

its influence, ultimately surrender an unjust claim against us. However, the apology was destined to be soon eclipsed by the three rules. American theories concerning the 'Alabama' had by this time matured so far that the United States Government was no longer content to submit the 'Alabama' claims to a free and unfettered arbitration. It insisted that artificial rules should be laid down for the guidance of the arbitrators, so that it should be rendered almost certain that under these rules, drawn up to suit the circumstances, England should be found liable to pay damages. The British Commissioners were startled by such an extravagant demand, and at first refused to entertain it. But subsequently, under the influence of telegrams from home, they agreed to the *ex post facto* rules. The arrangement exactly fell in with the views of the British Government. It might, perhaps, have shrunk from calling on Parliament to pay heavy damages voluntarily, in a matter where our culpability had never been acknowledged. But in its mania for truckling to the United States, it joyfully acceded to an agreement by which the defence of the country before a tribunal of arbitration would be embarrassed by artificial difficulties, and rendered unlikely to succeed. In an age when the use of strong language was more prevalent than at present, it would probably have been asserted that a country thus treated by its Government had been betrayed.

The treaty signed by Lord Ashburton in 1842, as we have already said, was described in the political controversies of its day as a capitulation. Surely the circumstances we have recalled in reference to the recent treaty, are enough to show that this treaty was no less a capitulation. In all our diplomacy with the United States, we seem to have been destined to capitulate in the end.

The three rules under which the treaty consents that the liability of Great Britain shall be decided are awkwardly drawn up, but their general significance is that a neutral Government is bound 'to use due diligence' to prevent the complete or partial preparation within its jurisdiction, of any vessels destined for hostile employment against any power with which it is at peace. Also to deny belligerents the use of its ports or waters, 'for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.' Under these rules, and on the assumption that their infringement renders a neutral liable to pay damages, we should undoubtedly have been liable to pay damages to the Confederate States, if they had achieved their independence; for men were recruited for the service of the Federal armies at Queenstown (see Lord Russell's despatches to Mr. Adams), and the United States made constant use of our ports