

acquiescence of the great powers, or at least without the latter having thought it necessary to make their decrees respected. The representative of Russia was the only one to raise his voice to point out to the Cabinets that by this toleration they would put themselves in contradiction to the explicit stipulation of the treaty. Be it ad doubt, if these concessions, granted one of the Christian nationalities of the East, had resulted from a general understanding between the Cabinet and the Porte, by virtue of a principle applicable to the whole of the Christian populations of Turkey, the Imperial Cabinet would have had nothing to do but applaud, but they were exclusive. The Imperial Cabinet, then, could not but be struck with the fact that it had been possible to infringe with impunity the treaty of 1856 but a few years after its conclusion in one of the essential clauses. This infraction was not only in one but several instances, and under various pretexts the admission to the Straits had been permitted to foreign ships of war, and to the Black Sea of whole squadrons, the presence of which was a violation of the character of absolute neutrality ascribed to these waters. In proportion of the pledges offered by the treaty grew weak, and especially the guarantee of an effective neutrality of the Black Sea, the introduction of ironclad ships, an armament unforeseen at the conclusion of the treaty of 1856, augmented for Russia the danger of an eventual war by increasing in considerable proportion the already evident inequality of the respective naval forces. In this state of things his Majesty the Emperor was obliged to ask himself what were the rights and what were the duties which accrued to Russia from these modifications in the general situation, and from these infractions of engagements to which he has not ceased to be scrupulously faithful, although they were conceived in a spirit of mistrust with respect to him. Upon mature examination of this question His Imperial Majesty has arrived at the following conclusion, which you are directed to bring to the knowledge of the Government to which you are accredited: Our august master cannot admit in law that treaties infringed, in several of their essential and general clauses remain obligatory on those which touch the direct interests of his of his empire. His Imperial Majesty cannot depend on a fiction which was not withstood the test of time, and be put in peril by his respect for engagements which have not been observed in their integrity. The Emperor confiding in the sentiments of equity, of the signatory powers of the treaty of 1856, and in the conscientiousness they have of their own dignity, has instructed you to declare that his Imperial Majesty can no longer consider himself bound by the obligations of the treaty of the 18th and 30th of March, 1856, so far as this limit had a right of sovereignty of the Black Sea that his majesty considers it his right and duty to give notice to his majesty, the Sultan, in respect to the special convention, additional to the said treaty which fixes the number and dimensions of ships of war which the two Riparian powers are to reserve the right of maintaining in the Black Sea. That he loyally gives notice of this to the powers signing and guaranteeing the general treaty, of which this special convention constitutes an integral part that he restores to his majesty the Sultan full possession of his rights in this respect as he equally reclaims his own for himself. In discharging this duty, you will be careful to state that our august master has in view only the security and dignity of his empire. It is by no means the purpose of his Imperial

Majesty to raise the Easetrn question upon this point, he has no other wish than the preservation and consolidation of peace. He fully maintains his adhesion to the general principles of the treaty of 1856, which settled the position of Turkey in the European system. He is ready to come to an understanding with the powers who signed this arrangement, either to conform to its stipulations, or to renew them, or to substitute for them any other suitable arrangement which may be thought suitable to secure the repose of the East and European equilibrium.

His Majesty is convinced that peace and equilibrium will have a stronger guarantee when they shall have been placed on a more just and solid basis than these resulting from a position which no great power could accept as a normal condition of the existence. You are desired to read this despatch to the Minister of Foreign Affairs, and leave a copy with him.

Receive, &c.,
GORTSCHAKOFF.

EARL GRANVILLE'S REPLY.

Earl Granville to Sir A. Buchanan, British Ambassador to St. Petersburg.

FOREIGN OFFICE, Nov. 10th, 1870.

