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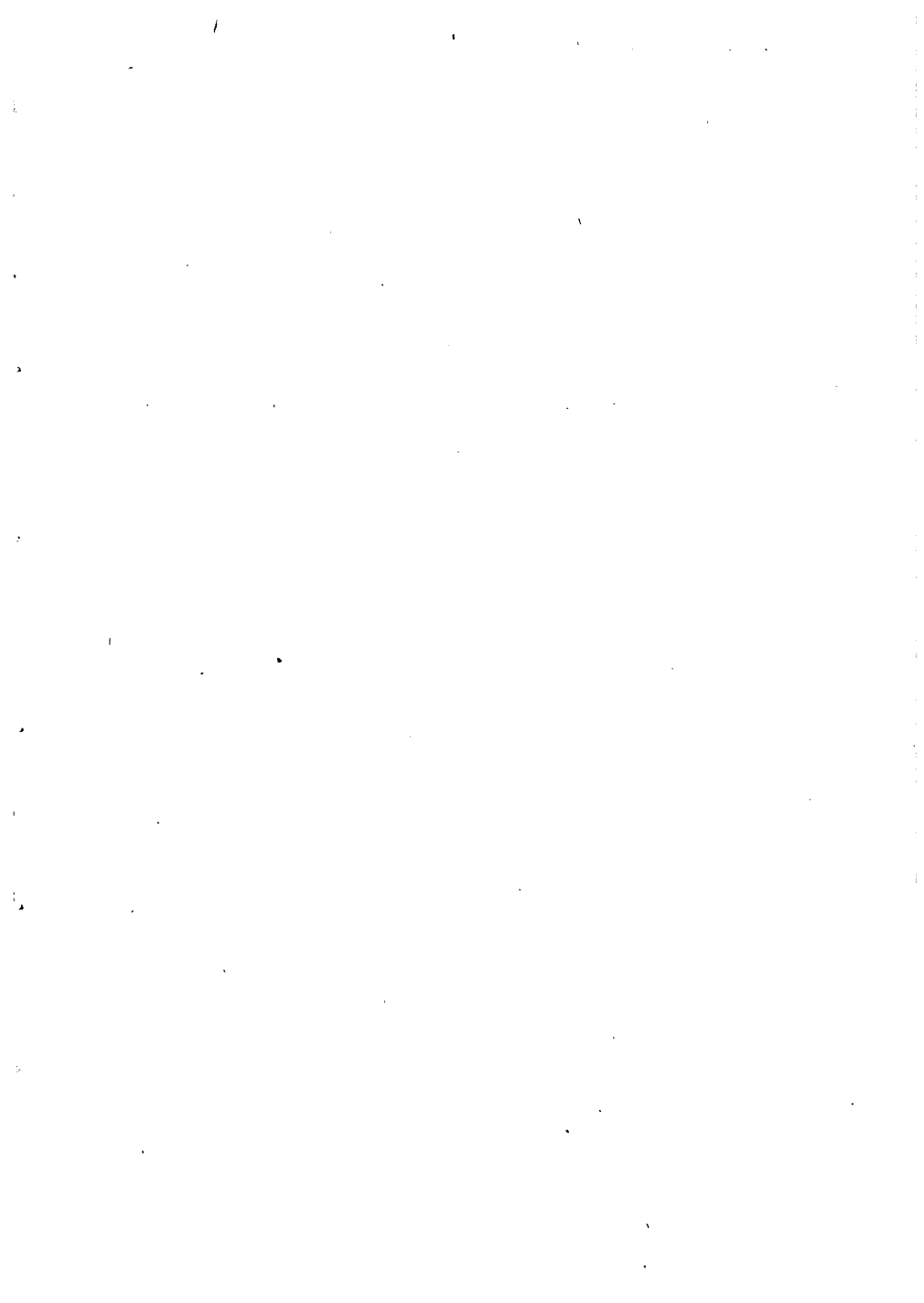


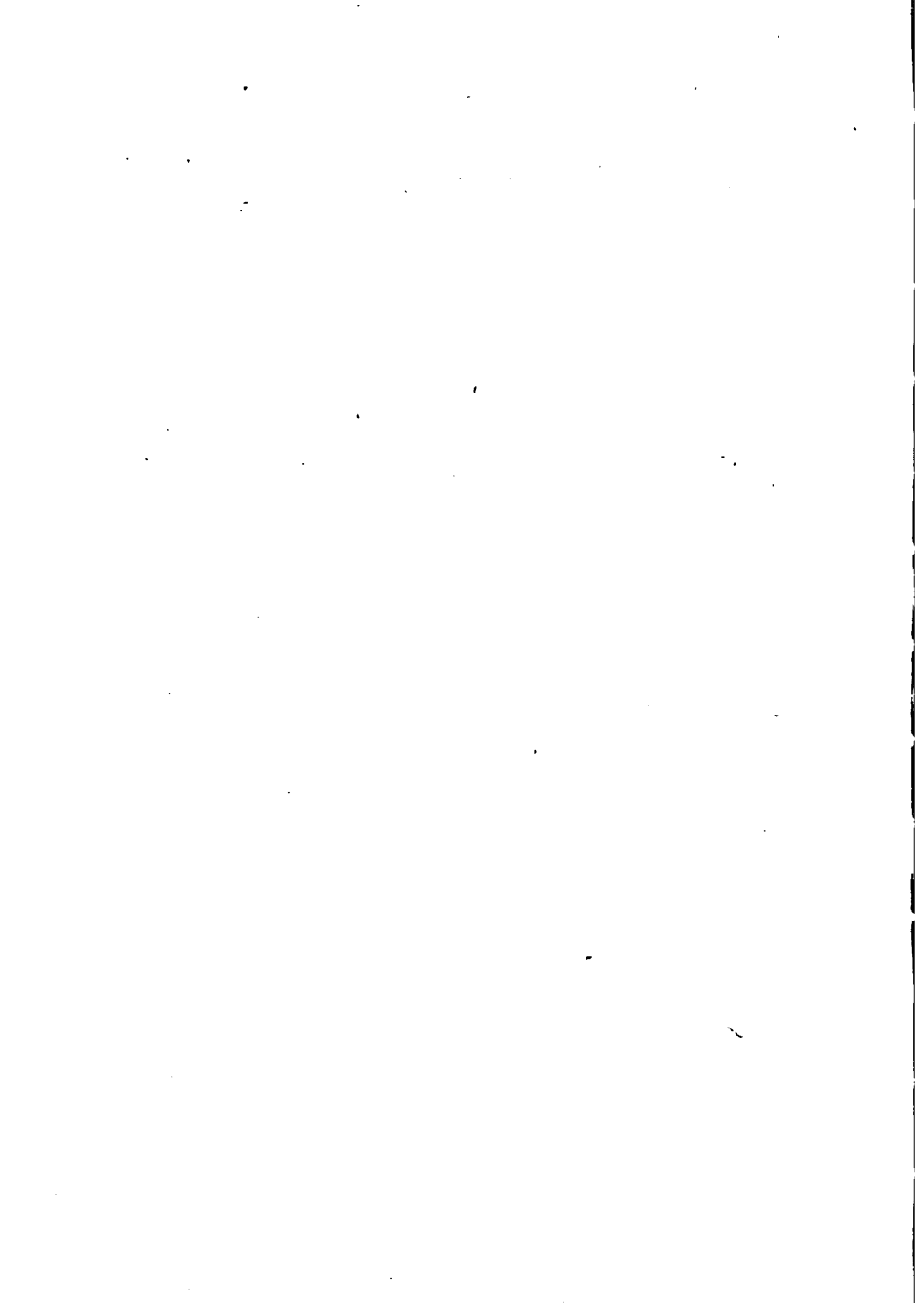
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SPARING PRIVATE PROPERTY  
IN WAR AT SEA.

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TWO LETTERS TO MR. GREGORY  
ON HIS MOTION OF MARCH 2, 1866.

of Nation  
and

BY DAVID URQUHART.

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LONDON:  
ROBERT HARDWICKE, 192, PICCADILLY.

JUNE, 1866.

One Shilling.

ONE result of Europe's warlike alarms and movements is the decree of Austria for *sparing private property at sea*. That this was prepared for by Russia, is shown by the clause already introduced into the "Italian Constitution."

The extinction of England's maritime power as against Russia, is an aim for Russia, beside which all others sink into absolute insignificance. Prussia is actually the pivot of the movements in Germany, Italy, and the Danubian Principalities; no one doubts that the present Minister of Prussia is Russia's man.

London, June 4, 1866.

