

Upon the same footing the Shenandoah was delivered up to the United States, as public property, when she arrived at Liverpool after the conclusion of the war. And though the terms "pirates" and "privateers" have been freely applied to these vessels in many of the public and other documents of the United States, the former term was only used as a vituperative or argumentative expression, in aid of the objections of the United States to the recognition, by foreign Powers, of the belligerent character of the Confederates. Neither Captain Semmes, of the Alabama, nor any other officer or seaman engaged in the naval service of the Confederates, was ever, during the war or after its conclusion, actually treated as a pirate by any political or other authority of the United States. And with respect to the denomination of "privateer," a privateer is a vessel employed by private persons, under letters of marque from a belligerent Power, to make captures at sea for their private benefit. None of the vessels in question, at any moment of their history, can be pretended to have had that character.

CHAPTER III.—ON THE SPECIAL QUESTION OF SUPPLIES OF COAL TO CONFEDERATE VESSELS IN BRITISH PORTS.

The next point which remains is that as to the supplies of coal in British ports to Confederate cruisers.

That such supplies were afforded equally and impartially, so far as the regulations of the British Government and the intentions and voluntary acts of the British Colonial authorities are concerned, to both the contending parties in the war, and were obtained, upon the whole, very much more largely by the ships of war of the United States than by the Confederate cruisers, are facts which ought surely to be held conclusive against any argument of the United States against Great Britain founded on these supplies. That such arguments should be used at all can hardly be explained, unless by the circumstance that they are found in documents maintaining the propositions that the belligerent character of the Confederates ought never to have been recognized, and that impartial neutrality was itself, in this case, wrongful. Let those propositions be rejected, and their own repeated acts in taking advantage of such supplies (sometimes largely in excess of the limited quantities allowed by the British regulations) are conclusive proof that the United States never, during the war, held or acted upon the opinion that a neutral State, allowing coal to be obtained by the war-vessels of a belligerent in its ports, whether with or without any limitation of quantity, was guilty of a breach of neutrality or of any obligation of international law.

That such supplies might be given, consistently with every hitherto recognized rule or principle of international law, is abundantly clear.

Chancellor Kent, in his Commentaries, first lays down the rule against using neutral territory as a base of warlike operations, as that Rule had been understood and acted upon, both in Great Britain and in America :

"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 prohibitions 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*. No act of hostility is to be commenced on neutral ground. No measure is to be taken that will lead to immediate violence." (Vol. i, page 118).

At page 120, he says :

"There is no exception to the rule, that every voluntary entrance 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 passage 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. This would be making the neutral country directly auxiliary to the war, and to the comfort and support of one party."\*

Ortolan (*Diplomatie de la Mer*, vol. ii, p. 291), says :—

"Le principe général de l'inviolabilité du territoire neutre exige aussi que l'emploi de ce territoire reste franc de toute mesure ou moyen de guerre, de l'un des belligérants contre l'autre. C'est une

1. Both parties in the war equally received such supplies.

2. Such supplies are not within the Rule, as to not using neutral territory as a base of operations.

\* See also Wheaton's "Elements" (Lawrence's edition), p. 720; Phillimore, vol. ii, p. 452.