the arguments on the absentee question, it never was proposed to create a bounty on absenteeism.

II.—*Maritime Captures and Commercial Blockades.*—By T. E. Cliffe Leslie, Esq. Professor of Jurisprudence and Political Economy in the Queen's College, Belfast.*

[Read January 29th, 1855.]

THE chief object of this paper is to point out the system of maritime war by which the resources of this country will be least impaired by the contest in which it is engaged, and most effectively employed in bringing it to a successful issue. But although the questions involved must be discussed with especial reference to our present national interests, there will be occasion to show the necessity of bearing in mind that they are also questions of permanent importance in international jurisprudence. The rules of that jurisprudence have established a difference between the liability to capture during war of private property on land and at sea.† This distinction is generally defended on the grounds—first, that the citizens of an invaded country are regarded as subjects of the victorious state, and protected accordingly, but that as the capture of merchant ships does not subjugate the hostile state, as the taking possession of its territory does, the property in them is not entitled to similar protection; secondly, that in maritime hostilities there is no mode of obtaining victory and compensation by the seizure of public revenue, and in order to weaken the naval power of the enemy, it is necessary to attack his commerce and merchant navy.

To the first of these arguments it seems a sufficient answer, that for many centuries private property on land has been respected in the case of military operations in an enemy's country, for strategical or political purposes, without any design of permanent conquest; and has, indeed, been least respected where the latter has been the object—as in Napoleon's wars; nor would it be regarded as a justification of pillage, that the sovereign of this pillaging army had no intention of reducing the inhabitants into subjection to his crown. The second argument assumes the very proposition at issue, that it is the interest of a great maritime power to exert its naval force, for the purpose of destroying not only the enemy's fleets and marine fortifications, but also his commercial intercourse with other countries. Besides, a military power might claim the same justification for confiscating all the property belonging to its enemy's subjects which its armies could reach, asserting that it was done for the purpose of bringing the war to a conclusion by diminishing the enemy's resources, abstracting his means of taxation, and convincing his subjects of the impolicy of continuing the contest. This argument may indeed be used with much greater

* This paper has been abridged for the press.

† *Alison's History of Europe*, chap. xxxiii.

force in the case of military than naval operations, for a victorious army can spread ruin through a country, and make war support war, in a manner impossible in maritime warfare. This is very clearly exemplified by Alison, in his account of the advantages which the French armies derived from their mode of making war in the Peninsula, and the difficulties to which the English were exposed from theirs. The historian adds, however, that honesty is the best policy in the end, and "the same moral law applicable to the private villain, and the public robber;" and in another passage observes, that "in warfare it is of the utmost importance that no attacks should be made, except upon public property or merchandize afloat, and that the piratical system of threatening with destruction a city not fortified, if it does not redeem itself by a contribution, should be avoided."

But upon what principle is it justifiable to seize the entire property of a merchant when on sea, while it is a "piratical system" to exact even a contribution if it happen to be on shore? What "moral law" sanctions the former, while it pursues the latter with an inexorable Nemesis? It cannot be upon higher ground than its expediency, that any one will defend the distinction. Its expediency is therefore the chief subject of our inquiry.

At the outset it must be perceived that there is an objection to the capture of private property at sea quite peculiar to this mode of attacking the resources of an enemy. For it involves this dilemma, that if his subjects are permitted to export and import in neutral vessels, and only liable to capture in their own, provision is made by the system itself for defeating its object to a great extent. If, on the other hand, neutral merchants are prevented from carrying on the commerce of the enemy, and acting as agents on his behalf; if they are exposed to all the vexation and loss attending the promiscuous seizure of merchandize belonging to a state with which their own country is at peace; and if, added to this, their country is deprived of commodities which it has been accustomed to consume, or of a lucrative trade, it is the inevitable consequence that the system is likely to add to instead of diminishing the enemy's resources, through the active alliance of some, and the sympathy and moral support of other previously neutral states.

