

ports and waters for obtaining 'renewals and augmentations' of military supplies and arms. But it is worth while to observe that under these rules, if reasonable allowance is made for the occasional failure, even of 'due diligence' in enforcing the law, there is good ground for believing that the British Government would be able to defend itself before a tribunal of arbitration in respect of any claim for damages brought by the United States. Even in reference to the simplest of the direct claims advanced by that power, it will be found difficult, after an examination of the facts, to understand how a fair tribunal could decide that our conduct towards the successful belligerent during the American Civil War was such as to render us justly amenable to penalties. The anxieties of the present moment have a good deal overshadowed the incidents which have been supposed to connect this country with the proceedings of the Southern cruisers, but if only for the sake of correctly appreciating the spirit in which the new claim for consequential damages has been advanced, we should keep in view the fundamental arguments on which that superstructure has been raised.

The British Case supplies us with an able narrative of these incidents. Beside the American Case our own pleadings may appear weak to a hasty reader. They contain none of that exaggeration, forensic ingenuity, and misleading rhetoric by which the American Case is distinguished. This last may be compared to the speech of the counsel for the plaintiff in a breach of promise trial; the British Case, to the explanation which a cool statesman, conscious of being in the right, might give in Parliament in justification of some measure that had been unreasonably attacked. The British Case, however, is strong and satisfactory, even when taken as a defence against the fiery indictment of the Americans.

We have not space for a close analysis of the unfair reasoning—the simulation and dissimulation—of the American Case. But the long chapters relating to 'the unfriendly course pursued by Great Britain,' 'the duties which Great Britain as a neutral should have observed towards the United States,' and the acts 'wherein Great Britain failed to perform its duties as a neutral,' which are especially disfigured by these characteristics, are the less deserving of close criticism as being improperly conceived in principle. The friendliness or unfriendliness of Great Britain, her performance of neutral duties other than those connected with the Southern cruisers, are matters with which the Geneva tribunal cannot properly concern itself. In discussing them at unreasonable length, the authors of the American Case violate the spirit of the Washington treaty. In the British Case general questions are only discussed so far as may be absolutely

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