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Whitehall, January 28, 1862.

THE Addresses and Resolutions of Condolence on the occasion of the death of His Royal Highness the Prince Consort, which, as stated in the London Gazette, have been transmitted to the Right Honourable Sir George Grey, Baronet, Her Majesty's Principal Secretary of State for the Home Department, have been laid before the Queen by Sir George Grey, and have been received very graciously by Her Majesty.

Foreign Office, January 28, 1862.

COPIES of Correspondence with her Majesty's Minister in the United States.

Earl Russell to Lord Lyons.

MY LORD, *Foreign Office, January 23, 1862.*

I MENTIONED, in my despatch of the 10th instant that Her Majesty's Government differed from Mr. Seward in some of the conclusions at which he had arrived; and that I should state to you on a future occasion wherein these differences consisted. I now proceed to do so.

It is necessary to observe that I propose to discuss the questions involved in this correspondence solely on the principles of international law. Mr. Seward himself, speaking of the capture of the four gentlemen taken from on board the "Trent," says: "The question before us is whether this proceeding was authorized by and conducted according to the law of nations." This is, in fact, the nature of the question which has been, but happily is no longer at issue. It concerned the respective rights of belligerents and of neutrals. We must, therefore, discard entirely from our minds the allegation that the captured persons were rebels, and we must consider them only as enemies of the United States at war with its Government, for that is the ground on which Mr. Seward ultimately places the discussion. It is the only ground upon which foreign Governments can treat it.

The first inquiry that arises, therefore, is as Mr. Seward states it, "Were the persons named, and their supposed despatches contraband of war?"

Upon this question Her Majesty's Government differ entirely from Mr. Seward.

The general right and duty of a neutral Power to maintain its own communications and friendly

relations with both belligerents cannot be disputed. "A neutral nation," says Vattel,* "continues, with the two parties at war, in the several relations Nature has placed between nations. It is ready to perform towards both of them all the duties of humanity, reciprocally due from nation to nation." In the performance of these duties, on both sides, the neutral nation has itself a most direct and material interest; especially when it has numerous citizens resident in the territories of both belligerents; and when its citizens, resident both there and at home, have property of great value in the territories of the belligerents, which may be exposed to danger from acts of confiscation and violence if the protection of their own Government should be withheld. This is the case with respect to British subjects during the present civil war in North America.

Acting upon these principles, Sir William Scott, in the case of the "Caroline,"† during the war between Great Britain and France, decided that the carrying of despatches from the French Ambassador resident in the United States to the Government of France by an United States' merchant-ship was no violation of the neutrality of the United States in the war between Great Britain and France, and that such despatches could not be treated as contraband of war. "The neutral country," he said, "has a right to preserve its relations with the enemy, and you are not at liberty to conclude that any communication between them can partake, in any degree, of the nature of hostility against you. The enemy may have its hostile projects to be attempted with the neutral State, but your reliance is on the integrity of that neutral State, that it will not favour nor participate in such designs, but, as far as its own councils and actions are concerned, will oppose them. And if there should be private reasons to suppose that this confidence in the good faith of the neutral State has a doubtful foundation, that is matter for the caution of the Government, to be counteracted by just measures of preventive policy; but it is no ground on which this Court can pronounce that the neutral carrier has violated his duty by bearing despatches, which, as far as he can know, may be presumed to be of an innocent nature, and in the maintenance of a pacific connection." And he continues, shortly afterwards: "It is to be considered also, with regard to this

* Vattel, book iii, cap. 7, s. 118.

† The "Caroline" (Chr. Rob., 461); cited and approved by Wheaton ("Elements," part iv, cap. 3, sec. 22).