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NORTH AMERICA. No. 3 (1871).

INSTRUCTIONS to Her Majesty's High Commissioners, and Protocols of Conferences held at Washington between February 27 and May 6, 1871.

Presented to both Houses of Parliament by Command of Her Majesty. 1871.

LONDON :
PRINTED BY HARRISON AND SONS.

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Instructions to Her Majesty's High Commissioners, and Protocols
of Conferences held at Washington between February 27 and
May 6, 1871.

No. 1.

Earl Granville to Her Majesty's High Commissioners.

My Lord and Gentlemen,

Foreign Office, February 9, 1871.

THE Queen having been graciously pleased to appoint you to be Her Majesty's High Commissioners to proceed to Washington for the purpose of discussing in a friendly spirit with Commissioners to be appointed by the Government of the United States the various questions on which differences have arisen between Great Britain and that country, and of treating for an agreement as to the mode of their amicable settlement, I inclose the necessary full powers, and have the honour to convey to you the following instructions for your guidance.

It is the earnest desire of Her Majesty's Government that the important negotiation with which you are entrusted should be conducted in a mutually conciliatory disposition and with unreserved frankness in your communications with the High Commissioners or Members of the Government of the United States with whom you may be placed in communication, and they believe that this object cannot be better attained than by leaving you full discretion as to the manner in which the subjects which may engage your attention should be discussed.

The principal subjects will probably be:—

1. The Fisheries.
2. The free navigation of the River St. Lawrence and privilege of passage through the Canadian canals.
3. The transit of goods through Maine, and lumber trade down the River St. John.
4. The Manitoba boundary.
5. The claims on account of the "Alabama," "Shenandoah," and certain other cruisers of the so-styled Confederate States.
6. The San Juan water boundary.
7. The claims of British subjects arising out of the Civil War.
8. The claims of the people of Canada on account of the Fenian raids.
9. The revision of the rules of Maritime Neutrality.

Copies of all the correspondence which has been presented to Parliament respecting these questions will be forwarded for your use.

1. *The Fisheries.*

On the termination of the Reciprocity Treaty of the 5th of June, 1854, by the United States' Government, the discussions respecting the rights of American fishermen under Article I of the Convention of the 20th of October, 1818, which had been set at rest by the Reciprocity Treaty, were revived, and, although temporary measures were taken to avoid pressing with severity upon American fishermen by the adoption of a system of licenses, it has been found impracticable to continue that system indefinitely, and, on its withdrawal, much excitement has been occasioned among the coast population of the Eastern States of the Union by the capture of boats engaged in illegal fishing, contrary to the Convention of 1818.

The correspondence will put you in possession of the facts of the several captures, and enable you to judge, and explain if necessary, how far the pretensions of the American

fishermen are exaggerated, and the leniency with which they have been treated under the directions of Her Majesty's Government and of the Government of the Dominion by the officers charged with the protection of the British Fisheries.

Irrespective, however, of the captures and confiscations of boats during the recent fishing season, there are, and have been for many years, differences of interpretation put upon the Convention of 1818 by the respective Governments, which might, at any time, rise into serious importance.

The two chief questions are: As to whether the expression "three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions" should be taken to mean a limit of three miles from the coast line or a limit of three miles from a line drawn from headland to headland; and whether the proviso that "the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever," is intended to exclude American vessels from coming inshore to traffic, tranship fish, purchase stores, hire seamen, &c.

Her Majesty's Government would be glad to learn that you were able to arrive at a conclusive understanding with the Commissioners of the United States upon the disputed interpretation of the Convention of 1818; but they fear that you will find it expedient that a settlement should be arrived at by some other means, in which case they will be prepared for the whole question of the relations between the United States and the British Possessions in North America, as regards the Fisheries, being referred for consideration and inquiry to an International Commission, on which two Commissioners to be hereafter appointed, in consultation with the Government of the Dominion, should be the British Representatives.

Should the Government of the United States concur in this, it would be advisable that no time should be lost in appointing Commissioners on their side, and in the Commission commencing its labours; and, as it is scarcely probable that the Commissioners will be able to report, and a Treaty be framed, before the commencement of the next fishing season, it would be also desirable that you should agree upon some means, by license or otherwise, by which disputes may be avoided in the meanwhile.

2. *Free Navigation of the River St. Lawrence, and Privilege of Passage through the Canadian Canals.*

The President of the United States, in his Message at the opening of Congress in December last, referred to the claim of free navigation of the River St. Lawrence as being an occasion of difference between the two countries.

