

which great souls may engage without degradation and without deterioration. These were the motives in which the principle was made part at first of the law of nations, and every one of them is a motive to give it the most expanded application in the light of this better day. Sir, it is one of the brightest glories of civilization. Do not cause it to be dimmed by a penurious and reluctant interpretation and application! To do so would be to misconceive the direction in which the world is moving. I do not know when wars shall wholly cease, but I believe, I trust, that as the world comes nearer to that time, it will regard war more and more every day as an enormous evil, if a necessary evil, and will desire to relieve it, more and more every day, by the offices of Christian and of chivalrous forbearance towards individual actors, struck down, disarmed, and unresisting.

Giving, then, to the law of personal immunity that enlarged effect which the time and the country demand, let us attend to the special circumstances, one by one, which mark the case of McLeod, and see if they do or do not leave him the protection which is thrown round the captive of open, regular war.

In the first place, observe that the expedition on which he went out was an expedition of war. It was not an expedition to rob the mail, or to rob a hen roost, or to throw an assassin or spy into an enemy's camp, by which happy analogies we have had it illustrated. It was an enterprise of war; undertaken under the iron responsibilities, surrounded by the iron rights of war. Its exact legal denomination is "*informal, in-solemn hostility*." Let us call things by their right names, and hold England and hold ourselves up consistently to this view of the transaction. Look at it. There was a forcible temporary occupation of our territory by an armed foreign body, acting in organization, sent across by a foreign Government, as a Government, not for plunder, but as an alleged grave measure of state policy—for the alleged defence of its own soil and its own law against revolutionary invaders from without. What sort of act is that, sir? The mover is a Government; the inducement a high reason of state; the instruments and the effects such as ordinarily do the work, and mark the giant tread of war. Armed men violently assail a vessel moored on our waters, owned by our citizens, reposing, as we allege, beneath the protection, not forfeited, of the folds of our flag. It is the cry of brief but actual battle, which rises above the murmur of that onward, unreturning stream. The peace of our territory was disturbed, its sanctity was violated, the charmed life of an American citizen was taken in fight, the property of an American citizen, itself part of the general wealth of the community, was destroyed. This, sir, in the language of the publicists, is "*informal hostility*" against the United States, and the responsibility of England, who ordered it to be committed, and the immunity of the soldiers who enforced the order with the bayonet and cutlass, result, of course, according to the principle on which, as I have said, we all take our stand, and in which all publicists agree. I do not say that by this act England intended to begin a war on the United States, or to impair our strength, diminish our treasure, or insult our flag as a nation. Certainly not. But the act which she does is to invade our territory forcibly and unlawfully, for the purpose of reaching and destroying the property of one of our citizens, which she had no right so to reach and so to destroy, an

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