# Two Letters to Mr. Gregory.

I.  
(*Before the Debate.*)

Tynemouth House, Northumberland,  
February 24, 1866.

SIR,—I address you on the subject of your proposed Motion of the 2nd of March, with a view of inducing you to withdraw that Motion; for the following reasons:—

First. The QUEEN cannot of her own Motion, or with the concurrence of Parliament, alter the Law of Nations, or the Laws of Nature; and the House of Commons cannot address the QUEEN, advising her to do that which it is not in her power to do.

Second. Foreign Governments are in the same, and in no other position than Her Majesty, and are consequently incapable of altering the Law of Nations and the Law of Nature. Therefore the House of Commons cannot address Her Majesty, advising Her to use Her influence with Foreign Governments to get them to do what they cannot do.

Third. The QUEEN has throughout Her reign shown no disposition to infringe her Coronation oath, by upsetting or endeavouring to upset the Laws which regulate the Administration of this country, in which are included the Law of Nations, the Law of Nature, and the Law of God. To address Her Majesty in the manner proposed would be to assume the contrary, and therefore an offence offered to the Crown by an indecency on the part of the House of Commons.

Fourth. The QUEEN, since her accession, has evinced a careful and judicious anxiety to maintain the honour of her Crown, and secure the rights and well-being of her People. To advise her to forego the right and duty of seizing and confiscating the property of the enemies of her Crown, war being declared, is to assume upon her part the felonious design of abandoning the only means by which England has attained to greatness, or can preserve existence.

Fifth. To propose such a resolution to the House of Commons is to assume in that body a total ignorance of the Laws and of history.

Sixth. The assumption of the Resolution, namely, that the sparing of British property by our enemy will compensate to Great Britain for the sparing of enemies' property by her, is



manifestly fallacious even if established by enactments, and even if carried into effect by practice, since England has no means of coercion against great States, save in the superiority of her Maritime Power, which can only be brought to bear upon them by the seizure of their property at sea, through which she can annihilate their commerce, extinguish their finances, and force their fleets from behind their batteries into the open sea.

Seventh. Supposing the contrary to be true, namely, that the counter-cession of the Right of Seizure would compensate to England for the loss of its exercise, then, and on that very account, the cession by Foreign Powers would not be made, and, if made, would not be observed; for the sanction of all Treaties depends upon the power of enforcing them, of which England will have denuded herself.

Lastly. To draw a distinction between public and private property, and between Government and People, is monstrous as a proposition and impossible as an effect. If it were possible it would convert an external into an internal warfare; one portion of the subjects expending their blood to force the adverse Government into submission, whilst the other portion would be violating their allegiance and breaking the Laws, to comfort, aid, and support that adverse Government, in order that they might put money in their own pockets; causing thereby the sacrifice of the lives of their fellow subjects and the expenditure of the resources of the whole State, with the probability of bringing disaster upon the arms of their Sovereign, the possibility of bringing the extinction of the Realm, and the certainty that the knowledge of such a condition will constrain the Government of this country to make sacrifice of all that may be required of it by Foreign Powers.

My motive in addressing you does not exclude the desire to see England great and prosperous, nor the fear that she will be dismembered and subdued. But it more immediately springs from my inability to dissociate myself from the State, and the ruin that must fall upon myself and upon my family should the Declaration of Paris not be reversed before the contingency arises of another War. The importance which I attach to your Motion, and my earnestness in entreating you to abandon it, arise not from the supposition that either it will be carried or will make a respectable appearance in the House; but in this: that it is directed—not that I attribute to you any consciousness in the matter—to confuse the minds of men, and so to lead them away from the only and the easy escape from those embarrassments and dangers which all feel; namely, the condemnation and abrogation of the Treaty of Paris.

That is the question at issue. That is the Act which has roused men's fears and which has confused their judgments. That is the "Act of Suicide," to use the term applied to it in the House of Commons on the 17th of March, 1862. From that "noose" we have now the chance of withdrawing our "necks" (I use the terms selected for describing the measure by a Law Officer of the Crown during that debate), by the death of the man who alone planned it and carried it into effect. That chance was infinitely multiplied by the humiliating position in which France now finds herself by that same surrender in reference to the United States. It is to shut us out from this propitious opportunity of recovering our standing, and getting back to the position we had lost, that your Motion is announced; as it will tend to establish a division between those who condemn the Declaration of Paris, and prevent them from coalescing (now that there is no Minister, as in 1862, to threaten a Dissolution if they did so), to obtain its reversal.

I discharge you from all conscious participation in this conspiracy. The conspiracy, indeed, itself no longer requires conscious agents. Fallacy and passion have been set on foot, they are transmuted into public zeal, and work their way with public ignorance. The object of this letter is to place before you some indication of the chain of those combinations of which you are now about to constitute yourself a link. I do so because I judge it to be impossible that you should have examined the case. No man, not retained as an advocate nor interested in the infamous proceedings which have characterised the Port which your predecessor, Mr. HORSFALL, who seems to have ceded to you his place, represents in Parliament, could venture to advance such a proposition, I do not say in the House of Commons, but before any assembly of his countrymen, unless through entire ignorance of the case itself, and of the machinations and falsehoods which constitute the history of the transaction from the beginning of 1854 to the present hour.

As shaped by those who propose to meet the danger by doing something, and not by undoing that which has been done, the maxim of sparing private property is put forward as an emanation from certain general principles which they designate Philanthropy and Civilisation—words which signify in English, the one the love of man, the other the condition of cities. The proposition, therefore, amounts to this: By reason of the love of mankind we propose to change all existing laws, habits, and practice, and to enact that war shall henceforth be carried on solely by means of bloodshed, and no longer by distraining goods—a proposition which, thus reduced to its simple expression, will at once

be held by the least informed, and the least logical, to be a *non sequitur*; and if to be made coherent with the premises, would have to be designated as a maxim springing from the lust of blood and the hatred of mankind. But the general principle is supposed to include the particular; and, therefore, in the abstract love of mankind is contained the particular love of England. Now England being a Maritime State, a great Maritime State, and only a Maritime State, is under no necessity to spill blood or expend treasure to coerce her enemy. She can do so by distraining his goods, and thus making the war support itself, when carried on, as it need only be, by Privateers who seize the vessels, and judges who condemn them; whilst, on the other hand, she has no military force to land upon the shores of the United States, of Russia, of Prussia, of Austria, France, or Spain, so that the maxim of sparing enemy's property, disguised under the term "private property," could only be logical as flowing from a particular hatred of England.

But it is not true that the maxim proceeds from any general proposition, or from any particular proposition, whether love of mankind or love of blood, or love of England or hatred of England: it springs out of an event, and is, therefore, compulsory, not voluntary.

Moreover, the event out of which it springs was a surprise. No human being knew it was coming, save the foreign Government who planned it and the one European Minister who was acting in connivance with that Government. Then it was only practicable, as confessed by the agent whom he employed, by concealment of the design, from the press, the Parliament, and the public.

The thing was not done because Lord CLARENDON signed the Declaration. To have even a show of validity, the Declaration had to be confirmed by the Crown and by the Parliament. But before either was possible the danger had to be run of repudiation, through a Parliamentary vote, or the public indignation. To save it from this danger was the first of the operations required, and it is to these operations that I have applied the term "machinations," on grounds which will shortly appear. To prevent the reversal of the Act, the means employed were the intimidation of the nation. (I confine myself to means used by those out of the Government.) This was effected by telling the people, in reference to the first suspension of the Right of Search during the Russian war, which carried with it the Declaration of Paris as a corollary, that we had made the surrender under an "imperious necessity." This necessity was explained by the hostile attitude assumed by the United States, so

that had we used our natural means of action against Russia we should have had Russia and the United States united against us; that for the same reason it became impossible to resume it after the war, and therefore it was necessary to make positive surrender of it at the peace.

*This assertion was then believed.*

This assertion is now known by everybody to be a falsehood, seeing that everybody knows that the United States does retain the Right of Search; but nobody recollects that they were made to believe the contrary then, and so suffer their indignation to cool and the machinations to proceed. But the falsehood at the time was passed upon the nation by means of a fraud. They were told that the war of 1812 with the United States had arisen out of our exercise, at that time, of the Right of Search. This the nation also believed. If you will take the trouble of perusing the "Extracts from Diplomatic Documents, from 1810 to 1812," in the Appendix to my speech of January 20, 1862, herewith sent, you will see that there is not a line or a syllable on the Right of Search, as regards goods, contained in that correspondence, but that the question hinged solely and exclusively on the search for British subjects on board the vessels of the United States.\*

Supposing that the persons making these statements to the public had been themselves deceived in reference to the attitude and dispositions of the United States from 1854 to 1856, it was impossible they could be so deceived in representing the war of 1812 as arising out of the search for merchandise instead of the search for seamen, so that I am justified in the statement that, so far as we have yet proceeded, the inception and progress of the maxim you are about to present to the House of Commons consisted in, not an emanation of philanthropy, but of surprise, concealment, intimidation, and fraud. The consequence therefrom is legitimate that the cloak of originality and philanthropy is assumed to mask the surprise, concealment, intimidation, and fraud, of which the nation has been the victim.

