

I disclaimed all desire to revive a controversial correspondence, but said that I reverted to the subject to see if something could not be agreed upon.

You told me that you supposed that your Government was somewhat indifferent, believing that some of the European Powers might reject the proposal, and that since the award at Geneva Great Britain might hesitate to submit the rules as had been proposed.

You inquired, however, whether the United States would submit the rules, omitting the word "open," and I intimated that to avoid a renewal of the controversy which had arisen in reference to that word, this Government might consent to its omission, or to the substitution of some other phrase, whereupon you stated that you would consult your Government, which might desire some change in the form of the note, and I replied that we would be prepared to receive and treat frankly any proposal on the subject.

According to my recollection this interview went much further than would be gathered from the details given in your note, and the question was treated by me with a desire to avoid the side issues which had arisen, and all controversy, and to reach a conclusion in the matter.

Upon the 5th June you informed me that Lord Granville appreciated the desire of the United States to bring the rules before the Maritime Powers by an identic note, but feared that since the interruption of the correspondence events and discussions had taken place making it difficult to submit the rules in the manner proposed, to which reply was made, as you have stated, that no important differences between the two Governments as to the construction of the Rules were known to exist, and that it was not advisable to attempt a joint construction of the Rules in anticipation of some question calling for their practical application. But, again, at this interview no intimation was given as to what the intentions or desires of Her Majesty's Government actually were.

My recollection of an interview which I had with you on the 12th of June (which I suppose to have been the same referred to by you as having taken place on the 14th of June) varies in some respects from your account of it. I feel sure that you must have misapprehended me when you supposed me to state that your reading me a despatch and leaving with me a copy of it, did not constitute an official communication of its contents.

In reply to my inquiry whether you intended to answer my previous note respecting the proposed note, you said that you supposed it had been answered by the instruction of Lord Granville, which you had read to me. To this I answered that I did not so understand it, that the British Government had invited our consideration of a draft note, that he had proposed certain amendments to it, that Lord Granville had thereupon requested General Schenck to ask our construction of the word "open," and that this request had been complied with by telegraph, and the answer communicated to Lord Granville. Thereupon Lord Granville had sent an instruction to the British Legation in Washington, which was read to me. I said that when a correspondence was being carried on at Washington on the invitation of Her Majesty's Government, and a note had been addressed to Her Majesty's representative at this capital, inclosing a counter-draft of the proposed note to the Maritime Powers, that the reading and leaving with me a copy of an instruction from the Foreign Office to yourself, could not be considered an answer to my note to Mr. Pakenham. I further said that some of his Lordship's points might perhaps have been assented to, but negotiations had been suspended by the questions arising in regard to the Geneva Arbitration, and I explicitly stated that, should the British Government desire it, possibly the word "open," to which exception was taken, might be withdrawn, thus practically waiving the only question of difference as to the form of the note.

You asked me, in reply to this, whether I thought it advisable to submit the note when we had reason to think, if not to know, that accession to the Rules by other Powers would be refused.

I replied that the Treaty required the Contracting Parties to bring the Rules to the knowledge of other nations, and to invite their accession, and that we expect both parties to comply with its requirements.

You asked me whether the United States would submit the rules separately in case Great Britain refused to submit them, when I stated in reply that that question could be decided only when it arose.

In this connection I think it proper to state with regard to your statement that General Schenck admitted to Lord Granville that the communication by you of his instruction was an answer to our proposal of amendments, that General Schenck was