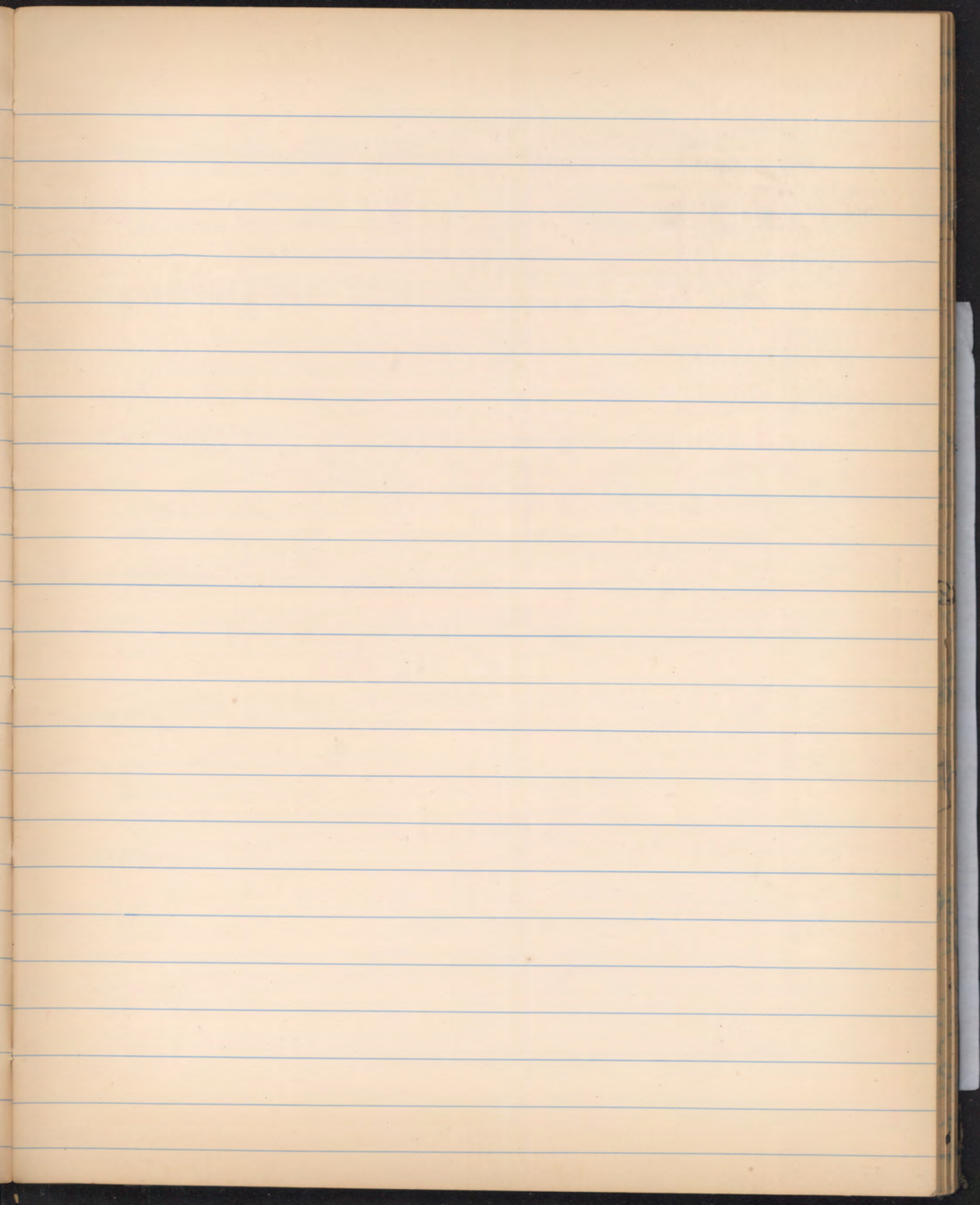


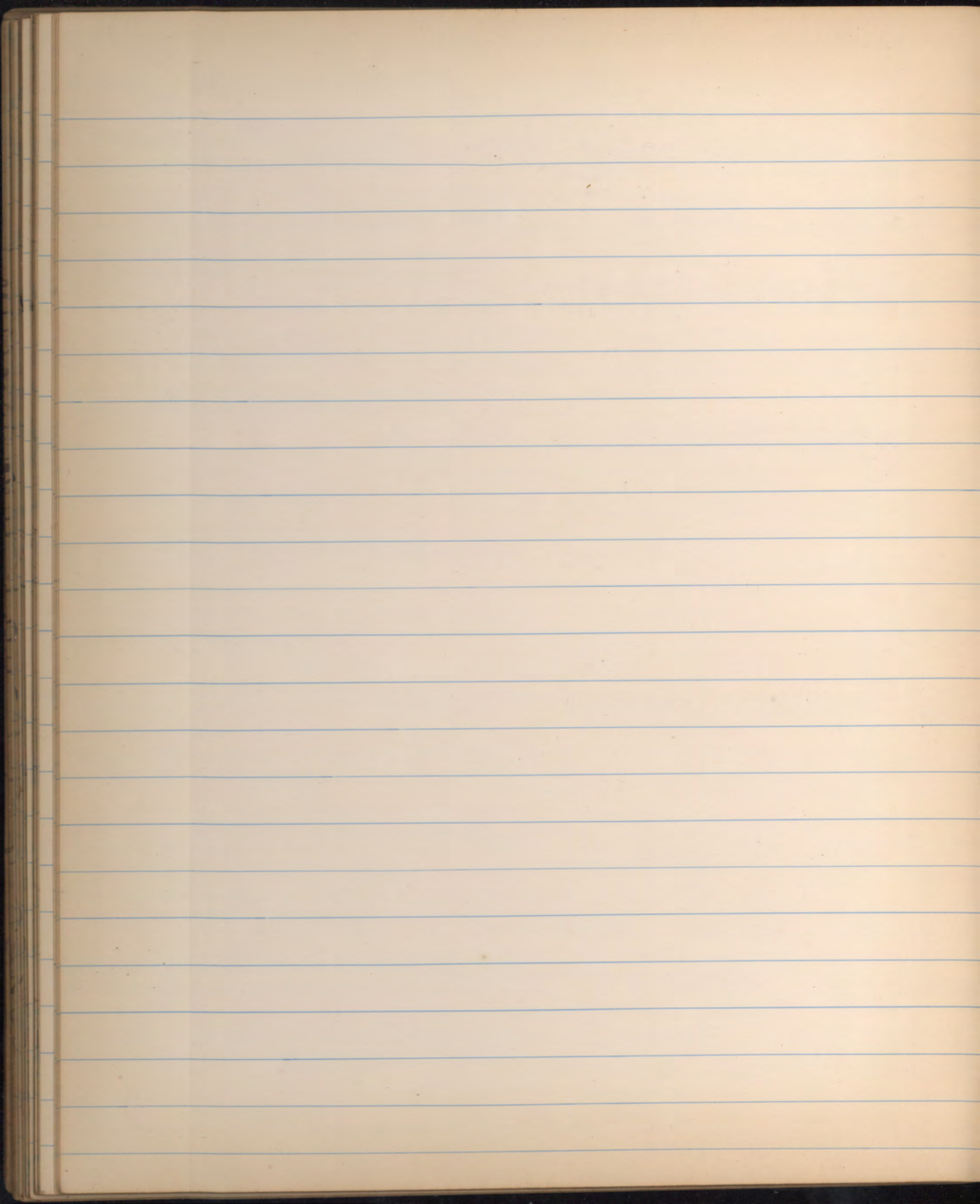


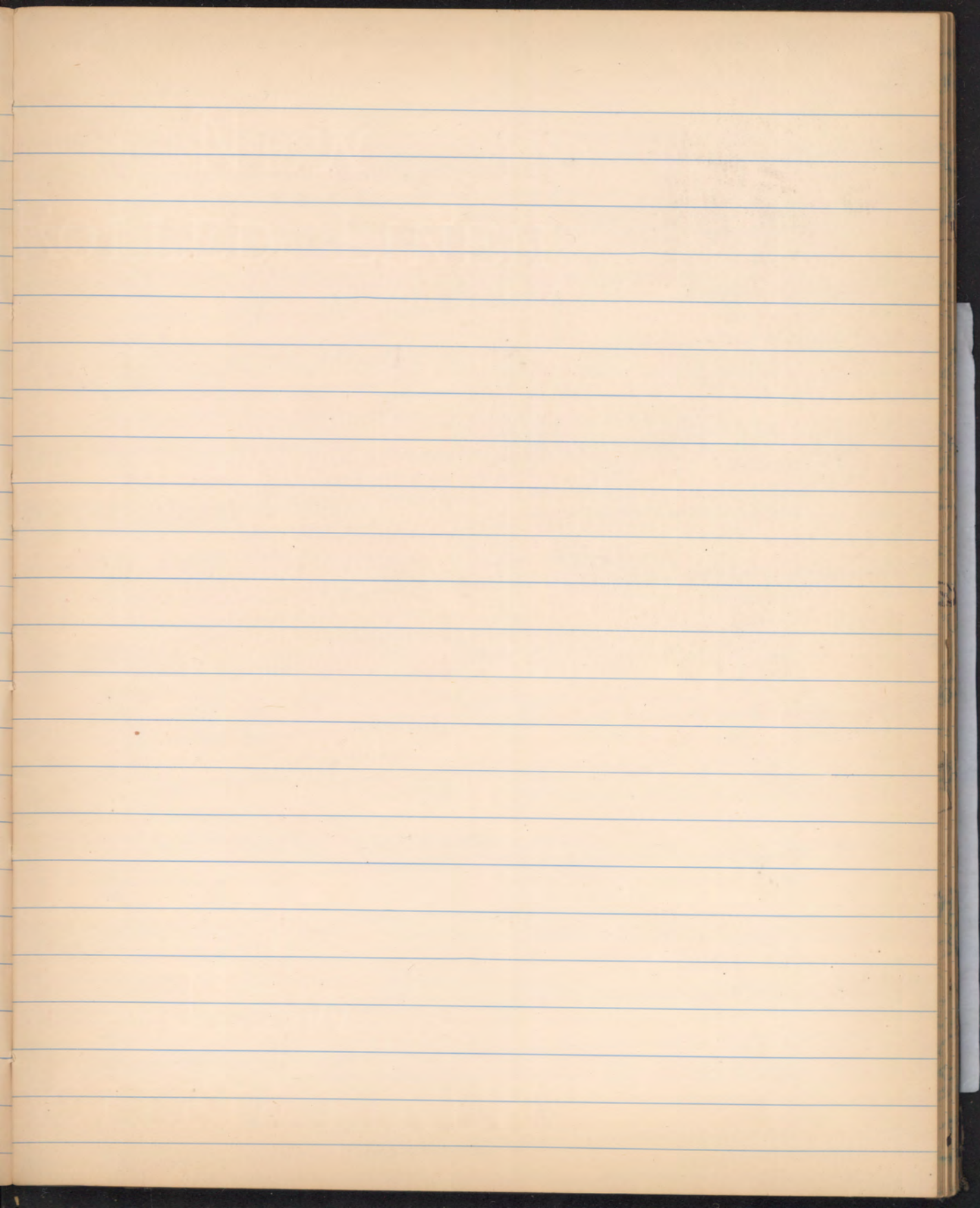


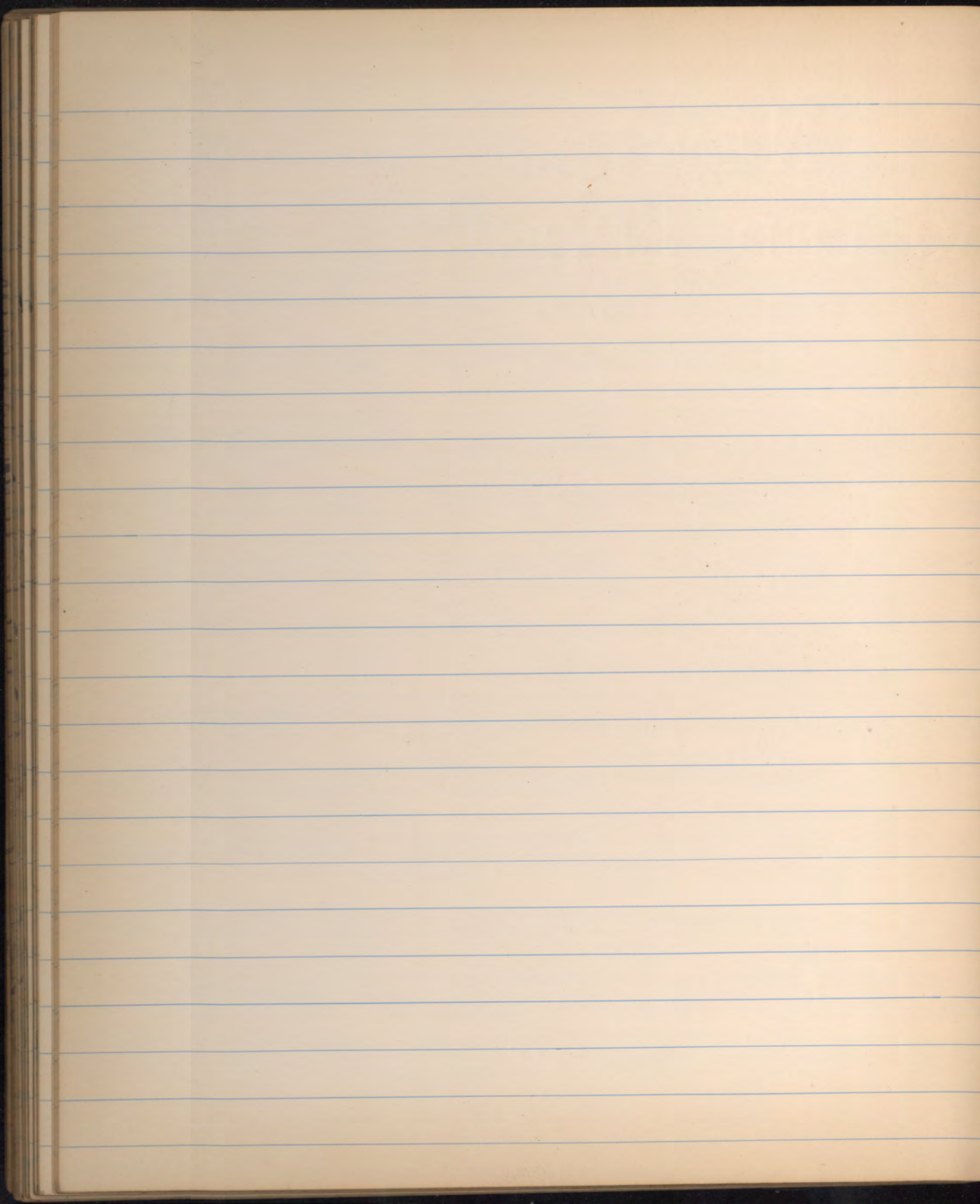


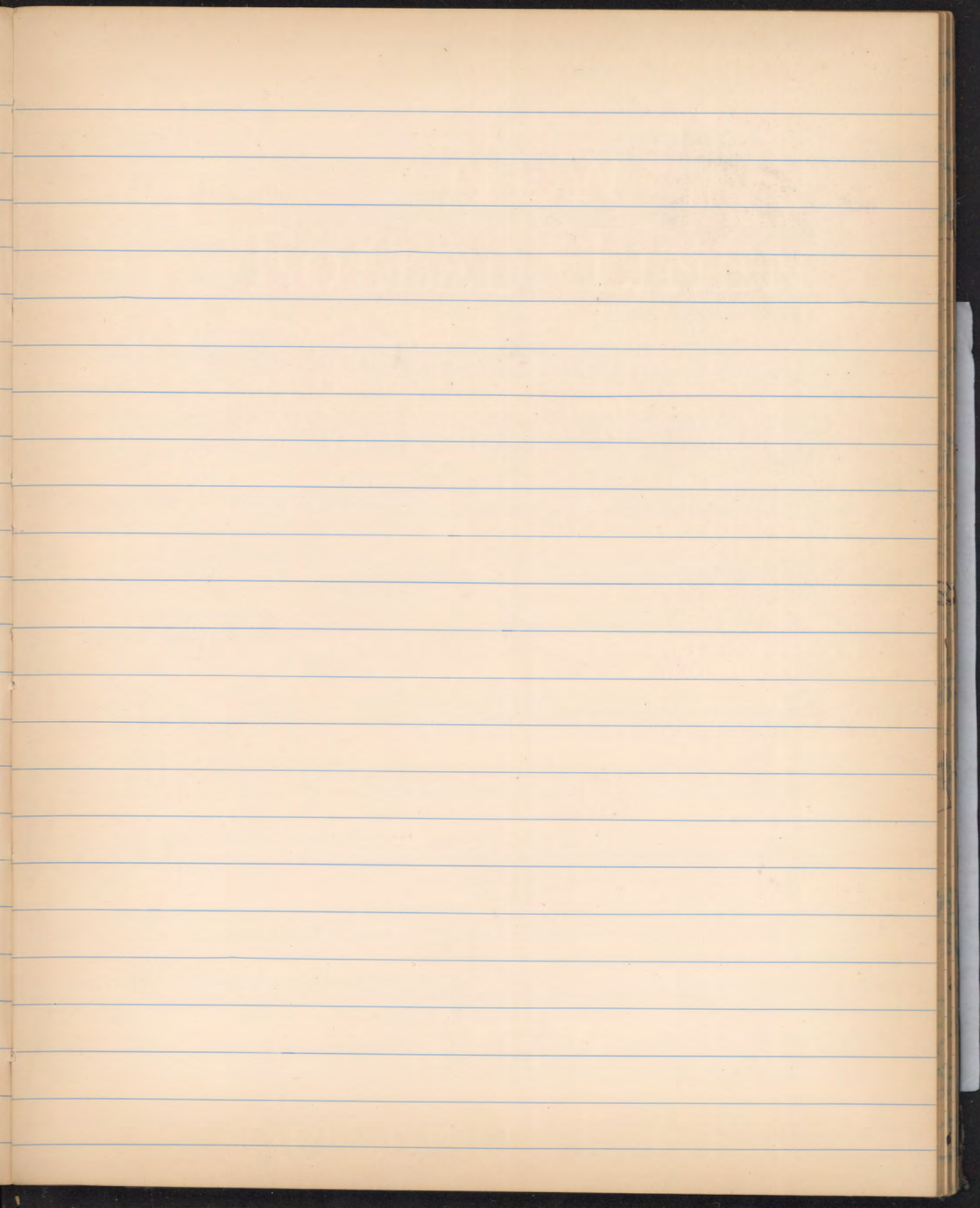


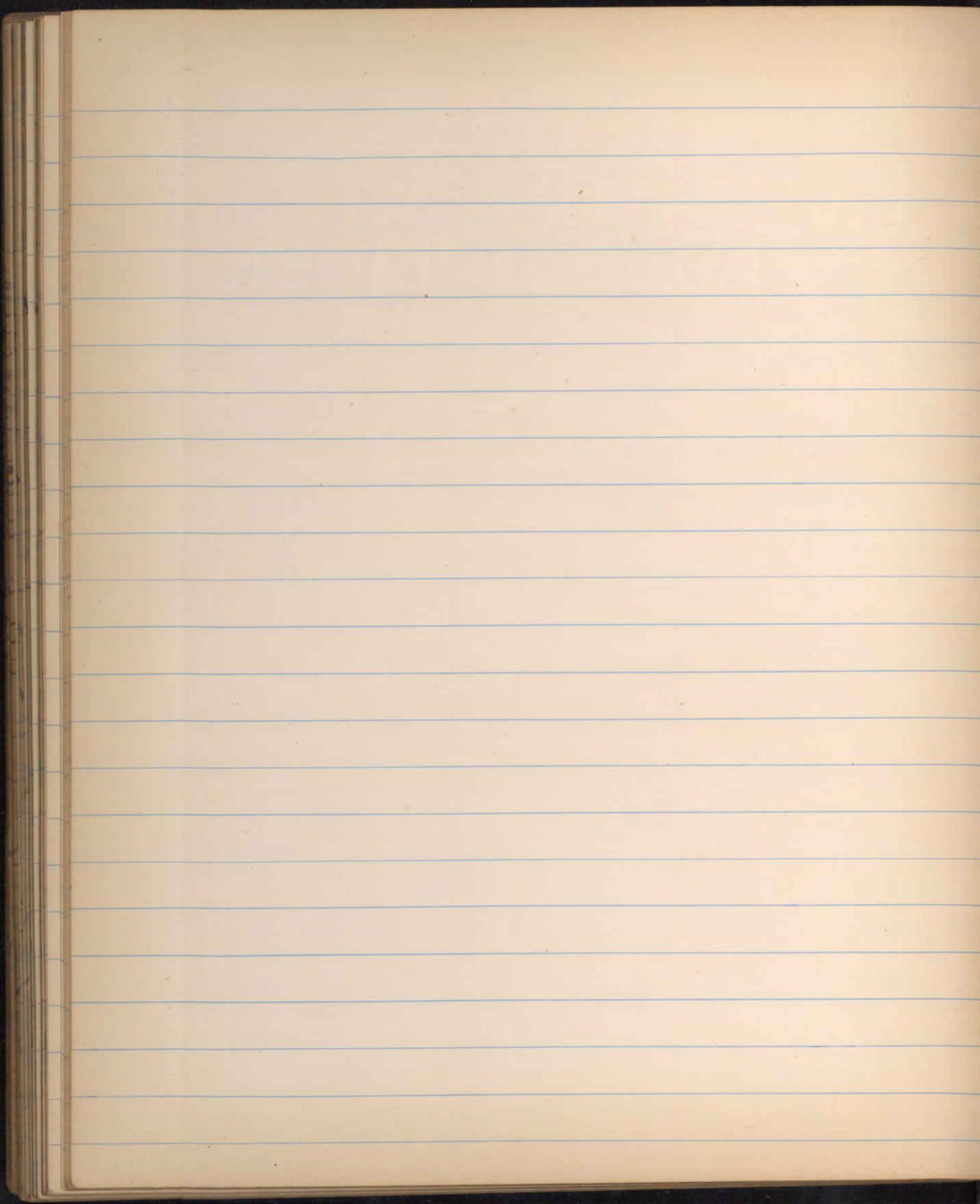


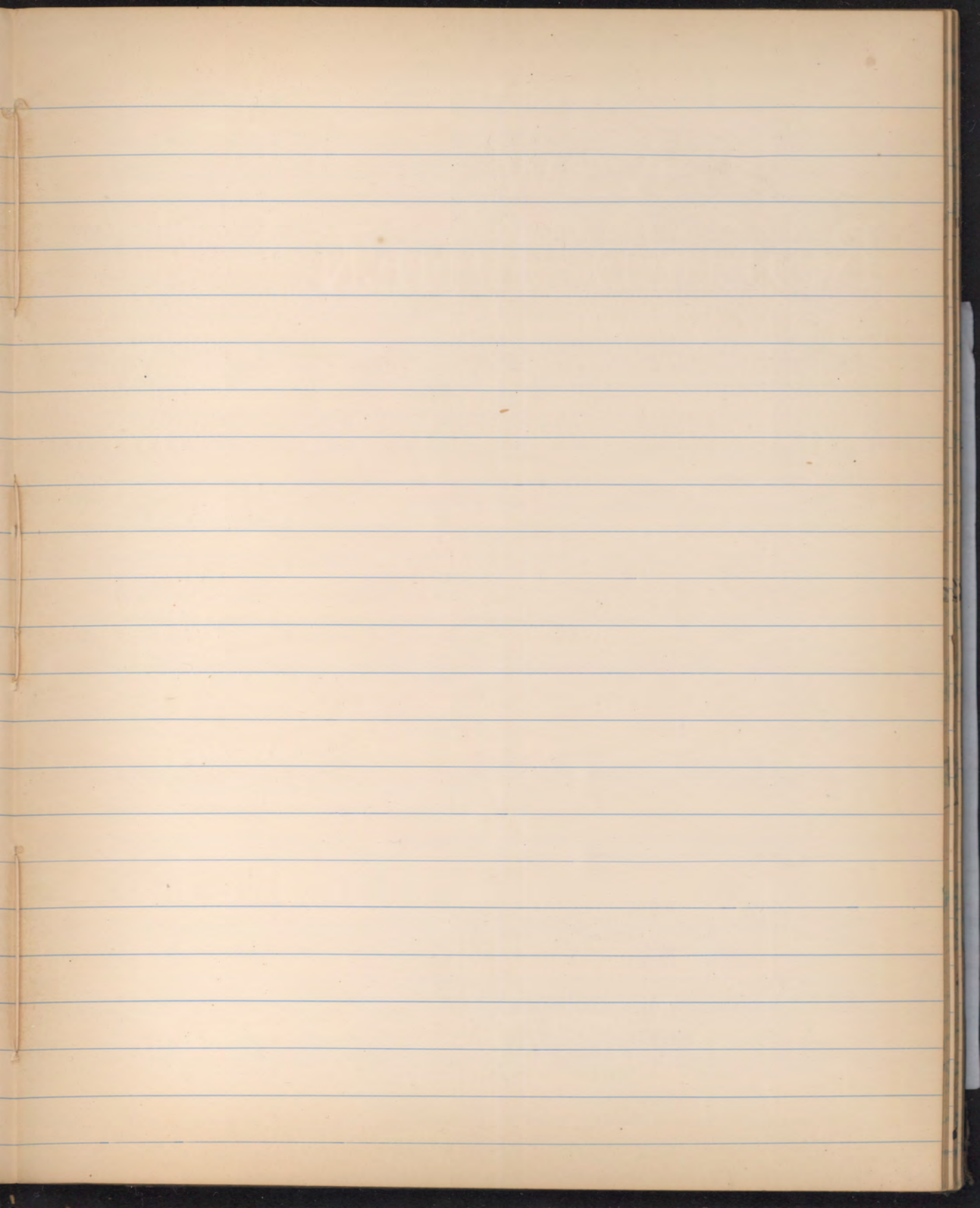


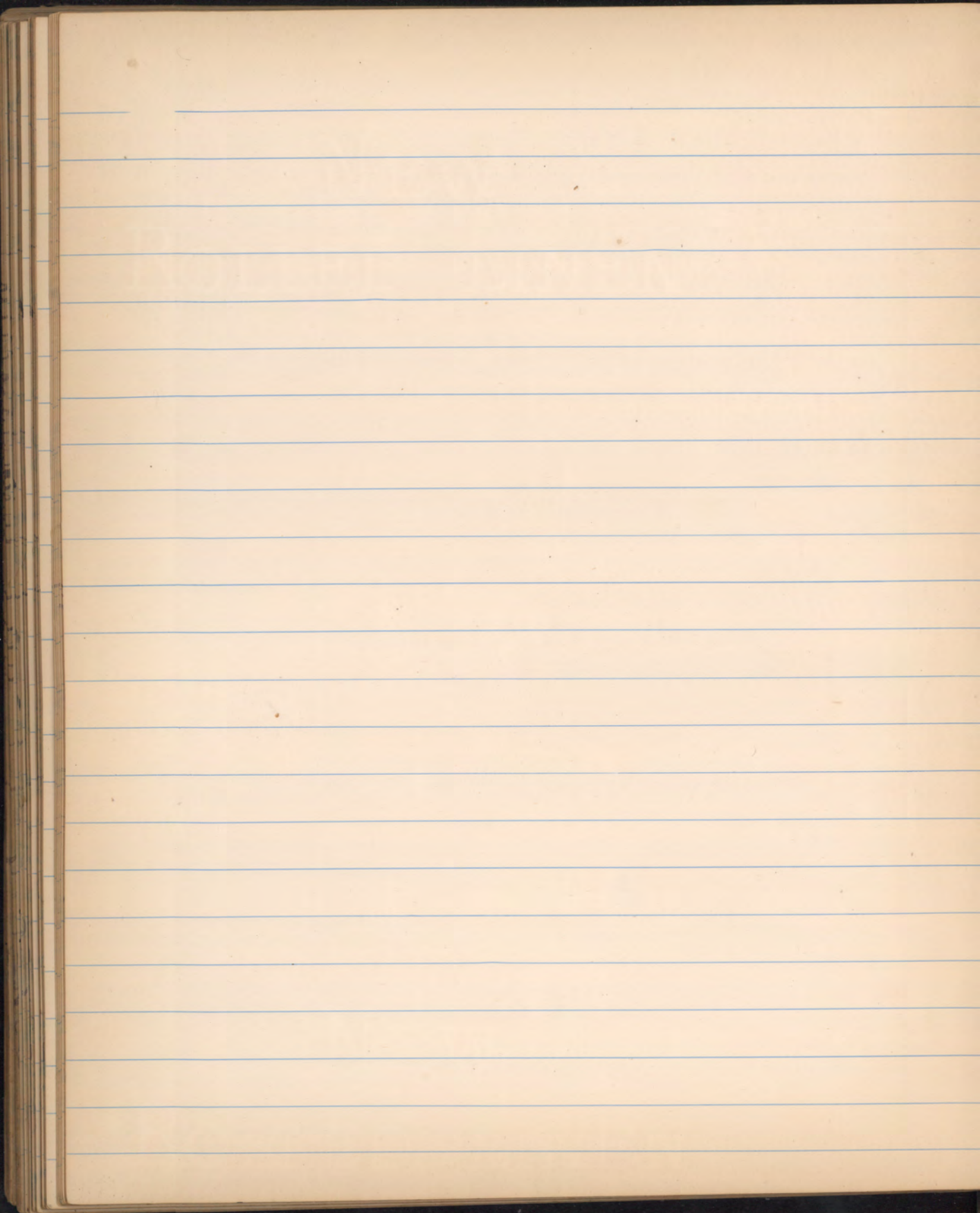


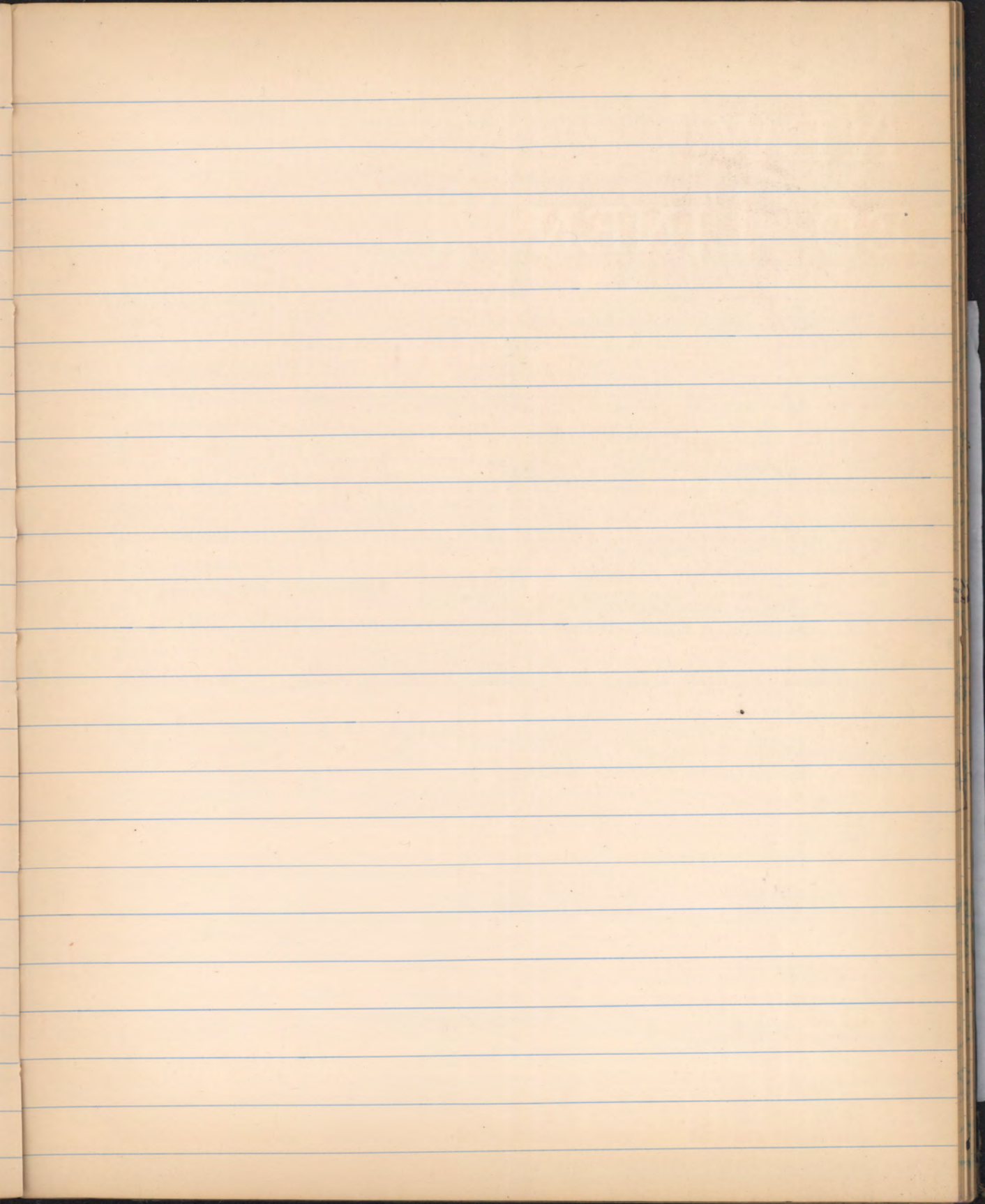