This statement will doubtless appear to you preposterous and incredible. In order to save you the trouble of perusing a mass of letters and documents, I will here set down a few dates and extracts.

The Declaration of Paris was signed April 16, 1856.

On the 8th of November in the same year, Mr. COBDEN addressed a letter to the Chairman of the Manchester Chamber of Commerce.

\* The Paper Blockades were a different question.

1. Calling upon that body to accept the Declaration of Paris as the basis, henceforward, of the Law of England.

2. Telling them that under that Declaration "no vessel carrying the British flag could keep the sea" in case of a war with the United States.

3. "That it was an IMPERIOUS NECESSITY that led us during the late Russian War to abandon our ancient belligerent rights."

4. That under these circumstances it was necessary to establish a new law, to be common to all nations, for the sparing from capture of private property. "This is a great purpose of humanity and progressive civilisation."

It ends with a request that the Chamber at Manchester will "throw the weight of its great influence" into this scale, so as to act upon "the Government and the Parliament."

To this letter no reply was vouchsafed by the Manchester Chamber of Commerce, or by any Chamber of Commerce. But immediately on its publication letters poured in upon Mr. COBDEN from the Foreign Affairs Committees of Bradford, Bristol, Newcastle, Birmingham, Sheffield, &c.; letters proceeding from working men, and most remarkable for the patriotic spirit they breathed, the acuteness they displayed, comprehension of public law and apprehension of political circumstances and consequences. The boldest and bravest man must have staggered under these repeated blows, when conscious of false positions and disguised aims. The man upon whom they fell had commenced his public life, and made his public life to consist in a justification of lawlessness and oppression, and the invitation to violence, conquest, and war. His first pamphlet was a justification of the proceedings of Russia in Poland, and an invitation to Russia to possess herself of Turkey; and this too for the advancement of "humanity and progressive civilisation." These blows, however, came successively, so that he commenced by hoping to prevail. The first letter he appears to have received is that from Bradford, which calls for an explanation of this "imperious necessity." To this he replies, on the 8th of December:—

"It was the attitude assumed by the United States that led to the change."

He then refers to "what was passing between the United States Minister in London and our Foreign Office," without specifying what that was. Upon this he goes on to link therewith the cause of the war with the United States in 1812 in these words: "It was unmistakably evident that the American people were determined that their merchant ships should not be visited and searched by our cruisers, and that any attempt

“ to revive THE PROCEEDINGS WHICH LED TO THE RUPTURE OF  
 “ 1812 WOULD BE RESISTED.”

That this was laying the grounds for proceedings in the House of Commons there can be no doubt; but if there were, it would be removed by the following words in the same letter:—

“ I have not the least doubt, when this proposal is discussed  
 “ in the House of Commons—taking for the starting point of  
 “ the argument the *status quo* as settled in the Congress of  
 “ Paris, which no sane man will dream of disturbing—that  
 “ there will be all but an unanimous decision in its favour.”

If Mr. COBDEN risked these unfounded assertions, it was from no frivolity or loquacity. It could only have been because he required something of the sort to bolster up his design, and because he judged the people of England incapable of detecting the fraud. But when the fraud was detected, the argument fell, and the whole plan was upset, at least for a time. The answers which poured in upon him from the Foreign Affairs Committees were without possible reply, as shown by the reply which he did give, for he closed the correspondence by declining, until the meeting of Parliament, any further discussion of the subject.\*

In his letter to the Bradford Committee, he had stated that he expected an “ all but unanimous decision in favour” of his proposition; the proposition which you now revive. In his letter to Sheffield he pledges himself to reply in Parliament to that triumphant refutation of the propositions which he had himself volunteered to the Foreign Affairs Committees.

The session opened shortly after the letter just quoted was penned. You, Sir, naturally anxious to understand the grounds of your case, will, at this part of my letter, instinctively turn to Hansard’s Debates to see in what fashion Mr. COBDEN has crumpled up his illiterate assailants, so as to be fortified in your convictions, and obtain inspiration for your forthcoming speech. Follow that instinct, Sir; take down from its shelf Hansard for the session of 1857, and you will find something that will surprise, and may instruct you. That something is nothing. There is there no Motion announced by Mr. COBDEN; no division, “ unanimous” or otherwise, carried by Mr. COBDEN; there is no speech by Mr. COBDEN; there is no establishment of the “ imperious necessity” by Mr. COBDEN; not a word of the causes of the war of 1812 with the United States is uttered by Mr. COBDEN. This is what you will not find; but what you

\* Mr. Cobden’s Letter to the Sheffield Foreign Affairs Committee, December 16 1856.

will find is this, that when, on the 9th of March, 1857, Lord JOHN RUSSELL did introduce this matter in a speech which I have judged of so great importance, that I have had it printed for distribution to the Members of the House in preparation for your Motion, and was followed in the same sense, and in strong and energetic terms by Sir FITZROY KELLY, Sir CHARLES NAPIER, Mr. NEWDEGATE, Mr. J. G. PHILLIMORE, and Mr. HENRY DRUMMOND, without a word of defence from the Treasury Bench, Mr. COBDEN did not content himself with holding his tongue, but rose in his place to deprecate the discussion, as irrelevant to the subject before the House !

Now, if passing from the session of 1857 you go on to the session of 1858, and then to that of 1859, then to 1860, then to 1861, then to 1862, then to 1863, then to 1864, and then to 1865, when Mr. COBDEN died, and if you look through every page of HANSARD during these sessions, you will not find a single word from Mr. COBDEN, either as maintaining "the *status quo* of the Declaration of Paris," or as advancing from that "*status quo*" to the golden but misty region beyond, that *ne plus ultra* of humanity and credulity—private property spared at sea !

It is a proverb without being a truth, that truth is strong and will prevail. It is a truth without being a proverb, that fraud is weak and can be made to fail. Fraud fails only when truth finds advocates and a field. This was the fate of Mr. COBDEN'S proposition,—a fraud in him, though only a mistake in you. By these letters from a few working men, he was crushed and quelled, so that he did not dare to open his mouth in Parliament.

Next came Lord PALMERSTON upon the scene, but the scene he chose was not the House. There, like Mr. COBDEN, he had not ventured to open his lips. The field he chose was Manchester and Liverpool. He spoke to an admiring audience about progress and civilisation ; the point of departure for the progress being the Treaty of Paris, and the point of arrival for the civilisation being no more than your own forthcoming proposition of the 2nd of March. All this in my interpretation of the matter, expressed not now, but stated at the time, being, not that so ridiculous a notion could ever have entered his head, but that in pursuance of a well-matured plan he was employing the best means within his reach to frustrate the efforts which I had been, and was then, making to recover ourselves by the abrogation of the Declaration of Paris. He was successful. The political and the legal men were, on their grounds, opposed to the Declaration of Paris ; the mercantile community felt that it endangered its existence ; the combination of the two would have been successful to overthrow

it. It was Lord PALMERSTON'S object to prevent that concert, by suggesting, to the one, future schemes, which totally dis severed them from the public men, and thus created a schism in the camp of those who were equally opposed to his measure. But the words to be employed to this end had to be addressed to the one, and could not be addressed to the other. Therefore it was that he did not speak in the House, and that he did speak at Liverpool.

But how was he to meet a serious debate in the House with the echoes of this Liverpool speech lingering about the country. Nothing for him easier. He had only to say the contrary. If you desire to judge of this operation, you must put aside the nation as anything else but a recipient of sound.

The proposition is now built, caulked, launched, and afloat, with canvas aloft, crew on board, and cunning quarter-masters at the helm. A pinnace, with the precious Manchester Chamber of Commerce on board, threads its liquid way into the narrows of Downing-street, lands on the steps of the Foreign Office, finds its way to the presence of the British Minister, and, humbly bowing, solicits his aid, as also the fulfilment of his pledge in the great work of "progressive civilisation." "Gentle-men," says the Minister, "you must have lost your wits, we are "a Maritime State, but you seem not to know it, because if you "did, you would know also that, as a Maritime State, we can- "not afford to surrender the only means we have of constraining "an enemy." The Manchester deputation may have been surprised, but they do not seem to have been enlightened. Under the fog they re-embark in the pinnace, and pull away for the great Manchester iron-clad, to repose limb and brain behind its impervious shelter. This was in February, 1860.