In this dilemma the British government was placed at the commencement of the present war. It could not be forgotten then, that at the commencement of this century all the maritime states of the civilized world were at one time in arms against Great Britain, on account of the rigour with which she enforced the ancient usages of hostilities at sea; nor could the suffering and ruin occasioned by the American Non-Intercourse Act of 1811 be forgotten, followed in the next year by a sanguinary contest. In 1853 the value of our exports to America had risen to nearly £24,000,000; and even the loss of this market would by no means represent the entire loss arising from a rupture of commercial relations with the United States, for we import from them the most important materials of our trade with the whole world.

Nor are indications wanting that a bitter recollection of the belligerent rights formerly asserted by Great Britain survives in the

American mind. (See the President's message to Congress in December last.)

The British government had therefore strong political reasons for modifying the ancient usages of maritime warfare, and these reasons were supported by others founded on our commercial interests.

"We have only," says the *Economist*, "to name the articles of our import trade with Russia, in order to show itsenormous value, and its primary importance to the manufactures and general trade of this country. They consist chiefly of grain, tallow, linseed, bristles, flax, hemp, sheep's wool, iron, copper, and timber. We receive from Russia more than nine-elevenths of the bristles we import, about three-fourths of the flax, nearly two-thirds of the hemp, five-sixths of the linseed, and five-sevenths of the tallow."—*Economist*, February 18th and 25th, 1854.

The relative loss which would have ensued to Great Britain and Russia from stopping the import of these commodities may be exemplified in the case of one of them. Prior to the war, Russian flax formed one half of the total quantity, home-grown and foreign, used in British manufactures. All that Russia could lose, if deprived of the British market, would be the price of the raw material for the present, still having it to sell on the first opportunity; while to Great Britain, the loss involved would be not only the much higher value of the manufactured fabric, but perhaps the ruin of the linen manufacture, in which so much capital has been sunk, to which so many operatives have been trained, and by which so many families are supported. If half the usual supply of flax were withdrawn, the other half could not be profitably manufactured. The British linen manufacturer is exposed to the rivalry, not only of the linen manufacturers of America, Germany, Belgium, and Russia itself, but of the cotton manufacturers both at home and abroad. The price of British linens could not therefore rise so as to compensate for a great increase in the price of the raw material. Besides, it is well known that the less the quantity of any material worked up in a manufacture, the greater is the cost of manufacturing each portion of it. And the sites of manufacture move to the cheapest places of production. So our linen manufactures would perish to deprive Russia of a single market, while the Russian grower would not lose other markets, and the British grower would be deprived of much of the necessary supply of imported flax seed. The injury to Russia would be trifling and temporary—to this country heavy and permanent. That it would be permanent we may learn from the results of the rupture of commercial relations with America in 1811. "A lasting injury," says Alison, "has been occasioned to British manufacturing interests by the forcible direction of American capital and industry to manufactures. Another evil has arisen from the jealousy and animosity against this country, which have thus been engendered in the very States that, when the rupture commenced, were most warmly attached to our alliance."

It has, however, been contended, that in war every national interest becomes subordinate to the one paramount object of distressing and weakening the enemy. We can afford to lose infinitely more than Russia; we are therefore called upon to fire upon both

friend and foe, and to involve in one common ruin—not, indeed, the soldiers of both armies, as the Russians are said to have done at Balaklava—but the peaceful merchants of both countries, and the families dependent on them for support. To this, however, there is one fatal objection. It could not be carried out. No human ingenuity could devise means of preventing the productions of Russia from finding their way into foreign markets and our own ports. Certificates of origin have been proposed; but what difficulty would there be in obtaining neutral certificates, and what possibility would there be of distinguishing the hemp, flax, linseed, and tallow of Russia from similar produce of other countries?

The impossibility and the impolicy of entirely excluding Russian imports, and the danger of embroiling ourselves with neutral states, were considerations which the Government could not overlook. But the value of our export trade with Russia seems to be universally underrated. It is true, our annual exports to that country have not reached latterly the value of £2,000,000; but the difference has been paid in the products of our colonies, such as sugar and coffee, so that the cessation of all trade, direct and indirect, would involve a proportionate diminution of our exports to the colonies, and the market for colonial produce.

