

No. 5.

Lord Stanley to Mr. Thornton.

(Extract.)

Foreign Office, March 31, 1868.

MR. ADAMS communicated to me to-day a despatch from Mr. Seward, which was to the following effect:—

Mr. Seward says that the Naturalization question causes much uneasiness in America, and is the most urgent of any of those now pending. Till that question is settled, it is almost hopeless to attempt to remove other causes of difference. It admits of no delay compatibly with the maintenance of good understanding between the two countries. On this ground Mr. Seward disapproves of the proposal to deal with it by means of an International Commission. There now exists, he [says, the possibility of an arrangement. The Prussian Treaty is supposed to be unobjectionable to Great Britain. All that would be necessary to bring it into operation as regards England would be a supplementary stipulation, to the effect that the naturalized citizen should enjoy in the country from which he comes all rights and privileges such as belong to natives.

Mr. Seward says that he is in communication with you on the subject; that he will supply a draft which he will be ready to execute immediately; and that he has suggested that you should apply by telegraph for instructions.

He adds, that he reserves his opinion on the manner of proceeding in regard to the "Alabama" question, as his decision with regard to that will be much influenced by the proceedings in the Naturalization question.

No. 6.

Mr. Thornton to Lord Stanley.—(Received April 11.)

(Extract.)

Washington, March 30, 1868.

ON the receipt of your despatch of the 14th instant I called upon Mr. Seward, and made known to him the objections which the Law Officers of the Crown find to our concluding a Convention on Naturalization on the basis of that lately signed between this country and the North German Confederation.

After conversing upon the subject, Mr. Seward drew up a Memorandum, copy of which I have the honour to inclose, in answer to the inquiries made in that despatch.

But as your Lordship alludes to "many other legal difficulties" which would stand in the way of such a Treaty, I have the honour to suggest to your Lordship that a draft should be forwarded to me which should contain all that is desired by Her Majesty's Government upon the subject, so that I may be able to submit it to Mr. Seward or to his successor, or at least to sound him as to his disposition to agree to their requirements.

Reverting to the inquiries made in the above-mentioned despatch, I have the honour to state that naturalization cannot be obtained in this country without a residence of five years. A child born in this country of an Englishman before naturalization, would be an American in this country and an Englishman out of it; indeed, Mr. Seward's opinion seemed to be that the child would generally be a citizen of the country, native or adopted, of his father, except so far as the country in which the child is born has a right on that account to claim him as a citizen. Thus the son of an Englishman, naturalized in the United States, who might be born during the two years after the return of the father to England, would be English in England, on account of his birth there, but American elsewhere, on account of his parentage, his father being still held to be an American citizen.

With regard to these two years, Mr. Seward certainly thinks that discussions might hereafter arise upon the subject. If it were so, he considers that the two years' continuous residence should only be deemed *prima facie* evidence of the intent of a man naturalized in the other country to return to that of his birth; and that, as in cases of domicile, the question of his real intention should be decided by the Judicial Courts.

But Mr. Seward is of opinion that it would be expedient at once to lay down the great principle of expatriation and naturalization, and to leave other details for a future Convention, in the negotiation of which both Governments would have the advantage of having studied the effect of the practice of the first principle.