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International Law Topics: Neutrality Proclamations and Regulations with Notes

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strict and impartial neutrality in and during the said war, and to observe the laws of this Kingdom, her treaty engagements, and the law of nations in that behalf.

Given at our court at Nagara Pathom on this 6th day of August, 2457, year of our lord Buddha, and in the fifth year of our reign (August 6, 1914).

## SPAIN.

### *Declaration of neutrality, August 7, 1914.*<sup>1</sup>

[Gaceta de Madrid, August 7, 1914; 155 Boletín de Legislación, 1914, 132.]

War having unfortunately been declared between Germany on the one hand and Russia, France, and the United Kingdom of Great Britain and Ireland on the other, and the state of war existing in Austria-Hungary and in Belgium, it is the duty of his majesty's Government to prescribe to Spanish subjects the strictest neutrality in conformity with the laws in force and the principles of public international law.

In consequence, Spaniards residing in Spain and abroad who carry out any hostile act regarded as contrary to the strictest neutrality will lose all right to the protection of his majesty's Government and will undergo the consequences of any measures which the belligerents may establish, and that without prejudice to the penalties which they will incur according to the Spanish laws.

Agents, national or foreign, who, in Spanish territory, are employed or aiding in recruiting soldiers for any of the belligerent armies or navies, will in addition be subjected to the application of article 150 of the penal code.<sup>2</sup>

## SWITZERLAND.

### *Ordinance forbidding the installation and utilization of radio-telegraph stations. August 2, 1914.*

[Bundesgesetze und Verordnungen 1914, 30 : 351.]

The Swiss Federal Council, on the proposal of its military department, orders :

ARTICLE 1. The creation of new radio stations is forbidden on all territory of the Swiss Confederation.

<sup>1</sup> Similar declarations, in reference to war between Austria and Servia, July 30, 1914; Austria and Montenegro, August 14, 1914; Austria and Russia, France and Great Britain, August 16, 1914; Germany and Japan, August 26, 1914; Austria and Belgium, September 1, 1914; Turkey and Russia, France, and Great Britain, November 10, 1914; Italy and Austria, May 29, 1915; Italy and Turkey, August 25, 1915, etc.

<sup>2</sup> A decree of November 23, 1914, declared XIII Hague Convention, 1907, concerning the rights and duties of neutral powers in naval war, operative. (155 Boletín de Legislación, 1914, 75.)

ART. 2. The utilization of radio stations which already exist and have obtained a concession is forbidden. The organs of the telegraph and telephone administration will render the stations incapable of use without delay by removing the receiving apparatus, if there is any, or the parts indispensable for their use. The parts of the apparatus removed are to be preserved by the telegraph and telephone administration.

ART. 3. There are not included in this prohibition stations established by the telegraph and telephone administration, or those which have been established for the needs of the army.

ART. 4. Violations of the present provisions, if there has been a reception or sending of news of any nature whatever, will be proceeded against according to the penal provisions established against those who spread, intentionally or by negligence, news of a military nature. If there has been only the illegal establishment of a station or the maintenance of an existing station, of which it has not been proved that it has been used, the penalty will consist in a fine and the station will be immediately closed. If there is reason to suspect that the station is intended to be used as a means of information for the benefit of a foreign State, proceedings for espionage will be commenced.

The present ordinance comes into force immediately.

Berne, August 2, 1914.

In the name of the Swiss Confederation,

The President of the Confederation: HOFFMANN.

The Chancellor of the Confederation: SCHATZMANN.

*Federal order on the measures appropriate for assuring the security of the country and the maintenance of its neutrality. August 3, 1914.*

[Bundesgesetze und Verordnungen, 1914, 30 : 347.]

The Federal Assembly of the Swiss Confederation, in view of the message of the Federal Council of August 2, 1914, *orders*:

ARTICLE 1. The Swiss Confederation declares its firm desire to maintain its neutrality in the imminent war. The Federal Council is authorized, in any manner that it deems convenient, to bring this declaration of neutrality to the knowledge of the belligerent parties and of the powers who have recognized the neutrality of Switzerland and the inviolability of its territory.

