

THE WASHINGTON TREATY.

President Grant has submitted to the Senate a proposition from the British Government, relative to the Washington Treaty with the following message:

To the Senate of the United States.

I transmit herewith the correspondence recently taken place respecting the divisions of opinion which have arisen between this Government and the Government of Great Britain with regard to the powers of the Tribunal of Arbitration created under the Treaty signed at Washington, May 8, 1871. I respectfully invite the attention of the Senate to the proposed article submitted by the British Government, with the object of removing the differences which seem to threaten the prosecution of the arbitration, and request an expression by the Senate of their disposition in regard to advising and consenting to the formal adoption of an article such as is proposed by the British Government. The Senate is aware that the consultation with that body in advance of entering into agreements with foreign States has many precedents. In the early days of the Republic, General Washington repeatedly asked their advice upon pending questions with such powers. The most important precedent is that of the Oregon Boundary Treaty in 1846. The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents, and to desire the counsel of the Senate in advance of agreeing to the proposition of Great Britain.

U. S. GRANT.

Washington, May 13, 1872.

The proposition is contained in a despatch from General Scheneck, as follows:

Lord Granville, a few moments since, submitted to me in person the following draft of an article, which, if the Government of the United States think fit to adopt, will be accepted by Her Majesty's Government. I made no comment on it, but said I would telegraph it to you immediately:

Whereas, The Government of Her Britannic Majesty has contended in recent correspondence with the Government of the United States, as follows, viz: That such indirect claims as those for the national losses, stated in the case presented on the part of the Government of the United States to the Tribunal of Arbitration at Geneva to have been sustained by the loss in the transfer of the American commercial marine, to the British flag, the enhanced payment of insurance, the prolongation of the war, and the suppression of the Rebellion—firstly, were not included in the Treaty of Washington; and further and secondly, should not be admitted in principle as growing out of the acts committed by particular vessels alleged to have been enabled to commit depredations on the shipping of a belligerent, by reason of such want of due diligence in the performance of its neutral obligations as that which is imputed by the United States to Great Britain; and

Whereas, The President of the United States, while adhering to his contention that the said claims were included in the Treaty, adopts for the future the principle contained in the second of the said contentions as far as to declare that it will hereafter guide the conduct of the Government of the United States, and the two countries are, therefore, agreed in this respect.

In consideration thereof, the President of the United States, by and with the advice and consent of the Senate thereof, consents that he will make no claim on the part of

the United States in respect of indirect losses as aforesaid before the Tribunal of Arbitration at Geneva.

From which fog of words but one idea emerges clearly, which is that no claim shall be made "on the part of the United States in respect of individual losses as aforesaid, before the Tribunal of Arbitration;" that is to say, that the British Cabinet must be allowed to determine the form in which both cases are to be presented at Geneva. The unwisdom of presenting our claims for consequential damages in any form which would seem to ask for a pecuniary settlement of them, has been clear from the start of the wisdom of withdrawing them now at England's dictation, we are not so certain. We believe that England is right in principle in opposing these claims, though the method of her opposition is not calculated to promote that era of good-fellowship between the two countries which this Treaty was to inaugurate. They should have been excluded in express terms from the Treaty, or else left for the Geneva Tribunal to settle, with the understanding that what the United States sought was to establish a principle, and not to mulct England in damages. A treaty which has not established itself in popular approval will be of little worth. The only controversy will remain unsettled, and ready to break forth again at the first provocation.

The simple truth of this business, outside of all diplomatic politeness, is this: "There was a party in this country headed by Mr. Sumner, who insisted upon the recognition of consequential damages. The treaty was therefore so worded as to leave the opportunity open for the presentation of these claims, or at least not to exclude them. They appeared in our case when prepared for the Geneva Commission, and would have gone quietly before it without remark had not Mr. Bancroft Davis, with somewhat supercilious zeal, undertaken to excite public sentiment in behalf of that case by distributing it over Europe printed in various languages. The leading English papers were included in the distribution, and they found in our consequential claims the opportunity for an attack upon the Gladstone Ministry, which it hastened to meet by the repudiation of the Treaty. If the Treaty fails therefore, it will be because the English administration which negotiated the Treaty was not strong enough to carry it through. If it succeeds, it will be because we find ourselves so far committed to its success that we prefer to sacrifice something rather than let it fail.

