THE DAVIS HEVELSKING TOTAL STREET, DESCRIPTING TO A STREET IN THE PROPERTY LANGUAGE IN, 1871.

In the January number of Macmillan's Magazine is an important paper on the Alabama claims, from the pen of Lord Hobart, which is well worthy the attention of American readers. After giving a review of the origin of the controversy between the United States and England, and the negotiations earried on at the British Court by Messrs. Adams, Johnson, and Motley, Lord Hobart

Such being the present position, what is the future fate of this question? It seems im-possible not to admit that a nation which by its Senate or in any other manner rejects a convention, not only bearing the signature of its accredited representative, but, after im-portant alteration to suit the views of its Government, approved by that Government, places itself pro tanto in a disadvantageous position before the world. Constitutional peculiarities may deprive such engagements of legal obligation, but cannot prevent them from being considered by public opinion as some kind of admission on the part of the nation that equitable terms have been offered to it, or in other words that a demand for to it, or, in other words, that a demand for further concession is exorbitant. The British Government, however, has with much wisdom and moderation refrained from inwisdom and moderation retrained from in-sisting strongly on this view of the case, and contented itself with the requirement, the justice of which is sufficiently evident, that, as regards any renewal of the negotiations, the initiative should proceed from the Ameri-can side. Assuming, then, at the instance of the American Government the negotiations the American Government the negotiations will before long be resumed, it remains to in-quire on what their success or failure may be expected to depend. Now, it is evident from the statements of Mr. Fish and of Mr. Motley, and indeed would be sufficiently clear without them, that though several reasons are given for the rejection of the treaty by the American Senate, the chief reason was the fact that the claims for which it provided a settlement were those of individual losers by the depredations of the Alabama and her kindred, no mention at all being made of any claim on the part of the Government of the United States against that of Great Britain for alleged breach of international data. alleged breach of international duty. The United States consider, wrongly or rightly, that they have two distinct claims against us; one for the reimbursement of American subjects for the losses which they incurred on this account; the other, to some kind of re-dress, reparation, or amende honorable for the important assistance which (as they contend) was given to the Rebel States by the premature recognition of their "belligerency, and the subsequent negligence of the British Government to prevent some of its disastrous consequences by detaining the Alabama and other vessels in the ports of England. There can then be no doubt that, whatever other amendments it may be desirable to make in the convention, if a few words could be added to it providing for reference to an arbitrator of the questions, whether the conduct of Great Britain during the war involved any breach of international obligakind for which reparation could properly be demanded-and if so, what ought to be she nature of that reparation—a settlement of the dispute would at once ensue.

Now, if the state of affairs was simply this -that the United States had demanded of our Government reparation of some kind for the recognition of Southern belligerency, and our Government had replied by a distinct refusal-there would be very few Englishmen, probably very few persons on this side of the Atlantic, who would find fault with the reply. That on the English side of the question there are arguments of considerable force Americans themselves would admit, and the British Government has as good a right to hold that it is not responsible for that act and its consequences, as the Government of the United States has to a contrary opinion. But that is not the proposal now under consideration. That proposal is, that the question—which of these two opinions is right—should be referred to the judgment of a tribunal selected for its wisdom and impartiality. Whatever else may be thought of this proposition, it is one which undoubtedly merits the most anxious consideration. A nation deliberately rejecting such a mode of settling differences for which there is only one other settlement may have valid reasons for doing so, but (always supposing that a fitting arbitrator can be found) incurs very serious responsibility. In the disputes of private life, which cannot be made the subject of level design it is somewhat the subject of legal decision, it is commonly inferred that the disputant who refuses to submit the question to the friendly decision of a third person is the disputant who is in the wrong. This may very possi-bly not be the case; but there are, all events, no unreasonable grounds for the inference. It might seem superfluous to repeat, but is too often forgotten—that to make concessions on a mere demand is one thing; to make concessions which have been pronounced just by a duly appointed referee is quite another. In the first case there is implied either an admission of the justice of the demand or a deficiency of power or of courage to resist it: in the second, neither the admission nor the deficiency. From concession, the result of arbitration, there can fairly be inferred neither a sense of culpability on the one hand, nor of weakness or fear on the other. In ordinary cases it is properly attributed to a just appreciation of what is due to the general interests, which requires that the members of a community shall abstain as far as possible from taking the law into their

