

bureau established by Franklin at Paris for the assistance of the American Provinces.

On the other hand, it is notorious that the Federal troops were plentifully provided with arms and munitions from this country.

Her Majesty's Government have yet to learn that it has been held in international discussions that individuals are precluded from supplying belligerents with munitions of war.

IV.—*Indirect Injury to American Commerce.*

"Indirectly the effect was to increase the rate of insurance in the United States, to diminish exports and imports, and otherwise obstruct domestic industry and production, and to take away from the United States its immense foreign commerce and to transfer this to the merchant vessels of Great Britain."

Mr. Fish proceeds to quote figures, showing the decrease in American tonnage between 1860 and 1866.

This allegation of national, indirect or constructive claims was first brought forward officially by Mr. Reverdy Johnson, in his attempt to renew negotiations on the Claims Convention in March last (North America, No. 1, 1869, page 46).

Mr. Thornton has shown the difficulty there would be in computing the amount of claim even if it were acknowledged (North America, No. 1, 1869, page 53), in a despatch in which he mentions the continual decrease of American tonnage.

This is partly, no doubt, to be ascribed to the disturbance of commercial relations consequent on a long war, partly to the fact that many vessels were nominally transferred to British owners during the war to escape capture. Sir E. Hornby, in a recent report, states that this was a constant practice in China.

Is not, however, a good deal of it to be attributed to the high American Tariff, which makes the construction of vessels in American ports more expensive than ship-building in England, and has thereby thrown so large a proportion of the carrying trade into English hands?

There must be some such cause for it, or otherwise American shipping would have recovered its position since the war, instead of continuing to fall off.

"Neither in the events which proceeded that war" (of 1812) "nor in the events of the war itself did the United States suffer more," &c.

No one can now wish to recall to recollection the particular events of that war: it would be much better for the two nations to congratulate themselves that one of the principal causes of it, the nationality dispute, has, it is to be hoped, been set at rest finally by Lord Stanley's Protocol.

V. The despatch, in conclusion, refers "to important changes in the rules of public law," the desirableness of which has been demonstrated, but does not say what are the changes to which he alludes.

This is in the spirit of the proposal made by

Her Majesty's Government in December, 1865, "North America, No. 1, 1866," page 164):—

"I, however, asked Mr. Adams whether it would not be both useful and practical to let bygones be bygones, to forget the past, and turn the lessons of experience to account for the future. England and the United States, I said, had each become aware of the defects that existed in international law, and I thought it would greatly redound to the honour of the two principal maritime nations of the world to attempt the improvements in that code which had been proved to be necessary. It was possible, I added, that the wounds inflicted by the war were still too recent, and that the ill-will towards England was still too rife, to render such an undertaking practicable at the present moment; but it was one which ought to be borne in mind, and that was earnestly desired by Her Majesty's Government, as a means of promoting peace and abating the horrors of war; and a work, therefore, which would be worthy of the civilization of our age, and which would entitle the Governments which achieved it to the gratitude of mankind."

It is not necessary in this Memorandum to dwell on the alleged efficiency of the American, as compared to the English Foreign Enlistment Act. The failure of the American Act in the Portuguese cases, in the repeated filibustering expeditions of Walker against Central America, and the acquittal under it of Lopez, the invader of Cuba, are proofs that its action cannot always be relied upon; and this is further corroborated by the difficulties now being experienced in dealing with the "Hornet," at Wilmington. Although, as Mr. Fish says, there have been prosecutions under it, it is believed that from the trial of Gideon Henfield, in 1793, to the present day, there has never been a criminal conviction. The only result of the proceedings *in rem* has been to restore prizes, never to punish privateering; and the effect of the bonds which the Act provides may be taken that the owners of a vessel shall not *themselves* employ her in a belligerent service, and which has, it is believed, never been practically enforced, is, as Mr. Bemis, of Boston, points out in his volume on American neutrality, to add so much to the price of the vessel.

With regard to the claims for "vast national injuries" it may be as well to observe that Professor Wolsey, the eminent American jurist, has repudiated them as untenable; while the strongest arguments in favour of the recognition of Confederate belligerency are to be found in the notes to Mr. Dana's eighth edition of "Wheaton;" and Mr. Lawrence (the editor of the Second Annotated Edition of "Wheaton"), in a recent speech at Bristol stated that "as far as respects the complaint founded on the recognition of the belligerent rights of the Confederates, I cannot use too strong language in pronouncing its utter baseless character. No tyro in international law is ignorant that belligerency is a simple question of fact. With the late Sir Cornwall Lewis, we may ask, if the array of a million of men on each side does not constitute belligerency, what is belligerency? But what was the proclamation of the President, followed up by the condemnation of your ships and cargoes for a violation of the blockade which is established, but a recognition of a state of war? At this moment the United States, in claiming the property of the late Confederate Government, place before your