

time capture; because, if a liberty to ascertain property that can be legally captured, it is impossible to capture. The many European treaties which refer to this right refer to it as existing and merely regulate the exercise of it. All writers upon the law of nations unanimously acknowledge it. The great American authority, Kent, treating upon the subject, subject to his Commentaries, says: "The duty of self-protection gives to belligerent nations this right. The doctrine of the English Admiralty Courts on the right of visitation and search, and on the limitation of the right, has been recognized in its fullest extent by the Courts of Justice in this country." So far as the authorities go, the testimony of International Law writers is all one way, that a belligerent war-cruiser has the right to stop and visit and search any merchant ship upon the high seas. We quote these authorities because it is essential that upon a matter so important as it is now before the public mind should be well informed. But it must be remembered that these decisions were given under circumstances very different from those which now occur. Steamers in those days did not exist, and mail vessels carrying letters wherein all the nations of the world have immediate interest were unknown. We were fighting for existence, and we did in those days what we should neither do, nor allow others to do, nor expect ourselves to be allowed to do, in these days. Moreover, if we have full scope to all this antiquated law it remains still to be asked whether the men who have been taken beneath the protection of our flag were liable to seizure. They were not officers of the army or of the navy of the Confederate States. They were Diplomatic Envoys, waiting only in some formalities to be Ambassadors to England and France. We do not say there is any provision in the law of nations which will entitle us to say that their persons were sacred by reason of their mission; but, on the other hand, we are not aware of any authority which will show that they were contraband of war. If we had recognized the Confederate States as independent, we should have been perfectly justified in taking these Ambassadors on board our own vessels of war and bringing them to England, without in any way forfeiting our character as neutrals. But, even if it were necessary to admit that these gentlemen were in a belligerent or contraband character on board the English vessel, it is, we believe, the opinion of very eminent jurists that this was not a question to be adjudicated upon by a naval officer and his four boats crews. The legal course would have been to take the ship itself into port and to ask for her condemnation, or for the condemnation of the passengers, in a Court of Admiralty. The result might, no doubt, have been the same, but if the proceeding was irregular we have surely a right to demand that these prisoners shall be restored.

(From the "Times.")

PUBLIC OPINION ON THE AMERICAN OUTRAGE. It requires a strong effort of self-restraint to discuss with coolness the intelligence we publish to-day. An English Mail Steamer, sailing under the British flag, and carrying letters and passengers from a Spanish port to England, has been stopped on the high seas and overhauled. We put out of sight the accidents that the four gentlemen thus kidnapped were accredited with a diplomatic mission from the Confederate States of America to the Courts of Europe, and also the peremptory manner in which the Federal frigate acted in making her seizure. The intention of the Federal Government evidently was to act upon their strict right, and to do so in as little ceremonious a manner as might be. If they are just in their rights as belligerents in what they have done, the manner of doing it is a mere question of good or bad taste. If a trade fellow claims his rights courteously we must yet give him his rights; and if we would not find ourselves in the wrong we must not quarrel with him on account of his ill manners. We have ourselves established a system of International Law which now tells against us. In a high-handed, and almost despotic manner, we are in former days claimed privileges over neutrals which we at different times abandoned all the maritime powers of the world against us. We have insisted upon stopping the ships of neutral nations, and taking British subjects out of them, and an instance is given by J. Fenelon in his *Memoirs* in which two vessels of Washington were impressed by our cruisers as they were returning from Europe, and placed as common seamen upon the decks of ships of war. The authorities which may be cited on this question are too numerous and too uniform as to the right of search by belligerent ships of war over neutral merchant vessels, to be discredited. When such tremendous interests are at stake we feel deeply the responsibility of discussing a question like this. We cannot yet believe, although the evidence is strong, that it is the fixed determination of the Government of the Northern States to force a quarrel upon the Powers of Europe. We hope, therefore, that our people will not meet this provocation with an outbreak of passion, or rush to resentment without full consideration of all the bearings of the case. On the other hand, we appeal to the reasonable men of the Federal States—and they have some reasonable men among them—not to provoke war by such acts as these. Even Mr. Seward himself must know that the voices of these Southern Commissioners, speaking from their captivity, are a thousand times more eloquent in London and in Paris than they would have been if they had been heard at St. James's and the Tuileries. Questions of this kind in countries where the people exercise power pass too quickly out of the hands of lawyers and statesmen, and give irresistible power to neither the wisest nor the peace-loving members of a community.