Arabia has produced but one Thalaba, Lancashire many. The next knight who appears upon the scene is Mr. JOHN BRIGHT. He travels into a less maritime county, and makes his appearance at Birmingham. There, with lance "not courteous," he charges Lord PALMERSTON, accusing him of giving utterance to two opposite opinions. This was in February, 1862.

Do not suppose that there was a Public Meeting called at Birmingham to hear Speeches and to pass resolutions on these weighty matters. The words of Mr. BRIGHT come in, in the fashion of the words of Lord PALMERSTON at Liverpool—sentences falling incidentally from a great authority and an admired man, whom partisans or curious persons had come to listen to and cheer. As the Oracle himself had never spoken in the House, so had he never spoken on the Hustings. During these eight years there had never been held a Public Meeting on the



subject; and—most essential to note—no amount, however minute, of “Public Opinion” had been manufactured before the great Parliamentary move was made, which took place in the year at which we have now arrived, and which we now approach. As no meetings had been held, so of course no petitions had been presented. Not a Candidate had up to that time (nor has from that time down to the present) been pledged to any course on the matter, nor had had a question put to him. No Member had communicated his opinions on the subject to “Dodd’s Parliamentary Guide.” There was, therefore, absolutely nothing of what is held to be the preliminary grounds for a Motion in Parliament on a great public question. Whatever indications there had been were in an opposite sense. I had held a great many Public Meetings. These Meetings had not only been of small numbers, but of large numbers, some as much as fourteen thousand. I never addressed any one Assembly, whether after or *before* the Declaration of Paris (for knowing it was coming I did not wait for the event), without there having been passed resolutions, if not unanimous “all but unanimous,” against this act of treason. There were petitions too, but petitions in this sense. It is true that on the second day of the Debate, namely, on the 17th of March, Mr. COBDEN did present a petition, that of the Chamber of Commerce of Manchester; but this, instead of an emanation from the people, was itself an effect of the Debate in the House, and forced by the necessity they were under of making a show of having some public opinion on their side; but all that they could venture to say was, “that *the present* “state of international law is highly unsatisfactory,” “that the “subject has for a long period been *attracting* a large share of “public attention,” and all they pray for, some undefined measures which shall “tend to secure greater clearness to the “visions and uniformity of interpretation” to this present highly unsatisfactory international law.

It is not Mr. COBDEN who moves on the 11th of March, nor is it Mr. BRIGHT. Lancashire supplies a third knight for the occasion. Mr. HORSFALL moves that international maritime law is undefined and unsatisfactory. The first night of the Debate appeared to justify the sagacity of its promoters, but it was adjourned. Fortunately the interval of a week elapsed before it was resumed, giving time to the same working men who had stopped Mr. COBDEN’s mouth in 1857 to address earnest and argumentative appeals individually to Members of the House, so that the Debate on the second night ended in a manner which did anything but justify the wisdom of its promoters. For the second time the poor man stood in the breach and saved the city.

In this Debate Mr. BRIGHT re-echoed the key-note of Mr. COBDEN. He gave as the reason of the surrender of the Right of Search the fear of the United States. Lord PALMERSTON backed him therein.

I have now to state, in reference to this Debate, that the menace was privately used of a dissolution of Parliament in the event of a vote hostile to the Government, that is to say, to the Declaration of Paris, and that this threat was effective in preventing certain members from saying what they otherwise would have said, and from making up their minds to vote in a way in which they otherwise would have voted. I further assert that the object of this menace, and consequently of the Debate which it was used to support, was not the obtaining of that immunity of private property which its ostensible promoters desired, hoping thereby to escape from the consequences of the Declaration of Paris, but it was to obtain a Parliamentary sanction to that very measure itself. Your Motion, which stands for the 2nd of March, so bold and unambiguous in terms, is precisely the same as that of Mr. HORSFALL, only you have no Minister ready to back you by whispered threats of dissolution.

On the first day, the 11th of March, Mr. COBDEN's remarkable silence was explained by his having a "sore throat." On the day of the adjourned Debate, the 17th, his silence, become still more remarkable, remained without explanation. However that may be he does take up his pen, and again, after an interval of six years, addresses a letter to the Manchester Chamber of Commerce. The first thing Mr. COBDEN had to do was to vindicate his veracity with respect to the "imperious necessity" under which the British Government had first waived and then surrendered the Right of Search. Secondly, as to the causes of the rupture with the United States in 1812. But this duty to himself is not performed in this letter.

We should next expect him to answer the overwhelming arguments used in the Debate which he avoided taking part in, and above all, that of Lord PALMERSTON, for which nothing could be for him more crushing. Lord PALMERSTON had asserted in the broadest manner, that England had run the "risk of War" to maintain, *against* the United States, the principle that the "Flag covers the Cargo" (*Trent* affair), and so exposed himself bare to Mr. COBDEN, if Mr. COBDEN was right in stating that the "imperious necessity" of the British Government was occasioned by the risk of the United States going to war with us on the contrary grounds. If Mr. COBDEN was wrong on the point, it was for him surely to have avowed it—at least, had his expressed opinions been *bonâ fide* ones.

On the question of sparing Private Property, Lord PALMERSTON'S words are no less cogent. He begins with a recantation of his own words at Liverpool in 1860, and then says that, in a case of just quarrel, the Navy is the only arm by which England can extort redress. And again, "you have no resource but the power of your Navy." I am not now dealing with Lord PALMERSTON'S act. It is upon that act that Mr. COBDEN takes his stand. Was it possible that Mr. COBDEN, had there been no collusion, should not have found words of logical indignation to expose the perfidy of such words in the mouth of the man who had destroyed the power of the Navy? But in that case he must have concluded for the reversal of the Declaration of Paris.

That he clearly understood this appears from what he did write to the Manchester Chamber of Commerce. For he says, "that, in consequence of the Declaration of Paris, there is little left to preserve;" and, indeed, he must mean nothing left to preserve, since he concludes by proposing "that the practice in time of war shall be assimilated to the practice in time of peace." This is the aim and end of his letter. If it has any meaning at all it is this: That in his opinion war shall not be made.

This is not the mere aspiration of a member of the Peace Party. But it is a conclusion based on the Declaration of Paris, and therefore means, "War *cannot* be made by England."

Well, this is exactly the conclusion which had been come to and stated by Lord RUSSELL, by Lord DERBY, by Mr. DISRAELI, by Mr. PHILLIMORE, by Sir S. NORTHCOTE, by Mr. NEWDEGATH, by Mr. BENTINCK, and by Lord PALMERSTON, and agrees with what every statesman and every legal and naval man has declared, since the counter-proposition was given utterance to. But, whatever the opinions so expressed in Parliament, nobody proposed to do anything on the perception of this frightful position. Mr. DISRAELI alone indicated the remedy in suggesting to the Government "the consideration of the means by which the Declaration of Paris may be altered." But he proposed to do nothing himself in that sense. The others were content to get up and exclaim, "We have committed an act of suicide!" and then sit down again. Mr. COBDEN differs from them by proposing, not indeed in the House, but in his letter to Manchester, to do something to meet the case. Then what he proposes is not something which England can do of herself, be dependent upon her own will for its conception, and for its execution on her own power; but something which, in purpose and execution, shall

depend on the will and the power of others—and that, not merely on some others, but of all others—not merely of all others at the time that their assent is given, and when they are friends and allies, but at a future time, at a time that they are no longer friends, and will be enemies. I beg of you to weigh this definition. And if you do find it correct (I cannot see the possibility of controverting it), then there is an end to your Motion of the 2nd of March.

Mr. COBDEN, it is true, adds something more. He proposes the abolition of blockade, except when *there is an army operating on land*: that is, the blockade which is not to be allowed is exactly that which alone England can institute. Now, it is singular that the only attempt at an answer to the objections of his opponents on the 17th of March was upon this point of blockade. Mr. BUXTON argued that our power of blockade remaining untouched, our maritime force could not be said to be destroyed, but, on the contrary, that it would be increased, because we would have ships available to a larger extent, by not having our commerce to defend. He added, “no one *dreamt* of interfering with blockades.” Here is the statement in the House of Commons of the Manchester Party; it is listened to in silence in the House by the Chief of that Party, who, a month later, writes to the Manchester Chamber of Commerce to propose the Abolition of Blockades!

