

THE ALABAMA CLAIMS—MR. JUSTICE HAYS.

against the United States, to help them gain the victory over us.

But all these things, offensive, injurious, and insulting as they were, have very little to do with any international claims or grievances that can be made the subject of a negotiation or arbitration. They show that the state of public opinion in England was all wrong; but we do not claim to call the government of that country to account for errors of that kind. We have happily passed the point of time when the mistaken public sentiment of Great Britain gave us any cause for alarm. The only point of view in which it is now a matter of any practical importance, is, that it throws some light upon the *animus* which inspired their languid and feeble efforts to prevent the escape of the Alabama from the port of Liverpool. It is not at all strange, in in such a state of public sentiment, that the official telegram to Liverpool for the arrest of that vessel should unluckily fail to arrive till after office hours on a Saturday afternoon. It throws some light upon Lord Russell's insolent inquiry, addressed to Mr. Adams, whether it is common in America to arrest a vessel on a charge of an intended breach of neutral law without proof. The victorious conclusion of our great contest is a sufficient answer to all cavils, to all reproaches and insults; to all the shouts of triumph over our anticipated downfall. We can bear, without a murmur, the recollection that we had not a single friend upon the bench of bishops, and that respectable bankers invested in the confederate loan. We were willing that the high church-and-state tory should dislike our institutions, if he should feel so inclined, and should speak of them in any terms that he may happen to choose. But there is a portion of the matter in dispute between the two nations which admits of being made the subject of a treaty, and which can be settled by arbitration. It is no sufficient reason for refusing to go so far, by treaty and by arbitration on fair and equitable principles, that there were also certain other unpleasant matters which are not the subjects of a negotiation, and do not admit of being disposed of by treaty. It is something, that, so far as the claim for damages is concerned, Great Britain, to use a phrase often heard in the New England court-houses, has offered "to leave it out to men,"—to submit the question to a fair and impartial arbitrator. Payment of the money under such circumstances would be an acknowledgment of the wrong, and apparently all the practical reparation for it that can be made. The offer to submit to arbitration is very little, if at all, short of it.

The position in which England stands at this moment is substantially this: She offers to make full reparation for all actual spoliation committed in violation of her neutral obligations, resulting from the want of suitable and proper legal provision for enforcing those obligations upon her subjects, or from

the inadequate administration of such law in that behalf as was in existence; she has also invited us to join her in such new legislation, as to the duties of neutrals, as experience has shown to be needful. Under the circumstances, what more ought we to demand? and what other basis of negotiation does the nature of the case admit of?—*American Law Magazine*.

MR. JUSTICE HAYS.

It is with extreme regret that we record the death of Mr. Justice Hayes, who expired on Wednesday night. On Friday Sir G. Hayes was in court, and apparently in his usual health. He heard a summons in his private room, and was leaving for his home at Esher when he was seized with what at first was supposed to be paralysis or apoplexy. He scarcely rallied at all, and died at Westminster Palace Hotel, to which he had been removed after the seizure. Sir G. Hayes was educated at Highgate and the Roman Catholic College at Ware, Herts. He was called to the Bar at the Middle Temple in 1830, received the coif in 1856, and in 1860 was granted a patent of precedence to rank next after Mr. A. J. Stephens, Q. C.. Not long after this he became Recorder of Leicester. He was the leader of the old Midland Circuit, but under the rearranged circuit gave way to Mr. Overend, Q. C. When three new Common Law Judges were appointed under the Parliamentary Elections Act, 1868, Serjeant Hayes became a Justice of the Queen's Bench. It is not too much to say that no judicial appointment ever gave more general satisfaction. Serjeant Hayes was the most genial and popular of men, both on his circuit and off it. In addition to this he was a scholar and a sound lawyer. As a humorist he had few equals. To describe him as an habitual joker would be an utter inaccuracy; his wit was of the character indicated in Mr. Henry Taylor's assertion, that a truly humorous mind is always a grave one,—an assertion, indeed, which amounts to a truism. The late judge never took any active part in politics. He married in 1839 a Miss Hale, of Leicester, by whom he leaves a family of four sons and a daughter. The cause of his death proved to be the rupture of a blood vessel in the brain.—*Solicitors' Journal*.

Once Bishop Horsely met Lord Thurlow walking with the Prince of Wales. The Bishop said he was to preach a charity sermon next Sunday, and hoped to have the honor of seeing his Royal Highness present. The Prince intimated that he would be present. Turning to Thurlow, the Bishop said, "I hope I shall also see your lordship there," "I'll be — if you do; I hear you talk nonsense enough in the House of Lords; but there I can and do contradict you, and I'll be — if I go to hear you where I can't"—*Bench and Bar*.