SUPPLEMENT.

GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 511.]

LEgATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: Under the instruction contained in your despatch (No. 692) of the 2d of September, I addressed a note of the 22d of the same month to Lord Russell respecting the good offices of Mr. Partridge in regard to the interests of British subjects in Salvador. A copy of that note, as well as Lord Russell's reply, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEgATION OF THE UNITED STATES,
London, September 22, 1863.

MY LORD: I have to enclose a copy of a portion of a despatch addressed to the Secretary of State of the United States by James R. Partridge, esq., minister resident to Salvador, with the accompanying papers. It gives me pleasure to add that the course taken by Mr. Partridge has been approved by my government.

I pray your lordship to accept, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, and its enclosures, relative to the good offices rendered to British subjects by the United States minister resident at Salvador, and I have to request
that you will be good enough to convey to the government of the United States
the thanks of her Majesty's government for the friendly interposition of the
American minister on the occasion in question.

I have the honor to be, with the highest consideration, sir, your most obe-
dient, humble servant,

CHARLES F. ADAMS, Esq., &c., &c., &c.

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Mr. Adams to Mr. Seward.

No. 512]

LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: A copy of Lord Russell's acknowledgment, dated the 2d instant, of my
note to him of the 29th ultimo, transmitted with my despatch (No. 505) of the
1st instant, is now forwarded.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th
ultimo, enclosing copies of communications which have been made to you by the
consul of the United States at Cape Town, relative to the proceedings at that
place of the steam vessel Alabama, and I beg to inform you that the matter has
already been brought to the notice of her Majesty's government, and is now
under consideration.

I have the honor to be, with the highest consideration, sir, your most obe-
dient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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Mr. Adams to Mr. Seward.

No. 513]

LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: I have the honor to transmit a memorial addressed to the President by
274 inhabitants of the city of Hereford; and also a resolution passed at a pub-
lic meeting held at Hartlepool, in Durham, on the 2d instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.
Mr. Martin to Mr. Adams.

Hartlepool, October 3, 1863.

Honorable Sir: In forwarding to you the accompanying resolution, I may just take the opportunity to state my belief that there does not exist in the minds of the masses of my fellow-citizens those pro-southern proclivities which American citizens, with much ill blood, give us credit for. Wherever there are bad men, there we shall find bad things of all kinds, pro-slavery among the rest. We have such in this country, of course, but, really, all the world must allow that they bear a very small proportion to the whole population.

The receipt of this will oblige, yours, obediently,

J. MARTIN.

P. S.—You are at liberty to make what use you think proper of this communication.

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Hartlepool resolutions.

Copy of resolutions unanimously adopted at a public meeting held at Hartlepool, in the county of Durham, on Friday evening, October 2, the Rev. Joseph Martin in the chair:

"That this meeting, having listened to statements made by the Rev. Joseph Martin and Mr. James Watkins, (a fugitive slave,) on the subject of American slavery, judges that the time is now come when it is necessary to reaffirm the sentiment of opposition to it in all its forms, and which, for so many years past, has distinguished the feelings and opinions of the British people; and, further, whilst deploring the civil war now raging in the United States of America, expresses its approval of, and confidence in, that course of action, against the institution of slavery, which the government of the States aforesaid has found it prudent to employ during the last two years.

"That a copy of this resolution be sent to the Hon. Charles Francis Adams, ambassador of the United States government to the British court.

"JOSEPH MARTIN,

"Chairman."

Mr. Adams to Mr. Seward.

Legation of the United States,
London, October 9, 1863.

Sir: Referring to my No. 504, of the 1st instant, I have the honor to forward herewith a copy of a note from Lord Russell, under date of the 5th of October, acknowledging the receipt of my letter to him of the 29th ultimo.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

Foreign Office, October 5, 1863.

Sir: I have the honor to acknowledge the receipt of your letter of the 29th of September, in answer to mine of the 26th of that month, and I am very glad
to find that I had misunderstood you, and that the passages in your correspondence which had led to my observations were merely intended by you to express your confidence that the sense of right, on the part of her Majesty's government, would avail to gain for the United States exactly the same measure of justice which it would expect from the United States in return, were the respective situations reversed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

Charles Francis Adams, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 518.] Legation of the United States,

London, October 16, 1863.

Sir: Upon the reception of your No. 725, of the 28th of September, I addressed a note to Lord Russell in the sense of that despatch. A copy is hereewith transmitted.

The government has within the past week adopted measures of a much more positive character than heretofore to stop the steam-rams. Of the reasons for this I have not been officially apprised. My conjecture is, that they had cause to suspect attempts would be made to get at least one of them out by stealth. Having myself received secret information of this nature in connexion with the transmission of a considerable portion of the crew of the Oreto, or Florida, from Brest to Liverpool, I took the opportunity to warn Lord Russell of the probability of such attempts on the 24th of last month in a note, a copy of which as well as the enclosure is herewith transmitted. His lordship replied on the 30th; a copy of his note is likewise appended.

The energetic action of the government, after effecting the legal seizure of the rams, in first placing their own vessels in a position to command the outlet for both, and latterly in making fast to that which is ready to start, has produced an excellent effect in inspiring confidence in the prosecution of their declared policy. Nothing short of this would have sufficed to convince the reckless set of conspirators at Liverpool that they were in earnest.

The next step which I anticipate will be an offer to sell the vessels to the Danes. If they ask a reasonable price I have reason to believe that such a transfer might be expected. But I understand there are schemes afloat of an enterprise to seize them in transitu, if not strongly convoyed, the parties making an offer of a suitable indemnity in case of success. You may readily conceive of the desperation to which they are driven when they cherish the notion of such projects in the face of civilized Europe. The violent and lawless nature formed and developed in the hot-bed of slave institutions is making itself more and more distinctly perceptible on this side of the Atlantic. That it should have been permitted to have play on the ocean until now can only be accounted for by the strong predisposition to be blind as long as possible to every proof of it.

I trust that from this time we may expect a better state of things on this subject. At the same time that I write this I am not unaware that other vessels are preparing at Glasgow, quite as formidable as those at Liverpool, against which we have not yet even so much evidence as we presented in their case. I am, however, preparing to make a representation against them.

The case of the Alexandra will probably come up on appeal to the exchequer
chamber in the course of a few weeks. I should be glad to know the wishes of the government in regard to any action to be had on this side, should they not conclude to employ the supervision of Mr. Evarts once more.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 12, 1863.

My Lord: I take great pleasure in performing the duty imposed on me by my government of expressing its satisfaction with the intelligence which I had the honor of communicating to it by the transmission of your lordship's note to me of the 8th of September. The President, not insensible of the difficulties in the way of the decision to which her Majesty's government in that note signified it had arrived, is gratified in being able to regard it in the light of a sincere desire, on just principles, to maintain its friendly relations with the United States. I am, therefore, instructed to inform your lordship that the government will hereafter hold itself obliged, with even more care than heretofore, to endeavor to conduct its intercourse with Great Britain, as that the war in which it is now unhappily involved may, whenever it may terminate, leave to neither nation any permanent cause of discontent.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 24, 1863.

My Lord: I am credibly informed that seventy or more of the men belonging to the insurgent vessel the Florida, formerly the Oreto, nearly all of them British subjects, have been sent over from Brest, and are now in Liverpool. They were provided with a letter to the person acting on behalf of the insurgents at Liverpool, a copy of which is herewith transmitted. I need not point to your lordship the fact that the last sentence implies habitual action, in direct violation of the law of the realm; such, indeed, as, if committed by any agent of the United States, would be likely to attract the immediate notice of her Majesty's government. It corroborates all the evidence heretofore presented by me on the same subject. I have further reason to believe that under this sentence is intended a transfer of many of these men to one of the ironclad war vessels now in preparation at Liverpool, with the intent to carry on war against the United States. It is known to me that the intention to despatch that vessel is not yet abandoned by the parties concerned in the enterprise.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c.
VI

ANNUAL MESSAGE OF THE PRESIDENT.

[Enclosed copy.]

CONFEDERATE STATES STEAMER FLORIDA,
Brest, September 3, 1863.

Sir: Herewith I send you a list of men discharged from the Florida, with their accounts and discharges. Many of them have asked for transfers, and others for reference to you, or to a Confederate agent. I would request you to provide them situations in the service.

I have the honor to be, sir, very respectfully, your obedient servant,

J. N. MAFFITT,
Commander, Confederate States Navy.

Captain J. D. Bullock,
Confederate States Navy, Liverpool.

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Earl Russell to Mr. Adams.

FOREIGN OFFICE, September 30, 1863.

Sir: I have the honor to acknowledge the receipt of your letter of the 24th instant, calling my attention to the arrival at Liverpool of a large party of men belonging to the Confederate steamer Florida; and I have to acquaint you that I lost no time in communicating to the secretary of state for the home department copies of your letter and of its enclosure.

I have to add, however, that the attention of Her Majesty's government had been, some days previously to the receipt of your letter, attracted, by paragraphs in the public papers, to the arrival of these men, and that inquiries were at once set on foot, and that the course which can be taken in regard to them is under the serious consideration of Her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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Mr. Adams to Mr. Seward.

[Extract.]

No. 519.] LEGATION OF THE UNITED STATES,
London, October 16, 1863.

Sir: The only events of the week have been the assembling of the first cabinet council of the season, which took place on Tuesday last, and the death of Lord Lyndhurst.

Of the immediate occasion of the call, beyond the ordinary arrangement of the prorogation of Parliament, I have been able to learn little. It is, however, sufficiently apparent that the state of things all over Europe presents questions of intricacy which demand attention, independently of those which grow out of our troubles in America.

The death of Lord Lyndhurst removes a shrewd and weighty counsellor from the ranks of the conservative opposition. Though for some time physically disabled from action in politics, his clear and restless mind has retained its vigor, and freely communicated its conclusions to those who sought assistance from
him. In regard to America, his judgment and his feelings combined to recommend a passive policy to his friends. I have had the pleasure of several conversations with him since I have been here, in all of which, if he did not take what appeared to be absolutely correct views, he at least abstained from adopting the prevailing errors of his associates.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 521.]

Legation of the United States,
London, October 16, 1863.

Sir: I have the honor to forward herewith a copy of the Morning Post, of this day, containing a report of the speech made yesterday by Sir Roundell Palmer, the new attorney general, to his constituents, at Richmond, in Yorkshire.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

[From the Morning Post, (London,) October 16, 1863.]

SIR ROUNDELL PALMER AT RICHMOND.

Sir Roundell Palmer arrived in Richmond (Yorkshire) on Tuesday morning last, and on Wednesday evening addressed the electors in the Town Hall. During his stay in Richmond the honorable gentleman was the guest of Mr. Leo. Cooke, Terrace House, ex-mayor of the borough. There was a large attendance at the meeting, which included several ladies.

After being introduced to the meeting by Mr. Leo. Cooke—

Sir Roundell Palmer, after some introductory remarks, referring to his position with his constituents, said that as the office he had accepted and held in her Majesty’s government was a subordinate one, he had not to determine what measures should be taken by her Majesty’s government in public matters, and if he were interested with matters to that extent it would be inconsistent in him to make known to them the intentions of her Majesty’s government before the government themselves were prepared to divulge them. They must not, therefore, expect him to enter into those long discussions connected with politics which were open to gentlemen in office, but not to gentlemen who served the public in the capacity that he did; but he thought it best to advert to what might have passed since he had last the honor to appear before them; and then, if they approved of the conduct of the government to which he had the honor to belong, they would then be enabled to judge, if they could look forward with the same degree of confidence to his conduct in the future. The two years which had passed since he last stood there had been fraught with serious misfortune and great trial to the country. He would mention two particular subjects in connexion with that period, and he did it rather because both of them had been occasions of great trial and great suffering; and yet each of them had been attended with compensating blessings and benefits to the country, which enabled us
to look back with confidence to the past and with hope to the future. (Ap-
plause.) In the first place, there was the great affliction which fell upon
her Majesty the Queen and the whole country, in the removal from amongst
us of that most able and excellent prince who shared her Majesty's counsels, at
the same time he was the centre of all her domestic affections. This loss,
indeed, was a national misfortune which none except those who were near
the throne could in any adequate degree estimate; but even in that misfor-
tune we were not without a corresponding mitigation, if not benefit. Under
the providence of God it had had this effect; it had brought out in a man-
ner not only consolatory to the heart of the Queen, but which, he thought,
must produce a permanent and good effect in cementing together sovereign
and people, and binding closer than before the bonds of that loyalty by
which we have been distinguished as a nation, for it brought out the high-
est, fullest, and deepest exhibition, which could under any circumstances
have been afforded, of intense personal sympathy between the people and
the crown. (Applause.) This circumstance had shown that if anything
should happen under the constitution in which we lived which should try
the strength of the nation, there would be a bond of union between the
people and the Queen. (Applause.) The other circumstance to which he
had alluded was that of one of the most remarkably calamitous events
which had ever occurred in the history of any nation, viz., the loss which
had been sustained by our industrial population through the war in America.
It had been a calamity which, if we had seen the worst of it, we had not
yet seen the end of it. The loss to the cotton industry had, however, been
attended by corresponding mitigations, and benefits, and blessings. He
would put first and foremost the noble part which had been acted by the
people who had been the immediate sufferers under that calamity. (Ap-
plause.) He thought that the artisans and the manufacturing population
of the cotton trade had exhibited a noble bearing in the midst of their inevitable
calamities, and had exhibited a bearing which would have been most noble
in people of the highest degree in the land. (Applause.) When they con-
considered how poor, how deficient in all the advantages of education, and
many other things, the great masses of the people of this country, who had
been suffering, were, their conduct was a spectacle of which for all time
the people of England would be proud. But the benefit did not stop there.
Their sufferings and distress were such as to demand loudly the sympathy
of their countrymen throughout the United Kingdom. That sympathy and
support had here and everywhere been afforded by a liberal hand; and as
the other calamity tended to bind together the hearts of the Queen and the
people, so the effect of this calamity had been to bind together the hearts
of all classes of the people. Though sometimes men—actuated by zeal
which, perhaps, they considered right—had uttered words in public which
had tended to set class against class, yet such an event as that was an an-
swer to all those words, and it showed that there was no such division of
classes in this kingdom as should prevent any other class making such
calamities their own, and making every amount of sacrifice to mitigate
those calamities. That was a benefit, and not a slight one, which had been
derived under the pressure of this distress. (Applause.) We had also
had a period which had applied a severe test on trade, on our national
resources, and our financial prospects. It might have been expected that,
under this pressure, they would have given way. But that they had not
done so certainly showed that, under all circumstances, if one great branch
of our trade had greatly suffered, other branches of our trade had flourished;
and on the whole, it may be said that the prosperity of our country, under
these most trying circumstances, had not declined. Our revenue had so
flourished that even in the third year of the American war, under this great
depression of the cotton trade, and after considerable dealings with the revenue, from which some people expected a great deal of evil, a material reduction of the income tax had been effected, and, in addition, the duty had been taken off tea, without, at the same time, any diminution of the means of maintaining the efficiency of our manufactures, and for providing for all our other national wants, and this without putting ourselves into a situation in which we should fear to encounter any exigency which should suddenly come upon us. (Applause.) There was matter for congratulation in all this, and they might be brought more legitimately to consider that in connexion with the responsibility of government different times had different exigencies and different demands. There were times of comparative quiet, and those were periods exceedingly favorable for progress and improvement at home. There were other times when gross abuses demanded a great effort for their reform. These were times when the main duty of those who were intrusted with the government of the country was to keep the foreign relations of the country in perfect consistency with its safety, its interest, and its honor; and at the same time to maintain in efficiency the public resources and public revenue. Now, he would venture to say here that the country at large considers these last objects as of great importance, and they particularly required at this time constant attention on the part of the government. We lived in a time when there was great difficulty and perplexity abroad, but happily, indeed, peace at home. When any degree of carelessness at the foreign office might at any moment plunge the country into war—a war with regard to which it was difficult to see its limits—any careless dealing with the revenue at such a time might expose the country to such disadvantages as to make it next to impossible to meet an emergency with honor and credit. Now, he appealed to them, to ask them for their verdict, whether the government which now administered the affairs of the country had not done their duty in those two great departments? He would now make a few observations on the subject of the finances, because that was the vital point on which those who opposed her Majesty's government in the House of Commons had thought it right to attack the government, and insinuate all manner of coming evil from Mr. Gladstone's dealings with the revenue. When the French treaty was concluded, and the paper duties were taken off, they would remember the gloomy prospects with respect to the revenue which those prophets of evil brought before Parliament. He thought he might ask them in confidence whether events had not falsified those predictions. He would put it to them whether the event did not justify him in asking them to believe whether Mr. Gladstone, in following out with a bold hand the course of free trade, in which a good example had been set him by others, had not been consulting the best interests of the country, both with regard to the condition of the revenue and the interests of the people? Should he have been able to point to the elasticity and surplus of the revenue, if it had not been for the policy which had been practiced, and the fetters which were laid upon the large branches of trade had not been struck off as boldly as they were, and the vacuum left by the deficiency in the cotton trade had not been filled up satisfactorily with the increase of other branches of our commerce from France and other countries? (Applause.) He thought they would all look with some degree of satisfaction on the revenue of the country. He would now go to the other point which he had mentioned, viz., foreign affairs, and here he thought that both the government and people might without shame examine the attitude which this country had maintained during the progress of that unhappy contest in America. (Hear, hear.) Now, it would not be at all proper for him, even if he were so inclined, to enter into an explanation of the question of right or wrong between the two parties
in America. It would not be proper for him, in the position he held, to express any feelings of partiality on one side or the other, nor even in public to let any private sentiments which he might entertain on that subject be known. But in this case, as in all similar cases, the policy of this country had been strictly and honorably one of non-interference. (Applause.) It had been our duty and interest—it was, he believed, the permanent interest of our whole people—not only that this or that branch of trade might possibly profit by a public calamity; for in our view the American war was a public calamity—a misfortune to America, to us, and the whole world—one which we deeply deplored—and one, indeed, the end of which we should be most thankful to see—(applause)—but by every principle which concerned the independence and liberty of nations, we were bound not in any way to interfere between the one party or the other in that contest. (Hear, hear.) If we interfered with their national affairs, of course they would have an equal right to interfere with ours; and so, all the world over, any despot who wishes might trample down liberty on the one hand, and those who love anarchy and disorder might interfere on the other. It was the interest of all the world, and more especially of a free people like ours—a people propagating the principles of freedom throughout the world—it was our interest to say that while we regretted and deeply deplored the war, we would not interfere, but would say to them, "You are proper judges of your own affairs—you are the arbiters of your own destiny." And if there be a party dissatisfied with that government and claiming an independence, it is for that party to work out an independence for themselves, and other nations have no right to interfere for or against them. (Applause.) Now, if we had fully maintained that attitude as a people and a nation represented by our government, we may very safely disregard any suggestion we have heard on one side or the other, that, because we have shown our sympathies, unfriendly feelings will arise between the two nations. Now, he believed that there was no unfriendly feeling in England towards America; and it was his belief that whatever might be written in newspapers, or uttered in the heat and excitement of public speeches, there was not that unfriendly feeling towards this country on the other side of the Atlantic which some seemed to think. (Hear.) Let us discredit rash words lightly written and lightly spoken, and look at great facts—those facts which tell upon the history and interests of both countries, and those facts which all may appeal to when brought into contact individually with the citizens of either country. (Applause.) Look at the facts relating to the history of the two countries. Are we not, after all, one and the same people? Are we not brothers? Is not their blood our blood? May we not claim and point with pride to everything great or noble amongst them as belonging to us from whom they sprang? May they not point, and do they not point, to everything great in our history and literature at the present day and say, "We have also a share in this?" (Loud applause.) Do ever any of you meet an American in society, and not see that this feeling is one of deeds, not of words? When a real practical test is applied, that feeling, under proper management, on both sides, if the government do their duty, will be the prevailing feeling, and that friendship which the mutual interests of both countries dictated, which the common ties of both countries dictated, would continue; and there was nothing in the world which can gain on either side by that kind of fratricidal war which must inevitably come to pass if two countries were causelessly to quarrel with each other. (Hear.) He might perhaps be permitted to say a very few words in vindication, not of the government merely, but of the people of England, in respect to some complaints made of them on the other side of the water concerning their conduct and attitude in the course of this
war. Now, there was no doubt that we are a free-spoken people—that, although the government were bound to practice the strictest neutrality—that, although on his part he did not consider it expedient to give utterance in public to any private feeling he might entertain as to the merits of this great American war, yet no obligation rests on the individual members of the great body of the nation. Everybody was free to think, and was accustomed to speak as he thinks, and no offence should be taken by a free country elsewhere if our opinions as a nation were freely canvassed. Non-interference America had a right to require from us, and they had a right likewise to expect submission from us to all the rules and laws which nations have established to regulate the intercourse between each other during war; but to require more, to require a universal sympathy with the northern view, why, that was a most unreasonable thing, and it would not bear examination for a single moment. In truth, the opinion of this country was very much divided on the subject. A great number of people, perhaps in the upper classes more especially, have sympathies with the south. A great many other people—amongst the great manufacturing centres we may suppose—amongst the masses of the population—if they do not sympathize with, at all events had no feeling against, the south, and have most unquestionably shown by their conduct that they would resist and disapprove any interference of this country in throwing our power into the scale of the south or north, even though the object of our so doing were to mitigate their distresses and to bring supplies of cotton for their mills. If a fair balance was struck, it would puzzle any one to say on which side our sympathies lie. There was an amount of impartiality taken as a whole, but whether there were or not, so long as the government did their duty to the people as a nation it was really no matter what feelings and sympathies private persons may express or entertain. He would venture further to say he did not think there was any justice in the notion, if it were entertained on the other side of the water that all in this country who sympathize with the south were therefore unfriendly with the north. He rather felt that those who sympathize with the south do so for reasons which, be they good or bad, were perfectly consistent with the most friendly feelings towards the north; and whether right or wrong, he was quite satisfied that those who sympathize with the south have as great a detestation of slavery as the strongest advocates of the north have. (Cheers.) The feelings of many persons are such, and they ought really to be understood and have justice done to them in America as well as here. In the first place, we did not forget our own war with the United States themselves when they were achieving their independence. They were our colonies; we thought the greatness of our nation, the glory of our empire, was at stake, and that if we lost those colonies we should dwindle into an insignificant people. We therefore expended much treasure and much blood in an endeavor, prolonged through many years, to subdue those colonies and force them into subjection. All this failed; they achieved their independence, and we have been a greater nation ever since, and derived no small amount of benefit from the greatness which they raised on their own bottom. Many people drew a kind of general conclusion from that—that when any dependency or state, associated with another state, was desirous of independence, and was ripe for independence in this sense—that it could maintain itself in independence—why, then, it was better to part good friends than endeavor by force of arms to subdue and keep it in subjection. That may be a sound or unsound view, but he had no doubt it entered very largely into the feelings of many parties; and he was quite sure that those who were influenced by this view, whether right or wrong, do not on that account show any ill feeling or want of friendliness towards the United States or the northern
portian of them. There was another thing: We had seen this war continuing now for three years. We had had our share of suffering, every person was ready to admit, but it was as nothing compared with the suffering endured in America, where we found them pouring out blood and treasure, the north sending armies into the field such as had never been heard of in European warfare, great battles being fought often and with apparently little result but that of enormous loss of life, both parties draining out the blood of their children—which was the greatest loss any country can sustain—(hear, hear)—and at the same time an enormous amount of money being spent, and an enormous debt being accumulated, which would be necessarily followed by enormous taxation, or else by dishonor arising from a process of repudiation. That was not all; for if it continued, the preservation of practical liberty, even on the northern side of the dividing line, would be difficult to maintain; and if the north succeed in conquering the south, the question naturally arose “how are they to manage them afterwards?” These were questions which suggested themselves to the well-wishers of the north as well as of the south; and if they led many such minds to think, “All this is being done with little hope in the end of a satisfactory or successful issue, but leading to an enormous cost of life and money,” would it not be much better for it to come to an end—the end being, naturally, under the circumstances, an amicable separation—a separation that should bring with it a cessation of war between the two parties? (Hear, hear.) The Americans may have an answer to that. They may say, “We think the greatness of our country is at stake; other calamities would be sure to come upon us if we do not maintain the Union,” and they may, after all, be the best judges of their own situation. But all he wished to say to them was, “Don’t judge harshly of our people; whether right or wrong in their views, they are not unfriendly to you; they are not hostile to America; they wish to be on the most friendly terms with you, and their advice to you springs from the holiest of motives—to see you saved from the most dreadful of all calamities indefinitely prolonged.” Yet at the same time nobody could help feeling with great men who maintain a gallant contest against great odds; and, therefore, the sympathy with all people fighting for their independence, whether wisely or not, invariably meet with—of course a great deal of that must be given to the south. (Cheers.)

Even the worst enemies of the south could not deny that they had conducted this contest with most remarkable courage and indomitable perseverance, and no wise American ought to blame those in this country who gave utterance to that opinion. He wished to vindicate our own countrymen, and make as far as he could the purity of their motives, whether right or wrong, understood. He was sure that the hatred of slavery was as strong and general in this country as ever it was. (Applause.) If in this contest it should appear upon the surface that many people had not refused their sympathy to that side which openly upheld slavery, he was sure that when the south had achieved their independence—if they should succeed in doing so—our feelings, sympathies, and affinities as a nation must necessarily be with the north, for the obvious reason that England could not possibly be with the States that maintained slavery, but with the free. (Cheers.) There was no inconsistency in this, for the true interests of liberty would not suffer if the south were to achieve their independence. Hitherto an unavoidable condition with the free States was that they were obliged to tolerate slavery in the slave States, and to a great extent adapt their own laws to the maintenance of slavery. But now the frontier of the land of freedom would be advanced. Whereas now the fugitive slave became a free man as soon as he crosses the river St. Lawrence and puts his foot on Canadian soil, he would hereafter be in the same situation as soon as he
crossed the boundary line between the northern and southern States. Although he did not say it was a sound and right judgment that the interests of liberty would be promoted by such a separation, yet he protested against the judgment that all those who feel that the interests of liberty would not suffer by that separation were indifferent to the horrors of slavery. (Hear.) He must add one caution—that in stating to them the views he had done, he was not expressing any opinions of his own; in point of fact they differed with many of the opinions he privately entertained. He was led to express them on behalf of his countrymen, in perfect good feeling towards all parties of people in America, without the slightest hostility to the north, or the slightest unfairness to the great cause of freedom as against the cause of liberty and slavery.

Now he came to the part which our government had taken in the matter. Our government had felt itself bound, in the first place, to recognize facts, and, in the second place, to do nothing to advance them. We heard a great many people say, “the government have recognized the south as belligerents”—that is, as States carrying on lawful war—“why not go and recognize their independence?” Now, he said, those who asked such a question were totally ignorant of the principle on which the government did recognize the south as belligerents, and at the same time ignore their independence. There was no doubt that the southern States were States exercising government for themselves and in themselves for the time being, and that they were carrying on war on their own and sole account. Our government recognized these things as facts established; but he remembered that they recognized the south as belligerents in so far only that they had no control over events that had led the south to assume that position, and the government were shaping their conduct in the best manner they could according to the laws of their own country and according to the laws of nations. They gave them no privileges as such; they wished to God they were not belligerents, but being so, they did not refuse to take notice of the fact. The Americans themselves—the northerners—who complained sometimes that we had given the south a premature recognition as belligerents, forgot that unless the south were belligerents they could not have maintained the blockade against the south, nor the ships, guns, powder, and all that was known as the munitions of war. Therefore it was necessary for their purposes, as for the purposes of the south, and, above all, for our purposes, that our position should be understood, and not be of an equivocal character. There was nothing more important than that we should mind and regard the laws, rules, and regulations of war as applicable between the parties and ourselves, as a neutral nation, taking no part in their quarrels. As to our recognizing the independence of the south, we should ask ourselves, “Have they established finally their independence?” While there is this furious war raging; whilst battles are being fought from day to day; whilst we see one great city of the south—the city of New Orleans—in the possession of the northerners, and Charleston every day threatening to fall into their hands; when no person can really predict either the duration or the result of the contest, to say that we are to recognize the independence of the south was to say “you must pronounce judgment beforehand”—that we are really to take side, and not to wait and see whether these States can establish their independence or not. (Applause.) Without waiting for the event, we determine that they will and shall be, and consequently call them independent before they are. Those who demanded we should do it, had we done it, would have gone on to say, “What is the use of calling them independent unless you go on and make them so?” (Cheers.) How—in what way—should we be better for that? Should we get more cotton? Should we break the blockade, would the dreadful carnage cease? Giving them
words was not what was wanted. They wanted action; they wanted to stop the war. If we gave recognition in words merely, without altering our conduct in other respects, we should be holding ourselves up to the scorn of Europe, doing very little real benefit to the southerners, and at the same time giving just offence to the northerners, against whom we should be pronouncing a verdict prematurely. If the course of events should really establish their independence; if the hostile armies of the north be withdrawn from their soil; if they should ever get into that situation which, after thirteen or fifteen years of sanguinary contest, our American colonies found themselves when they formed the United States, of course we should then recognize them. But we wanted the fact to be settled first. To recognize their independence before that settled fact was to say we wish to bring about that which has not taken place, and while pretending to be neutral we should be plainly demonstrating that we did not mean to be bound by the conditions of neutrality. The feeling which it was thought existed in this country towards the south was explainable in this way: it was the fashion of Englishmen to sympathize with the brave without troubling themselves very much about close inquiry into politics, especially when the brave were seen to be contending against great odds for liberty and independence. It might be recollected that there was a case in point a few years ago. The government of Hungary was in the hands of insurgents. In many great battles those insurgents prevailed over the armies of Austria, amid almost the universal sympathies of Europe. It was not until another greater power, violating the neutrality it had previously maintained, threw its sword into the scale, that the cause of Hungary was defeated. Did anybody ask that we should recognize the independence of Hungary whilst the contest was raging? Whatever were our sympathies, Hungary could not be independent until it acquired independence—which it never did. And yet, actually, while the contest was raging, the United States sent an ambassador over to Vienna with offers of recognition; and that ambassador had the mortification of finding himself just too late—Hungary in the mean time having become entirely subdued. Was this a dignified situation for a great nation? Was that a situation in which England ought to place herself? No, unquestionably not; we must wait patiently, praying devoutly that the unhappy contest in America may soon terminate. And let who will abuse us, whatever pressure may be put upon us, we must be determined to do this, and nothing but this, which we believe our duty, applying the best and fairest test to the case—consider what we should like to be done to ourselves if we were in similar circumstances. (Hear.) Now our government had up to this point acted upon that principle. Our government acted upon this principle when the question arose regarding the assertion of maritime rights—the rights of war by the vessels of the United States against the shipping of this country. We would not for a moment endure that they should invent new powers; that they should transgress the laws of nations, and violate the hospitality of England by attacking upon the wide seas our ships which happened to have on board persons supposed to be on an expedition hostile to the interests of the north. The whole country was prepared, much as we deplored the necessity of it, instantly to vindicate its honor, and to go to war rather than tolerate such a proceeding. They were bound to obey; and when it had come to a question of submitting; on our part, to the established laws of war, ship after ship in attempting to run the blockade having been taken from us, and about which all sorts of stories were told in the papers, though in many cases there might be a real doubt about the justice of the seizure, we had always said, “we will bear for America what America bore for us under the same circumstances; we must have this matter investigated by prize courts according to the laws of nations, and if these prize courts de-
cide against us we must submit to it, unless we can prove some gross and
manifest injustice done by them to us which we would not have practiced
ourselves.” He was bound to say, in justice to the United States, that our
government had not as yet been able to find any such gross or manifest
injustice. He did not think the honor of the American States had suffered.
He believed they had asserted the laws of war about as strictly as we did,
and not more strictly, and we had therefore submitted in good faith. Some
of the decisions might seem to us hard when compared with what was done
in England with regard to the ships of neutrals when war was carried on
by ourselves, and with what we may be obliged to administer again if un-
happily war should occur again. It would be very surprising if the states-
men of America do not see we have acted in good faith and in honor towards
them, for on their account, as well as for the sake of our own nation, govern-
ment had endured some obloquy from powerful and wealthy citizens who had
an interest in carrying on trade with the southern States, and who endeavor
in many instances to carry it on without for one moment considering the
trouble and anxiety they cause the government, or the peril in which they
put the nation. He believed he might venture to state, however, that the
government would rather venture to endure the obloquy, or even relinquish
office, than fritter away the nation’s time and strength in an endeavor to
put aside the blockade, which unhappily causes so much serious inconve-
nience and loss to this country, inasmuch as by so doing we should be abro-
gating the very course we ourselves had adopted when in the position of
belligerents, and when to the uttermost we took advantage of those rights
of war which some people would deny to the north.

There was one other subject on which the conduct of our government also
deserved a remark. We know very well that it is perfectly lawful for the
citizens of a neutral country to trade with both parties if they can. It is
also lawful to sell anything which either party would take in the way of
merchandise, powder, shot, guns, or any other things; and we had on both
sides had customers, and sold a great many articles of that description.
But there was, on the other hand, a limit to all that, and it is not consistent
with the duty of a neutral nation to supply the means of carrying on war as
government to either party, or to promote warlike exhibitions in its harbors,
or send ships-of-war from its shores; and in order to prevent such
things being done—which undoubtedly we should have reason to protest
against if done to us, and which could hardly be carried on by any nation
on a large scale professing neutrality without involving it in war—we had
got a law which may or may not be easy to construe, but which certainly
was intended to prevent these things. We all knew, as a matter of fact,
that the Confederate States had endeavored to make this country the basis
of their maritime operations. Our government, in perfect good faith, said
this: “We will not permit anything to be done which can be shown to be a
violation of our own laws or of the law of nations; we cannot go beyond
our laws or of the laws of nations, but we shall do all we can to prevent
the evasion of either one or the other, not caring whether one party or the
other benefits by it, not balancing the relative strength or trying to alter it,
or permitting it to be altered, but simply performing our obligations accord-
ing to what is dictated by our own domestic legal enactments, and according
to the received laws of nations.” (Hear, hear.) The Americans had com-
plained of the escape from this country of the well-known Alabama, which,
as we know, had committed great ravages upon their commerce, and of
other ships said also to have left England for the same purpose. They spoke
as though it was a very easy thing for the government to prevent that sort
of thing being done, whereas it was a most difficult thing; and it was re-
markable that, although their government in former wars had not shown
any want of will to prevent the same thing occurring, he was not aware that they had ever succeeded in preventing it in one single instance, because, although several cases were brought into their courts of law of ships which had gone out of their harbors commissioned by other belligerent powers and taken prizes on the seas, they were taken notice of only because they had the boldness to come with their prizes into the ports out of which they had in the first instance sailed. Therefore, it would not be reasonable for them to hold our government responsible for every evasion of our laws to their disadvantage. On the other hand, he hoped and believed that the people of the country at large would not be inclined to identify themselves in feeling with those merchants of ours who seemed to think that they were bound by no obligation to our laws at all, and that it was perfectly fair for them, if they chose, to carry on a trade with a belligerent power, while at the same time they knew that government were anxious, for the sake of the nation, to preserve a strict neutrality. (Hear.) He did not think that was the part of patriotic Englishmen, loyal to their laws, and having a true view of the interests of the country. Though perfectly conscious of the great difficulties of bringing the law to bear by complete and conclusive evidence in cases of this kind, where every article is used for the purpose of disguise and evasion, he had every confidence that the people of this country would approve the government in the measures they had taken to make it clear and plain that those proceedings were perpetrated without the will, connivance, or consent of those who are responsible for the government of the country. (Hear.) Let him, in conclusion, remind them of the two great things which, by the course the foreign policy our government had hitherto pursued in this American war, they hoped to secure—two things which brought to them inestimable blessings if they go together—peace and honor. They desired to maintain peace, but, of course, only upon honorable terms. (Cheers.) He thought that those who had had the advantage of serving under Lord Russell and Lord Palmerston at this most momentous crisis may look back with satisfaction, if not with pride, upon the manner in which the foreign affairs of this country had, on the whole, been administered. They had ever been forward in maintaining the cause of freedom throughout the world, preferring to do so not less by moral influence than by non-intervention, believing it possible to recognize peace at home with honor abroad, but that it was only possible to do so by a policy perfectly disinterested, perfectly self-denying, perfectly upright, straightforward and honorable. They had no by-object, no end or aim of their own to serve. All they wished to do was their duty, and to preserve the peace of their country and the peace of the world. If they could do this, and do it with consistency and honor in these difficult times—it had been done hitherto, and he believed it could be done yet by their persevering in the same course—he was sure we should owe a deep debt of gratitude, whether we acknowledge it or not to the government, and he believed this debt of gratitude is felt and acknowledged by the people at large.

The honorable gentleman resumed his seat amid general cheering.

Alderman Smurthwaite, who described the attorney general's speech as conspicuous no less for eloquence than for depth of argument and lucidity of statement, moved a vote of confidence in the honorable gentleman, and pledging the electors again to support his return to Parliament as their representative.

Alderman Robson seconded the motion.

The proposition, on being put to the meeting, was carried without a dissentient voice.

A vote of thanks to the chairman terminated the proceedings.
Mr. Seward to Mr. Adams.

No. 736.

DEPARTMENT OF STATE,
Washington, October 17, 1863.

SIR: I enclose a copy of a letter, of the 13th instant, addressed to the department by the Secretary of the Navy, and of the contract to which it refers between certain agents of the insurgents for the delivery of naval stores at St. George, Bermuda, to be thence introduced into the United States in violation of the blockade.

You will bring this to the notice of Earl Russell as a measure which, if carried into effect, seems to us to be a violation of the spirit, at least, of the Queen's proclamation, and as requiring such instructions to the authorities in Bermuda as would prevent those islands being made a place of deposit for the purpose referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, October 13, 1863.

SIR: I have the honor to enclose herewith a copy of an original contract in the possession of this department, entered into on the 28th of August, 1863, at Richmond, Va., between George R. Ghiseling, of Kentucky, and John H. Maddox, of Louisiana, under the name and style of George R. Ghiseling & Co., of the first part, and John de Bree, paymaster of the so-called confederate navy, for and in behalf of the navy department of the so-called Confederate States, of the second part, having for its object the procuring from abroad, for the use of the insurgent government, certain naval forces, and looking to the establishment of a depot for such stores at the port of St. Georges, Bermuda.

The schedule referred to in the contract, and forming a part of it, did not come into the possession of this department.

My object in furnishing you with this extraordinary paper is for the purpose of suggesting that the attention of Lord Lyons be called to the proposed violation of the neutrality of Great Britain by making use of one of her Majesty's ports as a depot of naval stores intended for the insurgent government, which has been recognized by Great Britain as a belligerent, and under a contract made under the authority of said government.

In connexion with this contract, it may not be amiss to state that one of the parties to it, Joseph H. Maddox, was early in the rebellion confined at Fort Lafayette upon a charge of illicit traffic and violence of the blockade, and was released on entering into an engagement, under oath, that he would not enter any of the States in insurrection against the authority of the government of the United States, nor hold any correspondence or other communication with persons residing therein, during the present hostilities, without permission, nor do any act hostile or injurious to the government of the United States.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

2 M°
Copy of contract.

This contract, made and entered into this 28th day of September, A. D. 1863, between George R. Ghseling, of Kentucky, and Joseph H. Maddox, of Louisiana, under the name and style of George R. Ghseling & Co., of the first part, and John de Bree, paymaster confederate navy, for and in behalf of the navy department of the Confederate States, witnesseth: That the said party of the first part undertakes and agrees to deliver to the designated agent of the Confederate States navy department, at a port of the Confederate States, east of the mouth of the Mississippi river, in the possession and control of the Confederate States government, within six (6) months from the first (1st) day of October, 1862, all in good merchantable order, the naval stores as set forth in the schedules hereto annexed, marked A, B, C, D, and E, respectively, which schedules are hereby declared to belong to and become part of this contract.

And said party of the first part further stipulates and agrees to purchase or otherwise procure one or more fast and light-draught steamers, and to freight and despatch the same from some foreign port with all the haste possible; said steamers to remain under the exclusive control of said party of the first part during the continuance of this contract, and to be used only in its execution.

And it is understood and agreed that if at any time the said party of the second part shall so direct any part or the whole of deliveries under said schedules A, B, C, D, and E, or under any other hereafter sent, shall be made at the port of St. Georges, Bermuda, excepting such portions thereof as shall already have been actually shipped before the receipt of such order by the party of the first part.

And in consideration of the stipulations by the party of the first part, as hereinafore set forth, the party of the second part covenants and agrees to pay to the party of the first part, his attorney or assigns, upon certified bills or invoices approved by the agent of the Confederate States at the port whence shipped, the full amount of each and every delivery, with the addition of twenty-five (25) per cent. thereon if delivered in a port of the Confederate States, and with an addition of ten (10) per cent. thereon if delivered at the port of St. Georges, Bermuda, and with the addition, in either case, of the actual cost of transportation, to include the outlay for coal, hire and subsistence of the crew and officers, wharfage, lightage, and labor of loading only: Provided, That, in the case of deliveries at a port of the Confederate States, such charges for transportation shall not exceed and may be covered by the payments to the party of the first part of twenty-five (£25) pounds sterling for each and every ton so delivered.

And the party of the second part further covenants and agrees to pay the party of the first part an additional premium of ten (10) per cent. upon all bills or invoices, certified to as above, if delivered at a port of the Confederate States within forty (40) days from the tenth (10) day of October, 1863, there being no premium to be paid upon any charges for freight or transportation.

And the party of the first part agrees and stipulates to receive for all payments to be made to him, at the option of the Confederate States navy department, either sterling bills of exchange, or cotton at sixpence (6d.) sterling per pound, delivered at a port of the Confederate States in the possession and control of the Confederate States government: Provided, That said party of the first part may be allowed to convert such bills of exchange into cotton, and to ship all cotton in either way obtained by them without any impressment of or interference with the same during its transportation to or detention at such port; and that it is distinctly understood and agreed that no part of said cotton shall be used for any other purpose than to purchase naval stores under this contract, until all the provisions of the same shall have been carried out and executed; and that no part of said cotton shall at any time be shipped to or sold in any
port belonging to or in possession of the United States of America, under the penalty of forfeiture of all dues and payments to the said party of the first part by the Confederate States navy department.

And, finally, it is understood and agreed that all schedules that may be sent by the party of the second part after the signing of this contract shall become part of it, and be in full force for all the provisions of the same, from the date of their receipt by the party of the first part, and that this contract may be extended beyond the time hereinbefore set forth, both parties thereto concurring: Provided, also, That if, by the act of God or of the public enemy, there shall be any unavoidable delay or detention in the deliveries under this contract, the time hereinbefore stated shall be extended, so as to allow the party of the first part the time necessary to carry out the stipulations of the same.

In testimony whereof, we have hereunto set our hands this twenty-eighth day of September, A. D. 1863, at the navy department of the Confederate States of America.

GEORGE R. GHISELING.
J. H. MADDIX.
JOHN DE BREE, Paymaster, in charge.

Signed, sealed, and delivered in presence of—
J. P. McCORKLE.
CHARLES J. OST.

Approved.

S. R. MALLORY, Secretary of the Navy.

Mr. Seward to Mr. Adams.

[Circular.]

No. 737.] DEPARTMENT OF STATE,
Washington, October 20, 1863.

SIR: Owing to an accident that befell the Africa, her mails, which are reported to be safe, have been delayed, and thus the department is without foreign advices since my last despatches were written.

Recent domestic military events have no striking importance. Our forces in East Tennessee have made successful advances. General Rosecrans has remained unmolested while fortifying and being re-enforced at Chattanooga. The attempts of the insurgents to break his communications have failed, and they have suffered some disasters. Lee’s army having crossed the Rapidan, General Meade withdrew to Centreville, where he observes the enemy. The siege of Charleston continues. We have heard favorable reports from General Banks’s movement against Texas.

The annual elections have taken place in Ohio, Pennsylvania, and Iowa, and the results, compared with those of the previous year, are auspicious to the Union.

The President has called for three hundred thousand troops by voluntary enlistment, with the alternative of a draft, and the public sentiment cheerfully sustains the call.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., \&c., \&c., \&c.