The rest of Mr. COBDEN’s letter is a long rambling production, made up of irrelevant statements regarding the amount of our trade, opinions and assertions regarding the dispositions of other Powers, false assertions regarding their acts, citation of mismanagement and misdeeds on our part during the Crimean War, constrained into his theories on blockade and the Law of Nations. The whole being a tissue of shallow sophistry and of glaring fraud. I select one as an illustration.

In his first letter of 1856 he had opened the debate by quoting Mr. MARCY’s reply to the proposition to join the Declaration of Paris, by the counter proposition of sparing private property: a letter in its composition so ambiguous as to suggest doubts as to whether it contained a refusal, a joke, or a sneer. Mr. MARCY had said, “our means of existence as a Nation depends on our “Privateers. But exempt private property on the ocean from “seizure, and the United States will readily meet you on that “broad ground.” This might very well in a private man be a joke. But the Minister of a State can only act in obedience to existing laws and practices, and under obedience to constituted authorities. Nothing had been *done* in the United States by Congress or otherwise. As to the disposition of the Go-

vernment itself, it does not require to be argued. It would be guided by the advice given by Russia. We know from Blue-books—not English, indeed, but American—in what sense they had been advised by that Cabinet. It was that they should be maintained in the possession of the Right of Search when it was abandoned by the Powers represented at the Congress of Paris. And the grounds of that support are also given in the words of Prince GORTSCHAKOFF himself, namely, “that he desired to see the United States flourish as a Naval Power.”\* The application of these terms is not left in doubt, for Prince GORTSCHAKOFF again says, “It (the American Union) is the only commercial counterpoise in the world to Great Britain.”†

In his second letter, Mr. COBDEN harks back again upon the letter of Mr. MARCY, again treating it as the basis of his plan, assuming that it embodied everything American; and then goes on to say that the proposal of America had been “favourably received by France and Russia.” Such a statement was calculated no doubt to have great weight with the Chamber of Commerce of Manchester. They saw the three greatest Powers in the world besides England ready, if only England would agree, to accept and to carry into effect this proposition. They could not doubt their success, were England but agreed, to carry all the other Powers; and of course they could not conceive how for a Maritime State it could be a suicidal one; because they saw in France and in the United States Powers which were both Maritime, and, as they supposed, friendly. This was the effect which Mr. COBDEN’S words were written to produce. But Mr. COBDEN knew that the Proposition of Mr. MARCY was of the year 1856, and not of the year 1862—the *Trent* Affair having intervened; he knew that Russia was playing fast and loose with all, to set them by the ears, and that her assent to the proposition, even had she given it, would have counted for nothing save to show its danger. As to France, he knew that she had never accepted the proposition, but had, on the contrary, absolutely rejected it, assigning as the ground for so doing that it would destroy the Maritime Power of the State.‡ Mr. BRIGHT, on the Debate of the 17th of March, had said, “I believe there is no doubt of the *willingness* of France.” These are words evidently spoken on hearsay. Doubtless he repeated what Mr. COBDEN had told him. But the words of Mr. COBDEN are positive and precise. They are words written by his own pen, not spoken and reported by another. These words are,

\* North America, No. 2, p. 257.

† Ibid., p. 251.

‡ See Correspondence respecting International Law, presented to both Houses, Session of 1862, page 7.

"*the offer was favourably received by France.*" I ask you again, Sir, are you prepared to assume on your shoulders Mr. COBDEN'S mantle?

From that period down to the present time—that is to say for four more years—the Nation has remained unvexed by this at once contemptible and dangerous proposition. It now floats up again to the surface, no longer through the art of designing and unscrupulous men, but only by its own inherent buoyancy.\*

Doubtless you have anxiously weighed the difference of the position in which you will stand on the 2nd of March, 1866, with that in which Mr. HORSFALL stood on the 11th of March, 1862. I am not without suspicion that you may have made a mistake in reference to the value for you of the removal from the scene of Lord PALMERSTON. If I am wrong in supposing that you have counted this for gain, I am at a loss to conceive on what you count.

When Mr. HORSFALL spoke, the impression had been conveyed that he represented the mercantile community, and that those mystic bodies, the Chambers of Commerce, clearly saw their way in the matter. This delusion no longer subsists for your benefit, and in so far as the Chambers of Commerce have spoken they are dead against you.

The Chamber of Commerce of the town which Mr. HORSFALL then represented, and still continues to represent, was the very one to take the lead against him. There has, however, recently happened an incident far more significant. At the annual conference in London of the associated Chambers of Commerce of the whole of the three kingdoms, when a resolution was proposed on the 21st of February, on the part of the town which Mr. BRIGHT represents, that "the Declaration of Paris falls "short of the demands of civilisation in not extending to private "property of belligerents on the ocean the freedom from seizure "proclaimed for that of neutrals" (a phrase the hollowness of which exhibits the hollowness of the whole proceedings, for no Congress of Paris, or any other place, ever proclaimed the freedom of the property of neutrals from seizure); it was negatived by a majority of two to one.

This resolution was opposed by a man whose name ought to be recorded—Mr. S. West—on the grounds that "it was wandering "into a province beyond the sphere of Chambers of Commerce." I trust the House of Commons will lay these words to heart, and profit by them.

I know not what petitions you or Mr. HORSFALL may have in

\* We may have an opportunity of solving, on the 2nd March, the mystery of Mr. Göschel's election and his introduction into the Cabinet.

your pockets, but this I can say from my own recent experience in Lancashire, Northumberland, and Yorkshire, that I have found nothing to make me suppose that you can have any.

I have first to point out to you what, not being a lawyer, you cannot be expected to know—that your motion sins in terms to the degree of rendering it nonsensical. For you propose as an addition to a Law that which is a subversion. By the Law in question no such thing as Private Property exists,\* for the Declaration of War is equivalent to the confiscation of the *entire property* of the State against whom the Declaration is made. It is therein that the sentence issues to kill, capture, and destroy. Your proposition, therefore, is not an addition, but an abrogation; for it would render a Declaration of War impossible. You could not frame a Declaration of War so as to reach the bodies of men and yet not touch property. The sides of the ship, the bastions of the battery, the shakos and uniforms of the soldiers are property, and they must be touched and injured in order to pierce the bodies or to blow out the brains of the Belligerents. This I say, of course, on the gratuitous assumption that it is in your power, or in the power of any State, or of all the States in the World, to touch, change, add to, or abrogate the Law of Nations, or to interfere with the natural right of every one of God's creatures to protect himself by the means which God has given to him.

But we will let all this pass as beyond the sphere of such a discussion as this.

I will now place before you what any one who has followed the antecedent discussion will expect from you. You have got to show—what has not yet been shown by those who have preceded you—how we can make War, after we have established the rule throughout the World that no private property belonging to Belligerent States shall be seized at sea. You will be expected not only to give a general exposition of the means by which War shall be carried on under these novel circumstances, but also a particular one; such as how the United States, invading Canada, are to be coerced into the abandonment of their unjust design; you will have to give us an estimate, on the one hand, of the cost to England of a War under the old system, with her Privateers stopping American Trade; and the cost of the War under the new system. How many men will have to be sent into Canada? how many guns? how many tons of shipping to be taken up for their transport?

\* The Lord-Advocate on Mr. Horsfall's Motion:—The principle of all war is a denial of the rights of private property to a belligerent enemy. That is one of its essential ingredients.

This estimate will require to be, on the one hand, reasonably sufficient to repel and conquer the hundreds of thousands of men and soldiers that the United States can employ, and, on the other, under the limit in men and money, that shall exhaust and ruin the British Empire—a problem for the satisfactory solution of which you will be entitled to honour and distinction as a strategist and a financier such as never yet fell to the lot of man.

In regard to France, we will suppose a demand that we shall change our criminal form of procedure, and, on our refusal, that she will declare War against us. We are exposed to the danger of an Invasion, and we have to coerce the Government of France so that it shall withdraw its pretensions. Here again you have to make the double calculation of what that coercion would cost under our old laws, and what it will cost when you can no longer touch the ships and property of French Subjects, or visit neutral vessels to get at French property.

This, of course, means that we shall have to invade France, and—Here I imagine your stopping me, and saying, “But I don’t propose the Invasion of France.” Then I answer, “What do you propose?” Have you any substitute for the Right of Search? You have none; you cannot pretend to have any. Then withdraw your Motion. You have something better still to do. Change the terms of your Motion, and make it for an Address to the QUEEN, “to exert her influence with Foreign Powers to abolish war for all time to come, by declaring war against any Power that shall infringe the rule.” Then every one, yourself included, will understand what you do propose.

