

THE ALABAMA CLAIMS.

upon her the wrong that she has done us. This is equivalent to saying that the question between the two nations, which has already produced so much exasperation on both sides, and which involves such large pecuniary interests, is never to be settled at all; that we are sullenly to wait an indefinite, and perhaps a very long time, for "something to turn up," as Mr. Micawber would say, which shall give us an opportunity, not for indemnity, but for revenge, and that in the mean time the actual sufferers by the depredations complained of—the merchants whose property was burnt, and the insurers who have paid losses—are to be left to the full enjoyment of the right of petition for relief from the national treasury. But this expectant system, though received with some applause when first suggested, is not likely on the whole to be satisfactory to the country. None but the head centre of some Fenian lodge would deny that a just and honorable settlement is better than any further postponement.

As we occupy the position of plaintiffs in this matter, we are of course to go forward, to state distinctly what our claims are, and on what grounds we undertake to maintain them. And, first of all, we are to bear in mind that our claim is against the British government for its *own* sins of omission or commission. This is a matter in which we can deal only with that government. So far as we have been injured by the reckless and unlawful acts of British subjects, perpetrated under such circumstances as to furnish no ground for charging that government with expressly or impliedly authorizing, permitting, or conniving at the wrong complained of, we do not seek to call it to account. For that reason, it has never occurred to any one, not even to Mr. Sumner, to claim that the British government is to be held responsible for the manifold inconveniences produced by the almost constant evasions of our blockade of the Southern ports. There is no kind of doubt that the activity and success of the blockade runners prolonged the war for years. It would have been impossible, but for them, for the Confederacy to have maintained the contest for a single year. In regard to them, we neither had nor claimed any right from that government, except that it should leave them to take the chances of capture and confiscation. In regard to them, we have never charged that government with any complicity in the mischief, and their doings make no part of our claims against England. They were tempted by the prospect of enormous profits to run the risk of capture, and in this commercial age it has hardly occurred to any one that it was a matter of resentment, even against the blockade runners themselves.

The first item of our claim against the British government is one about which *we* need little argument, and which is not very seriously controverted anywhere, viz., the pecuniary claim; the damages demanded for losses incurred and depredations committed, directly

resulting from, and occasioned by, the failure of England honestly and faithfully to fulfil the obligations of neutrality. Mr. Sumner insists that this is not the real question between the two nations, but even he will hardly deny that it enters into it, and makes a part of it. It is *one* of the things to be settled and adjusted, and it is important to consider upon what principles this part of our case is to be urged.

So far as this item is concerned, the claim can be computed, adjudicated upon, and paid, in pounds shillings, and pence. All this is a peculiarly proper subject for arbitration, and we, on our part, can have no hesitation or scruple in binding ourselves to submit to the award. We are fully prepared, as we think, to satisfy any impartial arbitrator, that, upon this point at least, we have an unanswerable case. It is hardly denied on the floor of Parliament that there was something approaching to neglect of duty on the part of the officials at Liverpool, at least in permitting the escape of the Alabama. We cannot reasonably complain that the same commission which passes upon our individual claims against England, is also to audit and examine the individual claims of British subjects against our own government. It is a little extraordinary that Mr. Sumner should object to the treaty on the ground that, in providing for individual claims on the part of our citizens, it makes them "subject to a set-off from the individual claims of England, so that, in the end, our country may possibly receive nothing." It would be strange if it did not. What sort of an arbitration would it be that provides that the claims of the plaintiff shall be heard and investigated, and that the claims of the defendant shall not be heard? Is not an account in set-off a good defence as far as it goes, and as far as it is proved? How can he say that, in the end, our country will receive nothing, if all our claims are allowed and charged against England in the general account current between her and our own country? Each country makes its claim in behalf, and in the right, of such of its own citizens as have been sufferers by the misconduct of the other. One of the objects of the proposed arbitration is to ascertain how much England owes, for depredations and losses, to our merchants. Certainly, there is no injustice in inquiring at the same time, and upon the same principles, how much (if any thing) this country owes for mistakes in seizures and confiscations, to British merchants. Mr. Sumner, surely, does not suppose that in the very improbable event of so large a set-off as to leave a very small balance, or no balance at all, in our favor, our Government can say to the merchants, in whose behalf it claims, that nothing has been recovered. Can our government charge these claims against England, and have them allowed, and then refuse to pay them over to the losers?

The next item of claim on our part would seem to be certainly more remote, or consequential damages, or what may be called the