ART. 2. The Federal Assembly approves the general mobilization decreed by the Federal Council and the decision concerning the legal time of bank notes.

ART. 3. The Federal Assembly gives unlimited power to the Federal Council to take all measures necessary for the security, the integrity, and the neutrality of Switzerland, to safeguard the credit and the economic interests of the country, and in especially to insure the public food supply.



ART. 4. To this effect, there is open to the Federal Council an unlimited credit. Authorization in especial is given it to contract the necessary loans.

ART. 5. The Federal Council will render an account to the Federal Assembly in its next session of the use which it has made of the unlimited credit which has been accorded it.

ART. 6. The present order, which is declared urgent, comes immediately into force.

Thus ordered by the National Council.

Berne, August 3, 1914.

President: DR. A. V. PLANTA.

Secretary: SCHATZMANN.

Thus ordered by the Council of States.

Berne, August 3, 1914.

Vice President: GEEL.

Secretary: DAVID.

The Federal Council, *orders*:

The Federal order above will be executed.

Berne, August 3, 1914.

In the name of the Swiss Federal Council.

President of the Confederation: HOFFMANN.

Chancellor of the Confederation: SCHATZMANN.

*Declaration of neutrality, August 4, 1914.*

[Bundesgesetze und Verordnungen 1914, 30 : 361.]

(This declaration has been communicated officially to the States which recognized the inviolability and the neutrality of Switzerland in 1815, as well as to some other Governments.)

The Swiss Federal Council has decided to make the following declaration of neutrality:

By reason of the war which has just been declared between several European powers, the Swiss Confederation, inspired by its ancient traditions, has voluntarily determined to depart in no respect from the principles of neutrality so dear to the Swiss people, which correspond so well to its aspirations, to its internal organization, to its situation relative to the other States, and to the principles which the powers signatory of the treaties of 1815 have formally recognized.

By virtue of the special mandate which has just been bestowed upon us by the Federal Assembly, the Federal Council formally declares that during the war which is beginning the Swiss Confederation will maintain and defend by all the means at its disposal its neutrality and the inviolability of its territory as recognized by the treaties of 1815; it will itself observe the strictest neutrality toward the belligerent States.

Relative to the parts of Savoy, which by the terms of the declaration of the powers of March 29, 1815,<sup>1</sup> of the final act of

<sup>1</sup> Marten's, N. R. 2 : 177, Hertslet, Map of Europe by Treaty, 1 : 70.



the Congress of Vienna of June 9, 1815,<sup>1</sup> of the act of accession by the Swiss Diet of August 12, 1815,<sup>2</sup> of the treaty of Paris of November 20, 1815,<sup>3</sup> and of the act of recognition and of guarantee of Swiss neutrality of the same date,<sup>4</sup> should enjoy neutrality in the same manner as Switzerland; these dispositions having been confirmed by France and Sardinia by article 2 of the treaty of Turin of March 24, 1860,<sup>5</sup> the Federal Council believes that it ought to call to mind that Switzerland has the right to occupy this territory. The Federal Council will make use of this right if the circumstances appear to demand it for the defense of the neutrality and of the integrity of the territory of the Confederation. At the same time it will not fail scrupulously to respect the restrictions which the treaties attach to the exercise of the right in question; especially in reference to the administration of this territory it will be obliged to confer with the Government of the French Republic.

The Federal Council has the firm conviction that the present declaration will be favorably received by the belligerent powers as well as by the third States, signatory to the treaty of 1815, as the expression of the traditional attachment of the Swiss people to the idea of neutrality and as the loyal affirmation of the consequences resulting for the Swiss Confederation from the treaties of 1815.

*German reply to the notification of the neutrality of Switzerland.  
August 5, 1914.*

[Rev. Gén. Doc. 22 : 189.]