Same to Messrs. DAYTON, CLAY, PIKE, KOERNER, \&c.
Mr. Seward to Mr. Adams.

No. 739.]

DEPARTMENT OF STATE,
Washington, October 23, 1863.

SIR: The mails of the Africa have arrived at last. I hasten to acknowledge the reception of your despatch of the 1st of October, (No. 505,) which informs me of the representation you have submitted to Earl Russell concerning the depredations of the Alabama in the waters which surround the Cape of Good Hope.

Thus far we have received no advices from our consul at that place, or from any other source.

The representation you have made is approved, and as the case shall be further developed you will be expected to maintain the rights of the United States in the spirit indicated in your note to his lordship. I submit for your consideration that the occasion seems to be a suitable one for representing to the earl that the toleration shown by the British authorities at the Cape of Good Hope to the Alabama, a vessel that has never touched American waters, and either burns and destroys all that she captures, or condemns them in pretended courts held by the captors themselves on the deck of their ship, is a virtual confusion of all distinctions known in the law of nations between national belligerent vessels and privateers, and, further, of all distinctions between privateers and pirates. If such is to become the practice of maritime powers, it will be difficult to perceive what the world has gained by the declaration of Paris, or could gain if that declaration should be accepted by all commercial nations.

The ultimate interest of Great Britain in the reprobation of such practices is not less than the immediate interest of the United States in the question."

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.,

Mr. Adams to Mr. Seward.

No. 522.]

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered 727 to 731, inclusive, and also No. 723 mentioned last week as missing.

The most important of these is No. 730. I have at once given directions to prepare copies of the papers relating to the various cases which have been detained pending a decision, as well as those which came to hand simultaneously with your despatch. I have likewise drawn up a form of note to Lord Russell, based on your instructions, which will accompany them. As the labor of preparation takes time, in addition to the ordinary work of the legation, it may be a day or two before all will be complete to send.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.
Mr. Adams to Mr. Seward.

[Extracts.]

No. 523.]

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: There is not much in the events of the past week that calls for particular notice. Perhaps the most interesting to you will be the reports of speeches by public men, of more or less note, which commonly take place at this season of the year at popular gatherings or other assemblages, either casually occurring or made on purpose. The address of Lord Brougham at Edinburgh furnishes one more to many preceding examples of the eccentricities of that distinguished man. The speeches of Sir Roundell Palmer and Mr. Callier on their re-election to Parliament are of more consequence. Both of these officers substantially assume satisfactory positions in regard to the questions connected with the United States. The apprehension of every appearance of taking a side with the United States is one of the phenomena most frequently visible among British statesmen at this crisis.

Another speech is that of Lord de Gray which assumes importance from his position as Secretary of War and a member of the cabinet. It is satisfactory as indicating a settled policy on the part of the government. The speech of Mr. Henley may be construed as indicative of disinclination in the better class of the conservative party to disturb the ministers in their American policy.

On the other hand, efforts are sedulously making to organize a popular movement in behalf of the rebel cause. To this end Lord Wharncliffe, a young nobleman of the conservative party, has accepted the chief place in the association created with that object. Mr. Beresford Hope, Mr. Lindsay, and others, are laboring by particular addresses and in other ways to mature a policy of recognition for production at the next session of Parliament. Thus far it cannot be said that much disposition has been shown to take it up.

On the whole, the prospect of quiet looks promising. But it depends so entirely on the course of events not merely in America, but also in the rest of Europe, that it is impossible to count on anything in the future with confidence. The military situation is always a touchstone of the most sensitive description. Of late, however, the very unequivocal preparations making in the north of Europe for a possible conflict in the spring have aroused a great deal of attention, and added to the indisposition to make needless demonstrations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 525.]

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: On the 17th instant I addressed a note to Lord Russell calling the attention of her Majesty's government to a war vessel now being prepared at
Glasgow for the insurgents in the United States, called the Canton. Copies of that note, of its enclosure, and of his lordship's acknowledgment, are transmitted herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D.C.

Mr. Adams to Earl Russell.

Legation of the United States,
London, October 17, 1863.

My Lord: It is with great regret that I find it my duty once more to call your lordship's attention to the efforts making in this kingdom to aid the insurgents in America in carrying on their resistance to the government of the United States. I have strong reason for believing that, in addition to a very formidable steam-ram now in process of construction at the port of Glasgow, but not yet so far advanced as fully to develop her character, there is another steamer ready to be launched, called the Canton, having all the characteristics of a war vessel, which is about to be fitted up and despatched with the same intent from the same place. I beg leave to submit to your lordship's consideration some extracts from a letter addressed to me by W.L. Underwood, esq., the consul of the United States, giving some information in regard to this case. Mr. Underwood himself entertains no doubt of the destination of this vessel, although from the secrecy used in the process of construction and preparation, itself a cause of suspicion, he has been slow in gaining evidence on which to base a representation.

Not doubting that her Majesty's government will take all suitable measures to ascertain the correctness of these allegations, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c., &c.

Mr. Underwood to Mr. Adams.

United States Consulate,
Glasgow, October 15, 1863.

Sir: It is my unpleasant duty to inform you that recently it has come to my knowledge that a ship-of-war, in addition to the formidable iron rams of which I have heretofore given you information, is now being built, and nearly ready to launch, in the ship-yard of Messrs. James and George Thomson, of this city, intended for and belonging to the Confederate States. She is after the model of the rebel ship Alabama. "Canton—London" are the words gilded on her stern. She is a clipper-built screw steamer, with three masts, two of which are iron, one of wood. Her length is from 280 to 300 feet from stem to stern; her beam about 66 feet. Her frame is iron, bordered up with teak wood planking, about five inches thick in the inside, up to the water-mark. She is pierced with four large port-holes and four smaller ones on each side, making sixteen in all; the larger ones seem suited for the sweep and play of pivot guns. She is constructed to carry the greatest portion of her coal in iron side pockets between decks, so as to give an unobstructed passage clear through from one
fire-room to the other. Her water draught is marked fifteen feet. Has "eye-bolts" in her sides, suitable for and intended to handle and secure her guns. She is donkey or bark-rigged, and altogether similar to the Alabama, the only difference being that she has an iron frame, whilst the Alabama has a wooden one. She is probably from 1,200 to 1,500 tons burden, can be launched at any day, and is understood to be only waiting for the spring tide. Her propeller is two-bladed, and of composition metal, very hard, being a mixture of brass and copper, with the flanges so constructed that in case one is injured, another may be put in its place without interfering with the bush. She is known in the yard as the "frigate." She has a screw hoisting gear, for lifting her propeller, and when it is up, has a stern that falls down and makes her appear like a sailing ship. Her cylinder is 60 inches in diameter. Until now the eye-bolts and fixtures for running her guns in and out, her port-holes, and other characteristic contrivances that mark her a war vessel, were all visible and apparent, and with them so it was intended to have launched her on some day of last week.

But in order to conceal the character of the vessel, and thus elude the vigilance and avoid the interference of the government, these characteristic fixtures have been and are being removed. The eye-bolts for the gun gear have been drawn, their holes stopped and effaced, and the bolts stored away, to be replaced when the ship gets to sea. The doors or shutters of the port-holes are to be taken from the hinges, the hinges removed, and the shutters to be screwed or fastened over the port-holes, so as to present a clean side, until she gets out. It is not expected she will take on her armament here. On the contrary, it is understood that, as soon as launched, she will take her boilers and heaviest machinery aboard, and will then be immediately towed to some place to me unknown, to which her remaining machinery will be transported on another vessel, and then be taken on board by her.

The managers of the Canton are fraudulently seeking to evade responsibility by taking advantage of what is understood to be the letter of the British rule as to a war vessel's responsibility in leaving her ports armed, &c., whilst by this very frauduleness they are additionally criminal, since her hostile intent is as flagrant and clear as if she had her guns on board.

I can only hope you will lay this case before the British government, and that in its own wisdom it will take immediate steps to investigate the facts I have suggested, and to afford such restraint or remedy as may be consistent alike with its honor and duty.

I am happy to add that the Scotch law affords, as I am advised, peculiar facilities to such preliminary investigations as may be adopted in this case, inasmuch as, unlike the common law, it tolerates and permits an inquiry and interrogation under oath of the party immediately implicated.

I have the honor to be, sir, your obedient servant,

W. L. UNDERWOOD,
United States Consul.

Hon. Charles Francis Adams,
United States Minister, London.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 19, 1863.

Sir: I have the honor to acknowledge the receipt of your letter of the 17th instant, and its enclosures, relative to a vessel said to be in course of construction at Glasgow, intended for the service of the so-styled Confederate States,
and I have to state to you that I have lost no time in communicating copies of the same to the proper department of her Majesty's government, in order that immediate inquiries might be made into the matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

RUSSELL.

Mr. Seward to Mr. Adams.

No. 740.] DEPARTMENT OF STATE, Washington, October 24, 1863.

Sir: I have received your despatch of the 1st of October, (No. 504.)
The very able speech made by Earl Russell at Blairsgowrie is, in its more important aspects, so just and liberal towards the United States that it cannot fail to modify the sentiments of asperity hitherto prevailing among the people in both countries.

Every day's experience of new difficulties in the conduct of the relations of the two countries upon principles which render possible the despatch of armed naval expeditions from British ports to make war on the commerce of the United States could not fail to increase anxiety here, and irritation in both countries. It is not forgotten by this government that one war between the United States and Great Britain has already arisen out of controversies about neutral rights, not more serious than those with which we are now so constantly engaged. The United States, at all times sincerely deprecating a recurrence of that form of national calamity, must necessarily deprecate it now more earnestly than they have done heretofore, for the obvious reason that it would coincide with and aggravate a painful civil conflict. We have never doubted that the government of Great Britain are as sincerely opposed to an unnecessary disturbance of our mutual peace as we ourselves are, and, therefore, we have been anxious that her Majesty's ministers should understand, as clearly as we do, the dangers towards which, as it has seemed to us, we were drifting. It would be no more congenial with the disposition of the President to use these apprehensions by way of menace or intimidation to Great Britain than it would be consistent with the generous spirit of Great Britain to be approached in that manner. In the absence of specifications, I have not been able to find in your correspondence with Earl Russell anything which, dispassionately interpreted, could justly expose you to censure in this respect. If, however, anything of the kind should be indicated to you, or should occur either on your part or on mine, the President will expect that such explanations shall be made as her Majesty's government, with a just regard to the sensibilities of the British nation, may require.

The transactions in which we are engaged are too great, and our responsibilities concerning them are too grave, to allow us for a moment the indulgence of individual irritation, or even of the national jealousy which is quick in seeking or in giving occasions of offence. Great Britain has this one advantage over us in all these cases, that the difficulties between the two countries result directly from a domestic feud of our own, in which unnatural and disloyal Americans are, with infinite art and labor seeking to involve foreign and friendly nations.

I am, sir, your most obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.
Mr. Seward to Mr. Adams.

No. 744.] DEPARTMENT OF STATE, Washington, October 26, 1863.

SIR: Your despatch of the 8th instant, (No. 511,) informing me of your proceedings under instruction (No. 692) of the 2d ultimo, respecting Mr. Partridge's course in regard to British interests in Salvador, has been received and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 745.] DEPARTMENT OF STATE, Washington, October 26, 1863.

SIR: Your despatch of October 8 (No. 513) has been received. The memorial of the inhabitants of the city of Hereford, and also the proceedings of the people of Hartlepool, have been submitted to the President. The President desires you to present to those constituencies, respectively, his sincere and grateful acknowledgments for the sentiments of good will and friendship towards the United States which they have expressed with so much unanimity and gratifying earnestness. It will be a pleasing duty on the part of this government to vindicate these favorable sentiments which are manifested towards it by the friends of freedom and humanity in Europe.

It can hardly be necessary to ask you to submit to Earl Russell whatever you may write in executing this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]


SIR: I have to acknowledge the reception of despatches from the department, numbered 732, 733, and 734. The explanations they give of the policy of the government are clear and satisfactory. The despatch No. 732 contains an enclosure, the contents of which had been already communicated to me from the same source.

There has been little of interest in the events of the week. A communication in the Times, from the writer who takes the signature of "Historicus," in which he comments with force upon the bearing of the intercepted despatches from Richmond on the action of the rebels at Liverpool, has drawn forth replies from Mr. Lindsay and Mr. George N. Saunders, both of them characteristic, and illustrative of the sort of commercial morality that is supposed by them to prevail here.

* * * * * * * * * * *

The hope of getting out the iron-clads does not appear to be yet quite extin-
guished. Some suspicious movements appear to have led to the order of an additional war vessel to keep them in check. Captain Inglefield is an energetic officer, and I think resolved to do his duty in good faith. It is, however, a remarkable circumstance that any such question as the defiance of the government in a leading British port should be supposed possible.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

[From the Morning Star (London) of the 26th of October, 1863.]

MR. LAIRD, M. P., ON THE ALABAMA AND THE STEAM-RAMS.

At a presentation of prizes to volunteers at Liverpool, on Friday, Mr. Laird, M. P., made a lengthened speech, in the course of which he said: I do not know that I ought to occupy your time any longer, but various statements have been made about a vessel that has attained to some degree of fame. I refer to a vessel well-known throughout this country as the Alabama. (Loud and repeated cheering.) I am not ashamed to acknowledge that some of my family have had to do with that ship. Still, some statements have been made about her which should be controverted. I should not have made any remark now but for the fact that the government of this country had made certain statements, and have given certain legal opinions about her, and they have talked about the vessel having escaped. I see my friend Mr. Hind and other gentlemen, who are somewhat of sporting men, and well they know what I mean when I say: when hounds approach a fox cover the fox scents the hounds, and when the huntsman comes up to the cover the fox is gone. It is nonsense to talk about the fox escaping or about the Alabama escaping. The Alabama was in dock when she was inspected by very many curious people; and in dock she took on board her coals and her stores. There was no secrecy whatever observed about the ship. She went out of dock at night; and I ask you, as men of common sense, if she wanted to escape, surely the night was a time when she could have escaped? But what was the fact? They were so vain-glory about their little craft that they anchored her off the Landing-stage, and there she remained until half past ten to eleven the following morning, when she left for her destination. They admit that she was not fitted out as a man-of-war, and that they had no legal authority to detain that ship until a man was engaged to serve on board her as a sailor. Does any ship-owner present believe, or any man connected with shipping, that the captain of a vessel supposed to be going upon any extraordinary voyage would go and tell a man who appears to have been a hired agent or spy of certain gentlemen in London? Would the captain of a ship on such an expedition go and tell a common sailor at the Sailors' Home all the ins and outs of his intentions regarding that ship? (Hear, hear, and applause.) Certainly not. Now, I know it is not true that the man was told anything of the sort by the captain. I have been so informed, and I believe the information to be on the best authority. But let me tell you it is not necessary, in engaging men to go to any part of the world, to tell these men where they were going; because, you know, I am an old hand myself in fitting out secret expeditions. (Laughter and applause.) A few years ago it was thought desirable by the government of this country to send vessels to China and to various parts of India secretly. A Chinese war was anticipated; the Russians were expected to come down the head of the Indus and the Euphrates; and it was desirable to place faith in somebody. Her Majesty's government were
pleased to place faith in me, and I built for the British government about a
dozens vessels; but the government said to me, "What we want you to do, Mr.
Laird, is this: we want you to build, and to arm, and equip these vessels, and
to send them out; they must be yours, and nobody must know anything about
it." Well, being a prudent sort of a shipbuilder, I said, "I will take your order
on those conditions." I built the ships; they were armed; I engaged men; I
did everything. (Hear, hear, cheers and laughter.) I had to engage not only
sailors, but engineers and boiler-makers, ship-carpenters, and men of a variety
of trades. I had to send them to various parts of the world, and I can assure you
that a few shillings per month extra did all the business. They did not care
where they went so long as they got a little extra pay. (Laughter.) And,
therefore, the statement regarding the captain of the Alabama having told a
sailor all about the ship—whose she was, and where she was for—bears the
impress of falsehood upon the very face of it. I never saw the captain of the
Alabama but once, and that was after having taken the ship out, and I don't
think he was the man to make such a statement as that upon which the ship
might have been stopped. Let me read you a few words from a speech of the
solicitor general, who made another great speech the other day at Richmond.
He said some months ago: It was not till the Alabama reached the Azores that
she received her stores, her captain, or her papers, and that she hoisted the con-
federate flag. It is not true that she departed from the shores of this country
as a ship armed for war. (Hear, hear, and great applause.) And then he
went on to say: "But I wish the House to understand that in those deposits
there was a great mass of hearsay evidence, which, taken by itself, could not
form the basis of any action. Of the six depositions transmitted on the 22d of
July, only one was good for anything at all, viz: the evidence of a person named
Passmore, which was sufficient to prove the material facts. Two more were
sent, corroborating Passmore, on the 24th, and were received by Earl Russell
on the 26th." (Hear.) Passmore was the man who made the affidavit that he
was told by the captain where the ship was to go. I don't believe him, and he
must have got up the evidence for the occasion. Lord Palmerston, whom we
all respect, (applause) said, on the 27th of March last, "I have myself great
doubts whether, if you had seized the Alabama, we should not have been liable
to considerable damages. It is generally known that she sailed from this country
unarmed, and not properly fitted out for war, and that she received her arma-
ment, equipment, and crew in a foreign port. Therefore, whatever suspicions
we may have had—and they were well-founded, as it afterwards turned out—as
to the intended destination of the vessel, her condition at that time would not
have justified a seizure." (Cheers.) Now, here is Lord Palmerston, an old and
experienced man, who says, in his opinion, the government would have been
liable to considerable damages had they stopped that ship. I think, after what
has been said—considering my connexion with this place, and after the noise
this vessel has made in the world (laughter and applause)—the meeting will
excuse my having brought forward these questions. (Applause.) Other speeches
have been made by a noble lord who does not seem to agree with Lord Pal-
merston. I mean Earl Russell. (Hisses.) He made a speech the other day which
has caused a great sensation all over the world, and which the Americans say
is only due to the coercion they have put upon him. Earl Russell is a man who
is well known and respected throughout the country by his own followers; but
he is a man of whom Sidney Smith said that he had such confidence in himself
that he would take command of the channel fleet if necessary. Well, I think
Earl Russell has undertaken something that he will not be able to carry through
quite so easily as perhaps he might command the channel fleet. He has under-
taken to say in this country that he can do certain things, and that if he finds
the law is not sufficient he can go to Parliament for an indemnity. (Hear, hear.)
I don't believe myself that Parliament will ever indemnify any man in the
country, however powerful and however great he may be, if he is trying to transgress the law. (Loud and protracted cheering.) At any rate, up to the time when the act of indemnity is passed there are laws in the land which all of us are bound to obey. (Hear, hear.) Laws are not made for administrations, but for the people of this country, and the people are only bound to obey the law as it stands, and not to obey laws which may possibly come to be passed hereafter. (Renewed cheers.) Another eminent gentleman, Sir Roundell Palmer, had made another speech at Richmond; and I must say, having read that speech, that it is all very well for an eminent lawyer, one of the first legal authorities of the day, to make a speech in the month of March, and say that those were the views of the country, and then to make a speech in support of another client in October of opposite views; but I say it is not the duty of a man who holds the position of a statesman in this country to be placing one interpretation upon certain facts in March and another in October. (Loud cheers.)

Mr. Adams to Mr. Seward.


SIR: I have the honor to transmit a copy of a note received from Lord Russell, dated the 26th instant, in reply to mine of the 23d, a copy of which, based on the instructions contained in your despatch No. 730, of the 6th instant, is now submitted with it.

Inasmuch as the argument of your despatch was drawn up more particularly to apply to the case of the "Alabama," I decided upon sending in with my note only the papers connected with the depredations committed by that vessel. This left on my hands a number of others occasioned by the "Florida" not disposed of. I now propose to send those in likewise to his lordship, with a note in which I mean to take notice of his singular allusion to "seeming merchant ships," in the face of the evidence in those cases, which went so far to strip off all such semblance.

The controversy raised by "Historicus" in the Times appears to be gaining vigor from the interposition of Messrs. Lindsay and Saunders. As a general thing, the public appearance of the rebel emissaries proves injurious rather than beneficial to the rebel cause. Mr. Lamar, who is on his way home from his fruitless expedition to Russia, obtained, a few days since, through the interposition of the chairman, Mr. Lindsay, an opportunity to introduce at an agricultural celebration at Chertsey an elaborate prelude of a defense of slavery in the south. But it was not permitted by the former to reach its conclusion, doubtless for reasons satisfactory to himself. Although doctrines of that kind would find little serious objection among members of the higher class, they are extremely repugnant to the convictions of the great body of the people, educated as they have been to an admiration of the labors of Wilberforce and Clarkson. Every attempt to modify their views on the abstract question of slavery has not only failed, but has injured the influence of the maker.

I have the honor to be, sir, your obedient servant,

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

CHARLES FRANCIS ADAMS.
Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

MY LORD: It may be within your recollection that, in the note of the 17th of September, which I had the honor to address to you in reply to yours of the 14th of the same month, respecting the claim for the destruction of the ship Nora, and other claims of the same kind which I had been instructed to make, I expressed myself desirous to defer to your wishes that they should not be pressed on the attention of her Majesty’s government, so far as to be willing to refer the question of the withdrawal of my existing instructions back for the consideration of my government. I have now the honor to inform your lordship of the result of that application.

After a careful resurvey of all the facts connected with the outfit and late proceedings of the gunboat No. 290, now known as the war steamer Alabama, I regret to report to you that the government of the United States finds itself wholly unable to abandon the position heretofore taken on that subject.

The reasons for this conclusion have been so often explained in the correspondence which I have heretofore had the honor to hold with your lordship touching this case, that I shall endeavor to confine myself to a brief recapitulation.

The United States understand that they are at peace with Great Britain. That peace is furthermore secured by treaties, which oblige both parties to refrain and to restrain their subjects from making war against each other.

They greatly regret to be compelled to admit the fact that the vessel known first as the gunboat No. 290, and now as the Alabama, is roving over the seas, capturing, burning, sinking, and destroying American vessels, without lawful authority from any source recognized by international law, and in open defiance of all judicial tribunals established by the common consent of civilized nations as a restraint upon such a piratical mode of warfare.

That this vessel was built with the intent to make war against the United States, by British subjects, in a British port, and that she was prepared there to be armed and equipped with a specific armament adapted to her construction, for the very purpose she is now pursuing, does not appear to them to admit of dispute.

That this armament and equipment, adapted to this ship and no other, were simultaneously prepared by British subjects, in a British port, with the intent to complete her preparation for her career, seems equally clear. Furthermore, it is sufficiently established that, when this vessel was ready, and her armament and equipment were equally ready, she was clandestinely sent, by the contrivance of her British holders, and the armament and equipment were at the same time clandestinely sent, through the connivance of the same or other British subjects, who prepared them to a common point outside of British waters, and there the armament and equipment of this vessel as a war ship were completed.

This war ship thus deriving all its powers to do mischief from British sources, manned by a crew of British subjects, enlisted in and proceeding from a British port, then went forth on her work to burn and destroy the property of the people of the United States, in fraud of the laws of Great Britain, and in violation of the peace and sovereignty of the United States. From the earliest to the latest day of her career she does not appear to have gained any other national character on the ocean than that which belonged to her in her origin.

From a review of all these circumstances, essential to a right judgment of the question, the government of the United States understand that the purpose of the building, armament, equipment, and expedition of this vessel carried with it one single criminal intent, running equally through all the portions of this preparation, fully complete and executed when the gunboat No. 290 assumed...
the name of the Alabama; and that this intent brought the whole transaction, in all its several parts here recited, within the lawful jurisdiction of Great Britain, where the main portions of the crime were planned and executed.

Furthermore, the United States are compelled to assume that they gave due and sufficient previous notice to her Majesty's government that this criminal enterprise was began and in regular process of execution, through the agencies herein described, in one of her Majesty's ports. They cannot resist the conclusion that the government was then bound by treaty obligations, and by the law of nations, to prevent the execution of it. Had it acted with the promptness and energy required by the emergency, they cannot but feel assured that the whole scheme must have been frustrated. The United States are ready to admit that it did not act so far as to acknowledge the propriety of detaining this vessel, for the reasons assigned; but they are constrained to object that valuable time was lost in delays, and that the effort, when attempted, was too soon abandoned. They cannot consider the justice of their claim for reparation liable to be affected by any circumstances connected with the mere forms of proceeding, on the part of Great Britain, which are exclusively within her own control.

Upon these principles of law, and these assumptions of fact, resting upon the evidence in the case, I am instructed to say that my government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the vessel called the Alabama.

In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically, or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection. They cannot but appreciate the difficulties under which her Majesty's government is laboring, from the pressure of interests and combinations of British subjects apparently bent upon compromising, by their unlawful acts, the neutrality which her Majesty has proclaimed, and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say that they frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination, by either party, of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which her Majesty's government may incline to proffer in refutation of it; and in case of an impossibility to arrive at any common conclusion, I am directed to say that there is no fair and equitable form of conventional arbitration or reference to which they will not be willing to submit.

Entertaining these views, I crave permission to apprise your lordship that I have received directions to continue to present to your notice claims of the character heretofore advanced, whenever they arise, and to furnish the evidence on which they rest, as is customary in such cases, in order to guard against possible ultimate failure of justice from the absence of it.

In accordance with these instructions, I now do myself the honor to transmit the papers accompanying the cases heretofore withheld pending the reception of later information.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c., &c.
Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 26, 1863.

SIR: I have had the honor to receive your letter of the 23d instant. In that letter you inform me that you are instructed to say that the government of the United States must continue to insist that Great Britain has made itself responsible for the damages which the citizens of the United States sustain by the depredations of the vessel called the Alabama. But towards the conclusion of your letter you state that the government of the United States are not disposed to act dogmatically, or in a spirit of litigation; that they desire to maintain amity as well as peace; that they fully comprehend how unavoidably reciprocal grievances must grow up from the divergence of the policy of the two countries in regard to the present insurrection. You add further, that the United States frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. With this declaration her Majesty's government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the Alabama may, in the opinion of the government of the United States, usefully be undertaken.

In the mean time I must request you to believe that the principle contended for by her Majesty's government is not that of commissioning, equipping, and manning vessels in our ports to cruise against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 15th of May of that year. But the British government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British courts, and there commission, equip, and man her as a vessel of war.

Her Majesty's government fear that if an admitted principle were thus made elastic to suit a particular case, the trade of ship-building, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and impeded. I may add, that it appears strange that, notwithstanding the large and powerful naval force possessed by the government of the United States, no efficient measures have been taken by that government to capture the Alabama.

On our part I must declare that to perform the duties of neutrality fairly and impartially, and at the same time to maintain the spirit of British law, and protect the lawful industry of the Queen's subjects, is the object of her Majesty's government, and they trust that the government of the United States will recognize their earnest desire to preserve, in the difficult circumstances of the present time, the relations of amity between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, October 30, 1863.

SIR: I have the honor to acquaint you that I have just received from Mr. Harvey, the minister resident of the United States at Lisbon, a telegram, the language of which is as follows:
"Please inform the department that cruiser Georgia has been depredating near Teneriffe, and boarded Liverpool steamer Braganza last Sunday, one hundred and fifty miles from here, heading northward towards British channel. I have notified Kearse at Brest, and adopted all other practical measures."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. F. W. Seward to Mr. Adams.

No. 748.]

DEPARTMENT OF STATE,
Washington, November 2, 1863.

Sir: I have to acknowledge the receipt of your despatch of the 16th ultimo, (No. 518.) Your note of the 12th of October to Earl Russell, as well as that of the 24th of September, is approved.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES F. ADAMS, Esq., &c., &c., &c.

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Mr. Adams to Mr. Seward.

No. 529.]

LEGATION OF THE UNITED STATES,
London, November 4, 1863.

Sir: Despatches from the department, numbered 735, 736, and 737, have been received this week at this legation.

In obedience to the direction contained in No. 736 of the 17th of October, I addressed a note to Lord Russell on the subject of the intercepted contract, a copy of which was received with that despatch. A copy of my note is here-with transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 3, 1863.

MY LORD: I have great regret in being obliged to lay before your lordship new proofs of the manner in which the neutrality of her Majesty’s ports is abused by the insurgents of the United States in order the more effectually to procrastinate their resistance.

I have the honor to transmit the copy of a letter addressed to the Secretary of State by the Secretary of the Navy of the United States, dated the 13th day of October, together with a copy of a contract entered into between certain parties and an agent of the insurgents, the original being now in the possession of the government, one of the objects designated in which is the establishing in the port of St. Georges, in the island of Bermuda, of a depot of naval stores for their use and benefit in the prosecution of the war.
This proceeding, if carried into effect, would seem to be so entirely in violation of the spirit, not less than the letter, of her Majesty's proclamation, that I am instructed to ask your attention to the expediency of giving such instructions to the authorities in Bermuda as would prevent its being made a place of deposit for the purpose referred to.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c.

Mr. Adams to Mr. Seward.

No. 530.]

LEGATION OF THE UNITED STATES,
London, November 5, 1863.

SIR: In my despatch No. 527, of the 30th of October, sent last week, I mentioned my intention to address a note to Lord Russell, in reply to his of the 26th of that month, and at the same time seize the opportunity to send in the papers which yet remained in my hands relating to cases of depredation committed by the Orcro, alias the Florida. A copy of that note is herewith transmitted.

In relation to the extraordinary proceedings of the Alabama at Cape Town, reported in my despatch No. 505, of the 1st of October, probably one of those detained by the accident which happened to the Africa, I have now received from Lord Russell a reply to my representation. A copy of his note is transmitted, as well as of my acknowledgment of it. I presume the assurances to be given to you through Lord Lyons are intended to be satisfactory. I am not unwilling to be relieved of the necessity of arguing here a new question, which adds another heavy responsibility to those already incurred by this government from its feeble and fluctuating policy. It is alleged in the newspapers that a portion of the merchandise taken in the captured vessel was actually sold by the commander of the Alabama at Cape Town. This would seem to involve a question of restoration. I do not perceive that Lord Russell alludes to this. Perhaps it was not necessary, as I think there was no reference to it in the consul's representation, upon which my first note was based.

Since writing the above I have received a letter from Mr. Graham, the consul at Cape Town, a copy of which, at his request, I transmit. It appears to establish the fact that the governor considered the sale of captured property as not prohibited by the Queen's proclamation. Hence it is scarcely to be doubted that such sales were actually made. I shall write to Mr. Graham to obtain, in some form or other, the evidence to which he refers, and send it to the department.

Judge Pringle has likewise sent to me a supplement to the Cape Town Advertiser of the 17th of September last, containing the private journal of an officer of the Alabama, giving a full account of all her operations from the commencement. It goes far to corroborate the statement of the paymaster, Mr. Yonge, who was one of the principal witnesses in the case of the Alexandra. Although not available as evidence, I shall cause it to be reprinted here and send copies to the attorney general and other parties, who may be open to further conviction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

3 M*
XXXIV ANNUAL MESSAGE OF THE PRESIDENT.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

My Lord: I have the honor to acknowledge the reception of your note of the 26th instant.

The conclusion to which it would seem that both governments arrive, in regard to the disposition to be made of the claims growing out of the depredations of the Alabama and other vessels issuing from British ports, appears to render further discussion of the merits of the question unnecessary. It is only to preclude the possibility of any inference growing out of an omission to notice it that I beg permission to make a single remark in connexion with your lordship's observation, that "the British government declines to be responsible for the acts of parties who fit out a seeming merchant ship." So far as the vessels now complained of are concerned, I think no reasonable doubt can be entertained, from the evidence which was obtained before their departure, that they never bore the semblance of merchant ships, even to her Majesty's officers who reported upon them.

I now beg permission to lay before her Majesty's government a number of memorial and other papers connected with the depredations of the vessel formerly called the Oreo, and now the Florida, which I am instructed to request may be disposed of in the manner indicated in my note of the 23d instant, to which your lordship's was in answer.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 29, 1863.

Sir: I acquainted you in my letter of the 2d instant that the matter connected with the proceedings of the confederate steamer Alabama at the Cape of Good Hope, to which your letter of the 29th September referred, were under the consideration of her Majesty's government.

Those matters were the capture by the Alabama of the United States vessel Sea Bride within, as was alleged, the territorial jurisdiction of Great Britain; secondly, the character of the Alabama herself; thirdly, the manner in which the Tuscaloosa, alleged to be a tender of the Alabama, was dealt with by the authorities of the cape. On these several points I have to state to you—first, that her Majesty's government are satisfied, by the concurrent testimony of the colonial and naval authorities at the cape, that at the time of capture the Sea Bride was considerably more than three miles distant from the nearest land; secondly, that as regards the character of the Alabama, that vessel is entitled to be treated as a ship-of-war belonging to a belligerent power, and that neither the governor nor any other British authority at the cape was entitled to exercise any jurisdiction over her; thirdly, that as regards the Tuscaloosa, although her Majesty's government would have approved the British authorities at the cape if they had adopted towards that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenor of her Majesty's orders, be dealt with was one not altogether free from uncertainty. Nevertheless, instructions
will be sent to the British authorities at the cape for their guidance in the event of a similar case occurring hereafter. And her Majesty's government hope that under those instructions nothing will for the future happen to admit of a question being raised as to her Majesty's orders having been strictly carried out.

Copies of the reports from the colonial and naval authorities on the matters in question will be sent to her Majesty's minister at Washington, who will thereby be enabled to give to the government of the United States any further explanation they may desire to obtain on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.,

RUSSELL.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

My Lord: I have the honor to acknowledge the reception of your note of the 29th instant, in reply to my representation of the proceedings of the steamer Alabama at the Cape of Good Hope.

Inasmuch as your lordship intimates that further explanation will be made to my government through the agency of her Majesty's minister at Washington, I shall confine myself to the transmission of a copy of your note.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl RUSSELL, &c., &c., &c.

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, September 26, 1863.

SIR: The Alabama sailed again from Simon's bay yesterday at 3 o'clock a.m. I have not had any further intelligence direct from the Vanderbilt, though she is reported as having been seen by one vessel off Cape l'Aguthas on the 22d instant, and by another off Danger Point on the 23d. The latter reported her to be going eastward.

On the 20th instant I sent despatches for the Vanderbilt, in charge of American seamen going eastward in vessels, to be delivered if spoken; and if not, to be handed to my consular agent at Algoa bay, or the consul at Mauritius. The bearers were men I could trust, and the despatches contained the information that the Alabama was here. The despatches were probably not delivered in time, or the Vanderbilt would have been here before the Alabama sailed. The latter vessel, I believe, has now gone to the coast of Brazil direct.

Fourteen seamen taken prisoners from American ships by the Alabama at different dates, and who subsequently joined her crew to get out of irons, made their escape from her while here, (the last time,) and are now under my protection. Many others also escaped from her at the same time, but as they were British subjects who joined her originally, I would have nothing to do with their support.

I encouraged them, however, to desert and secrete themselves till her de-
parture, and then to claim support from the British authorities here. In further-
ance of my object to cripple her for want of men, I visited the governor on the
22d instant, and asked him by what authority the police could arrest deserters
from the Alabama in this colony. And he answered, "None whatever." He
added, that the seamen must not resist any attempt of the police to take them
before a magistrate, (in which case I could appear in court,) but they would
have the right to resist an attempt to place them in custody of officers of the
Alabama.

I immediately informed the men of the decision, and wrote to the captains of
the city and water police, informing them that I should hold them responsible
in the court for false imprisonment and kidnapping if they attempted to make
such arrests. This had the desired effect, as no arrests were made, and the
Alabama sailed with about twenty-five men short of her complement.

At the above interview with the governor he stated that I had been mis-
informed as to the evidence taken in relation to purchase of prize cargoes, for
none had been taken before a magistrate, as I had assumed.

I then stated to him the substance of the information I had received, and
handed him the names of the six witnesses whose depositions I desired should
now be taken under his authority. He declined, however, to give his authority
for the examination, alleging that the purchase of prize cargoes was not dis-
antly forbidden in the Queen's proclamation. I endeavored to show, in reply,
that as the proclamation forbade the entry of captured vessels into British ports,
it was intended that British subjects should have nothing to do with them; but
this argument failing to persuade him to authorize the examination, the inter-
view ended.

Please send a copy of this despatch to Washington, as the immediate de-
parture of the French steamer Tigre for Suez leaves me no time to make a
duplicate copy. Enclosed please find list of consular appointments published
at my request in the government gazette of yesterday.

I have the honor to be, sir, your obedient servant,

WALTER GRAHAM,
United States Consul for the Cape of Good Hope.

Hon. CHARLES F. ADAMS,
Envoy Extraordinary, &c., &c., London.

Government notice, No. 295, 1863.

COLONIAL OFFICE,
Cape of Good Hope, September 23, 1863.

It is hereby notified that his excellency the governor has been pleased to
recognize the following consular appointments made by the consul general for
the United States of America:

To be deputy consul at Cape Town.—John Philip Christie, esq.

To be consular agents.—At Port Elizabeth, Joseph C. Hess, esq.; at Simon's
Town, John M. Hoets, esq.; at Mossel bay, Edward Eagar, esq.; at Port
Natal, George C. Cato, esq.

By command of his excellency the governor,

RAWSON W. RAWSON,
Colonial Secretary.
Mr. Adams to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, November 6, 1863.

Sir: Little has happened thus far this week deserving of particular notice. I learn that there is great activity in forwarding arms to the rebels and in fitting out vessels both at Glasgow and at this place. On these matters I do not write at large, presuming that you get full and faithful reports from other sources.

A few months ago extraordinary efforts were made to circulate in this country a pamphlet entitled An address to Christians throughout the world, by the clergy of the Confederate States of America. I found it stitched in among the advertisements usually appended to the numbers of the Edinburgh Quarterly, and other leading reviews and magazines. In this position I infer that the insertion must have been obtained at no inconsiderable cost of money. It may reasonably be doubted whether it was a very judicious or profitable expenditure to the parties undertaking it. In Scotland it has stirred up the leading clergy to make a reply, a copy of which I send herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

[From the London Daily News, November 3, 1863.]

REPLY TO THE ADDRESS OF THE CONFEDERATE CLERGY ON SLAVERY.

The following is a reply by ministers of the churches in Scotland to the "Address to Christians throughout the world, by the clergy of the Confederate States of America:"

We, the undersigned ministers of the churches in Scotland, in reply to the appeal made to us in the "Address to Christians throughout the world," recently put forth "by the clergy of the Confederate States of America," feel bound to give public expression to our views, lest our continued silence should be misconstrued, as implying either acquiescence in the principles of the document, or indifference to the crime which it seeks to defend.

We refer, of course, to a single topic—that of slavery—as it is handled in the address. We desire to say nothing inconsistent with our country's attitude of strict neutrality as regards the war raging across the Atlantic. We do not discuss any of the political questions connected with its origin, progress, and probable issues. We offer no opinion on the measures adopted on either side. Nor are we to be regarded as shutting our eyes to the past and present sins and shortcomings of the north in relation to the African races. The one object we have in view is to express the deep grief, alarm, and indignation with which we have perused the pleading on behalf of slavery in general, and American slavery in particular, to which so many servants of the Lord Jesus Christ have not scrupled to append their names. With the feeblest possible incidental admission of "abuses," which they "may deplore in this as in other relations of mankind," we find these men broadly maintaining, in the most unqualified manner, that "the relation of master and slave"—"among us," they add, to make their meaning more explicit—is not incompatible with our holy Christianity."
They thank God for it, as for a missionary institution—the best, as it would seem, and the most successful in the world. They hold it to be their peculiar function to defend and perpetuate it. And they evidently contemplate the formation of the southern confederacy upon the basis of slavery as one of its fundamental and permanent principles or elements, not only without regret, but with entire satisfaction and approval.

Against all this—in the name of that holy faith and that thrice holy name which they venture to invoke on the side of a system which treats immortal and redeemed men as goods and chattels, denies them the rights of marriage and of home, consigns them to ignorance of the first rudiments of education, and exposes them to the outrages of lust and passion—we most earnestly and emphatically protest. We do not think it needful to argue. The time for argument has for many a year been regarded by the whole of enlightened Christendom as past and gone. Apologists for slavery, attempting to shelter themselves and it under the authority of God's word and the gospel of Jesus Christ, are to be denounced as really, whatever may be their intention, the worst enemies of both.

All reasonable allowance, no doubt, should be made for the circumstances of Christian ministers called in Providence to labor where slavery exists. Some soreness, even, on their part, under what they regard as unjustifiable and dangerous movements on the other side, might be excused as not unnatural. And if we saw them manfully lifting their voice on behalf of universal liberty, and setting themselves to aim at the instant redress of the more flagrant of the wrongs incident to a state of bondage, we should be prepared calmly to listen to their representations as to the best and likeliest practical methods of promoting the present amelioration of the condition of the slaves, and securing, within the shortest period consistent with safety, their complete and final emancipation.

We are reluctant to abandon the hope that, upon reconsideration, and in the view of the sentiments now unanimously held and expressed on this subject everywhere else, all over Christendom, our American brethren may yet be induced to take up a position more worthy of our common faith than that which they at present occupy. But at all events, the obligation lying upon us, as things now stand, towards them, towards ourselves, towards the church and the world, towards the Bible and the Gospel, is to record in the strongest possible terms our abhorrence of the doctrine on the subject of slavery which the southern clergy teach, and upon which they act; and to testify before all nations that any state, empire or republic, constituted or reconstructed, in these days of Christian light and liberty, upon the basis of that doctrine, practically applied, must, in the sight of God, be regarded as founded on wrong and crime, and as deserving not His blessing, but His righteous wrath.

ANNUAL MESSAGE OF THE PRESIDENT.

XXXIX

Gillespie, Edinburgh; John R. Macduff, D. D., Glasgow; Rob. Buchanan, D. D.,
Glasgow; R. Jamieson, D. D., Glasgow; John Eadie, D. D., L.L. D., Glasgow;
Patrick Fairbairn, D. D., Glasgow; James Henderson, D. D., Glasgow; John G.
Lorimer, D. D., Glasgow; John Forbes, D. D., L.L. D., Glasgow; John
Roxburgh, D. D., Glasgow; Alexander S. Patterson, D. D., Glasgow; Andrew
A. Bonar, Glasgow; Walter Smith, Glasgow; A. B. Parker, D. D., Glasgow;
John B. Johnstone, D. D., Glasgow; George Jeffrey, D. D., Glasgow; J. Logan
Aikman, Glasgow; William Symington, Glasgow; John McDermid, Glasgow;
John Ker, Glasgow; George C. M. Douglas, Glasgow; William Lindsay,
D. D., Glasgow; John Robson, D. D., Glasgow; Hamilton M. Macgill, Glasgow;
D. McTaggart, D. D., Glasgow; W. D. Henderson, Glasgow; Robert Bremner,
M. A., Glasgow; George Philip, A. M., Glasgow; James Freer, Glasgow;
James Macnaught, Glasgow; David Menzies, A. M., Glasgow; Robert Howie,
M. A., Glasgow; Dugald MacColl, Glasgow; Alexander Wilson, Glasgow;
Jos. Logan, Glasgow; Hugh McDougall, Glasgow; John Edwards, Glasgow;
James Knox, M. A., Glasgow; Matthew Murray, Glasgow; Robert S. Drum-
mond, M. A., Glasgow; James Johnston, Glasgow; G. Marshall, Middleton,
Glasgow; R. C. Smith, Glasgow; David Mitchell, Glasgow; John Torrance,
Glasgow; James Fraser, Glasgow; Thomas M. Lawrie, Patrick, Glasgow;
Robert Niven, Maryhill, Glasgow; Henry Calderwood, Glasgow; John W.
Borland, Glasgow; David Pirrie, Glasgow; John Cairns, D. D., Berwick-on-
Tweed; David Brown, D. D., Aberdeen; Alexander Beith, D. D., Stirling;
W. Binnie, M. A., Stirling; N. McMichael, D. D., Dunfermline; William Nixon,
Montrose; John Ainslie, D. D., St. Andrews; Alexander L. R. Foote, Brechin;
Richard Waterston, Forfar; Horatius Bonar, D. D., Kelso; James Julius
Wood, D. D., Dumfries; William Grant, ayr; John Fordyce, Dunse; John
Duns, D. D., Torphichen; William Wilson, Dundee; J. W. Wright, A. M.,
Haddington; John Purves, Jedburgh; William Laughton, Greenock; George
Lewis, Ormiston; John Macfarlane, D. D., Dalkeith; A. W. Milne, Canobie;
David C. A. Agnew, Wigtown; Robert MacDonald, Leith; Joseph Brown,
D. D., Dalkeith; W. Bruce Cunningham, Prestonpans; Charles Nairn, Dundee;
John Blakely, D. D., Kirkintilloch; J. A. Wallace, Hawick; Lewis H. Irving,
Falkirk; George Macaulay, Inveriel; James Grierson, D. D., Errol; Angus
M. McGillivray, Dairsie; John Tait, Dumbarton; Robert Taylor, Blairgowrie;
John Nelson, Greenock; Andrew Cameron, Stirling; J. W. Taylor, Fisk;
Islay Burns, Dundee; Alexander Sorley, Arbroath; Charles Watson, Lang-
holm; Alexander Hislop, Arbroath; John Laidlaw, Perth; William Mackenzie,
North Leith; Peter McDowall, A. M., Allon; Thomas Neilson, M. A., Rothe-
say; George Burns, D. D., Corstorphine; Robert Reid, Firth, Orkney; David
Cairns, Stichel, Kelso; John Bruce, D. D., Newmilns; Henry Renton, M. A.,
Kelso; James McGill, Lochmaben; James R. McGavin, D. D., Dundee;
Robert Paterson, D. D., Kirkwall; Walter Morison, B. A., Ayr; W. D. Robb,
A. M., Orkney; James Roy, M. A., Firth, Orkney; William Sinclair, M. A.,
Kirkwall; William Pringle, D. D., Auchterarder; Norman Macleod, North
Uist; Graham Mitchell, M. A., L.L. D., Whitburn; Robert Machray, A. M.,
Dumfries; James Mackenzie, Dunfermline; D. McVe, Iona; J. McKerrow,
D. D., Bridge of Teith; J. G. McVicar, D. D., Moffat; P. Grant, Dundee.