THE POSITION OF AMERICA REASONABLE. Judging from past discussions, the objections which will be taken on the part of Eugland to this proposal are as follows:—The first is that we are so unquestionably in the right that there is no case, or shadow of a case, on the other side. But this argument (to which it may reasonably, though perhaps not conclusively, be replied, that if so we have no need to fear an adverse decision) appears now to be very generally considered as untenable. It seems, indeed, impossible to read the correspondence on the subject without perceiving that there exists at least some color for the American view. The statement that the recognition was precipitate derives, to say the least, some show of reason from the fact that of the great battles of the way and the fact that of the great battles of the war not one had been fougat when it occurred (which is saying, in other words, that the "civil war" had not then actually begun,) while the reasoning of our Government, that the United States themselves had, by blockading the ports in the hands of the Rebels, already declared their belligerency, is deprived in great part cult. Nor can there be any doubt but that of its value by the further fact that the the royal proclamation of neutrality gave Queen's preclamation appeared before the in important respects assistance and encour-

even supposing that the recognition could not, in these respects, be considered as precipitate, is there no foundation for the complaint of the United States with regard to it? The answer is thought to be absolutely conclusive that they had blockaded the ports, and thereby themselves proclaimed the belligerency of the Southern States. But is it possible that a Government has not the power, at the outset of an insurrection, to blockade ports which may happen to have been seized by Rebels, without conferring upon them belligerent rights, and entitling them to the political status which those rights involve? How would it suit Great Britain to accept this doctrine for her own ports of Cork and Waterford, supposing them to have been suddenly seized by Irish rebels? Is it, or is it not the fact, that when these very United States were rebels against Great Britain, we blockaded some of their ports, and, so far from admitting that belligerent rights were thereby accorded to them, treated as a casus belli the admission of some of their cruisers into a foreign port? It is not here asserted that to these arguments on the American side no answer can be given on the part of Great Britain; it is not even asserted that they have not been answered by our Government in a manner which, to many persons, will not unreasonably appear con-clusive; all that is contended for is that it is really absurd to assert that on this point the American Government is so absolutely and hopelessly destitute of all shadow of argument and all possible pretext for complaint that this is a case to which arbitration is wholly inapplicable. It is perfectly possible, and even probable, that Lord Clarendon's reply to Mr. Fish might be considered as conclusive by the arbitrator. What seems impossible is that any conceivable arbitrator at all qualified for the position should consider that there was absolutely nothing to be said on the other side. Another answer, supposed to be decisive as against the view taken by the United States in regard to the recognition is, that in his correspondence with foreign Governments on the subject, their Minister spoke of the insurrection as a regularly organized "civil war." But it is surely not difficult to see that this argument, though a fair weapon of controversy, is by no means unanswerable. The insurrec-tion of the British-American colonies which led to their independence was as regularly organized; and if any one had said that those colonies had levied "imminent, flagrant, deadly war" against Great Britain, he would have said that which was neither very unnatural nor very inconsistent with the facts of the csse: yet no one can imagine that such a statement would have prevented an immediate declaration of war on the part of Great Britain if any foreign State had dared to accord to the colonists the status of belligerency. On the whole, it seems impossible at the same time to pretend to impartial judgment, and to deny that, whether the view taken by the United States on this subject be erroneous or not, it rests upon some plausible foundation. REFERENCE TO ARBITRATION.