Granted that you have shown triumphantly how war can be carried on by England under the new system, you will next have to show that all Nations have agreed to the new system, and that they will agree to it for all time to come. For if but one, the smallest of States dissents, and if any State recants, the whole fabric falls to the ground.

We will suppose all this successfully accomplished, and that we have passed out of the field of International Law and Political Combination, to enter upon a vast and untrodden field of Legislation.

You will have to explain, to the satisfaction of the House, so that the bills may be thereon introduced, and to the satisfaction of all other Houses and Governments, that simultaneous bills may be introduced, or ordinances, ukases, firmans be issued, what is to constitute *private*, and what *not private* property; what is to constitute private, and what not private men; what private, and not private vessels (a point already raised in that



letter of Mr. MARCY's which Mr. COBDEN set so much store by, as also in the Black Sea). The "conflict of laws," which Judge STOREY has already brought to the apprehension of the last generation, has been, doubtless, for a long time past, the subject of your study and meditations. And I, for my part, shall await with anxious expectation the exposition which you must have prepared, and on which alone you can found so much as a hope to be heard, in proposing to the House of Commons a change in all existing laws founded upon the definition of a term never hitherto called into question as a subject of international difference, and which is now, for the first time, to be subjected to all the dangers of dissent, misinterpretation, misapplication, misrepresentation, and fraud.

Let us take it in its nearest and most evident application. A steamer is sent by the French Government from Brest, carrying a regiment to Boulogne, where an expedition is preparing for the opposite coast of England. An iron-clad goes in pursuit and captures it. It is no longer disposed of by the act of capture—it has to be brought home to England for *adjudication*; your courts will have to try no longer the case of belligerent or neutral property, but the case of *public* or *private* property of the belligerent. Formerly the neutral had a law in the code of nations, to which equally with the belligerent he was subject, and, according to that law, he was compelled to submit, or he had grounds for appeal, remonstrance, or reprisal. Now it will be open to any Power, say Russia, to question your act on the grounds of *her own municipal law*, and that being brought to bear on the statement or counter-statement of your belligerent in respect to new and never-heard-of conditions of persons or materials employed in act of war. Where will this court be opened? Will it be in London? Will it be at Paris? Will it be at St. Petersburg? Will it be composed of judges, of assessors, or of judge and jury?—or will it be composed of diplomatists?—or will there be a general congress of all neutrals established at the breaking out of a war, at some neutral point, to regulate every operation, or to call each belligerent to account for every operation?

But I will suppose that you have settled all this matter satisfactorily for all the world, and that together with your new Law of Nations you have established your new judicatory and mode of procedure. Let us see how it will work. I will grant you Vienna, the place of conferences, for the seat of the Neutral Court, whose business it is to see that no private property of either belligerent shall be interfered with by the other.

You have captured a French vessel, and, good easy men, you

fancy you have stopped a French man-of-war and made prisoners of a French Regiment. You have to report, as in duty bound, to Vienna, and you have to await the decision before you can proceed further. It is no longer the ship's papers that have to be acted on, your belligerent himself has to be represented before this Court. His first plea is, "The steamer *Tornado* is private property, it was only chartered by the Government." Of course the vessel is set free. But the captors, having no right to touch the steamer, of course must set free the men. Or the plea is, "The steamer *Tornado* is private property, engaged in a private enterprise, having 'excursionists'\* on board, wearing a fancy uniform." You cannot prove the reverse, and the vessel and the men are again set free.

Do not suppose the contingencies are exhausted. The plea may equally be, "The invasion is undertaken by a private company under contract with the Government, and possesses, therefore, every claim to immunity required by the new Law of Nations."

Nor will the matter rest with the mere stopping of the operation and the releasing of the ship and men. Then come the penalties for unjust detention, for I suppose that part of the old law will not be abridged. Then what follows? You have either to pay to the belligerent an indemnity for stopping his invasion of your coast, or you have war declared against you by all the States of the world, for your theory rests on the combination of all the States of the world, and the theory also rests on the enforcement of the law, if violated by one or if resisted in its application by one.

Perhaps you have never reflected on this :—that your proposal, bearing on incidents of common occurrence, should never before have presented itself to the mind of any human being during the whole period of the existence of the human race, although many of that race have been lovers of peace, and some few of them legislators and statesmen. ARISTOPHANES' burlesque on the private peace of the Athenian who loved the Bœotian eels, does not go, in its moral, beyond the preferability of peace to war. If I am right in supposing that this has never struck you, I shall be equally right in concluding that you have never thought of the reason why. I think we have gone far enough into the matter for that reason to be suggested, namely, that being impossible to accomplish, it was too absurd to propose.

The burlesque and the fatal are so interwoven in this theme that argument becomes ridiculous and ridicule painful. One

\* Lord Palmerston's term applied to the buccaneers in Italy, when called upon to enforce our own laws against foreign enlistment.

does not know whether to weep or to laugh, not indeed at the things that are said and proposed, but at the people by whom they can be listened to. What is this people engaged in at this very moment? What has been its career during the last thirty years? Is it blood that it abhors? Is it violence that it shrinks from? Is it respect for the rights of others, or its own, that it displays? Is it vigilance to prevent the law from being overstepped by its rulers that it exercises? Is it not, on the contrary, blood that it delights in, vengeance that it cultures, despotic power that it applauds, fraud, trickery, and forgery that it idolises when living, and deifies when dead? Are you the people to make new laws and better laws, to observe them when made, to render them acceptable to others by proposing them? Are you not, at this very moment, denying redress to these very United States whose lightest and most equivocal words at a former date you take as a basis for this magnificent operation? Are you not refusing redress to that people for grievous wrong committed by vessels issuing from your ports, and having no ports but yours to enter; not searching nor seizing, thereafter legally to confiscate belligerent property,\* but burning and destroying without form of law, and as only pirates would do, the vessels and property of the United States, whilst the mercenary schemers and the desperate adventurers walk your streets and take their seat in your Senate, untouched alike by the laws of the land which they have violated, and the indignation of the nation they have disgraced in the eyes of the world? Call for the execution of the laws on these men—call for reparation and redress to the State injured by their acts, and then, whatever the world may judge in reference to the proposition by which you intend to secure the happiness of the human race, at least it will give you the credit of believing it yourselves.

I would not wish the last impression left on your mind by this letter, to be either that of scorn or of denunciation. I wish you to feel that I direct myself to your mind argumentatively, and I will say:—

You go to war with a nation only on the ground that it has broken faith and engagements with you. You pledge yourselves

\* Earl Russell writes to the Liverpool Chamber of Commerce:—"Sir,—I am directed by Earl Russell to reply to your letters of the 6th inst. respecting the destruction by the Confederate steamer *Alabama*, of British property embarked in American vessels, or burned by that steamer. Earl Russell desires me to state to you that *British property on board a vessel belonging to one of the belligerents must be subject to all the risks and contingencies of war, so far as the capture of the vessel is concerned.* The owners of any British property not contraband of war on board a Federal vessel captured and destroyed by a Confederate vessel of war *may claim in a Confederate prize court compensation for the destruction of such property.*"—*Daily News*, December 2, 1862.

not to use that arm in which you are strongest, and you do so on the grounds of the counter pledge that she will not touch you where you have thus exposed yourself; and this sacrifice you make solely on the faith of a nation, which on the premises is faithless.

I have the honour to be, Sir,  
Your obedient, humble servant,  
D. URQUHART.

W. H. GREGORY, Esq., M.P.

## II.

(*After the Debate.*)

St. James's Hotel, March 3, 1866.

SIR,—I have to thank you for the promptness and courtesy of your reply, and as you at least acknowledge the vast importance of the matter you have raised, you will not feel it amiss that I should put on paper and address to you the reply which I should have made to your remarks had they occurred in conversation. It is but on one paragraph that I have to make any observation, and that paragraph appears to be an acceptance of the arguments of my letter, or at least of those which it contains bearing on the Declaration of Paris. On this you remark, "As that Declaration has been accepted and is irrevocable it only remains to supplement it, *if it be possible to do so.*"

I have read this morning your speech, to find the grounds upon which these three assertions are made, but I find in it nothing. I therefore ask you to tell me when, how, and where the Declaration of Paris has been accepted.

As one of your fellow-countrymen I have a right to know the grounds upon which a Legislator advances a new proposition affecting the whole existence of the State. I ask you to explain how this Declaration is irrevocable.