The Government has had the honor to receive the circular note addressed the 4th of August of this year to the powers signatory to the treaties of 1815 in which the Federal council declares that during the actual war the Swiss Confederation will maintain and defend by all means at its disposal its neutrality and the inviolability of its territory. The Imperial Government has taken cognizance of this declaration with a sincere satisfaction and it has confidence that the Confederation, by virtue of its strong army and of the firm will of the entire Swiss people, will repulse all violations of its neutrality.

*Ordinance concerning the maintenance of the neutrality of Switzerland. August 4, 1914.*

[Bundesgesetze und Verordnungen, 1914, 30 : 353.]

The Swiss Federal Council.

In order to prevent all acts or omissions not compatible with the neutral position of Switzerland;

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<sup>1</sup> Martens, N. R. 2 : 379, Hertslet, op. cit., 1 : 208.

<sup>2</sup> Martens, N. R. 4 : 184.

<sup>3</sup> Martens, N. R. 2 : 682, Hertslet, op. cit., 1 : 342.

<sup>4</sup> Martens, N. R. 2 : 740, 4 : 186, Hertslet, op. cit., 1 : 370.

<sup>5</sup> Martens, N. R. G., pt. 2, 16 : 539, Hertslet, op. cit., 2 : 1429.

Basing its action on article 102, paragraph 9, of the Federal constitution; on articles 30, 40, and 41 of the Federal Penal Code of February 4, 1853, as well as on the provisions of the international convention of The Hague, October 18, 1907, concerning the rights and duties of neutral powers and persons in case of war on land;

Order the following prescriptions, to which each will conform himself:

1. The strictest impartiality will be observed in reference to all the belligerents; consequently all must abstain from every act favoring any one of them.

2. No hostile act against any of the belligerents may be undertaken, supported, or aided in any manner whatsoever upon Swiss territory or prepared thereon.

3. Pacific relations ought to be assured, so far as possible, under reserve of the following dispositions and of the special prescriptions for the authorities and commanders of the troops.

4. Every attempt on the part of regular or volunteer troops of the belligerent parties to penetrate into Swiss territory or to cross it in bodies or individually should be immediately brought to the knowledge of the commander of troops and of the nearest police authority.

5. Military foreigners who may be met individually on the neutral territory will be arrested by the troops or, if necessary, by the police; civilians suspected of abusing neutral territory under evident pretexts will be treated in the same manner.

6. The authorization to permit the wounded and sick belonging to the belligerent armies to pass into our territory should be asked of the commander in chief. As to the personnel and material of all kinds accompanying convoys, it is referred to the prescriptions for the commander of troops (decision of the Federal Council, Dec. 21, 1912) concerning the maintenance of neutrality.

7. In case of attempts by one of the belligerent parties to send through our territory transports of military material, no matter of what kind, especially transports of arms, munitions, and provisions, the commander of troops and the nearest police authority should be immediately informed. The objects in question will be seized by the authorities.

8. There is forbidden and ought to be stopped:

(a) The exportation of arms and munitions and of all military material into the adjacent belligerent states and also all collecting of objects of this nature near the contiguous frontier. In case of acts of war near the frontier, the commander of the army can further restrain or suppress entirely this frontier traffic.

(b) The purchase and generally the acceptance of arms, of military material, and of articles of equipment carried into Swiss territory by deserters. The articles indicated under (a) and (b) will be seized even if they are found in the possession of third persons.



9. If isolated military persons of the belligerent armies or escaped prisoners of war seek refuge in our territory, they can be admitted until further notice. They will be disarmed and put at the disposition of the military authorities, in the same manner as prisoners of war brought in by troops seeking refuge on our territory.

10. Passage on Swiss territory will be permitted to persons not of a character to be suspected, to women, to children, to old men, as well as to persons who, before the war, had a domicile in Switzerland or own land in it.

11. Persons who do not conduct themselves conformably to the rules of neutrality can be transferred to the interior of the country. If foreigners, they expose themselves to expulsion.

12. Corps of combatants can not be formed nor recruiting bureaus opened on Swiss territory to the advantage of belligerents. The existence of bureaus of information or recruiting for soldiers or volunteers for the belligerent armies should be notified to the Federal council.

