

*Sir Roundell Palmer.*—But, Mr. Evarts, I only mentioned these vessels.

*Mr. Evarts.*—You discussed the question of base of naval operations.

There she obtained as a matter of fact 450 tons of coal, or something of that kind, and forty men, and without both of these, as well as important repairs of her machinery, she could not have carried out the naval project on which she had started. The coal taken at Melbourne was sent by appointment from Liverpool, and was there to complete her refitment. The naval operation would have failed if the vessel had not received the replenishment of power and resources at Melbourne as a base. Now, this *Shenandoah* was able to sail sixteen knots an hour.

*Sir Alexander Cockburn.*—Do you mean to say sixteen knots an hour? That is faster than any vessel I have ever heard of.

*Mr. Evarts.*—Well, we will not dispute about the facts. There is no doubt, however, that it is so; she sailed on one occasion over 320 miles in twenty-four hours.

*Lord Tenterden.*—But that is not sixteen knots an hour.

*Mr. Evarts.*—I have not said that she had sailed twenty-four consecutive hours at the rate of sixteen knots. But she *could* sail sixteen knots an hour, and she could only steam ten knots an hour. I have not invented this. Her remarkable qualities are stated in the proofs. Her steam power was not necessary to her navigation or her speed, however, except to provide against calms, and give assurance of constancy of progress in adverse weather. Her great advantage, however, was in being one of the fastest sailing ships ever built. The great importance of her having abundance of coal at the contemplated scene of her naval operations was, that she might capture these poor whalers, who understood those perilous seas, and if they could only get up steerage way, would be able to elude her.

*Sir Alexander Cockburn.*—What! if she sailed sixteen knots an hour?

*Mr. Evarts.*—If the Chief Justice will mark the circumstances of Arctic navigation, he will understand that by means of their knowledge of the ice, and the region generally, they could seek shelter by interposing barriers between themselves and their pursuer. They did, however, become her prey; but it was only when she found them becalmed. Now, this case of the *Shenandoah* illustrates, by its career, on a large scale, the project of a belligerent in maritime war, which sets forth a vessel and furnishes it complete for war, plans its naval operations and executes them, and all this *from neutral ports and waters, as the only base, and as a sufficient base.* Melbourne was the only port from which the *Shenandoah* received anything after its first supply from the home ports of Great Britain, and it finally accomplished the main operation of its naval warfare by means of the *coaling*, and other refitment at Melbourne. Whether it could rely for the origin of its naval power, and for the means of accomplishing its naval warfare, upon the use of neutral ports and waters, under the cover of commercial dealings in contraband of war, and under the cover of the privilege of asylum, was the question which it proposed to itself and which it answered for itself. It is under the application of these principles that the case of the *Shenandoah* is supposed to be protected from being a violation of the law of nations, which prohibits the use of ports and waters of a neutral as a base of naval operations. I do not propose to argue upon the facts of the case of the *Shenandoah*, but only to submit the *principles* on which they are to be considered.

*Sir Alexander Cockburn.*—I would like to ask you, Mr. Evarts, whether your proposition involves this: that every time a belligerent steam-vessel puts into a neutral port for the purpose of getting coal, and then goes forward upon her further object of war, that there is a violation of neutral territory. I just want to draw your attention to this point. What I want to understand is, what difference there is between the ships of one nation and the ships of another nation, as regards this matter of coal. Would the principle of your argument apply to the vessels of other belligerents?

*Mr. Evarts.*—Of course, it is to be applied to all belligerents, and when the case arises for complaint it is to be judged in view of all the facts and circumstances, whether it falls within the license of hospitality, or whether it is a resort as to a base of operations, that is to say, whether the whole transaction, in all its features amounts to a concerted and planned use.

*Sir Alexander Cockburn.*—Planned by whom?

*Mr. Evarts.*—Why, planned by the belligerent.

*Sir Alexander Cockburn.*—A ship goes into a neutral port without intimating its purpose or disclosing whether it belongs to one belligerent or another.

*Mr. Evarts.*—Take the case of the *Nashville*.

*Lord Tenterden.*—Take the *Vanderbilt*.

*Sir Alexander Cockburn.*—Well, let us take that case. She goes into a neutral port and wants coal for the purpose of going forth again on her mission of war. No question