It is only after both these propositions are established in the least doubtful and the most absolute manner that the question of an expedient can be so much as entertained, even supposing that expedient to be one which you yourself hold to be sufficient and certain, which evidently you do not, by using and underlining the words "*if it be possible to do so.*"

You have not so much as attempted to show that the Declaration of Paris has been accepted, or is irrevocable, and for this

very simple reason, that you cannot do so. The acceptance of the Declaration of Paris could be only by a patent notorious Act of Crown and Legislature; there is none such. Moreover, there must have been passed, as in the case of the Commercial Treaty with Austria (1838), and of the Commercial Treaty with France, Acts altering the law of the land, to bring it into conformity with the new Maritime Law of Paris of 1856. You are well aware that I hold such Acts, had they passed, to be utterly worthless, as neither Crown nor Parliament can change the Law of Nations; but such Acts have not been passed.

A measure which has not been accepted cannot be irrevocable. You may perfectly well say that the signatures of Lords CLARENDON and COWLEY are irrevocable, and that I will freely grant to you, but the propositions "Privatering is and remains "abolished," and "The neutral flag covers enemies' goods," are about the most revocable of propositions that have ever been uttered. The first of them has, indeed, never been uttered before, but the second has been in process of assertion and recantation since its first assertion by Prussia in reference to the Silesian Indemnity, and its subsequent assertion by Russia in the Armed Neutrality of 1780. By none has the recantation been more lusty than by Russia, when she herself became belligerent with Denmark in 1809, and nothing can be more abject than the recantation of every Power which had been so silly or so perverse as to make it, when the issue was brought to a trial of strength.

Your irrevocable proposition is of ten years' standing, has not had a shadow of sanction from any authority whatever, has not been put in practice (because there has been no war), has brought you to the "risk of a war" (to use Lord PALMERSTON's words), by attempting merely as a neutral to enforce it, and yet this date of ten years is to stand against the six thousand anterior years of the world's experience. You hold the signature of Lord CLARENDON to be irrevocable, and yet you hold as revocable the whole code of human legislation.

I suppose you are a Reformer—who is not a Reformer? What sense can there be in the reforming of a body behind whose back the Law of Nations, the Law of England, can be utterly subverted by the signature of a Minister, who appended that signature even without the authority of his Sovereign, without the sanction of the Privy Council, and, as it now appears, without even the knowledge of the Cabinet Council, and who has explained his own act by the impressions on the minds of his *Colleagues*—not his Colleagues of the British Cabinet, but of the Congress of Paris—the agents of foreign Powers?

Passing now to the expedient itself, I content myself with noting that you have not shown how it is possible for England to make war under the new system, and that you have not shown how the "private property" of an enemy is to be distinguished from the "public property" of an enemy, so as to enable you to attack the one while sparing the other. I say that you have avoided doing so because you cannot do so, and, moreover, that you know that you cannot do so, as proved by the words you spoke last night: "It is clear that no European Power will go to war with this country for the purpose of invading and possessing it." If you have this revelation from the world of ghosts you are a prophet, and have to preach it for the instruction of mankind. If it is the serious conclusion of an observer, you have to expound it for the relief of your fellow-subjects. If you have come to this conclusion as a representative of the people, you are under the necessity of resisting every penny of expenditure incurred for warlike purposes.

In your speech of last night you accepted, in the completest form, the propositions which I addressed to you in my letter before you spoke. You said that one of the principal arguments that would be used against you would be, that your principles would destroy the maritime superiority of England, and, therefore, you went on to show, not that that argument was groundless, but that it was grounded, for you said: "If it is the mission of England to spread ruin and destruction by land and sea, I am perfectly willing to allow that the adoption of such a regulation will diminish her power." As if you said: "I propose that a soldier shall not be allowed to have a musket, because he may use it to shoot a private man in the street." The power to make war means, amongst a just people, the power to defend itself from wrong. It is by the control of the public servants that you prevent unjust and unnecessary war. I have repeatedly said in the House: "Disband your army and sell your navy, or control the Foreign Office." Your expedient is to deprive England of her strength, and so expose her defenceless to the lust of others. Your aim is to unite violence with weakness, and to combine in the new character for England the Quaker and the Buccaneer.

I cannot pass unnoticed the assertion of the Lord-Advocate, that the French Law is "free bottoms, free goods." A statement such as this makes one's eyes turn round in one's head. Here lies the value for that Foreign Cabinet which has moved these matters, of debates such as yours—the falsifying of the data on which judgment must rest, as well as the perverting of the judgment itself. The terms employed by the French Go-

vernment on the declaration of war against Russia in 1854 were identical with those employed by the English Government. One document says, "HER MAJESTY will *wave the right* of seizing enemies' property laden on board a neutral vessel;" the other says, "His Majesty the Emperor of the FRENCH consents, for the present, to *wave a portion of his rights*. The vessels of His Majesty will not seize enemies' property on board a neutral vessel."

The law of France and the law of England were therefore in March, 1854, identical.

There are three maritime Powers—England, France, and the United States. The first two give up their means of maritime coercion, the United States retains it. England is solely a maritime Power—she is shorn of *all her strength*. France is maritime and territorial—she is shorn of half her strength. She is powerful as before against Italy, Austria and Prussia—States that do not concern us, so far as being engaged in ambitious designs that may be directed against us. Her whole power remains as against England, multiplied by the effect of England's abandonment of her only arm. As against Russia and the United States she is utterly powerless, for her land armies can reach neither; her means of coercion are gone as regards Russia—her means of resistance are gone as regards the United States. In France, therefore, the abandonment of the Right of Search is intelligible and logical only in reference to *a secret design hostile to England*.

How are we otherwise to account for the sacrifice of the vast expenditure of years, and all the desires and ambition of France to create for herself a Marine.

France has yielded up her power as against other States, in order by so doing to obtain the means of coercing England. It was only by yielding it that she could obtain the like surrender from England.

The cession of the Right of Search by France is, I say, only explicable, rational or logical, by the existence of a secret design against England. Yet I entirely acquit the French Government of any design against England when that Declaration was signed. Sir JOHN MCNEILL wrote in the *Quarterly Review*, thirty-one years ago, "The "Statesmen and the Cabinets "of Europe are the tools with which Russia works." Every incident during the period which has elapsed has confirmed the truth of his statement. But that statement, though true, is not complete. To "Statesmen and Cabinets" he should have added "clubs and agitators."

The abandonment of the Right of Search by England is

intelligible only in reference to a *secret design in some men hostile to herself*.

What comes out of the whole plan is this, that Russia is freed from that control over her commerce which Sir JOHN MCNEILL, in his pamphlet, "Progress and Present Position of "Russia in the East, 1836," has laid down as the check through which we secure the tenure of India, and as the power which England held in trust for the protection of the weaker States. Those weaker States then consisting of the Italian States, Switzerland, Belgium, Sweden, Denmark, Poland, and Circassia.

The United States are now free from every counter check that can threaten the commerce of England or of France, they can invade Canada or Jamaica, they can assail the French dominion in Mexico, they can send fifty thousand excursionists to Italy, they can indulge in any scheme or any ambition, and they can ally themselves openly with Russia, on the grounds of that *sympathy* which, as stated at the late dinner at Moscow to the United States Minister, and to which you referred last night in your speech, "naturally unites the strong with the strong." Such is the scheme towards which you contributed your aid last night, and which is not to be effected in or by war, but *in peace*.

These results are no more prospective than problematical. In the late Danish affair, a remonstrance to one of the Prussian Ministers was backed by a reference to what view England would take of the proceeding, and what course she might thereon adopt. On this, that Minister laughed out-right, and exclaimed: "Who cares for what England may think or do, "after the Declaration of Paris?" You must know that at that time the late Premier desired to make war; and having been overruled, explained himself at Tiverton by the powerlessness of England.

To deplore the act of Suicide, to supplement the act of Suicide, is all that has been heard for ten years in either House of Parliament; exhibitions on either side equally painful and inept, and serving to exhibit the total absence of that ability to deal with the case, which is the province of a Statesman. Mr. BAILLIE COCHRANE for the first time proposed that the "Act of Suicide" (the noose not having been tightened during these ten years) should now be reversed. He has not, however, given notice of a Motion to that effect. Let me, therefore, suggest to you, who are prepared, not only to speak but to move, and who are acting with a body of men who wish to do something, and who are prompted by the sense of the dangers to which they are exposed by the Declaration of Paris, to introduce a Motion for the abrogation of that Act, which Motion is itself a legitimate



consequence of your failure to supplement it. You now naturally say: "Failing to supplement that Declaration I propose that it be rescinded." You will thus break the spell that hangs over this land and over France.