13. The inhabitants of foreign states who wish to go individually, without arms or uniforms and without being organized in groups, into the territory of belligerent states directly or indirectly from Switzerland or by Switzerland will not be prevented from passing beyond the frontier until further notice.

14. It is absolutely forbidden to the belligerent parties to establish or use on Swiss territory a radio station or any other installation (telephone, telegraph, signal station, optical or other, carrier pigeon station, aviation station, etc.), designed to serve as a means of communication with the belligerent forces on land or sea or to offer facilities for the same in any manner whatsoever.

15. The bureaus of telegraphs, telephones, postal service, and customs will receive for their administration, instructions as to the attitude which they are to observe. The use of the posts, telegraph, and telephone for military purposes, will take precedence of all other employments, except urgent communications of the Federal council and of the political and military departments.

16. The railroads will observe the prescriptions relative to their use in case of war as well as their other special instructions.

17. As to aviation, attention will be given to what follows:

(a) Balloons and air craft not belonging to the Swiss Army can not rise and navigate in the aerial space situated above our territory unless the persons ascending in the apparatus are furnished with a special authorization, delivered in the territory occupied by the army, by the commander of the army; in the rest of the country, by the Federal military department.

(b) The passage of all balloons and air craft coming from abroad into our aerial space is forbidden. It will be opposed if necessary by all available means and these air craft will be controlled whenever that appears advantageous.

(c) In case of the landing of foreign balloons or air craft, their passengers will be conducted to the nearest superior military



commander who will act according to his instructions. The apparatus and the articles which it contains ought, in any case, to be seized by the military authorities or the police. The Federal military department or the commander of the army will decide what ought to be done with the personnel and matériel of a balloon or air craft coming into our territory through *force majeure* and when there appears to be no reprehensible intention or negligence.

18. The personnel of the frontier guard and of the police stationed at the frontier can be placed under the orders of the chief military officer commanding the troops occupying the frontier. In cases where this personnel remains independent, it will nevertheless be under the duty of assisting the troops in their tasks in the same manner as the troops protect and offer assistance to the police and frontier guards in case of need. The troops have, moreover, the same duties in reference to all persons exercising an official function in the territory occupied by the army, especially in reference to the personnel of public undertakings, transports, customs, sanitary, and veterinary police.

19. The railroad trains and ships can be visited only by the military and functionaries specially charged with this duty.

20. There will be no impediment to the usual communications with territories beyond the frontier except for restrictions ordered for the maintenance of neutrality and especially the above-mentioned regulations. However, the commander of troops can request and, if necessary, prescribe that traffic be limited to certain roads.

21. The Cantonal governments, especially the governments of the frontier Cantons and the military commanders according to their special instructions are charged with the execution of the present ordinance and the departments of customs, posts, and railroads are equally charged with that which concerns the cooperation and the attitude of their administrations and their personnels.

Berne, August 4, 1914.

In the name of the Swiss Federal council :

President of the Confederation, HOFFMANN.

Chancellor of the Confederation, SCHATZMANN.

*Appeal to the Swiss people, August 5, 1914.*

[Bundesgesetz und Verordnungen 1914, 30 : 362.]

*Faithful and dear members of the Confederation :*

War is unchained at our frontiers. Our army is on foot, and on the 1st of August, the day of the anniversary of the foundation of the Confederation, the telegraph carried orders for the mobilization even into the most remote villages and hamlets of the country.

Faithful to our traditions, firmly attached to the line of conduct which the free decision of our people has chosen and conforming ourselves to the international treaties, *we will observe a complete neutrality.*

The Federal Assembly and the Federal Council have resolved to use all of their forces and to make every sacrifice to maintain our independence and the defense of our neutrality.

Behind its authority the entire Swiss people stand firm and resolute.

To our army now belongs the noble task of protecting our country against every attack and of repelling the aggressor, whoever he may be.

Soldiers, we expect of you that each cheerfully do his duty, ready to shed his blood and to give his life for his country.

