"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 Her Majesty who were assisting the Greeks.' To its remonstrances, Mr. Canning replied: 'Arms may leave this country as matter of merchandize; 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."

II.—*As to an express or implied Engagement of Great Britain.*

3. Source II. Express or implied engagements of Great Britain.

Great Britain had no Treaty or Convention with the United States, as to any of these matters, but she had, in 1819, for the protection of her own peace and security, and to enable her the better to preserve her neutrality in cases of war between other countries, enacted a municipal law prohibiting under penalties (among other things), "the equipment, furnishing, fitting out, or arming of any ship or vessel within British jurisdiction, with intent or in order that such ship or vessel should be employed in the service of any foreign Prince" (or other belligerent) "with intent to cruize or commit hostilities against any Prince, State or Potentate" &c., with whom Great Britain might be at peace. Every attempt or endeavour to do, or to aid in doing, any of these prohibited acts was also forbidden; every ship or vessel which might be equipped, or attempted to be equipped, &c., contrary to these prohibitions was declared forfeited to the Crown; and the officers of Her Majesty's Customs were authorized to seize and to prosecute to condemnation in the British Court of Exchequer every ship or vessel with respect to which any such act should be done or attempted within British jurisdiction. This law (which was called the Foreign Enlistment Act) was regarded by Her Britannic Majesty's advisers, not only as prohibiting all such expeditions and armaments, augmentation of the force of armaments, and recruitments of men, as, according to the general law of nations, would be contrary to the duties of a neutral State; but also as forbidding the fitting out or equipping, or the special adaptation, either in whole or in part, to warlike use, within British jurisdiction, of any vessel intended to carry on war against a Power with which Great Britain might be at peace, although such vessel might not receive, or be intended to receive, any armament within British jurisdiction, and although she might be built and sold by shipbuilders in the ordinary course of their trade to the order of a belligerent purchaser, so as not to offend against any known rule of international law.

4. Effect of prohibitory municipal laws.

It has never been disputed by Her Majesty's Government, that when, at the time of the breaking out of a war, prohibitions of this kind, exceeding the general obligations of international law, exist in the municipal law of a neutral nation, a belligerent, who accepts them as binding upon himself and renders obedience to them, has a right to expect that they will be treated by the neutral Government as equally binding upon his adversary, and enforced against that adversary with impartial good faith, according to the principles and methods of the municipal law, of which they form part. Obligations which are incumbent upon neutral nations by the universal principles of international law, stand upon a much higher ground: as to them, a belligerent has a right to expect that the local law should make proper provision for their performance; and, if it fails to do so, the local law cannot be pleaded as constituting the measure or limit of his right. But a right, created by the municipal law of a neutral State, must receive its measure and limit, as much with respect to any foreign belligerent Power, as with respect to the citizens of the neutral State itself, from the municipal law which created it. Any engagement of the neutral towards a belligerent State, which may be implied from the existence of such a law, can go no further than this. And if to this is superadded an express promise or undertaking to apply the law in good faith to all cases, to which there is reasonable ground for believing it to be applicable, that promise and undertaking leaves the nature of the obligation the same; it does not transfer the prohibition, or the right of the belligerent with respect to the manner of enforcing it, from the region of municipal, to that of international law.

Accordingly, the Minister of the United States, during the civil war, constantly applied to Her Majesty's Government to put this municipal law of Great Britain in force. To select two, out of a multitude of instances:—On the 9th of October, 1862 (soon after the departure of the Alabama), Mr. Adams sent to Earl Russell an intercepted letter from the Confederate Secretary of the Navy, in which the Florida was referred to, "as substantiating the allegations made of infringement of the Enlistment Law by the insurgents of the United States, in the ports of Great Britain:" and added:

"I am well aware of the fact to which your Lordship calls my attention in the note of the 4th instant. . . . That Her Majesty's Government are unable to go beyond the law, municipal and