The IVth Article of the Reciprocity Treaty provided that the citizens and inhabitants of the United States should be allowed to navigate the River St. Lawrence and the canals of Canada; and Her Majesty's Government are not aware that any practical difficulty as to the free navigation of the St. Lawrence has arisen since the abrogation of that Treaty.

The exclusive right to the navigation of the St. Lawrence was maintained by this country throughout the discussions between the two Governments on the subject in 1824-27, and has been acknowledged as existing by this Article of the Reciprocity Treaty, under which the British Government retained the right of suspending the privilege.

Her Majesty's Government are, nevertheless, now willing to admit the principle of the navigation of the St. Lawrence being free to the citizens of the United States, subject to such tolls and regulations as may be imposed equally on British subjects.

This, however, cannot extend, except as a special privilege, to the passage through the canals constructed by Canadian enterprize through British territory, without which, from the strength of the current and dangerous rapids, the navigation of the St. Lawrence cannot be profitably conducted; and the best course will probably be found to be to refer these questions for detailed examination and mutual arrangement in relation to the transit of goods in bond through Maine, St. John River lumber trade, navigation of Lake Michigan, passage through the canals in United States' territory, and other similar matters, to the Commission to be appointed to consider and report upon the Fisheries.

4. *The Manitoba Boundary.*

The President has already intimated to Congress that he is of opinion that the survey of the boundary along the 49th parallel, which has only been carried out across the Rocky Mountains to the Gulf of Georgia, should be completed from the Lake of the Woods to the foot of the Rocky Mountains.

In this Her Majesty's Government concur, and will be ready to appoint a Commission for the purpose whenever the United States' Government think fit.

5. *The "Alabama," "Shenandoah," &c., claims.*

Under this head are comprised the claims against Great Britain for damages sustained by the depredations of the "Alabama," "Shenandoah," and "Georgia," the vessels which were furnished on account of the so-styled Confederate States and armed outside of British jurisdiction, and of the "Florida" which, though built in England, was armed and equipped in the port of Mobile.

The history of these vessels is so fully explained in the long correspondence which has taken place with regard to them, that it is unnecessary for me now to do more than point out that the claims which have been preferred on account of the "Alabama" stand on a different footing to those arising from the captures made by the other cruizers; in so far as the "Alabama" escaped from Liverpool after evidence had been supplied by the United States' Minister of the service for which she was intended.

Her Majesty's Government adhere to the principle of arbitration for the settlement of these claims, which was recognized and adopted in the Convention signed by Lord Clarendon and Mr. Reverdy Johnson as being, in their opinion, the most appropriate mode of settling this question; and, should arbitration be adopted, Her Majesty's Government would concur, if the United States' Government proposed it, in Jurists properly selected being made the Arbitrators instead of a Sovereign or State, as provided in the late Convention.

Although, however, Her Majesty's Government are of opinion that arbitration is the most appropriate mode of settlement, you are at liberty to transmit for their consideration any other proposal which may be suggested for determining and closing the question of these claims.

For the escape of the "Alabama" and consequent injury to the commerce of the United States, Her Majesty's Government authorize you to express their regret in such terms as would be agreeable to the Government of the United States and not inconsistent with the position hitherto maintained by Her Majesty's Government as to the international obligations of neutral nations.

6.—*The San Juan Water Boundary.*

The line of water boundary under the Ist Article of the Treaty of June 15, 1846, upon which the British and American Commissioners appointed for its demarcation differed, was proposed by Lord Russell as a fit subject for arbitration in 1859; but, owing to the Civil War, the negotiations then instituted were not brought to a conclusion, and it was not until the 14th of January, 1869, that a Convention was signed between Lord Clarendon and Mr. Reverdy Johnson for referring the matter to an Arbitrator; the President of the Swiss Confederation being selected at the instance of the Government of the United States.

Although this Convention was recommended by the Senate Committee of Foreign Affairs for ratification,* it has not been brought before the Senate, and the period within which its ratification should have taken place has now expired.

This delay has been accounted for by the United States' Government as having been occasioned by the delay, necessarily unavoidable, in carrying through the Imperial Parliament the measures required for enabling the Naturalization Treaty to be concluded; the two Treaties having been in the first instance included in the same negotiation under the Protocol of the 10th of November, 1868, upon which the Treaty of the 14th of January, 1869, was framed.

