

on behalf of the North German Confederation and the United States, presses for the conclusion of a similar Treaty between those States and Great Britain.

I need hardly tell you that Her Majesty's Government have received with the greatest satisfaction this overture for the settlement of a question which is beset with many difficulties; and you will assure Mr. Seward that they duly appreciate the spirit in which it has been made, and would have been most happy if they could at once have closed with it.

On examining, however, the provisions of the Treaty between the United States and the North German Confederation, and on consulting the Law Officers of the Crown as to the possibility of adopting them, Her Majesty's Government regret to find that it is impossible for them to do so.

There are legal difficulties which render the provisions of the Treaty liable to insuperable objections as they now stand, derived in a great degree from the state of uncertainty in which many important questions arising out of them would be left.

For instance, the stipulation that five years' residence with naturalization shall alter the nationality of the person naturalized, though clear enough as regards such person, leaves open very material questions which ought to be determined by express regulation. Among these may be cited:—

1. What is to be the status of a child born after naturalization, and before the expiration of five years; and what

2. Is to be the status of a child born after naturalization and after the lapse of five years, whose parent afterwards goes back to, and becomes again a citizen or subject of his own or of a third country.

The 11th Article of the Treaty regarding extradition would find no place in a Treaty between England and the United States, but the 14th Article is objectionable in consequence of the doubts to which it would give rise. It would be most difficult to ascertain in many cases whether a particular person at a particular period after his return to his original country "had renewed his residence without intent to return" to the country of his naturalization, and the concluding paragraph of that Article, which provides that the intent not to return may be held to exist where the person naturalized in the one country resides more than two years in the other country, by which Her Majesty's Government understand that such residence would only be *prima facie* evidence of intent, would leave open questions most doubtful and difficult of solution in each case where a claim to, or denial of nationality was raised.

You might state to Mr. Seward the above as among many other legal difficulties which would stand in the way of the conclusion of a Treaty between England and the United States based on the Treaty with the North German Confederation.

The force of these difficulties may not have occurred to Mr. Seward, or, if it has, he may possibly be able to explain to you how it is proposed to solve them. You may assure Mr. Seward that any explanations he may give will be most fully weighed by Her Majesty's Government, and with an anxious desire to bring the question to a satisfactory settlement.

It was on these grounds generally that I have stated to you in my telegram of the 12th that Her Majesty's Government could not authorize you at once to conclude a Treaty of Naturalization, such has had been proposed to you by Mr. Seward.

I am, &c.

(Signed) STANLEY.

No. 3.

*Lord Stanley to Mr. Thornton.*

Sir,

*Foreign Office, March 21, 1868.*

I INSTRUCTED you by telegram on the 16th instant to suspend any communication to Mr. Seward, as described to you by my despatch of the 14th, in regard to the difficulties which occurred to Her Majesty's Government as to the conclusion of a Treaty between England and the United States on the subject of Naturalization. I informed you that Her Majesty's Government would endeavour to frame a Draft of Treaty which might be acceptable to both countries, and that, in the meanwhile, you should only assure Mr. Seward that the matter was under the serious consideration of your Government.