(From the "Morning Advertiser.")

We do not wonder at the sensation which this circumstance has caused among all classes here, nor at the fall of nearly three-quarters per cent. which it has caused in our Funds. It is a most untoward event at the present moment, and cannot fail to prove productive of very serious complications. The Federalists will doubtless maintain that the capture comes within the scope of the Treaty of 1812 of Search, to which we made ourselves parties a few years ago. But whether or not the conduct of the Government of President Lincoln in this matter be in accordance with International Law, one thing is sufficiently clear, namely, that the Federalists have committed an act which is the reverse of courteous to this country. It would appear as if they were determined to irritate, by affronting the English Government and the English people. We say nothing of the tone, whether good or bad, of this sort of procedure, but as regards its policy, there will not, we are certain, be two opinions either in England or in Europe. To "find out their mistake," is a favourite American phrase. The Federal Government will, in all probability, be furnished with an experimental illustration of the import of the words. Unless we greatly err, they will discover before long, that the proceeding in question is as unwise as it is outrageous. Earl Russell, a few days ago, officially apprised Mr. Adams, the American Minister in London, that if the Federal Government stopped or searched any Royal mail steam-ship, the fact would be considered as an insult to the British flag. It is a remarkable circumstance that intelligence should reach this country that the very contingency here contemplated as possible should actually have occurred.

(From the "Morning Herald.")

"Quem Deus vult perdere, prius dementat." The conduct of the American Government has long been such as, to Europeans, directly seemed consistent with the supposition of its being directed by them in full possession of their senses. Mr. Lincoln, on his accession to power, was thought to be an honest, vigorous, straightforward man, whose firmness of temper might balance his intellectual deficiencies, and whose respect for law might atone for his utter ignorance of politics. Unhappily, he has proved himself not only far more ignorant and unprincipled than any one imagined him, but utterly wanting in decision of character, or in conscientious adherence to the constitution of which he was the appointed guardian. His impudence is the classic phrase which most accurately describes both his character and that of his chief friend and adviser, Mr. Seward's want of common sense, rectitude, and principle, have long been notorious to Americans; and recent circumstances have directed to him an amount of English attention which has made him equally well understood and despised in this country. We knew that he had proposed to "annex" Canada; but the idea was to us, who know our strength and the weakness of the United States, as utterly ludicrous; that we had not, and could not, appreciate the utter folly and desperate wickedness of the man who could put it forward as a serious proposal. Since then Mr. Seward has done everything in his power to insult and exasperate Great Britain; he has encouraged the piratical seizure of our ships, he has ordered the illegal arrest of British subjects, he has directed his envoys at foreign courts to revise and menace us. All this we have to be a little too quietly; the nation has endured it with the patience of con-

tempt; the Government, with an indecision which, to American eyes, looked like the irresolution of fear. But we confess that we are hardly prepared for a crime so wanton, an outrage so flagrant and so unpardonable, as has just been perpetrated under the orders of the President of Washington. Unless Mr. Seward be simply out of his senses with rage, his madness, or he be intoxicated with his own hostilities till he really believes his own statements—he must be aware that England can, before a month is passed, destroy or take possession of every seaport in the Northern States, raise the blockade of the Southern coast, and sweep the seas clear of the Federal flag. And yet, with this knowledge, he has ventured on an outrage which ought to be avenged by the immediate appearance of the British fleet in the Chesapeake, bringing the alternative of instant reparation or—war.

(From the "Morning Post.")

The Government of the United States has taken a step of a very serious character. The facts are before the legal advisers of the Crown, and upon their decision as to the legality of the proceeding will depend the action of the Government. It would be therefore premature for us to discuss the consequences of this important event. Our own opinion is that the Federal Government has no legal right to stop the Trent and to search upon her board of the Confederates, and to detain, believe, despatches belonging to the enemy are included. But no such despatches were searched for, nor, indeed, did the Trent carry any. Four passengers only, who bore no official character, were taken out of the ship. We think that this proceeding was not according to international law. The opinion of the law officers will, however, very shortly decide this question. If we are right, the British Government will clearly be entitled to reparation and apology, and no reparation could be complete without the restoration of the passengers taken from under our flag. If we are wrong, of course we shall have to submit to the law. But we are not less keenly feel an affront which must prove to us how little the Federal Government appreciate the courtesy, distinction and generosity with which we have invariably acted.

