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Gulf of Fonseca, and that consequently the Government of Salvador will always work against the said treaty, with all the means and lawful procedures which existing conventions, international law and justice grant it, in order to invalidate the same in its effects." Costa Rica has also indicated its unwillingness to accept the treaty by bringing an action against Nicaragua to test its legality in the Central American Court of Justice.

GEORGE A. FINCH.

THE ENTRY OF PORTUGAL INTO THE EUROPEAN WAR

On February 23, 1916, the Portuguese Government seized German merchant vessels lying within its jurisdiction, claiming to do so under the provisions of certain treaties between Germany and Portugal. Germany protested against the seizure as unauthorized by the treaties in question and demanded the release of the vessels. This Portugal declined to do and on March 9, 1916, the German Minister at Lisbon handed the Portuguese Minister for Foreign Affairs the following declaration of war:

Since the outbreak of the war the Portuguese Government, by actions which are in conflict with her neutrality, has supported the enemies of the German Empire. The British troops have been allowed four times to march through Mozambique. The coaling of German ships was forbidden. The extensive sojourn of British war vessels in Portuguese ports, which is also in conflict with the laws of neutrality, was allowed; Great Britain was also permitted to use Madeira as a *point d'appui* for her fleet. Guns and materials of war were sold to Entente Powers, and even a destroyer was sold to Great Britain.

German cables were interrupted, the archives of the Imperial Vice-Consul in Mossamedes were seized, and expeditions sent to Africa were described as directed against Germany. At the frontier of German South-West Africa and Angola the German district commander and two officers and men were tricked into visiting Nauhla, and on October 19, 1915, were declared to be under arrest. When they tried to escape arrest they were shot at, and forcibly taken prisoners.

During the course of the war the Portuguese press and Parliament have been more or less openly encouraged by the Portuguese Government to indulge in gross insults on the German people. We repeatedly protested against these incidents in every individual case, and made most serious representations. We held the Portuguese Government responsible for all consequences, but no remedy was afforded us.

The Imperial Government, in forbearing appreciation of Portugal's difficult position, has hitherto avoided taking more serious steps in connexion with the attitude of the Portuguese Government. On February 23 the German vessels in Portuguese ports were seized and occupied by the military. On our protest, the Portuguese Government declined to go back from these forcible measures, and tried to justify

them by illegal (*gesetzwidrig*) interpretations of existing treaties. These interpretations appeared to the German Government to be empty evasions. It is a fact that the Portuguese Government seized a number of German vessels out of proportion to what was necessary for meeting the shortage of Portugal's tonnage, and that the Government did not attempt even once to come to an understanding with the German ship-owners, either directly or through the mediation of the German Government. The whole procedure of the Portuguese Government, therefore, represents a serious violation of existing laws and treaties.

The Portuguese Government by this procedure openly showed that it regards itself as the vassal of Great Britain, which subordinates all other considerations to British interests and wishes. Furthermore, the Portuguese Government effected the seizure of the vessels in a manner in which the intention to provoke Germany cannot fail to be seen; the German flag was hauled down in the German vessels, and the Portuguese flag with a war pennon was hoisted, and the flagship of the Admiral fired a salute.

The Imperial Government sees itself obliged to draw the necessary conclusions from the attitude of the Portuguese Government. It regards itself from now onward in a state of war with the Portuguese Government. (*London Times*, March 11, 1916.)

A few days later, on the 13th, Viscount de Alte, the Portuguese Minister to the United States, issued the following statement, showing that Portugal had entered the war at the request of Great Britain, its protector and friend:

Portugal is drawn into the war as a result of her long-standing alliance with England, an alliance that has withstood unbroken the strain of five hundred years.

The first treaty of alliance between the two countries was concluded June 16, 1373, by Ferdinand of Portugal and Edward III of England. Subsequent treaties have affirmed the alliance and defined its scope. It rests on a secure and permanent foundation. The foreign policies and the interests of the countries have almost invariably proved to be identical and the ideals of their people have never clashed. The dawn of the eighteenth century (1703) found the soldiers of Portugal and those of England fighting side by side in the war of the Spanish Succession. At the beginning of the nineteenth century Portuguese and British bled together on the battlefields of the Peninsula in the tremendous struggles brought about by the Napoleonic invasions of Portugal.

Like Belgium, Portugal desires nothing that belongs to any other nation; she has nothing to gain and much to lose in the present conflict. But she is ready, notwithstanding, to aid England to the full extent of her resources.

Portugal is not prepared to subscribe to the doctrine engendered by militarism that good faith must be made subservient to expediency and that the interests of one nation may legitimately be fostered at the expense of the rights of others whenever backed by sufficient force. (*Washington Post*, March 14, 1916.)

