

Correspondence with the Government of the United States
respecting the Communication to other Governments of the
Rules of the Treaty of Washington.

No. 1.

Earl Granville to Sir E. Thornton.

Sir,

Foreign Office, June 12, 1871.

I RECEIVED, on the 22nd of May, your telegram of the previous day, reporting that, with the view of obviating a difficulty which I informed you had suggested itself as to the proper construction of the Second Rule contained in Article VI of the Treaty of the 8th of May, Mr. Fish had suggested that, simultaneously with the approval of the Treaty, the Senate should pass a resolution setting forth that the understanding of the Senate and Government of the United States was that the acts mentioned in that Rule were prohibited only when done for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war, against either of the belligerents, and that the provisions of that Rule did not extend to any exportation from the neutral country of arms or other military supplies in the ordinary course of commerce.

I acquainted you, in reply, that this course was satisfactory to Her Majesty's Government, and it was with great regret that they learned by your telegram of the 28th of May that the Senate had adjourned without adopting the Resolution, the great majority of the members being of opinion that it was superfluous, as the meaning of the Second Rule was evidently in accordance with the understanding which it was proposed should be set forth in the Resolution.

As, however, you stated that, if Her Majesty's Government wished you to declare in a note to Mr. Fish their understanding of the Second Rule, he would answer that the understanding of the United States' Government was identical, I instructed you on the 3rd instant, immediately to exchange notes with Mr. Fish declaring your common understanding that the acts mentioned in the Second Rule contained in Article VI of the Treaty are prohibited only when done for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war, against either of the belligerents.

But Her Majesty's Government learned by your telegram of the 4th instant that, though his personal opinion of the meaning of the Second Rule was the same as theirs, Mr. Fish thinks that he has no right to construe for his Government any part of the Treaty, and that his personal opinion, abstractedly expressed, would not commit the Government of the United States.

It appears, however, from your telegram of the 4th instant, that Mr. Fish has suggested as a preferable course, that when the ratifications of the Treaty have been exchanged, each Government, in presenting to other maritime Powers the Rules for adoption by them, should state that in its view the second Rule does not restrict the sale by the neutral country of arms or other military supplies in the ordinary course of commerce.

I am, &c.
(Signed) GRANVILLE.

No. 2.

Earl Granville to Sir E. Thornton.

Sir,

Foreign Office, June 13, 1871.

I HAD my first interview with General Schenck on Friday last, the 9th instant, and after expressing to him the satisfaction which Her Majesty's Government felt at his