

NOTES OMITTED.

Note A. Page 504.

Mr. Canning is reported to have "acknowledged" in the debate of the 18th of February, "that in this blockade there did arise matter for grave inquiry and serious distrust; but when explained there appeared no cause of dissatisfaction, for the force applied to carry the blockade into effect was specific and peculiarly framed for the accomplishment of the object designed." We shall not here stop to consider the construction put on this measure, and on that of the order of the 7th of January following, by his administration, when they found it convenient to predicate their own subsequent orders upon them, and to assert that the latter differed from the former "by an extension in operation only, but not in principle." The reader that wishes to see a disquisition on this subject will find it in the first and second letters of a Cosmopolite to a Clergyman. (Gale and Curtis, 1812.) If it were even pretended (and no evidence to such effect has been produced, though the production of it should certainly have preceded the condemnation of any property under these orders,)—if it were even pretended that a fleet were continually cruising about the North Sea and the Channel, to intercept any ships that they might thus by accident fall in with, bound to any of the ports within the notification; (the only force that Mr. Canning can refer to, and this without proof;) this would not amount to a legal blockade, which could only be constituted by that stationary force before each interdicted port, that would make the entrance to it, or the exit from it, manifestly dangerous.—This alone would meet the construction of the law by Sir W. Scott, and by British diplomatists as well as judiciary authorities. In the year 1711, in resistance of the blockade of certain ports of the Baltic by the King of Sweden, a memorial from Great Britain contained the following words: "Si les dites Villes étoient actuellement assiégées ou bloquées, les sujets de sa Majesté, et de leurs hautes Puissances n'auroient point de prétexte d'y aller, mais le cas est bien différent par rapport à quelques Vaisseaux, qui croisent seulement dans la mer Baltique." (Memoires de Lambert, v. 6. p. 466.) The doctrine here is quite unequivocal; neither is it contested, but on the contrary it is confirmed by the opposite party; who, with a resolution like that of England to contend against all the world rather than surrender a maritime right, maintains this right only on the ground of a close investment of the different places "in quorum vicinio aut conspectu naves nostræ constitutæ et locatæ sunt," "ad omnes illos portus, claudendos, arctique obsidendos." (Ibid. p. 451. et 454.) The quotations are here abridged and combined for brevity's sake; but the documents more at large amplify the doctrine, without any contradiction of it.—See also the treaty of June, 1801, between Great Britain and Russia, in which the necessity of a *stationary* force is asserted not as a special stipulation but as a general principle; and Sir William Scott in Robinson's Reports *passim*, and particularly in the case of the *Juffrow Maria*—Schroeder. v. 3. p. 155. "This fact I will venture to assume, that orders must have been given to these cruisers, in the most regular manner; yet I cannot shut my eyes to a fact that presses upon the court, that the blockade has not been duly carried into effect." (p. 156.)—"There can be no doubt then of the intention of the Admiralty, that neutral ships should not be permitted to go in; but the fact is, that it was not, in every instance, carried into effect," "What is a blockade, but to prevent access by force?"