

## The "W. H. Eastwood" Affair <sup>(1)</sup>

DURING the 1920s, one of the most vexing recurring problems in Canadian-American relations was caused by the frequent confrontations between the United States Coast Guard and rum-runners who operated in ships of Canadian registry flying the British flag. The most famous of these cases was that of the *Im Alone*. This incident became a *cause célèbre* following the sinking of the *Im Alone* in the Gulf of Mexico in March 1929, with the total loss of the ship and its cargo (about \$125,000-worth of liquor) and the drowning of one of the crew. Following Canadian protests and the refusal of the United States to admit the facts as claimed by Canada and to issue an apology, the case was submitted to arbitration. It was not until 1935 that it was finally settled, with the United States accepting the responsibility for the incident. Probably, however, the length of the period of arbitration more than the incident itself made the *Im Alone* case the most famous of the smuggling incidents.

### Incident and Protest

Three years before the sinking of the *Im Alone*, the basic problem of these confrontations had already been faced. In February 1926, following the usual pattern of liquor smugglers, the *W. H. Eastwood*, registered at Lunenburg, Nova Scotia, was on the high seas with a cargo of liquor. When she came under the observation of the United States Coast Guard Cutter *Seneca*, she dropped anchor and the two ships began the usual waiting game to see which would be forced to move away first as supplies ran low. They were lying some 21 miles off the coast of Long Island, well outside United States territorial waters and also outside the one-hour sailing distance provided<sup>(2)</sup> by the 1924 Smuggling Convention between the United States and Britain, to which Canada had adhered. On February 15, possibly because his supplies were running low and he would soon have to pull out and leave the *Eastwood* to go about its illicit business, the captain of the *Seneca* decided to give his crew a little target practice. The appropriate signal was given and a target was set up near the *Eastwood*. The crew of the *Seneca* must have been in great need of such practice, for during it the *Eastwood* was hit several times and was sent limping back to Nova Scotia still carrying her cargo of contraband liquor. Following the return of the *Eastwood*, reports of the incident were carried in the press.

The British Ambassador, Sir Esmé Howard, filed a protest with the State Department and asked that inquiries be made into the incident. A month later, on March 22, the British Embassy again contacted the State Department, this

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(2) This provision recognized an extension of the jurisdiction of the United States where ships were suspected of being engaged in smuggling. By this extension, ships that were within one hour's sailing distance of the United States were considered to be within its territory.