The other great objection on the part of England will probably be that the proposed reference to the judgment of a neutral power of her right to recognize the belligerency of tion-whether, if it did, the error was of a | the revolted States would not be consistent with national self-respect. It is true that this objection has been so far invalidated as that, by the Clarendon-Johnson Convention, England had agreed that this grievance of recognition should be submitted to the arbitrator appointed to adjudicate upon the Alabama claims as one of the data for his guidance; but the difference in degree between this concession and the direct reference now suggested will be strongly insisted on. Nor can it be denied that such a mode of deciding such a question is more alarming to national sus-ceptibilities than would be its decision by that time-honored tribunal which dispenses justice through the medium of explosive compounds. But the question is, which of these two methods is really most worthy of a great nation? If it were not for the strange hallucination which supposes that nations and individuals are amenable to different moral laws, it would be seen that this is a case in which the more peaceful course is also the most magnanimous. In civilized society, the man who, in disputes with his fellows, resorts to violence rather than to conciliatory interposition, is not the man who is most credited with a due sense of his own dignity. Nor is it easy to understand how a State, whose representative was the chief author of the paragraph in the protocol appended to the treaty of Paris, in 1856, and which expressed a hope on the part of the European powers that serious international differences would in future be referred to arbitration, can reject arbitration on an occasion such as this. That paragraph must have been intended, if it had any meaning at all, to counteract the undue sensitiveness of national honor; and it is not easy to perceive, if in applicable to this of recognition, to what question great international disputes it can ever be considered to apply. Reference to arbitration in such a case as this seems almost forced upon a nation which is neither so weak that it need be ungenerous, nor of so little account in the world that it need stake incalculable interests on points of international punctilio—a nation which, fourteen years ago, led the way in the onslaught against that pride of race which refuses to submit to judicial in-quiry and has been the parent of the most calamitous wars that have desolated the IMPORTANCE TO ENGLAND OF PEACE WITH

AMERICA. There is no need to insist, in the interest of a speedy and peaceful settlement of this unhappy dispute, on the general advantages of international amity, or on the special importance to England of a good understanding with the United States. But there are some considerations which are apt to be lost sight of, but which appear to recommend to us, in this instance, a course conciliatory to the extreme limits of conciliation. One of these is the fearful national loss and suffering which were really inflicted upon them, as well as that which, it may be erroneas well as that which, it may be erroneously but at all events devoutly, Americans believe to have been inflicted
upon them by the conduct of England during
the war. Whether that conduct involved
any breach of international duty such as to
furnish them with a right to reparation, may
well be questioned—what cannot be questioned is that it cost them terribly dear, and
that they believe it to have cost them dearer.

Apart from the plundaring and burning by Apart from the plundering and burning by Confederate cruisers, there can be no doubt that the escape of these vessels from Eagland transferred in great part to Eugland herself the carrying trade of the United States; and the blow thus dealt upon their mercantile marine appears to be one from which recovery is cult. Nor can there be any doubt but that

THE ALABAMA CLAYMS. issue of the complete Presidential authority | agement to the Rebel cause, or what Amerifor the blockade of the Southern ports. But | cans consider, with what sound reason may cans consider, with what sound reason may well be disputed, that to this alone or mainly it was owing that the Rebellion was able to make head at all. The injuries thus sustained, or believed to have been sustained, by the United States do not make their demands just; but they constitute an important reason why England should consider those demands with the most careful attention, and should do all that can possibly be done, consistently with her own rights and true interests, to heal the gaping wounds, material and mental, which, however unintentionally, her hand has made

> CHARACTER OF THE AMERICAN PROPLE. Another consideration, of no trifling importance, is the character of the American people. Let any one consider the history, and, above all, the recent history of that na-tion. There is nothing, in modern times at least, with which it will not, for moral gran-deur, favorably compare. An insurrection, deur, lavorably compare. An insurrection, formidable not only in numbers, but in foreign sympathy, and in the possession of almost all the disciplined forces and material of war, sprang suddenly into fierce and ominous life. It was no question between slavery and freedom (though that was a collateral issue,) but whether the vast dominionthe mighty fabric which was the pride of a free people, the admiration of the world, the refuge of liberty, and full of bright promise for the future of mankind—should stand firm on its pedestal or be shivered into fragments at their feet. Surprised and betrayed, disarmed and friendless, the nation never faltered. For long months it encountered with raw levies the disciplined forces of the South—for long months there poured from every loyal State the flower of the American youth, abandoning home confert. abandoning home, comfort, and prosperous industry to meet almost certain destruction in their country's cause. In ever-increasing numbers the untrained soldiers of liberty pressed forward at her call to fill with their lives the deadly interval required to redress

