

thus enabled to obtain the signature of Great Britain to a treaty which it almost dictated, and of which some of the most important passages were certainly framed in its own language. The precedents of history were followed out with melancholy exactitude. Over a long course of negotiation the diplomatists of Great Britain proved the justice of their case. But the more they strengthened their position by argument, the more the United States endeavoured to strengthen theirs by increasing the extravagance of their demands. Finally, at a moment when the contention of the United States was more unreasonable than at any previous period, Mr. Gladstone acceded to almost every claim that the Americans had made, and that this country had resisted in a long diplomatic battle, extending over nine years. American statesmen, at any rate, appreciate the lessons of history. They know that, however extravagant have been the demands made in former times by their Government on Great Britain, a period has always been reached when this country has been either frightened or wearied into acquiescence. It is not surprising that they relied, in dealing with the 'Alabama' question, on the recurrence of events in their old order.

Recent criticisms on the Washington treaty have been chiefly directed to the passages which bear on the vast indirect claims now advanced by the American Government. But the truth is, that even if the indirect claims had never been heard of, the treaty, regarded merely as a settlement of the 'Alabama' claims pure and simple, would still have involved an ignoble surrender on our part to unwarrantable pretensions on the part of America. This will be seen clearly enough if we cast back a glance at the long negotiations which the treaty of Washington was designed to close. Those negotiations extended over four distinct periods. The claims were first presented by Mr. C. F. Adams to Lord Russell in 1862. A long correspondence was devoted to their discussion in that year, but Lord Russell and Lord Clarendon, after Lord Palmerston's death, steadfastly disclaimed responsibility for the acts of the 'Alabama.' They refused to entertain the idea that arbitration on this subject was possible. Lord Russell expressed his readiness to agree to the appointment of a mixed commission to settle minor claims, but he refused to permit the introduction of those relating to the depredations of the 'Alabama.' With the correspondence that passed between Mr. Adams and Lord Clarendon in the winter of 1865, the first period of the negotiations may be said to have closed.

When Lord Derby's government came into power in 1866, negotiations were commenced afresh. The American claims were laid before Lord Stanley, and in a despatch written in November, an offer was made to the American Government which advanced considerably beyond that made by Lord Russell. Lord Stanley now expressed the readiness of the British Government to arbitrate upon the 'Alabama' claims, if the two governments could agree upon the questions to be referred for arbitration. Mr. Seward, however, now contended that the arbitration should include a reference of the question whether this country was justified in recognising the belligerent character of the Confederate States. Lord Stanley absolutely refused to make this question the subject of any arbitration whatever, and the negotiations again fell to the ground.

A third series was undertaken on the arrival in this country of Mr. Reverdy Johnson. It extended over the change of government in 1868, and was concluded under the auspices of Lord Clarendon. This time the British Government advanced beyond its previous concessions, and agreed, not indeed openly to arbitrate concerning the recognition of belligerent rights, but to arrange for the arbitration of the 'Alabama' claims on the basis of a tacit understanding that although we could not refer the question of belligerent rights to the arbitrators, the American Government might nevertheless still reserve their opinion that our conduct in that matter had been unjustifiable.* The American Senate, however, refused to accept the convention signed on the basis of this and other concessions by Lord Clarendon, and the third period of the negotiations was closed by the refusal of Lord Clarendon to re-open the subject with Mr. Reverdy Johnson under these circumstances. The fourth period dates from the appointment of the Joint High Commission.

The appointment of that commission was in itself an exceedingly imprudent measure. It is true that the commission—as a commission on the 'Alabama' claims—was not ac-

* See despatch from Lord Stanley to Mr. Thornton of Oct. 21, 1868:—"In this conversation little was said as to the point on which the former negotiations broke off, namely, the claim made by the United States Government to raise before the arbitrator the question of the alleged premature recognition by Her Majesty's Government of the Confederates as belligerents. I stated to Mr. Reverdy Johnson that we could not on that point depart from the position which we had taken up; but I saw no impossibility in so framing the reference as that by mutual consent, either tacit or express, the difference might be avoided."