October, 1863.

Note.—Nearly one thousand signatures, of which a few are given above,
have already been received. Ministers in Scotland who wish their names ap-
ended to the document are requested to send their address at once to Messrs.
Nelson & Sons, publishers, Edinburgh, before the list is completed.
ANNUAL MESSAGE OF THE PRESIDENT.

Mr. Adams to Mr. Seward.

[Extracts.]

LEGATION OF THE UNITED STATES,
London, November 6, 1863.

Sir: I have the honor to transmit copies of the Morning Post which contain reports of the proceedings thus far, in the court of exchequer, on the case of the Alexandra, on the question of an appeal from the ruling of the chief baron, at the trial held last spring. It now appears that the chief baron declines to sign a bill of exceptions because it imputes to him certain legal declarations which he never made, and objects to him that he did not give instructions which he avers were the very ones he did give. As a consequence, a technical barrier was at once raised against further operations, which proved so difficult to remove, that resort was finally had to the extraordinary step of creating a new rule for the purpose of admitting a motion on the part of the government. Thus far the new attorney general seems to have succeeded in forcing his way out of this court. But he has yet some further difficulties to overcome before he can get into the exchequer chamber which, from the intimations made at the opening, would seem to be fully prepared to receive him.

I am now rather hopeful of a better final result than I was in the spring. There has been a marked alteration in the tone of the leading newspapers, which will not fail to produce its effect on the classes which they reach. A copy of the Globe of the 4th instant, containing a leader on the subject, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

[From the Morning Post of November 4, 1863.]

COURT OF EXCHEQUER.—Nov. 3.

Sittings in Banco in Michaelmas Term.—Before Lord Chief Baron Pollock, and Barons Brunwell, Channell, and Pigott.

The lord chief baron, on taking his seat on the bench, said: The ordinary practice is to take, first of all, the peremptory paper in the first two days of term; but, Mr. Attorney General, as I presume you are in attendance on the business of her Majesty, you are entitled to pre-audience.

THE ATTORNEY GENERAL vs. SILLIM.—THE CASE OF THE ALEXANDRA.

The attorney general. My lord, I came here to apply to your lordships not at present to go into any motion which will involve any lengthened discussion or argument, but to give me longer than the ordinary time appointed to us for the purpose of making, if it should become eventually necessary, a motion for a new trial in the case of the “Attorney General vs. Sillim,” which was tried before your lordship at the last sittings after term, and concerned the forfeiture of the ship Alexandra. It will be in your lordship’s recollection that your lordship on that occasion laid down the views which you thought ought to govern the jury as to the construction of the foreign enlistment act. Your lordship did so in a manner which we thought perfectly clear and intelligible to all persons. There was no difference whatever in the understanding of your lordship’s ruling on the part of the counsel for the crown, and we have no reason to suppose it
was otherwise as regards the counsel for the defendants, or that it was generally understood in any other sense than that in which we understood it. At the end of the trial we expressed a wish to offer, in the usual manner and form, exceptions to that ruling, and we were told that it was not necessary at all to stand upon form. His lordship said, "I will accept any bill of exceptions you wish to tender," and accordingly after the verdict we wrote out the principal points which we understood he had laid down; but his lordship said we were not to be bound by what passed on that occasion, and that the matter could be easily settled. Of course we were in hope that there would be no difficulty at all in consenting to a bill of exceptions. The case involved a point of very great importance, most fit for exceptions to the solemnly tendered for, in order that it might go to a court of error, and, if necessary, to the last court of appeal.

We are most anxious that the question should be so raised and determined, and we have no reason to doubt that the other side is equally so, but hitherto there have been difficulties in arriving at any form of exception which we can rely upon as certain to receive the signature of his lordship. We hope that these difficulties may be overcome. We are in communication with the counsel on the other side, who have in their possession the form of exceptions we propose, and we trust that an agreement in writing may be arrived at with them; or if that should not happen, that his lordship, on being applied to at chambers in the usual manner, will be able to settle such a form of bill of exceptions as will raise the real question, to be determined in a way satisfactory to both parties and useful to the public.

The lord chief baron. I think it right to state that I see no prospect whatever of any change in the view I took as to my duty in deciding upon the bill of exceptions. A correspondence has passed between me and the late attorney general, which probably you may have seen; you were not present at the whole of the trial. So far from my laying down the law, as the bill of exceptions tendered to me assumed, I took particular pains to avoid anything of the kind. I had originally during that argument of Sir H. Cairns undoubtedly entertained an impression—I called it no more—that all the expressions in that act, "equipping," "fitting out," and so on, probably meant the same thing, and were to be referred to the verbiage of an act of Parliament, just in the same way as the words "ship or vessel," which are commonly used in statutes, and no doubt are intended to mean the same thing. But the late attorney general, in his address, referred to a case of an American court with an appeal to a superior court, where the decision below was affirmed. It was a case where the vessel was completely prepared in every respect with the exception of being armed. When I came to sum up, I mentioned that case to the jury, and commended it so far as to say I adopted it. I left it to them, and pointed out what had apparently fallen from the counsel as to the law on the subject, not what I considered was the law. I then finally left the question to them in the alternative, using the very words of the act of Parliament. "If you think," I said, "this vessel was armed, or equipped, or fitted out, or intended to be armed, or fitted out, or equipped, your verdict must be for the crown. If not, it must be for the defendants." Now, the attorney general presented to me a bill of exceptions by which I was said to have told the jury that the vessel must be armed, and that if it was not armed there was no offence. I not only did not tell the jury so, but if you read the shorthand writer's notes, I think you will say no person can have any doubt that I left the question as I have just stated. But probably, Mr. Attorney General, the object you have in view may be attained by a motion without reference to a bill of exceptions. It is true no point was reserved at the trial so as to give you a right of appeal in the event of the rest of the court concurring with me in the direction I gave to the jury. But this is a matter of so much importance—I do not know whether I can pledge the whole court in this respect—but certainly it would be very much to be lamented, however unani-
mous this court might be, if we did not give you what we have the power of doing—an appeal to a superior court.

The attorney general. I understand you have no power by act of Parliament to give an appeal unless there be a difference of opinion among your lordships.

The lord chief baron. That is not so.

The attorney general said he had misunderstood his learned friend, Mr. Jones, on that point.

The lord chief baron. We have the power of granting an appeal, and I must say, as far as I am concerned—however unanimous and strong the court may be upon the point of law—if you wish an appeal you will certainly have my voice in favor of granting it.

Mr. Baron Bramwell. I understand the difficulty to be that the common law procedure act does not apply to a case of this kind.

The attorney general. Mr. Jones has carefully considered the matter, and he is strongly of opinion that the act does not meet the case.

Mr. Baron Bramwell. You are apprehensive that the lord chief baron will decline to sign the bill of exceptions in the form in which you have tendered it, and if you move for a new trial on the ground that he directed the jury wrongly, and he reports that he did not so direct them, of course we could not grant a rule for a new trial under those circumstances. That is the sort of difficulty in which you are placed.

The attorney general. We have merely in the bill of exceptions adopted the *littera scripta* which we have here. I am not aware that even a learned judge is able to interpret his own words, in an application for a new trial, in a sense different from that which they really mean.

Mr. Baron Bramwell. We ought not to depart from the ordinary practice of taking the judge's interpretation of the words in which he directed the jury.

The lord chief baron. I will read the shorthand writer's notes as to what I left to the jury. "The question is," I said, "was there any intention in the port of Liverpool, or any other port, that the ship should be, in the language of the act of Parliament, equipped, fitted out, or armed, with the object of taking part in any contest." I also said, "If you think that the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then there is sufficient matter for your consideration; but if you think the object really was to build a vessel in obedience to orders and in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not in any degree been broken. I leave you to find that by your verdict."

The attorney general said his lordship stated, at the conclusion of the trial, that he would not bind the attorney general to what passed on that occasion; that he could not alter the thing then, but that he had no doubt the learned gentleman had a very accurate note of what he had said. His lordship did not contradict the version which his learned friend gave at that time of his direction to the jury.

The lord chief baron. The question, however, now is, what course can we take consistent with the rules of the court. If you wish to move for a new trial on the ground that the jury ought not to have found the verdict they did, the court will entertain that application; but if you mean to reserve to yourself the power of making a motion for a new trial on a point of law, having tendered a bill of exceptions containing that or some other point, I do not think the court would consent to that course.

The attorney general. My application is now simply to have the time for moving for a new trial enlarged, so that both sides may agree as to what your lordships said to the jury as to the interpretation of the statute. We believe
that the jury returned a verdict upon your lordship's interpretation of the statute.

The lord chief baron. Nothing of the kind occurred.

The attorney general. Then both sides are under a misapprehension, and it is their common wish to raise the point by a bill of exceptions if possible. We ask you to enlarge the time for moving beyond the four days; and if, in the mean time, we do not get your lordship's signature to the bill of exceptions, I will move for a new trial.

Mr. Baron Bramwell. We have no power under the act to allow more than four days, except by your making the motion for a new trial, and then adjourning it, but that would not answer your purpose.

The attorney general said this was the second day allowed for moving, and by the fourth they would consider whether the case could be brought under the common law procedure act.

It was then understood that the case should be mentioned again before the four days expired.

EXCHEQUER CHAMBER.—Nov. 3.

Sittings in error.

THE ALEXANDRA CASE.

The judges sat in the court of exchequer this morning for the purpose of appointing the days for sittings in error in the exchequer chamber.

Lord Chief Justice Erle said the court had appointed the following days: for errors from the Queen's bench, Thursday, the 26th, and Friday, the 27th November; for errors from the common pleas, Saturday, the 28th November, and Monday, the 30th; and for errors from the exchequer, Tuesday, 1st December, and Wednesday, 2d December. His lordship added, that with regard to the errors from the exchequer, the arrangement was conditional, and was subject to any alteration which might be necessary for the interests of public justice. There was one case (the case of the Alexandra,) which he believed would probably go to the exchequer chamber, which was of very great public importance. If more time happened to be required for that case the court would be glad to give it, and also to make arrangements for having it heard before a full court.

The attorney general said it was the desire of both parties to take the case to the exchequer chamber, but as the lord chief baron has declined to sign a bill of exceptions raising the question involved in it that might not happen.

Lord Chief Justice Erle. We, however, wish it to be understood that we reserve to ourselves the right to make any fresh arrangement.

Their lordships then rose.

[From the Morning Post of November 5, 1863.]

COURT OF EXCHEQUER.—Nov. 4.

Sittings in Banco.—Before Lord Chief Baron Pollock, and Barons Bramwell, Channell, and Pigott.

THE ATTORNEY GENERAL VS. SILLIM.—THE CASE OF THE ALEXANDRA.

The attorney general (with whom was the solicitor general and Mr. T. Jones) said he attended their lordships this morning, in consequence of a suggestion thrown out by them yesterday, which had received the careful attention of the
counsel for the crown. They found that it was in their lordships' power, if they thought fit to exercise it, by an act to be done this day, to so apply the common law procedure act as to give an appeal in a case of this description on the revenue side of the court. The 26th section of the Queen's remembrancer, act 22 and 23 Vic., said it should be lawful for the lord chief baron and two or more barons of the exchequer, from time to time, to make rules and orders as to process, practice, and pleading on the revenue side of the court, as might seem to them necessary, and also by such rules and orders to adopt any of the provisions of the common law procedure act, and any rules of pleading and practice on the plea side to the revenue side of the court, as might seem to them expedient for making the process, &c., on both sides, as nearly as might be, uniform. The learned counsel said he thought that their lordships could under that section make an order which would meet the present case.

The lord chief baron. Why cannot your motion be made to-morrow, or, indeed, at any time?

The attorney general said it occurred to him that it might possibly be too late to-morrow.

The lord chief baron. I am inclined to think that under that section the court could make such an order, as you suggest, at any time.

Mr. Baron Bramwell said the revenue rules made under the section in question were originally proposed in the Queen's remembrancer's office, and he had himself a good deal to do with them. The omission of the right of appeal in revenue cases was intentional on the part of those who prepared the rules, who thought it was not expedient to give such power. He was, however, not aware of the omission at the time, as his attention was not called to it, but he now thought that what was a good rule in an ordinary civil case must also be a good rule in cases on the revenue side of the court. If, however, they thought such a rule should be inserted, they should not adopt it without consideration and on the spur of the moment, lest in doing so they might reverse something which had been previously done by the court.

The attorney general said it had, of course, been his duty to consider whether any public inconvenience would arise in other cases by making such a rule, and his strong impression was that there was not, and that the rule was very desirable.

The lord chief baron. I quite agree with you, and on the present occasion I should be disposed to concur in any mode, short of a violation of principle, which would give effect to your desire for an appeal. I own, after the experience I have had in this court, that I see no reason why there should not be an appeal in a revenue case, as in other cases. At all events, there ought to be power in the court to grant an appeal if applied for, and they thought it should be given.

Mr. Baron Pigott entirely concurred in the view taken by his lordship, which he thought consonant with the spirit of modern legislation, which gave the petition of right and costs against the crown.

The lord chief baron said, as the court entirely concurred in the view of the learned counsel, he thought the better course would be for the court to adjourn earlier than usual, for the purpose of seeing whether the rule should be made. As his learned brother said, the matter ought not to be decided in a hurry; and if the learned counsel attended to-morrow morning, they would tell him whether the alteration in the rules would be made. He presumed that if they granted the application, the attorney general would simply move for a new trial on all the grounds which might occur to him.

The attorney general. If your lordships make the rule proposed, no doubt I shall do so.

The lord chief baron. I think that would be the better course to adopt, because it will enable you to make every objection which can reasonably be urged to what passed at the trial, and to whatever it may be thought had misled the jury.
The attorney general. I am much obliged to your lordship.

The lord chief baron. Unfortunately I was in communication with the late attorney general alone on this subject, and with no other law officer of the crown; and if he had not resigned, I had some intention of suggesting to him the propriety of abandoning the bill of exceptions, and moving on any point which he thought presented a fair ground for a motion. Now that the impediment is likely to be removed, and a revenue case placed on the same footing as any other proceeding, undoubtedly a motion for a new trial would be far better than a bill of exceptions which covers various old technicalities, which under a better and more enlightened system may be got rid of.

The court then deferred their decision until to-morrow morning, when, if they made the alteration proposed, it was understood the attorney general would make a motion for a new trial raising all the points in the case.

IN RE ALFRED LEIGH, AN ATTORNEY.

When this case was called on—

Mr. J. A. Russel said he appeared on the part of the person who had obtained the rule, and he understood that no cause would be shown on the other side. He then asked the court to make the rule absolute, calling upon the attorney to answer the matters in the affidavit, and in default to issue an attachment, and to strike him off the rolls.

Rule absolute accordingly.

THE ALEXANDRA.

The learned barons retired from the court shortly before 3 o'clock, and after being absent a short time, again took their seats on the bench, when Mr. Walton, the senior master of the court and the Queen's remembrancer, read, by the direction of the chief baron, a new rule which they had framed under the 22d and 23d Vict., c. 21, sec. 26, extending the provisions of the common law procedure act to the revenue side of the court, so as to give an appeal in revenue cases. This will meet the case of the Alexandra, and enable the crown to obtain the appeal which the attorney general has sought.

[From the Morning Post of November 6, 1863.]

COURT OF EXCHEQUER.—Nov. 5.

Sittings in Banco.—Before Lord Chief Baron Pollock and Barons Bramwell, Channell, d Pigott.

THE ATTORNEY GENERAL vs. SILLIM AND OTHERS.— THE SEIZURE OF THE ALEXANDRA.

At the sitting of the court this morning there was an unusually large attendance of the bar and of the public.

The attorney general said that in the case of the Alexandra, which was an information arising out of the seizure of the ship Alexandra on the 5th of April last, by the crown, for the violation of the foreign enlistment act, he had humbly to move their lordships for a rule to show cause why there should not be a new trial on the ground of misdirection by the learned judge, and also on the ground that the verdict was against the evidence.

Mr. Baron Bramwell. In order that there may be no mistake, let it be clearly understood that you move on the ground of the verdict being against the evidence and misdirection, and that the bill of exceptions is abandoned.
The attorney general. Yes.
Mr. Baron Bramwell. Let it be further understood that we must take my lord’s report of his direction to the jury.

The attorney general. I understand that, my lord.
Mr. Baron Bramwell. And further, supposing that for any reason we, in our discretion, grant or refuse a rule, let it be understood that no appeal will lie from us under the rule we pronounced yesterday.

The attorney general. Unless your lordships think fit to grant one.
Mr. Baron Bramwell. Nay, there will be no appeal, except on a matter of law. If we should be of opinion that there was no misdirection, but, nevertheless, that the jury acted upon some wrong opinion, and we grant a new trial on that ground, it would not be competent for the defendants to appeal. On the other hand, if we should be of a different opinion and refuse a rule, and you desire to take the opinion of the exchequer chamber on the question, it would not be open to you to do so. I wish for my part, and I believe I express the feeling of the rest of the court, that these three matters should be clearly understood, viz.: first, that the bill of exceptions was abandoned; secondly, that the court would take his lordship’s report of his direction to the jury; and thirdly, that there would be no appeal from their decision by either side, except on a matter of law.

The attorney general said that when he spoke of misdirection he must be understood to include in that the omission to give a proper direction, and also giving a direction which might in one sense be justified, but had a tendency to mislead and might have misled the jury. The learned gentleman then stated that the information was filed by the crown on the 26th of May last, on the seizure of the vessel, which took place in the yard of Messrs. Miller & Son, shipbuilders at Liverpool. There were ninety-eight counts in the information, that number being rendered necessary by the rather complicated structure of the clause of the act of Parliament on which the information was founded. In substance, it charged the persons whom he would mention with various acts against a certain section of the foreign enlistment act. The persons charged in the record were these: the members of the firm of Miller & Sons, the builders of the vessel, and in whose yard she was when she was seized; the firm of Fawcett & Co., manufacturers of machinery at Liverpool, who came forward as the claimants of the vessel; the firm of Frazer, Trenholm & Co., who were proved to be the general agents for the business of the confederate States, at Liverpool; a person named Captain Bullock, the special agent for the business of those States; and a person named Tessier, who was also employed in that business. Those persons, together with others not known, were charged in every count of the information with different acts in violation of the foreign enlistment act. The separate counts were founded on the language of the seventh section, which was directed against the “equipping, furnishing, fitting out, or arming” of a ship or vessel, or attempting to do so, with the intent of employing such ship or vessel in the belligerent service of a foreign people or state against persons with whom her Majesty was not at war. The learned counsel then pointed out that the words “equipping,” “furnishing,” &c., were employed in the disjunctive sense, and observed that the crown did not charge “arming” in the information.

The lord chief baron said his impression was that arming was not charged, but he was not quite certain upon the point.

The attorney general said that “equipping,” “furnishing,” and “fitting out” were separately charged; and in like manner were separately charged the “attempting” and “endeavoring” to equip, furnish, and fit out, and the “procuring” and “knowingly aiding, assisting, or being concerned in the equipping, furnishing, or fitting out of a vessel,” which were all distinct and separate offences under the statute. The learned counsel then said that when their lordships came to hear the summing up, he thought they would be of opinion that the jury had no opportunity whatever of giving a verdict on the effect of the
evidence in reference to the view of the act which was taken by the crown. In fact, the case was left to them so as to preclude their judgment on the true question to be determined. The case divided itself substantially into two points—the equipping, furnishing, and fitting out; and secondly, the attempting to do so with the intent of employing the ship in the manner against which the act was directed; and upon both those points the evidence given on the part of the crown was wholly uncontradicted. The learned judge, in his direction to the jury, seemed to have overlooked the provisions as to attempting and endeavoring, and addressed himself to that complete equipment and fitting out in the sense which his lordship considered those words ought to bear. The seventh clause substantially divided itself into two points—the equipping, furnishing, fitting out or arming, and the attempting and endeavoring with intent, &c.; and upon both these points the material evidence at the trial was uncontradicted. He would first refer to the evidence as to the character and condition of the vessel, and the preparations and equipments on the 5th April, when she was seized. The custom-house officer, Morgan, said she was incomplete, but had three masts up, with lightning conductors, as well as her machinery and other fittings on board. There was also evidence to prove that she was built as and for a gunboat; that she had bulwarks and a rudder adapted to and peculiarly fit for the purposes of war; that she was unfit for any mercantile purpose whatever; and that though she might possibly be used for a yacht, and had no fittings actually placed on board to enable her to receive guns, yet she could with the greatest facility be adapted to receive two or three pivot guns—the proper number—which would sweep over her bulwarks and make her serviceable as a gunboat. So much with respect to the character of the vessel. Then as to the fitting out, equipping, and furnishing, there was further evidence to show that the machinery, engine, and boiler, were either on board or in progress of being put, and that there were preparations for hammock nettings and guns and gun carriages. Barnes, an engine driver in the employment of Messrs. Miller, said he had been concerned in the yard in building three gunboats—the Oreo, the Penguin, and the Steady—which were for the government. He also said he recollected the screw steamer Alexandra, and she was like the other gunboats, only smaller. Then there was Mr. Spears, foreman to claimants of the vessel, who received orders to take the machinery to the gunboat. Black, a ship carpenter, and Green, a shipbuilder, gave evidence showing that the bulwarks of the Alexandra were not those of a merchant vessel, on account of their extraordinary strength, and that they would be useless except for a ship-of-war. They further stated that she had pitch-pine decks, a wood which was chiefly used for war-vessels. Again, there was Captain Engledue, who said the Alexandra had only stowage room sufficient for her crew, supposing it to consist of 32 men; that she was not fit for mercantile purposes, and could be easily adapted to the uses of a war-vessel. That was the evidence as to the construction of the ship, and he would now turn to that part of the case which related to the fitting out, furnishing, and equipping, as distinct from the structure. He submitted that it was utterly unimportant whether those equipments were of a warlike character or not, and that if he proved she was intended for warlike purposes, any equipment whatever for such purposes was sufficient to constitute a violation of the statute. He thought that a great fallacy had run through the arguments, and that any kind or description of fitting out or furnishing was against the statute, provided always the intent and purpose was proved. The learned counsel then read extracts from the evidence of different witnesses, with reference to the equipments, &c., which he contended were essentially of a warlike character, and to the cotemporaneous preparation under the superintendence of Messrs. Fawcett, the claimants of the vessel, of gun-carriages just of the kind which it would be natural and safe to place on board the ship. He next passed to the evidence as to the intent and purpose, and argued that the clause clearly and distinctly laid
down that any species whatsoever of furnishing, fitting out, or equipping was against the act if it was with intent or in order that the ship should be employed in the belligerent service of a foreign people or state against persons with whom her Majesty was not at war. He then said it had been proved in a manner beyond the possibility of a doubt, and was wholly uncontradicted, that these things were done under the superintendence and with the interference of persons who were proved to have been the agents of the Confederate States for the purposes of their war service. There was Captain Bullock, who was specially sent to this country to organize the means of carrying on the war on the seas as servant and officer of the Confederate States; there was Mr. Hamilton, another servant and officer of those States, who was obviously employed for a like purpose; and there was the firm of Frazer, Trenholm & Co., who were named in the information as interfering with the construction of the ship by their agent, and at whose office was the seat of the agency of the Confederate States who conducted their pecuniary business, and through whom they ordered their paymaster to pay the persons who were employed on board the Alabama and the other war-ships which they had constructed in this country. Then there was the active superintendence of Captain Tessier over the work-people in both Miller's yard and Fawcett's works; and in addition, the direct admission of Miller, the builder, that the vessel was being built for the Confederate States, under contract entered into with Frazer, Trenholm & Co., and was to be employed in the service of those States. The learned counsel then referred to the evidence of Clarence Randolph Young, acting assistant paymaster of the Confederate States navy, who deposed that he made payments in Liverpool to persons in the service of those States; that he derived his authority from Captain Bullock, commander of the Confederate States navy; that he made requisitions to Captain Bullock for the amounts of money he required, and that the captain gave him orders upon Messrs. Frazer, Trenholm & Co., from whom he received checks. This witness was severely cross-examined, and it appeared that his morality was not quite unimpeachable, but his evidence was confirmed by documentary and other evidence, which could not be gainsaid. It seemed that while at Liverpool he formed a connexion with and married a black woman, and afterwards deserted her under circumstances which could not be justified. This woman had a black boy, and the man Young, who said he was "raised" in Georgia, suggested that a little money might be made by selling the black boy, and that he might be sold. It was very far from his intention, as had been alleged by the lord chief baron of the late attorney general, to attempt to whitewash Clarence Randolph Young, but he spoke of his evidence as it bore upon the res gestae of the case, and as it was corroborated by the litera scripta and the documentary evidence, to which no objection at the time was made. In England we were accustomed to liberty, and did not sell either white or black men, but the witness Young came from a country where that was common, and a man bred in an atmosphere of slavery, and engaged in the service of burning and destroying merchant vessels on the wide ocean, was not likely to feel as we did, or to be a man of very tender feelings. In the Confederate States this man would have been a perfectly good witness notwithstanding his black boy, for in that country they did not allow either a black boy or a black man or woman to enter the witness-box, whatever might be the extent of the evil complained of. All the remarks made about him were mere claptrap, and had no bearing on the question as to the agency of Bullock, which he was called solely to prove. The eloquent vituperation of Sir H. Cairns was, therefore, perfectly irrelevant and beside the mark, and did not tend to discredit the testimony of Young. The learned counsel next examined the evidence of Chapman, who went to the office of Frazer, Trenholm and Co. under false colors, pretending to have southern sympathies, whereas he was in favor of the northern States—a course which he did not for a moment justify; but this witness, he said, proved certain transactions with Bullock and others which had
not been disputed, and which proved that they were agents for the belligerent service of the Confederate States. After referring to other witnesses he contended, that upon this uncontradicted state of things, unless explained by their having been improperly directed, the jury could not but find a verdict for the crown. When, however, he came to read the summing up, the matter was made perfectly plain, because the jury had no option but to find as they did, whereas the evidence clearly entitled the crown to a verdict. The learned counsel then dwelt upon the object and provisions of the foreign enlistment act and its application to the present case.

The lord chief baron said one of the objects of the act was to prevent any hostile vessel being fitted out so as to make a port of this country the point of discharge.

The attorney general did not think that was the view of the lord chief baron, as shown by the short-hand writer's notes. His lordship seemed to imply that a vessel might be constructed in one yard for the federals, and another in a different yard for the confederates, and that as soon as they got out they might come in collision and endanger the public peace.

The lord chief baron. That might be one of the mischiefs which would arise.

The attorney general thought that such a thing never entered the mind of any human being.

The lord chief baron. It is not only not impossible, but it is a fact—it is true.

Mr. Baron Pigott. Did not this happen at Southampton, where a federal and confederate vessel met, and where one was detained by us for several hours to prevent it overtaking the other?

The attorney general said that occurrence had nothing to do with the foreign enlistment act. The statute aimed at prevention; its object was to stop these things in limine, and not to punish them when done; and therefore the act said that any attempt to do any of these things was a violation of its provisions. Unless their lordships sat there to make laws, they must say that any ships fitting out for warlike purposes, the intent being proved, came within the act. This was a case which the 7th section directly touched, and if it were ruled otherwise they might as well at once strike the act out of the statute-book.

At this stage of the proceedings their lordships adjourned; and upon their return, the lord chief baron said the court had availed themselves of the adjournment to consider the matters which the attorney general had brought before them, and without in the least saying what the opinion of any member of the court was as to the ultimate fate of the rule; they all thought that what he had stated was unquestionably matter fit to be discussed. If the learned gentlemen were content, therefore, to take a rule to show cause why the verdict should not be set aside as contrary to evidence, or as not being warranted by the evidence, and on the ground of misdirection by the judge at the trial, or on the ground that though there might be no positive misdirection, there was a want of information furnished to the jury to enable them to discharge their duty fairly—if he were content to take a rule on those two grounds, dividing the second ground into positive misdirection or imperfect misdirection, he might take a rule to show cause at once.

The attorney general. I thank your lordship. That is what I have been asking your lordship for, and I have no more to say.

The lord chief baron. I may state that I took pains to lay down the law as I understood it to have been laid down by the highest possible authority in another place.

The attorney general. Any such authority is incapable of vindicating himself here.

The lord chief baron. I thought I was remarkably safe in taking that course, but I may have been mistaken.

Rule nisi granted.

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ANNUAL MESSAGE OF THE PRESIDENT.

[From the Globe and Traveller (London) of November 4, 1863,]

Whatever may be the upshot of the questions arising under the foreign enlistment act, there is one thing that all must desire. We mean a full and solemn interpretation by the highest judicial authorities of the real intent and effective operation of the statute. Is it or is it not a dead letter? Can any one, either for the sake of profit, or for the gratification of personal sympathies, or with a view of bringing about a state of ill-feeling, if not war, between this country and another, drive a coach and six through this unlucky act of Parliament every month in the year, and every day in the week? For many years it has been supposed that there was a statute in existence which would enable the government to prevent private persons from thwarting state policy. It now appears that great doubts are entertained on this head. Attempts, some of them successful, have been made to evade the act. Doubts are thrown on the powers of the government, and while no one alleges any moral doubt respecting the actual evasion of the statute, many set up legal doubts. Under these circumstances it is of the highest moment that the questions raised and the full scope of the act should be determined by the highest available judicial tribunal. As the matters in dispute are pending, we wish to express no opinion whatever on the merits of the particular questions at issue in a particular case. But we do feel that, for the sake of the national welfare, no mere technical obstacles of any sort should be allowed to obstruct a final and complete examination of the whole law. We ought to know how far the law officers of the crown can rely on the means placed by the legislature at their disposal to give effect to the intention with which those means were sanctioned—namely, the preservation in the hands of the government of the direction of the national policy.

As regards the point raised yesterday before the court of exchequer, we, in common with everybody else, did understand that the lord chief baron had set forth in his charge to the jury that arming, equipping, furnishing, fitting out, were the mere verbiage of an act of Parliament, and that, in his opinion, these terms did all mean the same thing, namely, arming. The counsel for the crown so understood him. It is assumed that the jury so understood him. They and we and all the world, it seems, were in error. He tells us he did not say so, or imply so. We are, as Mr. Justice Bramwell reminds us, bound to take the judge's interpretation of the words in which he directed the jury. We do so; but it is the most remarkable misapprehension on the part of all those who heard and read those words that we remember ever to have met with. And here we must regret that the usual practice of framing and tendering a bill of exceptions before the jury gave their verdict was not followed. At the end of the trial, and before the verdict, the counsel for the crown expressed a wish to offer exceptions to the ruling of the lord chief baron. They were told by him that it was not necessary to stand upon the usual forms, and they did not stand upon them, especially as the lord chief baron said, "I will accept any bill of exceptions you may choose to tender." But when the bill was drawn up, the lord chief baron objected that it did not correctly set forth the nature of his ruling. Now, had exception been taken at the time; had the common opinion respecting the drift and bearing of that ruling been distinctly expounded, the error, into which it seems we all fell—counsel, jury, public—could have been there and then dispelled by a simple restatement by the judge of what he did mean to say and did say. It was even stated yesterday that the version which the then attorney general had given at the time of the lord chief baron's ruling was not contradicted. The answer was—the question is, what course can now be taken consistent with the views of the court. This shows that an error was committed in not fixing at once the impression made by the language of the lord chief baron. But the state of the matter, as disclosed by the proceedings of yesterday, is an
additional reason why some unquestionable decision should be obtained on this momentous point.

For our parts, we do not pretend to lay down the law. Whatever the law is, let us know it; and if it be found incompatible with the object for which it was devised, then we can say whether we will be content with an useless statute, whether we will have any statute at all, or whether we will have an efficient one.

It has been asked why, when guns and ammunition and small arms can be supplied by a neutral to a belligerent, "why object to ships?" It may be difficult to set forth convincing reasons why ships should be stopped and arms and shells allowed to go free. But to us there seems to be one plain reason. If you export to the ports of a belligerent any quantity of destructive arms and missiles, no one can furnish proof that they have been used with effect against the other belligerent. But if you export a ship, the doings of that ship can be tracked over the sea by the fires she leaves behind, or by the prizes she brings into port. You cannot charge an Armstrong gun with killing and slaying, and identify the gun with damage and slaughter. You can charge a ship with capturing prizes from a friendly power, and prove the charge. There is an identity about a ship which there is not about a gun. But we may be asked, if a fighting machine, like a ship, may be exported to strike at a friendly power, why not a battalion, or a battery, or a regiment of horse? A ship, even without guns, is equivalent to a trained battalion without arms, or a body of artillerists without arms, or a trained regiment of horsemen without horses. It is obviously within the power of the crown to say with whom it will and with whom it will not make war; and every act which tends to weaken that power and thwart the intention of the crown is an act which, on the assumption that we are to have a government at all, the crown should have power to prevent. We believe the sensible men of all parties take this view, and will not sanction any proceedings which restrict the power of the crown in so important a matter of state policy, or which tend to injure the maritime power of England.

Mr. Seward to Mr. Adams.

No. 756.]

DEPARTMENT OF STATE,
Washington, November 9, 1863.

Sir: The illness of a member of my family, at Auburn, withdrew me from this city from the 2d until the 9th of November. The acknowledgements by the out-going mail of communications received during that interval must necessarily be imperfect.

Your despatch of the 23d of October (No. 523) has been received.

I have read the speeches of British statesmen to which you refer, and also some extraordinary speculations in a portion of the British press commonly supposed to be in the confidence of the government. It is perceived that, as the political season in London approaches, the old habit of speculating concerning our affairs, and foreign action upon them, is resumed in political circles. On the other hand, the President, upon the developments of the new closing year, has assumed that her Majesty's government are willing and desirous to remain in relations of amity and friendship with the United States. We shall persevere in the course we have hitherto pursued of cultivating the friendship we so consistently cherish, unless we shall be obliged to change it by one of two events, neither of which we expect to happen; namely, first, that new hostile naval expeditions come out from British ports to make war upon us on the high seas, or in our ports; second, that Great Britain shall cease to recognize the sovereignty of the United States as it is now recognized. If neither of
these events shall happen, we shall not only be content to leave to such British statesmen as choose to exercise it the indulgence of hostile declamation against our country, but we shall try, as we are now doing, to counteract here the resulting effects of such illiberal demonstrations. It would be a common misfortune, however, of the two countries, if this policy should be misunderstood in England, so as to induce a belief that the United States are disposed now to submit to what they have heretofore declared would be intolerable injuries on the part of any foreign power.

The progress of military operations in the several departments is, on the whole, not unsatisfactory. The elections for the year have closed with manifestations of confidence in the government, contrasting strongly with the despondency and distraction which attended the last meeting of Congress. Only one question seemingly agitated the public mind; namely, the principles in regard to slavery on which the federal authority shall be restored in the insurgent region. I have already told you that, in the President's opinion, this question is as yet premature, because, as yet, neither of the insurgent States is actually asking restoration. I have now to add, that, according to present indications, the question, when it shall arise, is likely to be attended with much less difficulty than is now generally apprehended. It is, perhaps, the most gratifying result of the war for the Union that, wherever its flag advances, convictions of the importance of emancipation meet it. No desire for the restoration or the preservation of slavery is manifested by the citizens who adhere or re-accede to the Union. On the other hand, the friends of the Union in the insurrectionary States manifest an unequivocal determination, even before reorganizing the State governments, to suppress slavery as an institution now proven to be economically useless and politically dangerous and revolutionary. We are, therefore, likely to find no slavery to contend with, when the war for the Union has come to an end. On the whole, we can now contrast our prospects with those of Europe without dissatisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr Adams to Mr. Seward.

[Extracts.]

No. 533.]

LEGATION OF THE UNITED STATES,
London, November 12, 1863.

SIR: I have to acknowledge the reception of despatches numbered from 738 to 746 inclusive, and of two notes of the 26th of October, one marked private, and the other confidential.

Some of these treat of subjects the condition of which has been essentially modified by events which have happened on this side since the date of your writing. I refer more particularly to Nos. 739, 740 and 743. The note of Lord Russell to me of the 29th ultimo, transmitted with my despatch No. 530, of last week, implies an intention to make explanations through Lord Lyons in regard to the transactions at Cape Town, which must have the effect of retaining the discussion of them altogether in your own hands. I shall so regard the matter until further advice. I propose, however, to send to him a copy of the journal of the officer of the Alabama, which I have caused to be reprinted from the South African Advertiser and Mail of Cape Town, in a form for circulation among leading persons here. A number of these will be transmitted to you in the bag that carries this despatch.
On the whole my impression is that matters just now stand pretty well here. A report of a speech of Mr. Villiers will be sent to you by the present steamer. He is the brother of Lord Clarendon, and one of the liberal members of the cabinet. His disposition has always been understood to be friendly:

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Daily News (London) of November 10, 1863.]

Lord Palmerston, who on rising was received with loud and protracted cheering, said: My lord mayor, ladies and gentlemen, for myself and my colleagues I beg to return most sincere thanks to you—my lord mayor, for the manner in which you have been kind enough to propose, and to you, ladies and gentlemen, for the manner in which you have been good enough to receive the toast. Those who are charged with the conduct of the affairs of this country must always feel the highest gratification in being permitted to be present at the splendid hospitalities of this great city of London. (Cheers.) And not only do we receive personal gratification, but we feel that on these occasions, what takes place cement that union between the different classes of the community which is so important to the interest of the whole. It is well that those who are engaged in carrying on those commercial transactions on which the wealth, the strength, and the happiness of this great country depend, should mix from time to time with those who, as responsible advisers of the crown, are engaged in conducting the political affairs of the country. I do not mean to say that on these occasions, when we meet at the festive board, matters of importance are discussed, for we are too much occupied in enjoying the festivity and hospitality which surround us for that; but acquaintances are formed on those occasions which ripen afterwards into friendships. It is well known that the transactions of business are made much easier when those who meet to carry them on know each other; and therefore I say that these meetings are of great political importance in bringing together those who are connected with the commerce of the country and those who are responsible for its political government. (Hear, hear.) There have been occasions when it has been the lot of those who have had to explain the state of political affairs to congratulate you upon the tranquil state of the civilized world. I am afraid I cannot do that on the present occasion; for although I trust that there is nothing in the horizon which can grow into a cloud of war, yet we see on all sides—in the far west and in the distant east—struggles going on of the most lamentable character, and scenes enacted which make us shudder for humanity and feel deep compassion for the countries in which those events are taking place. (Hear, hear.) In the far west we see a nation of the same race and the same language, and the same religion and the same manners, and the same literature as ourselves, split into two, slaughtering each other by hundreds of thousands, and carrying on a contest the result of which it is impossible to foresee, and the end of which now, after more than two years' duration, he would be a bold man indeed who said he could predict. (Hear, hear.) Lamenting that state of things, the government of this country have felt it their duty not to yield either to the entreaties or the objurations of one party or the other. (Cheers.) Blandishments on the one side, and threats on the other, have been equally fruitless to direct our course. (Cheers.) We have felt it our duty to abstain from taking any part in that lamentable contest. If, indeed, we had thought it was in our power to put an end to it by friendly intervention, no
efforts would have been wanting to accomplish so holy an end—(hear, hear)—but we felt that interference would be vain, and we deemed it our duty—and in that respect I am sure we followed the wishes of the country—to maintain a strict and impartial neutrality. (Loud cheers.) In the distant east, events which are also of a lamentable character are taking place. We there see on the one side a barbarous system of deliberate extermination carried on, and on the other side revenge venting itself in murder and assassination. We endeavored to enlist the opinions and the feelings of civilized Europe in joint remonstrances, and so far we succeeded; but those remonstrances have failed. We have done our duty, and we can only hope that those who have the conduct of affairs in the Russian empire may, at length, cease to pursue that course which has thrown upon them the condemnation of Europe, and that peace may be restored upon terms of equity and justice to an unfortunate country. (Cheers.) Well, my lord, although abroad things look ill, and much misery and calamity are sustained, yet, as you have just observed, this country forms a happy exception to that which seems to be the prevailing condition of nations. (Hear, hear.) We have been blessed by Providence with an abundant harvest; we have been preserved by the government and the good sense of the country from the calamities of war; our population are contented and loyal, feeling that for a long course of years the legislature of the country has been occupied in remedying grievances, in removing defects in our laws, and in casting away those obstructions which the less enlightened policy of former times had thrown in the way of the productive industry of the country; and I am happy to say that I believe the commercial and material prosperity of the country is brighter now than it has been at any former period. Those who know the course of the commerce of the world will tell you that year by year this great city of London is growing more and more the centre of the commercial transactions of other States; that bills are drawn upon London to pay debts all over the world, and that commodities destined for other countries are sent here for deposit—a tribute paid by the people of other nations to the industry, the good management, the integrity, and the high honor of the commercial community of this land. My lord, I congratulate you on this happy state of things, and I trust that the people of England will feel that they are greatly indebted for it to the reign of that beneficent sovereign under whose mild and enlightened rule they have the happiness and good fortune to live. My lord, I beg again, on behalf of my colleagues and myself, to return you our most sincere thanks, and to assure you that we derive high gratification from being allowed to be present at your festive board on this occasion. (Loud cheers.)

[From the Daily News (London) of November 11, 1863.]

THE RIGHT HON. C. P. VILLIERS, M. P., ON THE POLICY OF THE GOVERNMENT.

