The next important argument, that the new rules, as between us and America, are likely to be greatly in our favour in future years, demands a little more examination. It is said that Great Britain is at war a dozen times to the United States once; that any agreement explaining and extending the obligations of neutrals, would be much more likely to tell in our favour than against us. That is true as far as it goes; or, rather, it would be true if it were in any degree probable that we should ever enjoy the advantages of the new rules. American diplomacy is not conciliatory, and no one, with the experience of the Washington Treaty before him, can suppose that if a future war should leave us with a new Alabama Claim against the United States, it would be treated in the spirit which our negotiators displayed at Washington. It has been abundantly proved that the traditions of American diplomacy in such cases has been invariably to refuse redress, and to assert to the fullest extent the rights of neutral commerce. Yet their new rules impose upon neutral commerce restrictions never heard of before, and, in fact, place neutrals in such a position that either a great portion of their trade will be crippled, or that they will unavoidably incur heavy damages to one or other of the belligerents. This is a position which has hitherto been strongly repudiated by the Americans, and it is difficult to believe that the propositions invented by them, when they were belligerents, would appear to them so just when applied against themselves as neutrals.

It must be remembered that the new rules are loosely worded. We have already, by our Counsel at Geneva, argued that the phrase "due diligence" means something quite distinct from the meaning we should have to affix to it in order to obtain an award if we quoted it in our favour, and no one can suppose that our own arguments would not be skilfully turned against us.

Again, the new rules have not the force of international law. At present they are in force only as between England and America. Those two nations undertook to bring them to the notice of other maritime powers, with a view to their adoption as part of international law, but they do not seem in a hurry to do so, and the only foreign jurist, as far as I can remember, who has expressed any opinion upon them—I mean Count Beust, in the latest Austrian Red-book—recommends their determinate rejection, and devotes a long paper to prove that they are entirely preposterous.

The peculiar action of the three new rules may be easily seen if we examine where, in the late Geneva Arbitration, they hit us on