

should use all means within her power to avoid the consequence of her failure to prevent the use of her territory for these unlawful purposes. As has been seen, the insurgents commenced in Great Britain their violations of these particular laws of neutrality. They were flagrant acts. They were accomplished in spite of the United States. They were high offences against the authority and dignity of the Government of Great Britain, and, as Earl Russell afterwards said, "totally unjustifiable and manifestly offensive to the British Crown" (American Appendix vol. i, p. 631). To permit them to pass unrebuked, was to excuse them, and was to encourage future transgressions.

As was subsequently, on the 27th of March, 1863, said by Mr. Adams, in a conversation with Earl Russell upon this subject :—

"What was much needed in America was not solely evidence of action to prevent these armaments. It was the moral power that might be extended by the Ministry in signifying its utter disapproval of all the machinations of the conspirators against the public peace. Hitherto the impression was quite general, as well in America as in this country, that the Ministry held no common sentiment, and were quite disposed to be tolerant of all the labours of these people, if not indifferent to them. Here they were absolutely sustaining the rebels in the prosecution of the war by the advance of money, of ships, and of all the necessaries with which to carry it on as well by sea as on the land; and upon such notorious offences Ministers had never yet given out any other than an uncertain sound. *The effect of this must be obvious. It encouraged the operations of British instigators of the trouble on this side, who believed that they were connived at, and so believing, carried on their schemes with new vigour.*" (American Appendix, vol. iii, p. 125.)

Nothing can add to the force of these words. Omission by the British Government to act under such circumstances, was nothing less than toleration of the abuses complained of. It was, in short, an implied permission to continue the unlawful practices.

16. Great Britain not only neglected during the whole war to take any measures by which any of the offending vessels of the insurgents would be excluded from the hospitalities of her ports, and their agents prevented from using her territory for facilitating their belligerent operations, but she in effect refused so to do. She did not even send remonstrances to the Government of the insurgents, or to any of its agents residing and conducting its affairs within her own jurisdiction.

On the 4th of September, 1862, Mr. Adams, in a communication to Earl Russell, called attention to the fact that the *Agrippina*, the barque which had taken part of the armament to the *Alabama*, was preparing to take out another cargo of coal to her, and asked that something might be done which would prevent the accomplishment of this object (British Appendix, vol. i, p. 209). This communication, in due course of business, was referred to the Commissioners of Customs, who, on the 25th of the same month, reported, "There would be great difficulty in ascertaining the intention of any parties making such a shipment, and we do not apprehend that our officers would have any power of interfering with it, were the coals cleared outward for some foreign port in compliance with the law" (British Appendix, vol. i, p. 213). Thus the matter ended.

If there was no power in the officers of the Customs to interfere with the shipment of the coals, there certainly was ample power in the Government to prohibit any offending belligerent vessel from coming into the ports of Great Britain to receive them. That, if it would not have stopped the offending vessels entirely, might to some extent have embarrassed their operations.

Again, on the 7th of December, 1863, Mr. Adams submitted to Earl Russell evidence of the existence of a regular office in the port of Liverpool for the enlistment and payment of British subjects, for the purpose of carrying on war against the Government and people of the United States (British Appendix, vol. i, p. 428). This communication was referred by Earl Russell to the Law Officers of the Crown, who, on the 12th of the same month, reported: "We have to observe that the facts disclosed in the depositions furnish additional grounds to those already existing, for strong remonstrance to the Confederate Government, on account of the systematic violation of our neutrality by their agents in this country" (British Appendix, vol. i, p. 440). There is no evidence tending to prove that any such remonstrance was then sent. In fact, the first action of that kind which appears in the proof, was taken on the 13th day of February, 1865, less than sixty days before the close of the war.

17. The conduct of Great Britain, from the commencement, was such as to encourage the insurgents, rather than discourage them, as to the use of her ports and waters for necessary repairs, and for obtaining provisions and coal.

The *Alabama* first appeared in a British port, at Jamaica, on the 20th of January, 1863, nearly six months after her escape from Liverpool, and after a lapse of much more time than was sufficient to notify the most distant Colonies of the offence which had been committed by her, and of any restrictions which the Government at home had seen