On Monday night Mr. Villiers and Mr. Weguelin addressed their constituents at a dinner given at Wolverhampton to the retiring mayor, Mr. H. H. Fowler. Mr. Villiers, in responding to the toast of her Majesty’s ministers, said it was not for a cabinet minister to be less sensible of the good opinion of his fellow-men than any one else should be. On the contrary, there was great reason why he should be more so; for if he had to state the result of his own experience in that position, it would be that, looking at the trouble it entailed and the responsibility which it involved, no reward would be sufficient compensation but that which resulted from hoping that he had deserved and would receive the gratitude and good opinion of the country. (Hear, hear.) Every man in this coun-
try had not only the power but also the inclination to form and to express his opinion of public matters, but it was very difficult to obtain a general agreement upon politics, and still more difficult to secure a union of opinion with respect to any particular government. And when the merits of the ministry could be alluded to and received so favorably in a promiscuous assembly, like the one he was then addressing, it was highly satisfactory to the members of that ministry, and he could not but say that it was peculiarly gratifying to himself. He was told that all politics were abjured from such assemblies as the one in which he was then taking part, and he should, therefore, not think of advertsing to any topic that would provoke question or dissent. But he hoped he might express his satisfaction at the friendly tone in which he had observed persons deservedly held in estimation in the country, but of opposite politics to the government, refer on frequent occasions to the present administration. (Hear, hear.) At meetings composed of persons of an entirely opposite party to the ministers there had been marked manifestation of feeling against doing anything to displace the present government, or rather men of such large experience in public affairs as were Lord Palmerston and Lord Russell—(cheers)—or men of the very great talent of Mr. Gladstone. (Loud cheers.) When such testimony in favor of a government, was borne by persons who did not agree with the politics of the government, he hoped that he might infer that there was something in the policy of the present administration which was not distasteful to the country, but that it had been with something like public spirit that they had discharged the duties of their office. (Hear, hear.) Great events of national importance had transpired during the last four years, and the government had been required to decide upon them with promptitude. It was possible to refer to some consequences following the acts of the present administration that might account for the state of public opinion in regard to that administration. Peace had been maintained when the honor of the British flag had been brought in question and our great maritime rights had been disputed by the Americans; but these the ministry had vindicated with spirit and success. (Cheers.) There had been the most strict observance of the pledge of neutrality. (Hear, hear.) Duties counted by millions of pounds sterling, and restrictive of trade, had been removed and the revenue unimpaired at a time when the country had been suffering from the shock to trade which immediately followed upon the breaking out of the painful conflict which still raged on the continent of America. These facts might account, not for political contentment, but for the political calm which prevailed throughout the country; and this state of things might account for the opinion of many, that now would not be the happiest moment to disturb the peaceful pursuits of men by exciting the feelings which an angry political contention was sure to provoke. (Hear, hear.) Other circumstances there might be which would tend to account for the prevailing wide contentment, and chief among them was the recent bountiful harvest—the most bountiful that the oldest person living could recollect. Cheap and abundant food had been the result of that harvest. (Hear, hear.) Now, supposing that the crisis in the cotton trade had occurred at a time when the people were dependent for their supply of food, as they were for their supply of cotton, upon one source—supposing that such a restrictive policy as once prevailed relative to the supply of food had been in operation at the close of the three very bad harvests by which the last very bountiful one was preceded, and that at such a time the calamity of a cotton dearth had befallen the country, any man might easily conclude what, in such a state of things, would have been the condition of Great Britain. (Hear, hear.) It was fortunate that a timely wisdom induced Parliament to rely on the resources of the whole world before the period came when, but for that wisdom, a double misfortune would have befallen the nation. (Cheers.) The present state of this country was a fair subject of gratulation, not only on account of the great prosperity which the people now enjoyed, but also on account of the
general soundness of their opinions and sentiments. (Hear, hear.) He believed that there had been no time in the history of the United Kingdom when the opinion of the people was sounder than it was at the present period. There never was a time when Englishmen were more sensitive of the honor of the country or more ready to defend its honor, or at which they clung more tenaciously to the institutions of the country. (Cheers.) There never was a time when there was a more evident desire for the moral elevation of the humbler classes—(hear, hear)—and he would say that although they were living in times when they more than ever deprecated the calamity of war, and were more than ever in love with peace, there never was a time, should any sad exigency require it, when the country was better prepared to defend its shores and to resist its enemies in any part of the world. (Loud cheers.) And he would say, further, that there never was at any time more satisfaction than at present with the constitution, never more satisfaction with a liberal constitution and government, which those who enjoyed it conceived to be suitable to most civilized nations, and especially to those of Europe; and never were the people of this country more sympathetic with the nations who were struggling to follow our example. (Cheers.) But never was the conviction more profound in the minds of the people, that it was not in the province of this country to interfere in such struggles. (Hear, hear.) The principle of non-intervention was a principle which had sunk deeply into the minds of Englishmen. All history and all recent experience showed them that interference in the internal affairs of other countries was provocative of more disappointment and more disapprobation than any other course of procedure. (Cheers.) Whenever the time arrived for such a sketch to be written of the conduct of the present government as they sometimes saw in print the morning after the decease of distinguished persons who had occupied public positions, nothing would be remarked upon with more satisfaction than the circumstance that the government had offered continued resistance to the coming into effect of an opposite principle to that of non-intervention—had, in fact, resolutely maintained the observance of that principle. (Cheers.) Non-intervention was nothing but the practical observance of the sound views which all sensible people entertained in private life, namely, that one neighbor should not meddle in the affairs of another. (Hear, hear.) He only wished that this forbearance could be fully carried through, and that they could be very careful of their criticism—(hear, hear)—that nations would be more careful of saying respecting one another anything which would be likely to provoke hostile feelings. Severe measure had been meted out to the Americans in their misfortunes. He had heard the bitterest remarks made against the President of the Union for endeavoring to maintain the Union, and also against the southern States for their attempting to retain possession of their "property." During the first ten years that he was in Parliament a question was being discussed which excited great interest. That question was the repeal of the Union. Those persons who advocated it stood in the same relation to this country as the southerners now stood to the north. He never saw one English member who was not ready to oppose it, and who was not prepared to admit that he should be guilty of treason if he voted for it. (Cheers.) So (continued Mr. Villiers,) in the ten years before I entered Parliament, I heard language with respect to Lord Brougham and other philanthropic advocates of negro emancipation, as violent and as reproachful as, for the same reason, the confederates now address to the federals. We should have been indignant had any foreign country interfered with us upon either of these occasions, or if they had addressed to us the language that is used towards the Americans at the present day. We were allowed to settle those matters as we thought best, and we have been satisfied with the mode in which they were settled. (Hear.) I think the Americans ought to be allowed to settle their own affairs without more interference, and we must trust to their speedily coming to a conclusion that will be just. (Cheers.)
Mr. Weguelin said it had been a common complaint that the discussions of the House of Commons had been fruitless of results—that politics had become languid and the members sated—(a laugh)—that, content with the leadership of one great man, they had shunted their responsibility, and were content to look on from a siding at the express train of affairs which ran by them. (Laughter.) But though there had been an absence of party spirit, that state of things was to be attributed to other causes. General questions had of late years been settled by the triumph of those principles which had established civil and religious liberty, had extended self-government, and placed it on a wider basis, and had regulated trade, currency, and finance. (Hear, hear.) But if party spirit had been dead in late years, they should all rejoice that the spirit of trade was reviving. (Hear, hear.) He believed that the prevailing prosperity was sound, but they would let him, as an old merchant, address to them a few words of warning, because there were a few indications that the prosperity in which they were rejoicing might be based on even much sounder foundations than that upon which it now rested. He referred to the sudden drain of bullion, and the consequent rise in the rate of interest. He thought it was not wise to neglect these indications. It might be that, after a time, owing to the measures taken by the Bank of England, the drain of bullion would cease, and the coin which had been issued for the internal wants of the country return; but as far as his experience went, a drain of bullion and a rise in the rate of interest were indicative of something unsound in the state of trade or credit. It was therefore desirable that not only individuals, but especially banking corporations, should take the earliest possible opportunity of checking any undue extension of credit. (Hear.) When they considered that the Bank of England reserve, which now amounted to not more than six or seven millions, was practically the only unemployed capital of the country, and that it was the only source by which a balance of trade could be secured, they would see that there was good reason why they should be careful not to give stimulus to other than necessary transactions. He made these observations, not because he thought that a monetary crisis was at hand, but because they might tend to those healthy restrictions which, if generally observed, would go far to ward off misfortunes of a serious nature, and place trade on a wholesome and permanent footing. He concluded by acknowledging the toast of the members of the borough.

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Mr. Adams to Mr. Seward.


Sir: In regard to the subject referred to in your several despatches received this week, numbers 741, 742, I have nothing further to report, excepting the reception of a note from Lord Russell, of the 10th instant, in acknowledgment of mine of the 31st ultimo, a copy of which accompanied my No. 530, sent to you last week. A copy of his reply is herewith transmitted.

My attention had been already called to the existence of the joint application of the British and French authorities to the United States, alluded to in the copy of your despatch to Mr. Dayton, which accompanied your No. 741, and to the possibility of making use of it in the present emergency. The difficulty is, that the answer is too obvious. The request was to refuse to receive privateers. The two governments affect to consider the vessels now complained of as war ships, commissioned by a belligerent power. Not to receive them would involve the necessity of refusing to receive those of the United States, or else of appearing to depart from the declared neutrality.
LVIII

ANNUAL MESSAGE OF THE PRESIDENT.

The original error committed in a hasty and unqualified recognition of the rebels as a belligerent, is what vitiated all the later policy of both these powers, and entangles Great Britain more especially in the difficulties growing out of the necessity to recognize these vessels, equipped and manned in her own ports, in defiance of her own laws, as the navy of a foreign power.

There has been little done in the Alexandra case this week beyond the assignment of Tuesday next, in the court of exchequer, as the time to hear the law officers of the crown on the motion for a new trial.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

FOREIGN OFFICE,
November 10, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, enclosing further papers respecting the proceedings of the Alabama and the Florida.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

RUSSELL.

Mr. Adams to Mr. Seward.

No. 535.]

LEGATION OF THE UNITED STATES,
London, November 13, 1863.

SIR: Under the directions contained in your despatch No. 704, of the 9th of September last, I addressed a note to Lord Russell on the 30th of that month. His reply, dated the 10th instant, has been received this week. Copies of both papers are herewith transmitted.

I have the honor to be, sir, your obedient servant,

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 30, 1863.

MY LORD: I am directed by my government to submit to your consideration the copy of an extract of a despatch addressed to the Secretary of State by the minister resident of the United States at Japan. Should it be deemed expedient by her Majesty’s government to have recourse to any of the measures suggested in it, I am instructed to say that the United States would cheerfully direct Mr. Pruyn to labor on their part for their adoption in the interest of all the Western Powers.

I pray your lordship to accept, &c., &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable Earl Russell, &c., &c.

[Extract from Mr. Pruyn’s No. 45, to Mr. Seward.]
ANNUAL MESSAGE OF THE PRESIDENT. LIX

Earl Russell to Mr. Adams.

FOREIGN OFFICE,
November 10, 1863.

SIR: Her Majesty’s government have attentively considered the matter referred to in your letter of the 30th of September, and they request that you will have the goodness to express to the government of the United States their acknowledgment for the friendly offer conveyed in your letter to instruct the United States minister in Japan to co-operate with the representatives of other powers, with a view of making such a communication to the government of Japan as was indicated in the letters addressed by Mr. Seward to Lord Lyons, on the 14th and 20th of May, 1861, and also of carrying out the other measures which Mr. Pruyn, in his letter of the 27th of June last, appears to consider essential for the improvement of the position of foreigners in Japan.

Her Majesty’s government, however, looking to the uncertain state in which matters at present appear to be in Japan, think it better to wait till the further progress of events shall show more clearly the line of policy which will be most conducive to the relations of peace and the development of commerce with Japan.

It would appear from the correspondence of the minister of the Prince of Satsuma with Colonel Neale, recently published in the London Gazette, that the power and right of making treaties is acknowledged by that powerful daimio to reside in the Tycoon.

But I need scarcely assure you that her Majesty’s government set great value on the co-operation of the United States minister in Japan with the representatives of her Majesty and of other European powers, in their endeavors to place affairs in that country on a footing generally advantageous to all foreign nations having intercourse with us.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

RUSSELL.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 536.] LEGATION OF THE UNITED STATES,
London, November 13, 1863.

SIR: The effect of the late speech of the French Emperor to the French chambers, and with the letters with which he has followed it up, addressed to the different powers of Europe, has been to concentrate the attention of the various countries upon the project of a convention, which he proposes should be held at Paris. Opinions of the effect of this movement widely vary. Whilst in some quarters it is construed as likely to terminate in a war, in others it is hailed as a symptom of coming tranquillity. In London the proposal was received at first with marked disapprobation. A cabinet meeting was called to consider it on Tuesday, and it continued in session until Wednesday. It is understood that the reply agreed upon does not absolutely decline to take a part, but it proposes preliminary inquiries as to the object and extent of the subjects to be considered before positively consenting.

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In the meanwhile the effect of this movement has been greatly to concentrate the attention of all nations on this side of the ocean upon the difficulties
existing in Europe, and to a corresponding degree to divert it from affairs in the United States. The Emperor's notice of these is brief and purely formal. In England the determination to keep entirely aloof gains ground daily. Whatever sympathy there may have been heretofore for the rebels as the weaker party is diminishing under the effects of their own late proceedings. Any further military successes on our part would turn the scale decidedly, and leave them to their fate, without a sigh of regret. The only mode now resorted to in counteraffection of this tendency is the exposition of our own shortcomings. The most serious shock to confidence in our military operations is given in the frequency of the change in the great commands, indicating a serious deficiency in the capacity of our officers to conduct a war on the present scale. Much use is made of this argument at the present time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 759.]

DEPARTMENT OF STATE,
Washington, November 14, 1863.

SIR: The French government has for some time past expressed a desire for the exportation of the tobacco belonging to it in this country, the most, if not the whole, of which is understood to be at Richmond. Before the request could be granted, it was deemed advisable to ascertain whether the British government would object to the proceeding. That government having signified its assent thereto, the executive order, a copy of which is enclosed, has been issued. You will notice that the order has been so formed as to extend to tobacco belonging to any foreign government which may have been bought and paid for prior to the 4th of March, 1861. Besides France, it is supposed that Austria, and perhaps other German states, may have tobacco at Richmond, which the order may release. It is proper that the British government should be apprised of the proceeding in such way as you may deem advisable.

I am, &c., &c.,

WILLIAM H. SEWARD.

C. F. Adams, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 760.]

DEPARTMENT OF STATE,
Washington, November 14, 1863.

SIR: The European mails have not arrived, and they are not expected to arrive before the closing of my despatches for the next steamer.

No striking incident has occurred to change the military situation. Judging upon what is officially received, as well as the public information, the armies of the government are holding their advanced positions firmly, and they are beginning to be felt severely by the insurgents.

On the 11th instant Lord Lyons communicated to me information he had just received from his excellency the governor general of Canada, to the effect that there was reason to believe in the existence of a plot, gotten up in that province by emigrant insurgents from the United States, to invade the northern frontier; set at liberty the insurgent prisoners now in confinement at Johnson's island,
on Lake Erie, near Sandusky; burn Buffalo and other cities on the shores of the lakes. It was supposed that these crimes were to be effected by means of the purchase and arming of steamers in the Canadian ports. This information, which was very gratefully acknowledged, borrows a show of authenticity from revealing which have occasionally reached this government. The proper departments promptly adopted measures which it is believed are sufficient to defeat the criminal enterprise. After making due explanations to Lord Lyons, I have, by the President's direction, requested Preston King, esq., of Ogdensburg, on the shore of Lake Erie, to proceed at once to Quebec, to inform the governor general of the preparations which have been made by this government, and to confer freely with him upon the subject, with a view to confirm all our proceedings to the treaty regulations existing between the two countries, and to the comity which is due to Great Britain. It seems proper that you should make these proceedings known to Earl Russell, with expressions of the satisfaction with which the President regards what has been so promptly and liberally done by the governor general of Canada and by Lord Lyons.

It is thought here that the occasion is a fitting one for asking Earl Russell to consider the incidents I have related, in connexion with the occurrences which have taken place within the proper British realm, threatening invasion, or aggression directly from the ports of Liverpool and Glasgow. Do not these incidents show the expediency, not to say the necessity, for some amendments of the laws of the two nations, so as to secure the practice of neutrality in the spirit of comity and friendship? Have we adequate security that hostile expeditions will not yet issue from British ports? If such expeditions should come from domestic British ports, the same condition of national relations will certainly encourage the fitting out of such expeditions in British colonial ports on our frontier, and elsewhere. Could we possibly avoid conflicts between the two countries, if British shores or provinces should, through any misunderstanding, be suffered to become bases for naval and military operations against the United States?

Moreover, the principles which shall regulate the maritime conduct of neutral states hereafter are quite likely to be settled by the precedents which arise during our present civil war. Great Britain, as we think, must ultimately be as deeply concerned as we are in preserving in the greatest vigor the cordial principle of non-intervention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HON. CHARLES FRANCIS ADAMS, ESQ., &C., &C., &C.

Mr. Seward to Mr. Adams.

No. 761.]

DEPARTMENT OF STATE,
Washington, November 16, 1863.

SIR: I enclose a copy of executive document No. 103, 1st session 33d Congress, which contains the correspondence between Mr. Marcy and the ministers of Great Britain and France here, at the opening of the Crimean war. Your attention is particularly invited to that part of the correspondence which relates to the expectations of those governments in regard to the equipment of privateers in this country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HON. CHARLES FRANCIS ADAMS, ESQ., &C., &C., &C.
Mr. Seward to Mr. Adams.


SIR: Your despatch of October 29 (No. 526) has been received. I thank you for the newspaper debates which you have furnished me on the subject of the armed naval expeditions prepared in British ports.

I think you have rightly derived the existing embarrassments of the British government in regard to our affairs from the one cause—the error of investing the insurgents with a belligerent character.

The latest incidents disclose that the insurgents, so long tolerated and practically cherished within the realm, have at last, by natural consequence, had the hardihood to organize in the British provinces, adjacent to our ports, with design for a border campaign. It seems surprising that they have not earlier made this attempt. The Canadian authorities, desirous of peace and beneficial commerce with us, have not been slow to discover the duties devolved upon them by comity and international law, and they have acted promptly and effectively in fulfilling those obligations. Her Majesty's government cannot fail, I think, to approve of this course, because it is conservative of their trans-Atlantic empire. It seems to me, also, that they cannot easily undervalue the good faith and candor of this government in its proceedings in regard to this new class of embarrassments. It is certain that in such attempts as the insurgents are so audaciously making in Canada, we might look for occasions of offence, if we were disposed to be aggressive or unfriendly to Great Britain. We shall probably pass through the present difficulties easily, but other plots will follow. Certainly the insurgents are inventive, bold, and enterprising. Their schemes are suggestive. They have failed because of deficiency of material power and moral strength in the insurrection itself. They are disturbers of the peace at home, and nothing more here. They are disturbers of the peace of Europe, and can be nothing more there. Slaveholders, seeking to subvert justice and establish slavery, they have not even strength enough to destroy the Union. How idle are all the European policies which assume that such architects can build and maintain states! When shall we see the governments of Great Britain and France apprehending this truth? What new and unnecessary complications are we to go through before they discover and act upon it?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. Charles Francis Adams, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.


SIR: Despatches from the department, numbered from 747 to 752, inclusive, have been received at this legation.

The events of the week have been of more than usual interest. The rather sudden demise of the King of Denmark has added one more to the already grave complications of European politics, as a question of disputed succession comes in to aggravate the old differences between Germany and Denmark, respecting the relation of Schleswig and Holstein. In the mean time the responses to the invitation of the Emperor of France come in slowly, and with hesitation about conditions not altogether welcome. The uneasiness as to the future has increased, until, in some of the great commercial points on the continent, it has reached a state of panic. Most of the trading houses are busy in contracting
their operations in anticipation of a rupture in the spring. The drain of the precious metals eastward has now continued so long as to call for a rapid advance of the rate of interest in all the markets of Europe, without, as yet, producing a sensible check. The evidences of restlessness, and of the sense of insecurity, multiply. The conviction is strong that things will not remain much longer as they are now, though no one pretends to foresee the precise form of trouble that may ensue. Even the proposed Congress, should it finally be assembled, is viewed as far more likely to terminate in a rupture than in a pacification and general disarmament.

In the same degree that the public mind of Europe becomes absorbed in these domestic speculations, will the struggle in the United States decline in interest. The cotton question has been so far disposed of as to render the possibility of the reopening of the American supply a matter of quite as much danger to existing interests as of possible benefit. I think I perceive a gradual, but steady, relaxation of the policy of settled hostility to the United States, which was adopted here soon after the commencement of the war. I am growing very hopeful that the way is opening to the maintenance of peace between the two countries throughout the period of our great trials; indeed, with any average amount of further success in the field, I should venture to say it was tolerably secure.

I shall make the pending proceedings in the Court of Exchequer, on the motion for a new trial in the case of the Alexandra, the subject of a separate despatch at the latest moment before the closing of the bag. Meanwhile I beg to call your attention to a very fair pamphlet on the Emigrant Act, by Mr. F. W. Gibbs, just published, a copy of which I transmit herewith.

I have the honor to be, sir, your most obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 539.]

LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: Having received copies of some depositions Mr. Underwood, the consul at Glasgow, had caused to be prepared and sent in to the collector of this port, touching the construction and outfit of the steamer Canton, alias the Pamporo, I concluded to transmit them to Lord Russell, together with a note. Copies of this note, of the other papers, and of his lordship's acknowledgment, are here-with transmitted. There is increasing difficulty in obtaining evidence of intent, since the animus of the government has become the source of greater apprehen-

sion.

I have the honor to be your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863.

My Lord: I have the honor to submit to your consideration copies of a number of additional depositions taken before the collector at Glasgow, all going
to corroborate the evidence already presented, touching the outfit and preparation of the steamer Canton, alias Pampero, for objects similar to those now prosecuted by the Japan, alias the Georgia, issued from the same port.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl Russell, &c., &c., &c.

Deposition of W. L. Underwood.

I, Warner Lewis Underwood, of No. 5 Newton Terrace, Sanchiehall street, in the city of Glasgow, in the county of Lanark, make oath and say, that I am consul of the United States of America for the port of Glasgow and its dependencies; that I have now resided in Glasgow in discharge of the duties of the said consulate for upwards of one year; that shortly after my arrival here, my attention was called to the fact that there was being built in the ship-yard of Messrs. James and George Thompson, of Glasgow, a vessel-of-war, for the use of the so-called Confederate States, then in rebellion against the United States of America, known as the Ram, and now in process of construction and unlaunched in the yard of the said James and George Thompson, being a formidable iron-clad vessel-of-war; that some months ago I learned that a further vessel was in course of construction by the said James and George Thompson, and the said last-mentioned vessel has been recently launched from the ship-yard of the said James and George Thompson, and is now lying in the river Clyde, at or near to the foot of Finnestin street, Broomidan; that my attention was further directed to the construction of such vessels-of-war, and to the object of their construction, by a perusal of the intercepted correspondence between the agents of the confederates in America and those in Europe, which is more particularly referred to in the accompanying affidavit of Mr. Thomas Haines Dudley, to which reference is here made, and which is adopted and made part of this affidavit, a copy of said correspondence having been sent to me by the United States Secretary of State; that before being launched, the said last mentioned vessel had gilded on her stern the words “Canton, London;” that on the day she was launched the word “Canton” had disappeared, and the word “Pampero” was gilded where it had been, and also was seen on a flag which floated from one of her masts; that I was present on the immediate opposite side of the Clyde at the time of the launch, the river being there, in my judgment and opinion, about two hundred yards wide; that I was in full view of the ship, and, besides, had a strong glass with which to aid my vision; that there were not a great many persons present, but I had pointed out to me, by a gentleman who knew them, Messrs. James Galbraith and Robert Henderson, known members of the firm of Patrick Henderson & Co., and recognized agents in Glasgow of W. S. Linsay & Co., of London; that these two gentlemen, in company with one or two others whom I did not know, immediately prior to the launch of said ship, took an active and conspicuous part in looking after the preparations of the launch, giving, apparently, directions concerning it; that on the day after the launch, the following notice of it was published in the same words in the Journal, Mail, and Herald, newspapers published in Glasgow:

“Messrs. James and George Thompson launched, yesterday, from their building yard at Goran, a screw steamer of about 1,000 tons register. This vessel has been constructed for London owners, and as she took the water, was named the ‘Pampero,’ by Mrs. Galbraith. After the launch, the friends of the
owners and builders present adjourned to the model room, when the usual good
wishes, on such occasions, were expressed and responded to."

That prior to the launch of said ship, I had frequently seen her, and I state
that she was at first constructed with eight port-holes, plainly to be seen; that
a short time, say a week or ten days, before she was launched, those port-holes
were carefully closed, and effaced by putty and paint, or other material, so that
no trace could be seen of them, except that the hinges of their doors were
visible; that I have the following distinct items of information touching said
vessel, which I fully and sincerely believe to be true, most of which can be
verified and established by an inspection of the vessel, to wit:

1. That in addition to the port-holes above spoken of and referred to, she
was at first constructed with eye or ring bolts, corresponding with said port-
holes, suited for and intended to handle guns; that these eye-bolts, with one
or two exceptions, have been removed, and the places where they were have
been disguised by facings on the bulwarks, and the eye-bolts stowed away to
be inserted hereafter.

2. That she had magazines constructed; these have been attempted to be
concealed and disguised under the appearance of water-tanks.

3. That she has one hundred and fifty lockers, and sixteen mess-racks, or
more, for eight men each.

4. That she has about fifteen holes or apertures in the bottom, duly secured
by valves and stop- cocks, for the rapid introduction of water into her hold,
with an appropriate number of pumps to pump it out again as required.

5. That her machinery and boilers are those of a war vessel, all under the
water-line, and thus out of reach of an enemy’s shot, whilst at the same time
they occupy much of the space appropriated to cargo in a merchant vessel.

6. That the form, material, and arrangements of her propeller indicate that
she is a vessel-of-war.

7. That her bulwarks are about seven feet high, so as to conceal her crew
from the sight of an opposing vessel, and to afford them protection.

8. That on her cut-water or bow, immediately under the bowsprit, is painted
or gilded a miniature figure, about a foot high, of the goddess of liberty, with a
staff in her hand, on which is surmounted a liberty cap, and what is intended, I
believe, the palmetto plant, is springing up around her feet. I further state that
I have been informed, and verily believe, that the contract with the Messrs.
Thompson for the building of said ship Pampero was and is entered into with a
certain party acting as the agents of the so-called Confederate States of America;
that Captain Sinclair, mentioned in the exhibit (D) to Mr. Dudley’s affidavit,
together with Messrs. Tennent and North, officers of the confederate navy, have
been spending most of this year, and perhaps a part of last, in Glasgow and
its vicinity, and, according to my information and belief, giving necessary over-
sight and attention to the construction of said vessel and the ram first mentioned;
that from the foregoing facts, and the affidavits of Thomas Haines Dudley, John
Latham, Archibald McClellan, and William Dryer, and facts which have come
to my knowledge in a confidential manner, and which I am not now at liberty
to use, I am satisfied, and fully believe, said vessel Pampero is a war vessel,
built and intended for the so-called Confederate States in America, to commit
acts of hostility and make war upon the government and people of the United
States.

W. L. UNDERWOOD.

Sworn before me at the custom-house in Glasgow, on the 18th day of Novem-
ber, 1863.

FRED. W. TREVOR, Collector.
Deposition of Thomas H. Dudley.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of an oath is contrary to my conscientious scruples, and I do also solemnly, sincerely, and truly affirm and declare as follows: That I am the consul of the United States of America for the port of Liverpool and its dependencies; that soon after the publication hereinafter referred to I received information from the government of the United States that certain correspondence between the government of the so-called Confederate States of America and their agents to their representatives and agents in Europe had been intercepted, and that the same was then in the hands of the government of the United States of America; that soon after I had received the above information I received from the State Department of the United States a copy of the Daily National Intelligencer, published at Washington, on Saturday, the 17th day of January, 1863, containing the publication of said intercepted correspondence; that I now refer to the said copy of the said newspaper, which is annexed and signed by me as relative hereto, and particularly to certain portions of said correspondence and memorandum therein published, consisting: 1. Of duplicate letter from Mr. Mallory to Mr. Mason, dated October 26, 1862. 2. Letter from George N. Sanders to Reed Sanders, dated August 5, 1862. 3. Unsigned letter or memorandum, (without date,) addressed to the Hon. S. R. Mallory, secretary of the navy. 4. Memorandum following the last mentioned unsigned letter or memorandum, without date or address. 5. Letter from Mr. S. R. Mallory, secretary of the navy, to the Hon. C. G. Memminger, secretary of the treasury, dated October 27, 1862. 6. Letter from Mr. Memminger to Mr. Mallory, dated October 30, 1862. 7. Letter from Mr. Mallory to Mr. Mason, dated October 30, 1862; which said letters and memoranda are marked A, B, C, D, E, F, and G, respectively, on said copy of newspaper, and initialed by me as relative thereto; that since the publication in the newspaper above mentioned of the said intercepted correspondence, I have received from the State Department the original manuscripts from which the aforesaid publication was made, and I have the said original manuscripts in my possession at Liverpool, and am prepared to produce them when required by the proper authorities; that I understand and believe the house of Galbraith & Co., referred to in memorandum D, before mentioned, is the same house as Messrs. Patrick Henderson & Company, of Glasgow, of which firm Mr. James Galbraith is, I believe, one of the partners.

THOMAS H. DUDLEY.

Affirmed at the custom-house, Glasgow, the 10th day of November, 1863.

FRED'K W. TREVOR, Collector.

Deposition of John Latham.

I, John Latham, of No. 8 Douglas street, in the city of Glasgow, and county of Lanark, make oath and say: That I am an engineer, and have served as engineer of steamers for the last eight years; that I have served on board of war-ships for five years, and for about five months I served as fireman on board of the Alabama; that I have also served in the merchant service for about four years; that I have seen the vessel called the Pampero, which has been recently launched from the ship-building yard of Messrs. James and George Thompson, of Glasgow; that I was on board of her before she was launched; that nine port-holes were pierced on each side of said ship, and one of these port-holes on
each side appeared to be intended as a gangway; that before said ship was launched the said port-holes, with the exception of one on each side, were closed with movable shutters, and these movable shutters were secured by rivets on the inside, and I saw the joints or seams where the shutters met filled up with red lead putty and painted over, and nothing is now visible of the aforesaid port-holes but the hinges of the said movable shutters; that I observed rings or eye-bolts on the side of the said ship on each side of each of the said port-holes; that I afterwards saw some of these rings or eye-bolts removed, and the sides of the ship are now cased over, and the places intended for fastening on these rings or eye-bolts are not now visible; that I have always seen similar rings or eye-bolts in the men-of-war in which I have served, and they are used for the purpose of securing the guns and of moving them backwards and forwards; that in the merchant vessels in which I have sailed, I never saw such rings or eye-bolts as I have described, and there is no use for them in merchant vessels; that the name Canton, London, was at first gilded upon the stern of the said ship, but that before the said ship was launched that name was changed to Pampero; that I believe the said ship was known and designated in the yard of Messrs. James and George Thompson as the frigate, and on one occasion when I was in the yard, I asked for one Charles Gibson, who had been in the employment of Messrs. Thompson, and I was informed by one of the engineers working in the yard that he did not know the man, but that if I went over to the frigate (pointing to the said vessel now called the Pampero) I would likely find him there; that the bulwarks of said ship are between seven and eight feet in height; that I have seen the boilers and engines of said vessel; that the boilers are four in number, and are flat in construction; that the engines are horizontal, and the whole, both boilers and engines, are under the water-line; that the construction of the boilers is such as to take up a deal of carrying space, which would not suit a merchant vessel; that in order to save space, a merchant ship would likely have two boilers in place of four, and such boilers could be made of the same extent of the Pampero, by being constructed, as is usual in merchant ships, above the water-line; that the said ship appears to be about two hundred and fifty feet in length, and between forty and fifty in beam; that from the whole construction and build of the said ship, I consider and declare that the said ship is intended and adapted for warlike purposes, and not for mercantile service.

JOHN LATHAM.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, Collector.

Deposition of William Dayer.

I, William Dayer, ship-builder, of No. 29 Salisbury street, in the city of Glasgow, and county of Lanark, do make oath and say: That I am presently in the employment of Messrs. James and George Thompson, ship-builders in Glasgow, and have been in their employment for the last three weeks; that a vessel has been recently launched from the ship-building yard of Messrs. James and George Thompson called the Pampero; that previous to being launched the name Canton, London, was gilded on said ship's stern, and the day before the said ship was launched her name was changed to Pampero; that I have been many times on board of said vessel, while in course of construction; that the said vessel has eight port-holes, besides one large one on each side; that the large one might serve as a gangway; that these port-holes were seen open by me, but
that they were afterwards closed, and still remain closed; that the port-holes have been closed up by the movable shutters being secured on the inside by bolts, and the joints or seams closed up, and nothing is now visible of the port-holes save the hinges; that rings or eye-bolts were fitted on the deck of said ship on each side of each of the port-holes; that the object of these rings or eye-bolts appeared to be to fasten guns, and serve as a means of moving them backwards and forwards; that seven of these rings or eye-bolts on each side were removed before the launch, and the places where they were filled up have been lined up; that the ring or eye-bolts opposite one port-hole on each side of the vessel of the bows still remain; that the bulwarks of said vessel are about seven feet in length; that there are about fifteen stop-cocks and valves on the bottom of the said ship, with grating on the outside; that some of these are very close to one another; that the number of the stop-cocks and valves is more than are required for the purposes of the engines, and for ordinary ship purposes, and I believe that the extra number have been fitted with a view to adapt the said ship to warlike purposes, and among others to drown the magazine in case of need; that a magazine was fitted in the after part of the said ship, and consisted of four compartments, with a hole on the top of each large enough to admit a man, and there is a hatch on each hole; that I was informed by a carpenter who was working on board of the said ship, and about the said compartments, that these compartments formed the magazine, and I believe that they were adapted for that purpose; that there were about one hundred and fifty lockers fitted up in said ship along the side in the forecastle between decks; that there were all taken down, marked and numbered, and packed away before the said vessel was launched; that sixteen mess-racks have been made for the use of said vessel, and more are to be made, and that each of said mess-racks contains places for dishes for eight men; that from the number of lockers and mess-racks thus constructed for said ship, taken in connexion with other circumstances, I am of the opinion, and believe, that the said ship is not intended or built for mercantile service; that I cannot state with accuracy the measurements of said vessel, but I think her length is about two hundred feet, or upwards, and her water-mark about fifteen feet at the bow, and sixteen feet at the stern; that I cannot state the breadth of her beam, but she is of very fine proportions, and I believe her tonnage to be about one thousand tons, builder's measurement; that the general belief among the workmen in the yard is that the said vessel is built as a vessel-of-war for the Confederate States of America, and since I have commenced to work in the yard of the said James and George Thompson, such has been the universal reputation as to said ship among my fellow-workmen; that among us she generally went by the name of "another Alabama," "another 290," and such like names.

WILLIAM DAYER.

Sworn, before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, Collector.

Deposition of William Cook.

I, William Cook, of No. 1 Clermont street, in the city of Glasgow, and county of Lanark, make oath and say: That I am a ship broker and commission merchant in Glasgow; that I was present at the launch of the ship called the Pampero, on the 29th of October, 1863, from the ship-yard of Messrs. James and George Thompson, ship builders, Glasgow; that I am acquainted with Messrs. Robert Henderson and James Galbraith, ship brokers in Glasgow, and partners
ANNUAL MESSAGE OF THE PRESIDENT.  

of the firm of Patrick Henderson & Co., merchants in Glasgow; that the said firm of Patrick Henderson & Co. are reputed to act as agents in Glasgow of the firm of W. S. Lindsay & Co. of London; that on the aforesaid occasion of the launch of the said ship Pampero, I saw the said Robert Henderson and a person believed by me to be James Galbraith present, and apparently acting as if interested therein; that I afterwards noticed in the reports which appeared in the Glasgow newspapers of the following day, that the said ship Pampero had been christened by Mrs. Gilbraith; that I particularly observed the said ship when being launched, and having been for many years a master in the merchant service, I am able to judge of the appearance and build of said ship; that from the general appearance and build of said ship, as so seen and observed by me, I declare that she appeared to me to be a vessel intended for war, and not for mercantile service; that her appearance impressed me with the belief that she was adapted for war purposes, and not for mercantile service.

WILLIAM COOK.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, Collector.

Deposition of Archibald McClellan.

I, Archibald McClellan, joiner, of No. 45 Eglinton street, in the city of Glasgow and county of Lanark, make oath and say:

That I have been employed in ship-building yards as a joiner for the last nine years; that I was informed about five months ago, by James Heming, joiner, in the employment of Messrs. James and George Thompson, that they were building a ram and a privateer in the yard of Messrs. James and George Thompson, for the Confederate States of America; that we had been conversing about the screw steamer Georgia, which had about that time sailed from the Clyde, as a privateer, and in the course of our conversation the said James Heming volunteered the above information regarding the ram and the privateer; that about three weeks ago I casually met one Kinlock, a carpenter, in the employment of the said James and George Thompson, and in the course of conversation he stated that he was engaged fitting up magazines on board of the new vessel built by the said James and George Thompson called the Pampero, and he said he was fitting them up as water tanks; that the said Kinlock further stated that the vessel had been fitted up with messrooms for a large crew, and that these had been taken down and marked, with a view to be put up again; that I have frequently seen the said ship Pampero while in the course of construction, and about seven weeks ago I saw her lying in the yard of the said James and George Thompson, and I observed that there were eight port-holes pierced in the side of the said ship which was towards me, three of which port-holes were larger than the other five, and might be used as well for gangways as for the sweep of pivot-guns; that the said port-holes were then open; that since the said ship was launched, I have seen her on frequent occasions, and I then observed that the port-holes above mentioned, with one or two exceptions, have been closed up, and nothing is visible of these port-holes but the hinges; that on one occasion, in the course of last week, I was on board of said ship, as she lay in the river Clyde, and I observed four eye-bolts opposite certain of the port holes, which I saw were intended for securing guns; that on frequent occasions, besides those above referred to, I have heard from various persons in the employment of the said James and George Thompson that the said ship Pampero was being built for the Confederate States of America, and the said ship had the universal reputation among these persons of being a vessel-of-war or privateer for the Con-
federate States; that the construction of said ship is, in my opinion, in accordance with that reputation, and in the course of my experience I have not seen a vessel built for the merchant service, of similar construction as the said ship Pampero, and I believe that the said ship Pampero is built for warlike purposes, and not for the merchant service.

ARCHIBALD McLELLAN.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, Collector.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, November 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing further papers respecting the Canton, and I have to state to you that I have lost no time in forwarding copies of the same to the proper department of her Majesty’s government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

RUSSELL.

Mr. Adams to Mr. Seward.

No. 540.]

LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: I transmitted a copy of the pamphlet mentioned in my despatch of last week, No. 533, of 12th November, to Lord Russell, with a note, calling his attention to the fact that the author is a British subject, who was enlisted in England in an unlawful enterprise. His lordship has acknowledged the reception of both. Copies of the notes are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863.

MY LORD: I have the honor to transmit a printed copy of the private journal of an officer of the steamer Alabama, which seems to have been furnished by the author for publication in the South African Advertiser and Mail, at Cape Town, in which newspaper it first appeared on the 19th of September last. The author appears to be Mr. G. T. Fullam, a British subject, belonging to Hull. I beg permission to call your lordship’s attention to the remarkable manner in which the narrative corroborates the essential portions of the deposition of C. R. Yonge, heretofore submitted to your consideration, some attempts to invalidate which were made in the course of the trial of the Alexandra. It likewise confirms, in almost every particular, the correctness of the representations which I had the honor to furnish from the consul of the United States at Liverpool, of the mode in which the gunboat “290” was originally equipped, fitted out and armed from that port.
I likewise pray your lordship's attention to the abuse shown to be continually made of the national character of this vessel, in the fraudulent assumption of the flag or of the name of any other nation, at pleasure, whilst on the high seas. I need scarcely say, that such a license to cover piratical depredations has only been obtained for her by the recognition given to the parties in America, authorizing it, as a belligerent, abiding by the established rules of legitimate warfare.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable Earl Russell, &c., &c., &c.

FOREIGN OFFICE, November 16, 1863.

Sir: I have the honor to acknowledge the receipt of your letter of the 14th instant, and its enclosure, respecting the proceedings of the “Alabama.”

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

RUSSELL.

Mr. Adams to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, November 20, 1863.

Sir: Thus far the progress made in the case of the Alexandra has been slow. The lawyers engaged in the defence have consumed all the time down to a late hour yesterday, when the attorney general commenced an argument in favor of his motion. I transmit herewith copies of the London Times, containing a report of the trial so far as it has gone. It is evidently much abbreviated, but it will suffice to give you an idea of the character of the proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. William H. Seward,
Secretary of State, Washington, D. C.

[Enclosed.]

The Times of the 18th, 19th, and 20th November, 1863.

THE ALEXANDRA CASE.

Court of Exchequer, November 17.

Sittings in Banco, at Westminster. Before the Lord Chief Baron, Mr. Baron Bramwell, Mr. Baron Channell, and Mr. Baron Pigott.

THE ATTORNEY GENERAL VS. SILEM AND OTHERS, CLAIMING THE ALEXANDRA.

Before going into the arguments of to-day, it will be necessary, perhaps, to call to the recollection of our readers the facts of this case, as well as the nature of the proceedings instituted by the crown against the defendants. In the year 1819 an act, familiarly known as the Foreign Enlistment
act, was passed, and the present, we believe, is the first case which has been brought to trial in a court at Westminster Hall under it, although similar proceedings have been commenced from time to time, but never brought to an issue. The act is to prevent the enlistment or engagement of his Majesty's subjects to serve in foreign service, and the fitting out or equipping in his Majesty's dominions vessels for warlike purposes without his Majesty's license. The seventh section of the foreign enlistment act, 59 George III, cap. 69, enacts that if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or any person or persons exercising, or assuming to exercise, any power of government in or over any foreign state, colony, province, or part of any province or people, as a transport or storeship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising, or assuming to exercise, the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom his Majesty shall not then be at war, or shall within the United Kingdom, or any of his Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to his Majesty, issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted, and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of his Majesty's customs or excise, or any officer of his Majesty's navy who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade or navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of his Majesty's customs or excise and the officers of his Majesty's navy are empowered respectively to make seizures under the laws of customs or excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner, and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation.