Officers, you will all set for your subordinates, we are sure, a splendid example of duty and of sacrifice.

Underofficers and soldiers, you will show by your acts, we are convinced, that the soldier of a free state also knows how to observe the strictest discipline and to obey absolutely the orders of his chief.

And you, Swiss people, who remain by your firesides, keep calm and composed and have confidence in your authorities which in these trying days will consecrate themselves, with all their power, to the accomplishment of their task, and who will also do all possible to remedy misfortunes. Have confidence, whatever happens, in your army, for which during peace you have not made such great sacrifices in vain and of which you are justly proud.

May God protect our dear fatherland! We commend it to the protection of the All-Powerful.

Berne, August 5, 1914.

In the name of the Federal Council:

President of the Confederation: HOFFMANN.

Chancellor of the Confederation: SCHATZMANN.

*Ordinance concerning the penal dispositions for the state of war.  
August 6, 1914.*

[Bundesgesetze und Verordnungen 1914, 30 : 370.]

The Swiss Federal Council.

In view of article 102, paragraph 9, of the Federal constitution and the Federal order of August 3, 1914, on the measures proper to assure the security of the country and the maintenance of its neutrality; on the suggestion of the Federal military department;

*Orders:*

ARTICLE 1. The provisions of the military laws designed for time of war are applicable during the present mobilization of the troops.



ART. 2. Article 41 of the military penal code of August 27, 1851, is amended by the following provision:

Whoever, with design, lends aid to the hostile military purposes of a foreign state, of its army or of independent foreign corps, or hinders or compromises the military operations of the Swiss army is guilty of treason.

ART. 3. Article 2 of the military penal code is amended by the following provision:

The following are guilty of treason:

(1) Those who, in order to reveal them to a foreign state or to one of its agents, in order to give them publicity, or in order to render them accessible, have spied into facts, arrangements, or plans, which it is necessary in the interests of the confederation to hold secret because of the imminence of war or in time of war; those who shall have revealed to a foreign state or to one of its agents, shall have given publicity to, or shall have rendered accessible facts, arrangements, or plans which it is necessary in the interests of the confederation to hold secret because of the imminence of war or in time of war;

(2) Whoever, directly or indirectly, shall have hindered or compromised the military operations of the Swiss army, (*a*) either by damaging or destroying means of communication or of information, apparatus, or objects serving the army; (*b*) either by interfering with or compromising the use of the establishments serving the army of importance for the people; (*c*) either by promulgating false news of a nature to hinder the military operations of the Swiss army or to scatter anxiety and terror among the people;

(3) Whoever in war aids the enemy by services or supplies, or who cooperates in a loan for an enemy state.

ART. 4. There will be punished by imprisonment, and in grave cases by penal servitude, whoever violates Swiss territory or commits against Switzerland or a part of Switzerland any other act contrary to international law; whoever lends aid to any act of this kind.

ART. 5. Whoever in Swiss territory carries on an information service for the benefit of a foreign power will be punished by imprisonment and a fine of not over 20,000 francs. The correspondence and material (carrier pigeons, aeroplanes, automobiles, etc.) will be confiscated.

ART. 6. Whoever disobeys the orders given or the ordinances published by the Federal Council, the Federal military department, the commander of the army, the territorial commanders, or any other competent military authority for the protection of the military interests or the safeguarding of neutrality or in the exercise of the police power which appertains to them; whoever disseminates news contrary to a prohibition of the competent authority will be punished by imprisonment for three years or by a fine of not over 10,000 francs if he is not liable to more severe penal dispositions. The two penalties may be combined.



ART. 7. The criminal acts forbidden by the present order will be proceeded against and judged by the military tribunals exclusively according to the application of the military penal code and of the present order.

ART. 8. In case of a military offense committed, even by a civilian, the cantonal authorities are bound to act and to report it immediately to the commander of troops or to the nearest military station. The commanders of troops and the territorial commanders will arrest and deliver to the civil authorities all civilians who in the region of their command are guilty of a criminal act in the jurisdiction of the ordinary criminal tribunals.

