

Fish, giving him a copy if he should desire to have one; and you will explain to him the reasons, as stated in his own despatch, which have induced me to adopt this course.

I am, &c.

(Signed) CLARENDON.

*Observations on Mr. Fish's Despatch to Mr. Motley of the 25th September, 1869, respecting the "Alabama," &c., Claims.*

1. *The Queen's Proclamation of Neutrality.*

Mr. Fish recapitulates the arguments previously used by Mr. Seward, as to the "precipitate recognition" of belligerent rights which, he says, "appears in its having been determined on the 6th of May, four days prior to the arrival in London of any official knowledge of the President's Proclamation of the 19th of April, 1861," . . . and "signed on the 13th of May, the very day of the arrival of Mr. Adams, the new American Minister; as if in the particular aim of forestalling and preventing explanations on the part of the United States."

The facts are:—

The President's Proclamation of blockade was published April 19. Intelligence of its issue was received by telegraph (see the "Times") on the 2nd of May.

It was published in the "Daily News" and other papers on the 3rd of May. Mr. Seward in his despatch to Mr. Adams of the 12th of January, 1867, says it "reached London on the 3rd of May."

A copy was received officially from Her Majesty's Consul at New York on the 5th; another copy from Lord Lyons on the 10th. It was communicated officially by Mr. Dallas to Lord Russell on the 11th, with a copy of a Circular from Mr. Seward to the United States' Ministers abroad, dated the 20th of April, calling attention to it, and stating the probability that attempts would be made to "fit out privateers in the ports of England for the purpose of aggression on the commerce of the United States."

The reason of the delay in receiving the copy from Washington was in itself a proof of the existence of civil war, arising, as it did, from the communication between Washington and Baltimore being cut off in consequence of the Confederate troops threatening the capital.

"The prematurity of the measure is further shown by the very tenor of the Proclamation"—"Whereas hostilities have unhappily commenced between the Government of the United States of America, and certain States styling themselves the Confederate States of America." Exception is also taken to the use of the word "contest," as distinct from "war."

It will be seen on referring to the Report of the Royal Commission for inquiring into the Neutrality Laws (Appendix) that the form of words used is taken from previous Proclamations, "Whereas hostilities at this time exist" (June 6, 1823). "Engaged in a contest" (September 30, 1825, Turkey and Greece). "Whereas hostilities have unhappily commenced" (May 13, 1859, Austria, France and Italy). The same form was used in the case of Spain and Chili (February 6, 1866), and Spain and Peru (March 13, 1866), "Hostilities have unhappily commenced" (Austria, Prussia, Italy, Germany, June 27, 1866).

The order prohibiting prizes from being brought into British ports, for which the United States'

Government thanked the British Government, as being likely to give a death blow to privateering, speaks of "observing the strictest neutrality in the contest which appears to be imminent" (June 1, 1861).

It is remarkable that, in the case of Turkey and Greece, British subjects were warned to respect "the exercise of belligerent rights." This is omitted in the United States' case, the belligerents being spoken of as "the Contending Parties."

The expression "States styling themselves the Confederate States of America" was purposely adopted to avoid the recognition of their existence as independent states, and gave them great offence.

The French proclamation of the 10th of June has "la lutte engagée entre le Gouvernement de l'Union et les Etats qui prétendent former une Confédération particulière."

The Spanish Proclamation, which the United States Minister at Madrid (see Diplomatic correspondence laid before Congress, 1861, p. 224), informed the Spanish Government "the President had read with the greatest satisfaction," issued on the 17th of June, 1861, has "Confederate States of the South," and uses the term "belligerents" three times over.

Mr. Fish's despatch states that the "assumed belligerency" was a "fiction," the "anticipation of supposed belligerency to come, but which might never have come if not thus anticipated and encouraged by the Queen's Government."

What are the facts? A large group of States, containing a population of several millions, and comprising a compact geographical area enabling them to act readily in concert, had established a *de facto* Government, with a President, Congress, Constitution, Courts of Justice, army, and all the machinery of military and civil power. They possessed the ports along upwards of 2,000 miles of coast; with the exception of Forts Pickens and Munroe, all the Federal posts and forts had been evacuated, including Harper's Ferry, the arsenal of the Potomac valley, Fort Sumter, the only one which had offered resistance, had fallen a month previously, April 13. The Confederate troops were in occupation of the Shenandoah lines, and threatening Washington. The Confederate President had declared war, and called for a levy of 32,000 troops, to which all the seceded States had responded promptly. On the other hand, the Federal President had called for 75,000 volunteers on the 15th of April, and for 42,000 more on the 3rd of May, and as fast as the regiments could be armed they were hurrying to the defence of Washington. The contending armies were, indeed, face to face.

So much for the hostilities on land. The operations at sea, in which British interests were more directly affected, had been carried on with equal vigour. On the 17th of April the Confederate President issued his Proclamation offering to grant letters of marque, which was followed, two days afterwards, by the Federal Proclamation of blockade. At the date of the Queen's Proclamation of neutrality, both these had been carried, or were being carried into effect. The Federal Government had instituted the blockade of Virginia and North Carolina, which was declared to be effective on the 30th of April, and were rapidly dispatching all the merchant-vessels which they could procure, and which they were able to convert into ships-of-war, to the blockade of the other ports. The "General Parkhill," of Liverpool, was captured by the United States' ship "Niagara" while attempting to run the blockade of Charlestown on the