lives the deadly interval required to redress the balance of the strife. When at last the tide turned, and victory declared for numerical force submitted to gradual discipline, no vengeful exultation marked her advent. Calmly, firmly, and thoroughly the great work was done. And when it ceased, the passionate excesses which have been the usual retinue of such triumphs were looked for by the world in vain. The people which had the world in vain. The people which had satisfied so grandly the test of adversity. passed still more grandly through the terrible ordeal of success. Not one drop of blood was shed in revenge for treachery and rebellion more pernicious and worse-founded than any which the world has seen. In sadness rather than in triumph, when the fight was done, the nation set itself resolutely to grapple with the difficulties which the fight had bred. No lust of military glory, no insaved their country, the vast triumphant hosts were hosts no more. The transformation was complete; the fierce and daring soldier became at once the quiet, industrious citizen; the Government, full armed for desperate resistance or majestic congress beperate resistance or majestic conquest, be-came the peaceful, conscientious laborer for a people's good. Now it is of course possible that a nation may have shown itself to be the and yet act unjustly towards a foreign State. But a claim, not destitute of all foundation, and persistently put forward in a temperate and conciliatory tone by the unsnimous voice of a nation such as this, cannot be set aside as the product of mere arrogant impertinence, malignant hostility, or perverse self-delusion. It may be a claim, in the opinion of those upon whom it is made, quite inadmissible; it cannot be one which is no fit subject for impartial adjudication. The American people, thus calm in judgment, moderate in self-assertion, just and humane in spite of every tempta-tion, zealous for the right, yet merciful to the perpetrators of wrong, is under the firm impression, whether well or ill-founded, that it is bound, in justice to itself, to demand reparation for certain acts of a foreign power. Upon this reparation, however, it does not insist; it only asks that some authority should be named by both parties who may pronounce upon its justice. The character of the proposition and of the proposer alike seem to counsel compliance.

FEELING IN AMERICA TOWARDS ENGLAND. Another consideration which should influ-Another consideration which should infu-ence in an important degree the decision of England upon this question is the feeling with which she is regarded by the American people. Vulgarity is not confined to Europe; and to envy, disparage, and vilify England is characteristic of American vulgarity. But to any one who will look a little below the sur-fece and take his impression of American face, and take his impression of American opinion from other sources than rowdy newspapers, it must be evident that the great heart of the nation—the aggregate of thought and feeling which have made her what she is—yearns for sympathy and amity with ours. There is in the people of the United States a reverence, an admiration, even a filial affection for the nation from which they have tion, for the nation from which they have never forgotten that they sprang, which long years of mutual misunderstanding, recrimina-tion, and suspicion have been unable to subdue. The people of the United States believe, rightly or wrongly, that we have inflicted upon them a grievous wrong, for which, by some means or other, it is incumbent on them if they can to obtain redress; but who-ever has had an opportunity of observing them at all must see that it is by a sense of justice, and not by an impulse of vengeance or hostility, that their course is steered; and that if this dispute could be settled by arbi-tration, they would, though the decision of the arbitrator should be in our favor, wel-come it with satisfaction as that which would obtain for them, without sacrifice of national

rights or interests, the long-sought and in-tensely-valued friendship of England.

The object of this paper has been, first, to explain as clearly as possible the present position of the controversy; and, secondly, to inquire what ought to be the course taken by Great Britain as respects the solution which, or something like, it seems necessary for her either to accept, or to reject without hope of a final understanding. It is hardly to be imagined that the proposition for re-newed negotiation, which must come from the United States, will be long delayed. And there is ground for confident hope that the fairness and moderation which have marked fairness and moderation which have marked the recent conduct of the case by the Eng-lish Government, aided by the good sense and enlightened patriotism of the English people as represented by a reformed Parlia-ment, will before long bring about the con-summation so ardently desired on both sides of the Atlantie—the reconciliation of great and kindred nations too long estranged. and kindred nations too long estranged.

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