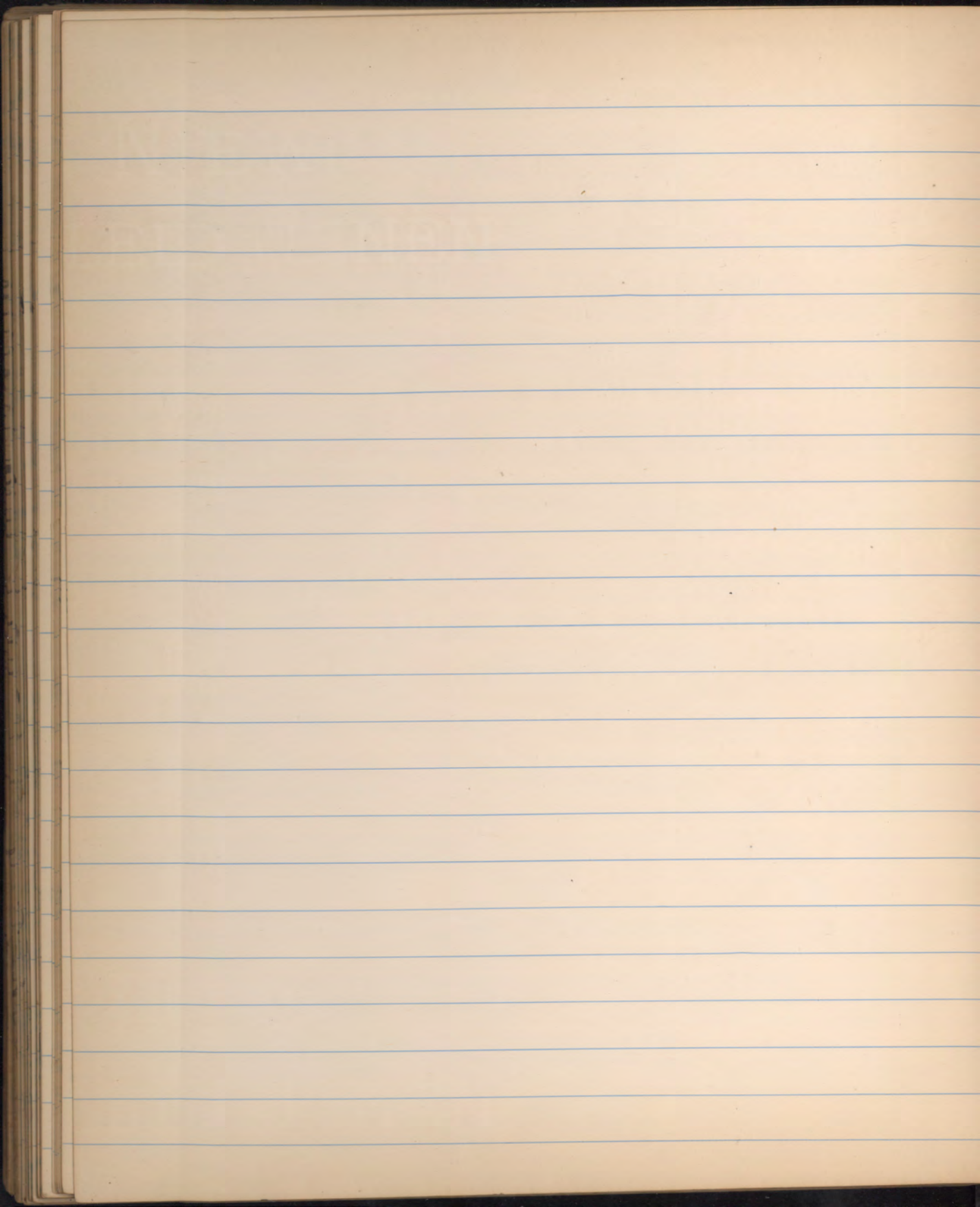


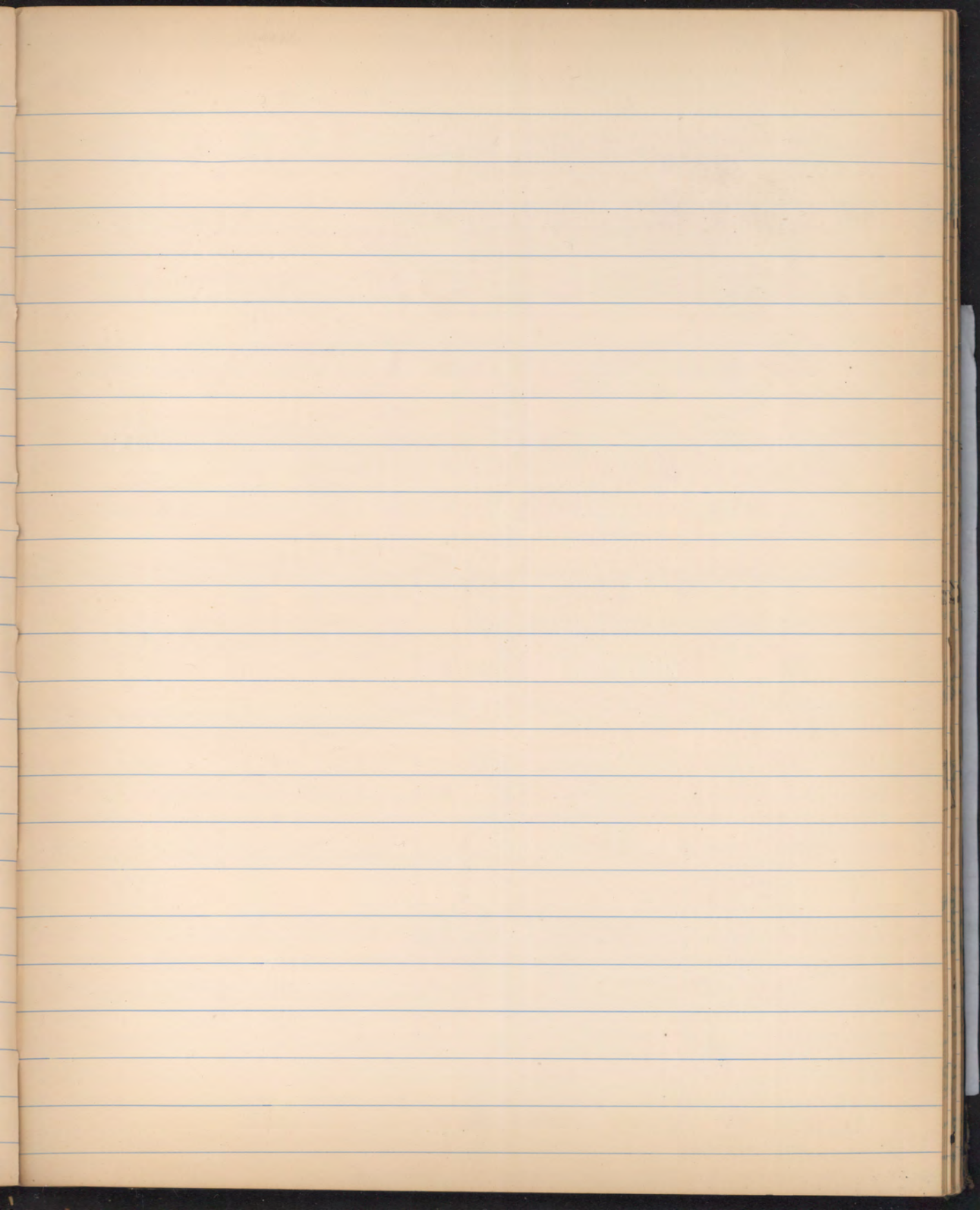


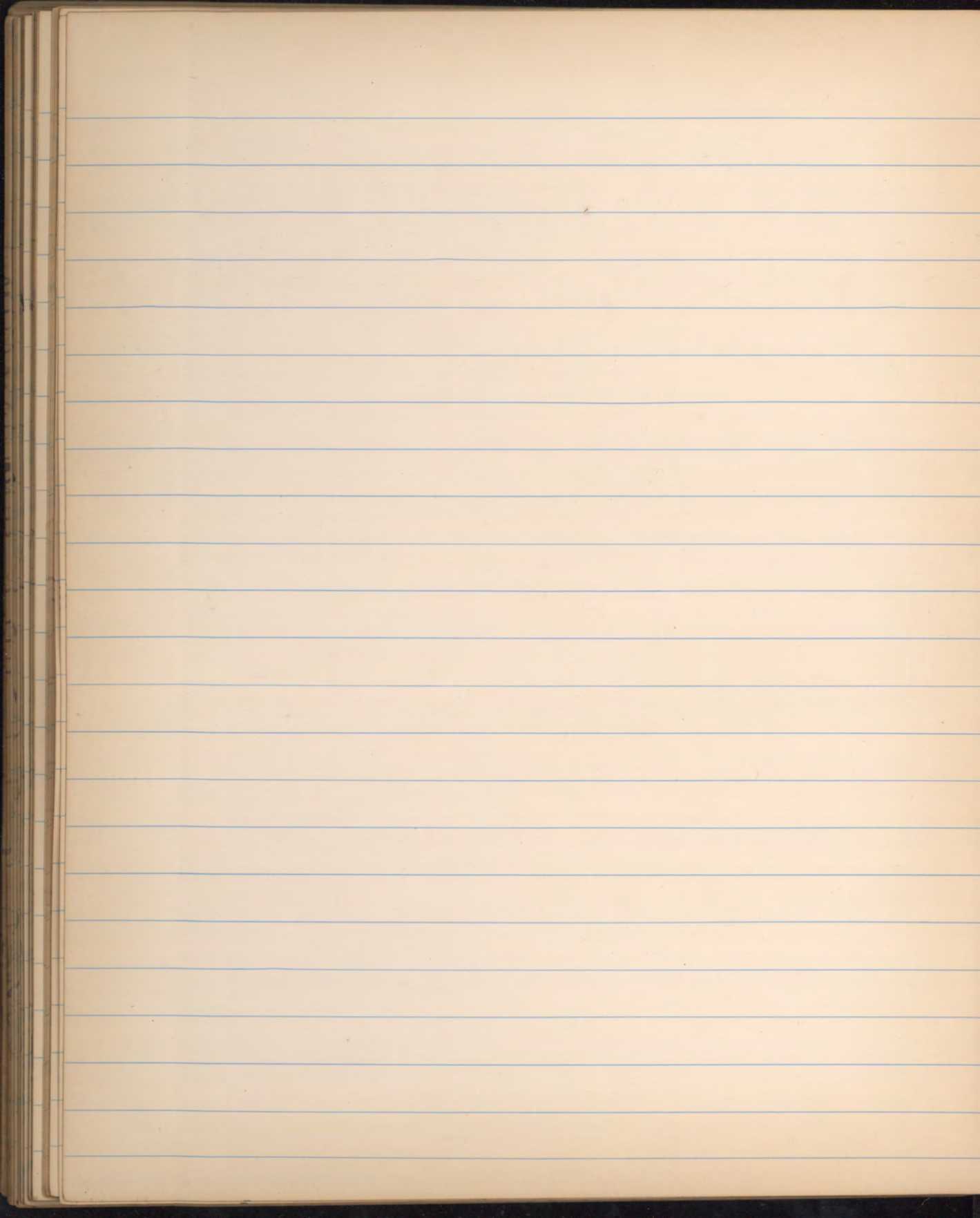


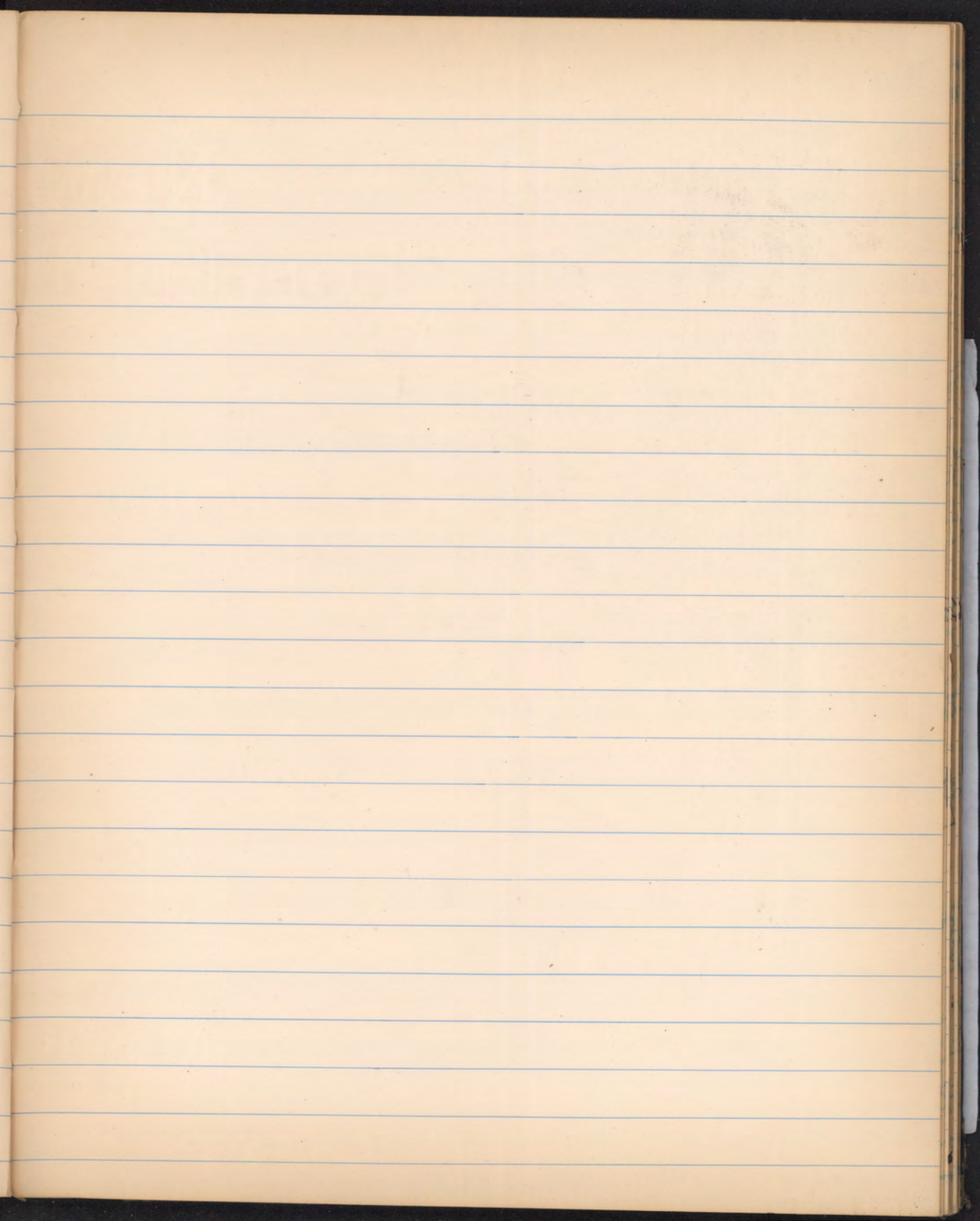


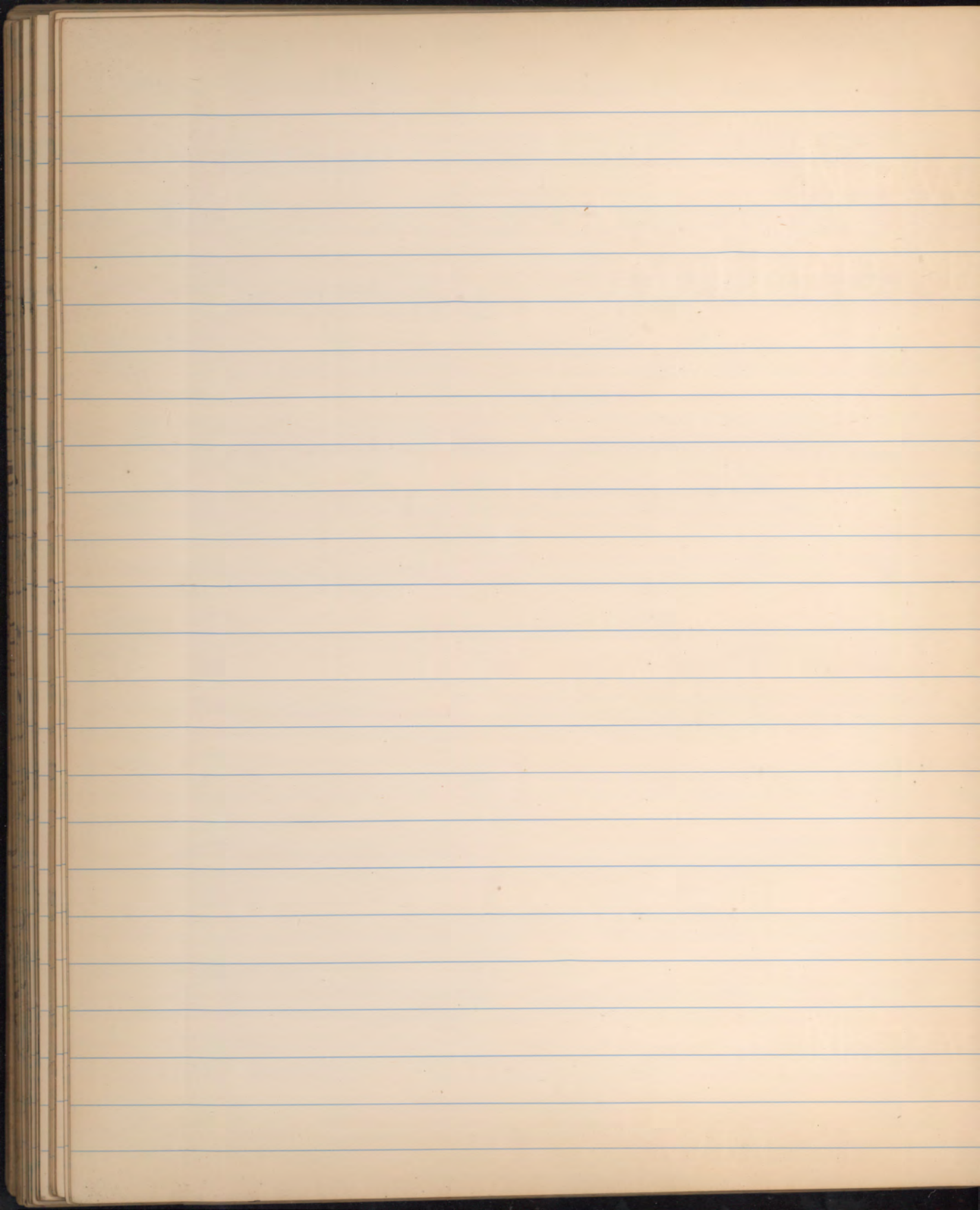


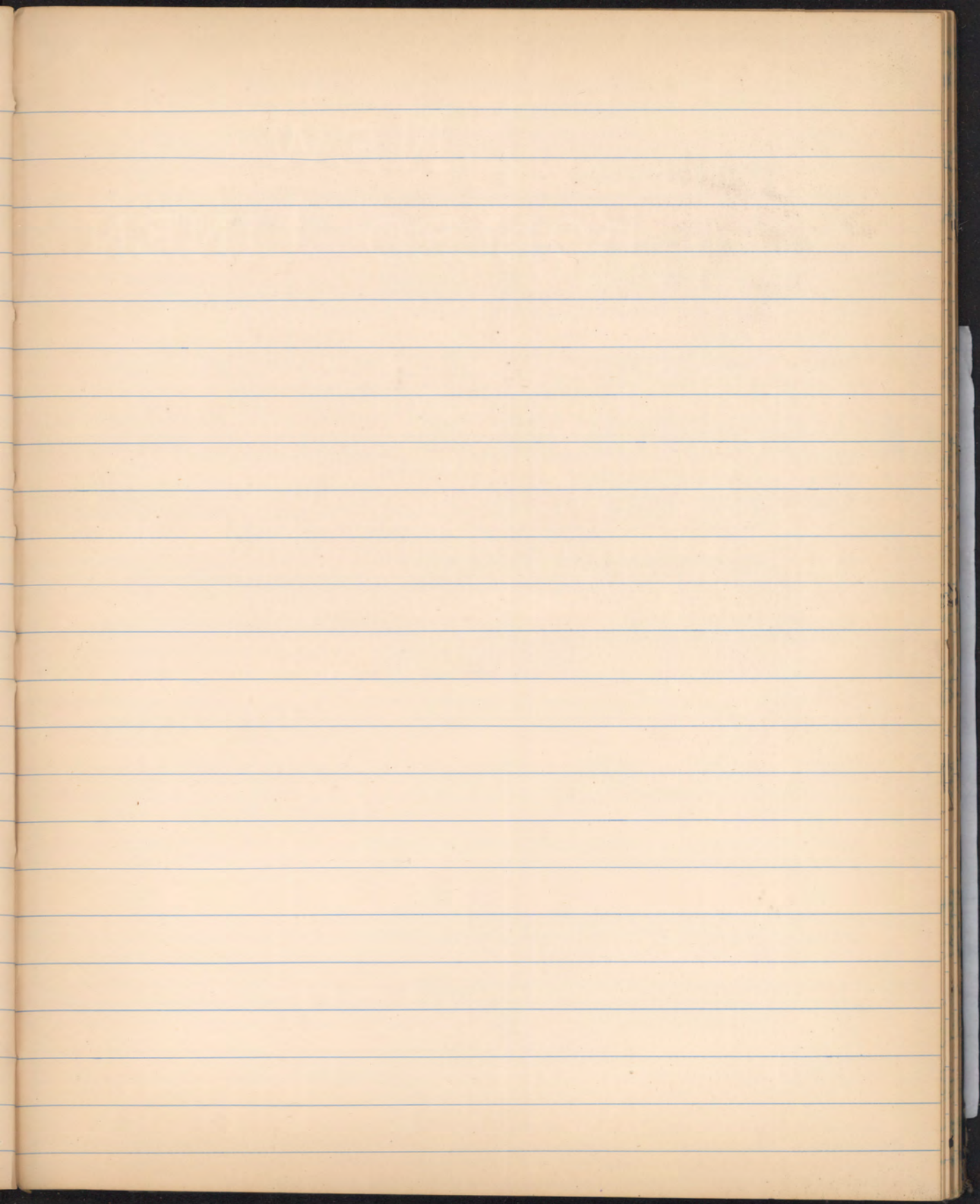


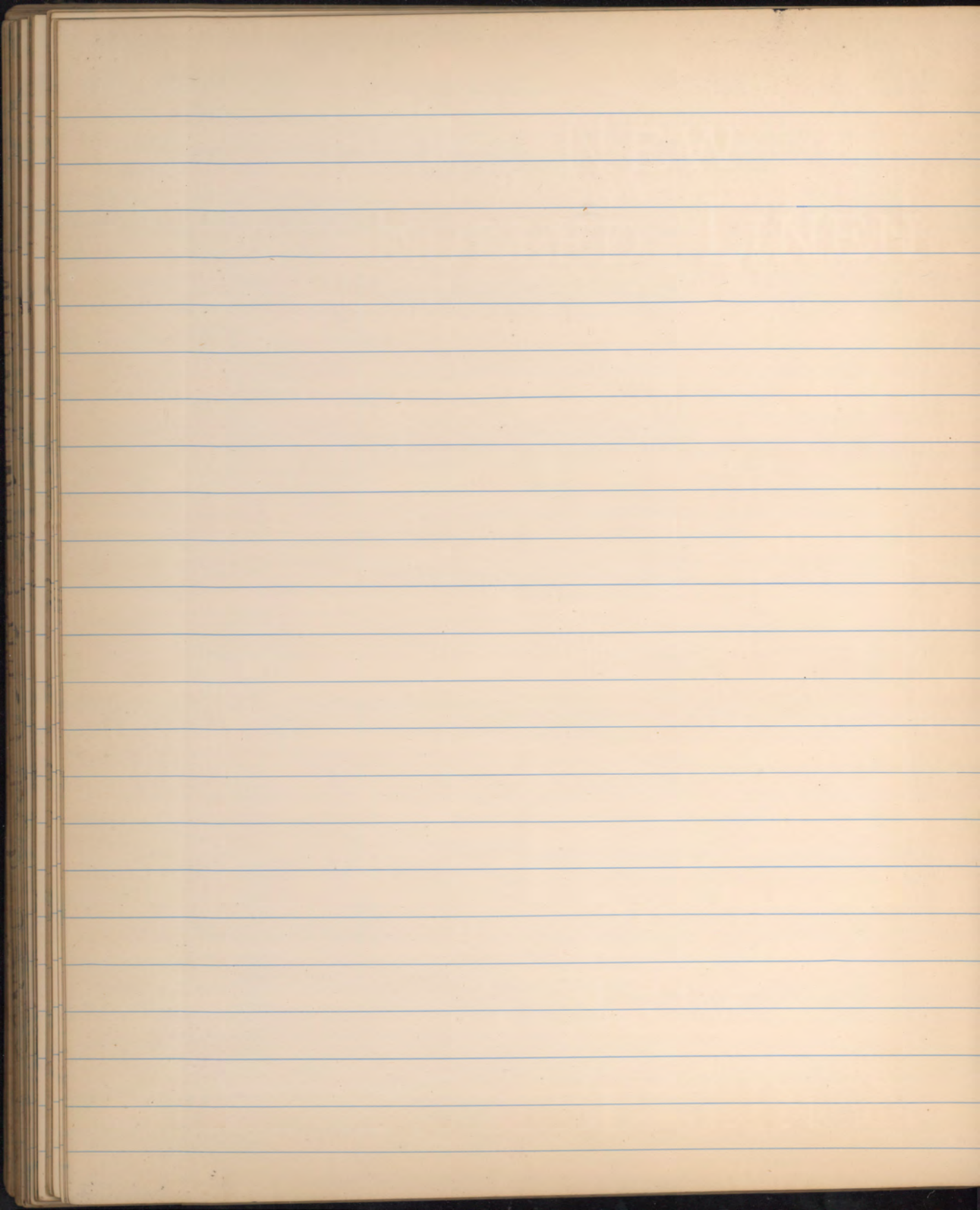


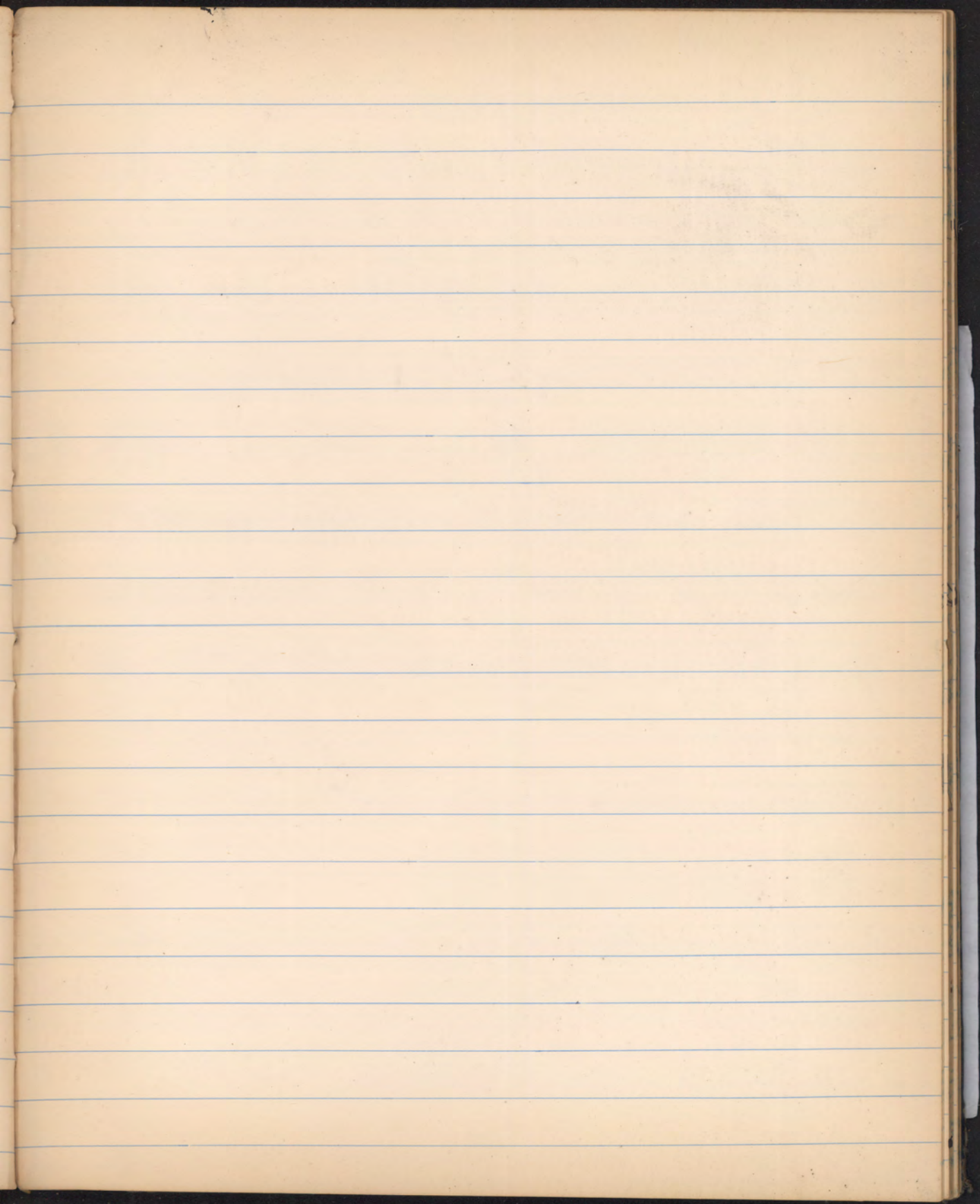