Thus it has happened that while nothing has been done by governments during nine and thirty years of peace to civilize by conventions the laws of war, which have come down from a time when there was never peace for commerce, and the pirate's occupation was more honorable than the merchant's, peace has itself made laws for war, by creating international interests which warfare cannot destroy.

The orders in council of last spring, introduced three important changes into the practice of maritime hostilities,—the abandonment of privateering, the practical adoption of the maxim that "free ships make free goods," and the sanction of indirect trade with the enemy. (See the order in council of the 15th of April, 1854.) But the old system has remained in force to a great extent, by means of the restrictions on neutral trade with the enemy's ports, in consequence of the blockades in the Baltic and Black Sea, and the retention of the right to capture enemy's goods in enemy's ships. What effect then have the blockades and captures of 1854 had upon our resources and those of Russia? No one pretends that the prizes taken in the Black Sea, or the stoppage of the supply of corn from Odessa, have added to our strength or perceptibly diminished that of the enemy. Let us look then at the operations in the Baltic. In consequence of large importations before the blockade there commenced, the statistics of our imports and trade in 1854 do not sufficiently enable us to estimate the results of having to draw our supplies of flax, hemp, tallow, linseed, bristles, timber, either from Russia itself overland through Prussia, or from more distant places; in either case of course at greater expense. It was however supposed that the increased cost of transit would be partly met by lower prices to the Russian producers. As far as we can obtain statistics, however, it would appear that, during the blockade, at least as high prices were obtained in Russia for the produce in question as before

the war. And as we must always pay in addition to those prices the cost of transit to Great Britain, we should not have so much reason to rejoice at a fall of price, which would give an advantage over our manufacturers to those of the continental states adjoining Russia, and of Russia itself.

It has however been argued, that the higher prices paid by this country for the articles for which it had previously been chiefly dependent upon Russia, have attracted supplies from other places, and tend to raise up new and flourishing industries in our colonies and dependencies. If this were true to any considerable extent, the result would be decidedly mischievous; for unless the political economy we have sought to teach other nations be false, it is most unwise to divert production from its natural course by artificial prices. And what would be the consequence, on the return of peace and Russian imports, to those new industries? Must it not resemble the effect of the sudden repeal of a high protective duty? But in fact we continued during the blockade to derive principally from Russia the same commodities as before, in smaller quantities and at higher prices. More hemp and linseed, we are indeed triumphantly told, were imported in the month ending December 5th, 1854, than in the corresponding month, 1853. But the blockade was then raised, and the returns of the preceding months of each year show a very different result. And it is not the supply of such a commodity as hemp that will fall off first in any war waged by Great Britain; for being essential to naval operations, it must be obtained at any cost. It is elsewhere the privation will be felt. (The paper, as read, contained here some statistics and facts, showing the actual effects of the blockade upon the trade of the United Kingdom in 1854.)

Moreover, when we examine the effects of the blockades and captures of 1854 upon the resources of Great Britain and of the Russian empire, we must take into consideration not only the results to our manufacturers and trade, but the cost of maintaining an enormous fleet to produce such insignificant results as have been obtained, and the distraction of our admirals' energies, and the powers of our navy from the direct operations of war. We captured, during the blockade in the Baltic, 92 vessels, of which "those belonging to Russian subjects were chiefly the property of small traders, and the loss fell upon an uninfluential portion of the population;" while a considerable number belonged to the merchants of other countries. It is however asserted that we entirely stopped the supply of salt and coal which the Russians were accustomed to receive through the Baltic. But in the Russian dominions there are inexhaustible salt mines and brine springs, and remarkable facilities for internal transport by rivers and canals in summer and sledges in winter; and it is upon the poorest subjects of the Czar that the privation of salt, from a rise in its price, or cessation of the supply along the coasts, would fall. Can it be supposed that their privations would move the resolution of the Czar?

As to coal, De Custine tells us that birch-wood was the only fuel used in St. Petersburgh when he was there in 1839; so probably its inhabitants could subsist on wood fires through two or three winters now. Coal is certainly necessary for a fleet of steamers, but the less

Russia expends upon naval operations in a war with Great Britain and France, the better for herself.

