

disinclination which Her Majesty's Government had to proceed in that matter, and suggested delay until some occasion presented a necessity for doing something, to which I replied that this would be just the moment when it might be impossible to proceed, and that the Rules were intended to guard against that contingency.

Again, on March 9, 1876, in connection with the discussion of the Fisheries Commission, I suggested that we desired to conclude all the obligations of the Treaty, and to dispose of the question of the submission of the Three Rules, whereupon you repeated in much the same manner as before the difficulty in proceeding, and the unwillingness on the part of your Government, and intimated that if the Rules were submitted, Great Britain might desire to make some disclaimers.

On the 30th of April, on my urging that this matter be disposed of, you suggested that under the Treaty no specific time had been named for a submission, although you did not insist upon this as releasing the British Government from their obligation to proceed.

Again, on the 1st of June, 1876, referring to a communication which had been addressed to you concerning the Fisheries Commission, the matter was discussed at some length by you with Mr. Cadwalader, the Assistant Secretary of State, in my absence, and in much the same vein as theretofore, in which the desire of the United States to proceed and dispose of the matter was distinctly expressed, and the same objections given to proceeding on the part of Her Majesty's Government.

In the many interviews which have been had, I am not aware that the position of this Government has been changed in any particular, but has at all times been that the question ought to be disposed of, that the United States was prepared to proceed as had been agreed on; while, from time to time, Her Majesty's Government have made suggestions that some changes in the submission would in their opinion be desirable, the Government of the United States is not in any respect informed as to what really are the precise views or desires of Her Majesty's Government.

I have no desire to prolong a correspondence, and have endeavoured to refer to the various steps in the negotiation as they have actually occurred, nor do I propose to draw any conclusions from this recapitulation.

The United States has been willing, as I have expressed to you on many occasions, to submit the Rules as had been agreed, or to do whatever could properly be done towards meeting any wishes which Her Majesty's Government may entertain, and to co-operate in guarding against any unpleasant or injurious consequence which might arise, or be apprehended from their submission.

In the opinion of the United States, injury is more liable to occur from delay until serious events bring a practical application of the Rule under discussion, and when the two Governments might be called on at an unfavourable moment to act upon or to consider the extent of the obligation of this part of the Treaty. The same clause in the Treaty by which the Contracting Parties agree to observe the rules as between themselves in the future, requires them to bring them to the knowledge of other Maritime Powers, and to invite them to accede to them. The stipulation is regarded by the United States as indivisible, so that a failure to comply with one part thereof may, and probably will, be held to carry with it the avoidance and nullity of the other.

In this view it is desired that some conclusion be definitively reached.

At the close of your note you state that Her Majesty's Government will be prepared to receive and consider any communication or proposal which this Government may think fit to address to it on the question.

On this point I have the honour to say that, as early as November, 1873, the two Governments had, with slight differences, agreed upon an identic note for the submission of the Three Rules to the Maritime Powers, real questions existing only as to the two words to which I have referred.

Her Majesty's Government afterwards ceased to insist upon the words "or export," which they had inserted, and the United States has heretofore expressed its willingness and is now ready to omit the word "open," which was objected to.

Should Her Majesty's Government be ready, therefore, on a consideration of the whole question, to submit the Rules as then agreed, the United States is prepared to do so.

If, on the contrary, Her Majesty's Government are not prepared so to do, and desire to adopt some other course by reason of matters which have affected Great Britain alone, I trust that Her Majesty's Government will feel itself at liberty to indicate in what manner it desires the form heretofore proposed to be varied, or what general course it desires to adopt.

In conclusion, I desire to assure you of the sincere wish of the United States to