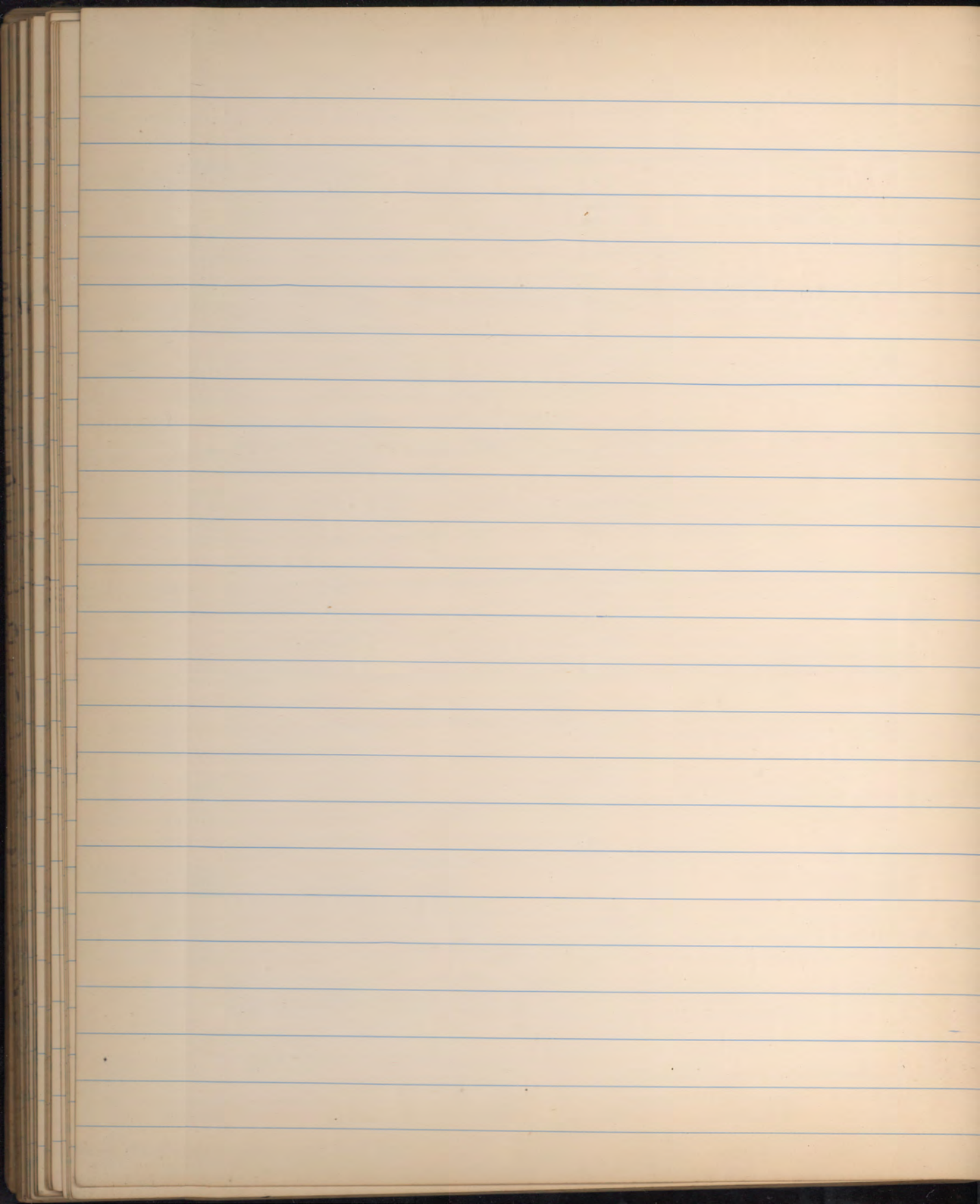


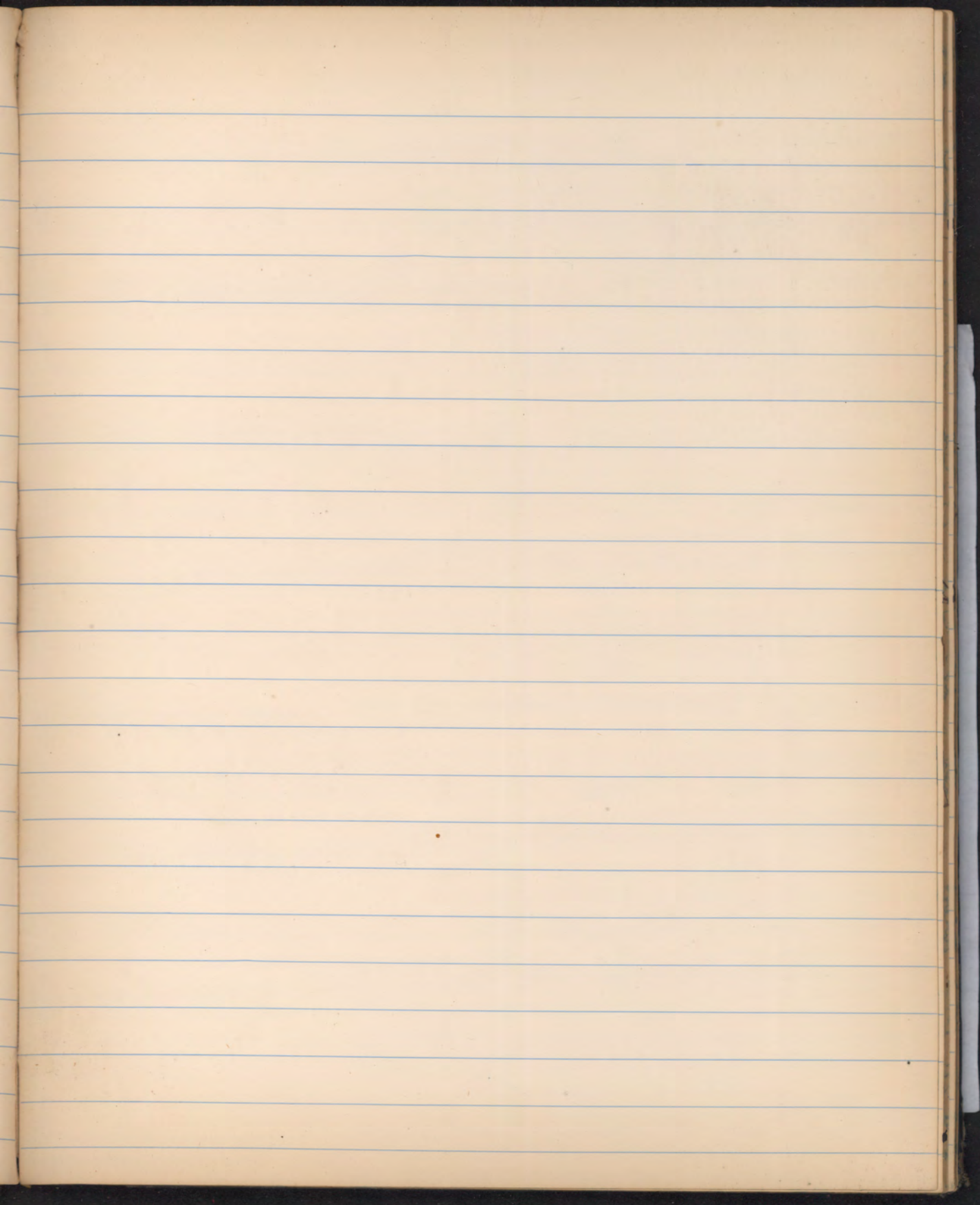


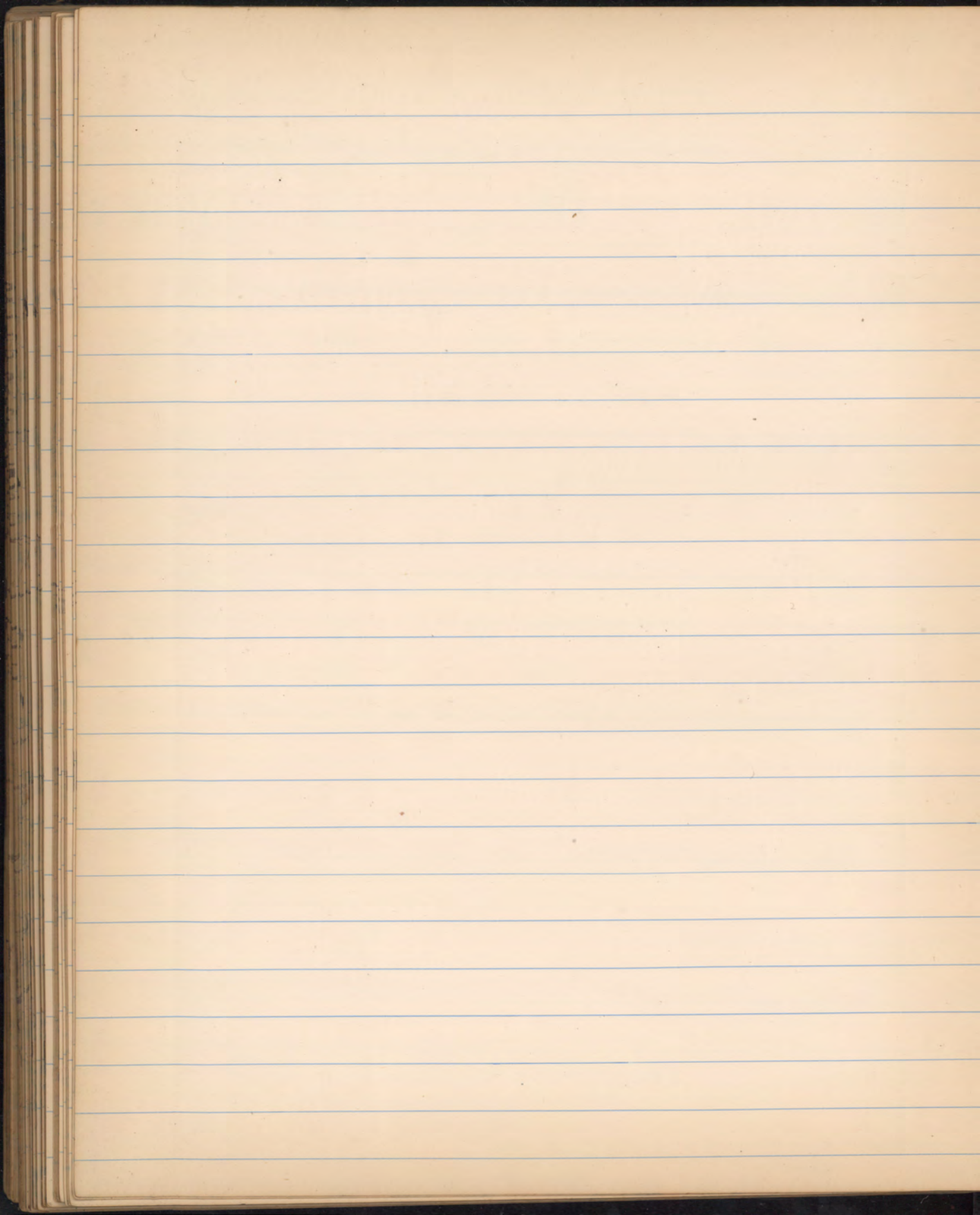


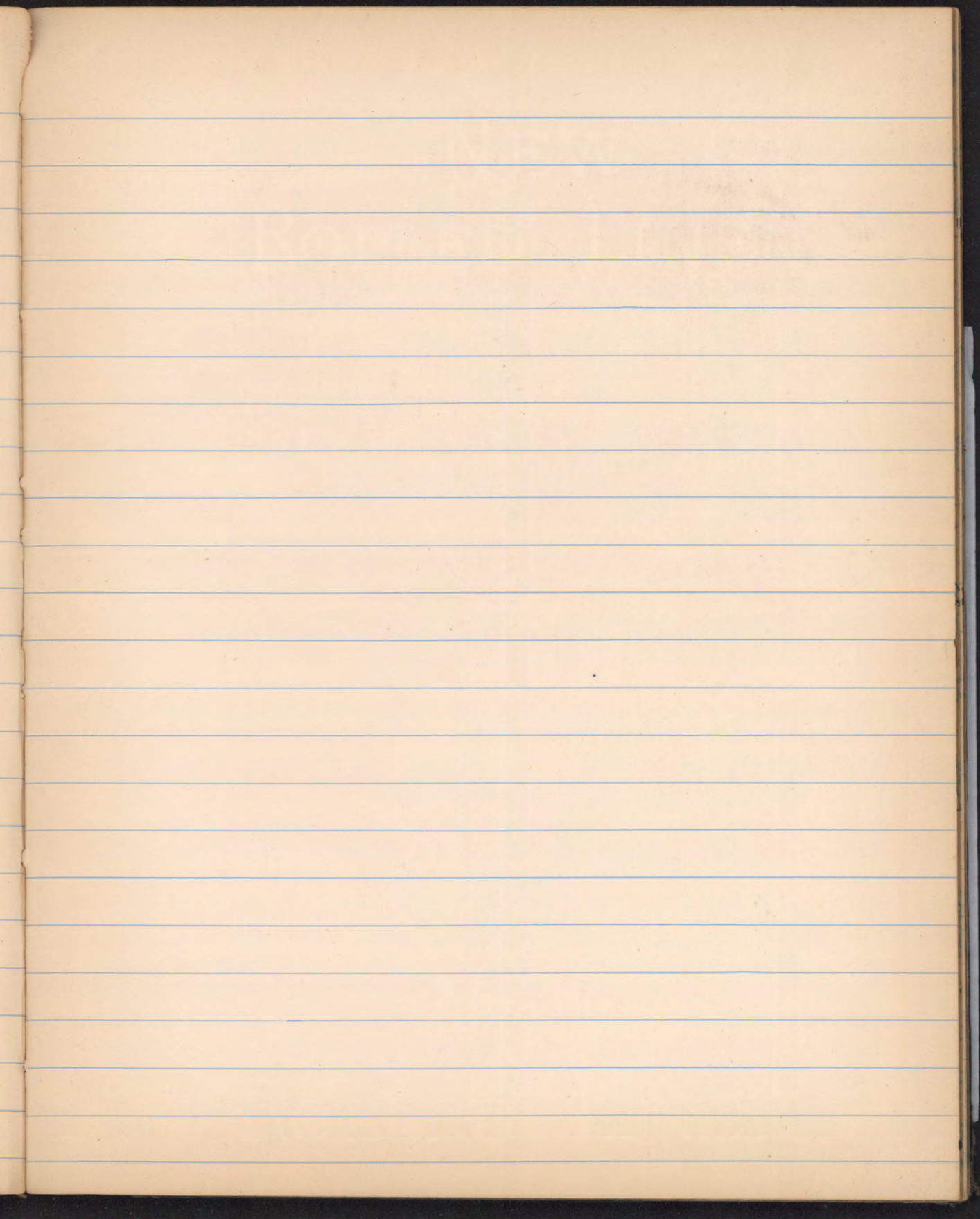


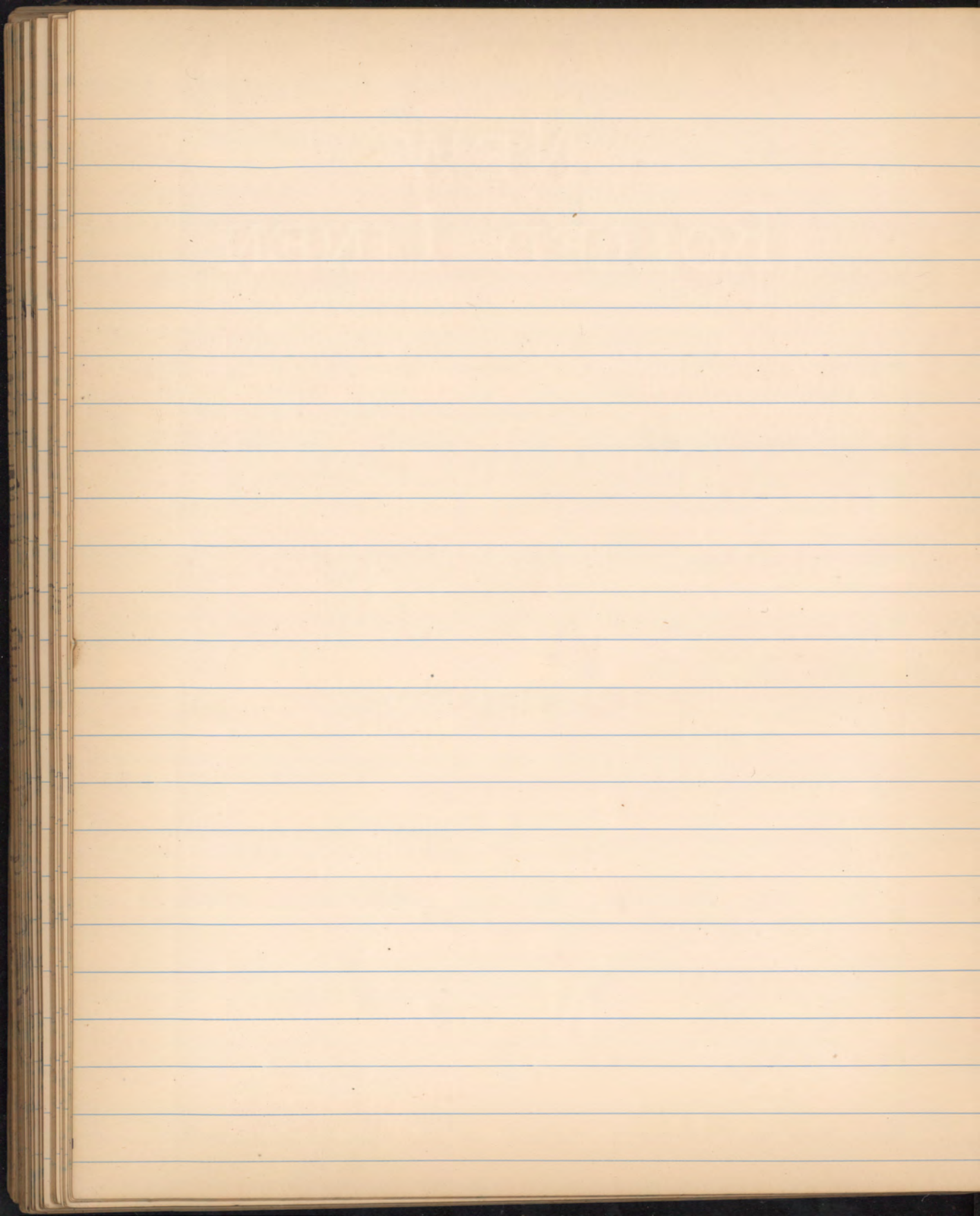


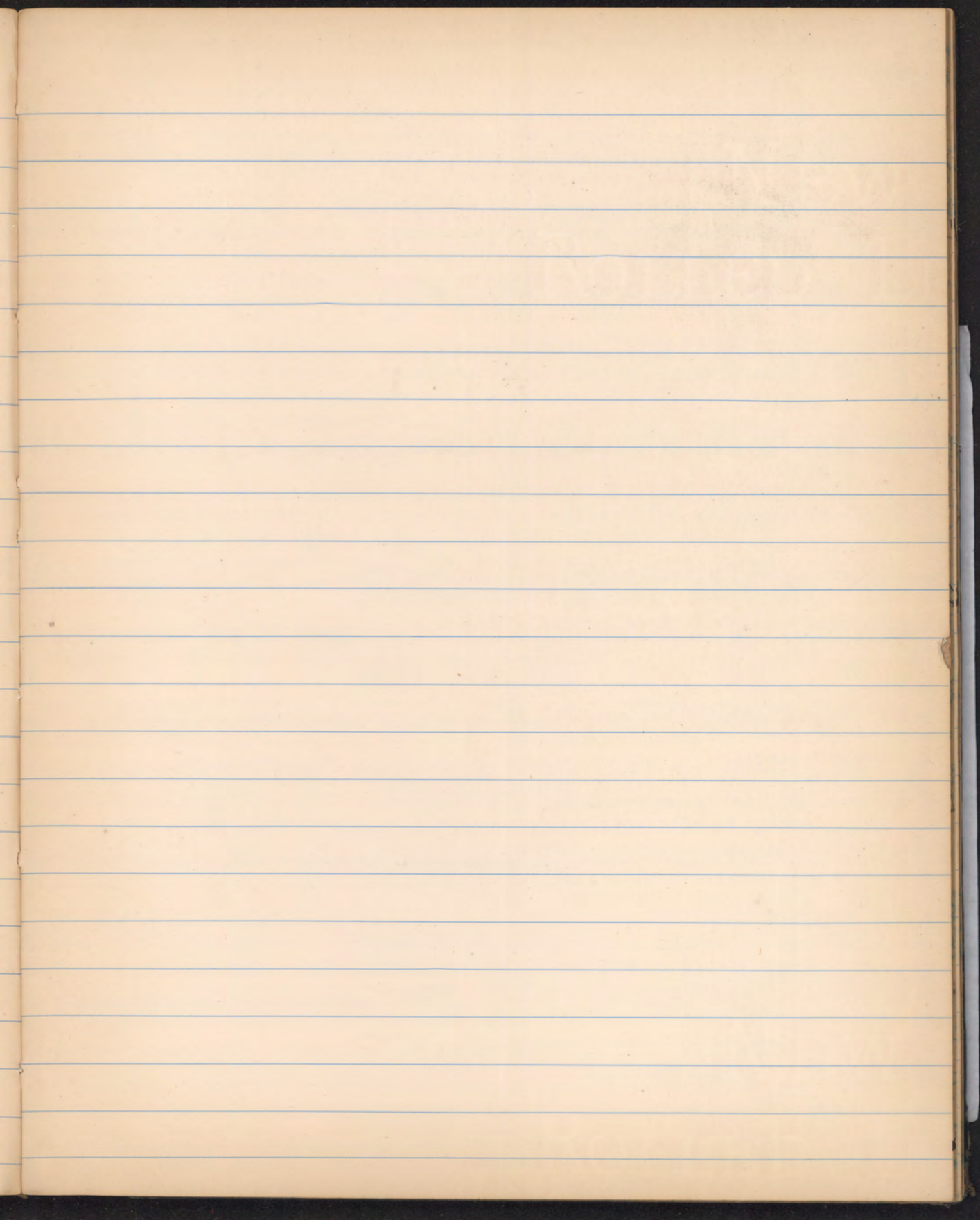


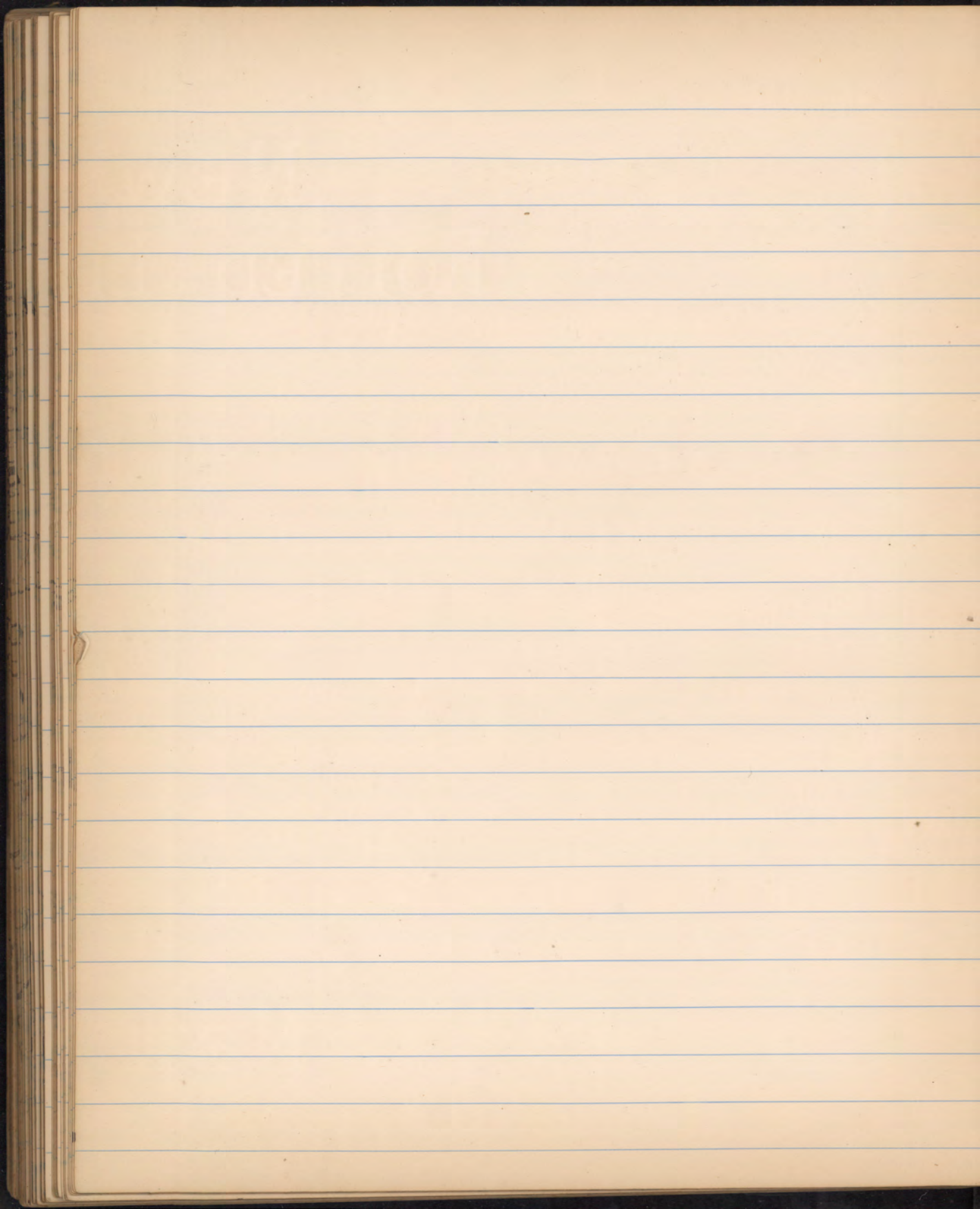


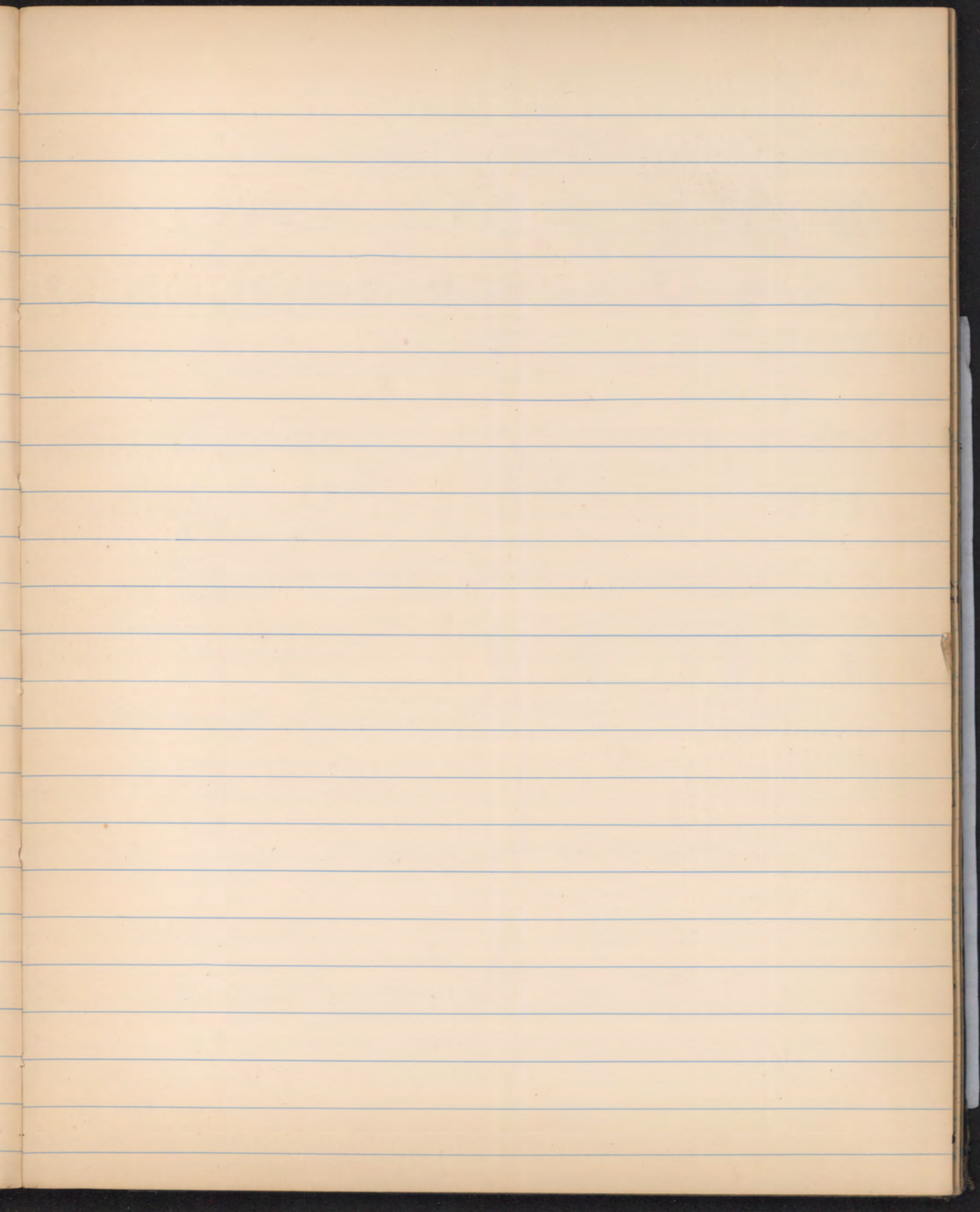


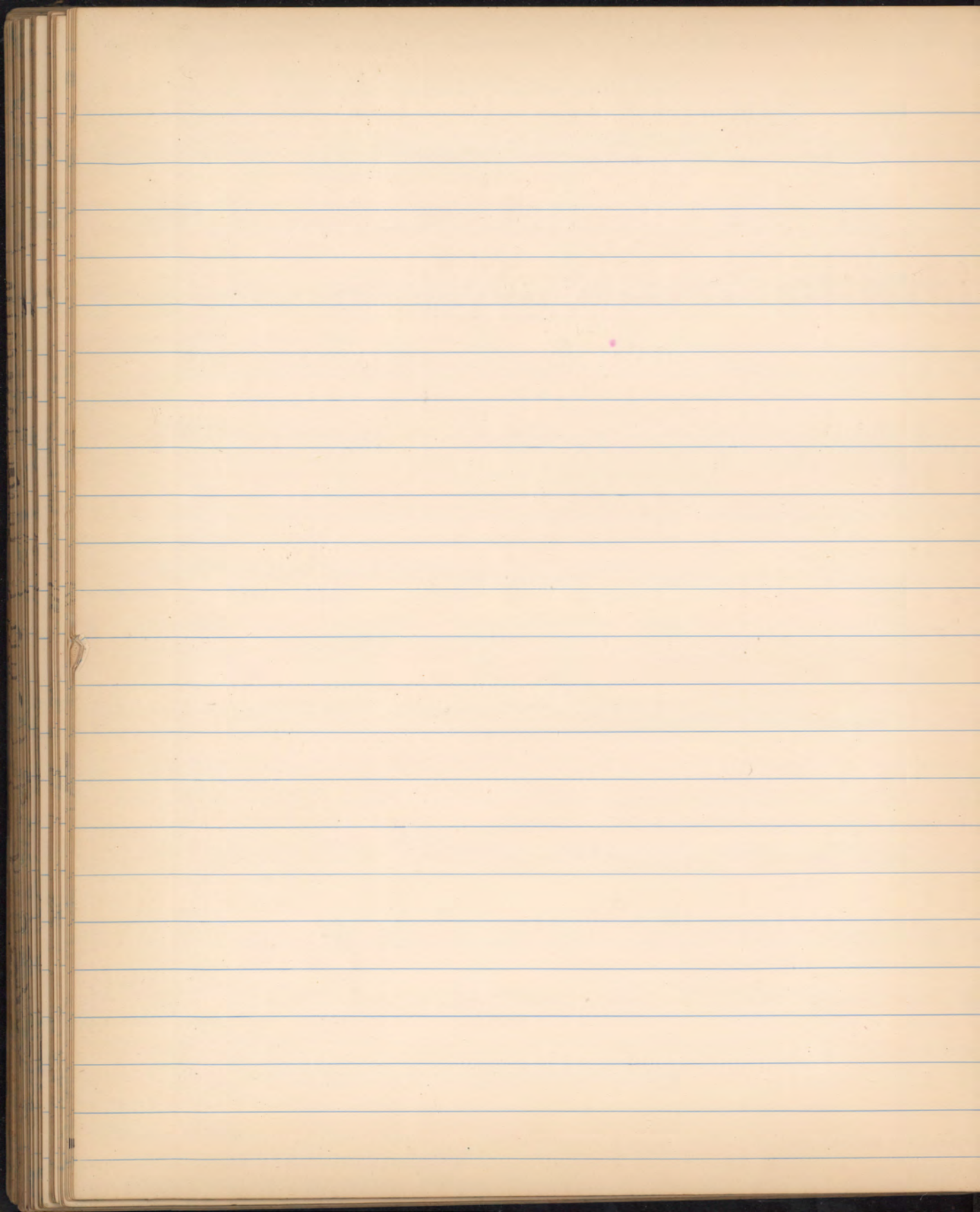


