

its soil from being violated'—which 'shall deter designing men,' &c.—thus making the neutral Government answerable for the event—and 'which prompts to the most energetic measures'—appears to me much too extensive, and altogether inadmissible. The diligence required of a Government to prevent infractions of neutrality may relate (1) to the state of its municipal law; (2) to the means possessed by it to prevent such infractions; (3) to the diligence to be used in the application of such means to the end desired." . . . . But

"1. Is a Government, intending faithfully to discharge its duty towards another Government, to be held responsible for a mere error of judgment? As, for instance, in thinking a vessel not liable, in point of law, to seizure, when in fact she was so; or in thinking the evidence in a particular case insufficient when it was sufficient.

"2. Is a Government wanting in due diligence if it declines to seize a vessel at the instance of a belligerent, when properly satisfied that, though there may be circumstances of a suspicious character, the only evidence which can be adduced will not justify the seizure before the law, and that the vessel will therefore be released?

"3. Having seized a vessel and brought the matter before the proper legal authority, is a Government to be held responsible because, through some mistake of the Court, either of law or fact, there has been a miscarriage of justice?

"4. Is it to be answerable for accidental delay, through which an opportunity becomes afforded to a vessel to evade the eventual decision of the Government to seize her?

"5. Is a Government to be held responsible for error of judgment in its subordinate officers, especially when these officers are at great distance, and not acting under its immediate control? Is it, under such circumstances, to be answerable for their possible negligence, or even for their misconduct?

These are questions of infinite importance to neutral nations, who may be drawn within the vortex of wars in which they have no concern, if they are not only to be harassed and troubled by the demands and importunities of jealous and angry belligerents, but are, in addition, to be held responsible—to the extent, perhaps, of millions—for errors of judgment, accidental delay, judicial mistake, or misconduct of subordinate officers, acting not only without their sanction, but possibly in direct contravention of their orders. We are not informed whether the two Governments have, in compliance with the pledge contained in the Treaty of Washington, invited other nations to adopt its Rules; but if it is to be established that these Rules carry with them a liability so extensive, I should very much doubt whether such an invitation, if made, would be attended with much success. Any decision of this Tribunal founded on such a liability would have the effect, I should imagine, of making maritime nations look upon belligerent Powers with very considerable dread. It is to be remembered that a Government cannot be taken to guarantee the event; in other