The Naturalization Treaty having been ratified some months ago, Her Majesty's Government trust that the Government of the United States will no longer hesitate to act upon the Water Boundary Treaty, which should in that case be appended to and form part of the General Treaty for the mode of settlement of all outstanding differences which you are empowered to sign.

Should, however, a form of arbitration admitting of more free discussion be preferred, Her Majesty's Government would assent to such a proposal.

7.—*The Claims of British Subjects.*

Throughout the negotiations on the "Alabama," "Shenandoah," &c., claims, Her Majesty's Government have always urged that any satisfactory settlement of those claims must be accompanied by a simultaneous settlement of the claims of British subjects

* See "North America," No. 1 (1869), page 44.

arising out of the civil war, and provision was made for this purpose in the Claims Convention.

Her Majesty's Government would expect that the Government of the United States would readily consent to all claims of British subjects against the United States, or of United States' citizens against Great Britain, being referred to a Mixed Commission, formed of one Commissioner from each country and an Umpire, as was done under the Convention of the 8th of February, 1853.

8.—*The Claims of the People of Canada on account of the Fenian Raids.*

In connection with the claims of British subjects there is a claim on the part of the people of the Dominion of Canada for losses in life and property and expenditure, occasioned by the filibustering raids on the Canadian frontier, carried on from the territory of the United States in the years 1866 and 1870.

The Government of the Dominion having solicited Her Majesty's Government to bring this claim before the Government of the United States, were requested some time ago to prepare a statement to be submitted to that Government, but it has not yet been received.

In the meanwhile the accompanying account of the Fenian Brotherhood, which has been drawn up by Lord Tenterden, will supply you with full information as to the encouragement and support rendered in the United States to this and other Irish-American revolutionary societies.

9.—*Revision of Rules of Maritime Neutrality.*

It would be desirable to take this opportunity to consider whether it might not be the interest of both Great Britain and the United States to lay down certain rules of international comity in regard to the obligations of maritime neutrality, not only to be acknowledged for observance in their future relations, but to be recommended for adoption to the other Maritime Powers.

I have thus touched briefly upon the subjects likely principally to engage your attention, and have indicated the manner in which they may be possibly treated; but Her Majesty's Government wish you to understand that you are not thereby precluded from entertaining the consideration of other questions or making any suggestions you may think proper for their settlement.

Her Majesty's Government request, however, that if the mode of dealing with any particular matter which you may be disposed to agree to, should vary materially from the manner of settlement to which I have informed you Her Majesty's Government are prepared at once to assent, or, in case of any disagreement of importance occurring between yourselves and the American High Commissioners, you should at once report by telegraph and await further instructions.

I am, &c.
(Signed) GRANVILLE.

No. 2.

Earl Granville to Her Majesty's High Commissioners.

My Lord and Gentlemen,

Foreign Office, February 9, 1871.

WITH reference to my other despatch of this day's date, in which I have adverted to the revision of the rules of maritime neutrality as being one of the subjects which will probably be presented for your consideration, I have to state to you that the extent to which a neutral country may be hereafter held justly liable for the dispatch, after notice, of a vessel under similar circumstances to those in the case of the "Alabama" cannot be precisely defined in the present stage of the controversy; but there are other points in which it may be convenient to you to be informed beforehand that this Government are willing to enter into an agreement,

These are:—

That no vessel employed in the military or naval service of any belligerent which shall have been equipped, fitted out, armed, or dispatched contrary to the neutrality of neutral State, should be admitted into any port of that State.

That prizes captured by such vessels, or otherwise captured in violation of the

neutrality of any State, should, if brought within the jurisdiction of that State, be restored.

That, in time of war, no vessel should be recognized as a ship of war, or received in any port of a neutral State as a ship of war, which has not been commissioned in some port in the actual occupation of the Government by whom her commission is issued.

The first of these Rules has been incorporated into the Foreign Enlistment Act, passed during the last year, and both the first and second were included in the Report of the Royal Commission for inquiring into the Neutrality Laws

I am, &c.
(Signed) GRANVILLE.

No. 3.

Earl Granville to the Lord High Commissioners.

My Lord and Gentlemen,

Foreign Office, February 9, 1871.

I HAVE to inform you that Lord Tenterden has been appointed Secretary to the High Commission, and will proceed to Washington accordingly.

I am, &c.
(Signed) GRANVILLE.

No. 4.

Protocols of Conferences between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

1st Protocol of Conference between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

Washington, February 27, 1871.