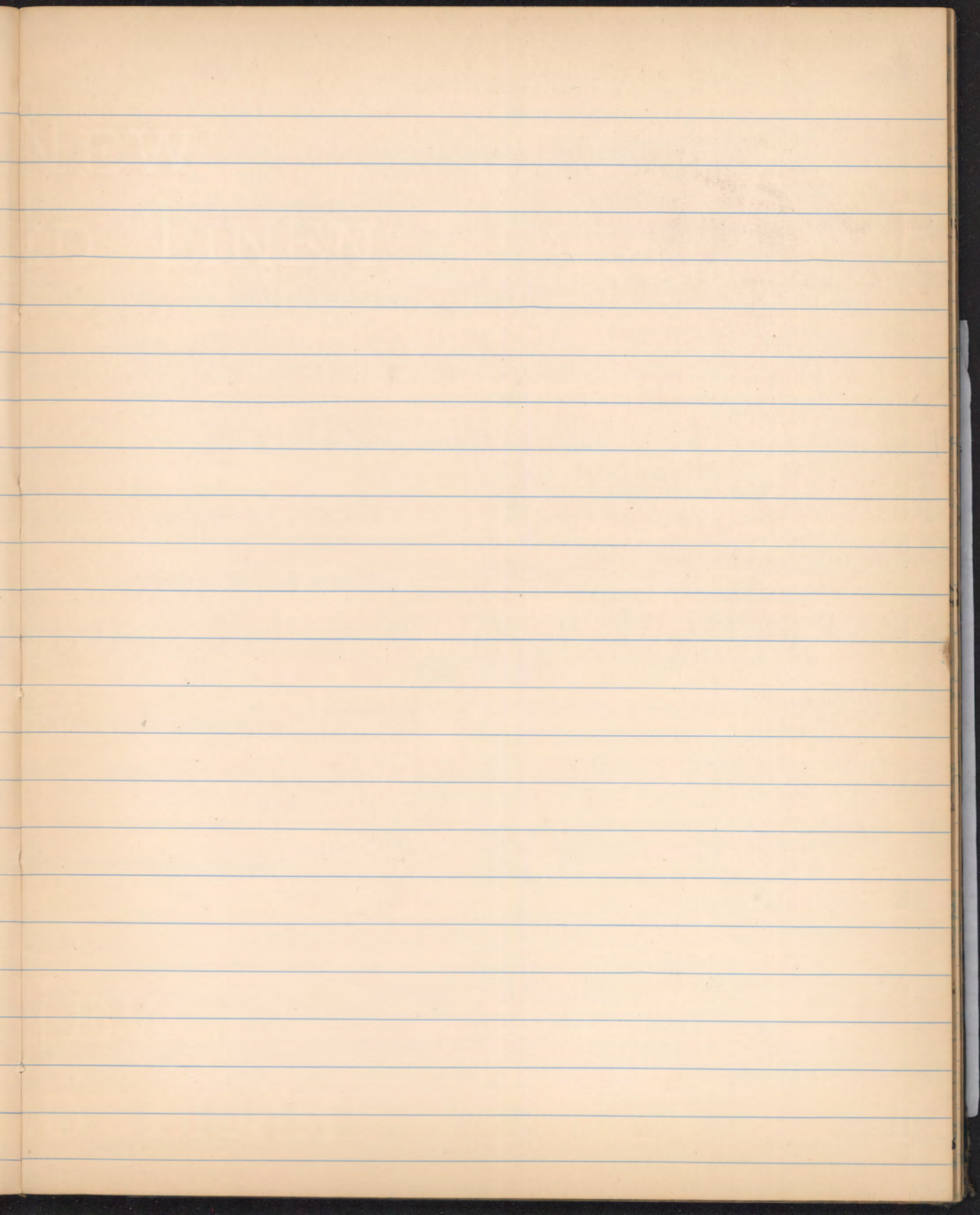


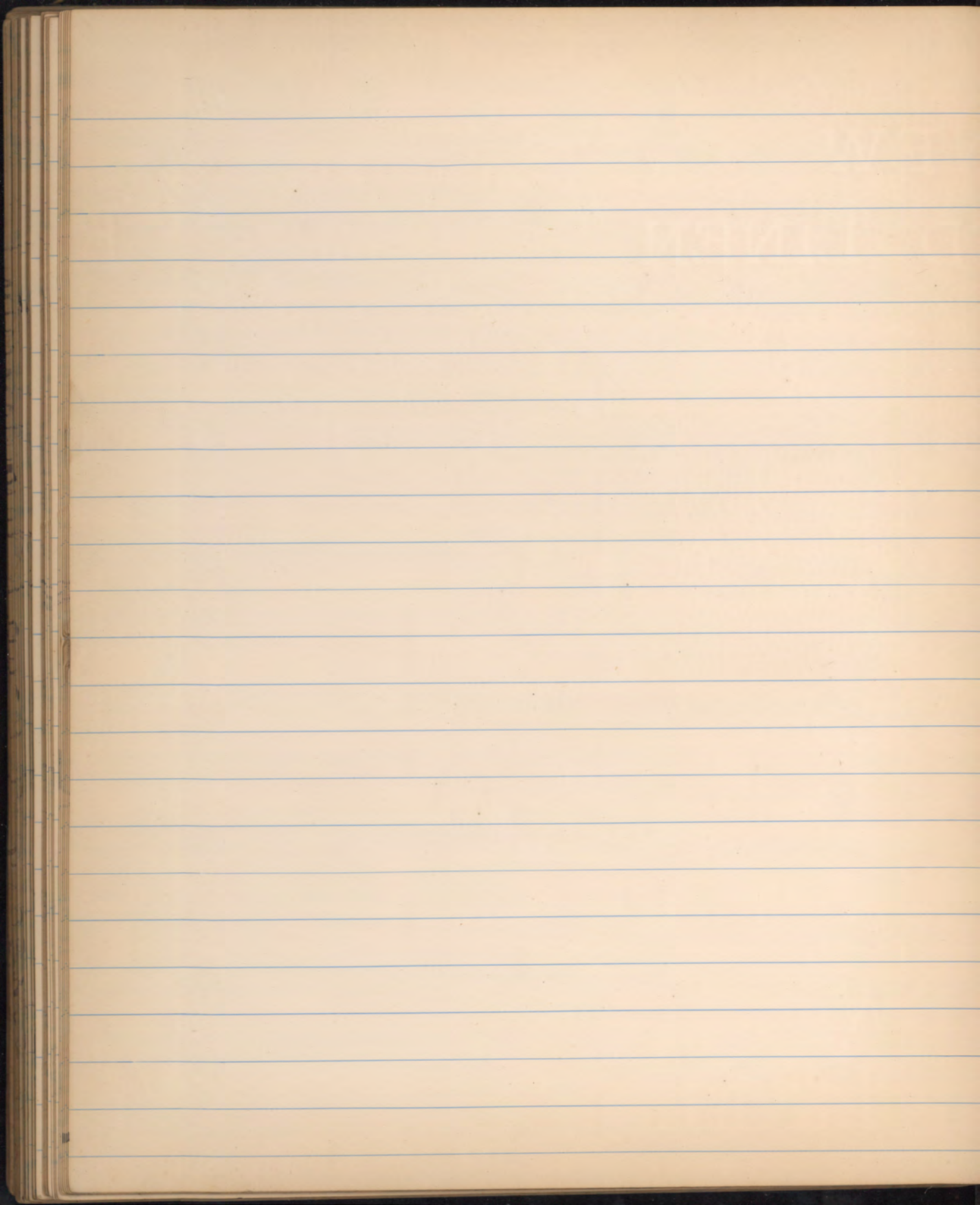


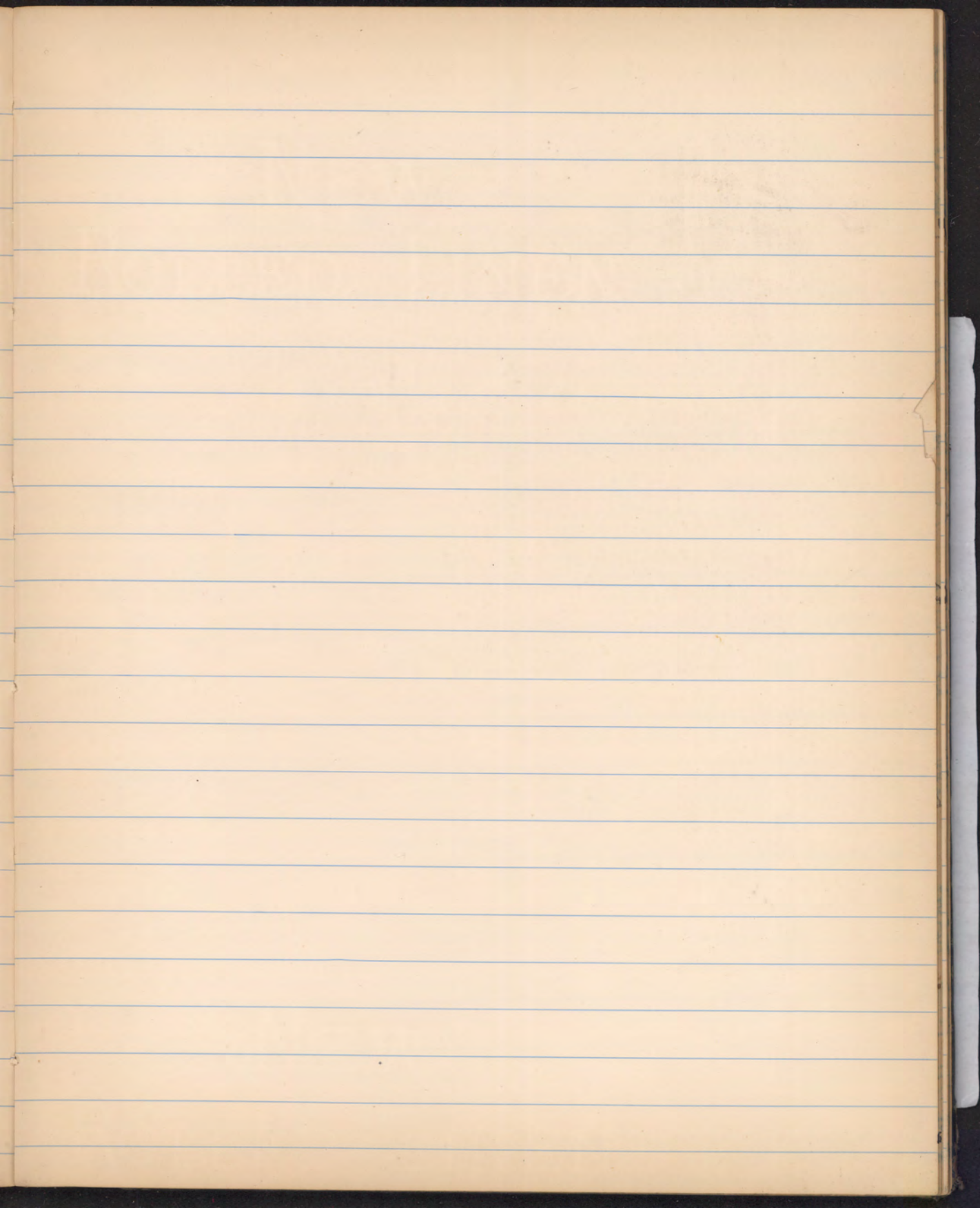


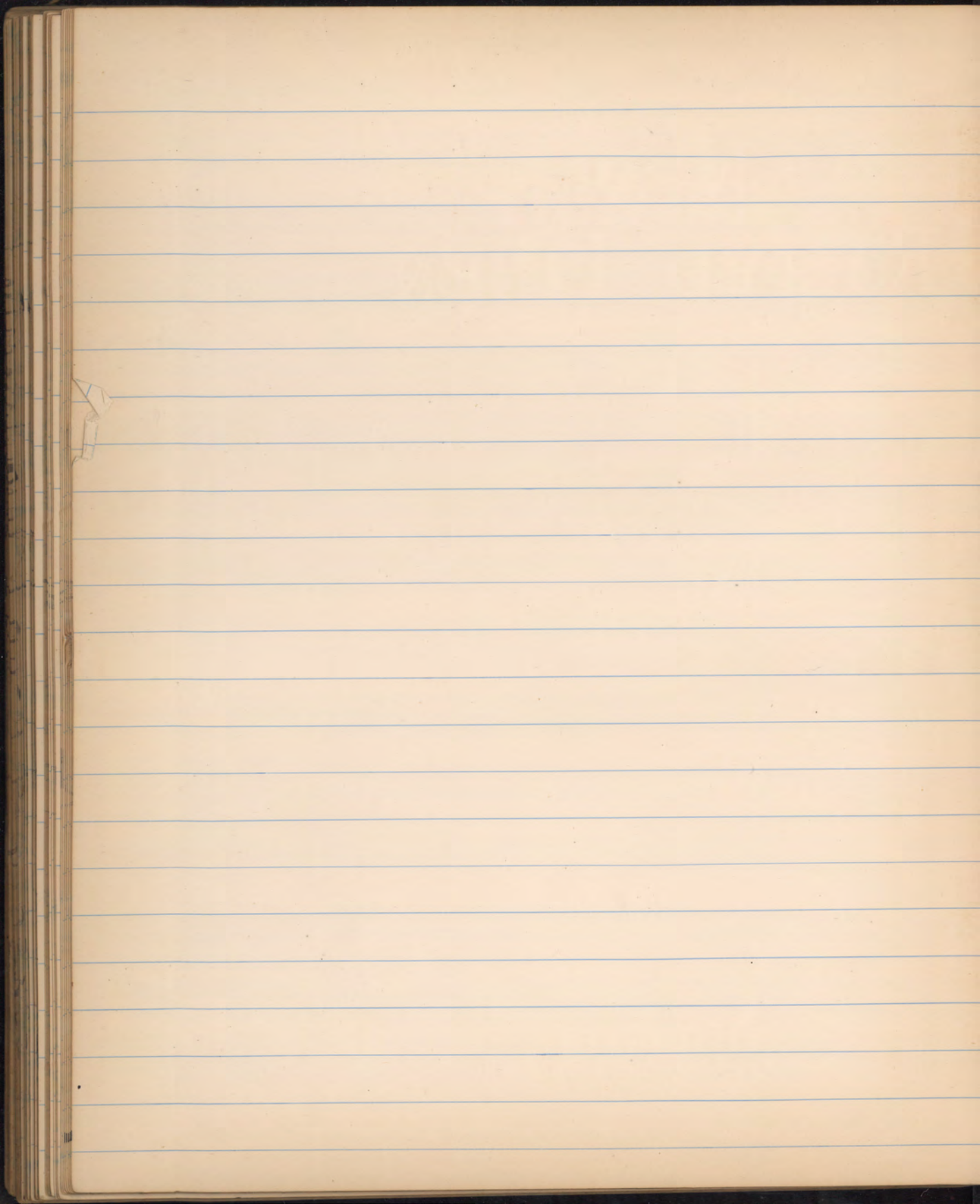


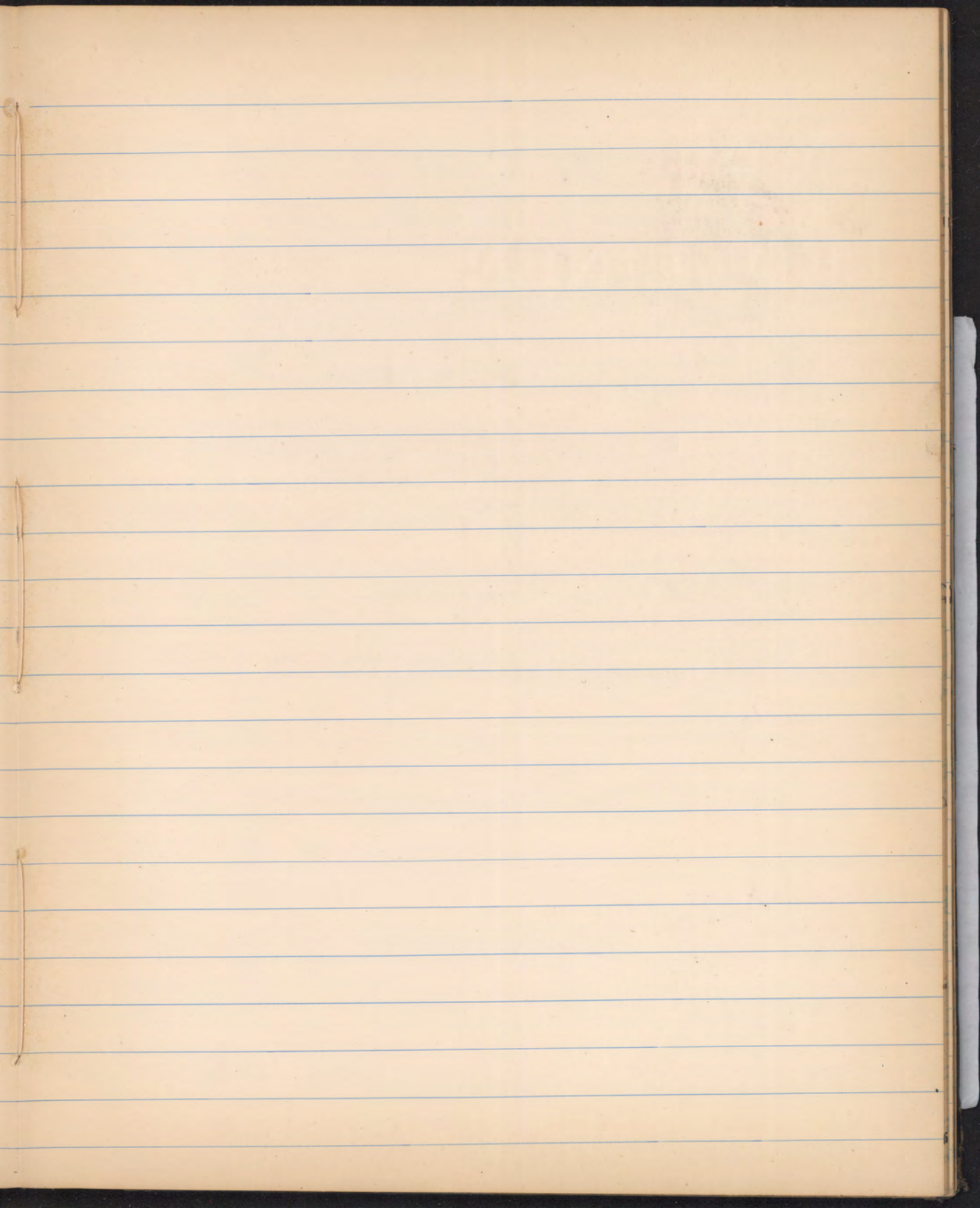


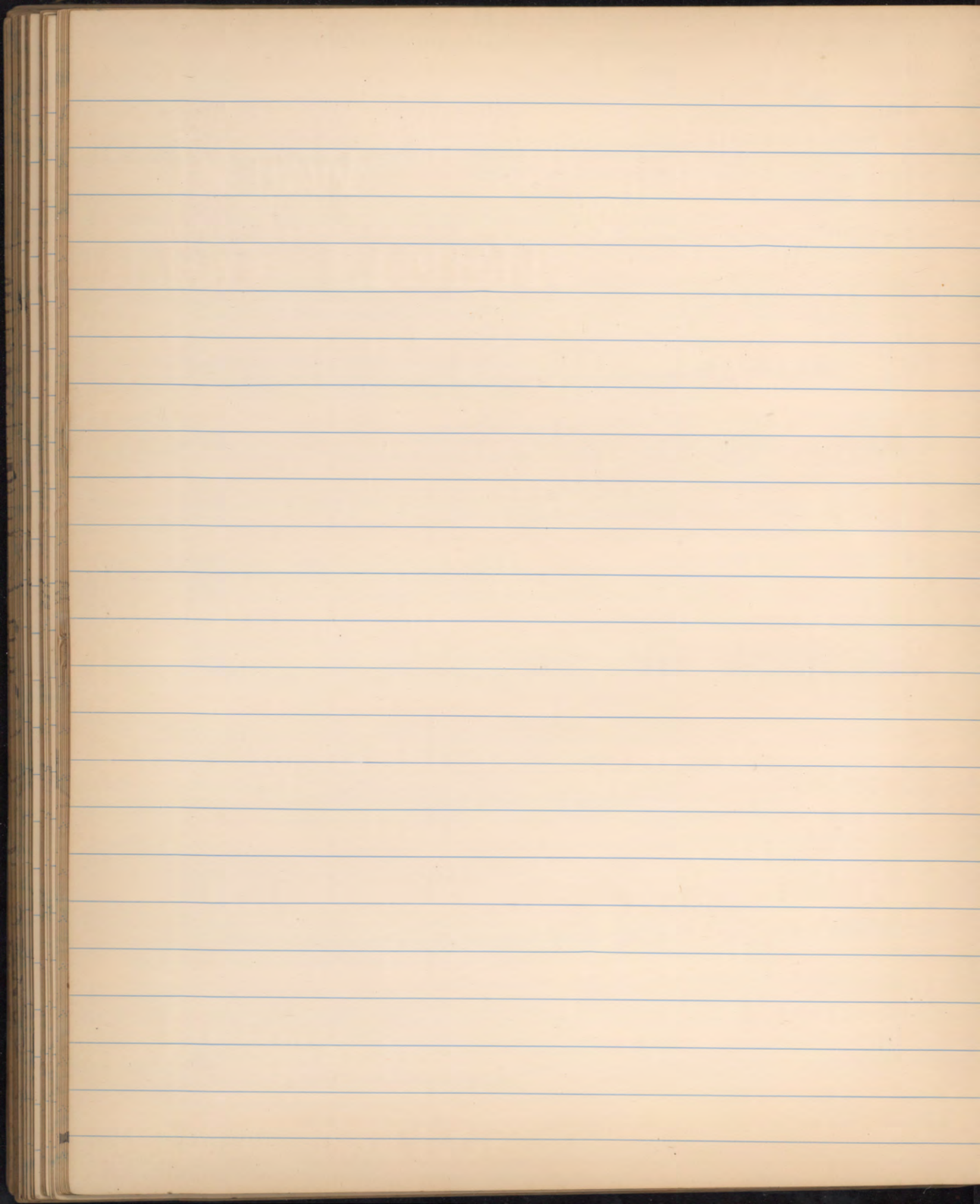


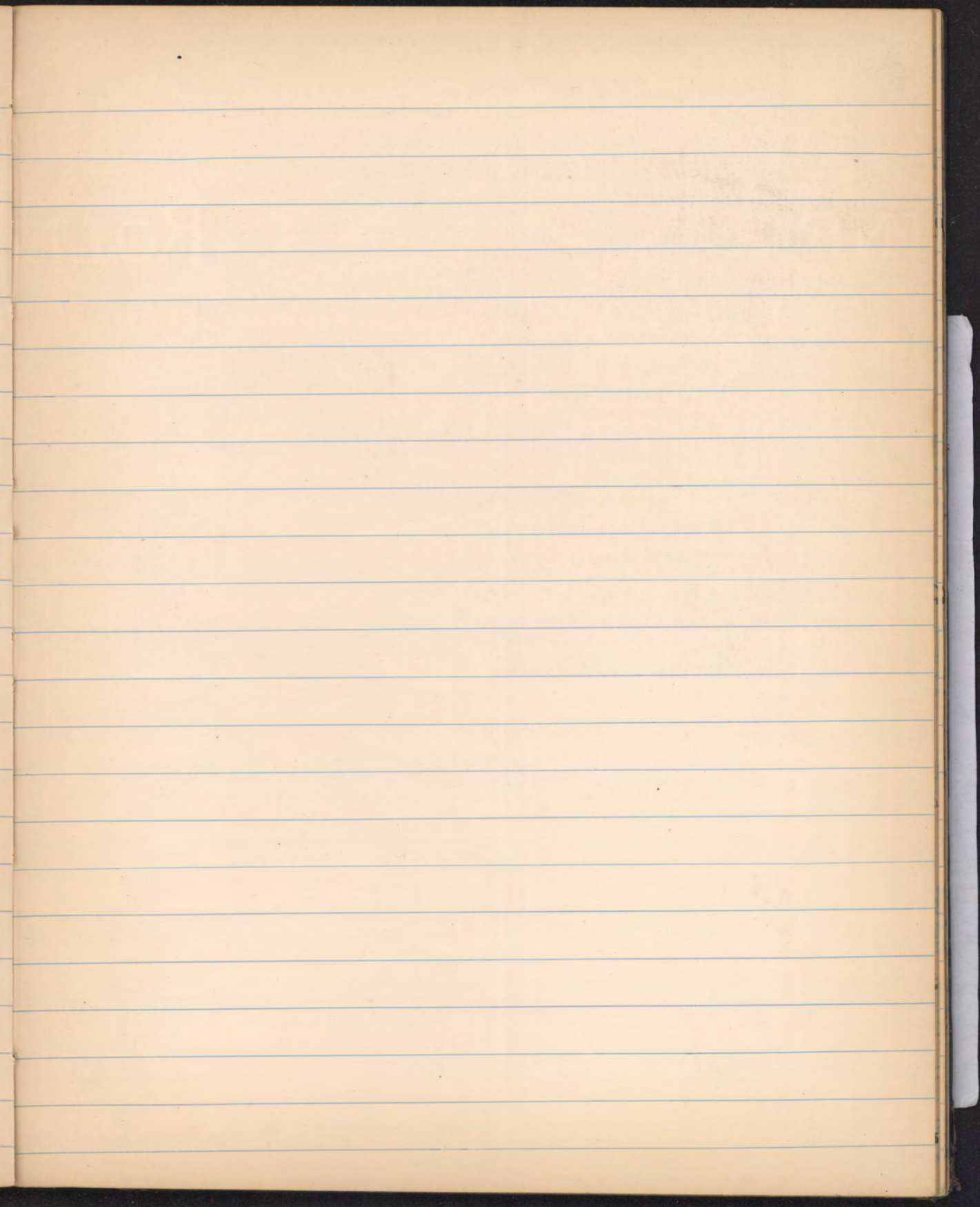


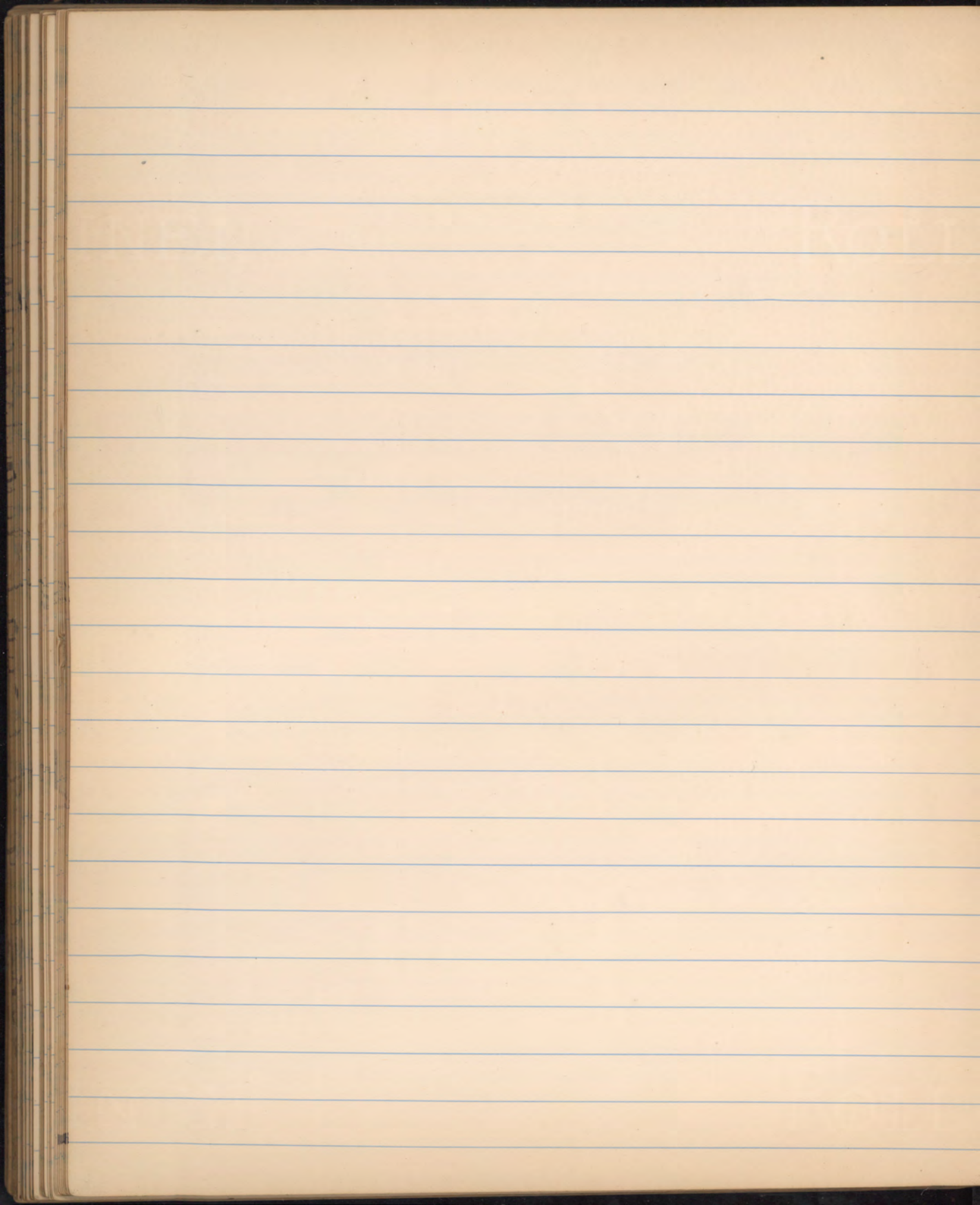