Wilder & Smith states that the last week had been one of intense excitement, surpassing anything experienced since the Crimean war. People felt on Wednesday as if the greatest calamity that could befall us—a rupture between ourselves and our transatlantic kindred—was imminent. On Thursday there was a calm, next day the wind rose and raged with fearful violence all over the land. When it became known that the British Mail Packet Trent had been boarded at sea, and Messrs. Mason and Sidall taken from her under circumstances of discourtesy and menace, the merchants of Liverpool held an "indignation meeting," at which speeches were made of the most fiery description, and advice scorned because it counselled inquiry into the case and an acquaintance with the law of nations. What the coolness of one or two dissentient speakers could not produce, was accomplished by the Trent, which, having examined all the features of the case, showed Lord Stowell and others that however outrageous and humiliating it might be for a vessel in the British service to be thus dealt with, there was no remedy for it as it was in conformity with the maritime laws of Great Britain and the United States. This article cooled the furore and satisfied the reflecting. "Our first duty is," said the Times, "to calm certainly not to inflame, the general indignation which is felt at the news." The dignity of the Times was praised, and it must have been a painful self-sacrifice on the part of its conductors to restrain the thunders of Printing House Square.

In this position affairs stood until the following day, when the Times discovered that the Law Officers of the Crown were at variance with the decisions of Lord Stowell and the English Courts, and that there were features in the outrage upon the Trent which made the case exceptional—and thus altered the opinion of those officers, as given below. "The Times adds:—It is not for us to enforce or modify a declaration which comes from the recognized source, and by which the law is made manifest, in all cases, be bound; but we may say that the proposition seems so clear that it requires only to be stated to obtain universal assent."

Wilder & Smith has some lengthy comments on the case, in the course of which he remarks:— "It is admitted that had the Federal steamer seized the Trent and taken her into a Federal port and detained her there till the matter was settled by a Prize Court, it would have been legal. The Federal cruiser seems to have erred, according to it is showing, not from an excess of rigour, but from an excess of forbearance, and this gives a feature to the affair of which the Washington Government ought, at least, to have the benefit. If the outrage, if the Federal Government is proved to have, through its officers acted illegally, it will make the *amende honorable*, and be wiser in future. We have seen enough, arising out of this explosion, to satisfy us that the peace of the two countries would be seriously jeopardized if many repetitions of the Trent affair occurred. Perhaps the information that comes to us through Paris, that Admiral Milne, on hearing of the outrage, had despatched three steam frigates to Cuba to protect and accompany the mail steamer which plies between St. Thomas and Cuba, will spare further scenes of this kind."

(From the Cork Daily Herald of Dec. 2.)

THE AMERICAN DIFFICULTY.—DECISION OF THE CABINET. The Post confirms the announcement in the Times, and says the demand which Lord Lyons will make to the Washington Cabinet will be plain and brief, and they will hold the reins in their own hands. If our demands are not at once complied with, Lord Lyons will break off diplomatic relations with the Cabinet of Washington and return to this country. In London the prompt, clear, and temperate expression of the French press on the American outrage was received with satisfaction, as it is believed it will lay the basis of facilitating the adjustment, so long as the means of adjustment are still open. It is scarcely doubted that the Government of France will act with ours in any course of policy that may be determined upon.

The Globe states that Despatches will leave London to catch the Cunard steamer at Queenstown, and that Lord Lyons is instructed to demand an statement proportionate to the offence. An answer from the Federal Government can scarcely be expected before Christmas.

A Cabinet Council was held on Saturday afternoon. The Star says that while the Government is preparing to act with firmness in the maintenance of its strict legal rights, there is no disposition whatever to act in a manner which could be considered unfriendly towards the Government of the United States.

The arrangements for increasing the force in Canada are not yet complete, but a very few hours everything will be settled. In the meantime a large ship, the *Melbourne*, has been taken up and is now being loaded at Woolwich with Armstrong guns, some 80,000 English rifles, ammunition and other stores. It is not impossible that this vessel will be accompanied by one or two ships of war. The rifles are intended for the Canadian militia. A strong reinforcement of field artillery will be despatched forthwith.

The Army and Navy Gazette says that with the overwhelming force we could despatch across the Atlantic, nothing the Americans could bring against us would prevent our taking or blockading every war vessel belonging to them.

A telegram from Shields states that the Tyne naval reserve have voluntarily offered their services to the Government to repress the American outrage. There are between 1200 and 1400 men in the two boats.