I have the honour to be, Sir,

Your obedient servant,

D. URQUHART.

W. H. GREGORY, Esq., M.P.

P.S.—In your letter to the *Times* of this day you say that if we attempted to rescind the Declaration of Paris all the Powers would be against us. I can tell you, the matter belonging to my department, that you would have all the Powers with you—Russia excepted. That a word would suffice. Of course it must be known what word to say and how to say it. All depends on taking *a line against Russia*. Until that is done, nothing can be done. When that is done, everything is easy. But that cannot be done till some one or more of the public men of Europe understand diplomatic transactions. Thus you see that to handle the Declaration of Paris, so as to turn it to account (and so handled, instead of a danger or an inconvenience, it becomes a magnificent occasion), a man must be not only a Lawyer and a Sailor, but also a Diplomatist.

## APPENDIX.

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(*From the Diplomatic Review, March, 1866.*)

### A Word of Advice to the Shipowners.

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“FREIGHTS in danger!” Such is your cry, such is your care, such is all your thought. It is a shipowner’s cry. No doubt freights are in danger, but something else is in danger; the State is in danger. If your cry were “The State is in danger!” you might save the State as well as the freights. The danger of the State is from an act. If the cry were “The State is in danger” from the doing of an act, it would point to the reversing of that act as the remedy. The reversing of that act is accomplished the moment it is seriously entertained. But the cry of “Freights in danger,” supplemented by a ridiculous, inadequate, and impossible expedient, prevents the cry of “The State in danger,” and so ensures the continuation of the act by which freights are put in danger.

The class cry, moreover, and the expedient tacked on to it, degrade the subject, and render the discussion contemptible. The shipowner becomes hateful to the body of the people, and contemptible in the eyes of the serious man. The advantage of your proposition which makes it acceptable to you—namely, that it requires no thought and dispenses with all knowledge, is only a class advantage. One shipowner can say to another, “Let us propose this because freights are in danger,” but the rest of the nation will only say, “These selfish and mercenary men want to coin gold out of our blood.”

The ridiculous face of the matter is far more important than its fatuous face. Every child—even the child of a shipowner—will see that an agreement made in peace cannot hold in a state of war. Your proposition bears upon the method of carrying on war. Shipowners are not warriors. There is an old proverb, “No cobbler beyond his last.” Have you got a single naval or

military officer to lend to your project the weight of his experience or the authority of his name?

A proposition to abrogate the existing code of laws and to enact a new one, could, by its nature, only be expected to emanate from men who not only have consecrated themselves to the study of the laws, but who also are gifted with pre-eminent genius. They must have distinguished themselves as lawyers and juris-consults on the established basis before advancing beyond that limit to higher generalisations. Above all things, such men must be filled and inspired by the love of the Law. They must have faith in its endurance and the consciousness in themselves of that supremacy which they expect it to exercise not only over men's continuous affairs, but also over their ephemeral passions.

Now the men from whom emanate this new design are not, even one of them, so much as a lawyer. They are animated with no respect for the law, and they make it their pride to despise, as it is their purpose to put down, the law. Their proposition they have picked up from the mud of the streets. The proposition obtained, they say, "I will write a letter to the Manchester Chamber of Commerce," or "I will make a Motion in the House." Whereupon they go (or rather they do not) to the Library of the House of Commons, and pull down books, guided by the labels in the shelves, to pick out sentences to be woven into the letter or the speech. So smitten are they by judicial blindness, that they exclaim, "None of your public law for me." (Mr. BRIGHT in his letter to Mr. ABRAHAM WATKINS.)

When a Treaty was on one occasion proposed on the part of the Empress CATHERINE to KIEN-LUNG, Emperor of China, he replied, "Let your mistress learn to respect the old Treaties, and then it will be time to talk of new ones." What is undoubtedly true in reference to private contracts between individuals—and Treaties are no more—must be ten thousand times more true of the Law itself.

After all, you are not thinking of war; what you want is a regulation to serve your turn in time of peace, so that the *rumour* of war may not send shippers to foreign shipowners. You are content to believe that when it comes to a real war the ordinary practice will be resumed. You will not make an effort to take in the new position made for you by the Declaration of Paris binding you not only as regards the belligerent, but as regards all neutrals.

The men engaged in this treasonable design are unconscious, at least, for the most part. If they knew whom they serve,

they would understand what their services were worth, and then they would either hold their hands, or stretch them forth for remuneration. No man would work without price to carry into effect by England herself Russia's Armed Neutrality of 1780; and if Russia had to remunerate all the individuals engaged in such an agitation her resources would fail.

To connect with such a design, a foreign Power, will appear ridiculous, no doubt; yet the shipowners are requested to observe that we are not more absurd than Mr. PITT in the last generation, or Lord DERBY in the present. On the Declaration of Paris, Lord DERBY, quoting Mr. PITT, characterised the act as a "Sacrifice of England on the shrine of Russia."

## The House of Commons on the 2nd of March.

TO THE EDITOR.

SIR,—“The House of Commons must be put down!” These were the words I uttered on leaving the House on the 2nd of March, and which, after a sleepless night consequent on listening to that debate, I repeated.

It was not that the House was counted out, as in Lord PALMERSTON's time, or that it was empty or inattentive. On the contrary, it was remarkably full and unusually well behaved. Nor that the speeches in reply to Mr. GREGORY or his abettors were weak or inaccurate. So far from it, those of the Lord-Advocate, of the Attorney-General, and of Lord CRANBOURNE were excellent specimens of special pleading, while Mr. BAILLIE COCHRANE had the boldness to attack the root of the evil, and to demand the abrogation of the Declaration of Paris as a thing in itself null and void.

But it was appalling to hear such a debate on such a subject, and to listen to the tone in which it was carried on. It was just as if some abstract question were being discussed, such as a change in weights and measures; nay, it was more apathetic, for that would have roused in some degree the passions of those who buy and sell. But here was a matter involving the lives and fortunes of every man in the land and of children yet unborn—a matter on which depends whether the very name of England shall exist as an independent State—and there was not one burst of indignation, not one statesmanlike appeal to national honour, not a warm breath of patriotism, to thaw that dreary atmosphere of debating club in which every nobler aspiration is frozen up, as the lost spirits pent in ice, in Dante's lowest hell. The Debate concluded in the presence of empty benches.

It is fearful to see how each successive year takes away its portion of spirit and intelligence from the land. Lord DERBY's words of 1856 on the Declaration of Paris were words of fire. Six years later, on Mr. HORSFALL's Motion, there were some few words fit to be uttered on such an occasion. Now the American war has intervened; and this question of whether the English nation

shall continue or not is a mere matter of dry conversation, about which no man thinks or cares, and this because it is debated in Parliament.

No one is found to support the Declaration of Paris. Mr. GREGORY and his friends admit that it cannot be supported, and therefore propose, in the doctrinaire fashion, that it shall be carried on to national disarmament. Not that they wish this; but because it is to them nothing more than a subject for a debating club, the practical results not having reached their minds. No one on the other side, save Mr. COCHRANE, ventures to say one word as to the only solution. Even in private conversation, the most you can get from the most strenuous supporters of the Right of Search and Seizure is, "Oh, we shall have to exercise it again if we get into another war;" as if its abandonment did not prevent your ever entering into another war, however insulted, however wronged; or as if in the impossible case of your declaring war, and then attempting to use it, you would not have every nation in the world leagued against you, and on just grounds; those of a breach of faith. This, independently of the loss of the means of defence, war being declared against us.

To know England as she is, it was requisite to be present in the House of Commons on that night. It was a night of Supply—one of those occasions when, by old law and usage, the grievances of the people have to be brought forward, and redress promised before money is voted. Here was a grievance brought forward; the grievance being that England did still retain some means of action against her enemies; the redress demanded being, that henceforward she should give up all the power that is left altogether, and for ever. The matter is talked of for an evening, and then drops, to be resumed when some rising member wishes to get the ear of the House for a night, to be written about by the press next day, then to be resumed again each time with more support. For here and there a half cunning shipowner or merchant will join the doctrinaire ranks, and every day the question being less understood, at last the House may and will come to "legislating;" and this suicidal nation then and there sinks to the position of a carcase, to be rent by the vultures and torn by the jackals.

But if this is what the House of Commons is doing, it is what the nation is allowing it to do. There are not, except perhaps the QUEEN and the Premier six men in this land beyond our own circle, whose sleep is broken by these things; if there were, this tyranny of noxious imbecility would no longer endure.

A CONSCIOUS AND UNWILLING VICTIM.