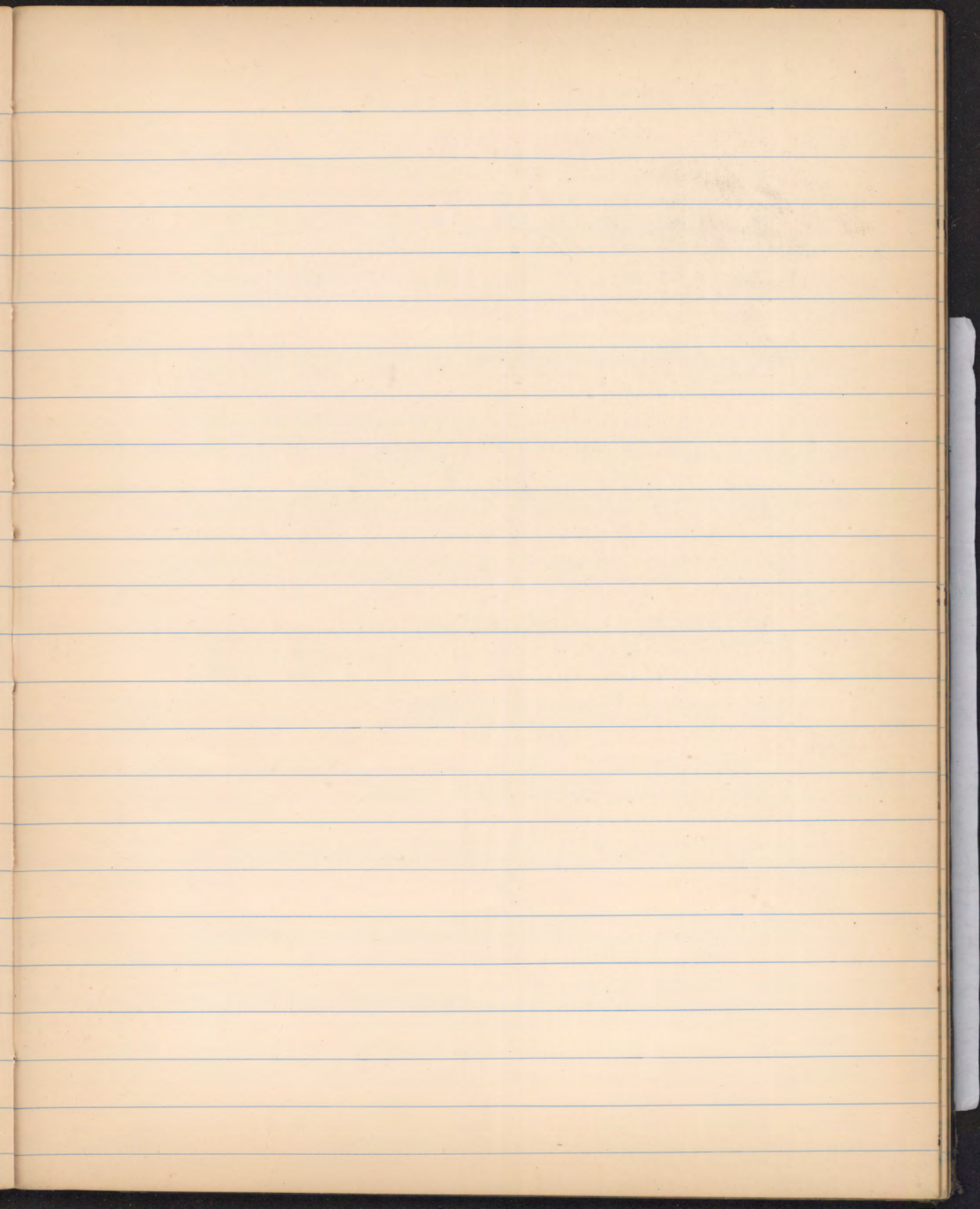


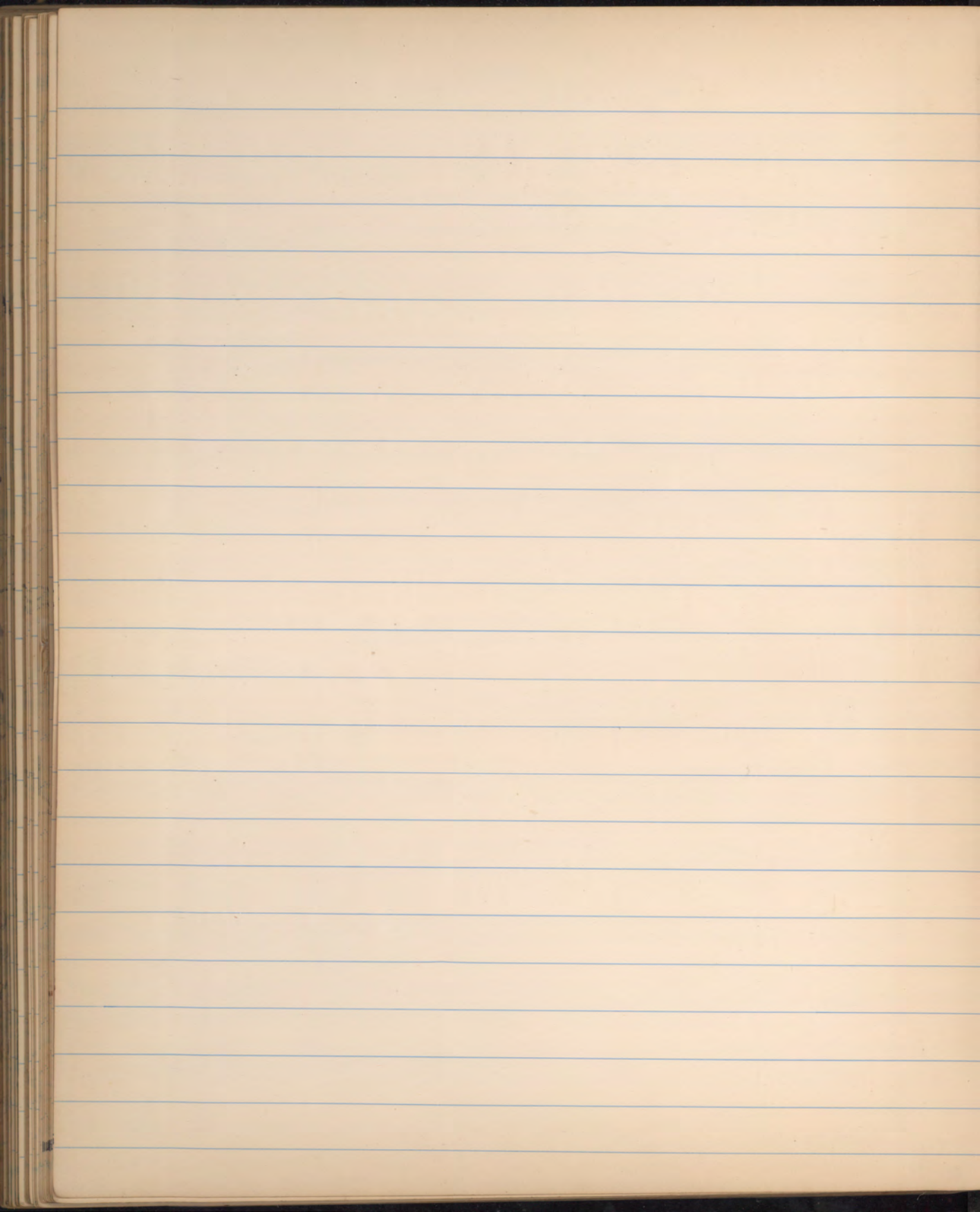


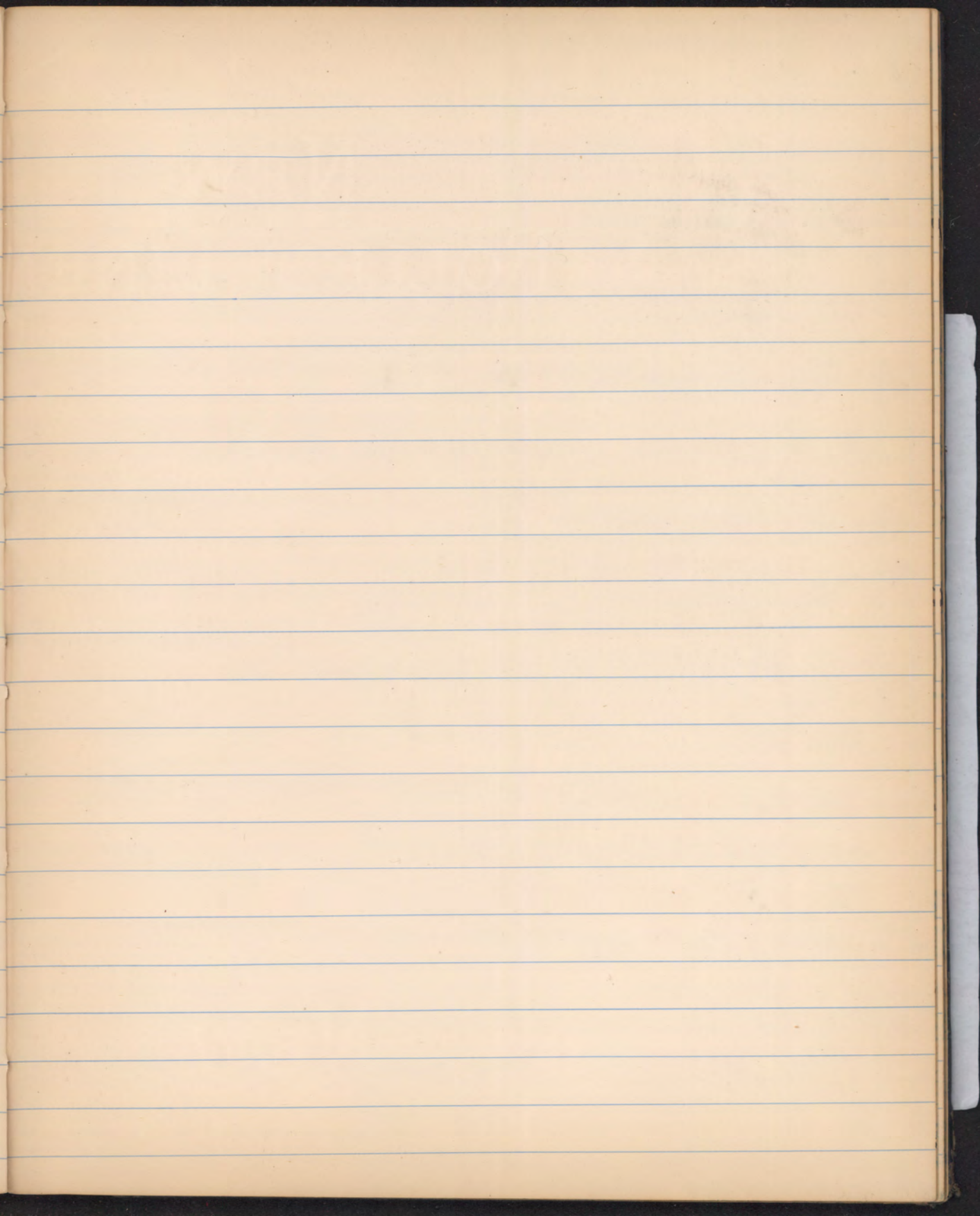


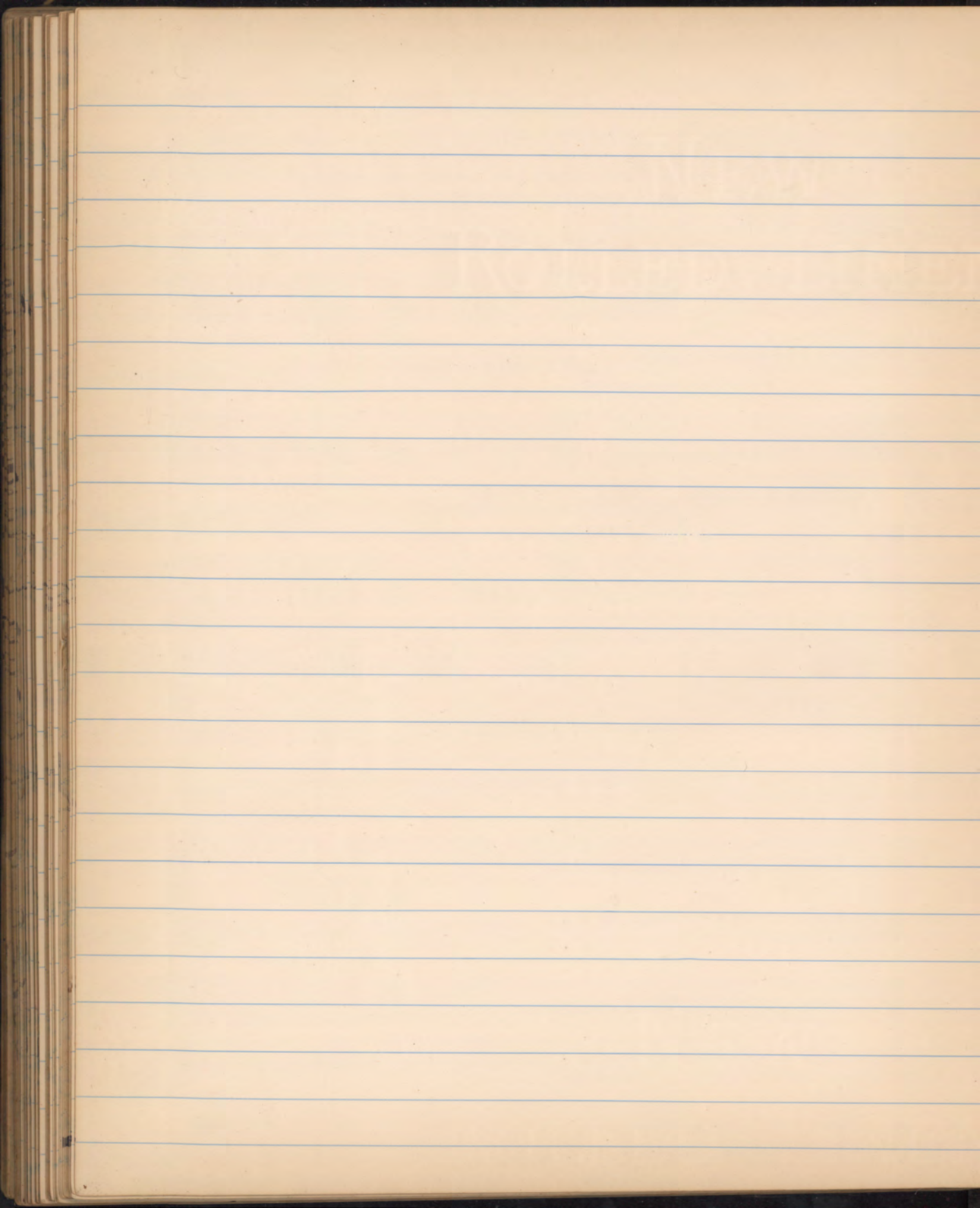


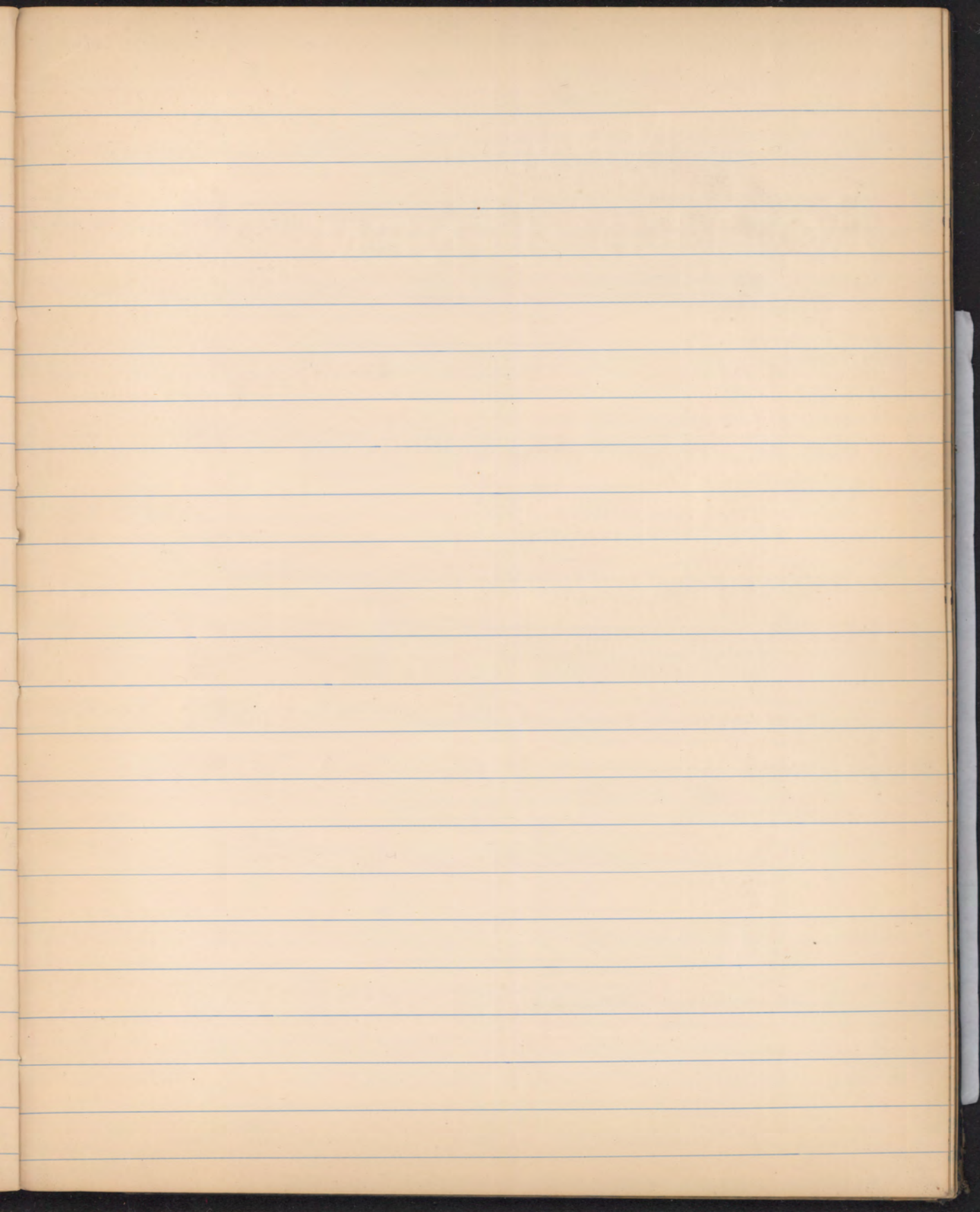


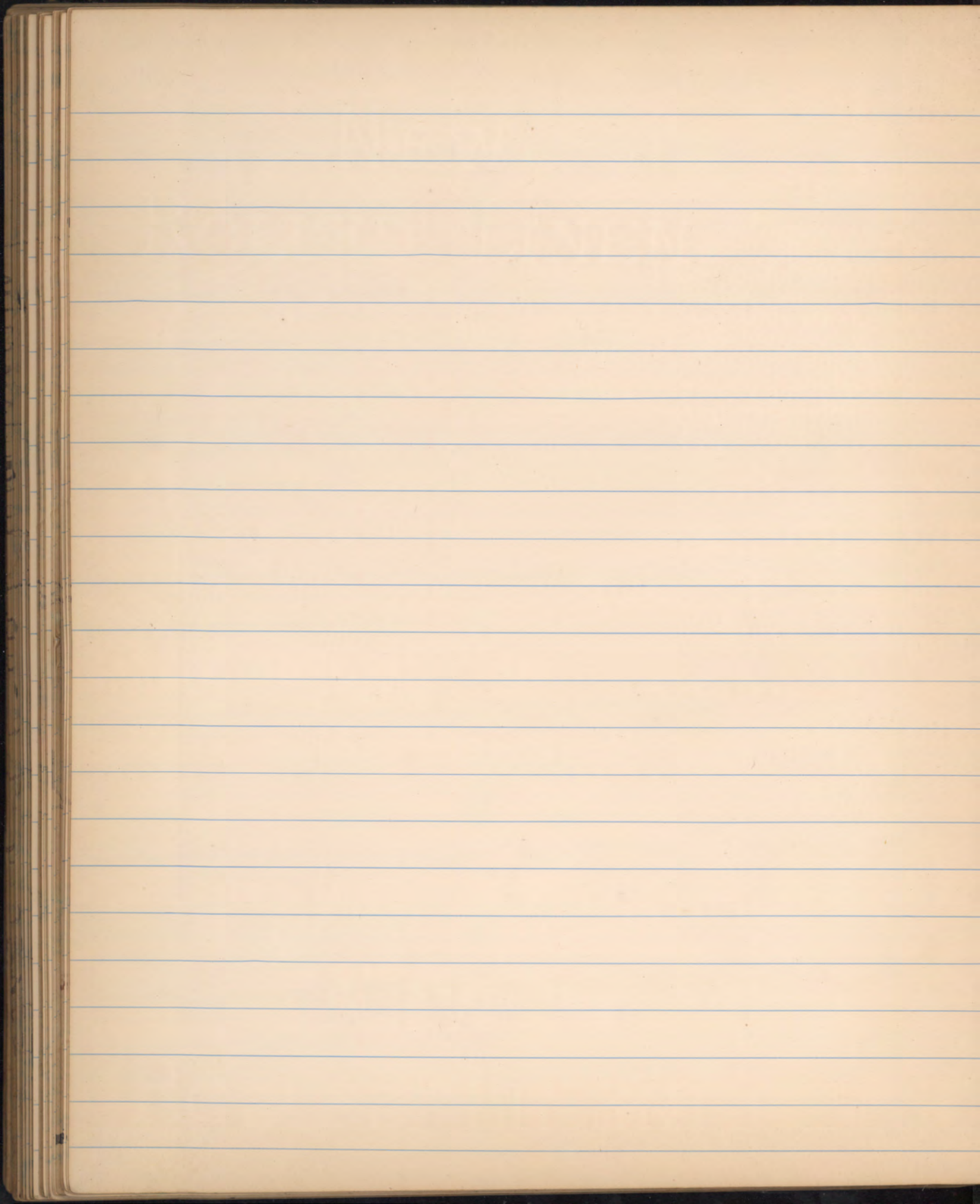


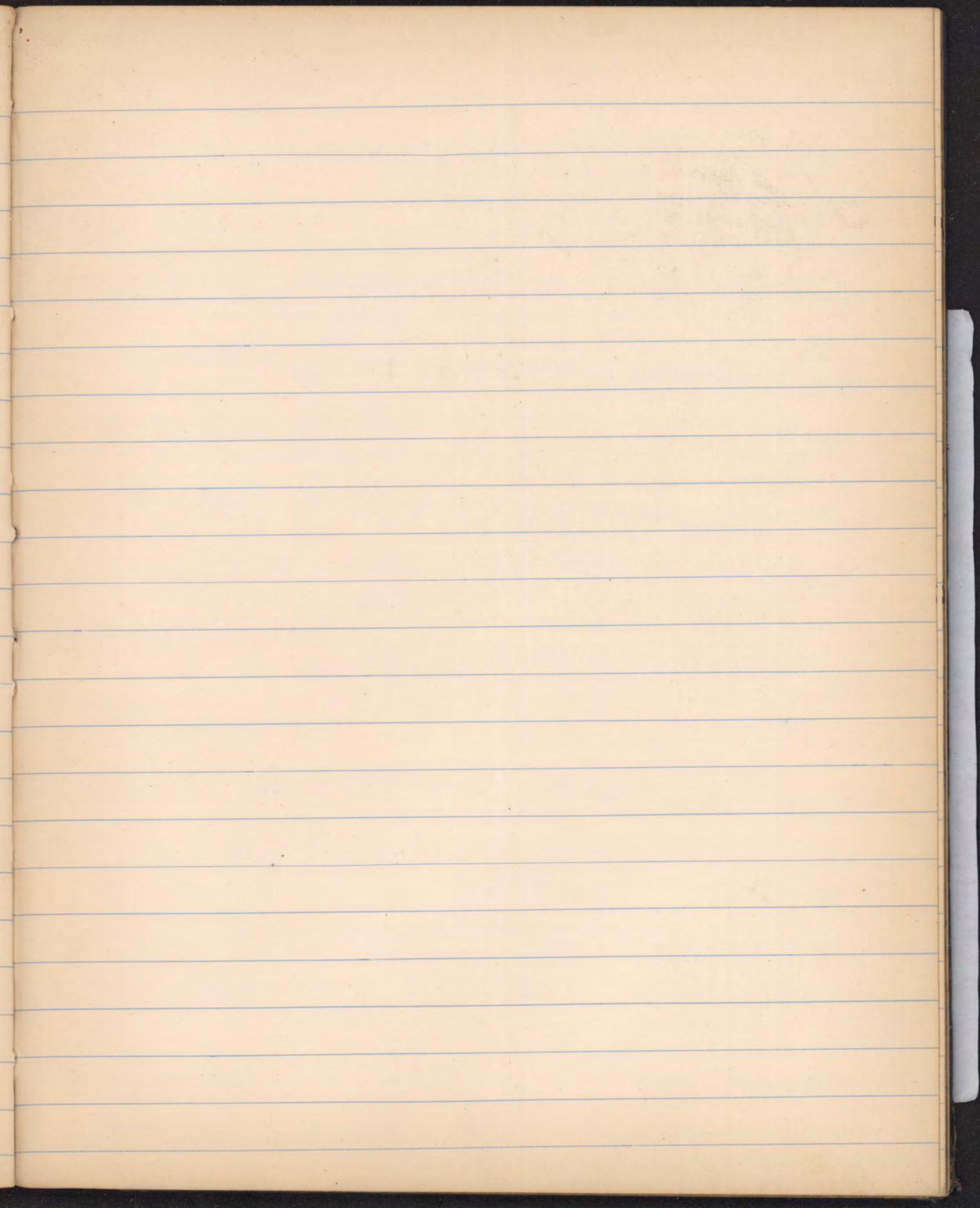


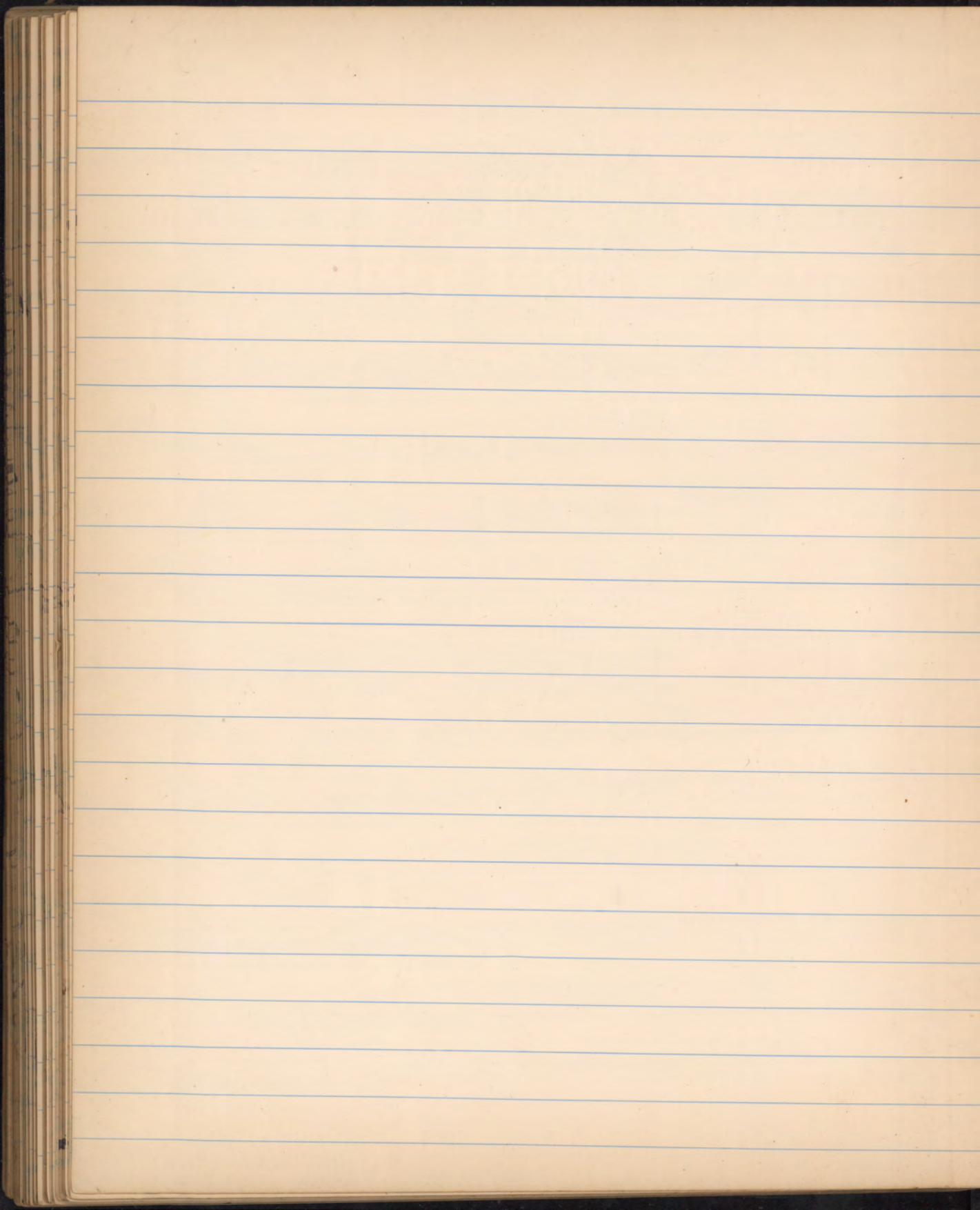


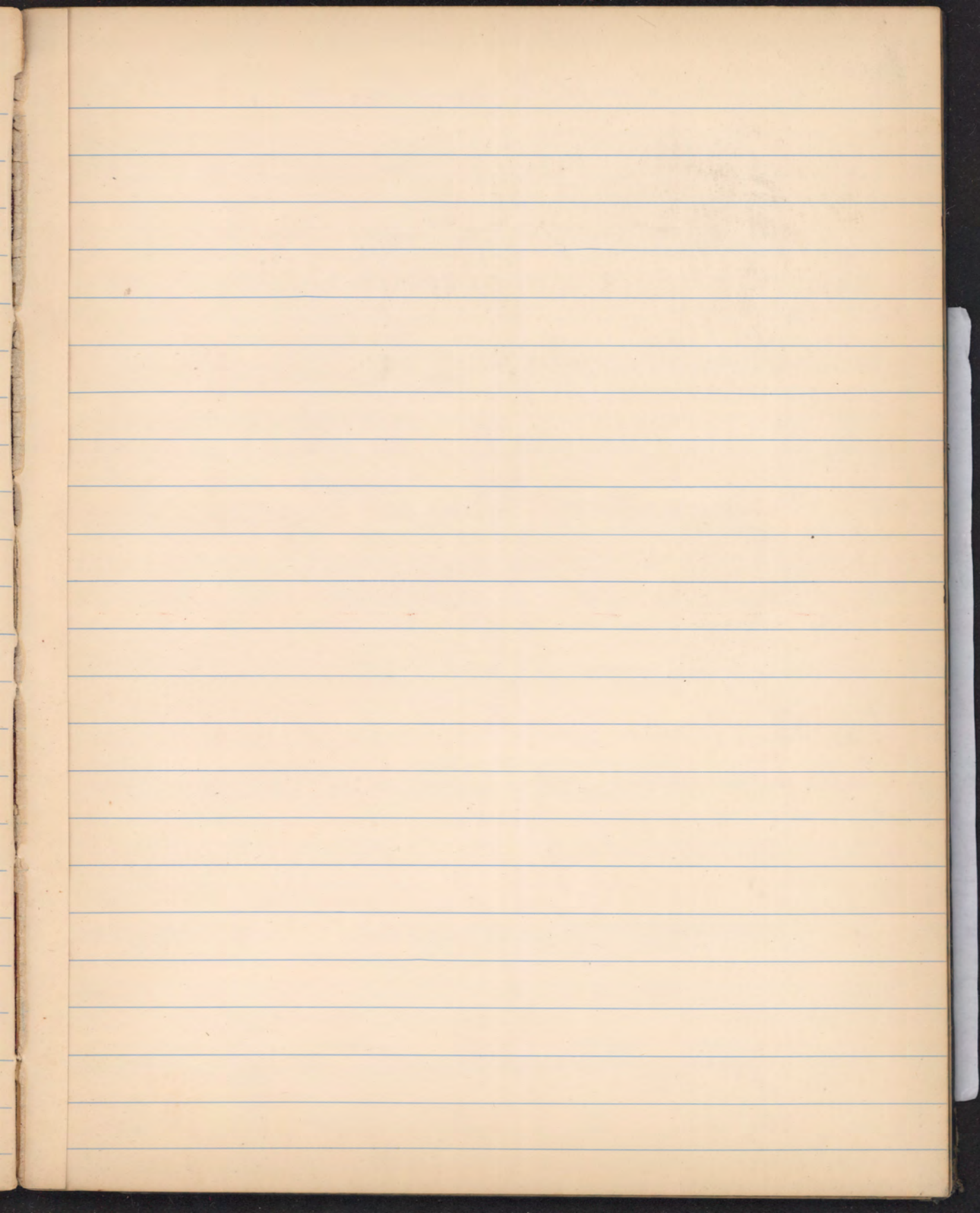