THE High Commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof exchanged, as follows:—

“ VICTORIA R.

“ Victoria, by the grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c., &c., &c., To all and singular to whom these Presents shall come, Greeting :

“ Whereas, for the purpose of discussing in a friendly spirit with Commissioners to be appointed on the part of Our Good Friends the United States of America, the various questions on which differences have arisen between Us and Our said Good Friends, and of treating for an Agreement as to the mode of their amicable settlement, We have judged it expedient to invest fit persons with full power to conduct on Our part the discussions in this behalf :

“ Know ye, therefore, that We, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of Our right trusty and right well-beloved Cousin and Councillor George Frederick Samuel, Earl de Grey and Ripon, Viscount Goderich, a Peer of Our United Kingdom, President of Our Most Honourable Privy Council, Knight of Our Most Noble Order of the Garter, &c., &c., of Our right trusty and well-beloved Councillor Sir Stafford Henry Northcote, Baronet, a Member of Parliament, Companion of Our Most Honourable Order of the Bath, &c., &c. ; of Our trusty and well-beloved Sir Edward Thornton, Knight Commander of Our Most Honourable Order of the Bath, Our Envoy Extraordinary and Minister Plenipotentiary to Our Good Friends the United States of America, &c., &c. ; of Our trusty and well-beloved Sir John Alexander Macdonald, Knight Commander of Our Most Honourable Order of the Bath, a Member of Our Privy Council for Canada, and Minister of Justice and Attorney-General in Our Dominion of Canada, &c., &c. ; and of Our trusty and well-beloved Montague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford;—have named, made, constituted, and appointed, as We do by these presents name, make, constitute, and appoint them Our undoubted High Commissioners, Procurators, and Plenipotentiaries : Giving to them, or to any three or more of them, all manner of power and authority to treat, adjust, and conclude with such Minister or Ministers as may be vested with similar power and authority on the part of Our Good Friends the United States of America, any Treaties, Conventions, or Agreements that may tend to the attainment of the above-mentioned end, and to sign for Us and in Our name everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the

finishing of the aforesaid work in as ample manner and form, and with equal force and efficacy, as We Ourselves could do if personally present : Engaging and promising upon Our Royal Word, that whatever things shall be so transacted and concluded by Our said High Commissioners, Procurators, and Plenipotentiaries shall be agreed to, acknowledged, and accepted by Us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in Our power.

“In witness whereof We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

“Given at Our Court at Windsor Castle, the sixteenth day of February, in the year of Our Lord one thousand eight hundred and seventy-one, and in the thirty-fourth year of Our reign.”

“Ulysses S. Grant, President of the United States of America, to all who shall see these presents, greeting :

“Know ye that, reposing special trust and confidence in the integrity and ability of Hamilton Fish, Secretary of State, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain, Samuel Nelson, an Associate Justice of the Supreme Court of the United States, Ebenezer R. Hoar, of Massachusetts, and George H. Williams of Oregon, I have nominated and, by and with the advice and consent of the Senate, do appoint them jointly and severally, to be Commissioners on the part of the United States, in a Joint High Commission between the United States and Great Britain ; hereby empowering them, jointly and severally, to meet the Commissioners appointed or to be appointed on behalf of Her Britannic Majesty, and with them to treat and discuss the mode of settlement of the different questions which shall come before the said Joint High Commission, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

“In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

“Given under my hand at the city of Washington, this 10th day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States of America the ninety-fifth.

[Seal.]

(Signed)

“U. S. GRANT.

“By the President :

(Signed)

“HAMILTON FISH, *Secretary of State.*”

It was proposed by the British High Commissioners that Mr. Fish, Secretary of State of the United States, should preside.

The United States Commissioners stated that, although appreciating the proposal, they did not consider it necessary that a President should be named.

The High Commissioners, on the suggestion of Mr. Fish, requested that Lord Tenterden, Secretary of the British High Commission, and Mr. Bancroft Davies, Assistant-Secretary of State of the United States, acting as Secretary to the United States High Commission, to undertake the duties of Joint Protocolists.

The High Commissioners then agreed that the subjects for discussion should be those mentioned in the following correspondence which had taken place between the two Governments.

1. *Sir E. Thornton to Mr. Fish, January 26, 1871.*

[See “North America, No. 1 (1871),” Inclosure 1 in No. 1.]

2. *Mr. Fish to Sir E. Thornton, January 30, 1871.*

[*Ibid.*, Inclosure 2 in No. 1.]