This section is almost a counterpart of the American enlistment act, passed in Congress in the year 1818, and which was a re-enactment of their act of 1794. Nearly all the expressions employed in the American act, it will be seen, have been pulled bodily into the British act. The screw steamer Alexandra was built at Liverpool, by Messrs. Miller & Sons, ship-builders, and after being launched was taken into the Toxteth dock for the purpose of being fitted. She is strongly built of teak wood, her gross tonnage being
about 153 tons by the new mode of admeasurement, and her registered tonnage 83 tons. Her masts were put into her, the rigging commenced, and the boiler as well as her screw on board, when, owing to some information with which the government had been privately furnished from time to time, Mr. Edward Morgan, the surveyor of customs at Liverpool, who had watched the building of the ship from the beginning, seized her on behalf of the crown. The attorney general filed an information claiming the forfeiture of the ship, founded on the above section of the foreign enlistment act, against William Cowley Miller, Thomas Miller, Charles Kuhn Prioleau, James Thomas Welsman, Eugene Tessier, James Bullock, Mathew Butcher, Hermann James Sille, Henry Berthon Preston, Jacob Willink, and David Wilson Thomas. The information contains ninety-eight counts. The first count charged that the above persons, with others unknown, before the making of the seizure, without any leave or license of her Majesty for that purpose, did equip the ship with intent that such ship should be employed in the service of certain foreign states styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain foreign state with which her Majesty was not then at war, viz., the republic of the United States of America, contrary to the statute, whereby the vessel, together with the tackle, apparel, and furniture, became and was forfeited. The second count charged that the same persons, with others unknown, &c., did equip the vessel with intent that she should be employed in the service of certain foreign states styling themselves the Confederate States of America, with intent to commit hostilities against the citizens of the republic of the United States of America, contrary to the statute, whereby the ship, together with the tackle, apparel, and furniture, became and was forfeited. The third count charged that the same persons, with others unknown, &c., did equip the said ship with intent to cruise and commit hostilities against a state with which her Majesty was not then at war—to wit, the republic of the United States of America—contrary to the statute, whereby the ship, &c., became forfeited. The fourth count charged that the same persons, with others, &c., did equip the ship with intent to cruise and commit hostilities against citizens of the United States of America, with whom and with which respectively her Majesty was not then at war, contrary to the statute, &c. The fifth count charged that the same persons, &c., did equip the ship with intent that the ship should be employed in the service of persons exercising the powers of government in and over certain foreign states styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain foreign state, &c., to wit, the republic of the United States of America, contrary to the statute, whereby, &c. The sixth count charged that the same persons, with others, did equip the ship with intent that she should be employed by the Confederate States of America, with intent to cruise and commit hostilities against citizens of the republic of the United States of America, contrary to the statute, whereby, &c. The seventh count charged that the same persons, with others, &c., did equip the ship with intent that she should be employed by persons exercising the powers of government over certain foreign people—to wit, part of the people of the United States of America, with intent to commit hostilities against, &c.—to wit, the republic of the United States of America, contrary to the statute, whereby, &c. The eighth count charged that the same persons, with others, &c., did equip the ship with intent that she should be employed in the service of persons exercising the powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, with intent to cruise and commit hostilities against citizens of a certain foreign state, &c.—to wit, the citizens of the republic of the United States of America, contrary to the
statute, whereby, &c. The ninth to the sixteenth count is the same as the first, substituting "did furnish" for "did equip." The seventeenth to the twenty-fourth, the same as the first count, substituting "did fit out" for "did equip." The twenty-fifth to the thirty-second, the same as the first count, substituting "did attempt and endeavor to equip" for "did equip." The thirty-third to the fortieth, the same as the first count, substituting "did attempt and endeavor to furnish" for "did equip." The forty-first to the forty-eighth, the same as the first count, substituting "did attempt and endeavor to fit out" for "did equip." The forty-ninth to the fifty-sixth, the same as the first count, substituting "did procure to be equipped" for "did equip." The fifty-seventh to the sixty-fourth, the same as the first count, substituting "did procure to be furnished" for "did equip." The sixty-fifth to the seventy-second, the same as the first count, substituting "did procure to be fitted out" for "did equip." The seventy-third to the eighty-fifth, the same as the first count, substituting "did knowingly aid, assist, and be concerned in equipping," for "did equip." The eighty-first to the eighty-eighth, the same as the first count, substituting "did knowingly aid, assist, and be concerned in furnishing," for "did equip." The eighty-ninth to the ninety-sixth, the same as the first, substituting "did knowingly aid, assist, and be concerned in fitting out," for "did equip." The ninety-seventh charged that the persons before mentioned, with others, &c., without leave or license, &c., did attempt to fit out the said ship with intent that she should be employed in the service of persons exercising the powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, as a transport or storeship against a certain foreign state with which her Majesty, &c.—to wit, the republic of the United States of America, contrary to the statute, whereby the ship, together with her tackle, apparel, and furniture, became and was forfeited. The ninety-eighth count charged that the same persons, with others, &c., did equip, furnish, and fit out, and did attempt and endeavor to equip, furnish, and fit out, and did procure to be equipped, furnished, and fitted out, and did knowingly assist and be concerned in the equipping, furnishing, and fitting out of the ship, with intent that she should be employed in the service of certain foreign states styling themselves the Confederate States of America, and in the service of many persons exercising and assuming to exercise the powers of government in and over certain foreign states styling themselves the Confederate States of America, and in the service of many persons exercising and assuming to exercise powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, as a transport or storeship, against and with intent to cruise and commence hostilities against a certain foreign state with which her Majesty was not then at war—to wit, the republic of the United States of America, and against citizens of the republic of the United States of America, contrary to the form of the statute, whereby, &c.; and the attorney general, on behalf of her Majesty, prayed the consideration of the court in the premises that the ship, together with her furniture, tackle, and apparel, might for the respective reasons aforesaid be forfeited.

To this information (which is certainly as long as it could by any possibility have been, to be intelligible) Hermann James Sillim, Henry Berthan Preston, Jacob Willink, David Wilson Thomas, and William Thompson Mann, who claimed the Alexandra, as well as her tackle, &c., by Edward Lee Rowcliffe, their attorney, pleaded that the said ship, furniture, tackle, and apparel did not, nor did any or either of them, or any part thereof, become, nor are nor is the same or any of them, or any part thereof, forfeited for the several supposed causes in the information mentioned, or for any or either of them, in manner and form as by the information was charged. The information, it will be seen, charges that the Alexandra was fitted out or equipped with
intent to be employed to harass and to be hostile to the government and citizens of a state with which the crown was not at war, and that the vessel was intended to be employed in the service of the Confederate or Southern States of America. The persons whose names appear in the plea constitute the well-known firm at Liverpool of Fawcett, Preston & Co., iron founders, by whom it was alleged the Alexandra was supplied with engines, guns, and other materials. From the evidence at the trial it appeared that the Alexandra was one of three vessels built by Messrs. Miller & Son, two of which (the gunboats Penguin and Steady) were built for the British government; and the crown sought to establish, by the evidence of many witnesses, that the Alexandra was also a gunboat, and had been built for the Confederate States for the purposes alleged above. During the time the Alexandra was on the stocks, as well as subsequently to her launch, Captain Bullock and Captain Tessier, both of whom, it was said, were in the naval service of the Confederate States, and acting as their agents at the port of Liverpool, interested themselves very much in the building and fitting out of the ship. Captain Bullock appointed a person named Yonge as paymaster, who swore that it was his duty to make payments to naval officers and others on behalf of the Confederate States, and that he received a regular formal appointment from Captain Bullock as assistant paymaster, and drew upon Messrs. Frazer, Trenholm & Co., who honored his draughts, for the money for the payments he had to make. In order to show the capacity in which Captain Bullock and Captain Tessier had been acting, it was stated that when No. 290, afterwards known as the Alabama, left Liverpool, she left without an armament, and that the Bahama, under the command of Captain Tessier, with Captain Semmes on board, the world-known commander of the Alabama, as well as Captain Bullock, followed her out to sea, and the guns and ammunition on board the Bahama were there transferred to the Alabama, when Captain Semmes took command of her, hoisted the flag of the Confederate States, and she became from that moment a vessel-of-war, carrying a formidable armament of guns, manufactured by Fawcett, Preston & Co., with the name of the firm branded upon them. The crown attached much importance to the interference and control during the construction of the Alexandra by Captain Bullock and Captain Tessier, as well as other persons connected with them, as it tended to show, it was alleged, the connexion between those persons and the confederate government of the southern States. With a view of establishing the character of the build of the Alexandra, among other persons, Captain Inglefield, of her Majesty's ship Majesty, was called by the crown, and stated that he had examined the Alexandra as she lay in the Toxteth dock, and found her to be a strongly-built vessel, mostly constructed of teak wood, fitted for a yacht, certainly not intended for mercantile purposes, but might be used for, and was easily convertible into, a man-of-war. There was stowage room for a crew of thirty-two men and accommodation for officers. She was of sufficient length to receive guns, but had no appurtenances which would indicate that guns were about to be put on board of her. There was an absence of ring-bolts and plates upon which pivot guns would turn, but there would have been no difficulty, in his judgment, in adding the preparations that were necessary. Her bulwarks were not similar to those of gunboats in the British service. It is unnecessary to follow the evidence given by the crown step by step, neither is it important to give any details of the cross-examination of all the witnesses by the counsel for the defendants. The witnesses, who bore the fire of a very sharp attack made by Sir Hugh Cairns and Mr. Karlske, Q. C., were Yonge and Chapman, the former having left, to use a mild term, the confederate service by dropping overboard one night, and the latter, who, under the pretence of being a secessionist, had wormed him-
self into the confidence of many of those against whom the crown were complaining, and then came forward to betray their secrets. For the defendants no witnesses were called, and Sir Hugh Cairns, in a very eloquent and masterly address to the jury, said that it had been admitted that the defendants were the bona fide owners of the ship when the seizure was made, and that she was lying at the time in a public dock, without the slightest effort at concealment, and that the crown had been urged on to adopt the proceedings against the defendants by the agents of the United States government at Liverpool, who were always on the alert, and thought they had a right to complain and call upon the crown to put the foreign enlistment act into force. The foreign enlistment act, said Sir Hugh, never was intended to interfere with or to impair bona fide commerce in any way. The intention of the act was to prevent warlike expeditions leaving the ports of this country at a time when the country was neuter, in issuing from the ports of the country in a shape and form in which they could do injury to either belligerent, and thereby enable one or other of the belligerents to come to the government of this country and say, “Look at your port of Plymouth; there sailed out of that port on a certain day a ship fully armed, ready to capture any ship she might meet with. Your ports are being used as places of safety and shelter; armed vessels can sail out or transports or storeships can sail out prepared to do all the mischief in war which a transport or storeship or an armed vessel can do.” The belligerent government would say, “Observe the consequences: we cannot pursue these vessels into your port; we cannot go into your ports to take out a privateer; and yet you allow a privateer to go armed from your ports at the same time that we cannot enter your ports to destroy that vessel.” That was a clear principle, if that were the principle which was proceeded on. The foreign enlistment act, continued Sir Hugh Cairns, is directed against her Majesty’s subjects engaging in war on their own account. That was the essence of the offence as described in the preamble of the act. The act of declaring war or peace was with the sovereign of this realm. If the sovereign choose to remain neuter, it was not to be tolerated that some of her subjects should say that they would become belligerents on their own account, have a little expedition, marshal troops, and arm ships, and carry on war on their own accounts. The sovereign was the arbiter of war and peace. The subject had no right to interfere with the exercise of the right of the sovereign, and it would be perfectly idle for the sovereign to say, “I choose to remain at peace,” if the subjects were, according to their own will, to be allowed to engage in war and fit out warlike expeditions on their own account. Because, if twenty or one hundred men in Liverpool thought proper to fit out a warlike expedition to attack and injure one belligerent, twenty or one hundred men in London might choose to fit out a warlike expedition to attack and injure the other. The gist of the offence which was spoken of in the seventh section of the foreign enlistment act was, that the offence must be committed within the United Kingdom. If the act be done by the Queen’s subject out of the kingdom, it was no offence at all. It was not like every other prohibitory act, because if it prohibits a thing to be done, it prohibits its being done by a subject of her Majesty everywhere. There was not the least prohibition against building a ship; there was not a word said in the section about prohibiting the building of a ship; there was not a word said about selling a ship. Consistently with every word in the section a man might build a ship in any way he thought fit, and with any purpose. There was no suggestion in the section that it was an offence against the act, to be punished by forfeiture or otherwise, to build or construct a ship. The only words used were words which supposed that a ship was to be built, because the words were “equip, fit out, or arm a ship or vessel,” and you could not
equip, fit out, or arm a ship until she was built. The section meant that the person who was spoken of, and who was supposed to equip, fit out, or arm a vessel, was the person who had the intent to cruise on his own account and commit hostilities against a foreign nation with that ship. There must be an equipping, furnishing, fitting out, or arming, or an intent to do that with the kingdom, and in such a way that you should cruise and commit hostilities. The word "cruise" was a technical word when applied to vessels of-war, which cruise for the purpose of committing hostilities. The only thing which the section struck at was this—someone who had the contract of a ship, who may use it in any way he thinks proper; and that person was supposed to fit out and arm a vessel, and to do it with the intention of committing hostilities, he being the judge and the arbiter and determiner whether he would or would not cruise and commit hostilities and further, the ship must be armed or equipped, or fitted out in such a way as would make her such a ship at the time she leaves this country, and make her competent and able to cruise and commit hostilities. It was, upon the history of the act of Parliament, entirely open to any person to build a ship in this way, to sell the ship even, and, though she may be competent to be converted into a ship of war, to either of the belligerent powers, and the fact that he afterwards knew that she was sold to the belligerent power, and might be used in a particular way, had nothing to do with it. He was not the person who armed and equipped the ship to cruise and commit hostilities unless he had the intention of arming her in such a way as that when she left the port she would be in a state to cruise and commit hostilities. Sir Hugh Cairns went on to say, when the first American enlistment act was passed, that great and illustrious man who then swayed the destinies of America, Washington, was President, and he had ordinances issued to the various ports in America, informing their own officers what things were lawful and what were unlawful in regard to the equipment of vessels, there being at that time a war in which America took no part. He said equipments in the ports of the United States of vessels of war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or to war, are deemed lawful. Then, further, he said, equipments in the ports of the United States by any of the parties at war with France of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; and, in like manner, equipments of any vessels of France in the ports of the United States which are doubtful in their nature as being applicable to commerce or war, are deemed lawful. Therefore we had, in the first year when the American enlistment act passed, this construction put upon it by the greatest man America ever saw—Washington. He had pronounced that which was deemed unlawful, as simply putting on board munitions or arms of war, and anything that might serve the twofold purpose, and which was useful to either purpose, was perfectly harmless. It would be impossible now to give in full, or even in abstract, the speech of Sir Hugh Cairns, occupying as it did nearly two days in its delivery. As we stated before, no evidence was called in support of the defendants' case, and it rested entirely upon the cross-examination of the witnesses for the crown and the speech of Sir Hugh Cairns to the jury. The late attorney general, Sir William Atherton, made a lengthy and very forcible reply on the whole case on the part of the crown. The lord chief baron proceeded to sum up, and is reported to have concluded by saying: "Gentlemen, if you think the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then that is a sufficient matter. But if you think the object really was to build a ship in obedience to an order, and in compliance with a contract,
leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not been in any degree broken. I leave you to find your verdict, unless you wish me to read the evidence over to you." The jury did not wish to hear the evidence read, and the attorney general said, before the finding of a verdict by the jury, he would tender a bill of exceptions to a portion of the learned judge's ruling. The lord chief baron said that he would accept any bill of exceptions he wished to tender. The attorney general replied that, strictly speaking, it ought to be done before the verdict was given, when Sir Hugh Cairns said that anything in point of form might be dispensed with. The jury having found a verdict for the defendants, the attorney general handed up a note of the exceptions, in order, as he said, that there might be no mistake. Sir Hugh Cairns asked for a copy of it, when the lord chief baron said it need not be done then. He might wish to put it in some other shape. There would be no mistake about it. The attorney general said they were anxious that they should quite understand what his lordship had ruled and laid down to the jury. It was very shortly stated. The lord chief baron replied that he had no doubt there was a very good note taken of what had been said. "You," addressing the attorney general, and looking at the paper, "have got here that the vessel was not intended to be fitted." It should be that the vessel was in the course of building for the purpose of performing the contract, and that there was no intention that she should be equipped, or furnished, or armed, or fitted out at Liverpool. The solicitor general said that was not what had fallen from his lordship. The lord chief baron stated that it certainly was. The attorney general said that he had understood his lordship to say that "if the building was in fulfilment of a contract." The lord chief baron went on: "And it was not intended that she should be equipped, fitted out, and furnished, and so on, at Liverpool." The attorney general said there were other points. The chief baron stated: "Every question I put to the jury I put in the language of the act of Parliament, that if it was not intended that she should be equipped, furnished, fitted out, or armed at Liverpool. I took special care of that." The Attorney General.—I think that is the point. The Lord Chief Baron.—No, you have got here that "if the vessel was not intended to be furnished." The Attorney General.—No, my lord, it is "furnished or fitted out." The Solicitor General.—Your lordship said the words were the same; that every one of the words required a warlike armament at Liverpool. That is the point. The Lord Chief Baron.—I will not bind you to what passes at the present occasion. I cannot alter the thing. I have no doubt that you have a very accurate note of what I have said. The Attorney General.—I only wish that we should have your lordship's concurrence now, while the matter is fresh in your lordship's recollection. The Lord Chief Baron.—It cannot be a question of recollection. Depend upon it, there is an accurate note taken of what I have said. The Attorney General.—Will your lordship allow me to send in a full note from the best materials we can get? The Lord Chief Baron.—Certainly. With this the Alexandra trial ended. The bill of exceptions was prepared, and the lord chief baron refused to sign it upon the ground, as he stated in the court to the present attorney general, Sir Roundel Palmer, that by the bill of exceptions he (the lord chief baron) purported to tell the jury that the Alexandra must have been armed, and if not armed there was no offence. His lordship objected to sign the exceptions, stating that from the very first moment he had raised the same objection to them, and ultimately, after a very long discussion, it was agreed that the bill of exceptions should be abandoned, and on the 5th instant the attorney general (with whom were the solicitor general and Mr. Thomas Jones) moved for a rule to show cause why there should not be a new trial on the ground of misdirect-
tion of the learned judge, and also on the ground that the verdict was against evidence. The attorney general was proceeding with a very concise and powerful argument when the court adjourned for a short time. Upon the return of their lordships into court, the lord chief baron said, that during the interval the judges had talked the matter over, and thought that what had been stated by the learned attorney general was unquestionably matter fit to be discussed; therefore, if he were content to take a rule to show cause why the verdict should not be set aside as being contrary to the evidence, or as not being warranted by the evidence, being contrary to the weight of it, and on the ground of misdirection on the part of the judge at the trial, or on the ground that, although there might have been no positive misdirection, there might have been such a want of information furnished to the jury as not to enable them fairly to discharge their duty—if the attorney general would be content to take a rule on these grounds, dividing the second into either positive misdirection or imperfect direction, he might take a rule. The attorney general said that was all he had been asking for, and a discussion then ensued as to the precise manner in which the rule ought to be drawn up. Eventually the rule stood thus: “1. That the verdict was against the evidence. 2. That the verdict was against the weight of evidence. 3. That the lord chief baron did not sufficiently explain to the jury the construction and effect of the foreign enlistment act. 4. That the learned judge did not leave to the jury the question whether the ship Alexandra was or was not intended to be employed in the service of the Confederate States, to cruise or to commit hostilities against the United States. 5. That the lord chief baron did not leave to the jury the question whether there was any attempt or endeavor to equip. 6. That the lord chief baron did not leave to the jury the question whether there was knowingly any aiding, assisting, and being concerned in the equipping. 7. That the learned judge misdirected the jury as to the construction and effect of the seventh section of the foreign enlistment act.” The solicitor general made an application to the court to have a day appointed for the hearing of the arguments on the rule, and this day was appointed.

The attorney general, the solicitor general, the Queen’s advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, now appeared to support the rule; and Sir Hugh Cairns, Q. C., Mr. Karslake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay showed cause against it.

It having been agreed that the notes of the trial should not be read, as the learned attorney general on his motion for the rule had gone so fully into the evidence and made all their lordships well acquainted with the nature of it, Sir Hugh Cairns commenced to show cause against the rule at once. Sir Hugh began by going through the various grounds upon which the rule had been granted, and said that, so far as most of them were concerned, they were definite enough; but as to Nos. 3 and 7, he would say at the outset that, as he found those grounds in the rule, he was bound to believe that they were in accordance with the practice of the court; but they at the same time exposed those who, like himself, had cast upon them the duty of showing cause against the rule—a task it was very difficult to discharge, because they informed them that after they had been heard, an argument was to be adduced to the court by the other side, of the grounds and of the nature of which the defendants’ counsel had not in any way been forewarned. They were told that their lordships were asked to conclude that the learned lord chief baron in some way which was not specified misdirected the jury, or did not direct the jury, but the grounds upon which that was to be contended for they were not told, and therefore could not meet them. He did not desire to overstate the matter at all. He admitted they had had some kind of intimation by a few sentences which had fallen from the at-
torney general in moving for the rule, but beyond those they had no definite statement as to what the argument for the crown was to be. The court would probably remember that the Alexandra was seized on the 5th of April this year in the Tawseeth dock, at Liverpool. (A printed book of the short-hand notes of the trial, which contained an appendix in which may be found the information, the plea, the British foreign enlistment act, the American foreign enlistment act, and other matter, was handed up to the bench.) Sir Hugh Cairns continued: he would call attention to the first count in the information as stated in the appendix of the book referred to. Having read the first count, as well as the plea, both of which appear above, Sir Hugh said the issue raised was, therefore, whether the ship Alexandra was, under the act of Parliament, forfeited for all or for any of the causes which were mentioned on the information. He would first ask the attention of the court, apart from the evidence in the cause or from the charge of the judge, to what, he submitted, was the proper construction of the statute; then to solicit from the court an attention to the evidence which had been given in the case for the purpose of dealing with the rule as far as it states that the verdict was against evidence; and then, in the third place, to submit the view which he took of the charge of the lord chief baron and the objections which were made against the charge. He would call attention to the seventh section of the foreign enlistment act, which contained very many words, and he was afraid it must be said of them that they had contributed, from their number, rather to darken than elucidate the meaning, and he feared he must read the section, at all events a part of it, for the purpose of making an observation upon it. Having read the whole section, Sir Hugh said that he must observe that there were upon the face of the section traces of very great want of accuracy and care in the manner in which the ideas in the section were expressed. There were two examples of that which might be mentioned, because scarcely any argument could arise upon them. Their lordships would observe that in the first line of the section, "that if any person within any part of the United Kingdom" shall do so and so, "shall equip," &c. In point of strict construction it might be said that that indicated this idea—that the person who was spoken of there was to be himself within the kingdom, though as to the act which he was to do, it might be done either in or out of the kingdom. Of course it was agreed that that was not the construction, and the information proceeded upon a different construction. The information proceeds as if the act were worded thus: "If any person shall within the United Kingdom" do so and so, putting the word "shall," as it ought to be put, before the word within. And it was so clear that so utterly free from care and caution was the section, that when you came to the second part of it, the words were properly collated, thereby condemning the improper collocation in the earlier part. The second part contained the second alternative. The words were these, "or shall within the United Kingdom or any of his Majesty's dominions, or in any settlement," &c., putting there the word "shall" in the proper place, and admitting that it was improperly placed before. Now, when the word "transport" occurs after the mention of the employment of the ship in the service of any foreign prince, then we find the words "as a transport or storeship, or with intent to cruise or commit hostilities against any prince," &c. The information assumes (and for the present purpose he would not contest the point) that the court were to read the word "transport" in connexion with the words "against any prince, state, or potentate." But could any expression be imagined so utterly careless or inaccurate as to talk of employing a ship in the service of a belligerent as a transport or storeship against another belligerent, as if a transport or storeship could be properly spoken of as a ship which would come under an expression of that sort—a
ship employed against another belligerent? Whatever be the offences which were indicated by the 7th section, they were offences purely and simply of positive law. They were not offences which in the remotest degree were mala in se, offences against morality, or offences as to which we could have any preconceived idea as to their character or extent. If that were required to be proved, it was proved to demonstration from this consideration, that offence a priori was offence against morality—an offence against those principles which in the absence of legislation would be admitted to govern the conduct of mankind. That consideration would make it necessary for him to enlarge a little the line of argument upon a statute like the one in question, and to enter into an inquiry, which he would make as succinct as the case seemed to him to demand—an inquiry into the history and policy of the legislature upon the subject. The preamble of the act states: "Whereas the enlistment or engagement of his Majesty's subjects to serve in war in foreign service without his Majesty's license, and the fitting out and equipping and arming of vessels by his Majesty's subjects, without his Majesty's license, for warlike operations in or against the dominions or territories of any foreign prince, state, potentate, or persons exercising or assuming to exercise the powers of government in or over any country, colony, province, or part of any province, or against the ship's goods or merchandise of any foreign prince, state, potentate, or persons as aforesaid, or their subjects, may be prejudicial to and tend to endanger the peace and welfare of this kingdom." We are told, said Sir Hugh, that the acts described "may be prejudicial to and tend to endanger the peace and welfare of this kingdom," and that the laws in force are not sufficiently effectual for preventing the same. What, therefore, was intended to be struck at and to be restrained was certain acts as to which it was said that they "might be prejudicial to and tend to endanger the peace and welfare of this kingdom," and that the law in force at that time did not sufficiently restrain them. The attorney general, in moving for this rule, is reported to have said, after repeating the preamble of the act, "It is plain that the object was to preserve the neutrality of this country, and to enforce it against the subjects of this country, and to enforce it against the subjects of this country in matters in which the neglect of it by those subjects, or the violation of it here by foreign belligerent governments, was thought calculated to lead to a position, as regarded foreign nations, which would endanger the peace and welfare of the kingdom. How would it endanger the peace and welfare of the kingdom? Manifasty by involving us in a war—by making us practically, so far, parties, through our subjects, to belligerent operations—if we allowed this country to be made the base of those operations, either for the enlistment of men or for the equipping of vessels of war—as to make it probable that other countries would not endure it, but resent it, and that so we might become involved in war. That is the mischief which the statute is manifestly intended to protect us against." My lord, continued the learned counsel, there is no difficulty in ascertaining, therefore, what the view of the crown is as to the main object of the act of Parliament. The attorney general says that in the case of war prevailing between two belligerents, we ourselves remaining neutral, we have certain duties as a nation to perform in an international point of view. If those duties are neglected, one or other of the belligerents may complain of that neglect. If redress is not given upon that complaint, we, the neutral nation, may be involved in war. The belligerent which considers that it has a right to complain of our conduct may make it a casus belli against us. Therefore, says the attorney general, it was that the crown came to Parliament and asked for the sanction of the legislature to a restraint put by the crown upon those acts, which, if not restrained, would be complained of by the foreign belligerent power,
and if not redressed would become the source and the origin of war against ourselves. Now, if that were so, of course that again opens up a field which we shall have to examine, and invites us to consider what was the extent and amount of international duty which one or both of the belligerent powers might call upon us to observe, and which, if not observed, might be a cause of complaint against us on the part of the belligerent power in a war in which we were neutral. Now I think that in that way we shall get, and get upon principles which the attorney general himself admits, a key to the municipal legislation upon the subject. And fortunately the rules of international law upon this point will, if I mistake not, be found extremely simple, extremely clear, and extremely sensible. There are two rules, as I understand it, of international law, as to which I may say they are established upon authority which cannot be doubted, and between which the whole of this inquiry will lie. Those are rules with regard to the conduct in war of the subjects of the neutral power. I disem-barrass the case of any question as to the duty of the neutral power itself as a government; that is a different thing. That stands upon much higher and broader principles. I speak of the duty in war of the subjects of a neutral power. The government of a neutral power, we all know, as a government, is not at liberty to perform the smallest act which would be in itself an assistance to either of the belligerents. For example, the government of a neutral power would not be at liberty to furnish a gun, to furnish a shot, or powder, or ammunition of any sort, to either of the belligerents; but with regard to the subjects of the neutral power the case is different, and the first of the two rules to which I have referred is this—subjects of a neutral power in time of war are at liberty to supply either of the belligerents, or both of them, with all articles termed contraband of war. Now I will cite an authority as to which during this controversy there will be no dispute. Mr. Chancellor Kent, in the first volume of his Commentaries, says:

"It is a general understanding, founded on true principles, that the powers at war may seize and confiscate contraband goods by any complaint on the part of neutral merchants, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation in 1796 (that is to say, it was contended against the United States) that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell at home to a belligerent purchaser, or carry themselves to the belligerent powers, contraband articles, subject to the right of seizure in transitu. This right has been explicitly declared by the judicial authorities of this country. The right of the neutral to transport and of the hostile power to seize are conflicting rights, and neither party can charge the other with a criminal act."

Then, my lords, as to what is comprehended under the term "contraband," which is here used, we find it laid down in an earlier page that they are arms and ammunition, and in a naval war, ships and materials for ships, and also horses and saddles, naval stores, and timber, and provisions, and various other matters. These are contraband articles which may thus be supplied. In addition to this, I will refer your lordships to the statement of the rule laid down by Mr. Justice Story, in an American case. He says: "There is nothing in our laws or in the law of nations (and of course it is to the latter expression I am referring) that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure, which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation." Apart from any municipal regulation, that rule, as regards international duty, is
perfectly clear. No belligerent power can complain of acts of subjects of a neutral power upon this footing. They are acts which are not in any way prohibited by any rule of international law. That is one, my lords, of the two rules of international law to which I referred. The second rule is this: the territory of a neutral power must be kept absolutely inviolate from anything which may be termed a proximate or immediate act of war, and the neutral government will have a right to complain if that inviolability so defined of the neutral territory is infringed either by the belligerent directly, or by one of its own subjects at the instigation of the belligerent. Now, the rule in this case is laid down as clearly and as succinctly as the former. Chancellor Kent says, at marginal paging 118 of the first volume:

"It is a violation of neutral territory for a belligerent ship to take her station within it in order to carry on hostile expeditions from thence, or to send her boats to capture vessels being beyond it. No use of neutral territory for the purpose of war can be permitted. This is the doctrine of the government of the United States. It was declared judicially in England in the case of the Twee Gebroeders; and though it was not understood that the prohibition extended to remote objects and uses, such as procuring provisions and other innocent articles, which the law of nations tolerated, yet it was explicitly declared that no proximate acts of war were in any manner to be allowed to originate on neutral ground; and for a ship to station herself within the neutral line, and send out her boats on hostile enterprises, was an act of hostility much too immediate to be permitted. No act of hostility is to be commenced on neutral ground. No measure is to be taken that will lead to immediate violence. The neutral is to carry himself with perfect equality between the two belligerents, giving neither the one nor the other any advantage; and if the respect due to neutral territory be violated by one party, without being promptly punished by just animadversion, it would soon provoke a similar treatment from the other party, and the neutral ground would become the theatre of war."

Now, my lords, I could not help feeling surprised in observing the note of the argument of the attorney general in moving for the rule, when he said, in an expression remarkable rather for its breadth than its accuracy, that he did not believe that it ever entered into the mind of any human being that one of the objects of the foreign enlistment act was to prevent collision between the belligerents using the neutral territory. My lords, it entered into the mind of Mr. Chancellor Kent, and it entered into the mind of Lord Stowell. The expressions they use are clear and interesting, and the case which they put (as it happens) as the consequence of a doctrine different from that which I will show is vindicated by the foreign enlistment act is this: if that doctrine were to be tolerated, you would have first one belligerent making use of the neutral territory for arming and for proceedings of a warlike character; you would have the other belligerent claiming to do the same; and in place of a peaceful and undisturbed territory, which a neutral nation has a right to expect its grounds to be, you would have the neutral territory being the theatre of collision and war. My lords, the same book upon this point refers to another matter connected with what I have read, and which still further illustrates it. At 120 of the marginal paging the author says:

"Bynkershoek makes one exception to the general inviolability of neutral territory, and supposes that if an enemy be attacked on hostile ground, or on the open sea, and flee within the jurisdiction of a neutral state, the victor may pursue him dum ferocet opus, and seize his prize within the neutral state. He rests his opinion entirely on the authority and practice of the Dutch, and admits that he has never seen the distinction taken by the publicists or in the practice of nations. It appears, however, that Casaregis and several
other foreign jurists, mentioned by Azuni, held a similar doctrine. But
D'Ahen, Valin Emerigon, Vattel, Azuni, and others, maintained the sounder
doctrine that when the flying enemy has entered neutral territory he is
placed immediately under the protection of the neutral power. The same
broad principle that would tolerate a forcible entrance upon neutral ground
or waters in pursuit of a foe would lead the pursuer into the heart of a com-
mercial port. There is no exception to the rule that every voluntary en-
trance into neutral territory with hostile purposes is absolutely unlawful.
The neutral border must not be used as a shelter for making preparations
to renew the attack, and though the neutral is not obliged to refuse a pas-
sage and safety to the pursuing party, he ought to cause him to depart as
soon as possible, and not permit him to lie by and watch his opportunity
for further contest."

In the case which was referred to, in the first passage which I read, by
Chancellor Kent, the case before Lord Stowell, of "the Two Brothers," re-
ported in the third volume of Robinson's Admiralty Cases, this question
arose: There was a capture, the legality of which came in question. The
capture was said to be illegal because the capturing ship, at the time of the
capture, was lying within neutral territory—that is to say, within three
miles of a neutral shore. The ship did not move herself, and did not, with
her guns, or otherwise, take any immediate part in the capture, but she
sent her boats outside the neutral territory from the ship, and the boats
made the capture; and it was contended that the capture was not invalid,
because the ship herself had not made it. Now, Lord Stowell was of opin-
ion that no proximate acts of war were in any manner to be allowed to
originate on neutral grounds, and he could not but think that. (The
learned counsel read at very considerable length the judgment of Lord
Stowell.) His lordship stated that, if it were necessary to prove that a di-
rect and immediate act of hostility had been committed, he should be dis-
enposed to hold that it had been sufficiently made out by the facts of the case.
The distinction taken, continued Sir Hugh Cairns, between certain things—
connected with hostility it may be—which are innocent, and other things
connected with hostilities which are matters of complaint and internation-
allaw—things termed direct and proximate acts or causes of hostility are
deemed to be a violation of international law. Those things which are re-
move and not proximate are not so, and an instance is given by Sir William
Scott even with regard to a ship admitted to be a ship which intends to
commit hostilities at some future period, viz: that the obtaining provisions
and supplies of an innocent character, and not of a warlike character, is an
act which is remote—it may be a cause of war, it may be connected with
war, but it is remote and not proximate, and the neutral nation cannot com-
plain of any infringement of territory if an act of that kind alone is com-
mittied upon it. Now, I will ask, what should be the conclusion we should
naturally draw from the two rules I have mentioned as to the course which
municipal legislation might be expected to take? The law of nations de-
finesthe line outside the dominions of a state—I mean outside the land up to
which municipal jurisdiction extends, and beyond which it ceases. We find
that, according to the rules of international law, it is allowable to a
neutral state, and to the subjects of it, to carry and deliver outside it any
of those articles which are called contraband of war—guns, ammunition,
ships, or any other article. International law also holds that you might
carry guns, &c., from the neutral state, and deliver into a ship outside the
boundary line, subject to the right of capture; but, on the other hand, the
same law says you must not originate, on the neutral territory, any prox-
imate act of war; you must not issue out of the neutral territory with a ship
which shall be prepared to commit hostilities. I say it is beyond all doubt
clear, according to international law, that you might bring a ship outside the limit of neutral territory and hold it there or anchor, and fit and load another ship with guns or ammunition, and then carry that ship outside of the limit, and then transfer the guns and ammunition which you had so put on board, just as you would do in a foreign port. You would not be allowed to go inside a neutral territory and arm and prepare for hostilities, in a way calculated to commit hostilities, a ship which might sally out of the neutral territory, go beyond the limit, and, without any intervening space occurring in which it might be captured by the belligerent power, commence hostilities with a ship so armed. This would be a sort of outrage, and considered as an absence of neutrality. I should say, a priori, that what we should expect to be the course of municipal legislation upon the subject would be some legislation which would guard against such a case, and which, by way of restraint upon the subjects of the neutral power, would prevent its subjects from doing that of which the belligerent might complain. Now, we will see if that is the course of municipal legislation upon the subject. The first definite municipal act of the legislature was one passed by the Congress of the United States in the year 1794. There are various reasons why, if there be any question or doubt upon the construction of our own act of Parliament, we may fairly look to the history of the American legislation upon the subject. One reason would be, that to a very great extent, in the words of the statute, it is found that our own act follows the American act of Congress. Another reason would be, that we know as a matter of history that it is distinctly affirmed that the object of the legislation in this country was to follow, and to follow as closely as might be, the course of the American legislation. My lords, I find that, with reference to the English act of Parliament, the minister of the day by whom it was introduced (Mr. Canning) said this:

“If I wished for a guide in the system of neutrality, I should take that laid down by America in the days of the presidency of Washington and the secretariatship of Jefferson. In 1793 complaints were made to the American government that French ships were allowed to fit out and arm in American ports for the purpose of attacking British ships, in direct opposition to the laws of neutrality. Immediately upon this representation the American government held that such a fitting out was contrary to the laws of neutrality, and orders were issued prohibiting the arming of any French vessels in American ports. At New York a French vessel fitting out was seized, delivered over to the tribunals, and condemned. Upon that occasion the government held that such fitting out of French ships in American ports for the purpose of cruising against English vessels was incompatible with the sovereignty of the United States, and tended to interrupt the peace and good understanding which subsisted between that country and Great Britain.”

Now, my lords, Mr. Canning referred to certain rules which were issued by the American government just immediately before the act of Congress was passed, rules which are referred to by international writers as being the true exposition of international law. Mr. Canning refers to those rules, and says that if he wished for a guide in the system of neutrality he would take those rules so laid down, and he says that it was upon the principle of those rules that the English bill, as a matter of history in his view, was enacted. The American act of Congress passed in 1794. The occurrences which led to its being passed took place in the year 1793. The French republic was constituted early in the latter year, and the first act almost it did was to send a minister to the United States named Genet, and he instituted the equipment of privateers in American ports to cruise against and capture English vessels, the republic of France having declared war against
England at that time. America was at peace with the whole world, and naturally wished to reap the advantage which a commercial country expects to reap from a state of neutrality in the midst of war. America tried to see how far the acts of Genet could be put a stop to on principles of international law; if they could be put a stop to on those principles, to ascertain how far municipal law should be called in aid and constituted for the purpose. My lords, there are two or three references to matters of history which will bring us conveniently to the consideration of the American act of Congress. In the correspondence of one of the American ministers of the day, Jefferson, a book which is entitled Jefferson's Memoirs and Correspondence, in the third volume, page 242, Mr. Jefferson, writing to Genet, refers to the subject in this way. He says:

"In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the Citizen Genet, had come into this port with a prize (that is, into the port of Philadelphia;) that the President had thereupon taken the case into further consideration, and after mature consultation and deliberation was of opinion that the arming and equipping vessels in the ports of the United States to cruise against nations with whom they were at peace was incompatible with the territorial sovereignty of the United States, and that it made them instrumental to the annoyance of those nations, and thereby tended to compromise their peace, and that he thought it necessary, as an evidence of good faith to them as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States."

We have given as much as we could, under the circumstances, of the learned counsel's arguments, which had not concluded when the court adjourned.

In order to give some of the references made by Sir Hugh Cairns to American works, &c., we have had occasion to refer to a very lucid and excellent little work on the policy and interpretation of the foreign enlistment act by Frederick Waymouth Gibbs, C. B., which has just been published by Mr. Ridge, of 169 Piccadilly. As all the public libraries close at 4 o'clock, and are made thereby useless to those who are obliged to work each day after the rising of the law courts, we deem it only fair thus to acknowledge the source from which in this instance we have derived much useful and valuable information.

Court of Exchequer, November 18.

Sir Hugh Cairns resumed his argument this morning, and we continue our report of it from where we left off last evening.

The attorney general, the solicitor general, the Queen’s advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, appeared for the crown; and Sir Hugh Cairns, Q. C., Mr. Karslake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay for the defendants.

Sir Hugh Cairns said: We have a letter from Washington to Mr. Hamilton, his minister, which clearly shows what was working in Washington's mind, and led afterwards to the rules which his secretary framed. It is printed in Sparkes's collection of the writings of Washington, and runs thus:

"DEAR SIR: As I perceive there has been some misconception respecting the building of vessels in our ports, which vessels may be converted into armed ones, and as I understand from the attorney general that there is to be a meeting to-day or to-morrow of the gentlemen on another occasion, I wish to have that part of your circular letter which respects this matter reconsidered by them before it goes out. I am not disposed to adopt any
measure which may check ship-building in this country, nor am I satisfied that we should too promptly adopt measures in the first instance that are not indispensably necessary. To take fair and supportable ground I conceive to be our best policy, and it is all that can be required of us by the powers at war, leaving the rest to be managed according to circumstances and the advantages to be derived from them."

Before any act was done by Congress the circular letter referred to in this letter was settled and sent out. That circular contains certain rules, which contain, as I will show you, the true exposition of international law. In the collection of American State Papers, vol. i, p. 45, in the following letter, we have the circular letter as finally settled. Now, what the letter says to the collector of customs is this:

"No armed vessel which has been or shall be originally fitted out in any part of the United States by either of the parties at war is henceforth to have asylum in any district of the United States. If any such armed vessel shall appear within your district she is immediately to be notified to the governor and attorney of the district, which is also to be done with respect to any prize that such armed vessel may send or bring in. The purchasing in and exporting from the United States by way of merchandise any articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. If our citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize."

The rules ran:

1. The original arming and equipping of vessels in the ports of the United States by any of the belligerent parties for military service, offensive or defensive, is deemed unlawful. 2. Equipments of merchant vessels by either of the belligerent parties in the ports of the United States, purely for the accommodation of them as such, is deemed lawful. 3. Equipments in the ports of the United States of vessels-of-war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the seventeenth article of our treaty of amity and commerce with France. 4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise or war, whether with or without commissions, which are doubtful in their nature, as being applicable either to commerce or war, are deemed lawful, except those which shall have made prize, &c. 5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable to commerce or war, are deemed lawful. 6. Equipments of every kind, in the ports of the United States, of privateers of the powers at war with France, are deemed unlawful. 7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful, except those stranded or wrecked, as mentioned in the eighteenth article of our treaty with France, the sixteenth of our treaty with the United Netherlands, the eighteenth of our treaty with Prussia. 8. Vessels of either of the parties not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist their own subjects or citizens, not being inhabitants of the United States, except privateers of the powers at war with France, and except those vessels which shall have made prizes, &c."

The result, therefore, of the whole is this: That laying down what was
then conceived to be the rule of international law in the case, these provisions were made complying with a treaty which America had with one of the powers, and providing for a test to be applied in every case whether you were dealing with a ship clearly a vessel-of-war or to a vessel which you did not know was meant for war or for commerce, and as to which there might be a dispute. Congress met at the close of the year 1798, and the enlistment act was passed. The third section, which agrees to a certain extent with our seventh section, stands thus: "If any person shall within the limits of the United States," and there I pause to observe that I think our American brethren write better English in this respect than we did, they put in the "shall" in its proper place; whereas, per tæcúrium, in our own act it has slipped out of the place where it ought to be found:

"If any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than $10,000, and imprisoned not more than three years."

It is a singular thing that the words in the first part of this clause are conjunctive, "fit out and arm," or attempt to fit out and arm, or procure to be fitted out and armed; whereas when we come to the question of being concerned in the furnishing, it is the "furnishing, fitting out, or arming of any ship or vessel." That has been a subject of controversy in America, and I will show your lordships at a proper time what has been decided upon it. Another thing is very singular, that when we come to the word "concerned," another term is introduced, which is not found in the earlier part of the sentence, viz: "furnishing." The construction is, that you shall not within the United States fit out a ship as a ship-of-war, to be employed by one belligerent against another. That exactly tallies with the rules laid down by Washington, and adopted by writers upon international law. I will now ask you to go to the fourth section:

"That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming any private ship or vessel-of-war or privateer, with intent that such ship or vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property, or shall take the command of or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person so offending shall be deemed guilty of a high misdemeanor"—

that is, to commit hostilities upon citizens of the United States, which is a wholly different matter. This section was not in the first act, but was introduced into the act of 1818. The fifth section seems to me, with reference to our investigation of what is the principal offence, of very great importance. It runs thus:

"If any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting the force of any ship-of-war, cruiser, or other armed vessel, which at any time of her arrival
within the United States was a ship-of-war, or cruiser, or armed vessel in
the service of any prince or state, or of any colony, district, or people, or
belonging to the subjects or citizens of any such prince or state, colony,
district, or people, the same being at war with any foreign prince or state,
or of any colony, district, or people with whom the United States are at
peace, by adding to (augmenting, that is to say) the number of the guns of
such vessel, or by changing those on board of her for guns of a larger cali-
bre, or by the addition thereto of any equipment solely applicable to war,
every person so offending shall be deemed guilty of a high misdemeanor,
shall be fined not more than $1,000, and be imprisoned not more than one
year:"

This throws a flood of light upon the whole legislation, and how it agrees
with the rules preceding it. Here you are dealing with a case of a ship as
to the destination and object of which there is no possible doubt. Is it law-
ful to equip her? Nothing of the kind. Is it lawful to augment her armed
force by adding to the guns, by changing them for larger or other guns?
But if there be any equipment, (and we all know there is abundance of
equipment not applicable solely for warlike purposes,) she is at liberty to
have that equipment; she may come in and get it and sail away; in other
words, the very thing prescribed in the rule by Washington is to be attend-
ed to. Sir Hugh, after making some comments on the 1st section of the
American act, passed to the 11th section:

"That the collectors of customs be and they are hereby respectively
authorized and required to detain any vessel manifestly built for warlike
purposes."

This is a new class of vessel; this is not an armed vessel. They cannot
detain, generally, any vessel "manifestly built for warlike purposes," but
any vessel "manifestly built for warlike purposes," of which the cargo shall
principally consist of arms and munitions of war, when the number of men
shipped on board, or other circumstances, shall render it probable that such
vessel is intended to be employed by the owner or owners to cruise or com-
mit hostilities upon the subjects, citizens, or property of any foreign prince
or state, or of any colony, district, or people with whom the United States
are at peace, until the decision of the President be had thereon, or until a
bond be given."