ART. 9. The present ordinance comes immediately into force. The Federal Council will fix the time when it shall cease to be in force.

Berne, August 6, 1914.

In the name of the Swiss Federal Council :

The President of the Confederation, HOFFMANN.

The Chancellor of the Confederation, SCHATZMANN.

*Notification of the Swiss Federal Government to the Government of the French Republic in reference to balloons and air craft. August 8, 1914.*

[Journal Officiel, Aug. 10, 1914, p. 7301.]

The Swiss Federal Government has notified the Government of the Republic under date of August 8, 1914, that in view of the maintenance of the neutrality of Switzerland it is forbidden to all balloons and air craft coming from a foreign country to pass in the aerial space above the Swiss territory. All means will be taken, if necessary, to prevent this passage.

*Letter of M. Hoffmann, President of the Swiss Confederation, to M. Fosciali concerning the sending of the wounded into the neutral zone of upper Savoy. September, 1914.*

[Rev. Gén., Doc. 22 : 187.]

SIR: By your letter of the 25th of this month you wish to express your surprise to us that in spite of the important preparations made in upper Savoy for the reception of wounded soldiers, the hospitals and ambulances to provide for this end are wanting up to the present time. On this occasion you have repeated certain rumors which appear to be circulating in Savoy; rumors according to which the Federal Government, invoking the special situation created in certain parts of upper Savoy by the international treaties have raised some difficulties to admitting the introduction of the wounded into these countries.

We desire to assure you, you and your compatriots, that these suppositions are erroneous in all points. The Federal Council has not only raised no objection to sending the wounded into the

neutralized part of upper Savoy, but has on the contrary, considered with the greatest good will the possibility of a measure of this kind which it only desires to facilitate as far as it may depend upon itself. We believe it our duty to add, moreover, that according to our information, confirmed to-day by his excellency the ambassador of France at Berne, it is only some difficulties of communication which have led the French Government to refrain, for the moment, from sending the wounded into upper Savoy.

We have, doubtless, no need to assure you of the entire sympathy which we feel for the people of upper Savoy, our excellent neighbors, and we are persuaded, moreover, that these people ask no better for their part than to continue the good relations so happily and for so long a time existing between our two countries.

HOFFMANN.

*Notice of the Council of State of the Canton of Geneva concerning the neutralization of a part of upper Savoy, of Chablais, and of Faucigny. October, 1914.*

[Rev. Gén., Doc. 22 : 187.]

The Council of State has learned that there have been disseminated in the Department of Upper Savoy inexact rumors on the question of the reception in hospitals of the wounded on the neutralized territory.

We can declare that the Federal Council has never made any objection to the reception of the wounded in hospitals in Savoy. If a decision has been made in this respect, it has been by the competent French authorities.

The present declaration is suggested to us by the desire to maintain in time of war as in time of peace the excellent relations which exist between the people of upper Savoy and of Geneva.

In the name of the Council of State :

HENRY FAZY.

*Communication of the Swiss Federal Council on the entry into Helvetic territory of the sick and wounded of belligerents wearing civilian clothes. October, 1914.*

[Rev. Gén., Doc. 22 : 187.]

The question has been raised whether the inhabitants of a belligerent state who have been wounded in war, or have contracted a disease from it, can, in order to recover or to convalesce, come for treatment into Switzerland in some of our stations or in a family, without danger of being interned, it being understood that these persons wear civilians' clothes. The Federal Council has replied affirmatively to the question, considering that it perceives no obligation to investigate whether or not per-



sons who cross the frontier in civilian dress belong to the army of any of the belligerent states.

Furthermore, the Federal Council thinks it proper to render a service to the different belligerent states by allowing their inhabitants to procure without difficulty or delay the means necessary to contribute thus to their recovery.

*New appeal to the Swiss people. October 1, 1914.*

[Bundesgesetze und Verordnungen, 1914, 30: 510.]

