

time at the instance of the Canadian Government, and presented a copy of the statement of the master of the *Eastwood*, with photographs of the damage that had been done, mentioning that the owner of the ship had in his possession fragments of shell, machine-gun bullets and fuses found on the *Eastwood* after the shelling. This information was presented to the State Department that it "may facilitate the inquiries of the competent United States Authorities into the circumstances attending this unfortunate incident". The United States reply to these notes was delivered to Sir Esmé Howard on April 9, 1926. It did not deny that the *Eastwood* had been hit nor did it make reference to the fact that the *Seneca* was engaged in target practice at the time; rather, it stated simply that the commander of the *Seneca* had said "that the British vessel *Eastwood* was not fired upon by the *Seneca*". The note went on to point out that the captain of the cutter had been a commissioned officer of the United States Coast Guard for over 27 years, while the *Eastwood* had long been engaged as a rum-runner. A memorandum on the activities of the *Eastwood* during the years 1925 and 1926 supporting this charge was enclosed with the note. The Ambassador did not feel that this was a satisfactory statement. In a further note dated April 13, 1926, he again rehearsed the facts of the incident and pressed the question of whether the *Seneca* had in fact been engaged in target practice on that date and whether this had been in the vicinity of the *Eastwood* on the high seas. The note continued:

I would venture further to observe that the fact of the *Eastwood* having been previously engaged in rum-running would hardly appear to be germane to the question at issue, which is whether or not the projectiles by which she seems undoubtedly to have been struck could or could not have been fired by the *Seneca* to the danger of the lives of those on board the *Eastwood*.

The Ambassador's action received the approval of both the Canadian and British Governments. In a marginal notation on a memorandum from his assistant W. H. Walker, O. D. Skelton, the Under-Secretary of State for External Affairs, commented that "the Ambassador's note of April 13 is much to the point and should elicit a more definite reply". On May 12, 1926, a despatch was sent from the Foreign Office to Sir Esmé approving the course he had adopted and suggesting that the State Department's note of April 9 demonstrated "a dangerous confusion of thought". The despatch stated:

It would appear that Mr. Kellogg does not realize the difference between a protest against a clearly indefensible act by the United States revenue authorities and a general support of a rum-runner against which local action had been taken by the United States Authorities.... The fact that a vessel is a rum-runner cannot...debar His Majesty's Government from taking steps to protect any general British right which may have been violated in respect of her any more than the fact that His Majesty's Government refrains from protesting in any given case before the final decision of the United States Courts can be taken to mean that they necessarily acquiesce in the action of the United States Government.... If the United States Government do not give proof of a reasonable attitude in this case, it is quite possible that it will be used for attacks on the generally helpful attitude taken up by His Majesty's Government in the matter of liquor smuggling. No right-minded person in this country supports the cause of the liquor smugglers, but