

**HASTY RECOGNITION OF  
REBEL BELLIGERENCY,  
AND OUR RIGHT TO  
COMPLAIN OF IT**

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Hasty Recognition of Rebel Belligerency, and Our Right to Complain of it by George Bemis

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## PREFACE.

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THE following pamphlet, I am free to acknowledge, is both controversial and American: — controversial, so far as it seeks to meet and answer the new position set up by Earl Russell, the British Secretary of State for Foreign Affairs, on behalf of his Ministry, and by Earl Russell's juridical champion, "Historicus," of the London Times, that the recognition of the American rebels as a belligerent Power was a necessity and not a choice; and American, so far as it looks at this new *plea in avoidance* from an American point of view. Yet the writer cherishes a hope that his readers will find in the following pages something besides controversy and Americanism. He trusts that his labors will help throw light for the purposes of permanent history upon one of the great questions of public law of the nineteenth century, namely, whether the action of the two great Western Powers of Europe in so speedily raising the Confederate secessionists to the rank of a belligerent power, — thereby, perhaps, warming into life and helping to walk alone the most gigantic and immoral sedition in history, and inaugurating the bloodiest and most cruel civil war since the Christian era, — was either a friendly or a justifiable measure; *friendly*, considering that it was apparently set in motion by one of the great heads of the English liberal party, a party whose antecedents were all in favor of popular rights, and committed without a reserve to uncompromising hostility against negro slavery, and seconded on the Southern side of the British channel by that France which had stood god-

father to American liberties, and without whose aid Americans may freely admit that they would never have been independent unless after a long lapse of intermediate years, — or *justifiable*, because as an international precedent, when can civil rebellion ever be justly counteracted and crushed out, if not in such a case as that of this American contest? — An assault, as the second greatest leader in the rebellion himself characterized it, upon “the best and freest government, that the sun of heaven ever shone upon.”

In my attempted elucidation of this great historic question, I am well aware to how easy a refutation I expose myself (if I am wrong), when I venture to call in question Earl Russell’s statement, that the law-advisers of the Crown in recommending the issue of the Queen’s proclamation of neutrality, and so the recognition of Confederate belligerency, grounded themselves upon the American proclamation of blockade as an overruling necessity which left no choice for British action. If the Crown lawyers really gave such advice and the Foreign Secretary is not mistaken in his recollection, nothing will be easier than to produce their written opinion, — if, in the judgment of the British Cabinet, its own reputation for candor seems sufficiently involved to require it. Even then, however, I feel confident that my positions will hold good in three particulars:

(1.) That the Crown lawyers, in any advice given prior to May 6th 1861, gave an opinion upon an unofficial and probably imperfect copy of President Lincoln’s proclamation;

(2.) That if they made the American blockade an important element in their opinion, it was only in the sense that it *entitled not required* Her Majesty’s Government to proclaim neutrality and belligerency; and,

(3.) That they never advised that a manifesto of a *future* blockade, — not then enforced or known to be enforced, and which while directed against insurgent subjects, was so far municipal and *un-international* that it professed to treat as pirates those rebellious subjects and all others found guilty of any adoption of Jefferson Davis’s letters of marque and reprisal, — *required* the neutral power of Great Britain to



regard such manifesto as tantamount to the existence of a war and thereupon to recognize two belligerent parties, equally entitled to neutral consideration.

If on this latter point the record shall make against me, I shall appeal with full confidence from the judgment of English lawyers to the enlightened opinion of European and American publicists.

But, on the other hand, I venture, with all the confidence in the world, to enforce my other position with regard to the blockade proclamation, that provided the Crown lawyers gave the advice attributed to them by Earl Russell, and in that connection, yet the British Government, represented by the Foreign Secretary, *never made any account of that advice*; and, that the true reason for British action in acknowledging Rebel belligerency and Rebel equality was that set forth in Earl Russell's despatch to Lord Lyons of May 6th, 1861, in which the Foreign Secretary declares in effect, that the American Union has gone to pieces, that the Southern Government has duly organized itself, and that Her Majesty's Government does not wish any secret to be made of its recognition and acceptance of these facts in its future dealings with the "late Union."