*Faithful and Dear Members of the Confederation:*

Two months have already passed since the outbreak of the gigantic struggle of peoples, and the end of this terrible conflict is not yet in sight.

At the opening of the war our authorities proclaimed with unanimity the complete neutrality of Switzerland. The whole people has approved this decision, and we have the firm resolve scrupulously to maintain this neutrality by all means at the disposal of the country. This attitude has spared us the horrors of war, but it imposes on us also some duties and some sacrifices. There is not everywhere a clear consciousness of these duties and of these sacrifices. In our method of judging the event and in the expression of our sympathy for the different nations, we ought to observe the greatest reserve to avoid that which might wound the states and the peoples involved in the war and to guard ourselves from all partiality. To judge with calmness and moderation the events does not at all mean to be oblivious of sympathy and feeling; the heart of each citizen will continue to beat warmly for those to whom they are attached by particularly strong bonds or whose fate is dear to them before everything.

Only if each observes this attitude will it be possible to accomplish the duties which spring from our situation of a neutral state and to maintain the good relations of our country with the other states. This interest has never been greater than in the present confusion of Europe, and it has never been more difficult to safeguard.

But more important yet, than the regard due to foreign nations and of a vital interest to our country, is the maintenance between ourselves of an energetic cohesion, of an unshaken unity. This unity, absolutely necessary to-day, that the culture, the economic and financial situation of our country may receive serious consideration, will to-morrow be equally necessary, when it is a question of healing the wounds by a union of all efforts. History teaches us that Switzerland has never suffered the greatest calamities nor endured the greatest losses, except, when distraught by domestic quarrels, she has been enfeebled by a lack of unity. At this moment when the fate of peoples is at stake, we must recall the lessons of history and guard ourselves from insisting in a manner imprudent, passionate or offensive on those things which



separate us, by enfeebling the sentiments which unite us, instead of fortifying them by patriotically recalling those things which bring us together.

We address to each citizen and particularly to the Swiss press of all parties, of all languages, and of all regions, a pressing appeal for moderation and reserve. It is the press which expresses and directs public opinion. It has the noble task of confining the unchained passion, of combatting the tendencies which divide and of exercising especially its influence to moderate and conciliate.

The hard times of trial through which we pass ought to become the point of departure for an intellectual, economic, and political uplift. We require for this end the union of all the forces of our people. There ought to be no irreconcilable barriers of race or of language. We see the ideal of our fatherland in a community of civilization which rises above race and language. First and before all we are *Swiss* only in the second place Latin or German. Above all the sympathies for the nations to which we are attached by a common origin, there is for us the welfare of the fatherland, of that fatherland which is common to us all. *It is to this welfare of the fatherland that we ought to subordinate all else.*

In the hope that this appeal will be heard, we recommend you with ourselves, faithful and dear members of the Confederation, to the divine protection.

Berne, October 1, 1914.

In the name of the Swiss Federal Council:

The President of the Confederation, HOFFMANN.

The Chancellor of the Confederation, SCHATZMANN.

*Order of the Federal Council concerning foreign deserters and fugitive conscripts. June 30, 1916.*

[Lois Suisse, July 5, 1916.]

The Swiss Federal Council.

Relying on article 3 of the Federal order of August 3, 1914, concerning measures appropriate for assuring the security of the country and the maintenance of its neutrality;

Considering that, with the exception of measures which appear necessary in the interests of the national defense, it is primarily incumbent upon the Cantons to concern themselves with foreign deserters and fugitive conscripts (*réfractaires*), yet the extraordinary circumstances of the present time demand nothing less than the intervention of the Confederation in the matter;

*Orders:*

ARTICLE 1. During the state of war, foreign deserters, and fugitive conscripts can not be conducted beyond the Swiss frontier or removed from one Canton into another or even expelled from a Canton. No distinction is made between deserters and fugitive conscripts, as to their treatment in Switzerland, except to the extent that this distinction appears necessary for mili-

tary reasons. The Federal Council reserves to itself the right to declare during the war the expulsion from Swiss territory of deserters and fugitive conscripts, who may have made themselves liable for grave offenses. The commander of the army will decide on the toleration of foreign deserters and fugitive conscripts in the zone of the army.