3. *Sir E. Thornton to Mr. Fish, February 1, 1871.*

[*Ibid.*, Inclosure 3 in No. 1.]

4. *Mr. Fish to Sir E. Thornton, February 3, 1871.*

[*Ibid.*, Inclosure 4 in No. 1.]

The Commissioners further determined that the discussion might include such other matters as might be mutually agreed upon.

The meeting of the High Commissioners was then adjourned to the 4th of March.

(Signed) TENTERDEN.
J. C. BANCROFT DAVIS.

IIInd Protocol of Conference between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

Washington, March 4, 1871.

THE High Commissioners having met, the Protocol of the Conference held on the 27th of February was read and confirmed.

At the commencement of the Conference the United States' High Commissioners called attention to the provision in the Constitution of the United States by which the advice and consent of the Senate is required for the ratification of any Treaty which may be signed under the authority of the President.

The British High Commissioners stated that they were acquainted with this provision.

The High Commissioners then proceeded with the consideration of the matters referred to them.

The Conference was adjourned to the 6th of March.

(Signed) TENTERDEN.
J. C. BANCROFT DAVIS.

IIIrd Protocol of Conference between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

Washington, March 6, 1871.

THE Commissioners having met, the Protocol of the Conference held on the 4th of March was read and confirmed.

The High Commissioners then proceeded with the consideration of the matters referred to them.

The Conference was adjourned to the 8th of March.

(Signed) TENTERDEN.
J. C. BANCROFT DAVIS.

[The subsequent Protocols to No. XXXIV are to the same effect as Protocol No. III.]

XXXVth Protocol of Conference between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

Washington, May 3, 1871.

THE High Commissioners having met, the Protocol of the Conference held on the 25th of April was read and confirmed.

The High Commissioners then proceeded with the consideration of the matters referred to them.

The American Commissioners produced the following further full-power, under the seal of the United States, authorizing them to conclude and sign a Treaty : —

“Ulysses S. Grant, President of the United States of America, to all to whom these presents shall come, greeting :

“ Know ye that whereas by my power bearing date the 10th day of February last, Hamilton Fish, Secretary of State, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain, Samuel Nelson, an Associate Justice of the Supreme Court of the United States, Ebenezer R. Hoar of Massachusetts, and George H. Williams of Oregon, were authorized to meet the Commissioners appointed, or to be appointed, on behalf of Her Britannic Majesty, and with them to treat and discuss the mode of settlement of the different questions which should come before them ;

“ And whereas that meeting and discussion have taken place, and the said mode of settlement has been agreed upon :

“ Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby appoint the said Hamilton Fish, Robert C. Schenck, Samuel Nelson, Ebenezer R. Hoar, and George H. Williams, jointly and severally, Plenipotentiaries for and in behalf of the United States, and do authorize them, and any or either of them, to conclude and sign any Treaty or Treaties touching the premises, for the final ratification of the President of

the United States, by and with the advice and consent of the Senate, if such advice and consent be given.

“In witness whereof I have caused the seal of the United States to be hereunto affixed.

“Given under my hand at the city of Washington, the second day of May, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the ninety-fifth.

(Signed) “U. S. GRANT.

“By the President :

(Signed) “HAMILTON FISH, *Secretary of State.*”

This full-power was examined by the British Commissioners and found satisfactory.

The Joint High Commissioners determined that they would embody in a Protocol a statement containing an account of the negotiations upon the various subjects included in the Treaty, and they instructed the Joint Protocolists to prepare such an account in the order in which the subjects are to stand in the Treaty.

The Conference was adjourned to the 4th of May.

(Signed) TENTERDEN.
J. C. BANCROFT DAVIS.

XXXVIth Protocol of Conference between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

Washington, May 4, 1871.

THE High Commissioners having met, the Protocol of the Conference held on the 3rd of May was read and confirmed.

The High Commissioners then proceeded with the consideration of the matters referred to them.

The statement prepared by the Joint Protocolists, in accordance with the request of the Joint High Commissioners at the last Conference, was then read as follows :—

Statement.

ARTICLES I TO XI.