No amount of suspicion will justify the collector of customs in a case of
that sort. The act merely intends to provide for the case where you are
equipping within the ports of America a ship as a vessel-of-war, meaning
by that, equipping her with things that are essential and distinguishing
characteristics of a vessel-of-war. Now, having troubled your lordships
with the words of the American act, I would refer you to those American
authorities, so far as we have them upon the construction of this act of
Congress, and the first in point of time is in Bee's American Admiralty
Reports, page 76. Bee was not the reporter, but an admiralty judge of con-
siderable reputation. The case is "Moodie vs. The ship Brothers." The ques-
tion arose in this way: A privateer had taken a prize; she was brought in
for adjudication, and Mr. Moodie, who was the English consul, and in whose
name all the proceedings during the beginning of the war were taken,
objected to the condemnation upon the ground that the privateer had been
fitted out in a port of the United States, in contravention of the American
act of Congress, which would have made the capture illegal, if it could
have been proved:

"The prize, upon the arrival in this port, was, with the cargo, libelled by
the British consul, Mr. Moodie, who, among other causes, alleges that the
privateer" (the whole of this report is the judgment of the court) "was
originally fitted out in the port of Charleston, or augmented in her warlike
force, contrary to the act of Congress and law of neutrality of nations; he therefore claims restitution of the captured vessel. The claimants cannot deny that the privateer was originally fitted, armed, or manned within any of the ports of the United States, or that she received therein any augmentation or addition solely applicable to purposes of war. They produce a copy of her commission from Leveaux, and plead the 17th article of the treaty with France in bar to the interference of this court in this cause. Several exhibits have been filed to show that the captured vessel and cargo are British property, and one exhibit shows that the privateer was formerly an armed vessel in the service of the King of Spain, and then mounted 18 guns; that she was captured by the Montagne, French privateer, and brought as prize into this port, whence she afterwards departed with fewer guns than she had on her coming in.” It was agreed between the parties that certain evidence should be taken. The judge continues: “I have already, by my decree in the case of the Courier, declared my opinion of this privateer, but have reconsidered the evidence with great care of Messrs. Wallace, Libby, Williams, Carpenter, and Weyman, and the collector, and they all agree that she was a complete privateer when she first arrived there; she had then 14 guns on her main-deck, two horns forward, and swivels on her quarter-deck. They also agree that she received no augmentation of force here; she had been much injured in her engagement with La Montagne, and was compelled to take off her quarter-deck. She went to sea, returned dismasted, and took a new mast, (that was in an American port,) but none of the witnesses saw any additional equipments. Ingram, who worked on her, says she had her quarter-deck taken down, her waist repaired, and two ports cut therein; that she was an armed vessel when she arrived, and was repaired as a privateer. The question, then, is wholly as to the cutting of two new ports when her waist was repaired. This arises out of Ingram’s testimony, which is at variance with that of Williams, Libby, and Carpenter, and positively contradicted by the oath of the claimants, who swear that the repairs she received in this port were necessary to her safety of sailing, but not at all applicable to war.” The learned judge, convinced that that was the issue to be decided upon the evidence, whether the repairs or equipments she had received were at all applicable to war, continued: “They say she actually went to sea with fewer guns than she had when she arrived as a prize. Admitting, then, for the sake of reconciling Ingram’s testimony with that of the other witnesses, and with this oath of the claimants, that two of her ports in the waist were altered, this will not amount to any additional equipments, nor can it be considered as a breach of neutrality. If a prosecution had been instituted under the act of the 5th of June, no forfeiture could have been adjudged for so trifling an alteration. Upon the whole, I retain my opinion, and that upon mature deliberation. I therefore admit the relevancy of the plea in bar.”

Of course it is not for me to consider whether the learned judge was right or wrong in his conclusions upon the facts. He had to determine whether the equipments put on board in an American port were solely applicable to war, and he thought they were not. That was the construction he put upon the act, and dealt with the case accordingly. I ought to have called your lordship’s attention, before I commenced the American cases, to a reference to the authority upon international law, showing that the rules laid down by the Washington government and the American act of Congress were declaratory of and in accordance with the antecedent rules of international law. Mr. Chancellor Kent, vol. I, marginal paging 122, says:

“The government of the United States was warranted by the law and practice of nations in the declarations made in 1793 of the rules of neutrality, which were particularly recognized as necessary to be observed by
the belligerent powers in their intercourse with this country. These rules were, that the original arming or equipping of vessels in our ports by any of the powers at war for military service was unlawful, and no such vessel was entitled to an asylum in our ports. The equipment by them of government vessels-of-war, in matters which, if done to other vessels, would be equally applicable to commerce or war, was lawful. The equipment by them of vessels fitted for merchandise and war and applicable to either was lawful, but if it were of a nature solely applicable to war it was unlawful. And if the armed vessel of one nation should depart from our jurisdiction, no armed vessel, being within the same and belonging to an adverse belligerent power, should depart until twenty-four hours after the former without being deemed to have violated the law of nations.

This is an authority which will connect us with the whole chain I have given, first the declaration and then the act of Congress, showing that the declaration and the act of Congress were simply an affirmanance of the rule of international law. Having turned aside for a moment, I now return to the next case upon this act in the American authorities. There was a trial for a misdemeanor under this act in the year 1795, reported in Wharton's American State Trials, page 93. The questions were, whether there was an equipment within the terms of the act of Congress within the American jurisdiction; and the other was, whether there was an intent on the part of Quinet, the prisoner, to join in using the ship as a privateer. The indictment was that he was concerned in furnishing, fitting out, and arming a certain vessel or ship called Les Jumeaux, lying at the port of Philadelphia. The evidence went to show that the vessel had four iron guns, with carriages; her whole appearance changed from what she had been—twenty ports open, and a crew of between thirty and forty on board. Quinet was convicted. The attorney for the states contended that, being converted from a merchant vessel carrying a few guns for self-defence into a privateer armed for hostilities, it was clearly an original outfit within the meaning of the law. Mr. Justice Paterson, in summing up, after going into the evidence, said:

"If the equipments were not to be used for merchandise, the inference was inevitable that they were to be used for war. No man would proclaim from the house top that he intended to fit out a privateer; the intention must be collected from all the circumstances of the transaction, which the jury will investigate, and on which they must decide. But if they are of opinion that it was intended to convert this vessel from a merchant ship into a cruiser, any man who was knowingly concerned in so doing is guilty in the contemplation of the law."

The warlike equipments are superadded at last, and at last the judge and all the counsel agreed to take the case as turning on that, using the words of the judge, whether there had been a conversion of the ship into a ship-of-war by virtue of those equipments. Here is a case in which, if the argument suggested on the other side were to prevail, the court and all the counsel were occupying themselves in the most unnecessary and superfluous way it is possible to imagine. If it be right that if you equip in any way within the dominions a ship as to which there is an intent at some time to convert her into a vessel-of-war, you commit an offence, what on earth was the use of the elaborate evidence produced in the case, and the consideration the judge gave to it to show that the equipment was of a warlike nature? because that is the point to which all parties addressed themselves to consider. There is one more American case which I would refer to, viz: the case of "The United States vs. Quincy." (The facts of this case are very long, and we shall only give a mere epitome of them.) Quincy was charged with being knowingly concerned in the fitting out of a vessel called the Bolivar, with the intent that she should be employed in the service of
a foreign people, &c., in hostilities, and the allegation was that he was knowingly concerned in the fitting out of this vessel. The Bolivar was originally a pilot boat, and after alterations sailed from Baltimore, having on board provisions, 32 water casks, one gun-carriage and slide, a box of muskets, and 13 kegs of powder. The master, Paterson, and the owners, Valette, had given a bond not to commit hostilities. For Quincy it was argued that, because the American act, when speaking of the principal offence, defined it to be to equip and arm, &c., the secondary offence of being concerned in, &c., could not be committed unless the prosecution could show that he was concerned in fitting out and arming. Both must combine. After the case had been argued and carefully considered, the court held that it was not necessary that the jury should believe or find that the Bolivar, when she left Baltimore and during her voyage to St. Thomas, was armed, or in a condition to commit hostilities, in order to find the defendant guilty of the offence charged in the indictment. Sir Hugh Cairns came now to the consideration of the English foreign enlistment act. Not, as he said, for the purpose of altering the legitimate construction of the act, but, for the purpose of putting the court into possession of the circumstances as a matter of history, under which it was passed, and for the purpose of showing its compliance with the rules of international law, he would shortly refer them to what those circumstances were under which the act was passed. Sir Hugh went on to say: My lords, they may be very briefly stated from Sir Archibald Alison’s history. In the 1st volume of his second History of Europe, section 95, he refers to the very great popular excitement in the year in which this act was passed, and the circumstance of the Spanish colonies having revolted from the mother country, and states that, from the strong sympathy felt in this country with the revolted colonies, both naval and military equipments were being prepared to assist them. A British adventurer, who assumed the title of Sir M’Gregor M’Gregor, collected a considerable expedition in the harbors of this country, with which, in British vessels and under the British flag, he took possession of Porto Bello, South America, then in undisturbed possession of a Spanish force, a country at peace with England. This aggression led to remonstrances by the Spanish government, and in consequence the government brought in a foreign enlistment bill, which led to violent debates in both houses of Parliament. Alison goes on to show to what extent this matter had gone in Ireland, referring to debates in Parliament, and the doctrines laid down by Martens, the international writer, which Lord Lansdowne had referred to. Having read the extract from Alison, Sir Hugh said: The same state of things is described by Mr. Canning himself in these words:

“What would be the result if the House of Commons refused to arm government with the means of maintaining neutrality? Government would then possess no other power than that which they exerted two years ago, and exerted in vain. The House would do well to reflect seriously on this before they placed government in so helpless a situation. Did the honorable and learned gentleman really think it would be a wholesome state of things that troops for foreign service should be parading about the streets of the metropolis without any power on the part of the government to interfere to prevent it? At that very moment such was the case in some parts of the empire, and he had little doubt that in a very short time the practice would be extended to London.”

And in another part of the same speech he says:

“It was extremely important for the preservation of neutrality that the subjects of this country should be prevented from fitting out any equipments, not only in the ports of Great Britain and Ireland, but also in the other ports of the British dominions to be employed in foreign service. The
principle in this case was the same as in the other, because by fitting out armed vessels, or by supplying the vessels of other countries with warlike stores, as effectual assistance might be rendered to a foreign power as by enlistment in their service. In this second provision of the bill two objects were intended to be embraced—to prevent the fitting out of armed vessels, and also to prevent the fitting out or supplying other ships with warlike stores in any of his Majesty's ports. Not that such vessels might not receive provisions in any port in the British dominions, but the object of the enactment was to prevent them from shipping warlike stores, such as guns and other things, obviously and manifestly intended for no other purpose than war."

That was the evil they had to guard against—a state of things in which you had the enlistment and the parading through the streets of men in military assemblage, and the supplying of ships with equipments which are of a warlike character, guns, and matters ejusdem generis, with which the ship would be more or less able to commit hostilities the moment it left the neutral country. Sir Hugh Cairns then read through the preamble of the act, making such observations as he thought necessary upon it, and went through all the sections, one by one, of the act itself. When upon the seventh section, (the section on which the information is founded,) Sir Hugh said he would remind the court of what he had before stated upon this section, and of the circumstance that the whole was prefaced by the words, "without the leave and license of his Majesty," showed that there was nothing in this which could be said a priori to involve any offence in the nature of malum in se, or an offence as regards the existence of which you could have any preconceived or preformed opinion. We have seen from our own shores an expedition go out fitted out in the most formal way, as ships-of-war, commanded by officers, some of whom were in her Majesty's service, to China, where the Chinese government are belligerents against a portion of the Chinese empire. The whole was done by leave of the crown, given in an order of council for the purpose. It is, therefore, one of those things in which the crown may throw open the whole of that, whatever it may be, which is covered by the seventh section, if it so thinks fit. There is, therefore, no moral offence, no malum in se which is struck at by the section. The next point is the principle of the entire offence which is defined by this section. Is there any prohibition against building a ship as distinguished from equipping, fitting out, furnishing, or arming? Now, I say that the most cursory inspection of the word would lead us to conclude that there is assumed throughout this section that, before you come to ascertain whether the offence is or is not committed, there is a ship or vessel in existence—there is a ship spoken of which is to be equipped, &c. The natural construction of those terms would be that the ship was in existence as a ship, and that something was to be superadded to the ship, which has occurred here, whatever it may be, equipping, fitting out, or arming. The forfeiture clause makes it still more clear. It says: "And every such ship or vessel, with the tackle, apparel, &c., which may belong to or be on board of any such vessel, shall be forfeited." And towards the end of the clause it says, "And that every such ship or vessel, with the tackle, &c., together with all the materials, &c., on board such ship, may be prosecuted and condemned in the like manner and in such costs as ships or vessels may be prosecuted for a breach of the excise laws." Therefore, your lordships, observe that when you come to the end there is a distinction made between the two things spoken of, viz., the ship or vessel itself and the furniture, &c., connected with the vessel. In addition to that, in the part of the section which speaks of the issuing or delivering of a commission, these words occur: "For any ship or vessel, to the intent that such ship or vessel shall
be employed as aforesaid.” Again, speaking of the existence of the ship or vessel as a thing independent of any equipment or outfit which may be placed upon it, I may say, my lords, as to that, that if the argument is maintained on the other side, which I have seen maintained out of doors, namely, that the moment you find any part of the structure of a vessel to be a part which is suitable for a vessel-of-war, and not for a vessel of commerce, that ship is struck at, and comes within the ambit of this act of Parliament. If that argument is maintained, it must go to this length: that if it were the case, as very probably it is, that in laying down the keel of a ship the keel may be laid down of a kind more or less fitted for a ship-of-war, according as you do or do not intend to employ the vessel as a ship-of-war; if the keel be laid down with the intent that she shall be used as a ship-of-war, then that is an offence committed within the act, that it is a misdemeanor, and that there is a forfeiture, not of the ship, for there is no ship to be forfeited, but a forfeiture of the keel so laid down. That would be absurd. I really do not know that the argument requires any graver consideration; I would be absurd to say that where the act speaks of a ship or vessel being forfeited with her equipments, that is satisfied and met by the mere laying down of the keel, which in no sense can be called a ship, much less any part of the equipment of a ship. If I carry your lordships with me in that observation, and if you ultimately are of opinion, as I think you will be, that it is impossible to contend that building, as distinguished from equipment and furniture, is struck at here, you will observe that there are other matters here connected with ships which are not in any way mentioned or restrained; for example, there is nothing here which restrains the hiring of a ship, or the hiring of room in a ship, for the purpose of carrying out warlike stores, to be delivered either to the ship abroad or to a port abroad; there is not a word which would indicate that that was to be an offence in any shape or form. Again, then, my lords, another observation occurs to me, which is this: if building is not struck at by this act of Parliament, it follows upon every sound principle of reasoning that when you come to deal with words such as “equipping, furnishing, fitting out, or arming,” you must take them to be words diversi generis, as meaning something of a different kind, something not ejusdem generis with building. You cannot upon any sound principle of reasoning assign so capacious and so unmeaning an object to an act of Parliament as to conceive that it does not strike at the building of the hull of a ship, but that it does strike at something which is just of the same kind and character and nature as the mere building of the hull, and which is not connected in any way with hostile or warlike ship-building. But if you adopt the argument that those words “equip, furnish, fit out, and arm” are all ejusdem generis among themselves, so that the character of the last will give a complexion to the whole of the four, then you at once get at an intelligible object and an intelligible meaning on the part of the legislature—namely, that it did not mean to prohibit mere building; that it did not mean to prohibit anything which was of the character of building, and as harmless as building is allowed to be, but that it did strike at something of a wholly different character, something that would turn the ship into a ship of a distinctively warlike character, and give it those attributes and powers which a ship fitted out for war would have. Now, my lords, I am still not approaching the words “attempt or endeavor,” or “procure,” or “be concerned in,” but I am still endeavoring to find out what is the complete offence, if I may use the expression, which is struck at by this section; and the result of my arguments as I have put them before your lordships, abandoning for a moment the verbiage of the act of Parliament, which really cumber us, and abandoning also for a moment any question of attempt or endeavor, and pointing merely to the principal offence itself, I submit that
the construction of the sentence, putting it in very short terms, is this—it is a prohibition to this effect: no person within her Majesty's dominions shall equip a ship as a ship-of-war with a view to its being used by one belligerent against another. The ingredients in the offence therefore are two-fold: first, it must be committed within her Majesty's dominions; second, there must be an equipment as a ship-of-war, by which I understand an equipment of a warlike character. Your lordships will observe that I am carefully avoiding putting the case as high as it might be put in argument. I might say it must be an equipment which will enable the ship to cruise and commit hostilities—that is, going further, then warlike equipment would not be sufficient. The learned counsel then observed on the eighth section, and made some general remarks upon the information itself. He said "he would deal with the minor words." They are, in the first place, to attempt or endeavor to equip; secondly, to procure to be equipped; and, thirdly, knowingly aid or assist or be concerned in equipping. Now, at this branch of the argument, I am entitled to assume that the view I have submitted of the principal offence is the correct one; otherwise, of course, it would not be necessary to go into the minor ones; but I will assume now, that the principal offence is an offence so constituted, that is, an equipping within her Majesty's dominions in a distinctively warlike manner a ship to be used by one belligerent to cruise and commit hostilities against the other. Now let me take, first, "an attempt or endeavor to do that." What does that mean? Does it mean an attempt or endeavor to do that out of the jurisdiction? It must, of course, be an attempt or endeavor to do the act, which, if it had gone on to its consummation, would be the offence described in the earlier words of the section. If the offence described in the earlier words of the section be to equip in a distinctively warlike manner within the jurisdiction a ship or vessel to be so used, the attempt or endeavor must be shown to be to equip in that distinctively warlike manner within the jurisdiction that ship or vessel so to be used. Now, I will show your lordships, when we come to the evidence in this case, that it never was once suggested that, beyond that which was actually done upon the ship Alexandra at the time of seizure, there was a grain of evidence going to show that anything of a different character, anything divers generis, was to be done to the ship, before she left the jurisdiction; and I say that advisedly, bearing in mind that there was an attempt made, with which I shall qualify my statement, to show something about guns to be put on board, which was given up by the attorney general at the trial, but which I will deal with, as the attorney general has now renewed the charge. But putting that out of the case, I say it carries not the case the least further. If you rely on an attempt or endeavor, you must show that the attempt or endeavor was to do that particular act which, if the attempt or endeavor had not failed or been interrupted, would have been the offence intended by the act of Parliament. The lord chief baron: I think there cannot be a doubt that the first thing is this: before you talk about attempting, endeavoring, aiding, or procuring, or anything of that sort, you must first see what is the offence created by the act of Parliament; what is the act that is not to be done. Then, when you have ascertained what that is, there can be no doubt that to aid or abet in that, to procure that, to assist in that, and so on, is a minor offence against the same statute, but it does not create a new and different one; and I own, I think there was a great deal of mistake on that point, and much confusion has arisen from the act itself and the attempt to do it being put into different categories. I called your attention very early to-day to that distinction. Let us know what we are to understand as the act forbidden, because to assist, to aid, procure, or order, and so on, any other matter than that which is forbidden, is no offence at all; and therefore
it was that I put the question to the jury, "Do you believe that this vessel was intended, before it left Liverpool or any other port of her Majesty's dominions, to be in such and such a condition, either equipped or armed," because if that was not intended then all the assistance and doing is nothing. It was admitted the vessel was not completed. If it was not intended to put the vessel into a condition so as to complete the offence against which the act is made, all the attempts are of no importance. Sir Hugh Cairns: I should beg leave to illustrate it in this way, to meet what I understand to be the argument of the crown, intimated in the words I have read: Suppose the case of a ship clearly and admittedly unequipped, unfitted, and unarmed, but built within this country. Lord chief baron: Allow me to say that there is an omission in a part of my summing up which seems to have led to some mistake. I think the late attorney general very much misunderstood it, but everybody who read it with the smallest portion of candor must, I think, perceive that the word "if" has been left out. I am made to say this: "Because, gentlemen, I must say, it seems to me that the Alabama sailed away from Liverpool without any arms at all, merely a ship in ballast, unfurnished, unequipped, unprepared, and her arms were put in at Terceira, not a port in her Majesty's dominions. The foreign enlistment act is no more violated by that than by any other indifferent matter that might happen about a boat of any kind whatever." All that was prefixed by the word "if." Sir Hugh Cairns: Yes; it was one sentence prefixed by the word "if." Lord chief baron: I must say it seems to me that "if the Alabama" is how it should be read, and I think that no person reading it with any candor would suppose that I had taken on myself to say that the Alabama did all that, because I knew nothing about it; there was no evidence about it. The attorney general: We all understood your lordship so. Lord chief baron: It is very obvious what I mean. The attorney general: It is merely a clerical error. Sir Hugh Cairns: It is correct in one of the copies. Lord chief baron: If I had known that it had appeared in either copy, I certainly would not have said a word about it, for the accuracy of the report is really highly praiseworthy. Sir Hugh Cairns: Your lordship will find it at page 245 of the smaller copy. The attorney general: Your lordship will remember that I read from the smaller copy when I moved for the rule. Sir Hugh Cairns: You will see, my lord, it is not only that you said "if," but you said, "if it were true that." Lord chief baron: Yes.

We are now compelled to pass over the next part of the argument, owing to the very great length to which the learned counsel's argument has gone.

The question (continued Sir Hugh) I was arguing last evening was whether, supposing you could show in point of evidence that, there being in this country a ship wholly unarmed and wholly unequipped, it could be proved there was a certain equipment and armament made ready for her set apart in some store; and supposing that you had conclusive and distinct evidence that there was no intention to put that equipment or armament on board in this country, but the intention throughout was to do so without the dominions, would that be an equipment or a furnishing or a fitting out within the act of Parliament? Test it thus: Suppose an indictment were framed under such circumstances under this act, and with reference to the arming of this ship; of course it would charge that the person indicted did, within her Majesty's dominions, arm a ship or vessel of such a name with the intent mentioned in the act. How would that be supported? By a proof of this kind—not that there was any armament put on board, but there was a store in these dominions in which had been prepared an armament for the ship, but the evidence showing at the same time a clear intention to put it on board without the dominions. The answer would be that the was not an arming of the ship. You have failed in the allegation that you have
made. If that be so with regard to armament, it would be so with regard to equipment, &c. Try it thus: I allege that if a man furnished a house, is that allegation proved in point of fact if I show that he has not and never had a particle of furniture in it, but that a person went out and ordered furniture to be made, and had it prepared and put into a repository with a view to furnish the house at some future time and under different circumstances? You will see how far the argument I am combating will have to go, because, if the argument were a sound one, it would be equally an offence within the act of Parliament to show that there had been, within her Majesty's dominions, an armament or an equipment prepared for a ship which was never within her Majesty's dominions at all; it would be equally true to aver that A B armed or equipped, or furnished, or fitted out a ship.

The lord chief baron. Or attempted to do so.

Sir Hugh Cairns. Or attempted to do so—that is to say, if you could show that the ship being without the dominions, and never having been within them, or attempted to be brought within them, A B had prepared or attempted to prepare a certain armament or equipment with the view to be carried out of the dominions and put on board that ship. Your lordships will remember that with regard to the Alexandra there was no evidence whatever over and above what was actually done upon the ship. There was no armament, equipment, or any furniture or fitting out which could make that act an addition to what appeared upon the ship herself. Persons who take strong views say that it is a thing not to be tolerated, that the ports of this country should be turned into arsenals or used as arsenals for one of the belligerent powers. Now, if that is properly understood, I have not the slightest objection to the expression, if it means that they are not to be used to put on board a warlike equipment; but if it is intended to designate anything more than that, I entirely object to it, because there is not the slightest doubt that, according to the popular meaning of those words, the law, whether right or wrong, is so—viz: that you may turn our ports into arsenals for one of the belligerent powers. There is nothing, that I am aware of, to prevent one of the belligerent powers creating a manufactory of arms in one of our ports, for the convenience of shipment afterwards, or establishing a manufactory of arms at a seaport of this country, such as the government have at Woolwich, and make guns and small arms, and sending them away by ships, subject of course to the liability of being captured as contraband goods. Unfortunately, having gone through the observations which I had to make upon the construction of our English act, I am not able to supply your lordships with any judicial authority upon the subject of the construction of the act in this country. The fact is, as has been stated, I believe, on both sides of this case, and I believe it is accurate, so far as we know, that there never has been an instance in this country where any judicial construction has been put upon this act of Parliament.

The lord chief baron. My brother Martin intimated to us that he recollected perfectly well a case tried before Mr. Justice Coltman.

Sir Hugh Cairns. That was the case of a Sicilian ship—Granelli's case.

The attorney general. We have a note of the summing up in that case. I cannot say much about its authenticity, for it does not come from a source the courts are in the habit of looking at; but if it be accurate, it seems to have been ruled by the learned judge on that occasion.

Mr. Locke. I have it from The Times newspaper, my lord.

Mr. Baron Channel. Lord Chelmsford was the attorney general of the day; I think he was in the case.

Mr. Locke. There is a full report of that case in The Times newspaper of the 6th of July, 1849. I do not know whether your lordships will pay attention to a report of that kind, but it seems very accurately done, and there is the summing up of Mr. Justice Coltman. I should also tell your lordships...
that Mr. Justice Maule was on the bench at the Central Criminal Court along
with Mr. Justice Coltman upon that occasion, and there is one very important
observation.

The lord chief baron. As far as my experience goes, the circumstance of a
learned judge being present has very little to do with an opinion about the
matter. Unless in cases of very serious importance, there are seldom two
judges present in the same court; that is for the public convenience.

Mr. Locke. The case occupied no less than four days in being tried, and on
the one s'ide was Sir Frederic Thesiger, and on the other Sir Fitzroy Kelley,
besides other counsel.

Mr. Baron Channel. The corporation of the city of London employ a short-
hand writer; whether they did so at the time or not, I do not know.

Mr. Locke. Yes, my lord.

Mr. Baron Channel. The report furnished by the short-hand writer is not a
full report of the case—that is to say, of the speeches of counsel; but all points
of law ruled are taken notice of, and it is printed by some booksellers in Chanc-
cery lane, who publish it; it comes out quarterly or monthly, and copies of that
work are sent to the judges. Whether that practice existed at the time when
the cause now referred to was tried or not, I do not know; if it did, we can
have a copy.

Mr. Locke. I can tell your lordship exactly what the practice was at that
time, as it now is. A short-hand writer is employed by the corporation, and
copies are sent to all the members of the corporation. I do not know whether
to the judges or not.

Mr. Baron Channel. Yes; they are sent to the judges.

Mr. Locke. That short-hand writer merely takes down the evidence. There
are no objections by counsel taken down, nor any arguments, nor any summing
up of the judges. It is simply the evidence. I have that book, if your lord-
ships like to consult it; but, in consequence of there being no points taken, nor
any summing up, I consulted The Times newspaper as the best medium
that I could adopt, and I there find a very long report during four days, and
one or two objections which were taken—one by Sir Fitzroy Kelley, which
bears directly upon the question, which was overruled by Mr. Justice Colt-
man—and likewise the summing up of the judge. It is given at great length.

Sir Hugh Cairns. Perhaps my learned friend will allow us to see the note,
valeat quantum, which he has been able to obtain. I recollect, my lord, pro-
cedings which took place on the subject elsewhere.

The lord chief baron. It is not usual in this court, nor I believe in any court,
to refer to the report of a trial in a newspaper.

Sir Hugh Cairns. No doubt, my lord, that would be very inconvenient, and
I do not propose it at present.

The lord chief baron. The only use I can make of it is this—that my
brother Martin, who was present at the trial, should be furnished with the
newspaper report to refresh his recollection; and if he could report to us any-
thing which was decided, it might be useful. I think that is the only way in
which one could apply it.

Sir Hugh Cairns said that he was not aware of any other case having arisen
upon the construction of the foreign enlistment act, and it was remarkable
from the fact that seventy years had now passed from the passing of the original
American act, and forty years had elapsed since the English act was passed; and
he could safely say that occasions must have arisen in the United States re-
peatedly, and in this country also, where they would have found instances of
ships built in such a way as to be easily convertible into ships-of-war, taking
their origin in ports of the United States, while a neutral power, or in ports of
this country, while a neutral power, and leaving those ports without warlike
equipments. Instances must have arisen, again and again, in which those ships
might have been made the subject of proceedings under the foreign enlistment act, if it had ever occurred to the mind of any power that proceedings could be taken in a case where you had not the warlike equipment on board the ship. I will now, said Sir Hugh Cairns, call attention to a matter—to the Terceira affair. It occurred about the year 1830, when warlike proceedings were taking place between those who supported Don Miguel on the one side, and the Queen of Portugal on the other. A number of Portuguese refugees came to this country, obtained a ship at Plymouth, and sailed in her for Terceira, having exported in another vessel a quantity of arms and equipments which they caused afterwards to be transferred on board their own ship, and our government, feeling annoyed, took a step which provoked considerable discussion, viz.: gave directions to our ships-of-war to intercept the vessels and fire upon one of them, which they accordingly did as she lay in the waters of Terceira. On the part of our government it was said, that suppose our ships did fire on the vessel in the waters of Terceira, still, while they were in this country they committed a breach of the foreign enlistment act, and made themselves liable to capture and detention, because they did not put their armament on board the ship in which they left this country, but sent it out with a view of transferring it into their own ship and incorporating the two. If that were true it could not justify the attack made, as it was within the dominions of another power, for an alleged breach of our own foreign enlistment act. Mr. Huskisson, in his place in Parliament—a minister who had taken part in the passing of the foreign enlistment act, and one of the supporters of the policy of it in general, for he was a colleague of Mr. Canning—is reported to have said, in the third volume of his speeches, at page 559: "It might be supposed from my right honorable friend's remarks, that during the fifteen years we have been at peace our neutrality had never before been violated. Has my right honorable friend forgotten the repeated complaints made by Turkey, and has he forgotten that to these complaints we constantly replied, 'We will preserve our neutrality within our dominions, but we will go no further? Turkey did not understand our explanation, and thought we might summarily dispose of Lord Cochrane and those other subjects of his Majesty who were assisting the Greeks. To its remonstrances Mr. Canning replied, (and my right honorable friend being then a colleague of Mr. Canning, must be considered to be a party to his opinions,) 'Arms may leave this country as a matter of merchandise, and, however strong the general inconvenience, the law does not interfere to stop them. It is only when the elements of armaments are combined that they come within the purview of the law, and if that combination does not take place until they have left this country we have no right to interfere with them.' Those were the words of Mr. Canning, who extended the doctrine to steam-vessels and yachts that might afterwards be converted into vessels-of-war, and they appear quite consistent with the acknowledged law of nations."

Now, my lords, this is not the mere statement of opinion of Mr. Huskisson. If it were, of course it would be entitled to respect, and nothing more. This is the statement of a public act, done by a minister of this country in the administration of the affairs of this country, and in the dealings between this country and foreign powers. This is a statement made by a person who had been a minister at the time of which he spoke of a complaint which had been made by Turkey, at the time when Lord Cochrane was engaged in one of those expeditions in which, in his early life, he was concerned. Turkey complained that that was being done. Turkey complained of the export of arms, and ships leaving the country, though not armed, and the answer stated by Mr. Huskisson to have been made by Mr. Canning is this: "It is only when the elements of armaments are combined that they come within the purview of the law; and if that combination does not take place until they have left this country we have no right to interfere with them." Now, those clearly were the cases where, if the
doctrine now put forward had been considered to be the true exposition of this act of Parliament, there would have been a right to interfere on the part of the government, and we may presume that proceedings would have been taken to prosecute those ships. Now, my lords, I will come to the cases that were mentioned in the course of the trial of the Oreto and the Alabama, and speak of them as if they had occurred twenty years ago, and simply matter of history; and if I refer to the words of others I do so merely as indicating the course that was taken with reference to those ships upon the act of Parliament. The whole record of the proceedings of these vessels may be found in the new edition of Mr. Wharton's book on international law. The case of the Oreto was simply that she was built at Liverpool, left that port unarmed, was subsequently equipped, and became a war-ship in the confederate navy. I will take the case of the Oreto first. This is the statement which I find made in Parliament by one of the advisers of the crown with regard to the Oreto, and it will be a statement, I think, bearing directly upon the view taken of the construction of the act of Parliament. "The Oreto," says the solicitor general, (Sir Roundell Palmer,) in Parliament, upon the 11th of March in this year, "was made the subject of due representation only once before she left this country, because she sailed from Liverpool on the 22d of March clandestinely, as did the Alabama, and it was only on that same day that a conversation took place between Mr. Adams and Lord Russell, which might have led to her detention if she had not gone. On the 18th of February the first and only previous information communicated to our government was given by Mr. Adams. He stated a case which clearly called for inquiry. The commissioners of customs were directed to make an inquiry; they did so, and on the 22d of February they reported that circumstances worthy of credit tended to show that the Oreto was going, or at all events was credibly represented to be going, to Italy, and not to America, and not a particle of evidence had been offered to the contrary. She was not then fitted for the reception of guns, and had nothing on board but coal and ballast. There was consequently nothing to justify her detention—not only but vague rumors and suspicions. No further representation was made, and the Oreto sailed on the 22d of March. What then happened? The circumstances of her departure, and the contemporaneous representation made by Mr. Adams to our government, made it probable that she was really intended for the Confederate States, and that our officers had been imposed upon. Still, the case was not clear; there was nothing proved to have been done in England which a court of law would certainly have construed as a violation of the foreign enlistment act. Nevertheless, our government immediately sent orders to Nassau, whither she was understood to have gone, and when she arrived there she was watched. Upon the appearance of a delivery of stores which appeared to be munitions of war into the Oreto while in our waters, although the case was doubtful, and it was questionable whether the evidence would prove sufficient, still, to show our good faith, we strained a point, and, acting upon some evidence, the Oreto was seized. What was the result? She was tried and acquitted, the evidence not being sufficient. Now my observations upon that are these: Here is a statement that the Oreto left Liverpool; that at the time when she left Liverpool she had no warlike equipments on board, but of course, from the nature of the case, she was prepared and able to sail away from Liverpool. She came to Nassau; she is still within our jurisdiction. Before she came to Nassau it has become clear that she was not going to Italy, where she had been said to be going originally. The circumstances were supposed to be sufficiently clear to justify a case made that she was going to be employed by the confederate powers. What is the course taken? Do they say the mere fact that she was able to sail away from Liverpool—the mere fact that she had on board those appliances which would enable her to sail from the port of Liverpool, although she had no warlike equipment on board, will be
enough when coupled with the intent to be employed in a particular way, of which we now have evidence? Nothing of the sort. The gravamen of the charge is that she took in munitions of war while in the waters of Nassau. I desire to put it no further than it ought properly to be put. I say that that is clearly a statement that the view taken by those who took proceedings against the Oreto was that, short of something that could be called a warlike preparation, they could not institute proceedings against the ship; that there was nothing which amounted to a warlike preparation until she came into the waters of Nassau, and it was in respect of that preparation that she was seized. The Oreto was tried at Nassau, in the vice-admiralty court, and was acquitted. Now, the case of the Alabama was dealt with at the same time, and the facts respecting it I am willing to take in the same way and upon the same statement. Now, with regard to the Alabama, I find this:

"On the first of July the commissioners made their report to Lord Russell. They said it was evident the ship was a ship-of-war. It was believed, and not denied, she was built for a foreign government, but the builders would give no information about her destination, and the commissioners had no other reliable source of information on that point. Were our government wrong in not seizing the vessel then? The circumstances disclosed in the case tried before Justice Story were so far exactly the same as those which occurred in the case of the Alabama, and, in the absence of any further evidence, the seizure of that ship would have been altogether unwarrantable by law. She might have been legitimately built for a foreign government, and, though a ship-of-war, she might have formed a legitimate article of merchandise, even if meant for the Confederate States."

I will now refer to another part of the same speech:

"What is alleged against us? What is the extent of the acts committed, even by individual subjects of this country, which can be considered contrary to any law of our own? Why, the building of these two particular ships. If our law failed to reach them while they were within our jurisdiction, and if nothing was done by them in our ports or in our waters which was against international law, how can we be held responsible for their subsequent proceedings when on the high seas? It was not till the Alabama reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the confederate flag. It is not true that she departed from the shores of this country as a ship armed for war."

I do not, said Sir Hugh Cairns, understand language if that does not mean that the point in the case with regard to the Alabama was this: that although there might have been evidence (perhaps not conclusive, but still evidence enough to launch a case) as to the intent with which she left our shores, still there was that wanting which bore upon the other, and equally essential, part of the case. She did not leave our shores as an armed vessel; and more than that, she did not receive anything which could be called warlike equipment until she had reached the Azores. But, my lords, the matter regards a subject of history with reference to the Alabama which is made plainer still, because after this statement of the course pursued with regard to the Alabama was made, and before the seizure of the Alexandra took place, and when certainly the public mind was anxious to know what was the line of duty which subjects of this country should pursue upon matters of this sort, I find that this statement was also made with regard to the Alabama. The prime minister, a fortnight after the statement which I have already read, said this—I refer to the 170th volume of the Parliamentary Debates, and to the debates of the 27th of March, 1863: "I have myself great doubts whether if we had seized the Alabama we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed and not properly fitted out for war, and that she received her armament, equipment,
and crew in a foreign port. Therefore, whatever suspicions we may have had, (and they were well founded, as it afterwards turned out,) as to the intended destination of the vessel, her condition at that time would not have justified a seizure.” Now, the distinction is as clearly drawn as words can draw it between the intended destination, as to which there might be some suspicion, which would be matter of evidence, and that which was a fact *patens ad oculos,* namely, the condition of the ship; and here is a statement, made by those who had considered the authority of an act of Parliament of this kind, that a ship not fitted out with a warlike equipment when she leaves this country, whatever our suspicions may be with respect to her destination, cannot be made the subject of seizure, because her condition is not such as is pointed at by the act of Parliament. My lords, I cannot help taking notice here of a statement made when the rule was being moved for by the attorney general. It was my learned friend who referred to the case of the Alabama in this discussion. My learned friend said, according to the note which I have seen of the statement, that, according to his judgment, those who were engaged in the despatch of the Alabama from this country had rendered themselves liable to the penalties of this act of Parliament.

The attorney general. I said so in the speech from which you have been reading.

Sir Hugh Cairns, in substance, said when the evidence was completed it was laid before the learned gentleman, who thought there was a sufficient case to warrant her detention. What that evidence was he (Sir H. Cairns) did not know. He had a statement with regard to the condition of the ship when she left this country, and there was no case, in his opinion, to warrant her detention. A distinction was drawn by the attorney general between what he called her structure and things superadded to it. The learned counsel then went through the evidence of Mr. Morgan, by whom the Alexandra was seized, and the evidence of Black, who said the ship’s frame was of British oak, and her planking of teak, and who spoke generally of the very strong manner in which she was built, her upper decks being pitched pine, and the ship, in his opinion, being only suited for war purposes. Mr. Green was the next witness upon whose evidence he commented, and he said that ships were not built so well now as they were twenty years ago. He said the rudder of the Alexandra was stronger than would have been used in merchant vessels. Carter was the next witness whose evidence was dealt with. Hodgson was the next witness. Sir Hugh continued, observing that there was not a scrap of evidence that the guns were intended for the Alexandra. As to guns intended to be put on board the Alexandra, the attorney general, at the time, opened his case as to this by stating that there were one large and two small pivot guns being constructed in the foundry of the defendants for the purpose of being placed in and forming part of the armament of the Alexandra. Sir Hugh then read and commented upon the evidence of the three witnesses called on this point, and contended that there was not a scintilla of evidence that these guns were intended for the Alexandra. They were being made, no doubt, at the same time with the ship, but there was no evidence to connect them with the ship. On the question of equipping or armament, the structure of the hull is unimportant, being in no sense equipment. Machinery and stanchions for hammock nettings were also matters of structure. These things were on board, but were not fittings of any kind, but part of the ship. Stanchions for hammock nettings are original inventions, applicable to be used in all kinds of ships—useful, no doubt, to resist musketry, but also useful for the stowage and airing of hammocks. All these things, therefore, may be and are essential parts of the ship as a ship, and not in any sense warlike equipments.

To Baron Bramwell’s question as to whether he meant to contend there was no evidence whatever, he explained that he did not contend, and had no occasion
to contend, that there was no evidence whatever, and that the case should not have been left to the jury; but there was no evidence on which a new trial ought to be granted as for a verdict against the weight of evidence; that the case had been left to the jury, and they had found for the defendants.

It was suggested by Baron Bramwell, interrogatively, that the defendants might have been called as witnesses; he remarking, at the same time, that if they could have been called, slight evidence, unanswered by them, might have had great weight with the jury.

The attorney general here expressed his opinion that the defendants could have been called as witnesses, and some time was occupied by the court looking into the cases and authorities on this subject. The case of "The Attorney General v. Radlock" (10 Exch.) was referred to, and it was mentioned that the view of the law taken in that case by the lord chief baron and Baron Parke had been since adopted by the legislature and passed into law, rendering defendants admissible witnesses in certain revenue cases; and the question arose, on this last statute, whether the proceedings under the foreign enlistment act came within it. The court did not finally decide the point, but appeared to think that the course taken at the trial did not strictly put the defendants' counsel to the alternative of calling his witnesses. Baron Bramwell observed that he thought, on the part of people holding the position of British merchants, if they believed what they did to be within the pale of the law, the more manly course would have been to have come forward and state what they actually did, and stand upon their legal right to it.

The argument was then resumed by Sir Hugh Cairns as to the guns to be put on board. He referred to the opening by the attorney general at the trial, in which he admitted the inability of the crown to connect the guns assumed to be for the Alexandra with the defendants' yard. It was proved that there had been drawings made for the defendants, by their directions, of certain guns and gun carriages, and notice to produce the drawings had been given by the crown; but an objection having been taken to it by the defendants' counsel, the learned judge decided that the notice was informal, and therefore the defendants were not bound to produce the drawings. Sir Hugh Cairns said that he had now concluded his argument on that part of the case which dealt with the condition of the ship, and he would now go into the question of the evidence relied upon by the crown—that part relating to the intent, the act of Parliament requiring not only an equipment, but that it should be done with an intent to commit hostilities. Was there any reason, continued Sir H. Cairns, after the confession of the attorney general himself that the crown had failed to trace the connexion between the guns in the defendants' manufactory and the Alexandra, was there any necessity whatever for those against whom the accusation was brought to offer themselves to be examined on the subject? I think, after the fair admission made by the late attorney general, (and everything he said was most fair,) I may consider the count relating to the guns as struck out of the information. Now reverting to the question of intent. The act requires not only an equipment, fitting, furnishing, and arming, but that all or one should be done with the intent that the ship should be employed by one belligerent power to cruise and commit hostilities upon the other. If my view upon the first part of the case be correct, viz., that there must be an equipment or an attempt to equip at a certain time, the question is immaterial. Then the secondary question, viz., the use that was to be made of the ship, as between one belligerent and another, would, of course, become utterly immaterial. It is only on the supposition that the ship was in a condition to comply with the earlier part of the clause that we have to approach and consider the second question. With regard to the species of intent composing a case like the present, the case of "The United States v. Quincey" is an authority. The court thought in that case that instructions ought to be given to the jury that the offence consisted principally
in the intention with which the preparations were made, and they must be made, according to the act, within the limits of the United States, and that the intention, which must be a fixed one, not conditional or contingent, should be formed before she left the United States. The intention belongs exclusively to the jury to decide. It was the material point, on which the legality or criminality must turn, decided, whether the adventure was of a commercial or warlike character. Now, said Sir Hugh, I will show the view taken of the intent in the present case by the attorney general at the trial. He said the intent must be the intent of one or more, having at the time the means and opportunity of forwarding or furthering such intention by acts. By intent undoubtedly the act means practical intent. It was for the crown to make out their case. We maintained at the trial that the evidence did not support their case. We challenged the credit and credibility of the witnesses examined at the trial, and we had good cause for doing so. The learned counsel went through the evidence generally in the whole case, arguing that it had failed in every particular.

Baron Bramwell asked if Sir Hugh was contending that there was no sufficient evidence that the vessel was intended for the Confederate States at all, armed or unarmed.