ART. 2. When deserters and fugitive conscripts not possessing identification papers or providing insufficient identification papers, have been permitted in Switzerland before the entrance into the war of the State from which they came, it is the duty of the Canton to which they have been admitted on the last occasion to provide for them.

ART. 3. AS to deserters or fugitive conscripts entering Switzerland after the entry into the war of the State from which they come, as well as those whose recognition papers have proved fraudulent after the said date and finally those whose recognition papers are not considered valid by the State of origin, the Canton where they reside or to which they are attributed is bound to demand sufficient securities of them for the disturbances of public law and of an economic nature resulting from the fact that they are tolerated on Swiss territory. The Cantons will determine the amount and the nature of the securities and designate the authority to which these should be furnished. The Cantonal governments are authorized to publish the necessary regulations, when the Cantonal legislation does not contain provisions relating to securities or when the existing provisions are insufficient. The dispositions of the Cantons relative to securities will be submitted to the approval of the Federal Council which reserves to itself the right of amending or modifying the same.

ART. 4. If a deserter or fugitive conscript abandon the place of his residence to establish himself in another Canton, the securities furnished by him are retained and constitute an equal guaranty for the Canton of his new residence. The securities furnished on decision of the military authorities by a deserter or fugitive conscript will be remitted to the Canton in which the person has his residence. The military authorities can not, hereafter, require securities.

ART. 5. The Cantons will establish special lists of all deserters and fugitive conscripts found within their territory and will transmit copies of these lists to the Swiss department of justice and police. They will communicate to the said department all modifications occurring in the contents of the lists. The Swiss department of justice and police is empowered to publish the necessary prescriptions as to the initiation and continuance of the lists.

ART. 6. The securities will furnish compensation, in the first place, for the disturbances of public law and of an economic nature resulting to the Cantons from the toleration on their



territory of deserters and fugitive conscripts, indicated in article 3 above. In cases where these securities are insufficient, or if they have not been obtainable, the confederation will assume the responsibility. The Federal council will fix definitely the indemnity to be accorded by the confederation.

ART. 7. The commander of the army and the Swiss military department will publish, in agreement with the Swiss department of justice and police, the necessary prescriptions as to the admission of deserters and fugitive conscripts into Switzerland (control of the frontier) and the procedure to which these should be submitted after passage of the frontier.

ART. 8. The competent administrative authorities of the Cantons or of the confederation will intern in appropriate establishments deserters or fugitive conscripts who constitute a public danger or who oppose or are not satisfied with the orders of the authorities or who, in some other manner, give occasion for complaints which appear to necessitate resort to internment. The Cantonal governments will publish the necessary prescriptions as to the measure to be taken by the Cantonal authorities in this matter. The Swiss department of justice and police will offer its cooperation to the Cantons which do not possess suitable establishments in choosing the place of internment. When the internment concerns one of the classes indicated in article 3 and the securities eventually furnished are not sufficient to cover the expense, the confederation will be charged for this amount, provided the internment has been approved by the Swiss department of justice and police.

ART. 9. The Federal council will decide definitely upon controversies which may arise over the execution of the present order with reservation of article 1, sentence 4.

ART. 10. The present order will come immediately into force. The Federal council will fix the date at which the order will cease to be in force.

Berne, June 30, 1916.

In the name of the Swiss Federal Council :

The President of the Confederation, DECOPPET.

The Chancellor of the Confederation, SCHATZMANN.

## UNITED STATES.

*Proclamation of Neutrality. August 4, 1914.*<sup>1</sup>

[38 U. S. Stat. 1999.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a state of war unhappily exists between Austria-Hungary and Servia and between Germany and Russia and be-

<sup>1</sup> Additional proclamations identical in character were issued as follows :  
For the war between Germany and Great Britain on August 5, 1914  
[No. 1272] ;