At the Conference held on the 8th of March, the American Commissioners stated that the people and Government of the United States felt that they had sustained a great wrong, and that great injuries and losses were inflicted upon their commerce and their material interests by the course and conduct of Great Britain during the recent rebellion in the United States ; that what had occurred in Great Britain and her colonies during that period had given rise to feelings in the United States which the people of the United States did not desire to cherish toward Great Britain ; that the history of the “Alabama” and other cruizers which had been fitted out, or armed, or equipped, or which had received augmentation of force in Great Britain or in her colonies, and of the operations of those vessels, showed extensive direct losses in the capture and destruction of a large number of vessels with their cargoes, and in the heavy national expenditures in the pursuit of the cruizers, and indirect injury in the transfer of a large part of the American commercial marine to the British flag, in the enhanced payments of insurance, in the prolongation of the war, and in the addition of a large sum to the cost of the war and the suppression of the rebellion ; and also showed that Great Britain, by reason of failure in the proper observance of her duties as a neutral, had become justly liable for the acts of those cruizers and of their tenders ; that the claims for the loss and destruction of private property which had thus far been presented amounted to about fourteen millions of dollars, without interest, which amount was liable to be greatly increased by claims which had not been presented ; that the cost to which the Government had been put in the pursuit of cruizers could easily be ascertained by certificates of Government accounting officers ; that in the hope of an amicable settlement no estimate was made of the indirect losses, without prejudice, however, to the right to indemnification on their account in the event of no such settlement being made.

The American Commissioners further stated that they hoped that the British Commissioners would be able to place upon record an expression of regret by Her Majesty’s Government for the depredations committed by the vessels whose acts were now under discussion. They also proposed that the Joint High Commission should agree upon a sum which should be paid by Great Britain to the United States, in satisfaction of all the claims and the interest thereon.

The British Commissioners replied that Her Majesty’s Government could not admit that Great Britain had failed to discharge toward the United States the duties imposed on

her by the rules of international law, or that she was justly liable to make good to the United States the losses occasioned by the acts of the cruisers to which the American Commissioners had referred. They reminded the American Commissioners that several vessels, suspected of being designed to cruise against the United States, including two iron-clads, had been arrested or detained by the British Government, and that that Government had in some instances not confined itself to the discharge of international obligations, however widely construed; as, for instance, when it acquired at a great cost to the country the control of the Anglo-Chinese Flotilla, which, if it was apprehended, might be used against the United States.

They added that although Great Britain had, from the beginning, disavowed any responsibility for the acts of the "Alabama" and the other vessels, she had already shown her willingness, for the sake of the maintenance of friendly relations with the United States, to adopt the principle of arbitration, providing that a fitting arbitrator could be found, and that an agreement could be come to as to the points to which arbitration should apply. They would, therefore, abstain from replying in detail to the statement of the American Commissioners, in the hope that the necessity for entering upon a lengthened controversy might be obviated by the adoption of so fair a mode of settlement as that which they were instructed to propose; and they had now to repeat, on behalf of their Government, the offer of arbitration.

The American Commissioners expressed their regret at this decision of the British Commissioners, and said further that they could not consent to submit the question of the liability of Her Majesty's Government to arbitration unless the principles which should govern the Arbitrator in the consideration of the facts could be first agreed upon.

The British Commissioners replied that they had no authority to agree to a submission of these claims to an Arbitrator with instructions as to the principles which should govern him in the consideration of them. They said that they should be willing to consider what principles should be adopted for observance in future; but that they were of opinion that the best mode of conducting an arbitration was to submit the facts to the Arbitrator, and leave him free to decide upon them after hearing such arguments as might be necessary.

The American Commissioners replied that they were willing to consider what principles should be laid down for observance in similar cases in future, with the understanding that any principles that should be agreed upon should be held to be applicable to the facts in respect to the "Alabama" claims.

The British Commissioners replied that they could not admit that there had been any violation of existing principles of international law, and that their instructions did not authorize them to accede to a proposal for laying down rules for the guidance of the Arbitrator, but that they would make known to their Government the views of the American Commissioners on the subject.

At the respective Conferences on March 9, March 10, March 13, and March 14, the Joint High Commission considered the form of the declaration of principles or rules which the American Commissioners desired to see adopted for the instruction of the Arbitrator and laid down for observance by the two Governments in future.

At the close of the Conference of the 14th of March the British Commissioners reserved several questions for the consideration of their Government.

At the Conference on the 5th of April the British Commissioners stated that they were instructed by Her Majesty's Government to declare that Her Majesty's Government could not assent to the proposed rules as a statement of principles of international law which were in force at the time when the "Alabama" claims arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries, and of making satisfactory provision for the future, agreed that in deciding the questions between the two countries arising out of those claims, the Arbitrator should assume that Her Majesty's Government had undertaken to act upon the principles set forth in the rules which the American Commissioners had proposed, viz.:

That a neutral Government is bound, first, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly. Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly. To exercise due diligence in its own ports or waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

It being a condition of this undertaking that these obligations should in future be held to be binding internationally between the two countries.

