

But they decide only on questions of property, not on the *status* or condition of persons. And thus, while an Admiralty judge can permit you to take out of a large assorted cargo a single bale of sail-cloth as contraband, —even giving freight, out of the rest of the cargo, to the neutral ship-owner whose offence was so small,—he cannot authorize you to take the person of a hostile general who may be on board unknown and in disguise, except by decreeing the confiscation of the ship. If you take him, you do it, at least, without the sanction either of a legal sentence or of an acknowledged rule. Such a state of things must inevitably breed some uncertainties, some anomalies, some occasional straining of legal principles. But it is easier to find fault with the law than to mend it; and easier perhaps to shew that it has anomalies than that it works substantial injustice. There are inconveniences, unquestionably, in holding that a naval officer, even with Vattel and Wheaton on his cabin shelves, cannot take prisoners out of a neutral ship without seizing the ship. But there are inconveniences also in permitting him to do so. We have lately been spectators of such a proceeding—the *modus operandi*—and the consequences. It is an excellent thing, no doubt, to fortify the rights of neutral commerce, in which all the world is interested; but the subject requires careful handling, and I hope we shall agree, whilst at peace, to no changes which we cannot trust ourselves to stand by when again in our turn surrounded by the provocations and temptations of war.