

I would comment further on the language employed by Sir Stafford in connection with his statement, and on what that language, as reported, seemed to imply; but a letter of his afterward addressed to Lord Derby, which it seems you could not have seen when you wrote to me, has been read in Parliament and published, giving quite a different view of the matter. It is not left now to be suspected that the British Commissioners were misled or deceived by some private communication made to them. In the letter to Lord Derby, a copy of which I send you herewith, Sir Stafford explains that the ground of his "understanding" was the statement made by the American Commissioners at the opening of the conference on the 8th of March, and which is set forth in the Protocol; but that he did not rely even upon that, or on anything outside of the Treaty itself, to support his conclusion.

How this opinion, founded on the terms of the Treaty and the words of the Protocol, which are open for interpretation to all the world, should "bring the British Commissioners into painful relations with their American colleagues," and cause "painful questions to arise between them," I do not comprehend. It is enough to know that the proof of the "promise" is claimed now to be derived inferentially from the language of the Treaty and Protocol; and I am sure that differences of opinion as to the meaning to be assigned to those documents ought to be and can be discussed without any need or danger of making the controversy a "personal question."

I am, my dear sir, very sincerely and truly yours,

ROBT. C. SCHENCK.

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No. 3.

*Letter of Judge Williams in answer to Mr. Fish's letter of June 3.*

DEPARTMENT OF JUSTICE,  
Washington, June 24, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, inclosing an extract from an address by Sir Stafford Northcote in the Exeter Chamber of Commerce, in which he says, referring to the claim for consequential damages under the treaty of Washington: "We (the British Commissioners) understood a promise to be given that these claims were not to be put forward by the United States."

I have no means of knowing what the British Commissioners understood upon that subject, for an understanding may be founded upon an inference or an argument; but if Sir Stafford Northcote means to say that any promise as to said claims, not found in the Treaty or Protocol accompanying it, was given by the American Commissioners, I am prepared respectfully to controvert the assertion. I was never a party to any such promise, nor did I ever hear of anything of the kind, and the probabilities that it was made are not very strong, for the British Commissioners must have known that any promise modifying the Treaty would have no validity if not submitted to and approved by the Senate of the United States, which, of course, could not be the case with any such promise, of the existence of which there is no written evidence. I