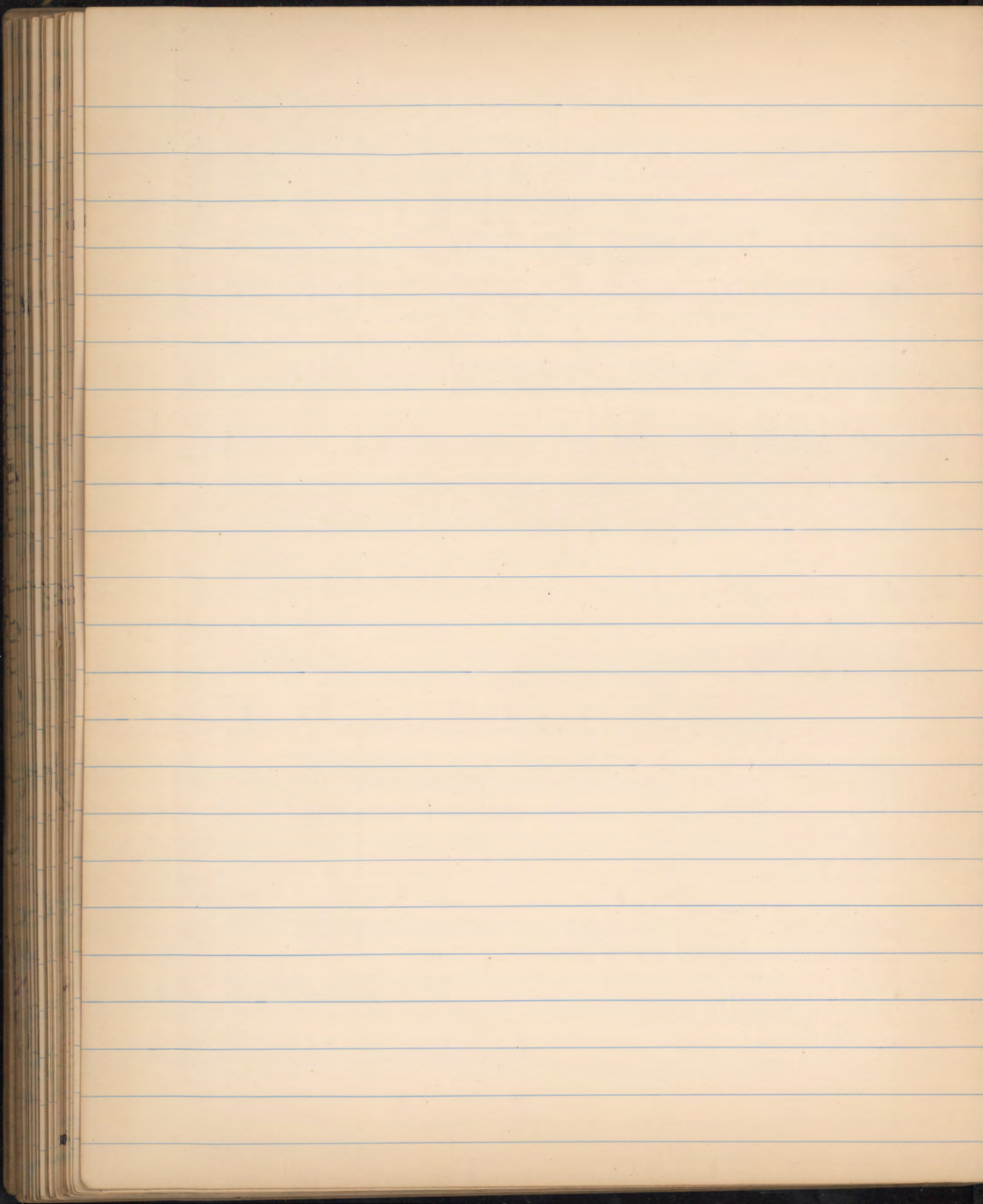


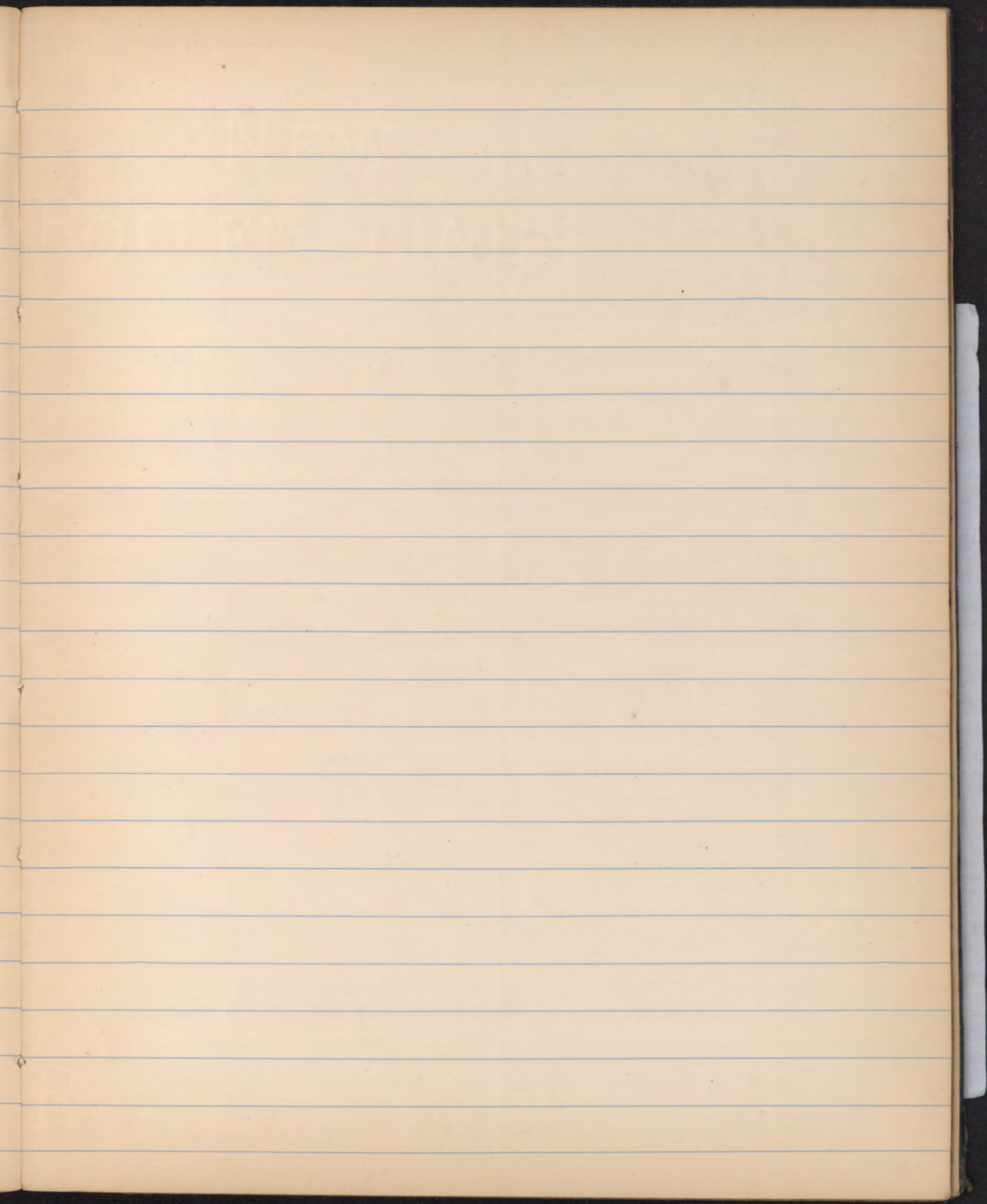


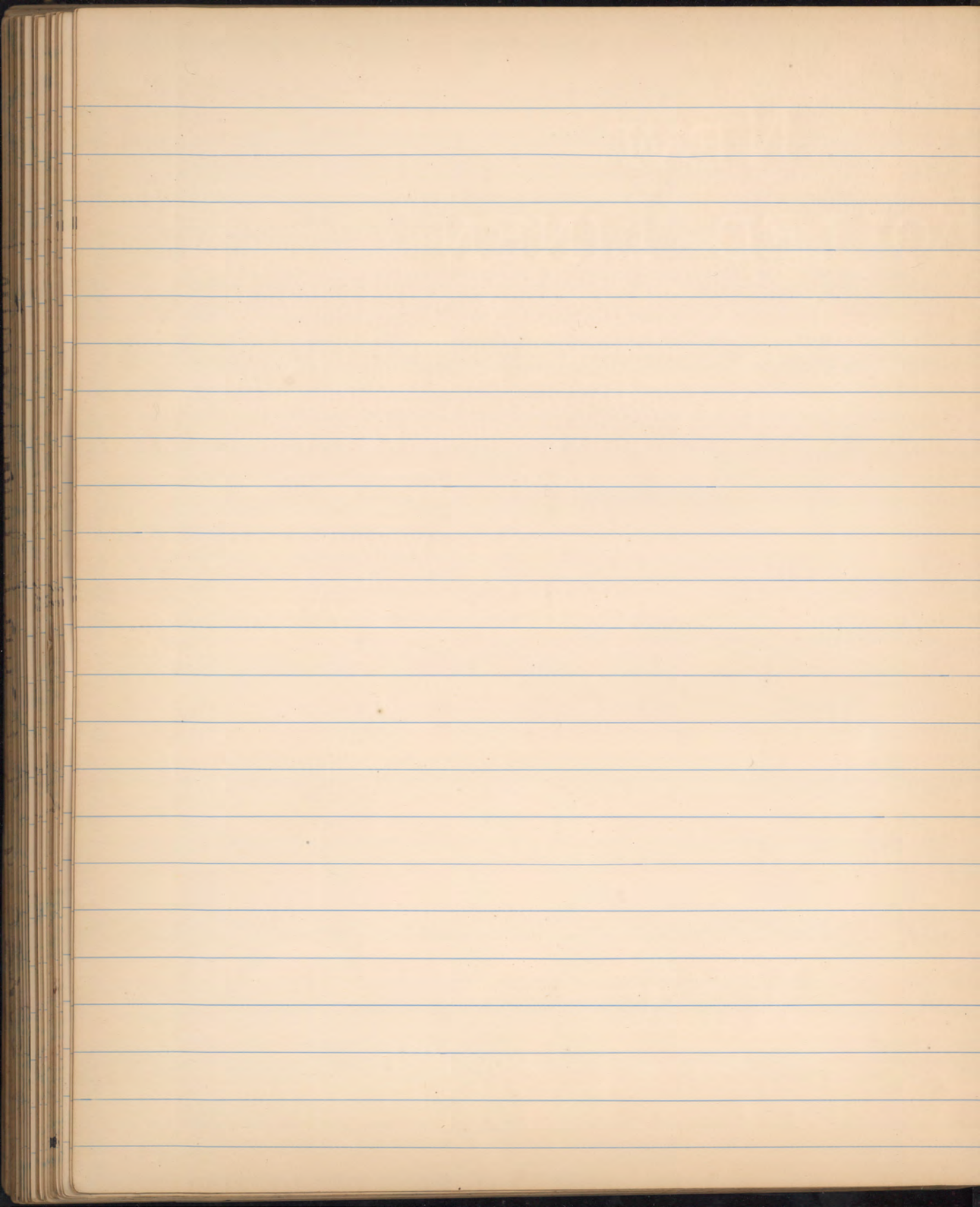


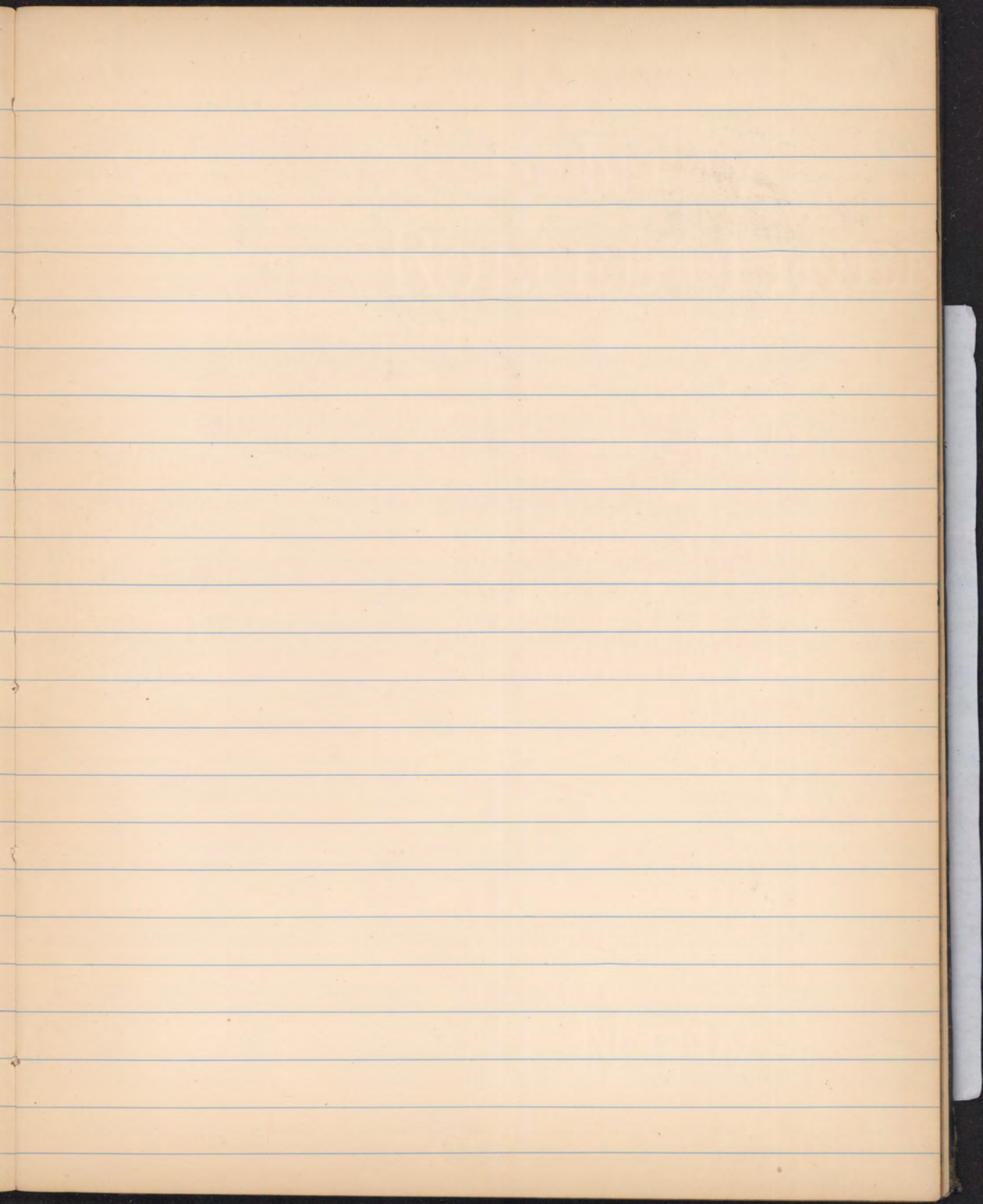


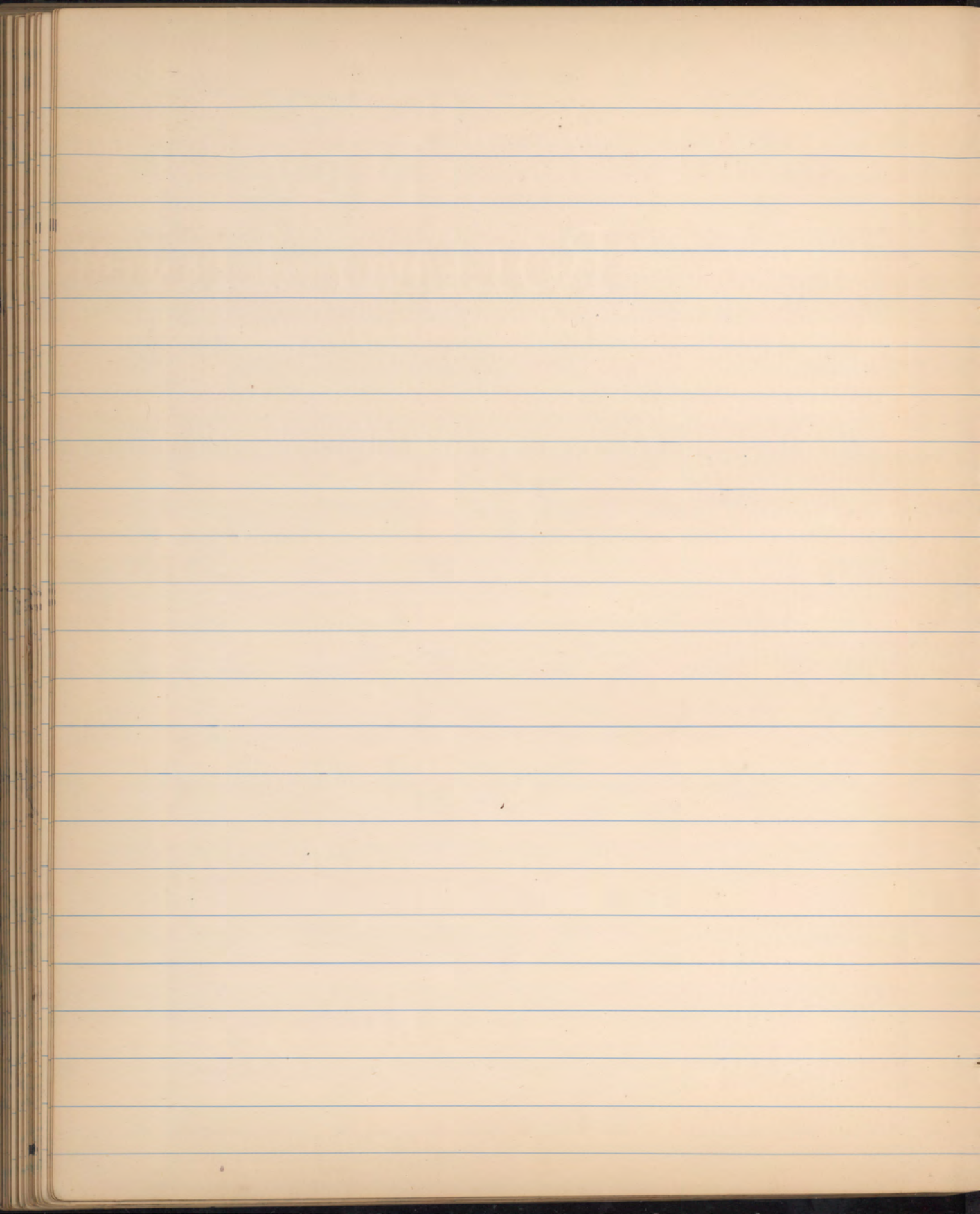


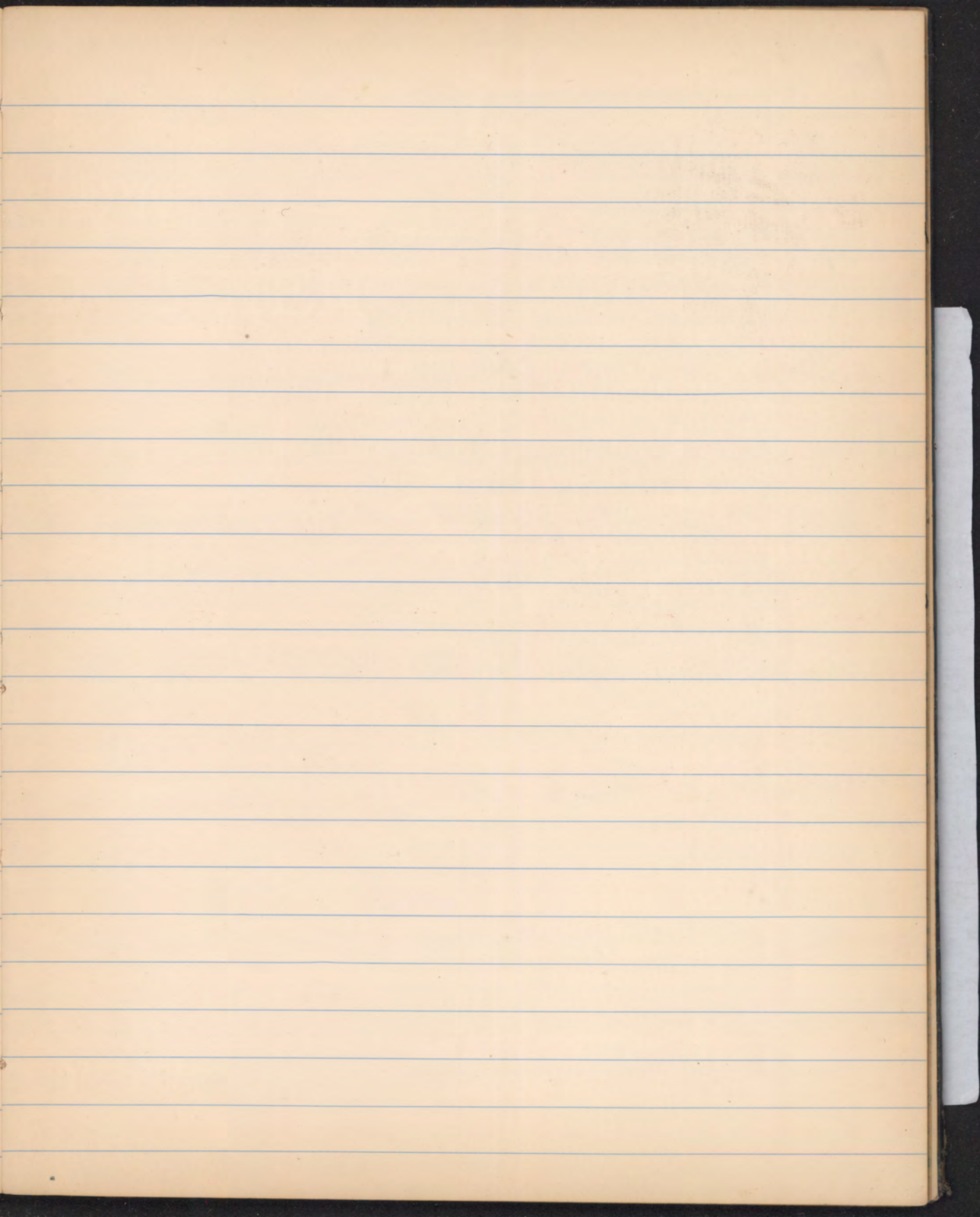


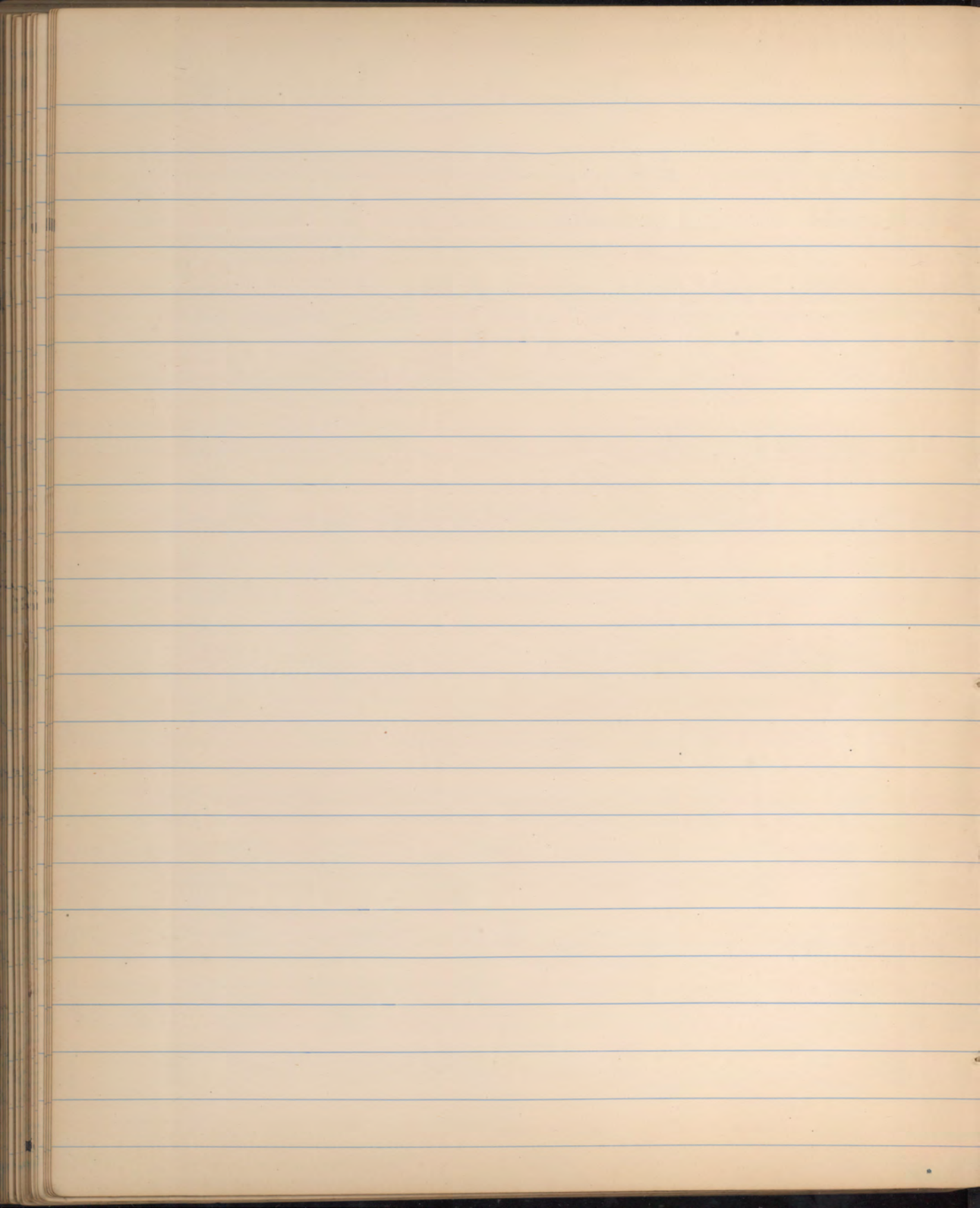


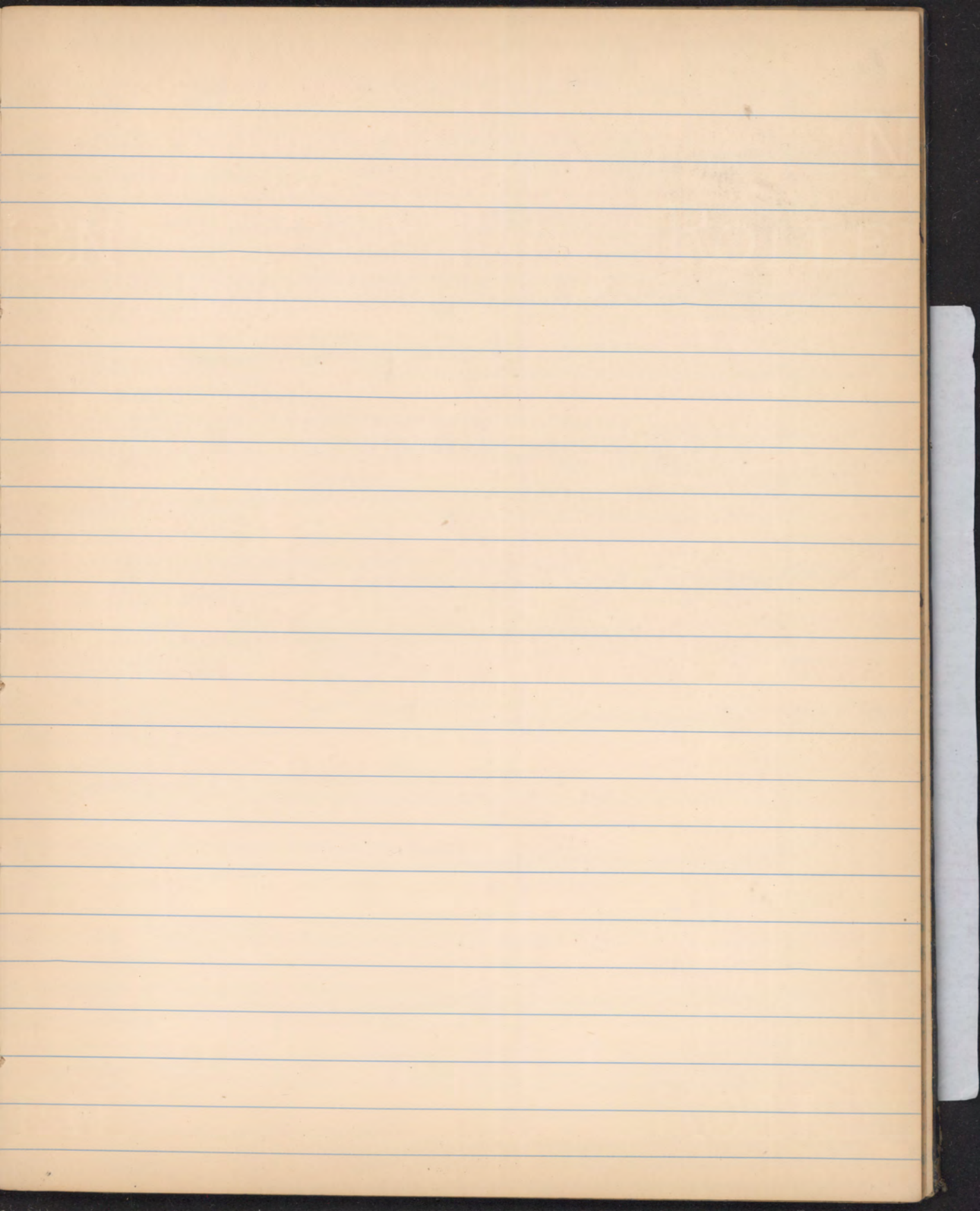