SIR,—Baron Brunnov wrote to me yesterday a communication respecting the convention between the Emperor of Russia and the Sultan, limiting the naval forces on the Black Sea, signed at Paris on 30th March, 1856, to which you allude in your telegram of yesterday afternoon. In my despatch of yesterday, I gave you an account of what passed between us, and now propose to observe upon Prince Gortschakoff's despatches of the 19th and 20th ult., communicated to me by the Russian Ambassador. On that occasion Prince Gortschakoff declared on the part of his Imperial Majesty that the Treaty of 1856 had been infringed in various ways, to the prejudice of Russia, and more especially in the case of the Principalities, against the explicit protest of his representative; and that, in consequence of these infractions, Russia is entitled to renounce those stipulations of the treaty which directly touch her interests. It is then announced that she will no longer be bound by the treaties which restrict her rights of sovereignty in the Black Sea. We have here an allegation that certain facts have occurred which, in the judgment of Russia, are at variance with certain stipulations of the treaty, and the assumption is made that Russia, on the strength of her own judgment as to the character of those facts, entitled to release herself from certain other stipulations of that instrument. This assumption is limited, in its practical application, to some of the provisions of the treaty, but the assumption of a right to renounce any one portion of its terms involves the assumption of a right to renounce the whole. This statement is wholly independent of the reasonableness or unreasonableness on its own merits, of the desire of Russia to be released from the observance of the stipulation of the treaty of 1856, respecting the Black Sea, for the question is, in whose hand lies the power of releasing one or more of the parties from all or any of these stipulations? It has always been held that that right belongs only to the governments who have been parties to the original instruments. The despatch of Prince Gortschakoff appears to assume that any of the powers who have signed the engagement may allege that occurrences have taken place which, in its opinion, are at variance with the provisions of the treaty, and al-

though this view is not shared nor admitted by the co-signatory powers, we may found upon that allegation, not a request to those governments for the consideration of the case, but an announcement to them that it has emancipated itself, or holds itself emancipated, from any stipulations of the treaty which it thinks fit to disapprove. Yet it is quite evident that the effect of such a doctrine and of any proceeding which is founded upon it, is to bring the entire destruction of treaties under the discretionary control of the powers who may have signed them, the result of which would be the entire destruction of treaties in their essence. For, whereas their whole object is to bind Powers to one another, and for this purpose each one of the Powers surrenders a portion of its free agency, by the doctrine and proceeding now in question one of the parties in its separate and individual capacity brings back the entire subject into his own control, remains bound only to itself. Accordingly, Prince Gortschakoff has announced in these despatches the intention of Russia to observe certain of the provisions of the treaty. However satisfactorily this may be in itself, it is obviously an expression of the free will of that Power, which it might at any time alter or withdraw, and in this it is open to the same objections as the other portions of the communication, because it implies the right of Russia to renounce the treaty on the ground of allegations of which she constitutes herself the only judge. The question therefore arises, not whether the desire expressed by Russia ought to be carefully examined in a friendly spirit by the co-signatory powers, but whether they are to accept from her the announcement that by her own act without any consent from them, she has released herself from a solemn covenant. I need scarcely say that Her Majesty's Government have received this communication with deep regret, because it opens a discussion which might unsettle the cordial understanding it has been their earnest endeavor to maintain with the Russian Empire, and for the above mentioned reasons it is impossible for Her Majesty's Government to give any sanction on their part to the claim announced by Prince Gortschakoff. If instead of such a declaration the Russian Government had addressed Her Majesty's Government and the other powers who are parties to the treaty of 1856 and had proposed for consideration with them whether anything had occurred which could be held to amount to an infraction of the treaty or whether there is anything in the terms which from altered circumstances presses with undue severity upon Russia, or which, in the course of events, had become unnecessary for the due protection of Turkey, Her Majesty's Government could not have refused to examine the question in concert with the co-signatories to the treaty, whatever might have been the result of such communication. A risk of future complications and a very dangerous precedent as to the validity of international obligations would have been averted.

I am, &c.

GRANVILLE.

P. S.—You will read this despatch and give a copy of it to Prince Gortschakoff.

Advices from San Domingo to the 2nd inst. state that the question of annexation to the German Confederation was still canvassed, and it is reported the negotiations are going on, but no official steps will be taken until the United States officially declare the abandonment of the proposition of annexation. President Diaz was not dead as has been reported.