I ask the reader's special attention to this despatch, which I am confident that no advice of the Crown lawyers and no apology of juridical journalists can explain away or render unimportant. Unlike, too, some of the other diplomatic documents which I am obliged to quote in their *excerpted* state, as prepared for publication, this State-paper is not a mere "extract." *The whole* of its text is given, pure and simple, under the official *imprimatur* of a Blue Book; and I presume to say, that that text will stand in history as a truer key to British intervention at the first stage of the American struggle, in the shape of what was called British Neutrality, than any new gloss first devised or first made much account of, as late as March, 1865.

I deem it highly probable that the Foreign Secretary's friends will say for him, or he for himself, in extenuation of this State-paper, that it was a hasty document, penned under the influence of what seemed at that moment, a dark juncture in American affairs; and that it was

only subsequent events which rendered the opinions therein put forth inopportune and unfounded. Perhaps Earl Russell's friends will even urge in his behalf that he knew more, at that crisis of the rebellion, of the dangers which threatened the American Union, than the American Government itself. If so, I would ask, *Did Earl Russell get that knowledge from Rebel conspirators and from traitors against their own government?* Not that I would necessarily imply that as a diplomatist he had not a right to listen to any plots that American conspirators might see fit to break to his ear; but if he had had that superior knowledge, would it not have been an act of national friendliness, which would have redounded to the advantage of the British nation to all posterity, if he had imparted it to the government of the United States and put them on their guard against unforeseen perils from a gigantic plot of treason?

But, supposing the Foreign Secretary to have had no such illegitimate source of information opened to him, or not to have availed himself of it, if opened, as that suggested; yet, if in any way he had a better information as to the magnitude of the dangers which were about to assail the United States, than the United States Government itself,—had he a right, I ask, to act upon those threatened dangers till they had actually come to pass and wrought out their evil results? Had he a right to declare a state of belligerency as actually existing, when he only saw it as a future contingency, however inevitable? Had he a right to say to the United States,—You are gone to pieces; you are hopelessly separated into fragments; your rebels are as duly an organized a government as yourself;—when the American people had *hardly begun, as yet, to dream of the possibility of Separation, much less of the dire necessity of Civil War?* <sup>1</sup>

The Foreign Secretary avows in this dispatch of the 6th of May, 1861, that he knew what a tremendous struggle might be in store for the American Republic and the momentous consequences which a declaration of European neutrality would draw after it;—why so hasty, then, in taking such a fearful step? Would it *have done any harm* to have waited twenty-four hours, or even eight days, to get speech

with the new American Minister? But, instead of waiting for Mr. Adams's explanatory statements and authentic intelligence, Earl Russell, as appears by this dispatch of the 6th of May, did not even wait for his own envoy's. While in one breath he is complaining that the delay of the steamers or the interruption of railroad and telegraph communication between Washington and New York has cut him off from the latest (and one would say most indispensable) intelligence from the seat of war, he is announcing before the close of the document, that he is prepared to act and take all the consequences of the step of "investing" the Rebels "with all the rights and prerogatives belonging to belligerents."

There may, possibly, have been no unfriendliness,—no positive ill-wishing,—in all this; but I appeal to the world, whether it was not unduly precipitate, and whether it can be excused by any plea of unavoidable necessity?

BOSTON, May 30, 1865.

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NOTE. It seems proper to add, for the information of a certain portion of my readers, that a considerable part of the following paper appeared as a communication in the columns of the Boston Daily Advertiser, of May 3d, by the favor of whose editors I was thus enabled to come before the public with so much of my matter, at an earlier day of publication, and before a larger circle of readers than I should otherwise have had an opportunity of addressing.

To those who took an interest in that communication I would say that I have added about a third part of new matter; giving (*inter alia*) the remarkable despatch, in full, of Earl Russell, of May 6th, above commented on. I also subjoin, in another connection, some further strictures upon one of the closing paragraphs of that despatch, the significance of which escaped my attention at that time. I have also added another piece of evidence telling against the Foreign Secretary's regard for the American proclamation of block-