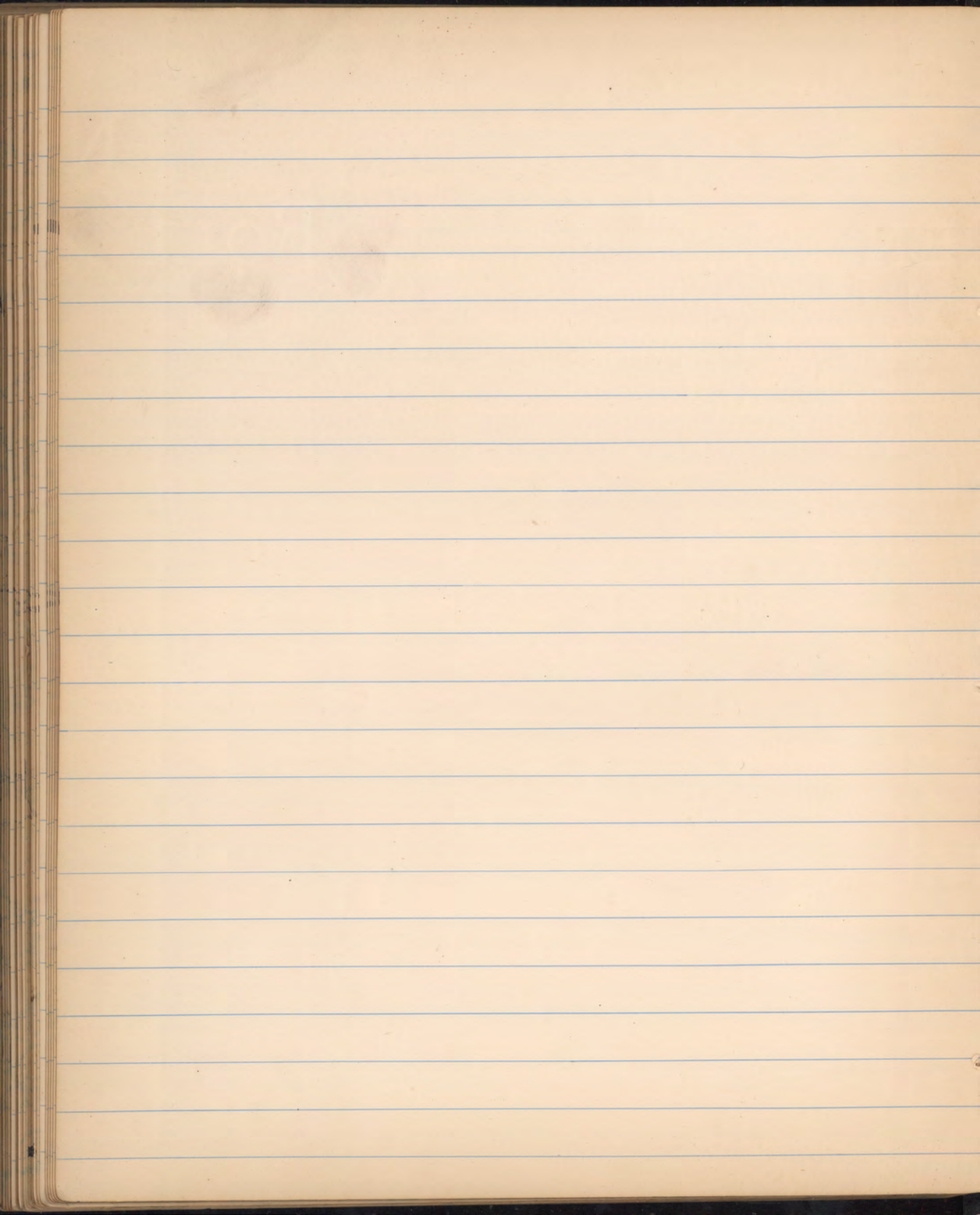


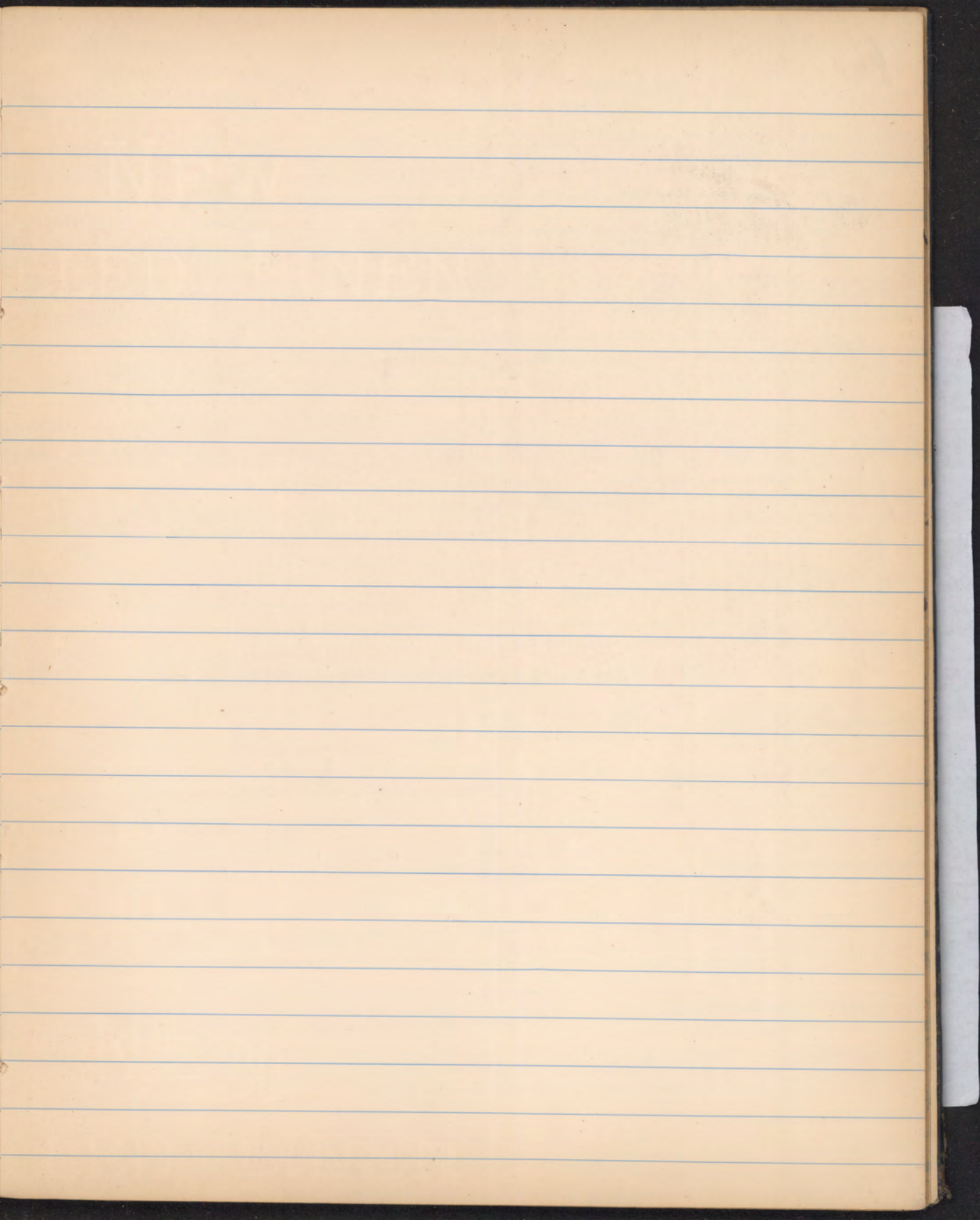


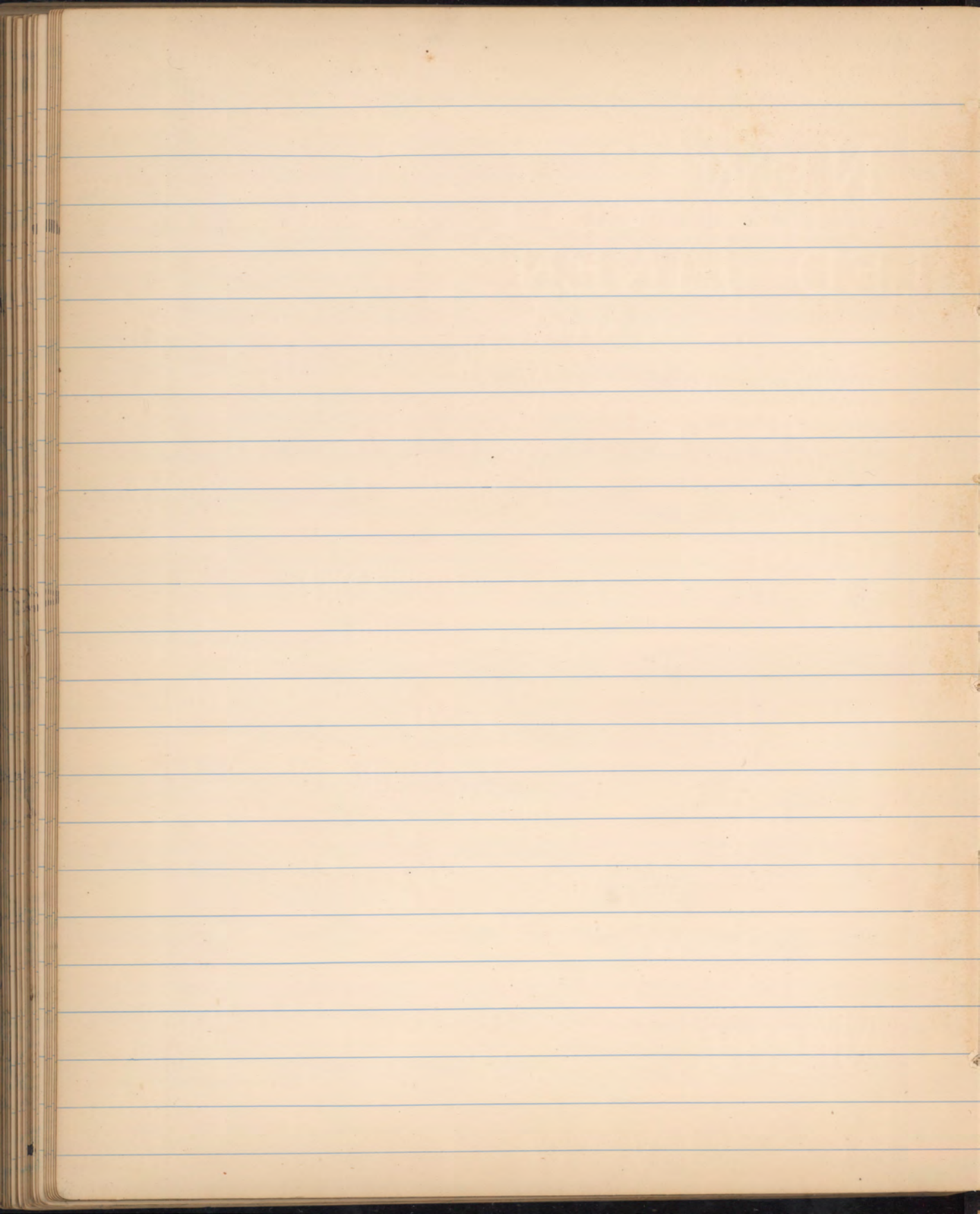


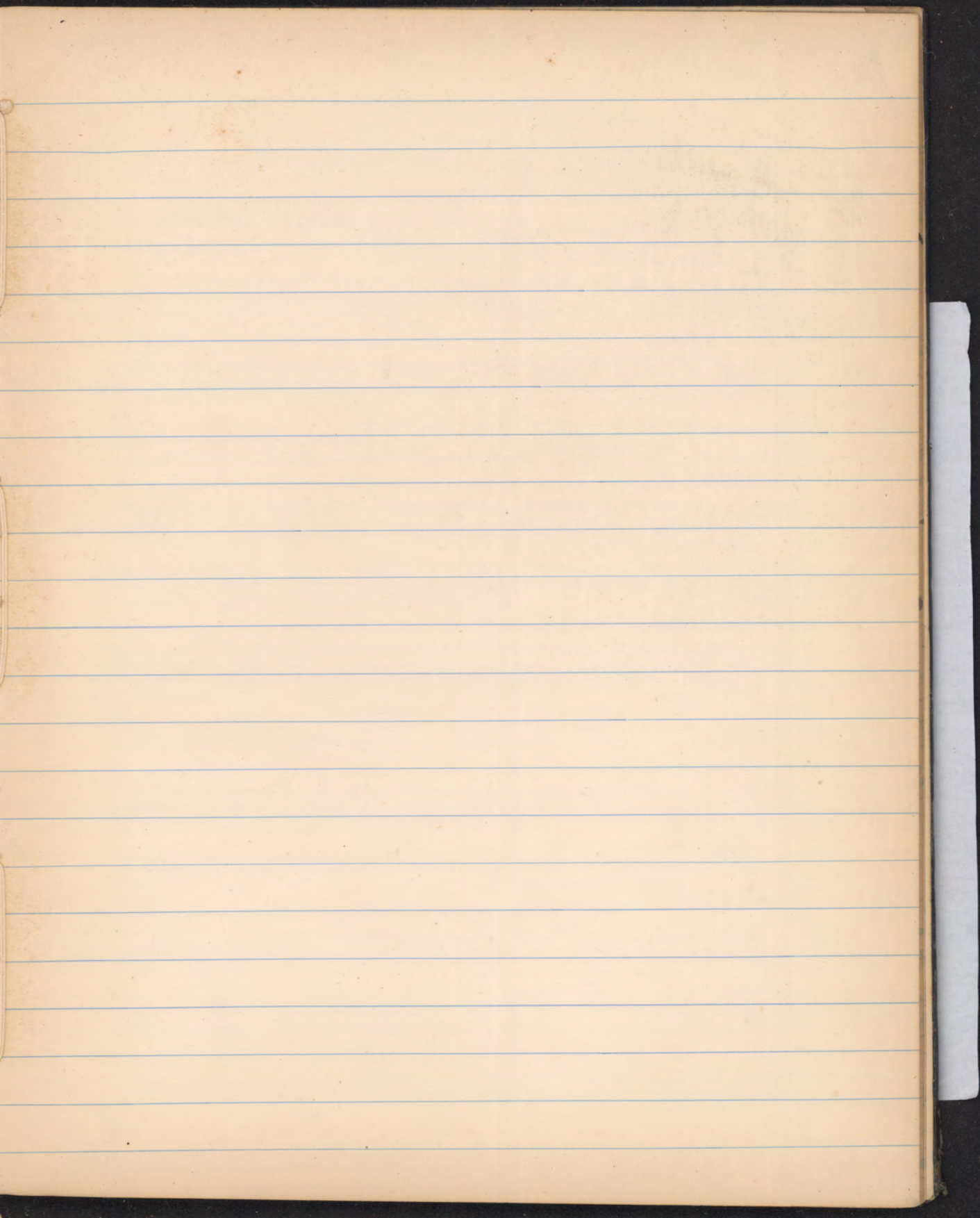


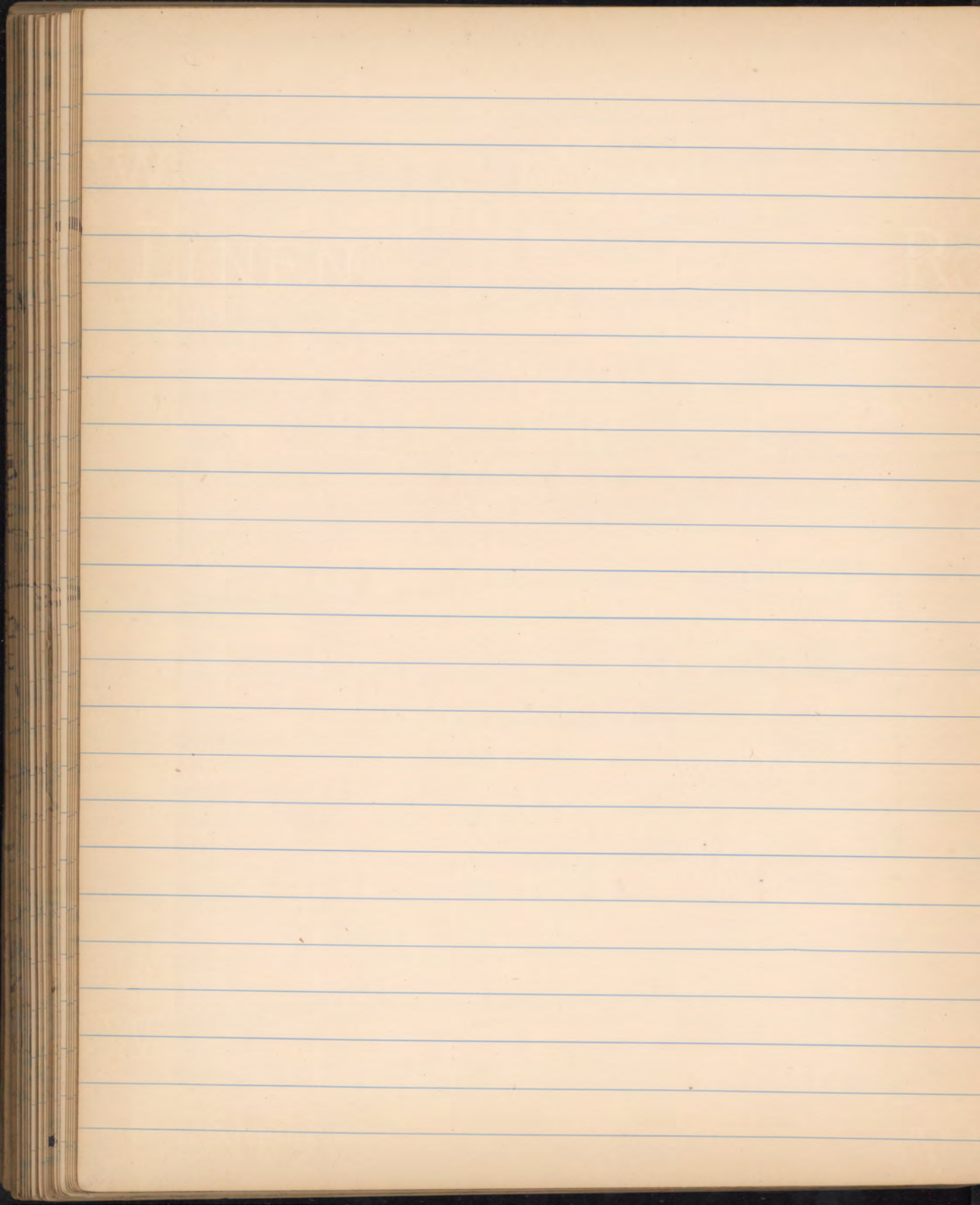


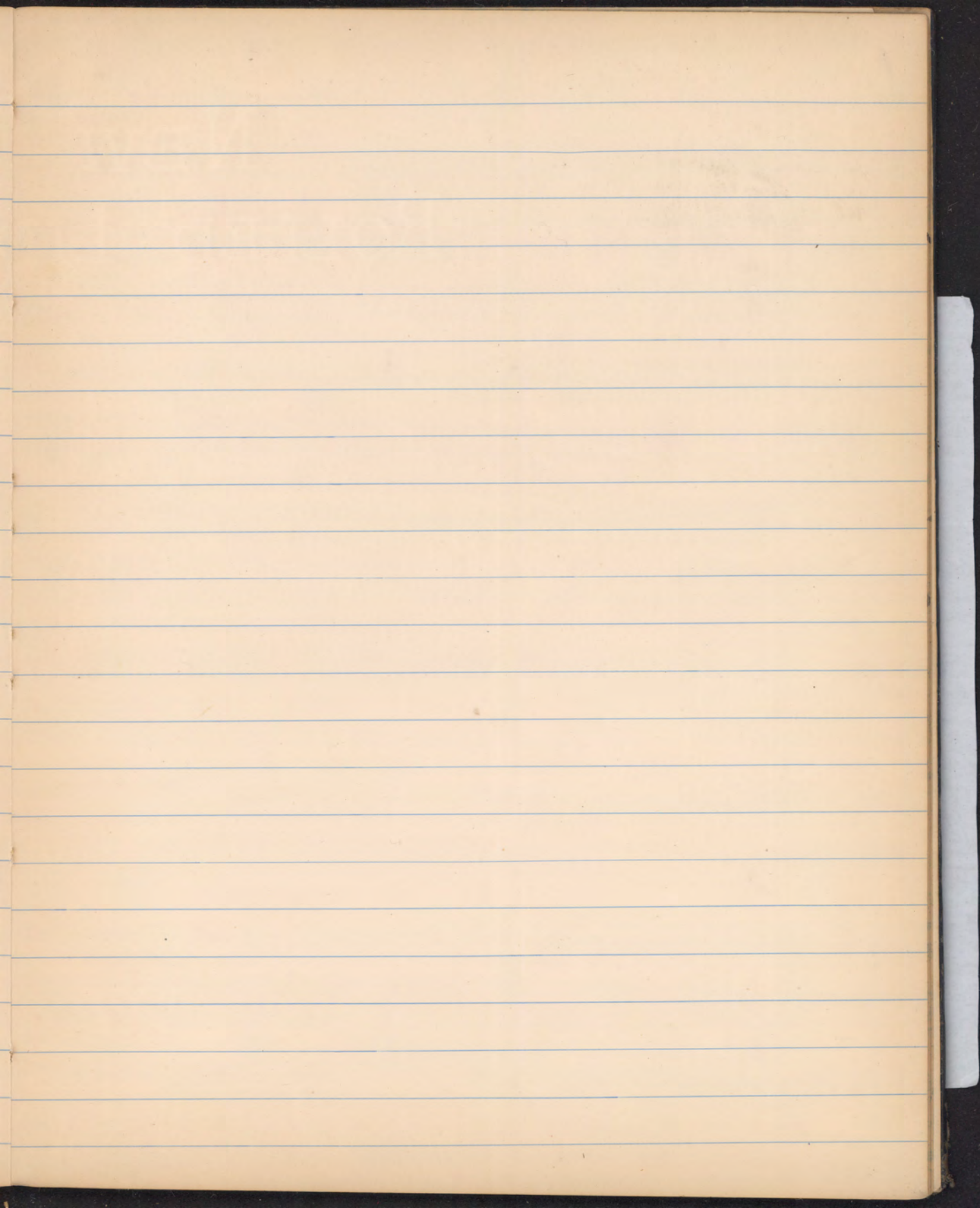


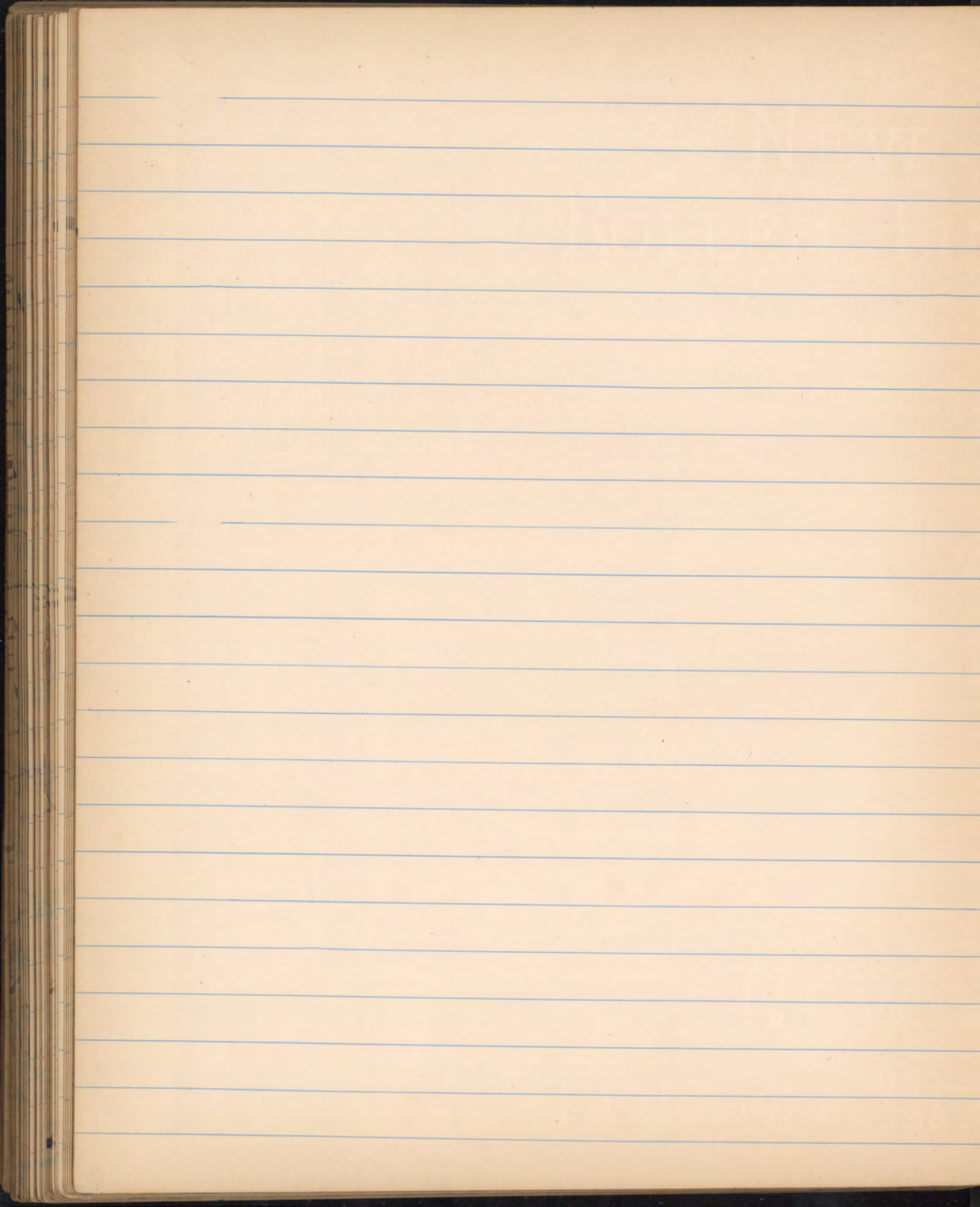


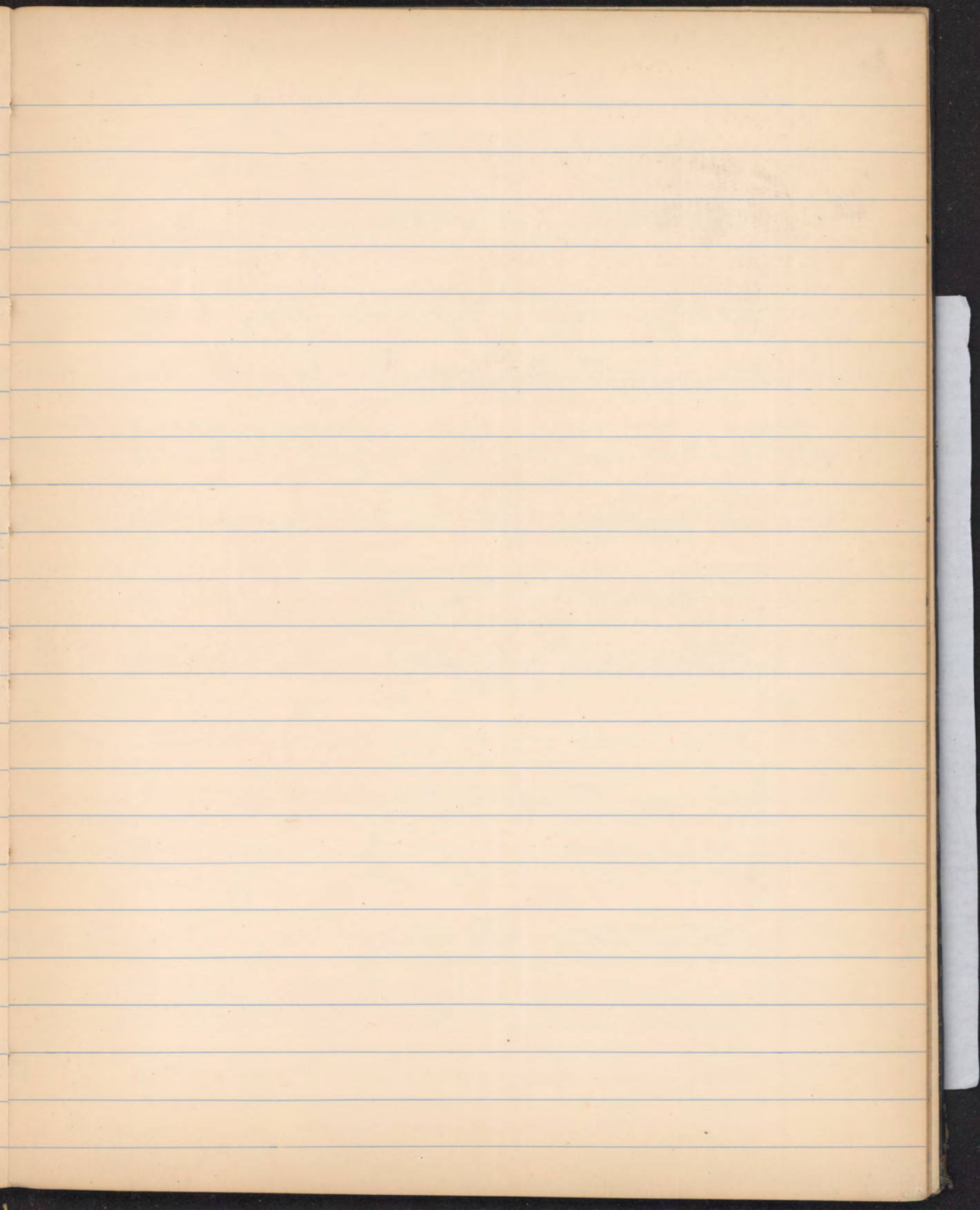


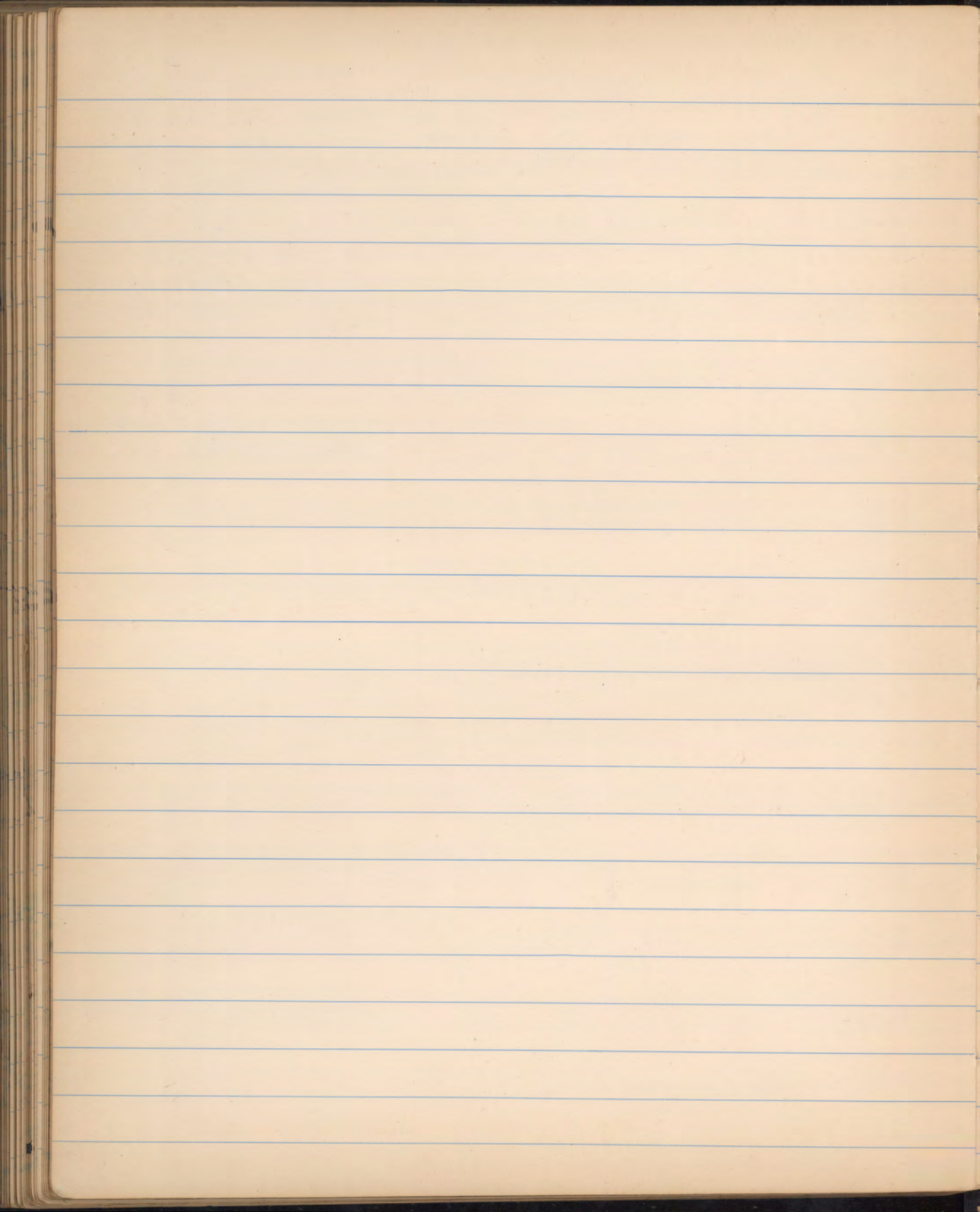