It was also settled that in deciding the matters submitted to him, the Arbitrator should be governed by the foregoing rules, which had been agreed upon as rules to be taken as applicable to the case, and by such principles of international law, not inconsistent therewith, as the Arbitrator should determine to have been applicable to the case.

The Joint High Commission then proceeded to consider the form of submission and the manner of constituting a tribunal of arbitration.

At the Conferences on the 6th, 8th, 9th, 10th, and 12th of April, the Joint High Commission considered and discussed the form of submission, the manner of the award, and the mode of selecting the Arbitrators.

The American Commissioners, referring to the hope which they had expressed on the 8th of March, inquired whether the British Commissioners were prepared to place upon record an expression of regret by Her Majesty's Government for the depredations committed by the vessels whose acts were now under discussion; and the British Commissioners replied that they were authorized to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the "Alabama" and other vessels from British ports, and for the depredations committed by those vessels.

The American Commissioners accepted this expression of regret as very satisfactory to them and as a token of kindness, and said that they felt sure it would be so received by the Government and people of the United States.

In the Conference on the 13th of April, the Treaty Articles I to XI were agreed to.

ARTICLES XII TO XVII.

At the Conference on the 4th of March it was agreed to consider the subjects referred to the Joint High Commission by the respective Governments in the order in which they appeared in the correspondence between Sir Edward Thornton and Mr. Fish, and to defer the consideration of the adjustment of "all other claims, both of British subjects and citizens of the United States, arising out of acts committed during the recent civil war in this country," as described by Sir Edward Thornton in his letter of February 1, until the subjects referred to in the previous letters should have been disposed of.

The American Commissioners said that they supposed that they were right in their opinion that British laws prohibit British subjects from owning slaves; they therefore inquired whether any claim for slaves, or for alleged property or interest in slaves, can or will be presented by the British Government, or in behalf of any British subject, under the Treaty now being negotiated, if there be in the Treaty no express words excluding such claims.

The British Commissioners replied, that by the law of England British subjects had long been prohibited from purchasing or dealing in slaves, not only within the dominions of the British Crown, but in any foreign country; and that they had no hesitation in saying that no claim on behalf of any British subject, for slaves or for any property or interest in slaves, would be presented by the British Government.

Referring to the paragraph in Sir Edward Thornton's letter of January 26th, relating to "the mode of settling the different questions which have arisen out of the Fisheries, as well as all those which affect the relations of the United States towards Her Majesty's Possessions in North America," the British Commissioners proposed that the Joint High Commission should consider the claims for injuries which the people of Canada had suffered from what were known as the Fenian raids.

The American Commissioners objected to this, and it was agreed that the subject might be brought up again by the British Commissioners in connection with the subjects referred to by Sir Edward Thornton in his letter of February 1.

At the Conference on the 14th of April the Joint High Commission took into consideration the subjects mentioned by Sir Edward Thornton in that letter.

The British Commissioners proposed that a Commission for the consideration of these claims should be appointed, and that the Convention of 1853 should be followed as a precedent. This was agreed to, except that it was settled that there should be a third Commissioner instead of an Umpire.

At the Conference on the 15th of April, the Treaty Articles XII to XVII were agreed to.

At the Conference on the 26th of April the British Commissioners again brought before the Joint High Commission the claims of the people of Canada for injuries suffered

from the Fenian raids. They said that they were instructed to present these claims, and to state that they were regarded by Her Majesty's Government as coming within the class of subjects indicated by Sir Edward Thornton in his letter of January 26, as subjects for the consideration of the Joint High Commission.

The American Commissioners replied that they were instructed to say that the Government of the United States did not regard these claims as coming within the class of subjects indicated in that letter as subjects for the consideration of the Joint High Commission, and that they were without any authority from their Government to consider them. They therefore declined to do so.

The British Commissioners stated that, as the subject was understood not to be within the scope of the instructions of the American Commissioners, they must refer to their Government for further instructions upon it.

At the Conference on the 3rd May the British Commissioners stated that they were instructed by their Government to express their regret that the American Commissioners were without authority to deal with the question of the Fenian raids, and they inquired whether that was still the case.