There may be a doubt about the words of the Treaty do or do not cover; but there can be no doubt whatever that the Geneva Commission is the proper tribunal to decide upon the meaning of that instrument, and not the British Cabinet. The object of the Treaty was to set in motion certain machinery for adjusting our differences; and the British repudiated the Treaty, the moment it denied the efficiency of that machinery to settle all disputes. Having established a court for the hearing of claims, one disputant cannot reasonably withdraw because it does not like the motion of its opponent. It must be a bad case that has no other resort but this. The feeling of the Senate as of the people, is probably against the change we are asked to make in our case. But we are deeply interested in the success of the diplomatic mode of settling disputes, and this will probably decide the Senate to sacrifice its convictions on this point to the sensitiveness of the English. It is unfortunate that the settlement of this question should

come at a time when the Gladstone administration is tottering, and when a Presidential election appears in this country to turn all political issues from their true course. But remembering how often it has been charged that our elections are enough to prevent fair and statesmanlike action, we can but think it instructive that the imminent fall of an administration in England has proved more hazardous to this Treaty than our election, though the latter is in some respects more recklessly conducted than any we have had in ten years.

PRESENTATION.

SHERBROOKE, MAY 17, 1872.

Captain. A. H. Whitcher, 53rd Batt. V. Militia.

Dear Sir.—While deeply sensible of the loss the 53rd Battalion will incur by your departure for the Province of Manitoba, we heartily congratulate you upon the appointment which you have received, and we trust that it will prove the beginning of a future of prosperity to you.

Your connection with the 53rd Battalion, was invariably marked by a strict observance of duty on your part, and your conduct to your brother officers, and to the men under your command, was such as to win their highest respect and esteem.

In asking your acceptance of the accompanying offering, we beg to assure you of our sincere friendship, and our best wishes for your welfare.

We are faithfully yours,

W. E. Ibbotson, Lt.-Col. 53rd Batt.
W. C. Willis, Major 53rd Batt.
E. D. Worthington, N. D., Surgeon.
P. J. Austin, Asst. Surgeon.
A. Winter, Quartermaster.
G. Willis, Paymaster.
W. A. Moorehouse No. 4. No. 3.
C. E. Roux, Capt. No. 4.
D. G. Loomis, Lieut. No. 2.
C. Armstrong, Capt. No. 2.
A. L. Grindrad, Ens. No. 2.
J. Phelan, Lieut. No. 5.
A. Embury, Lieut. No. 5.
M. Rolf, Capt. No. 6.
Lieut. Ryther, No. 6.
Ens. Stacy, No. 6.
E. P. Felton, Capt. S. G. A.
W. A. Hale, Lieut. S. G. A.

Captain Whitcher replied as follows:—

Col. Ibbotson and brother officers of the Volunteer force: Your kind expressions of regard for myself embodied in the address you have just presented to me, and the very handsome token of regard that has accompanied it have completely taken me by surprise, and I cannot sufficiently thank you for your very kind wishes for my welfare. It is a matter of great pleasure and satisfaction to myself that my conduct as an officer of the 53rd Battalion could have elicited so marked an expression of good will. Sensible that I come very short of being worthy of the honor you confer on me, I can only say that I will endeavor to retain the good will expressed for me to night. Allow me to thank you gentlemen most sincerely, and to assure you that I shall ever prize most highly your very handsome testimonial.

A. H. WHITCHER.

Capt. No. 1 Co. 53rd Batt.