

the existing laws of allegiance, but because he preferred that the Senate should be conciliated by the stipulations being submitted to them in the form of a Protocol, which would be as it were a mode of asking their advice whether a Convention might be signed in the same terms, their sanction of which would thus be insured. I now gather, however, from Mr. Seward's despatch that he has authorized Mr. Johnson, should your Lordship wish it, and should you consent to the proposed modifications, to sign Conventions on all the three questions—Naturalization, San Juan, and Claims—or on any two of them.

The first change asked by Mr. Seward is that in line 20 of the 1st Article should be inserted after the word "States" the words, "by and with the advice and consent of the Senate." Your Lordship will easily understand that this is not a *sine quâ non*, but is proposed as a mark of deference to the Senate on the part of the President, and as the more expedient on account of the recent conflict between the Congress and the President, and, therefore, more likely to disarm opposition. It is a change to which I imagine Her Majesty's Government would have no objection.

To the change of the place of meeting of the Commission from London to Washington your Lordship has already signified your willingness to assent.

The proposal to cancel in line 44 from the word "save" to the word "Convention," and the last paragraph of Article II, is a consequence of Mr. Seward's petition that the whole of Article IV should also be cancelled. The United States' Government declare that the second period of this Article contains an unjust discrimination against the "Alabama" claims as compared with other American and the British claims.

Mr. Seward asserts that he instructed Mr. Johnson to endeavour to conclude a Protocol with your Lordship as similar as possible to the Convention of 1853, and that he never contemplated such a deviation from the stipulations contained in the latter as would render the new arrangement unfair towards the "Alabama" claimants. The United States' Government consider Article IV unfair, because it stipulates that only one Umpire shall be named; that he shall be chosen by the High Contracting Parties and not by the Commissioners; and that he must be a Sovereign or Head of a State; whereas with regard to the other American and the British claims, the Commissioners are to choose the Umpire or Umpires, who may be any person or persons they may select, without respect to class.

Whilst upon this point, I should observe that I gathered from Mr. Seward that his Government would not object to a Sovereign or Head of a State being named by the Commissioners as Umpire or Umpires, and that they would even consent to give their Commissioners instructions to that effect, but that the Senate would not probably sanction its being mentioned in the Protocol, because it would be different from the Convention of 1853. I even believe that if the Commission were actually installed here, before the present Administration should leave office, the President might be induced to instruct the United States' Commissioners to consent to the choice of the King of Prussia as Umpire, should he be proposed by the English Commissioners.

The United States' Government likewise object to the unanimous decision required by Article IV for "Alabama" claims, whereas the other claims may be decided by a majority of the Commissioners. This they consider unjust, and are even more sensitive about it than upon the subject of the Umpire. They would, however, have no objection to the first sentence of Article IV as far as the semicolon, if your Lordship should wish that it should remain, although no instructions had been previously given to Mr. Johnson to make any positive declaration with regard to the "Alabama" claims, so as to distinguish them from the others.

If Article IV were cancelled, Article V would naturally have the same fate.

The United States' Government strongly object to Article VI, because it does not allow either Government to make out a case in support of its position, nor any person to be heard for or against the "Alabama" claims; whereas both these steps are allowed with regard to other claims, and they do not see why a prejudicial distinction should be stipulated in the Convention against the "Alabama" claims, which would render the sanction of the Senate more doubtful, although they acknowledge that little could be added to what is contained in the official correspondence. They also object, for the reasons already mentioned, to the decision being necessarily unanimous, both with regard to the claims themselves, or to the calling for argument or further evidence. They therefore ask that Article VI may be cancelled, or that it may be substituted by the following words:—