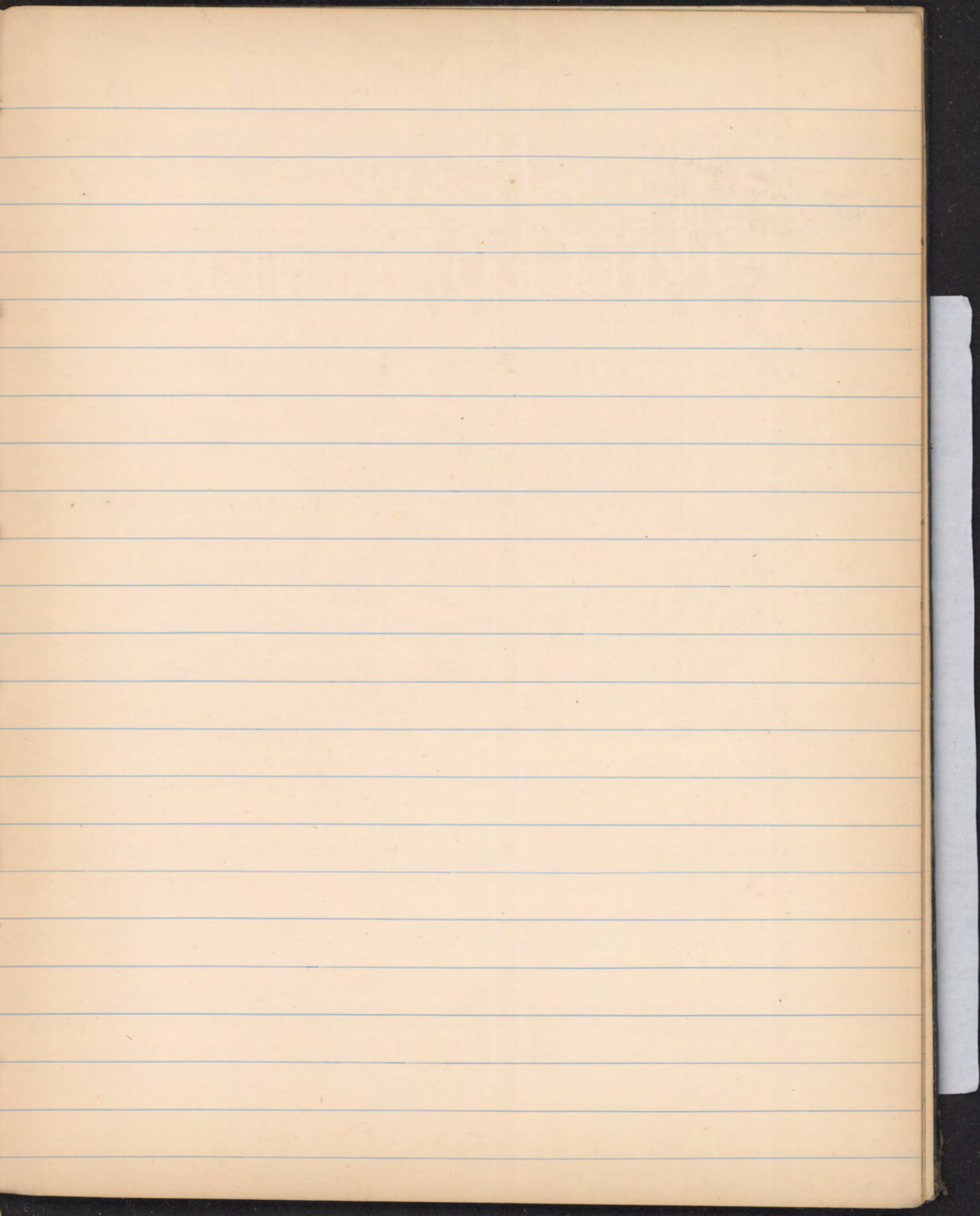


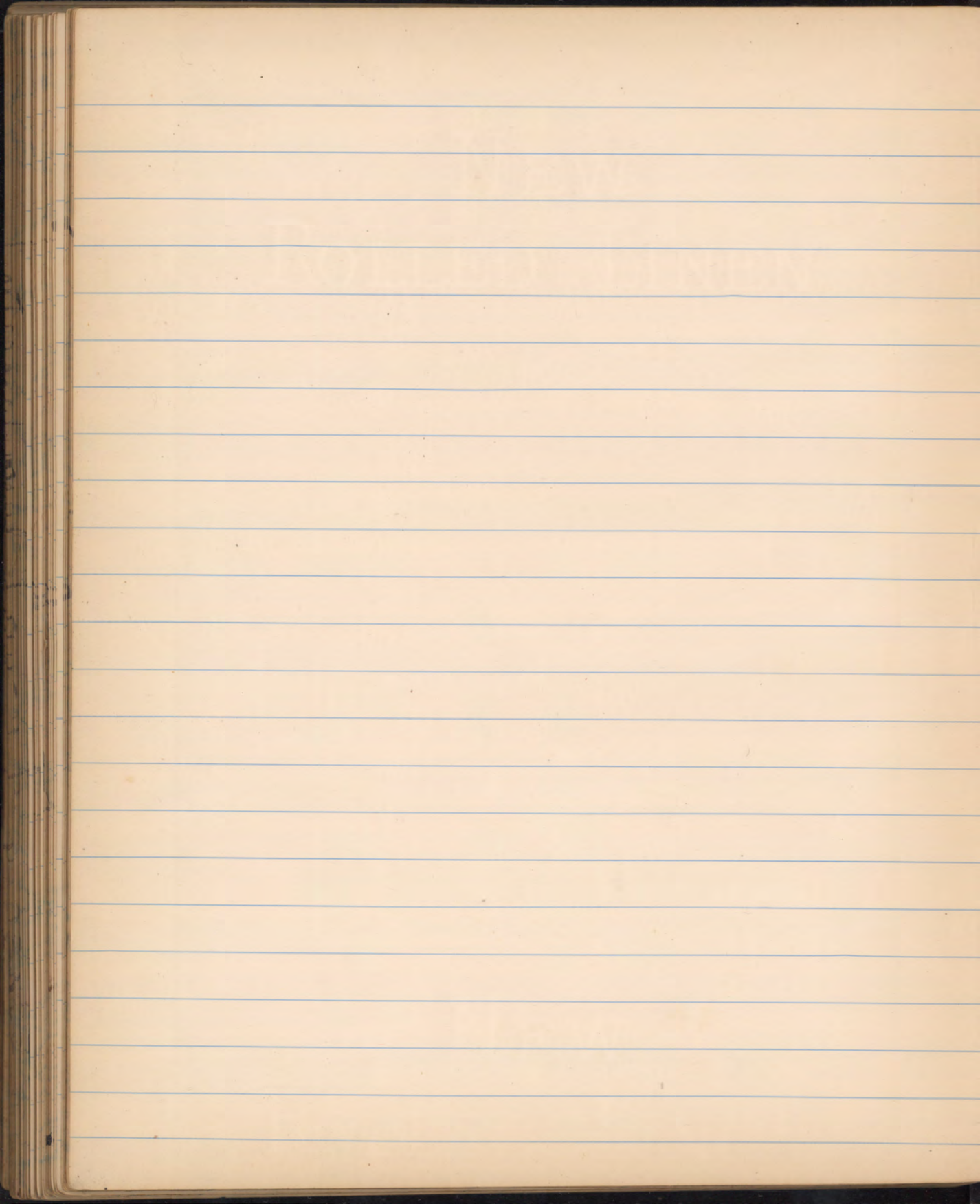


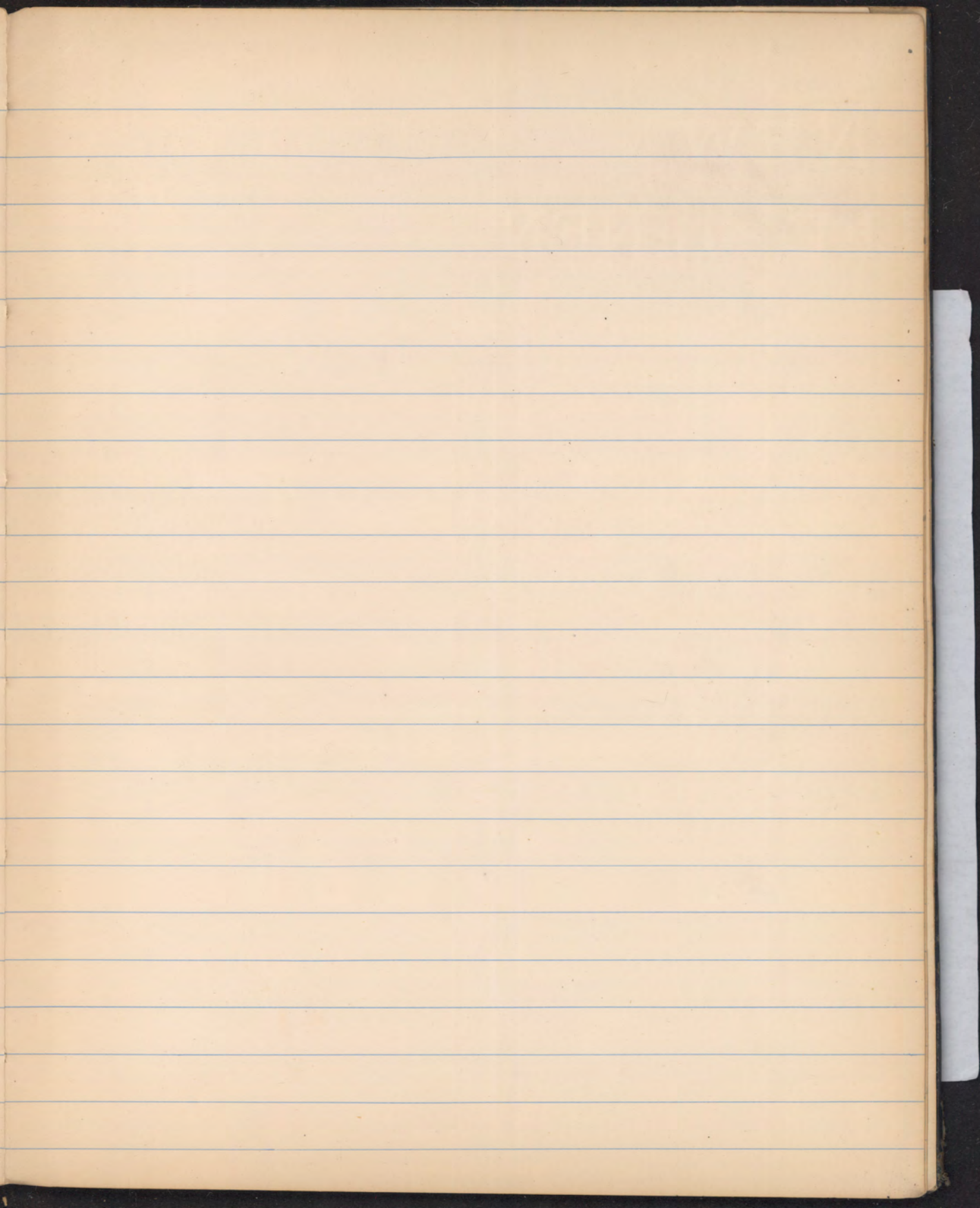


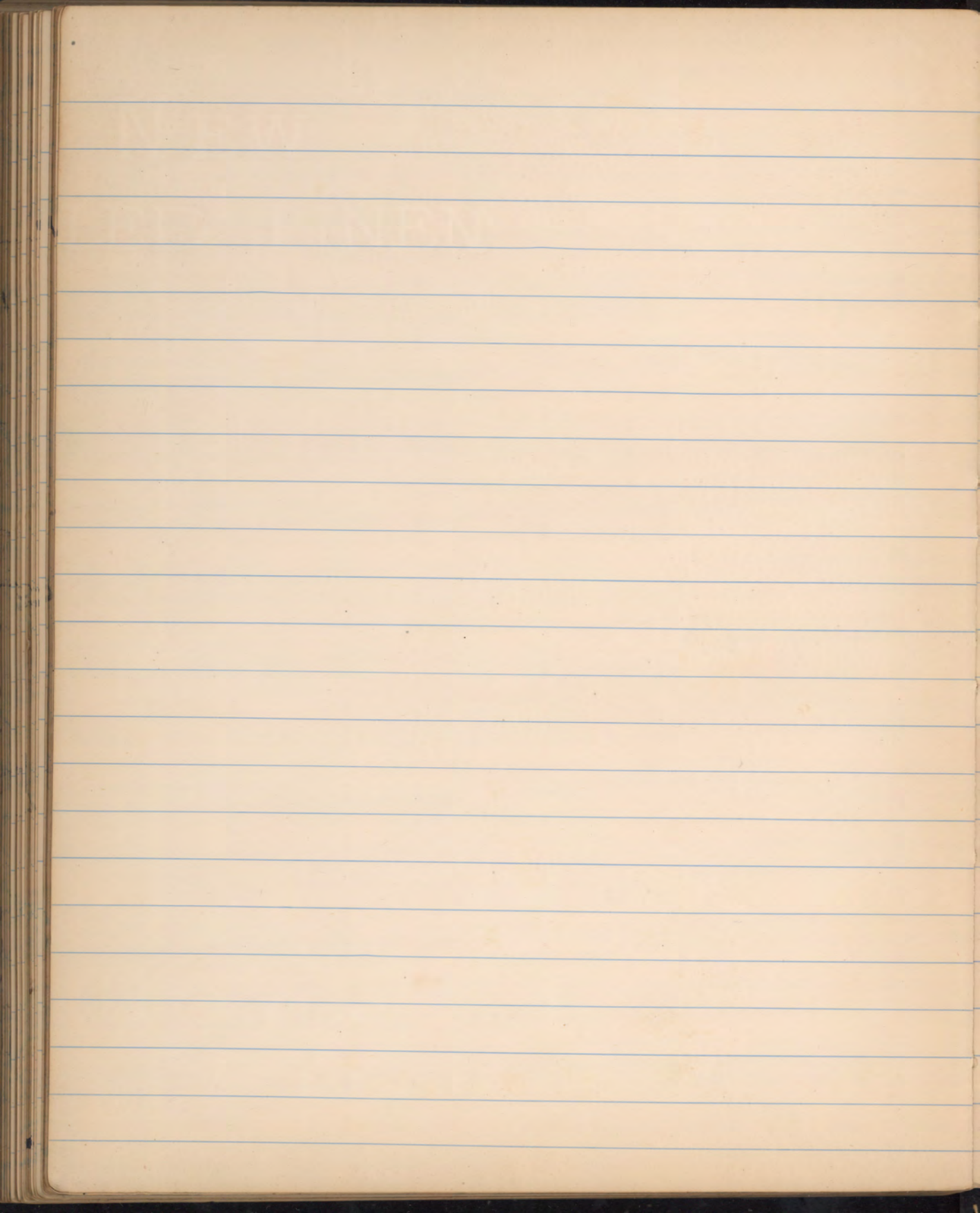


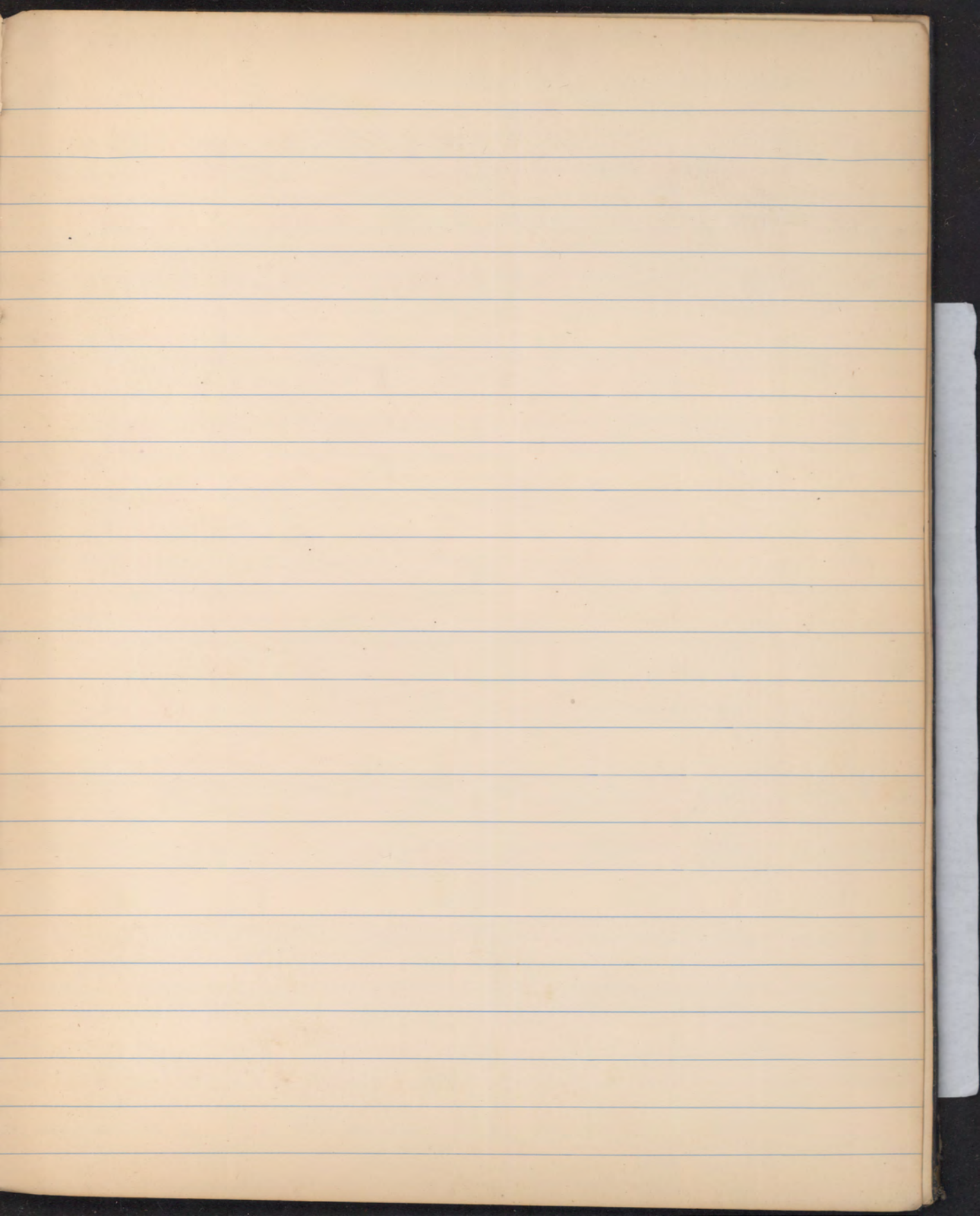


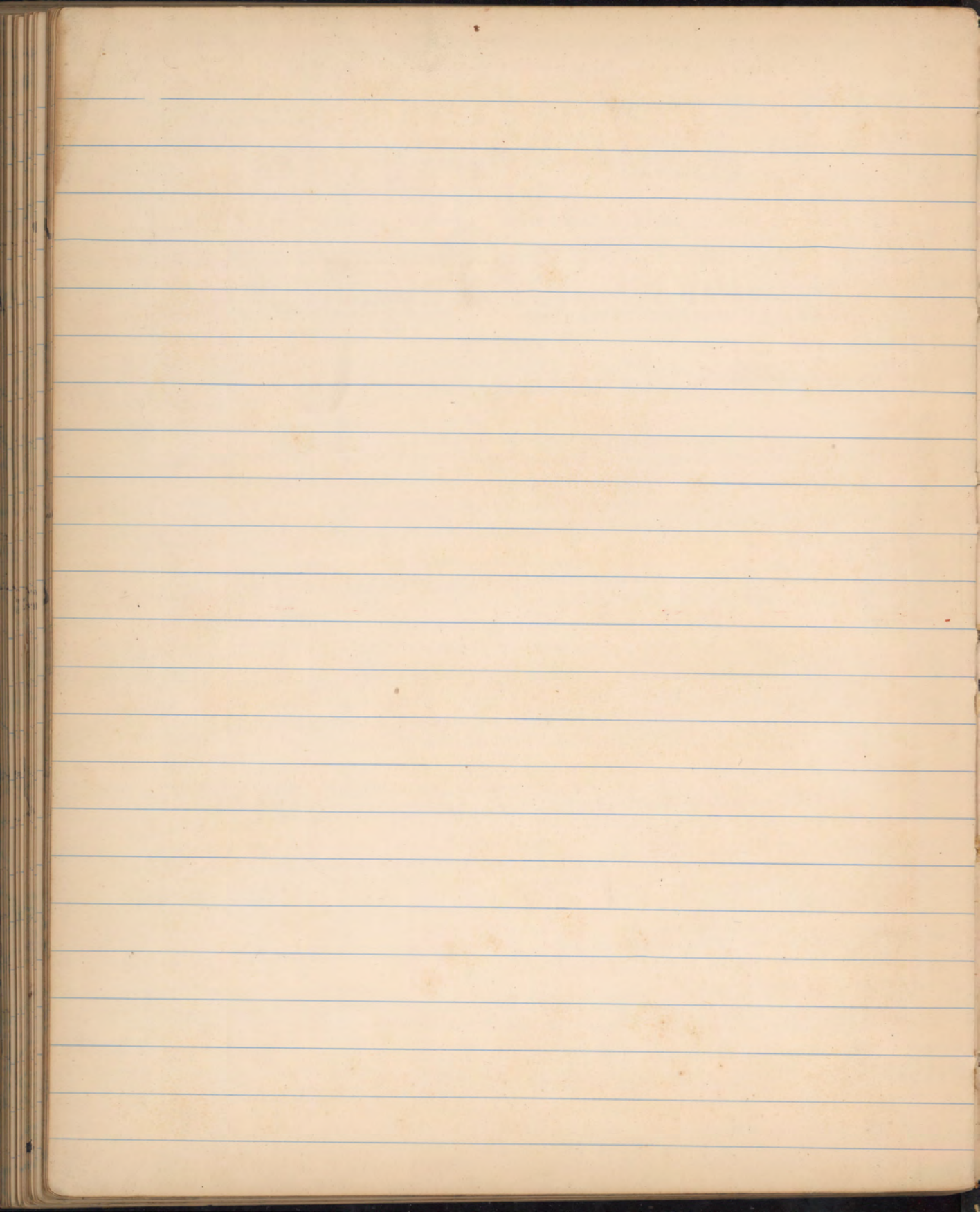


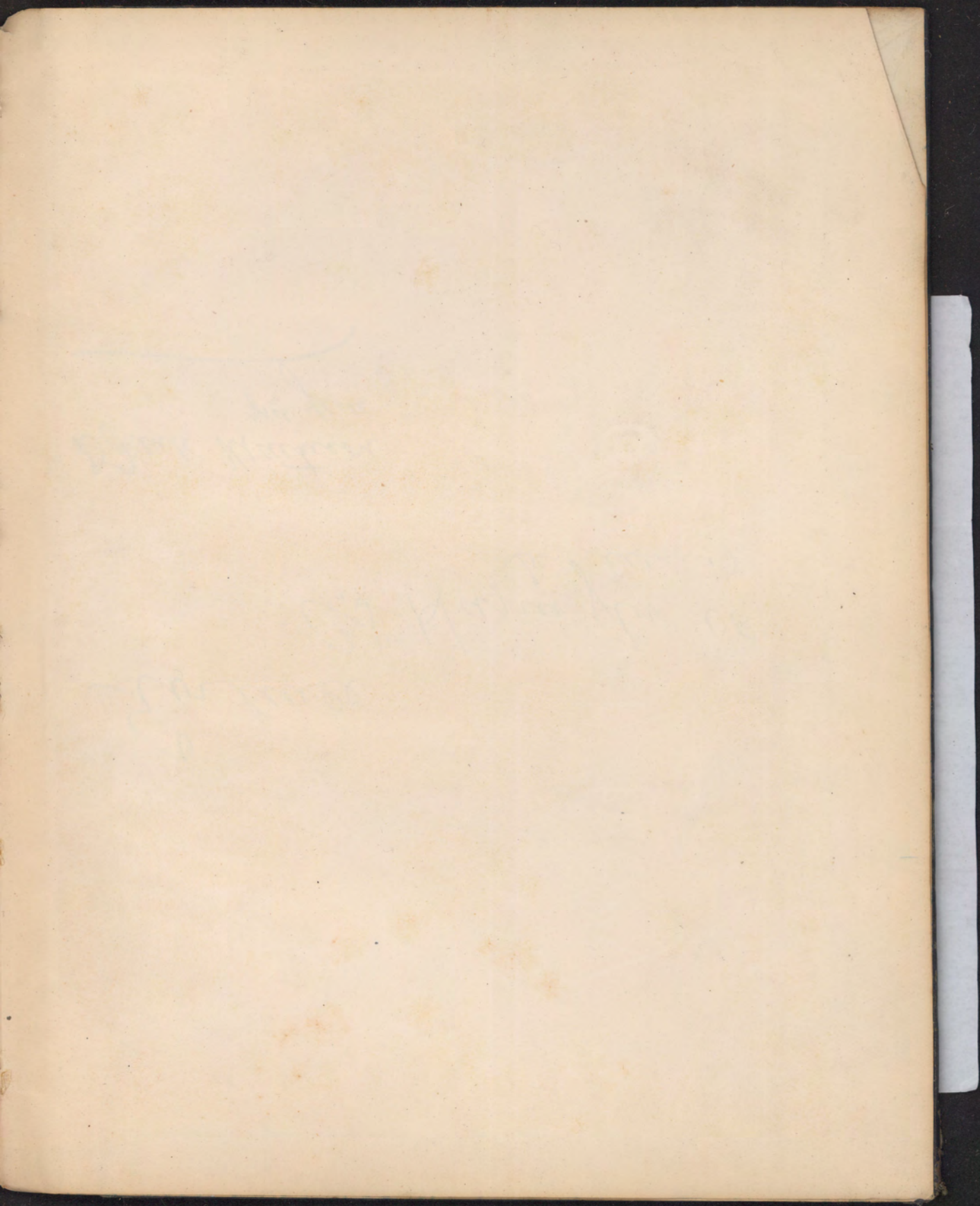












Dear Madam
my dear

Yours
C. S. Hamilton
(signed)