Sir Hugh Cairns said that he was contending that the verdict was not against evidence, supposing the verdict to have proceeded upon that ground.

Baron Bramwell said, Suppose the jury had thought in their own minds that they thought she was meant to be armed or equipped for warlike purposes, but were not satisfied that she was intended for the confederates; would the learned counsel hold that that would not have been a verdict against evidence?

Sir H. Cairns said, Yes, certainly, they could not tell what was passing in the mind of the jury. They might have determined either or both those things in favor of the claimants; but the claimants were challenged by this rule virtually to meet the crown on both parts of the case.

Baron Pigott said, We understand you are contending that there was evidence that justified the verdict in either view of your argument as to the meaning of the 7th section of the act.

Sir Hugh Cairns. Quite so, quite so, my lord.

The lord chief baron. The question I put to the jury was this: Do you believe that there was any intention of doing the act quite apart from the intent; was there an intention to do that, a commencement of that, which would be either a fitting, or furnishing, or arming of the ship, no matter with what intent, to go against anybody; would it be in that condition so as to be within the meaning of the words; would it be equipped, or furnished, or fitted out, or armed? because if it were so, it is a matter of perfect indifference whether it was for the Confederate States or not.

Sir H. Cairns said, Quite so. The trial has been conducted upon the assumption that we might succeed on both parts of the case. Sir H. Cairns then went at some length into evidence given by the several witnesses at the trial, as well as into the character of the evidence itself; contending that the major part of the evidence was extremely unsatisfactory, and that under any circumstances it could not have justified the jury in finding for the crown. It was for the crown, in a case of forfeiture, or in a case of an offence, to prove their case with a reasonable certainty; and if the verdict had been different from what it was, the defendants would have had good cause to complain. The question of intent was one for the jury, and if they arrive at the conclusion that the intent had not been made out, then they were clearly warranted in arriving at the conclusion they had. I now come to the last point in the case, and that is the direction which was understood to come from the lord chief baron, and to apply that direction to the law and facts I have mentioned. I have had an opportunity of reading the short-hand writer's notes in two different editions, and I may say of the charge of the learned judge that the propositions deductible from it would
carry to the mind of the jury a sufficient and reasonably proper explanation of the law of the subject as applicable to the case. The propositions I deduce are in number, though they go to make up one general view of the case. One is, that to build a ship, as distinguished from equipping, fitting out, furnishing, and arming her, is not an offence within the act of Parliament, even although easily convertible into a vessel of war; but I am speaking now irrespectively of the question whether it was intended to sell a ship as an article of merchandise or not. I understood the charge to go to this, that the building of a ship is distinct from equipping her, &c., although she might be easily convertible into a ship-of-war. The lord chief baron said that it was as plain as possible that you must give some effect to the omission of the word "build," or it would have been said you shall not build. The second proposition he conceived to be laid down was that the Alexandra was not armed, and that it was for the jury to say whether she was equipped, &c., or intended so to be, within the Queen's dominions. The third proposition which I recollect was that the equipment, &c., must be of a warlike character; and the fourth, that it was for the jury to say whether they considered there was any intention to employ the ship to cruise and commit hostilities at all. Sir H. Cairns then called the attention of the court to several passages of the lord chief baron's summing up. It was perfectly apparent, said Sir Hugh, that no person could contend for a moment that the jury could have misunderstood the matter, that where the judge spoke of the building of ships as not being prohibited he meant to refer to the building of ships as distinguished from what might be meant by those other words, equipment, &c. Upon the second point that was presented to the jury the learned judge said the offence against which the information is directed is the equipping, fitting out, furnishing, and arming. He had looked in Webster's American Dictionary, and found that to equip was to furnish with arms. In the case of a ship, especially, it was to furnish and complete with arms. Furnish was given as the same thing with equip. To fit out was to furnish and supply; and the judge owned that in his opinion equip, fit out, furnish, or arm, all mean precisely the same thing.

The remarks of the learned counsel upon the summing up and the effect of it run to a considerable length, and we shall give it to-morrow, together with Mr. Karslake's argument, who was addressing the court, and had not concluded his argument when the court rose.

COURT OF EXCHEQUER, November 19, 1863.

The attorney general, the solicitor general, the Queen's advocate, and Mr. Thomas Jones, appeared for the crown; Sir Hugh Cairns, Mr. Karslake, Q.C., Mr. Mellish, Q.C., and Mr. Kempelay, appeared for the defendants.

We continue our report of the arguments in this case from where it finished yesterday. Sir Hugh Cairns having gone most carefully and at considerable length through the whole case, said that he should finish by touching upon the point relating to the direction which was understood to have come from the lord chief baron, and submit the propositions which he understood were deducible from the charge. The first was, that to build a ship, as distinguished from equipping, fitting out, furnishing, and arming her, is not an offence within the act of Parliament, even although the ship so built might be easily convertible into a ship-of-war. 2. That the Alexandra clearly was not armed, and that it was for the jury to say whether she was equipped, fitted out, or furnished, or intended to be so, within her Majesty's dominions. 3. That the equipment, furnishing, or fitting out must be of a warlike nature. 4. That it was for the jury to say whether they considered that there was any intention of employing the ship to cruise and commit hostilities at all. Sir Hugh said that he did not mean to say that these propositions had been absolutely laid
down by the learned lord chief baron, but they were those which he thought fairly deducible from the charge to the jury; and, if he were right in his deductions, the court would then probably be of opinion that the propositions would carry to the mind of the jury a sufficient and reasonably proper explanation of the law on the subject as applicable to the case before them. With regard, first, to the fourth proposition, Sir Hugh said it seemed to him that if any person had a right to complain of it was the defendants, for they might complain that it was a proposition quite unnecessary, and was putting the case in an unfavorable way for them. The proposition might have been limited to this, to say whether there was an intent to employ her to cruise and commit hostilities on the part of one belligerent against the other belligerent. Sir Hugh Cairns continued: Allow me first to refer in support of the first proposition. After referring to certain authorities—Justice Story and Mr. Chancellor Kent—his lordship says in his charge:

"These gentlemen are authorities which show that where two belligerents are carrying on war the subject of a neutral power may supply to either, without any breach of international law, and certainly without any breach of the foreign enlistment act, (and it does not say a word about it,) all the munitions of war, gunpowder, every description of fire-arms, cannon, every kind of weapon—in short, whatever can be used in war for the destruction of human beings who are contending together in this way. But, gentlemen, why should ships be an exception? In my opinion, in point of law they are not. Presently I shall have to put to you the question of fact about the Alexandra, which you will have to decide. The foreign enlistment act it is now necessary for me to advert to, in order to tell you what is the construction which I put on the 7th section, which alone we have to do with on the present occasion."

It is clear that his lordship speaks of ships being built, as distinguished from whatever might be meant by equipping, furnishing, fitting out, and arming. His lordship says in another part of his charge, which I will read to you:

"Now, with respect to the question of building, it is certainly remarkable that there is not a word said about it. It is not said that you may not build ships for the belligerent power. There is nothing suggested of the kind, and clearly, by the common law and by the passages I have read to you, surely, if from Birmingham either state may get any quantity of destructive instruments of war, and if from the various parts of the kingdom where gunpowder is made they can obtain any quantity of that destructive material, why should they not get ships? Why should ships alone be contraband—that is to say, forbidden by the statute?"

The jury could not have misunderstood this. Where my lord speaks of the building of ships as not being prohibited, he means to refer to the building of ships as distinguished from what might be meant by those other words "equip," &c. As to the second point, I will go to the view presented to the jury about the Alexandra, and her condition with reference to the 7th section. The reports do not quite agree; there is a slight inaccuracy in a part of a passage which may affect the whole, and I will call attention to it at a proper time. His lordship, after remarking that he had looked into Webster's American Dictionary, a work of great learning, research, and ability, said:

"It appears that to equip is to furnish with arms. In the case of a ship, especially, it is to furnish and complete with arms; that is what is meant by equipping. 'Furnish' is given in every dictionary as the same thing as 'equip.' To fit out is to furnish and supply—as to fit out a privateer; and I own that my opinion is that equip, furnish, fit out, or arm, all mean precisely the same thing."

There cannot be the slightest doubt that in one sense those four words do mean the same thing; that is, no person could doubt for a moment that to equip would include all equipments, and also that equipments would be a momen
generale. Of course "arm" would be included in the term "equip," &c. Then the learned judge says:

"I do not mean to say that it is absolutely necessary, (and I think the attorney general is right in that;) it is not, perhaps, necessary that the vessel should be armed at all points."

Now, with regard to that, I cannot help thinking that there is a slight inaccuracy in the report, because our report differs from it. The lord chief baron is made to say:

"I do not mean to say that it is absolutely necessary, and I think the learned attorney general is right in that."

Now, that is one sentence. It goes on:

"It is not, perhaps, necessary that the vessel should be armed at all points, although it may be that the case cited from 6 Peters’s Reports by the Attorney General, somewhat late in the day, is a case where the jury actually found that the vessel was fitted out."

Now we find immediately afterwards that the learned judge takes distinct note that the Alexandra was not armed at all, but still this was a question to be submitted to the jury, notwithstanding that it seems to me perfectly obvious that just a word or two has dropped out from the sentence. It is reasonably clear that he must have said this:

"I do not mean to say that it is absolutely necessary that she should be armed, and I think the attorney general is right in that, and it is not necessary that she should be armed at all points."

Because, otherwise, there would have been an end of the case. There would be nothing to go or to leave to the jury if his lordship had meant to say, "It is not necessary that she should be armed at all points," implying that it is necessary that she should be armed at all points.

Baron Bramwell. That would probably not be agreed to by the other side for this reason—that if there was an intention to arm, and they were preparing the ship to receive arms, that would be enough.

Sir Hugh Cairns. You must bear in mind the statement of the attorney general in reply; he had conceded—I may say literally in verbis—conceded the question of any intention to arm.

The attorney general. I distinctly differ from my learned friend.

Sir Hugh Cairns. I expect that my learned friend will "distinctly differ" with everything he has heard from beginning to end. I say that the lord chief baron in leaving this question to the jury—"Was there an intention that she should be furnished, or fitted out, or equipped at Liverpool?"—it being admitted that the information did not charge arming, left exactly the question which under the act of Parliament ought to have been left to them. Now, as to the character of the equipment which must be on board, to which throughout the whole of his charge his lordship must have been taken to have been pointing, your lordships will find in another part of his charge these words:

"Now, gentlemen, the question that I shall propose to you is this—whether you think that this vessel was merely in the course of building for the purpose of being delivered, in pursuance of a contract which I own I think was perfectly lawful, or, whether there was any intention that in the port of Liverpool or any other English port (and there certainly is no evidence of any other) the vessel should be equipped, fitted out, and furnished, or armed, for the purpose of aggression? That is the question."

Now, my lords, lower down you will find, after speaking of Captain Inglefield’s evidence:

"In short, what he makes out is that she might have been built as a vessel capable of being convertible into a war vessel. But the question is, was there any intention that in the port of Liverpool, or any other port, she should be, in
the language of the act of Parliament, either equipped, finished, fitted out, or armed with the intention of taking part in any contest?"

Now, we might have demurred to this proposition, but not so the crown. If she had not been armed, equipped, furnished, or fitted out with the intention of taking part in any contest a mutuo futoire, she could not have these things done to her with the intention of being employed in the service of the con-

federates, to cruise and commit hostilities against the United States of America. I submit that the charge, looked at in the way that I have ventured to put it, will in substance be found to have directed the attention of the jury to every-
things which ought to have been laid before them as a matter of law as well as on the issue of fact to be decided between the parties. I submit with con-

fidence that on the evidence it is utterly impossible to say that a jury was not warranted in coming, on the facts, to the conclusion that they had done. The evidence for the crown failed to prove the charge made. If the law is as the crown allege it to be, I say it is impossible to suppose—carrying in mind the fact that seventy years have passed since the passing of the American act, and forty years gone since our own was enacted—that cases would not have occurred again and again when seizures and forfeitures would have been made under the penalties of this act. I say the case they are bringing forward is against the history of legislation on the subject; it is against the true and sound construc-
tion of the municipal act of Parliament on the subject; it is against the decla-
rations which have been made by every one who had a right to control the movement of the crown, or to direct or advise the movements of the crown, in putting this act into execution from the time the act first attracted public at-
tention, and I trust that your lordships will think that the litigation we have had in this case is enough; that full, perfect, and complete justice has been done between the crown and these claimants on a statute of this kind; and I trust that your lordships will think that there should be no further litigation in this case.

Mr. Karaslake, Q.C., followed on the same side. He said it would be con-

venient to follow the course of his learned friend, Sir Hugh Cairns, and in the first place consider what the construction of the language of the statute was upon which the information had been filed, what the evidence had been in the case, and what the charge of the lord chief baron to the jury was, and what was now complained of. The motion of the learned attorney general upon which the rule was granted was rather directed to this—that the verdict was against evidence as the case was left to the jury, and according to the lord chief baron's view of the law; but, assuming his lordships' ruling to be wrong, that the evidence would have supported the verdict had it been for the crown. The question would therefore substantially resolve itself upon that part of the case into this: whether there had been a misdirection on the part of the learned judge.

The attorney general said that his learned friend must not forget that he (the attorney general) took a certain view which might possibly turn out not to be correct; and supposing that view was not correct, then he adhered to his motion on the ground of its being against evidence.

Mr. Karaslake. We have the information that my friend, in some view or other, considers that the verdict was not warranted by the evidence given in the case, and upon that ground he asks for a new trial—that is, that the verdict was against evidence; and he also says that there has been a misdirection by the learned judge, and he is allowed to adopt a course which is not allowed to be adopted generally by other litigants in this court, viz: to state generally that there has been misdirection, and by-and-by to contend that there has been misdirection without informing his opponent what the misdirection is. Mr. Karaslake stated that as the full history of that which led to the passing of this statute had been gone into so fully by Sir Hugh Cairns, he would trouble the court
very little further upon it, but he would call attention to an authority which was earlier than that even of 1793, and which would be found in Fortescue’s Reports, page 338, curiously enough, under a discussion by the judges as to the precedents of the judges—the dictum as to what had been the advice given by the judges in the house of lords as to the right of building ships-of-war for foreigners in this country, and it appeared to him extremely important for the purpose of ascertaining what was declared as long ago as 1713, and again in 1721, to be the opinion of the judges as to the right of fitting out warlike ships for warlike purposes in this country. The following passage occurred:

“In Michaelmas vacation, 1721, the judges were ordered to attend the house of lords concerning the building of ships-of-force for foreigners; and the question the lords asked the judges was whether, by law, his Majesty had a power to prohibit the building of ships-of-war or of great force for foreigners in any of his Majesty’s dominions; and the judges were all of opinion, except Baron Montague, (Chief Justice Pratt delivered the opinion,) that the King had no power to prohibit the same, and declared that Montague had said that he had formed no opinion thereon. This question was asked on occasion of ships built and sold to the Czar being complained of by the minister of Sweden. Trevor and Parker gave the same opinion in 1713.”

There (said Mr. Karslake) your lordships have an opinion given by the judges that the crown could not interfere to prevent ships-of-force being fitted out with warlike equipments in this country for foreigners—at all events in the years 1713 and 1721.

The lord chief baron stated that the last time the judges were assembled in that general way to have a question put to them, without hearing any argument on either side, Mr. Justice Maule refused to give any opinion at all, saying that unless the matter was argued before him, so that he might know what was to be said on one side or the other, he should decline giving an opinion. The question, perhaps, was never argued.

Mr. Karslake. Very possibly.

Baron Bramwell. We are summoned by our writs to advise the house.

Mr. Karslake. I believe at the time it was the common practice for the judges to give information to the crown when asked.

The lord chief baron. Not only in the house of lords, but it was not an uncommon thing, you will find, for the judges to be assembled for the purpose of giving an extra-judicial opinion. They were assembled once again upon the question of the right of the sovereign to control the whole of the royal family, and as to giving him, during the lifetime of the Prince of Wales, a control over the Prince of Wales. He was considered to be the father of the royal family. The judges, certain not in the house of lords, but in Serjeant’s inn, were assembled and gave an opinion, and they have been in the habit of doing it on other state occasions.

Mr. Karslake. I only cited that opinion to show what might be considered to be the law here previous to the passing of the act of Congress. After the learned counsel had gone largely into the reasons of both countries, America and Great Britain, for enacting acts to prohibit the enlisting of their respective subjects in foreign armies, &c., and followed, of necessity, very much upon the arguments of Sir Hugh Cairns, he proceeded: I will assume, then, that supposing the hull of a vessel, which is capable of being used for warlike purposes after it had been equipped and fitted out, is sent from this country for the purpose of being used for those purposes, but is towed away as a mere hull, inasmuch as there is no prohibition of such an act to be found in this statute, that act itself will be legal, and I say that because it is necessary there should be something more than a vessel which is to be forfeited. It must be a vessel in a particular stage and stage of completeness—that is, not simply in the state of a hull, but a vessel furnished, equipped, fitted out, or armed—which is to be the
subject of forfeiture under the 7th section. If a shipbuilder has a right in common (and I venture to think he has) with other merchants in this country to supply contraband up to a certain point, the question is, where your lordships will draw the line, and whether your lordships are to give the extremely liberal construction which the attorney general claims for this statute, or whether the more limited construction which we seek to put upon it is the construction to be placed upon the terms of the act. It is rather, under the circumstances, for your lordships to put a limited than an extended construction upon the act, making every vessel built under circumstances of suspicion liable to the forfeiture which is claimed by the crown. Now, I understand my friend on the other side to say, once let a vessel in common parlance become a ship, add to that vessel the stanchion of a hammock netting, she is then equipped sufficiently for the purpose of this statute, provided that you find that that equipment is with the intent charged by the statute.

Baron Bramwell. That if you get clearly to the intent that gives the equipment.

Baron Pigott. First the act and then the intent.

Mr. Karshke. Or it may be simply the intent and then the act, for it is immaterial which you take first, according to the facts of this case that it refers to. After going into an argument upon the construction of the statute, &c., Mr. Karshke said: I want to impress upon the court, that on the part of the person who is the owner or controller, for the time being, of the vessel, there must be that fixed intention which is mentioned in the case of the “United States vs. Quincey,” and that you must ascertain who is the person who has that fixed intention, before you can claim the forfeiture of that vessel. It will be extremely material to bear that in mind, as in this case there are twenty or thirty persons charged with having said this or that about the vessel, the attorney general saying, “They were all engaged together; therefore you must assume the intent to be what we alleged it to be.”

Baron Bramwell said that surely the crown had a right to say, “If we cannot make good our right against any one we are content the ship shall be yours, but if we can show that any one has forfeited, we have a right to do so by all ordinary means in our power.”

Mr. Karshke. The crown must lay hands on some particular person in whom they assume the guilty intention existed which has rendered the ship forfeit. It is the bounden duty of those who are making out the affirmative to show that at the time when the forfeiture was incurred there were some particular persons who were acting in some way or other against the section of the statute. In order to ascertain the intent, or whether it existed, the first inquiry to be made was, who was the person who was capable of intending at the time of the forfeiture within the meaning of the authorities? Mr. Karshke then went into the meaning to be attached to the words “equip, furnish, fit out, or arm.” He asked the court to accept the construction put upon the section by Sir Hugh Cairns. The learned counsel finished his argument by urging that the direction given by the learned lord chief baron was a right view of the statute; that the verdict was right, and the jury could not have arrived at any other conclusion than they had; and that the verdict, for all the reasons that had been brought forward, ought not to be disturbed.

Mr. Mellish, Q. C., followed on the same side. After some introductory observations, he stated that he ventured to go to the extent of saying that it would be perfectly legal, under the act, for any shipbuilder to build a ship in this country, well knowing it was adapted for warlike purposes, under a contract with one of two belligerents, to equip that ship so far as it was necessary to enable it to sail away from this country, and to deliver it to the belligerent, either here or elsewhere, in an unarmed state. The building of a vessel was not forbidden by the statute; and that being so, the question was this: Was it the intention of the legislature, though it did not forbid the building of a ship in express and
direct terms, to make it by implication unlawful? Obviously it was impossible to build a ship or sell a ship adapted for war to one of two belligerents, unless they allowed the builder to sell it in such a state as would enable it to sail away. To say to the shipbuilders of this country, "You may sell ships to one of the two belligerents as much as you please, but you must not put anything on board which will enable them to sail away," was a manifest absurdity. If it was the object of the legislature to prevent any belligerent providing himself with ships from the ports of this country, it seemed extraordinary that they did not, in plain terms, say, "You shall not be allowed to build a ship for one of two belligerents, nor sell it to him."

Mr. Kemplay then argued upon the construction of the statute, saying that after the very elaborate manner in which all the facts had been gone through by his learned friends, it would be unnecessary for him to approach them at all, but he would satisfy himself by making a few remarks upon what appeared to him to be the true construction to be put upon the statute.

Cause having been now shown against the rule, the attorney general commenced his argument in support of the rule, and had not concluded when the court rose.

Mr. Seward to Mr. Adams.

No. 763.]

DEPARTMENT OF STATE,
Washington, November 20, 1863.

SIR: Your despatch of November 6 (No. 532) has been received. It informs me of the proceedings which have recently taken place in the case of the Alexandra, before the court of exchequer.

It is an occasion of sincere satisfaction to find that the interpretation which was given to municipal and international laws on the former trial of the case is deemed to require judicial reconsideration. If that interpretation should be left to guide the courts in Great Britain and her American provinces, and should further come to be accepted as a guide to the courts of the United States, then, I think no one could reasonably expect that the conflicts which would unavoidably arise between the two nations could be settled by the ordinary peaceful processes of courts or cabinets. This government knows no interest and no motive that does not prompt to the preservation of peace and friendship with Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 764.]

DEPARTMENT OF STATE,
Washington, November 21, 1863.

SIR: Your despatch of November 6 (No. 531) has been received. I have read with admiration the reply of the clergy of Scotland to the insurrectionary ministers of America. It is written in the true spirit of the church universal in the period of its purest administration.

In the beginning of the civil war we determined that it should be not the government, but the insurgents, that should carry their cause before foreign nations, if such a scandal must come. We did not doubt that our position would be all the more promptly and successfully vindicated, by thus waiting for the
inevitable assault from foreign enemies instigated by domestic emissaries; while at the same time we maintained the national dignity and sovereignty against foreign interference, without concession or compromise. It must be pleasant for you, as it is for the President, to observe in such proceedings as that of the Scottish clergy, the thick crowning evidences of the correctness of this course of administration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 765.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of the 4th of November (No. 529) is received, and the note which you addressed to Earl Russell on the 3d of November, a copy of which you have annexed, is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 766.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of November 5 (No. 530) has been received, together with its enclosures, which relate chiefly to the depredations committed by the pirate Alabama near to the cape of Good Hope. The despatch also alludes to the complaint of our consul at that port concerning the Tuscaloosa, while it advises us of your having submitted to Earl Russell the claims for indemnity for precedent depredations committed by the Alabama.

The latter proceeding is approved. Earl Russell having now authorized Lord Lyons to confer with me concerning transactions which occurred at the cape of Good Hope, I shall reserve the whole of this subject for discussion in that conference.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 767.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: I transmit the originals of certain recently intercepted insurgent correspondence which have been published in the newspapers. It has occurred to the Secretary of the Navy that they might be useful to you for judicial or diplomatic purposes, and perhaps for both. If he should be mistaken in this, you may return them, in order that they may be restored to the file.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.
The subjoined intercepted correspondence was washed ashore in the mail-bag which was thrown overboard from the R. E. Lee during the late capture of that vessel (with two others) off Wilmington:

LETTER FROM EDWIN DE LEON TO THE REBEL SECRETARY OF STATE.

PARIS, September 30, 1863.

SIR: Your despatch No. 3, of 15th August last, was delivered to me by Dr. Charles Girard on the 16th instant, and in conformity with the instructions therein contained, I write you via Bermuda by the first post, and shall continue my communications by each successive steamer for that port.

Since your last despatch was written, you have doubtless received my Nos. 8 and 9; and it is scarcely necessary for me to observe that, had the views and intentions of the administration been previously confided to me, the strength of my language on one measure of policy, since adopted, would have been greatly modified, however unchanged my private opinion might have remained.

The withdrawal of Mr. Mason from London has had the good effect of reviving an interest in the southern question, and awakening the public in England from their dream of continued non-intervention. From all sources of information in my power, and from the expressed views of intelligent English friends, I am led to believe that the public feeling in England finds true expression in the editorials from the Times of 25th and 27th, which is herewith enclosed. The greatest recoil of the measure has been against Lord John Russell personally. His speech, apologetic and vindicatory of his course, is the reply to your challenge, and it proves that he will persist in his policy to “the bitter end,” and is even ready to overstep the law in order to avoid offence to the Washington government. The delivery of this speech is too recent to permit me to inform you of English sentiment in relation to it. The commentary of the Times will show that even that obsequious echo of the ministry does not accept and reiterate Lord Russell’s views without a protest, and, should he venture to carry into execution the threats he has made of violating the law and asking a bill of indemnity from Parliament, the experiment may cost him his place, the sympathy of the British people for us growing stronger every day, and in the same ratio as their antipathy for the Yankees. To foster and increase these favorable dispositions, I have caused various publications to be made in England on the topics of cotton, slavery, the oath of allegiance, federal fabrications, and kept up a running fire through the English press. Some of these publications shall be sent you by the first opportunity which presents for sending packages.

After the disposal of the Roebuck motion, the rapid increase of federal recruitment in Ireland attracted much attention, and I deemed it advisable to visit that country to see if anything could be done to check it. During three weeks’ residence, chiefly in Dublin, with a visit to Belfast in the north of Ireland, I succeeded in unmasking and exposing the enemy’s battery, and enlisted the aid of some powerful auxiliaries in the press and the pulpit to stop this cruel and cowardly crimping of recruits, under pretext of employment on northern railways. Many knew the real nature of the services required of them, but many more were entrapped by promises of high wages, their contracts containing a clause that they would take the preliminary “oath of repudiation” on their arrival in America. This, at once, would make them subject to the draft. Another drag put upon them was the exhortation to the women to accompany their husbands, as the promised wages were so high—so that the Yankees now get a good deal of dross with their good metal. The number of actual recruits thus obtained from Ireland for the past year, up to August, cannot have exceeded 20,000 able-bodied men, but has probably reached that figure. When
the harvest time is over, the Yankees hope to make a grand haul, but we hope their nets will not hold. The men of intelligence, who see the drain thus made of the very bone and sinew of the country, resist it from policy and from patriotism. The priests, who are generally conscientious and earnest men, and who live on voluntary contributions of their parishioners, are also bent on arresting the exodus. The only party favorable to the Yankees is the silly and mischievous clique of demagogues who style themselves "Young Irishmen," of whom General Meagher used to be one of the shining lights; and these men make themselves busy in selling their countrymen for the Yankee shambles. No step has been or will be taken by the British government to stop this wholesale deportation for two reasons:

1. From the difficulty of proof of actual enlistment; and,

2. Because of the unwillingness of Lord Russell to wound the susceptibilities of Mr. Seward, of whose conduct he "has no complaint to make."

The press, the priests, and public opinion may supply the short-comings of the government in this respect. At least the attempt is making, and shall continue to be made.

Having called (of course as a private individual) on the lord lieutenant, the Earl of Carlisle, an old acquaintance, I was most courteously and kindly received, and had a long conversation with him on this and kindred topics. Subsequently I dined with him, when we again discussed the whole matter. He admitted the existence of the evil of emigration and the powerlessness of government in the matter.

Here in France I see no change either in the attitude of the government or in the popular sentiment. In fact, until the arrival of the Florida at Brest, allusions even to the confederacy (except those supplied by our friends in the press) were becoming very rare. The Polish question and the Mexican entirely obscured ours, in which Frenchmen have really but little interest. The sympathy at first felt for the federals has been forfeited by their brutality and insolence. A kind of vague admiration for the heroism of our people has succeeded, but not lively enough to prompt any action, nor give us reasonable hopes of it.

The arrival of the Florida, and the questions which arose, excited an interest, but that too has now died away, and even the arrival of the federal vessel Kearsarge, and her admission into the same docks, have not revived it. Her visit has been important, however, in settling some vexed questions, as the enclosed extracts from the Moniteur, France, and Paye, will show. The extract from the latter print (which is now the organ of the minister of foreign affairs) threw a wet blanket over our too sanguine friends, who predicated French intervention on the acknowledgment of our belligerent rights by France on water as on land.

The Emperor is now at Biarritz, where every year all the world are admitted informally to the reunions of the Empress, and French royalty goes en dishabille. Mr. Slidell's family have passed the summer there, and he himself, for the last month, has been there. The court next week will be transferred to Compiagne, where none can go except by invitation. There the Emperor will receive the Mexican deputation after their visit to Prince Maximilian, near Trieste, and some people hope he may say something bearing on our question. I entertain no such hopes.

The withdrawal of Mr. Mason from London makes the Emperor more than ever master of the situation—the only rivalry he feared being thus withdrawn. He can amuse us with Mexican alliances in lieu of more practical intervention, in the belief that we shall continue to be very grateful for very small favors. Neither the British Parliament nor the French Chambers will meet until February next, and until then the game is entirely in his own hands, Earl Russell's
speech having relieved his mind of any change in England's inactivity. I sincerely hope that the intentions of the Emperor may be more practical, but I can only judge by the lights before me.

I remain, very respectfully,

EDWIN DE LEON.

Hon. J. P. BENJAMIN,
Secretary of State, Richmond, C. S. A.

Letter from Mr. De Leon to Jeff. Davis.

PARIS, October 1, 1863.

MY DEAR SIR: You cannot possibly imagine the very great happiness which your letter gave me, both on account of the assurance of your continued friendship and of the hopeful tone which pervaded it in relation to our public affairs. Both of these facts are fully confirmed by my friend, Dr. Girard, who speaks of your kindness to him in the most enthusiastic terms, and he has relieved my apprehensions that, like our first great leader Calhoun, your body might prove unequal to the burden your spirit imposes upon it.

For the sake of the cause, as well as for the sake of those that love you, it is essential that you should not overtask your strength, for every day has convinced me more and more that we have no Joshua to take your place, and lead us into Canaan, if that place were rendered vacant. It is useless to disguise the fact that the men around you do not inspire confidence, and that chaos would soon come were your hand withdrawn from the helm. Military ability of the highest order our revolution has produced, but of diplomatic talent it has been most singularly barren. The old men of the old régime, like the Bourbons, seem to "have learned nothing and forgotten nothing," and no younger ones seem springing up to supply their places. Radical democracy, which levels down instead of grading up, seems almost as strong with us as with the north, though not in such repulsive shapes, and after the war is over we shall have to fight the same old foe with a new face. I may seem to speak bitterly, but I see on this side so much pitiful self-seeking and worthless greed in the swarm of speculators and blockade-runners, and swaggering shufflers from danger, who call themselves confederates, that my soul sickens as I contemplate our future. No one can appreciate more than myself the heroic virtues of our home population, and I turn my face towards them for purer air and more hopeful presages.

As I ventured to give counsel with reference to an important public movement, I feel bound frankly to say to you what I am not warranted in embodying in a despatch, especially since being informed by Mr. B. that there were reasons and proceedings out here of which I had not been informed. In a despatch to him I therefore have only dilated upon these points by the lights before me, as there may be reasons beyond my ken.

By reference to my despatch, and my letter to yourself, it will be found that my suggestion has been treated as were the prayers of Homer's heroes by Jupiter—one-half accepted, the rest dismissed as empty air. I suggested a policy by which you would have administered a grave rebuke to Europe, and have appealed to the conscience of Europe. This, I think, would have produced a most happy effect. The isolated action which has been taken has not the same weight and gravity, and has been attributed more to personal pique against a small minister, and to impatience of recognition, than to the calm consciousness of strength, or to deliberate and settled policy.

A general measure would have sown suspicion between the two great powers. Each would have feared secret negotiations with the other. Now it is an open game, and Louis and Pam. both see each other's hands. I am not a prophet,
and may be deceived; but, as far as I know and can see, there has been, and is
to-day, as little real intention of speedy recognition by France as by England.
That we may be made a pawn in the Mexican game I think very probable,
but the detected intrigue in Texas (Mr. B.'s denunciation of which was inter-
cepted and published in New York and English papers) does not inspire con-
fidence in that very astute gentleman who is now an arbiter of southern and
Mexican destinies, the retention of Mr. Mann in Belgium not being remembered
by the public.
Judge Rost, who is here now, entirely concurs in my views; and he adds
further, that Mr. Dayton declares he has never had any complaint from Wash-
ington regarding French intervention in Mexico. If Seward, therefore, ac-
knowledges Maximilian's empire, the ground on which our action seems to have
been predicated is cut away from under our feet. Even should S. make a pro-
test, for he cannot meditate a war with France, we still will be held as a pawn,
and have the shadow of a favor, while our enemy enjoys the substance of non-
intervention.
Before this letter reaches you events will have proved their correctness or
falsity; for we are groping in the dark at this moment. God grant I may be
unduly suspicious and distrustful, and that we may get more substantial "aid
and comfort" from Napoleon than I either hope or expect.
At the risk of being tedious I have exposed my inmost thoughts to you.
What is past is irrevocable, but I feel our future is safe in your hands. I can-
not volunteer any advice, now that you know my inmost ideas. I am working
hard and incessantly, personally and by proxy, and am enlarging the sphere of
my operations, for the exigencies of the hour demand. I abhor asking for
money, but, as I do not appropriate a penny for myself, have given Mr. B. a
reminder that a small sum in treasury drafts is not a Fortunatus purse, ever
filling and ever full, at the expiration of eighteen months. "France wants
money," literally, and not figuratively; they are a far more mercenary race
than the English, and we must buy golden opinions from them, if at all. Such
was the secret of Dr. Franklin's success. Mrs. De Leon was much gratified by
your very kind mention and remembrance of her.
Believe me when I say she fully shares in my feelings towards yourself and
Mrs. D., and heartily echoes the wish of meeting soon again and under happier
auspices. As a souvenir of an old friend, I send Madam for her album the
"portrait of a gentleman," as they say in exhibitions. So soon as a good one
is taken of Madam, it shall also be sent.
With the warmest wishes for your health and happiness, your obliged, sincere
friend,

E. DR LEON.

An agreement between certain parties to run five steamers from St. George's,
Bermuda, or Nassau, to Charleston, South Carolina, or Wilmington, North
Carolina.

To all to whom these presents shall come: I, William Anderson Rose, lord
mayor of the city of London, do hereby certify, that on the day of the date
hereof personally came and appeared before me James Taylor Soutter, the
declarant named in the declaration hereunto annexed, and by solemn declaration
which the said declarant then made before me in due form of law, did solemnly
and sincerely declare to be true the several matters and things mentioned and
contained in the said annexed declaration.
In faith and testimony whereof, I, the said lord mayor, have hereunto signed my name and caused the seal of the office of mayoralty of the said city of London to be hereunto put and affixed, and the paper writing marked “A,” mentioned and referred to in and by said declaration, to be hereunto annexed. Dated in London the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM A. ROSE, Mayor.
RICHARD HAWLEY, Deputy Registrar.

The following is a copy of the certificate of James T. Souther, of London:

I, James Taylor Souther, of No. 3 Alderman’s Walk, in the city of London, gentleman, do solemnly and sincerely declare that I have carefully examined the paper writing hereunto annexed and marked with the letter “A,” with the original agreement, and that the same is a true and exact copy of such original agreement.

And I make this solemn declaration conscientiously, believing the same to be true and by virtue of the provisions of an act made and passed in the session of Parliament of the fifth and sixth years of the reign of his late Majesty King William the Fourth, entitled “An act to repeal an act of the present session of Parliament entitled ‘An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to subscribe declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.’”

J. T. SOUTTER.

Subscribed and declared at the Mansion House, London, this 30th day of September, 1863.

WILLIAM A. ROSE, Mayor.

A.

It is agreed hereby between Colonel J. Gorgas, chief of ordnance, in behalf of the Confederate States, on the one side, and C. E. Thorburn, esquire, in behalf of himself, Messrs. Charles H. Reid & Co., and other parties, (to be named,) of London, on the other, to run five steamers, on joint account for the parties they represent, in the proportions hereinafter named, from the port of St. George’s, Bermuda, or Nassau, N. P., to the confederate port of Charleston, South Carolina, or Wilmington, North Carolina, on the following terms and conditions:

1. The five steamers shall be owned in the proportion of two-thirds by the Confederate States and one-third by Messrs. Charles H. Reid & Co. and other parties.

2. The Confederate States shall pay for their two-thirds ownership in the steamers in cotton, delivered, compressed and in good shipping condition, at the port of Charleston or Wilmington, as Messrs. Charles H. Reid & Co. and other parties may direct; said cotton to be valued on the basis of sixpence (6d) per pound for “middling upland.”
3. The steamers shall be sailed at the risk and expense of the joint owners in proportion to their shares, as named in condition 1st, the Confederate States beginning to bear their proportion of the risk and expense from date of receipt of notification by Major Caleb Huse, 71 Jermyn street, London, that this agreement is ratified by Messrs. Charles H. Reid & Co. and other parties.

4. The general management of the steamers shall be intrusted to Messrs. Charles H. Reid & Co. and other parties, but the Confederate States reserve to themselves the right of representing their controlling interests in all disputed questions. It is distinctly understood, also, that the steamers will be run under the general rules established by the government of the Confederate States for their own steamers engaged in the same trade.

5. The Confederate States will furnish coal and cotton at their port with all despatch for these steamers; and, for so doing a commission of 2½ per cent. on value of their one-third at the seaport will be allowed them by Messrs. Charles H. Reid & Co. and other parties. The cotton so exported to the depots in the islands will be re-shipped there in neutral bottoms to Liverpool, and consigned to Messrs. Charles H. Reid & Co. and other parties, who will sell it for the benefit of those concerned, and place the proceeds (less usual charges and 2½ per cent. commission for selling) of the two-thirds share belonging to the Confederate States to the credit of the war department, with Messrs. Frazer, Trenholm & Co., of Liverpool, unless they (Messrs. Charles H. Reid & Co. and other parties) should be directed to expend it themselves in the purchase of articles needed by the government, on lists furnished them as indicated in condition sixth.

6. Two-thirds of the inward cargoes shall be purchased by Messrs. Charles H. Reid & Co. and other parties for the Confederate States, on lists furnished them for the purpose, unless the Confederate States should prefer to purchase directly through their officers abroad. In either case, Messrs. Charles H. Reid & Co. and other parties are to be allowed a commission of 2½ per cent. on the invoice cost of the two-thirds cargo belonging to the Confederate States. These cargoes are to be sent out in neutral bottoms to the depots on the islands, and there re-shipped to run the blockade into one of the two confederate ports named, on one of the five steamers of joint ownership. In every case, where required by the agreeing parties, the cargoes from England to the islands, and from the islands to the confederate sea-port, will be apportioned out among them in the proportions of their ownership of the five steamers; that is to say, two-thirds and one-third. Whenever one party occupies the freight room of the other by consent, or because the other cannot furnish freight, from whatever cause, he shall pay for such freight room at the rate of fifty pounds sterling per ton from Europe to port of destination in the Confederate States, or of forty pounds sterling from depot in the islands to said port, or from said port to the islands.

7. As it would imperil the safety of any one of the five steamers, it is agreed that no contraband of war shall be placed upon them, except to carry between the islands and confederate port.

8. The Confederate States will furnish, as far as practicable, officers to command the steamers.

9. In consideration of the fact that the Confederate States pay for their proportion of the five steamers in cotton on this side the water, they concede to Messrs. Charles H. Reid & Co. the use of one-half of their freight room, at price herein named, on first trip of each vessel from confederate port to island depot.

10. As the Confederate States necessarily place much confidence, not only in the skill and judgment, but also in the integrity of the other parties to this agreement, pledge is hereby given on the part of each and all of them that they will not receive any profit, drawback, or return commission, in addition to what
is expressly allowed in this agreement, and that they will in no manner derive pecuniary compensation in any business arising therefrom beyond the legitimate profits of their one-third interest and specified commissions.

J. GORGAS,
Chief of Ordnance.

Approved:

J. A. SEDDON,
Secretary of War.

C. E. THORBURN.
CHARLES H. REID & CO.
THE MERCANTILE TRADING CO., (limited.)
EDGAR P. STRINGER, Managing Director.

LONDON, September 23, 1863.

Witnesses to the signatures of C. E. Thorburn, Charles H. Reid & Co., the Mercantile Trading Company, limited, and Edgar P. Stringer, managing director—

J. T. SOUTTER.
WILLIAM H. AVERELL.

LONDON, September 30, 1863.

We certify the above to be a true copy of the original agreement, having carefully examined the same therewith.

J. T. SOUTTER,
WILLIAM H. AVERELL,
3 Alderman's Walk, London.

Terms of agreement between Major Huse and the Mercantile Trading Company, limited.


No. 1. £150,000 advance to be made Major Huse for the purchase of goods; this amount to be extended to £300,000, but not exceeding £200,000 at any one time outstanding, except by subsequent arrangement.

No. 2 (erased.)

No. 3. The shipments to be made from this country by the company via Bermuda, Nassau, or Havana. If required by Major Huse, several cargoes to be delivered at Matamoras.

No. 4. That Major Huse gives his acceptance for the amount of each shipment as it takes place, with the charges added to the invoice.

No. 5. That the confederate government have two-thirds cargo space in each vessel, the company one-third each way.

No. 6. That the confederate government insure the entire ship from war risk, value declared on sailing, reducing value after four months by ten per cent. each voyage.

No. 7. That the freight be fixed at £20 per ton from England into the confederacy, payable in cotton at 5d. per lb. sterling f. o. b.

No. 8. That the steamer be approved by Major Huse between the neutral port and the confederacy.

No. 9. The captains of the steamers to be approved by Major Huse; pilots to be approved by the Confederate States agents at the ports.

No. 10. That the cotton received from the Confederate States be consigned to the company's agency in Liverpool, who will, upon the payment of £20 per
ANNUAL MESSAGE OF THE PRESIDENT.

ton freight, render account sales, deducting the acceptance given by Major Huse. That the company charge the usual commission, say two and one-half per cent. on the consignment.

No. 11. That the company charge twenty per cent. on the advance.

It is understood that this agreement is entered into by the Mercantile Trading Company, limited, by Edgar P. Stringer, managing director, and Major Huse in behalf of the confederate government; the further details to be arranged next week.

EDGAR P. STRINGER.
CALEB HUSE.

JULY 22, 1863.

Witness:
W. H. PRATT.

Letter from E. P. Stringer to Colonel Thorburn.

LONDON, October 3, 1863.

MY DEAR SIR: At your request I place before you actual offers for steamers and engines, instead of merely giving you the information, which I am desirous of placing before the confederate government navy department by your kind medium.

The builder, Mr. Ash, is a man who is extremely well up in his business, and sends the model of a steamer to the constructor of your navy, with a contract which is binding on him for three months from the 21st of October next, the time, I hope, you will reach the confederacy. If the government accept the proposition kindly, let Mr. Campbell, at Bermuda, know, and send us the arrangement you make as to the payment. If the government will hand over to Mr. Campbell half of the cost in cotton to be consigned to us, we will arrange the cash matters with the builders, so that no time is lost, and the government can take their time in paying the remainder.

I shall have to charge a commission for superintending the building, together with the small charges usual. I should fix the commission at two and a half per cent., and for this should undertake guaranteeing that the vessel is according to specification, and I would do all the work in fitting her for sea.

The constructor of the navy will have to sign the contract, keeping copy of the same.

ENGINES.

I have put the building of these on the simplest possible ground—that of a cost for the horse-power. Messrs. Stewart are very first-rate men, and their work exceedingly good, and to be trusted. The payment you can arrange in the same manner, and my charge for the superintendence. The shipment of the engines can be done via Bermuda, in the company's steamers, as we will give up that room to the government.

Please bear in mind the earlier the reply reaches this the better.

Believe me, yours, truly,

EDGAR P. STRINGER.

Colonel THORBURN, present.
Letter from E. P. Stringer to J. M. Mason.