It is often assumed that their privations will make this war unpopular among the subjects of the Czar. But what evidence have we of this? Is the possession of Constantinople an object of national or merely of imperial ambition in Russia? Allusion has been made as the assassination of the Emperor Paul in 1801. But there is no parallel between that crisis and the present. Paul was believed to be insane and unfit to govern. He had deeply offended his nobles by a sudden alliance with the revolutionary government of France, and by various acts of atrocious tyranny. Nor were there then the facilities for overland trade, by means of which Russian produce now finds its way into foreign ports in spite of "effective blockades." "There are," says the *Economist* of the 20th inst., "great differences of opinion as to the injury done governments by the stoppage of trade, but it is evident from the case of the Finns, that this mode of carrying on the war exasperates the suffering individuals, and very often makes them transfer their indignation from their own government to the government which is the immediate cause of their annoyance." This remark is perhaps entitled to the more weight, as that journal appeared during last year to favor stringent restrictions upon Russian commerce. It has indeed been admitted on all sides, that the blockades and captures of 1854 effected little towards such an impoverishment of the resources of Russia as could seriously embarrass the Czar in the prosecution of the war. Quite opposite conclusions have been drawn as to our policy during its continuance.

There are three courses which may be taken, should it be thought expedient to alter the regulations in force under the orders in council of last spring. First, the Government may revive the right to capture enemy's property in neutral vessels. The objections to this course need not be repeated; but it may be here remarked in reference to the restrictions in force last year, that the more effectually they are carried out, the more nearly they approach to the ancient system, and tend to produce the evils to our trade and our relations with neutral states, on account of which that system was abandoned. And the wider the surface over which we extend our endeavours to suppress the commerce of the enemy, the greater the distraction and dissipation of our naval power.

A second course which the Government has been called upon to take is, to stop the overland Russian trade by a blockade of the PRUSSIAN ports. That so monstrous a proposition, so flagrant a violation of international law should be entertained for a moment, affords a melancholy example how one false principle leads to another, and how completely the passions kindled by war blind our perceptions of our true interests, and of the limits of our power. Could the Czar's invasion of the principalities be excused upon a more shameless pretext? Should we diminish the proportion of his power and resources to ours, by arraying on his side the armies and resources of Prussia? Is it an object of British policy that the armies of France should march to the Rhine? Or can any one suppose that a blockade of the Prussian ports would prevent the produce of

Russia from finding its way by the railway and the Elbe to our own?

There is still a third course which we may take. This is to assimilate maritime warfare to hostilities on land; to abandon the right of capturing private property other than contraband of war, holding it equally sacred in the ships of our enemy's subjects as in their fields and houses, and to blockade only in the case of a maritime siege, or in order to intercept supplies manifestly intended for military and naval use; i. e. in fact, to establish only military as distinguished from commercial blockades.

In order to carry out this system, it would not be necessary to permit the merchant-ships of Russia to enter our ports without restraint. Direct trade beteen Russia and British ports might be deemed inexpedient, even if commercial intercourse through neutral ports, or under other restrictions as to the place and manner of communication, should be permitted.

It is commonly supposed that a state of war is essentially inconsistent with commercial intercourse of any kind. But does any one suppose it to be contrary to the nature of war, for British subjects to buy Russian commodities in the Crimea, and to give the subjects of the Czar a handsome profit on what they sell? As to maritime commerce being inconsistent with maritime war, that is the question at issue. Persons may found their notions of war upon the usages of the ancient Greeks, who put to death the crews of the merchant-ships of their enemies; or upon the state of civilization and of political and military science in the latter half of the nineteenth century of the Christian era. The orders in council of last spring legalised indirect trade with the enemy's subjects, which appeared to Lord Stowell utterly inconsistent with the legal theory of war. Yet even Lord Stowell admitted that "there may be occasions on which commercial intercourse, which is a partial suspension of war, may be highly expedient."—*The Hoop*, 1 Rob. 196. And in Lord Stowell's time, direct trade between France and England was frequently licensed by the governments of both countries, in the midst of the most furious hostilities. But special licences to particular traders are open to many objections. They create monopolies, occasion many frauds, and do not secure the licensed merchant from capture by the enemy's cruisers, but only by those of his own country and its allies.