A supplement to the London Gazette issued to-day at 5 p. m., contains a proclamation prohibiting the export of cartridges of gunpowder, saltpetre, nitre of soda, and brimstone.

The Express says the clerks at the Admiralty were ordered to remain at their posts until the breaking up of the Cabinet Council. On the return of the Duke of Somerset after the termination of the Council, the clerks were relieved from further attendance, the presumption being that Government had decided on taking no steps towards increasing the fleet until the result of the demands for satisfaction will have been received.

One hundred and twenty-five able seamen yesterday left the flag-ship *Esquadr*, at Woolwich, for Portsmouth, under orders received by Admiralty telegram. Anticipating the object of their hurried departure, they started in the highest glee.

The report of the Liverpool Cotton Market for the week shows great irregularity in prices, with difficulty of realizations at the close.

Barrington, November 30th.—All the Garibaldian officers now living in Switzerland have repaired orders to assemble at Geneva within a month.

Another murder has been committed at Aldershot. While Sergeant Reilly and corporal William Campbell, of the 79th Highlanders, were calling the tattoo, on Saturday evening, 30th inst., a private named Jackson took up his rifle and deliberately shot at the sergeant. The ball passed through the sergeant, killing him dead, and then entered the body of the corporal seriously wounding him.

A most calamitous occurrence took place at Edinburgh a few minutes after one o'clock on Sunday morning, in the sudden fall of a densely populated tenement in the lower division of the High-street, which resulted—so far as has yet been ascertained—in the death of 28 persons, and the injury, more or less severe, of 13 others.

The *Opinion* of Public says of the Mason and Sidall affair:— "We perfectly understand the deep sensation this event has caused in London; for if the French flag had received such

an insult the whole country would have risen as one man to demand striking satisfaction.

The Bermuda has arrived at Havre with 1780 bales of cotton.

The Belgian steamer Congress from Havre for New York put into Southampton, in distress, on the 23rd ult.

The Waterford Company's steamer *Zephyr* from Liverpool for Waterford, came in collision with a French steamer off Puffin Island, and sank her, the captain, mate, and eight of the crew were lost.

(From the Times (City Article))

MONETARY AND COMMERCIAL. LONDON, Friday Evening.—Onsals opened yesterday morning at a further fall of 1/4 to 1/2 per cent. on the announcement of the law officers of the Crown having given an opinion that the proceedings of the American frigate were illegal. Subsequently the heaviness increased, until transactions took place at 1 per cent below the price of Thursday, and 2 per cent below the highest prices of Wednesday. Before the termination of business there was a rally of about 1/2 per cent. on the Paris Bourse. The United States three per cents, which were quoted 75 to 78 before the news of the American outrage, stood yesterday nominally at 73 to 74. In the Foreign Exchange yesterday the rates were a shade higher.

The *Shipping Gazette* believes there is a possibility—but a remote one—that the Federal Government may discover a means of escape from the length of releasing the Southern Commissioners. But if demand be not complied with, declaration of war on part of England is inevitable. If Federal Government is resolved at all hazards to force a quarrel upon England they have certainly a good opportunity, but they must be actuated by something little short of madness to avail of it.

The reports of Saltpetre and warlike stores is formally prohibited. It was stated that one ship with a large cargo of Saltpetre for America had been stopped, and that re-impounding warlike stores already shipped had been required.

The Naval Volunteers were offering to come forward to protect the honor of the British flag.

There is no confirmation of the report that 10,000 troops were to be sent to Canada, but the day previous to the *Europa* sailing from Liverpool, it was considered that such a preliminary step was probable.

Consols on the 29th opened at a further fall of 3/4 under the opinion of law officers of the Crown, subsequently heaviness increased and transactions took place at 1 per cent decline, and 2 per cent below quota tons, before news of Trent affair was received. At the close there was really about 1/2 per cent. In Railway and other securities the decline was 2 to 3 per cent, but they also rallied towards a close. U. S. fives which were quoted before them at 76 to 78 are nominally 70 to 74.

In discount market general rate continues 2 1/2 per cent. French journals universally look at the Trent affair in interests of England.

The Manchester Guardian publishes statistics showing that out of 460,000 factory hands usually employed in the Manchester district nearly 20,000 are either wholly unemployed or work a short time.

Thos. H. Dudley is officially recognized as U. S. Consul, at Liverpool.