A day later, that is to say on March 14, Sir Edward Grey, British

Secretary of State for Foreign Affairs, read the following statement in the House of Commons on behalf of the Premier, Mr. Asquith, who was unable to be present:

The Prime Minister, who unfortunately is unable to be present owing to temporary indisposition, has requested me to read to the House a statement which he intended to make on the subject of the entry of Portugal into the war.

The immediate cause of the declaration by Germany of a state of war with the most ancient of our Allies has been the decision of the Portuguese Government to requisition the German ships which, since the commencement of hostilities, have been lying in the home and colonial ports of Portugal. Had Portugal been entirely a neutral nation, without ties or alliances with any of the combatants, her action would nevertheless have been completely justified. The war has been the cause of a rapidly-increasing shortage of tonnage in all parts of the globe, and it became clear that in the interests of their country it was the duty of the Portuguese Government to make use of all the available ships in their harbours. This was their view and it was also urged upon them by His Majesty's Government. They accordingly proceeded to requisition the German ships in their ports, explaining to Germany the reasons which prompted them to take this action and promising eventually to indemnify the owners of the vessels. The German ships had been lying in their harbours for more than 18 months; they therefore fell within the broad principle that a state is entitled in cases of emergency to take the property of all individuals within its jurisdiction and to convert it to the public use—a right which is inherent in the sovereignty of the state and which cannot be challenged by any foreign Power.

But Portugal was not a neutral nation in the narrowest sense of the term. At the beginning of the war the Portuguese Government declared that in no circumstances would they disregard the duties of their ancient alliance with Great Britain; and now, as always, they have remained faithful to their obligations as our Allies. They were but following a course of action which would have injured no third party, for requisition would have been followed by payment in compensation, but the German Government saw fit to precipitate matters by a peremptory demand for an explanation, shortly followed by a declaration of war, thus altering the whole position as regards the payment of any compensation for the vessels.

It is to be observed that Germany, who now charged Portugal with a breach of neutrality, had herself in October and again in December, 1914, violated the territory of Portugal by raids into the Portuguese colony of Angola, and later by seeking to stir up a native rebellion in Portuguese East Africa.

Portugal may rest assured that Great Britain and the Allies will afford her all the assistance that she may require, and that, having been compelled to range herself on the side of the Allies, she will be welcomed as a gallant coadjutor in the defence of the great cause for which the present war is being waged. (*London Times*, March 15, 1916.

The purpose of the present comment is not to express an opinion as to the propriety of the action of Portugal, because neither the text of the treaties in question nor the Portuguese note to Germany justifying

its action is before the writer, but to lay before the reader an official statement emanating from each of the three governments.

The ancient alliance between Portugal and Great Britain to which Sir Edward Grey refers dates apparently from the Treaty of Peace, Friendship and Alliance between England and Portugal, repeatedly reaffirmed and apparently still in effect, signed at London, on June 16, 1373, by which each country pledged itself to assist the other in case of war.¹ Of this very interesting treaty only the first article, which follows, can be quoted, although the document as a whole is very interesting reading, and shows how treaties were made in early days:

In the first place, we settle and covenant that there shall be from this day forward between our abovesaid Lord Edward, King of England and France, and the Lord Ferdinand, King of Portugal and Algarve, and the Lady Eleanor Queen and his Consort, their Successors in the aforesaid Kingdoms of England and Portugal, and their Realms, Lands, Dominions, Provinces, Vassals, and Subjects faithfully obeying them, whatsoever, true, faithful, constant, mutual, and perpetual Friendships, Unions, Alliances, and Leagues of sincere affection, and that as true and faithful Friends they shall henceforth reciprocally be Friends to Friends, and Enemies to Enemies, and shall assist, maintain, and uphold each other mutually by sea and by land against all Men that may live or die, of whatever dignity, station, rank, or condition they may be, and against their Lands, Realms, and Dominions.

They shall strive for and preserve, as much as in them lies, the personal safety, security, interest, and honour, and the harmlessness, conservation and restitution of their rights, property, effects, and Friends, wheresoever they be.

They shall everywhere faithfully prevent the hurts and injuries, disgrace or baseness which they know or which one Party knows to be at any future time intended or contemplated against the other Party, and shall provide remedies for them; and they shall as expeditiously as may be, by Letters or Messengers, or in any better way which they can contrive, without reserve and fully inform, forewarn, and usefully counsel the other Party against whom such things are meditating, relative to what has just been mentioned.

The treaty from which the above article has been quoted has been more fortunate than most documents of a like nature, because, although negotiated some five centuries and more ago, it is still in effect and has been broken by neither party, and the alliance and friendship it was meant to bring about still exists, witness the participation of Portugal in the present war.

JAMES BROWN SCOTT.

¹ For the text of this very interesting document see *British and Foreign State Papers*, Vol. I, Pt. 1, pp. 462-68.