by the enlistment of men; and that there was negligence on the part of the authorities in that place.

The *Tuscaloosa*—tender to the *Alabama*—*Clarence*, *Tacony* and *Archer*—tenders to the *Florida*—are regarded as accessaries and, following the lot of their principals, are submitted to the same decision, which applies to them respectively.

So far as relates to the *Retribution*, *Georgia*, *Sumter*, *Nashville*, *Tallahassee* and *Chickamanga*, the Tribunal concludes that England did not fail in her duty; and as regardes the *Sallie*, *Jefferson Davis*, *Music* and *V. H. Joy*, that they ought to be excluded from consideration for want of evidence.

As to the claim made by the United States for indemnity for the cost of pursuit of the Confederate cruisers, the Tribunal decides that this claim is not distinguishable from the general expenses of the war carried on by the United States, by a majority of three to two.

They also decide unanimously, that prospective earnings cannot be made the subject of compensation, as they depend in their nature on future and uncertain contingencies, and that, therefore, there is no ground for awarding the United States anything at all under this head.

After citing the reasons for so doing, the award then gives a lump sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States, and declares all claims referred by the treaty to be fully and finally settled.

SIR A. COCKBURN'S DISSENT.

Sir Alexander Cockburn dissented from the above award, and in the course of a long judgment gives his reasons for doing so. The effect of the rules laid down by the Washington Treaty, he declares, "is to place this Tribunal in a position of some difficulty. Every obligation, for the non-fulfilment of which, redress can be claimed, presupposes a prior existing law by which a right has been created on one side and a corresponding obligation on the other. But here we have to deal with obligations assumed to have existed prior to the treaty, and yet arising out of a supposed law created for the first time by the treaty. For we have one party denying the prior existence of the rules to which it now consents to submit as the measure of its past obligations, while the other virtually admits the same thing; for it agrees to observe the rules between itself and Great Britain in the future, and to bring them to the knowledge of other maritime powers and invite them to accede to them,—all of which should plainly be superfluous and vain if these rules already formed part of the existing law recognized as obtaining among natons." He regrets that the whole question of law and fact had not been left to the Tribunal to decide according to principles of international law existing at the time that the causes of complaint are said to have arisen. He finds difficulty in defining the meaning of the words "due diligence," as there is nothing in the treaty to direct them; especially as to the degree of diligence required. They must, therefore, look to judicial science to direct them; and he thinks it will be of advantage to ascertain the amount of diligence required by international law. He proceeds then to show that the duties of a neutral state are to observe a strict impartiality towards both belligerents, and in no way to assist either of them with warlike material, ships of war, transport, etc., as a state. On the other hand he considers that a neutral subject has a perfect right to carry on trade with belligerents in articles which are pronounced by nations as contraband of war, and even in ships of war. But in case of ships of war sent out, not to a port of the belligerent purchaser, but with armament, officers and crew, prepared to make war at once, there would be a breach of neutrality; and a neutral power would be bound to use its best endeavors to prevent it. The case would be the same were the armament sent out separately to be taken on board at sea. As to the extent of diligence required by the treaty, he concludes that it is neither more nor less than any neutral Government would be obliged to exercise to prevent the breach by any of its subjects of any head of international law And that it consists in a Government faithfully carrying out all the means at its command for the prevention of any such infraction. He thinks that if a Government is to be held responsible for the errors in judgment of its subordinates, or of its courts, especially when they are at a distance, it would have the effect of making any effort to have the rules of the treaty adopted by other nations unsuccesful, and of making maritime nations look upon belligerents with very considerable dread. After reviewing with severity several passages of the American case—clearing England from the charges there made—and having concluded this part of his judgment, he proceeds to consider the case of the "*Florida*." His decision in this case is that there was no lack of diligence on the part of the authorities in England, while the "*Oreto*" (afterwards the "*Florida*") was building, or at her departure. That no sufficient evidence was produced against her to justify her seizure before the courts, and that, therefore, she could not have been seized. That at Nassau, whither the "*Oreto*" went, on her departure from England, the colonial authorities conscientiously performed what they thought to be their duty, but that they labored under a misapprehension as to the effect of the "Foreign Enlistment Act," which, however, as he had before stated, could not be construed into a want of diligence. That the "*Oreto*" having made the Southern port of Mobile, where she was regularly commissioned, she could not be proceeded against on her return to Nassau, for a breach of the Municipal law of England merely; and that a seizure of the "*Florida*"—as she was then named—would have been an act of war on the part of Great Britain towards the South. For these reasons he concludes that there was no lack of due diligence on the part of England in the case of the "*Florida*."

As to the "*Alabama*," there was a lack of diligence. Sufficient evidence was furnished before her departure to justify her detention; and means of obtaining information respecting her, were neglected to be used. Also, when she had departed on her trial trip without returning, there was a circumstance so suspicious as to justify the Commissioners of Customs in seizing her, which by the exercise of diligence they would have been enabled to do. For these reasons, Sir Alexander thinks, that England is responsible for the damage done by the *Alabama*.

As to the "*Shenandoah*," the only other vessel about which he differs from the ma-