

of departure, as a cruiser, was France, and not England.

The "Florida" was detained at Nassau on suspicion, but discharged by the local Admiralty Court, there being no evidence of her being anything but a blockade-runner. She was fitted out as a ship of war at Mobile.

On the other hand, the British Government prevented the outfit of the "Rappahannock," prosecuted and detained the "Alexandra," seized the Liverpool rams, and stopped the "Pampero," besides investigating carefully every case of suspected outfit brought forward by Mr. Adams, and he complained of nineteen, as well as every case which could be discovered independently. Amongst other things, taking charge of Captain Osborne's Anglo-Chinese flotilla, which it was apprehended might fall into the hands of the Confederates, at a cost to this country of 100,000*l*.

That any sea-going steamer can be converted into a cruiser by strengthening her bulkheads and arming her, which can be done at sea as well as on shore, is proved by the fact that the most efficient blockading vessels in the Federal navy were converted blockade-runners.

"The Alabama."—Mr. Fish speaks of the neglect of the officers of the British Government to detain Confederate cruisers, and especially the "Alabama."

There was no neglect to detain the "Shenandoah" or "Georgia" for the reason that neither the Government nor its officers knew they were being intended for the Confederate Service. Indeed, it has never been proved that the persons who sold those vessels knew it. Probably they did, but a case might very readily arise in which the vendors might be really ignorant. The American Government could not have expected the English revenue officers to prevent every large steamer leaving England in ballast.

With regard to the "Alabama," it is assumed "that the negligence of the officers of the British Government was gross and inexcusable, and such as indisputably to devolve on that Government full responsibility for all the depredations committed by her. Indeed, this conclusion seems in effect to be conceded in Great Britain. At all events, the United States conceive that the proofs of responsible negligence in this matter are so clear that no room remains for debate on that point; and it should be taken for granted in all future negotiations with Great Britain."

By a *petitio principii*, the whole argument is thus assumed to be in favour of the United States.

There is no doubt that the "Alabama" might, if she had not escaped at the moment when the case against her appeared to be legally established, have been seized and tried under the Foreign Enlistment Act, though the result, looking to what occurred in the case of the "Alexandra," might have been doubtful.

This, however, is a very different thing from admitting that her sale to the Confederates was a violation of British neutrality for which the nation is responsible. This was the first instance which occurred of the sale of a ship under such circumstances, and the British Government had, in fact, no suspicion of what was going to be done in the matter, no information having been received of an intention to take out her arms and crew in a separate vessel.

Judge Story, in the well-known case, "Santissima Trinidad and St. Ander," laid it down as indisputable that "there is nothing in our laws, or in the laws of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is

a commercial venture, which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation."

But it must be remembered that when Mr. Fish claims compensation for *all* her depredations, he should not overlook the fact of the negligence shown by the Federal navy in twice letting her escape from them. First, when Mr. Adams urged the Captain of the Federal ship, which at his instance had gone to Holyhead to look after her, to pursue her, when the Captain refused, and went off to his station at Gibraltar instead—a proceeding at which Mr. Adams expressed the greatest indignation (see Congress Papers, 1862, p. 159); and secondly, when the United States ship "San Jacinto" blockaded her in the French port of St. Pierre, Martinique, and then suffered her to slip away at night from under her bows.

III. *Supplies furnished to the Confederates by British Subjects.*

Mr. Fish states that the Confederates had no ships, no mechanical appliances, no open sea-ports, &c., and implies that the maritime force of the Confederates was entirely derived from England.

The "Sumter," "Nashville," and "Florida," however, all sailed from Confederate ports in which they were armed and fitted out, besides a variety of small coasting privateers, such as the "Talahassee," whose captures form a considerable item in the list of Federal maritime losses lately presented to Congress.

"On the land it was in like manner the munitions of war and the wealth drawn by the Insurgents from Great Britain which enabled them to withstand, year after year, the arms of the United States."

If, as Mr. Fish states, the Confederates had no open sea-ports, how did these munitions and arms reach them?

Either the blockade was inefficient, in which case it was illegal, and neutral nations were not bound to respect it, or it was efficient, as it was recognized by Great Britain to be, and the supply of arms, &c., was hazardous and uncertain.

There is no doctrine more clearly settled than that neutral nations are not responsible for the supplies of contraband sent through a blockade by their subjects. Indeed, the very existence of a blockade implies this, for, if it were the duty of neutrals to prevent the shipment of supplies to belligerents, why should there be a blockade at all? Each side would claim compensation for the assistance rendered to the other, and neutrality would become impossible.

If once it be conceded that blockade-running is an offence against neutrality in a civil war, the precedent would not fail to be invoked in all wars by whichever belligerent considered himself most aggrieved. Instead of establishing a principle in the interests of future peace, this would lead to endless complications and claims and counter-claims which would make the end of one war the sure beginning of another.

The question of the action of the Dutch in the War of Independence cannot be dealt with without a review of the history of the period, for which this memorandum does not afford space. An account of the proceedings at St. Eustache, and subsequent discussions with the Dutch Government, will be found in De Marten's "Nouvelles Causes Célèbres du Droit des Gens."

As to the supplies sent through the blockade having been organized by Confederate agents in England, the example was set them by the