The "Times" city article of the 30th argues that the fall of 2 per cent in Consols, and 4 to 5 in shares is not justified by nature of things, and refers to the Russian war and the state of things in 54 in illustration, and holds that the position of the Federal States, in a commercial point of view, is identical with that which was occupied towards England by Russia. In 1854 England was unprepared for war, but now she has greater power than ever before.

Export of material of gunpowder prohibited by order of the Privy Council, held on Saturday the 30th, and published in the London G. Z. Extraordinary.

PREMEDITATION OF THE CABINET.

On Friday the Cabinet directed Lord Russell to prepare a despatch to Lord Lyons. On Saturday, the Ministers met again to revise and finally settle its terms, and it was sent off the same evening. The Times understood that this communication, though couched in the kindest language, presumes that the Federal Government will not refuse to make honorable reparation for an illegal act. The Times has but small hope of such disavowal. At the date of last despatches the act of the Captain of the "San Jacinto" had been accepted by the Northern public. The New York journals were urging his promotion; "that a naval officer had the sense to board a British vessel and carry off Reels is enough to ensure a storm of popularity." By the time Earl Russell's despatches arrive the multitude may have already declared to the government the treatment which Captain Wilkes is to receive. It becomes us to be prepared for an unfortunate issue.

CANADA IN CASE OF WAR WITH THE UNITED STATES.

The Times adverts to Mr. Seward's recent instructions to the people near the Canadian frontier. The only inference from which was that he was about to force a quarrel with England.

The Times says the wisest course for Canada will be to prepare; to let her at once discipline her militia, and emulate the mother country by drilling a volunteer army. A neutral only want stout hearts and zealous hands to be safe until the spring returns, when we can make it secure. The danger to Montreal or to any other point of the frontier is less. Canada should not rely too much on us and too little on herself.

LONDON, SUNDAY.—The *Observer* states that the Government demands of President Lincoln and his cabinet the restoration of the persons of the Southern envoys to the British flag. Yesterday afternoon, after five, her Majesty held a private council at Windsor Castle. Three of the Ministers, including the First Lord of the Admiralty and the Secretary of State for War, travelled from London to Windsor by special train in order to be present. After the Council the Ministers quitted the Castle, and a special train conveyed them to London. Previous to leaving town the three Ministers attended the cabinet Council at Lord Palmerston's official residence.

The *Observer* says a special messenger of the Foreign Office has been ordered to carry our demands to Lord Lyons, and will proceed by the packet from Queenstown to-day. The public will be satisfied to know that these demands for apology insist upon the restoration to the protection of the British flag of those who were violently and illegally torn from that sacred asylum. The *Observer* adds there is no reason why they should not be restored to the quarter deck of the British Admiral before New York or Washington itself, in the face of some ten or twelve British men-of-war whose presence in the Potomac should render the blustering cabinet at Washington as helpless as the Trent was before the guns and catlasses of the San Jacinto. It is no fault of ours if it should ever come to this.

AMERICAN OUTRAGE ON THE BRITISH FLAG.

The present Cabinet at Washington seems to be bent on reversing or setting aside the spirit of all laws, whether international or municipal. We have already deplored the course of President Lincoln with reference to the liberties of Americans, and it will be long ere the laws of the Federal States are re-settled in all their ancient force. It may be permitted to the American Cabinet to deal as it pleases with the law of *Habeas Corpus*, and to place in defiance the judges sworn to administer justice. We cannot, and have no right to complain; but the matter is very different when the Cabinet chooses to interpret in its own sense, and as it suits its own convenience, the international law. We have some reason to complain of the law of blockade, as it is in the case of the Southern ports, but it would be ungenerous in us to demand as strict a compliance with the law of nations as did America in the case of Naples last year. The course of England is clear: to observe the strictest neutrality in this intestine struggle, to exercise hospitality to the people of both Confederacies, without distinction, only refusing the use of our ports to the trade of privateering and prize-taking. We therefore permitted the Federal ship, the "James Adger," to re-visit, and we now allow the Confederate ship, "Nashville," to be in Southampton. In both cases we have simply done what the law of nations permitted; but we are now called upon to endure with patience an insult from the Federal Government which, without distinction, would be demanded of our ports to the trade of privateering and prize-taking. We therefore permitted the Federal ship, the "James Adger," to re-visit, and we now allow the Confederate ship, "Nashville," to be in Southampton. 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