

'amicable settlement' mentioned in one of the protocols as calculated, if it could be arranged, to bar all further prosecution of the indirect claims. But in this matter we must adopt the American view. It is evident that the American Commissioners, when they spoke of an amicable settlement, contemplated an arrangement by which Great Britain should, without even taking her case to arbitration, have accepted the worst consequences that an arbitration could have inflicted upon her. With what intention the American Commissioners made this proposal it is difficult to understand. It assumed either that Great Britain had previously for years been dishonestly refusing the American people compensation which it knew to be their due, or that it had finally sunk so low that it might be induced through fear to submit to a claim it knew to be unjust. Certainly it would appear that American statesmen do not refrain from making proposals to this country from any dread of rousing its indignation, if the policy suggested be ignominious. But it would be waste of time to discuss at length the intentions which actuated the American negotiators during the conferences at Washington. The American Case formally calls upon the arbitrators to declare that this country ought equitably to reimburse the United States for the expenses entailed upon them by the prolongation of the war after the battle of Gettysburg. Whatever was intended by the negotiators of the treaty, the intention of the authors of the Case—that is to say, of the American Government—is perfectly clear. It is to obtain, if possible, a decision, that we are equitably bound to pay the consequential damages; and if any sane Englishman imagines that, having obtained such a decision, the American Government would be content to leave it a dead letter without adding up the claims and producing a definite sum total in dollars, he must certainly have studied American policy, if at all, to very little purpose. The theory that the indirect claims mean nothing, that they are really introduced for the sake of their moral effect, is almost unworthy of examination. If it were sound, we should be none the less enabled to object to devices for producing a moral effect on the minds of the arbitrators, by means of pleadings irrelevant to the question at issue, but the argument is altogether delusive. If the arbitrators admitted what the American Case asks them to admit, that we ought in equity to pay certain charges not yet estimated, they could not, in the discharge of their appointed functions, do otherwise than proceed to assess those charges, or refer them for assessment to another tribunal.

The claim for the indirect damages lies before us; and this country will deserve the worst consequences that can befall it if it consents to any course of action which is based upon the belief