

he "Alabama" claims is left to be decided by lot in case of disagreement of the Commissioners, this Article IV provides that, in regard to the "Alabama" claims, the two Governments shall definitively agree in the appointment of an Arbitrator or Umpire.

3. This Article IV again discriminates against the "Alabama" claims in requiring, that in regard to those claims the Arbitrator or Umpire shall be some Sovereign or Head of a friendly State, while no such limitation is made in regard to any other class of claims.

The present negotiation was undertaken in the hope that the controversy about international claims, which has so long existed, and has been attended with so much national feeling on both sides, might be amicably settled and closed by adopting the very simple yet comprehensive principles and forms of reference and adjudication which were adopted with so much success under circumstances not very dissimilar, by the Convention for the adjustment of international claims of February 8, 1853. That Convention was proposed by the United States as a model which had already received the approval of both parties, and had the prestige of complete and even felicitous success. That Convention of 1853 had no reservations and no preference of, for, against, or concerning claims of any class of citizens or subjects of either nation. A judicial tribunal was constituted by it in a manner perfectly equal, just, and fair; and to that tribunal was confided the duty of hearing all claims of whatever separate classes, in only one and exactly the same manner, and deciding upon them in only one and exactly the same manner. It probably would conduce to no good end to set forth on this occasion the reasons why the "Alabama" claims, more than any other class of international claims existing between the two countries, are the very claims against which the United States cannot agree to, or admit of any prejudicial discrimination. To present those reasons now, would be simply to restate arguments which have been continually presented by this Department in all the former stages of this controversy, while it is fair to admit that those reasons have been controverted with equal perseverance by Her Majesty's Department for Foreign Affairs.

It is not to be understood by these remarks that the United States except against the possible designation of a Sovereign or Head of a friendly State as Arbitrator or Umpire in regard to the "Alabama" claims. On the contrary, the United States would not be unwilling to have so distinguished an Arbitrator or Umpire agreed upon by the Commissioners in any and, indeed, every case that shall come before them. All that is insisted upon is that the arbitrament of a Sovereign or Head of a nation, shall not be made unnecessary in regard to other United States' claims and British claims, and yet be made indispensable to the adjustment of the "Alabama" claims.

Article V provides, that in the event of a decision on any of the claims mentioned in the next preceding Article (Article IV), being arrived at by the Arbitrator, involving a question of compensation to be paid, then the amount of such compensation shall be referred back to the Commissioners for adjudication; and in the event of their not being able to come to a decision, it shall then be decided by the Arbitrator appointed by them, or who shall have been determined by lot, according to Article I.

I remark upon this Article V, that no objection will be made to it if it shall be so amended as to adapt it to the general structure of the Convention, after Article IV shall have been stricken out.

Article VI provides, that with regard to the "Alabama" class of claims, neither Government shall make out a case in support of its position, nor shall any person be heard for or against any such claim. The official correspondence which has already taken place between the two Governments respecting the questions at issue shall alone be laid before the Commissioners; and in the event of their not coming to an unanimous decision, as provided in Article IV, then before the Arbitrator without argument, written or verbal, and without the production of any further evidence. But the Commissioners, unanimously, or the arbitrator shall, however, be at liberty to call for argument or further evidence, if they shall deem it necessary.

The United States are obliged to disallow this Article in its present form, upon the principle set forth in my remarks upon Article IV, and for the reasons there given. The Article is believed to be superfluous, while the precautions it contains against allowing as full a hearing and examination of the Alabama claims as is allowed to all other American claims, and to British claims, would have the