MERCANTILE TRADING COMPANY, LIMITED,

DEAR SIR: In the month of July last this company entered into an agreement with Major Caleb Huse, acting in behalf of the Confederate States of America, to make certain advances of money, as will be seen by the copy of the informal preliminary agreement herewith, it being understood that Major Huse's authority to bind his government should be satisfactory to the solicitor of our company before the execution of a more formal contract by the parties. Major Huse was very anxious to send out immediately some saltpetre, and, not doubting that his powers were all right, we entered, on the very day of the signing of the contract, into the active execution of it, by advancing him £20,000 on saltpetre, to be sent to Wilmington via Bermuda.

Preparatory to drawing up the formal contract, we called on Major Huse to exhibit his powers that they might be laid before our solicitor, and, in reply to our request, he produced certain extracts from letters dating back as far as the spring of 1861, under which he had acted in the large operations he had hitherto conducted for account of the Confederate States government. Our solicitor did not deem these extracts of letters a sufficient authority, and directed us to ask Major Huse for additional evidence. He thought that as the Confederate government had sanctioned all his previous acts, it was fair to presume they would ratify this arrangement also, but that it was necessary to know from him whether any of these original powers were withdrawn, as we had heard of a failure of a contract made by him in France, owing to the allegation that he had not the requisite powers. To this request Major Huse replied that there had been no change in his authority to act in full for the Confederate government. Not feeling satisfied with this, and learning that he had in some way been associated with Captain W. G. Crenshaw in supplying the government, we applied to the latter gentleman for information, if he felt at liberty to grant it to us. The result was, that we learned that, by recent order of the war department, Major Huse's authority was now limited to the supply of ordnance stores, or, in other words, to contraband of war, and these to be sent forward by government vessels. On getting this information we declined going on with the contract until the Confederate government should ratify the same. Major Huse then addressed the company a threatening note, stating that he had no doubt the government would take redress into their own hands, meaning, we presume, that they would not pay for the saltpetre, or would seize our ships when within their power. Our object in addressing you is to say that we want to give the government the saltpetre on being paid for the same the cost and such other compensation as they may deem just and right.

Very truly,

EDGAR P. STRINGER,
Managing Director.

Hon. J. M. Mason.

P. S.—The saltpetre has been stored at Bermuda, to await further instructions. If you could feel free to assure us that the Confederate government would pay for the same in any equitable way, we will gladly order it forward in our ships to Wilmington, but, having Major Huse's threat over us, we do not feel justified in sending it into Wilmington without some such assurance. We earnestly desire to give them the saltpetre, knowing that it is much wanted; but our stockholders would censure us were we to do so without having some assurance to offset the aforesaid threat of Major Huse. I trust you will be able to help us in our dilemma.
Mr. Mason's answer.

London, September 19, 1863.

SIR: I have received your letter of the 16th instant, with its enclosure, being the memorandum of agreement between Major Huse and the Mercantile Trading Company. I am not aware of the extent of Major Huse's authority in the matter to which your letter refers, but I know that as an officer of the government he has exercised large powers in sending forward supplies, and, in doing so, has had the sanction and approbation of the war department. Thus, in regard to the saltpetre which you state has been sent forward by your company under a contract with Major Huse, I feel fully authorized to assure you that it will be taken by the government on the terms mentioned in your letter, or on those of the contract referred to, the better to insure which I return your letter with its enclosures, as the papers to which this refers, (identified by my initials,) so that you can send them, with this letter, to the government when the saltpetre is shipped.

Very respectfully, your obedient servant,

EDGAR P. STRINGER, Esq.

J. M. MASON.

Caleb Huse to E. P. Stringer.

25 Grande Rue Antenil,
Paris, September 2, 1862.

SIR: I duly received your communication of August 28, and am this morning in receipt of a duplicate of the same.

I gather from it that you desire to base your excuse for failing to carry out your engagement with me on the fact that Mr. William G. Crenshaw has satisfied you that I had no authority to enter upon the engagement on the part of the Confederate States government. I regret that Mr. Crenshaw should have taken upon himself the responsibility of interfering with an arrangement by which the Confederate States government would, at a comparatively early day, have received most important supplies. But while I regret this interference on the part of Mr. Crenshaw, which has enabled you to advance a plausible excuse for your breach of contract, it is not to be understood that I find in it the true reason for your failure to comply with the terms of your engagement. I perceive, in your thus placing the responsibility upon Mr. Crenshaw, only an afterthought and pretext cleverly made use of. The true reason for your breaking down in the execution of this contract has been that you have been unable to obtain the money required. The capital of your company is £150,000, and you have already made use of the entire amount in the purchase of goods and steamers. You expected to obtain the money for carrying out your contract with me from Mr. De Vost, through Mr. Lang. Since the confederate reverses in July Mr. De Vost has been unwilling to part with his money on the security you could give him. I have known this all the time, and also of your efforts to procure money from other sources.

Finding yourself unable to accomplish this, at the last moment you resort to the dishonorable expedient of making use of the complaint of an unsuccessful contractor—who fancies that, in some way, I am the cause of his failure to obtain funds with which he may go on with his contract—to prove that I had no authority to enter upon this contract. You have, moreover, stated to gentlemen in no way connected with the Confederate States government that Major Huse
had endeavored to make a contract with you for the Confederate States government, for which he had no authority. This statement, if generally believed, would entirely destroy my efficiency as an agent of the Confederate States government. You hoped, by such means, to escape the odium of having entered upon an undertaking which you were unable to carry out.

If you had had the honesty to state to me the true reason for your failure, I should have regretted the fact, and perhaps would have entertained an opinion as to the propriety of your having signed a memorandum of agreement to supply me with £300,000 without having first assured yourself that you would be able to carry it out. But then the matter would have ended; you would have failed in the execution of your engagement from causes beyond your control, but you would have saved your self-respect.

When Mr. Soutter first proposed to me that I should enter into an arrangement with the Mercantile Trading Company, my reply was that I would have nothing to do with any concern in which Mr. E. P. Stringer was a principal manager. I subsequently abandoned this position, not because Mr. Stringer's character was made to appear in any more favorable light to me, but because it represented to me that such a course on my part would injure innocent persons for whom I had a high regard, who were interested in the success of the company, and particularly Mr. Soutter. I found, too, that an incorrect impression had been produced in the mind of Mr. Soutter, and of one or two distinguished persons, that my desire to injure Mr. Stringer was so great that, for the sake of gratifying it, I was willing to let pass an opportunity of making a favorable arrangement for the Confederate States government. I lost no time in correcting this impression, and entered into an arrangement finally, under which you were to supply me with £300,000. I believed that the arrangement would be carried out on the part of the company, not because I had any faith in the managing director, but because of my confidence in Mr. Soutter, a fellow co-director, who, I believed, would carefully watch the interests of the Confederate States government. My confidence in Mr. Soutter is undiminished. He enjoys a reputation that is able to bear even an association with Mr. E. P. Stringer. I ought, as I now see clearly, to have adhered to my determination, which was based on grounds which, as I intend to send a copy of this letter to Richmond, I will here state:

You had made great professions of friendship for the Confederate States, and at the same time had been perfectly unscrupulous on at least two occasions when opportunity offered for you to benefit yourself. One occasion was the purchase of the steamer Giraffe, when you caused £1,000 more to be paid for the steamer than was necessary, which thousand pounds was disposed of by you, in addition to two and a half per cent. commission upon the purchase-money, which purchase-money included the £1,000 put into your pocket. You once stated to me that this £1,000 was given to you by Mr. Collie, from whom the Giraffe was purchased. Such a statement was childish. In whatever manner the details of a transaction may be concealed, all the expense connected with the purchase of an article goes into the account of the purchaser in one way or another. You were paid a commission for purchasing the steamer. As an honorable man, you ought to have effected the purchase on the best terms possible, and charged your commission on the net amount.

On another occasion, you received from a purchaser of arms for the Confederate States government the exorbitant commission of five per cent. for introducing the party to a house from which the Confederate States government had been purchasing arms since the commencement of the war. The transaction came officially to my notice. It cannot be pretended by you that any service, whatever, was rendered for that charge. You knew, moreover, that not only would that money—about £2,000—come from the treasury of the Confederate
States government but that one hundred per cent. profit was to be paid on the face of the invoice, in which your commission appeared as an item.

I do not object to your making money in any manner allowed by your conscience and by those persons with whom you have transactions. Such transactions as the above, however, are entirely inconsistent with the position you assume to occupy, of a friend to the Confederate States government. Your well-assumed enthusiasm in the confederate cause has deceived many who, perhaps, would hardly believe the above statements unless clear evidence of their truth were furnished.

I trust it will not be necessary for me to have anything more to do with a man of whom my first unfavorable impressions were strengthened by the conversation of almost every merchant whose opinion of either W. S. Lindsay & Co. or E. P. Stringer I asked, and which have been fully confirmed by the two transactions referred to above, to say nothing of Mr. Stringer's conduct, as manager of the Mercantile Trading Company, with reference to my contract with that company.

It is proper for me to inform you that I hold the Mercantile Trading Company to the faithful execution of the agreement of its managers with me. I shall take no further steps to convince the company that I had full authority to make the contract. If the company doubts my authority, and requires the counter-signature of one or all of the Confederate States commissioners to any contract I may sign, I will undertake to obtain such counter signatures.

Your obedient servant,

E. P. Stringer, Esq.,
Managing Director of the Mercantile Trading Company,
3 Alderman's Walk, London, E. C.

CALEB HUSE.

Mr. Seward to Mr. Adams.

No. 768.]

DEPARTMENT OF STATE,
Washington, November 24, 1863.

SIR: Your despatch No. 527, of the 30th ultimo, which shows the manner in which you have carried into effect the instruction of this department, (No. 730,) has been received, submitted to the President, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Charles Francis Adams, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

No. 769.]

DEPARTMENT OF STATE,
Washington, November 28, 1863.

SIR: Desirous to inform you as fully as we are possessed ourselves of the gratifying successes which have crowned the national arms in Georgia, I cannot perform this duty in any other way so effectually as I can by giving you a copy of a graphic report which was received last night from Quartermaster General Meigs, who, being accidentally in attendance upon General Grant's army, was an eye-witness of the great transaction. You will justly expect that
this suspicious event will be followed by movements for the restoration of the civil 
authority in the States which have been heretofore the theatre of the civil war.
There are not wanting cheering indications that slavery will be willingly 
made a sacrifice by the loyal citizens of those States to regain and perpetuate 
the blessings of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Koerner, Marsh, and Motley.

Mr. Seward to Mr. Adams.

No. 770.]

DEPARTMENT OF STATE,
Washington, November 30, 1863.

Sir: Your despatch of the 13th of November (No. 535) has been received. 
The President is gratified with the reception which Earl Russell has given to 
my suggestions in regard to obtaining a sanction, by the Mikado, of the treaties 
which have been made by the western powers with the Tycoon of Japan. The 
latest information received from Mr. Pruyn induces a hope that the efforts of 
the daimios, under the Mikado’s patronage, to expel foreigners from the country 
will not be continued.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 771.]

DEPARTMENT OF STATE,
Washington, November 30, 1863.

Sir: Your interesting despatch of the 13th of November (No. 536) has been 
received.

Adhering to our American policy of non-interference in the affairs of other 
countries, I shall not engage in speculations upon the probable effects of the 
proposition of the Emperor of France for a European congress.

I may properly observe, however, in that connexion, that it seems as if, abroad 
as well as at home, the course of political ideas, which was so rudely broken by 
the unhappy insurrection in this country, is resuming its natural and accustomed 
order. European statesmen and governments must, in the main, be so far content 
with governing Europe as to leave to the statesmen and governments of 
America the responsibilities of regulating affairs on this continent. We all see 
clearly enough how much American affairs have been embarrassed rather than 
relieved by the attention they have engaged in Europe.

This return of normal ideas is very observable in this country. The efforts 
to substitute anarchical proceedings for the constitutional operation of the federal 
government have at last been submitted to the test of a popular election in the 
loyal States, with all the advantage to be gained by indirection of manner as 
well as by the discontents which a fearful civil war, so long conducted without 
decisive results, could afford. The result is, that the national habit of reliance 
upon the constitutional administration is restored, even at the cost of the social and
political changes which it is foreseen must result from the removal of the dominating institution of slavery.

So in regard to our foreign relations, the conviction has universally obtained that the true national policy is one of self-reliance and self-conduct in our domestic affairs, with absolute non-interference in those of other countries. These two important ideas are accepted with practical universality in the loyal States, while in the region covered by the insurrection they are resisted only by those who have staked their all upon the fortunes of a desperate strife.

Under these circumstances, Europe, with her attention already diverted from America, will no longer find provocation or encouragement here for a policy hostile to the settlement of our controversy upon the basis of our constitutional union. I think, moreover, that she cannot be long in discovering that, in lieu of her present partial illicit trade, with its constant annoyances, she has only to revoke her recognition of the insurgents as a belligerent to secure a return of peace, with a restoration of the commerce which prevailed before the civil war began. True there will, for a season, be a difference in the materials of exchange. But one has only to consider the immense forces of population and industry existing in the United States to become satisfied that whenever peace returns, every source of national wealth now closed will soon be made to flow even more freely under the application of labor universally free than it did before, while slavery was maintained as a part of the industrial economy of the country.

Apprehensions that the aggrandizement of the United States as a commercial power can bring any practical inconvenience or danger to European states can disturb none but visionary minds. We can never be dangerous, unless we are armed. We were never so great, and yet never so completely unarmed, as we were when this civil war broke out. We were never before so shorn of national prestige as we are now, through the operation of domestic faction; yet we have never before been so strongly armed as we are at this moment, upon land and water. If we have ever been aggressive, it was the interest of slavery that made us belligerent abroad, as it was the same interest that has now afflicted ourselves with civil war. We can be only a peaceful nation, if we are left to enjoy our independence in the way that our destiny leads us. We can only become a disturber of the world's peace by being called into the world to defend that independence.

I do not know in what way Great Britain and France may think it expedient to reverse the injurious policy they have hitherto pursued in regard to us, but I think that in order to direct their attention with more earnestness to European affairs, they must soon come to the conclusion that it is wise to remit American affairs exclusively to the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 777.]

DEPARTMENT OF STATE,
Washington, December 5, 1863.

SIR: Your very interesting despatch of the 19th of November (No. 537) has been received, together with the pamphlet on the foreign enlistment act of Great Britain by Mr. Gibbs, which is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.
Mr. Seward to Mr. Adams.

No. 778.]  

DEPARTMENT OF STATE,  
Washington, December 5, 1863.  

Sir: I have to acknowledge the receipt of your despatch Nos. 538 to 541 inclusive, and to express my approval of them.  
I am, sir, your obedient servant,  

WILLIAM H. SEWARD.  

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 779.]  

DEPARTMENT OF STATE,  
Washington, December 5, 1863.  

Sir: Your despatch of the 20th ultimo (No. 542) has been received. I give you my thanks for the report of the progress of the trial of the Alexandra, which accompanied it, and remain, sir, your obedient servant,  

WILLIAM H. SEWARD.  

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]  

DEPARTMENT OF STATE,  
Washington, December 15, 1863.  

Sir: The brilliant and signal defeat of the insurgents which occurred on the 24th and 25th days of November, in front of Chattanooga, was followed by the rapid movement of re-enforcing columns of the army at that point to the support of General Burnside, at Knoxville. The siege of that town was immediately raised, and thus the great Alleghany ridge, next in military importance only to the great river channel of the west, is effectually reclaimed by the national government.  

Congress assembled on the 7th instant, and the session was inaugurated on the 9th by the delivery of the President’s annual message. It was well received by the national legislature, and it seems to be no less satisfactory to the loyal people of the United States. You have especial ability to judge how far the exposition of our foreign relations is truthful and accurate. It is hoped that the firmness and liberality which the President manifests will exert a good influence upon public opinion in other countries.  

The confidence of our fellow-citizens in the stability of the Union, which has been rapidly reviving since the great victories of July, has been entirely restored by the expositions of our moral, material, and physical resources, which are furnished by the heads of the several departments.  

Through what seems a fortunate coincidence, the insurgent chief at Richmond has put forth an explanation of the present state of the rebellion simultaneously with the publication of the message of the President of the United States. It would be difficult, I think, to decide which of the two documents, namely, that message or the appeal of the insurgent leader to his misguided faction, most clearly illustrates the absurdity of the attempt to build up an independent state on the foundation of human bondage within the existing
boundaries of this firmly established and compactly organized free American republic. European statesmen will doubtlessly collate them. I shall be surprised if that process does not result in producing a universal conviction that the American people are, and must continue henceforth to be, one indivisible nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Pike, and other ministers in Europe.

BRITISH LEGATION.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 4, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 31st ultimo, submitting the copy of a memorial signed by merchants at Nassau, relative to the restrictions imposed on the trade between New York and the Bahamas islands, and to state that the matter has been referred to the Secretary of the Treasury.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 2d instant, transmitting a copy of a despatch from the governor of the Bahama islands to her Majesty's secretary of state for the colonial department, reporting the proceedings in the case of the schooner Hanover, of Boston, captured by the insurgent privateer Retribution, and taken to Long cay, one of the Bahamas.

The bail required in the case seems surprisingly small and insignificant. This government, however, trusts that the prosecution will be conducted to a result which will vindicate the justice of the British government.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th ultimo in relation to the requirement of bonds under the act of
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Congress in ports of the United States from persons shipping goods to ports in the Bahama islands.

The President sincerely regrets that her Majesty's government still remains of the opinion that this course of proceeding, as it is explained in my former communications, contravenes the treaties between Great Britain and the United States. Her Majesty's government having brought no new facts or arguments to bear upon the case, I can only confess, on the part of this government, an inability to surrender the convictions it has heretofore expressed, and, as it thinks, conclusively maintained.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. Lord Lyons, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 10, 1863.

Sir: I have the honor to acknowledge the receipt of your note of the 20th ultimo on the subject of the compensation to be made in the case of the Magicienne.

In a note which I had the honor to address to you on the 22d of April last, respecting the capture of this vessel, I applied to the government of the United States for full compensation to the parties interested.

In answer to this application you were so good as to convey to me, in a note dated the 6th of June, a proposal that the same course should be pursued in this case as that proposed to be pursued in the case of the Mont Blanc.

I replied to that proposal by a note dated the 20th of June, from which the following is an extract:

"The course proposed to be taken in the case of the Mont Blanc is described in the note which you did me the honor to address to me on the 7th of last month, in the following terms:

"I have submitted this claim to the President, and am authorized to say that he admits that, in view of all the circumstances of the case, such compensation ought to be made. The Secretary of the Navy will, therefore, designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damages to be thus paid; and the President, upon their report, will ask an appropriation of Congress, for the discharge of the claim, at their next session."

My note went on to say that I purposed to inform her Majesty's government that the government of the United States proposed to settle the case of the Magicienne on the terms specified in the foregoing extract; but that I would, before doing so, await a further communication from you, in order that I might be quite sure of representing the intentions of the United States government with perfect correctness.

In a note dated 22d June you did me the honor to state to me, in reply, that such was the true interpretation of your offer.

By your note of the 20th ultimo, to which I am now replying, I understand you to propose that the referees, whose appointment is contemplated in the preceding communications, shall meet at New York instead of at Key West.

Having consulted Mr. Edwin Gerard, who is, as you are aware, empowered to represent some of the principal parties interested, that is to say, the owners of the vessel and some of the shippers of the cargo, I have no difficulty in agreeing to this proposal. I accordingly name Mr. Edward Mortimer Archibald, her

9m*
Majesty's consul for the State of New York, as referee, and I shall be ready, on receiving your answer to this note, to instruct him to confer in the city of New York with the referee named by you, Mr. William M. Evarts, with a view to bringing the case of the Magicienne to a settlement on the terms specified in the notes of the 22d April and of the 6th, 20th, and 22d June, to which I have referred above.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

LYONS.

Mr. Seward to Lord Lyons.

Department of State,
Washington, November 11, 1863,

My Lord: I have the honor to acknowledge the receipt of your note of yesterday, stating that you agree to the proposal made in my note of the 20th ultimo, to the effect that the persons to be appointed to confer upon the subject of indemnification in the case of the British steamer Magicienne would meet for that purpose at New York instead of at Key West, and informing me that you have accordingly named Mr. Edward Mortimer Archibald, her Majesty's consul for the State of New York, as referee, and that on receiving my answer to your note now before me you will be ready to instruct him to confer with Mr. William M. Evarts, the referee named on the part of this government.

In reply, I have the honor to inform your lordship that the selection of Mr. Archibald is satisfactory, and that Mr. Evarts will immediately be apprised of the fact.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. Lord Lyons, &c., &c., &c.

Mr. Seward to Lord Lyons.

Department of State,
Washington, November 11, 1863.

My Lord: I have the honor to acknowledge the receipt of your note of the 2d instant, in which, under the instructions of her Majesty's government, you renew their demand for adequate compensation in the case of Captain Sherwin, and to state that it will be taken into due consideration.

The certificates which accompanied your note are herewith returned to you.

I have the honor to be your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. Lord Lyons, &c., &c., &c.

Mr. Seward to Lord Lyons.

Department of State,
Washington, November 11, 1863.

My Lord: I have the honor to communicate a copy of a letter of the 28th ultimo, addressed to this department by the Secretary of War, and of the papers
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to which it refers, relative to the case of John Harcastle, a British subject, who, unfortunately, lost his life from a persistent disregard of the rules of the Old Capitol prison, where he was confined. The impression of this department is, that the subject, as now presented, relieves this government from further just accountability.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

To LORD LYONS.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, October 28, 1863.

SIR: In reply to your letter of the 15th of August last, enclosing a copy of a note from Lord Lyons, in which, under instructions of his government, a representation was made concerning the circumstances attending the death of Mr. Harcastle at the Old Capitol prison, I have the honor to transmit here-with copies of a report of Brigadier General Martindale, military governor of the District of Columbia, and an accompanying statement from the superintendent of the Old Capitol prison, together with a review of the same by the judge advocate general of the army.

While this department sincerely regrets that Mr. Harcastle came to his death while in the custody of the United States military authorities, you will perceive that the facts elicited by the careful investigation which has been made do not require the admission of the grave representations which Lord Lyons was instructed to make, whether these representations affect the arrest and confinement of Mr. Harcastle in the first instance, or the subsequent lamentable affair which resulted in his death.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

JUDGE ADVOCATE GENERAL’S OFFICE,
Washington, October 22, 1863.

SIR: In the case of Harcastle, a British subject, accidentally shot by a sentry while in confinement at the Carroll prison, in this city, on the 25th of May last, I have the honor to submit as follows, in response to your indorsement of reference of the 20th instant:

This case came before the War Department from the Department of State upon a communication from the British minister to Mr. Seward, of August 13 last.

In this communication Lord Lyons, after setting forth the views of her Majesty’s government with regard to the original imprisonment of Harcastle, as well as the manner of his death, concludes as follows:

“The whole case leaves a very painful impression upon the minds of her Majesty’s government. The liberty of a British subject was (they conceive) interfered with, without any serious cause, and in apparent breach of good faith; the representations of her Majesty’slegation in his behalf did not produce his release; and in the end his life was carelessly sacrificed by the acci-
dental result of a rough and unmerciful system of prison discipline, excused on
the ground of the unsuitableness and the overcrowded state of the United
States military prisons.”

From the various reports and papers furnished the War Department by
Brigadier General Martindale, military governor of the District of Columbia,
who has evidently investigated the subject with care, the causes of the confine-
ment of Hardcastle, and the facts of his death, are found to be as follows:

Hardcastle was placed in confinement in the Carroll (or Old Capitol) prison
on the 17th of April last. He had arrived at Port Conway, below Falmouth,
with a flag of truce from the rebel army, having come from Richmond under a
pass from General Winder, indorsed by General Lee. On his arrival within
our lines he was forwarded in arrest by General Patrick, Provost Marshal
General of the army of the Potomac, to the Provost Marshal at Washington,
with the papers found upon his person, describing him as a British subject, and
with a communication from General Patrick calling attention to an apparent
want of genuineness in these papers tending to discredit their bona fide char-
acter.

It is well remarked by General Martindale “that the effort to prevent inter-
communication for improper purposes across the lines of our armies would be
abortive if the reception of persons under a flag of truce should be held to
preclude detention for the purpose of further examination.”

It has accordingly been customary with this government to require this de-
tention and examination, as a precaution, in the majority of cases, absolutely
necessary to be taken against the designs of those classes of persons who, by
the laws and customs of war, should properly be excluded from the privilege of
penetrating within our territory. That the enforcement of this rule should some-
times subject neutrals to temporary inconvenience is perhaps inevitable; but it
has been the purpose of this government to require this detention in those cases
only when the conduct, the business, or the credentials of the party are not
found to furnish a sufficient guarantee that his object in seeking to enter our
lines is such as may properly be had in view by a citizen of a neutral power.

In the case of Hardcastle, the facts brought to light upon his examination,
(which was pending at the time of his death,) and subsequently, were such, it is
believed, as to fully justify his arrest and detention, as well as the suspicion in
regard to his actual character and antecedents which appear to have arisen at the
time of his arrest.

It is shown that he had resided for eight years in the United States, eight
months of which period had been passed by him in the southern States; that
his sympathies were with the rebels; that without authority from the United
States government to pass beyond our lines, he had succeeded in doing so, and
had proceeded to Richmond, Charleston, and Savannah; that his profession
being that of a pyrotechnist, he had visited Charleston in this capacity; and had
actually rendered services as such in the construction of torpedoes for the de-
fence of the harbor of that city. Most of these facts were made known by the
prisoner himself, in statements made by him to Mr. Wood, the superintendent of
the prison; but it is to be observed that these statements were made freely and
voluntarily, and in a boastful manner, especially when the defences of Charles-
ton were alluded to, the prisoner frequently vaunting their magnitude and
impregnable character.

In view of these antecedents of his, and especially of the services represented
by him to have been rendered the enemy in the preparation of engines of war,
it is submitted that the arrest and confinement of Hardcastle were fully war-
ranted, and that his liberty as a British subject was not interfered with without
cause, or in breach of that good faith which should prevail between this gov-
ernment and that of a neutral power. Is not his case, indeed, more truly pre-
icted, when it is said that his acts in secretly making his way across our lines
without any passport whatever, in defiance of the authority of the United States, and in subsequently giving important aid and comfort to the rebellion after having enjoyed the protection of our laws during a residence of more than seven years, were such as to oblige our government, if not to imprison him as an enemy, at least to confine his person until the most satisfactory guarantees were tendered as to his strict neutrality in the future? It can be held in no wise a violation of the flag of truce, which had procured him safe conduct beyond the rebel lines, that he was received from it, subject to the regulations of military police which had been adopted in our armies. May he not himself rather be deemed to have abused the privilege of the flag, in availing himself of the opportunity which it afforded him of reaching our lines, when, if his character and antecedents had been known, he would assuredly not have been received under it at all?

From the reports received in relation to the shooting of Hardcastle, the circumstances of his death are found to be these:

The prison in which he was confined fronted directly upon a main street of Washington, and was thus so situated that communication between prisoners and persons outside could have been readily indulged in if no precautions had been taken to prevent it. That the parties in confinement should be debarred, not only from such communication, but from the view of persons passing on the street, would appear to be most desirable in a city like Washington, situated near the enemy's lines, constantly menaced by his forces, and frequented by parties in secret sympathy with the rebellion, or engaged in enterprises prohibited by the laws of war. Such parties would naturally seek to communicate, if possible, with their friends in confinement, for the purpose of advising with or assisting them, or in procuring their escape. It appears that to facilitate such intercourse the bars of the windows have in several cases been cut through; and it was to prevent this communication as effectually as possible that screens were erected outside the windows, rising to a height of four feet above the sills, and projecting about eighteen inches beyond them towards the street. The prisoners were forbidden to look or extend their bodies over and outside of these screens; and the guards on duty at the prison were instructed to warn prisoners making their appearance above the screens to withdraw at once, and if they persisted in disregarding this warning to fire upon them.

On the 25th of May Hardcastle and a prisoner named Pleasanton were both standing inside the screen, (and therefore outside the wall of the prison,) and were leaning over the top, in full view of the street. Their appearance in this position being in direct contravention of the rules and discipline of the prison, and calculated to excite disorder on the street, they were repeatedly and in civil language admonished by the sentry, Chapman, to withdraw. Instead of so doing they remained, and commenced to argue with the sentry as to their rights.

At this juncture Mr. Wood, the superintendent, passed by, and at once called the attention of the prisoners to the impropriety of their behavior, and urged their complying with the directions of the sentry, who, as he explained to them, had no discretion but to execute the orders which had been given him by his officer. Mr. Wood added, were he in the sentry's place he should (under the circumstances of this persistent refusal to retire on the part of the prisoners) enforce his commands by firing upon them.

It is further shown that about this time the "officer of the keys," attached to the prison, went to the door of the room in which Hardcastle and Pleasanton were confined, and admonished them of the danger to which they were subjecting themselves by their conduct.

The prisoners, notwithstanding these repeated warnings, refused or neglected to retire within the screen; whereupon the sentry discharged his piece, and Hardcastle was mortally wounded, so that he died in a few hours.
It would appear, though it is not certainly established, that the sentry in firing aimed his piece at Pleasonton. The latter is alleged to have used insulting language towards the sentry, and to have been particularly demonstrative in his disregard of the directions of the latter.

It further appears, that prior to the occurrence of May 25, Harcastle had repeatedly disobeyed the orders both of Mr. Wood and his subordinates by conduct similar to that which has been described, and by communicating from above the screen with persons outside; and, moreover, that ever since the commencement of his imprisonment, he has been in the habit of disregarding the rules presented for the government of the prison. It is represented, in fact, by Mr. Wood, that Harcastle had, in conjunction with one James, become so regardless of discipline as to render it necessary to place them both in close confinement. It was not until James had been sent to Richmond for exchange that Harcastle was removed to the room which he occupied at the time of his death.

Under all the facts, as they appear in evidence, it is submitted that the life of Harcastle cannot justly be held to have fallen a sacrifice to a "rough and unmerciful system of prison discipline," but rather to have been forfeited by his persistent neglect to observe a necessary and salutary rule established in the prison, (with his full knowledge,) and after repeated warning of the probable and legitimate consequences of his behavior in this regard. And it is conceived, therefore, that neither the sentry, who in firing obeyed the orders of his officer, nor the inferior officer, who imparted these orders, nor the superior who issued them in the first instance, can be deemed responsible in any way for Harcastle's death.

Nor is it necessary to excuse the rule in question on the ground of the "unsuitableness or the overcrowded state of the prison." Such rule, or a similar one, would have been found necessary in any military prison similarly situated.

It is represented, that these screens allowed ample light and ventilation for the rooms, so that there could have been nothing to complain of in their erection, except on the part of prisoners who were thus more effectually prevented from holding communication with friends outside, or from gratifying their curiosity by observing what occurred beyond their prison walls.

In fine, the belief is confidently entertained that when the facts above set forth (resulting from a recent and thorough investigation of the affair) are brought to the knowledge of her Majesty's government, the prisoner (Harcastle) will be viewed as the victim of such a casualty as may at any time be apprehended by one who has placed himself in the wrong.

For the purposes of this inquiry, it is not deemed at all important to determine whether the shot was, in fact, aimed at Pleasonton or Harcastle, since the latter, at the moment of the firing, had incurred precisely the same guilt as the former, and by placing himself defiantly in the position which he occupied must be regarded as having wantonly thrown his life away.

Respectfully submitted.

J. HOLT,
Judge Advocate General.

Hon. E. M. Stanton,
Secretary of War.

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
Washington, D. C., August 31, 1863.

SIR: Herewith I have the honor to transmit, for your information, copies of the papers heretofore sent from these headquarters, including the report of Captain Mix, in relation to the death of John Harcastle, a prisoner of state, confined in the Carroll prison.
The copy of the communication of the British minister commenting on the case is also respectfully returned with the following report:

In view of the serious charges contained in that communication, expressed in the statements "that the liberty of a British subject was interfered with, without any serious cause, and in apparent breach of good faith; that his life was carelessly sacrificed by the accidental result of a rough and unmerciful system of prison discipline," I respectfully call your attention to the facts bearing on these points.

Captain Mix reports that the sentinels were instructed to warn all persons to keep their heads within the windows, and if the prisoners persisted in disobeying, to fire their pieces. But Captain Mix also explains that the bars of the windows had all been cut away by the prisoners, and had been replaced by plank screens, which projected eighteen inches from the sills of the windows, and rose four feet above them. This arrangement, while affording light and ventilation to the prisoners, completely excluded them from the view of persons passing in the street below, and from communication with them, except when the prisoners mounted on the sills of the windows and placed their heads over the screen, a position which was quite outside of the prison walls, insecure, and calculated to excite disorder in the street. The piece of the sentinel was discharged at a prisoner who not only persisted in occupying one of those screens or boxes after repeated warning that he must retire, but was using insulting language to the sentinel. Harcastle, as I am informed and believe, was outside of the prison walls, within the screen at the same time, which explains the fact that the shot took effect on his person.

I have already explained in a former report why it has been necessary to make temporary use of the Carroll place as a prison, and the reasons for interdicting communication between prisoners and the passengers in the street. To that report I respectfully refer. Submission to the order excluding prisoners from the screens has been, and is, indispensable to secure them in confinement, and prevent public disorder in the city, now occupied as the chief military depot in the United States. It is the enforcement of that submission by firing at an offender, in a case where resistance had been persisted in, accompanied by insult to the sentinel, for half an hour, which the British minister has presented as the accidental result of a "rough and unmerciful system of prison discipline."

I assume that the apparent breach of good faith, alleged by the British minister, consists in detaining Harcastle in confinement after receiving him through the rebel lines under a flag of truce.

In my report of the 15th of June, ultimo, I made no reference to the reasons for the detention of Harcastle. No explanation on that point was required or deemed pertinent. He was received at Falmouth, Va., under a flag of truce, on or about the 16th of April, 1863, and was forwarded in arrest to the provost marshal of the army of the Potomac to the provost marshal at Washington, together with papers found on his person, describing him as a British subject, and with a communication calling attention to a fact apparent in the papers tending to discredit their genuineness. The effort to prevent intercommunication for improper purposes across the lines of our armies would be abortive if the reception of persons under a flag of truce should be held to preclude detention for the purpose of further examination.

No stronger case than Harcastle's can be desired to illustrate this point, for, as will appear by the report of the prison superintendent, herewith transmitted, disclosures were made during his confinement tending to show that he had penetrated, without a passport from the United States government, through our lines into the rebel States, there to engage in employment as a pyrotechnist, and had actually rendered service to the rebels in that capacity. It was during a suspension of the examination of Harcastle, and before it was completed, that he
was accidentally killed. This is the detention which the British minister has presented as an "interference with the liberty of a British subject without any serious cause, and an apparent breach of good faith."

I have the honor to be, very respectfully, your obedient servant,

J. H. MARTINDALE,
Brig. Gen. and Military Governor.

"Hon. E. M. STANTON,
Secretary of War.

OLD CAPITOL PRISON,
Washington, D. C., August 29, 1863.

SIR: Agreeably to your request of yesterday I have the honor to report in the case of the late Mr. John Harcastle, as follows:

From the rules and usages of the prison, it has been customary for me to hold frequent communications with the prisoners on subjects connected with their confinement, which fact can be clearly established by the records of the prison. In the latter part of April or beginning of May last Mr. Harcastle informed me that he was a British subject, residing in the United States about eight years, eight months of which he had recently spent in the rebellious States; that he was a pyrotechnist; that his sympathies were with the south, and that nearly every Englishman he had there met with regarded the southerners as of their own kindred, free from the plebeian proclivities of the conglomerated mass composing the inhabitants of the northern States; that he had run the blockade and visited Charleston, Savannah, Richmond, and other southern cities, and contributed by his knowledge and experience in the getting up of the torpedoes in Charleston harbor, and frequently boasted of the magnitude and impregnable of its defences. He stated that he left Richmond in April last, and obtained a pass from General Winder, indorsed by General Lee, to carry him to our lines, and that he had no authority from the United States government to enter or leave the Confederate States; that he came to Fort Conway, via flag of truce, and was taken to the headquarters of General Patrick, Provost Marshal General of the army of the Potomac, who forwarded him to Captain Todd, provost marshal of Washington city, by whom he was committed to my custody.

His appearance was respectable and genteel, and, as in all such cases of British subjects, I treated him with the same kindness and courtesy as that bestowed upon United States officers in my custody.

I was not long in ascertaining that Mr. Harcastle belonged to that class of Englishmen who had been piloted through our lines by certain parties, whose headquarters are in Baltimore, and of the existence of which the detective department is fully aware, having had prisoners in my charge of the same class, among whom were Captain Winn and George A. Lawrence, stated visitors at the Baltimore club-house, the headquarters where all the preliminary arrangements are made for such persons to depart and enter our lines.

Major Turner, judge advocate of the War Department, requested me to extend extra attention to Captain Winn while in my charge, which I fully complied with, and the liberties and privileges thus bestowed upon him were taken advantage of, and he effected his escape from the prison. For the escape of this prisoner I was censured, which determined me to exercise extra precautions with that class of prisoners in future. About the time of Mr. Harcastle's imprisonment, a notorious character named James was also incarcerated, who together, on all occasions, openly and persistently violated the rules and discipline of the prison. You are well aware of their tenor. The health of the prisoners, the cleanliness of the apartments, and the treatment they usually receive, have been
generally spoken of in the highest terms by all who have ever been under my care. One of your staff officers makes weekly and special inspection of the prison and the prisoners, and announced to them that all causes of complaint, no matter of what character, will be investigated and removed upon written application to the judge advocate, or other members of your staff.

The continued violation of the rules, &c., by Hardcastle and James caused them to be confined together in close confinement. James was soon after sent to Richmond for exchange, and Mr. Hardcastle removed to a front room, No. 32, one of the most pleasant and comfortable rooms in the prison.

For the purpose of ventilation a wooden frame-work was made to extend from the front windows, and of sufficient height to prevent communication with parties in the street.

In violation of frequent instructions from myself and others under me, the prisoners in this room were in the habit of extending their bodies beyond the lines of these frames and the front of the building, and communicating with parties on the outside. The negligence of the sentinel on that post, in permitting this violation, was complained of to the officer of the guard by myself but a day or two previous to Hardcastle's death. On that morning I came from the Old Capitol prison, in company with Captain Mix, and saw the prisoners in that room protruding their heads beyond the top of the wood work, and some 18 inches beyond the line of the building. The sentinel on duty (now a prisoner in my custody) politely requested them to retire to the proper distance inward, which they disregarded, and commenced to argue with him as to their rights, &c. I called the attention of the prisoners to their impropriety, and urged them to obey the sentinel, as he (the sentinel) had no discretionary powers of delay or argument, and stated that were I on duty at his post I should certainly enforce my command by shooting at them. The officer of the keys also went to the room door and warned them of their danger. The continued disregard on the part of the prisoners of all these warnings and instructions no doubt led to the death of Mr. Hardcastle, in the manner and form already made public.

Trusting this statement meets your approbation, I have the honor to be your obedient servant,

WILLIAM P. WOOD,
Superintendent of Old Capitol Prison.

Brig. Gen. MARTINDALE,
Military Governor.

Lord Lyons to Mr. Seward.

[Immediate.]

WASHINGTON,
Wednesday night, November 11, 1863.

My Dear Sir: Persons hostile to the United States, who have sought an asylum in Canada, appear to be engaged in a serious and mischievous plot. Indeed, if the information which has reached the governor general be correct, they have a project for invading the United States, and attacking and destroying the city of Buffalo. They propose to get possession of some of the steamboats on Lake Erie, to surprise Johnston's island, and set free the prisoners of war who are confined there, to proceed with them to attack Buffalo. The governor general suggests that steamboats should be watched, and he appears to have some suspicions connected with Ogdensburg. He has taken all the precautions in his power; has ordered a sharp lookout to be kept on the Wel-
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land canal, and desired that any steamboat giving cause for suspicion by the number or character of the passengers on board shall be arrested.

You will excuse my disturbing you so late. The information has only just reached me by telegraph, and it may be important that you should know it without delay.

The governor general authorizes me to communicate it to you.

Believe me to be, my dear sir, your faithful servant,

LYONS.

Hon. William H. Seward.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 12, 1863.

My Lord: I have the honor to acknowledge the note which was sent to me by your lordship at a late hour last night, apprising me, at the request of his excellency Lord Monck, the governor general of Canada, of a rumored plot to disturb the peace and security of the lake frontier. After thanking you, in the name of the President, for information conveyed in so just and liberal a spirit, I have now to state to your lordship that the necessary measures have been taken to defeat the criminal enterprise to which I have alluded. Major General Dix will at once repair to the frontier, and take charge of the execution of these measures. Solicitous that they may be conducted in perfect comity and respect towards her Majesty’s authorities, I have, by the President’s direction, requested the honorable Preston King to visit Lord Monck, and to confer with him upon the subject, so as to secure a perfect understanding between the governor general and the agents of the United States. I will esteem it a favor if you will communicate to him the facts I have stated and the views I have expressed in this note.

I have the honor to be, with high consideration, your lordship’s obedient servant,

WILLIAM H. SEWARD.

Right Hon. Lord Lyons, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 21, 1863.

Sir: Her Majesty’s government have had under their consideration the note which Mr. Stuart had the honor to address to you on the 24th September last respecting the case of the Labuan, as well as the reply which you were so good as to make to that note on the 30th of the same month.

Her Majesty’s government cannot regard the conduct of the district attorney at New York, with respect to procuring ex parte evidence from Matamorcas, as consistent with the terms of your note to me of the 9th April last; nor can they consider this proceeding as one in accordance with the usual practice of prize courts. Her Majesty’s government are advised that, according to that practice, evidence might properly be admitted before commissioners appointed by the court, limited to the purpose of ascertaining the amount of damages really sustained; but after sentence upon the merits in the principal cause, to allow fresh evidence to be admitted as to the principle and law of the case, to which alone the evidence suggested by the district attorney would seem to apply, is, her Majesty’s government believe, without precedent in the practice of prize courts, either in England or in America, and fraught in the present case with manifest injustice.
Her Majesty's government have throughout maintained the position that the peculiar circumstances of this case rendered it an affair between the two governments, and it was pointed out to the government of the United States that to refer the case to the prize court would be attended with no other consequences than an increase of costs and expenses, and the infliction of the further injury of delay in redress to the claimants.

Under these circumstances, I am directed to state to you that though the question of the amount of damages may be open to further evidence, her Majesty's government consider that the principle is not open to controversy, and, consequently, that the evidence which it is proposed now to adduce is wholly irrelevant; and I am desired to add, that her Majesty's government much regret, after all that has passed, the additional injury of further delay thus inflicted upon the claimants, which appears to them to be without justification or excuse.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

Hon. William H. Seward, &c., &c., &c.

LYONS.

Mr. Seward to Lord Lyons.

Department of State,
Washington, November 25, 1863.

My Lord: I have the honor to acknowledge the receipt of your lordship's note of the 21st of November instant, by which I am informed of the views of her Majesty's government on the proceeding of the United States district attorney at New York in procuring additional evidence concerning the amount of damages in the prize case of the steamer Labuan.

Her Majesty's government already understand that damages, in the case of the Labuan, can only be paid by the executive department of this government when an appropriation shall have been made for that purpose by Congress. They have also been informed of the grounds on which the Executive deems it important to have an assessment of the damages made by the prize court in New York, to aid in forming the Executive judgment as to the amount which Congress shall be asked to appropriate. I am not able to agree with her Majesty's government in the apprehension that injustice is likely to result from the admission of additional evidence as the district attorney proposes to obtain. But it does not belong to me to determine now what evidence the district attorney shall offer or shall withhold from the prize court when it comes to assess the damages, although, on a review of the assessment, I think it will be pertinent for me, under the President's directions, to scrutinize the evidence on either side, and upon every possible suspicion favorable to the administration of equal and exact justice. For the present I can do no more than to submit the objections of her Majesty's government to the consideration of the prize court itself, so that they may have their just weight in the judicial tribunal. Having done this, I shall reserve special consideration of them, on my own part, until the prize court shall have rendered its decision upon the damages in question. I cannot willingly believe that this course will prove unsatisfactory to her Majesty's government.

I have the honor to be, with high consideration, your lordship's obedient servant,

Right Hon. Lord Lyons, &c., &c., &c.

William H. Seward.