

the people of Mexico in their attempt to cast off the Spanish yoke? What though the Swiss Cantons have for ages past, hired out their soldiers to any power that chose to buy them to fight against nations with whom they were at peace? What though England purchased the troops of Hesse Cassel, at so much a head, to assist in subjugating the people of the New World? And what though we read of innumerable instances of distinguished men of all countries entering into the service of foreign nations at war with each other, while their own government was neutral, either with a view to the acquisition of military experience, the gratification of a sentiment, or the love of glory? None of these cases were held to be a violation of neutrality, nor were those, thus employed, stigmatized as pirates and outlaws, and when taken prisoners, quartered, or shot in cold blood, without trial, without preparation for death, or Christian burial. Yet, the very governments which encouraged or permitted, or were parties to these violations of neutrality, are now the loudest in their denunciations of the people of the United States, because a few of our citizens became volunteers in an attempt to aid a people they believed were engaged, or about to engage, in a great struggle for freedom. Had they enlisted in the cause of despotism—had they embarked in a crusade against liberty, they would have been canonized in the same quarter, as heroes and martyrs.

We do not cite these examples as cases directly in point, but to show that the obligations of neutrality have heretofore been considered as strictly national, and involve no duty beyond that of abstaining from all interference, as a government, in behalf of belligerents. No government can justly be held responsible for the violation of neutrality by private individuals, acting without its authority, or at least encouragement. It is impossible to prevent frequent instances of this kind, except by imposing such restraints on the actions of private individuals as interfere with their personal freedom, their lawful business, and their blameless inclinations. And it is equally impossible to carry these into effect, without instituting a system of official espionage, accompanied by all those peevish precautions which the fears and jealousies of European despotism have adopted against a discontented people, impatient of long-continued abuses. This is most especially the case in the United States, where the law is so chary of the personal rights of citizens, and the government has no great standing army at its disposal, to enforce the observance or the violation of laws; where every citizen can go where he pleases, without a pass to be supervised by any petty official, which, when acting in opposition to the popular feeling, is the weakest, and when in conformity with it, the strongest in the world.

Let it not be supposed that we deem lightly of the obligations of neutrality; on the contrary, we consider them indispensable to the prevention of general and universal wars between civilized nations. At the same time, we maintain that these obligations have their limits, and that no government has a right to enact laws for their preservation in direct violation of the general principles on which it is founded. It is a dangerous policy to create new crimes by making new laws, or to infringe the personal rights of the citizens generally, for the attainment of a particular object, though that object may be highly important and praiseworthy. Such we consider the late law of Congress, passed solely in reference to a particular case, but equally applicable to all similar cases. It confounds a mere intention with an actual violation of neutrality, and punishes the act before it is committed. What is still more objectionable, it places every citizen at the mercy