Much confusion of ideas has arisen from the application of the term enemy to the whole population of a hostile state, as, for example, in the old maxim that "enemy's ships make enemy's goods." A use of words originating in actual facts and customs becomes often in after times an abuse of words, which tends to perpetuate facts and customs that would otherwise be repudiated with horror. To treat all the subjects of the enemy as enemies would be to abandon all distinction between combatants and non-combatants, would make the war of civilized nations that of savages, and would legalize the barbarity of the Russian soldiers in putting their wounded prisoners to death, on the ground of military expediency, as our soldiers are fewer and more valuable than theirs, and they lose by an exchange of prisoners.

There was formerly a valid reason for excluding an enemy's sub-

jects from all communication with our own, viz. that information might be obtained which the enemy might turn to political or military account. But it is idle to talk of excluding information by such means, in the days of the electric telegraph and the press of 1855.

It has, however, been argued that merchant-ships may be used by the enemy as transports and munitions of war, and are, therefore, properly subject to confiscation as contraband of war. It is very desirable that the doctrine of contraband of war should be defined by international convention. But even according to the stringent rules of our maritime courts in the last war, it is not the possibility of a future use of a thing for hostile purposes, but its obvious and immediate destination that makes it contraband. Otherwise every commercial commodity would be liable to be treated, on all occasions, as contraband of war; for there is not one which human ingenuity or necessity might not, under some circumstances, turn to account for offensive or defensive purposes, or for assisting an attacking or resisting force.

It need not be supposed that Great Britain would stand alone in an endeavour to abolish the capture of private property at sea. The last message to Congress of the President of the United States affirms that the states "will readily meet the leading powers of Europe on this broad ground;" and so long ago as 1785, Franklin declared that the United States offered "to conclude in all their treaties with other powers, an article solemnly engaging that in case of a war, unarmed merchant-ships on both sides shall pursue their voyage unmolested." And hitherto every other European state has shown more disposition than Great Britain to soften the laws of maritime war.

It is indeed but natural that other states should seize every opportunity of securing their commerce against our superior naval power. Yet surely the British islands, dependent for their resources upon commerce, and with unfortified harbours all round their coasts, could have few better defences against the contingencies of war, than a rule of international law that the merchant-vessels and unresisting towns should be safe from plunder. It is true, our fleets seem sufficient to protect our shores and trade from Russian hostility; but is it wise to found our views of international policy upon our present position with regard to Russia? Are hostilities with the United States and the use of swift American privateers out of the question? Could no change in the employment of the French navy result from the death of the present emperor, or the course of political events? What effect would another American non-intercourse act have upon the position of Great Britain? And what laws of maritime war would be for our interests in a contest in which we should be neutral, and France, Russia, and America belligerents? But the maxims of political wisdom are not called into the councils of belligerent nations. The tactics which seem fittest in an angry hour are adopted as the basis of permanent legislation for national interests and international rights. We are tempted by every prospect of inflicting injury on an enemy's country, without regard either to the immediate or ultimate consequences

to ourselves, and without reference to the sentiments and rights of neutral states. If we could utterly destroy the foreign trade of Russia, we should turn friends into furious enemies, we should inflict permanent injury upon our own commerce and maritime power, and we should do more to render the present and every future war, however just, unpopular in this country, than any amount of suffering we could entail would do in Russia. The gradual impoverishment of some of the Russian provinces would be felt by ourselves, on the return of peace, in the loss of customers and materials for our trade; but it is not the course by which to reduce speedily and effectually the military power of the Czar. His naval power, it is said, must be crippled by the suppression of the maritime commerce of his empire. His naval power may be much more promptly suppressed by more direct means. And the facts of this war have amply verified the observation of a statistician many years ago, that "any attempt on the part of Russia to cope with the great naval powers, would be a most improvident waste of the national resources." So, too, De Custine has observed: "the English call a vessel of the royal navy a *man-of-war*. Never thus will the Russians be able to denominate their ships of parade, their *men of court* or *wooden courtiers*."

Both Russia and England have fallen into an error as to the mode in which the battle between tyranny and civilization must be fought. The former has wasted an enormous outlay upon ships of war which she has been obliged to convert into awkward harbour-booms and land batteries; and the latter has employed a fleet of steamers of the largest size, to capture a few cargoes of salt, some belonging to the poor Finns, and some to the Swedes and Danes. Had Great Britain, from the moment that war became imminent, concentrated all her energies and resources upon the measures necessary for conquests on the northern shores of Russia, and the capture of Sebastopol, these results would have been obtained with far less sacrifice of our heroic soldiers, while they would have tended to quench the lust of conquest, and belief in their destiny to overcome the world, which animate the Russian people, without severing the only tie that connects the empire to which they belong with the peace and interests of Europe. That tie is commerce, yet it is especially on the men who have framed it that we are told the burden of war should fall. Why should one class, which has done more than all others to promote peace, be called upon to make unparalleled sacrifices in war? "The political system of Russia," says De Custine, "could not stand twenty years' free communication with the rest of Europe." And who have been the missionaries who have labored to diffuse civilization through the farthest provinces of the Russian empire? Who but the merchants of the world, most of all of Great Britain, and not least of all of Russia herself; and yet it is on them that the chief cost of a Russian war upon the liberties of Europe is to be inflicted! Who but her merchants have won for England her maritime power, her high place among nations, and the might with which she can do battle in a just cause? And have they only established a claim to be the chief sufferers in every struggle?

Let no provocation tempt us to snap the ties that connect us with the peaceful subjects even of hostile and despotic states; let us seek in political science instead of in the usages of former wars our views of national policy and international law, and we shall become a greater, a more secure, and a more honoured people than by the ruin of the Russian empire.

III.—*The Relative Expediency of defraying the expense of War by Loans or by Increased Taxation, considered with reference to the present financial system of the United Kingdom.*—By Richard Hussey Walsh, LL.B., Professor of Political Economy in the University of Dublin.

[Read 16th April, 1855.]

HAVE WE A RIGHT TO TAX SUCCEEDING GENERATIONS?—When discussing the relative expediency of defraying extraordinary public expenditure by loans or by immediate taxation, it is sometimes sought to dispose of the question *in limine* by denying the right of an existing community to shift their pecuniary liabilities on those who come after them. But in this it is overlooked that in the political struggles which give rise to national debts, future as well as present interests are generally involved, and often to a greater extent. For instance, if the war now in progress had not been undertaken, and Russia allowed to go on in the ambitious career she is said to have marked out, a considerable time must have elapsed before she could have sufficiently extended and consolidated her power as to be in a position to endanger our territorial possessions or interfere with our commerce. The next and succeeding generations would be far more exposed to such injurious results than the present, and accordingly the expense of the war must be deemed to be incurred rather for their protection than our own. Should it, therefore, be found necessary to make them bear a part of it, they can have no just reason to complain.

UNDER OUR OWN FINANCIAL SYSTEM IS IT ADVISABLE TO DEFRAY A LARGE AMOUNT OF EXTRA EXPENDITURE BY IMMEDIATE TAXATION EXCLUSIVELY?—It is one thing to maintain that future generations may justly be burthened with a national debt, and quite another to assert that it is advisable to meet extra public expenditure by borrowing rather than by increased taxation. Prudence dictates that present liabilities should be satisfied by immediate sacrifices on the part of the people, and the resources of the future left free and unincumbered to bear whatever demands on them may arise. To carry out this principle in financial administration would be in itself extremely desirable; but occasionally it may be impossible to pursue such a course, and even were it otherwise, there might be countervailing disadvantages which merit our serious attention. I do not intend entering upon all the questions arising in connexion with this subject; but I shall confine myself chiefly to one which stands particularly in need of development, because, although the circumstances on which its importance depends possess little novelty,