The American Commissioners replied that they could see no reason to vary the reply formerly given to this proposal; that in their view the subject was not embraced in the scope of the correspondence between Sir Edward Thornton and Mr. Fish under either of the letters of the former; and that they did not feel justified in entering upon the consideration of any class of claims not contemplated at the time of the creation of the present Commission, and that the claims now referred to did not commend themselves to their favour.

The British High Commissioners said that under these circumstances they would not urge further that the settlement of these claims should be included in the present Treaty, and that they had the less difficulty in doing so as a portion of the claims were of a constructive and inferential character.

ARTICLES XVIII TO XXV.

At the Conference on the 6th of March the British Commissioners stated that they were prepared to discuss the question of the Fisheries, either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the Treaty of 1818, and the general law of nations, or to approach at once the settlement of the question on a comprehensive basis.

The American Commissioners said, that with the view of avoiding the discussion of matters which subsequent negotiation might render it unnecessary to enter into, they thought it would be preferable to adopt the latter course, and inquired what, in that case, would be the basis which the British Commissioners desired to propose.

The British Commissioners replied, that they considered that the Reciprocity Treaty of 5th June, 1854, should be restored in principle.

The American Commissioners declined to assent to a renewal of the former Reciprocity Treaty.

The British Commissioners then suggested that, if any considerable modification were made in the Tariff arrangements of that Treaty, the coasting trade of the United States and of Her Britannic Majesty's possessions in North America should be reciprocally thrown open, and that the navigation of the River St. Lawrence and of the Canadian Canals should be also thrown open to the citizens of the United States on terms of equality with British subjects.

The American Commissioners declined this proposal, and objected to a negotiation on the basis of the Reciprocity Treaty. They said that that Treaty had proved unsatisfactory to the people of the United States, and consequently had been terminated by notice from the Government of the United States, in pursuance of its provisions. Its renewal was not in their interest, and would not be in accordance with the sentiments of their people. They further said that they were not at liberty to treat of the opening of the coasting trade of the United States to the subjects of Her Majesty residing in her possessions in North America. It was agreed that the questions relating to the navigation of the River St. Lawrence, and of the Canadian Canals, and to other commercial questions affecting Canada, should be treated by themselves.

The subject of the Fisheries was further discussed at the Conferences on the 7th, 20th, 22nd, and 25th of March. The American Commissioners stated that if the value of the inshore fisheries could be ascertained, the United States might prefer to purchase, for a sum of money, the right to enjoy, in perpetuity, the use of these inshore fisheries in common with British fishermen, and mentioned 1,000,000 dollars as the sum they were

prepared to offer. The British Commissioners replied that this offer was, they thought wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States, free of duty, of fish the produce of the British fisheries did not form a part; adding that any arrangement for the acquisition by purchase of the inshore fisheries in perpetuity was open to grave objection.

The American Commissioners inquired whether it would be necessary to refer any arrangement for purchase to the Colonial or Provincial Parliaments.

The British Commissioners explained that the fisheries within the limits of maritime jurisdiction were the property of the several British Colonies, and that it would be necessary to refer any arrangement which might affect Colonial property or rights to the Colonial or Provincial Parliaments; and that legislation would also be required on the part of the Imperial Parliament. During these discussions the British Commissioners contended that these inshore fisheries were of great value, and that the most satisfactory arrangement for their use would be a reciprocal tariff arrangement, and reciprocity in the coasting trade; and the American Commissioners replied that their value was over-estimated; that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation; and that they could hold out no hope that the Congress of the United States would give its consent to such a tariff arrangement as was proposed, or to any extended plan of reciprocal free admission of the products of the two countries; but that, inasmuch as one branch of Congress had recently, more than once, expressed itself in favour of the abolition of duties on coal and salt, they would propose that coal, salt, and fish be reciprocally admitted free; and that, inasmuch as Congress had removed the duty from a portion of the lumber heretofore subject to duty, and as the tendency of legislation in the United States was towards the reduction of taxation and of duties in proportion to the reduction of the public debt and expenses, they would further propose that lumber be admitted free from duty from and after the 1st of July, 1874, subject to the approval of Congress, which was necessary on all questions affecting import duties.

The British Commissioners, at the Conference on the 17th of April, stated that they had referred this offer to their Government, and were instructed to inform the American Commissioners that it was regarded as inadequate, and that Her Majesty's Government considered that free lumber should be granted at once, and that the proposed tariff concessions should be supplemented by a money payment.

The American Commissioners then stated that they withdrew the proposal which they had previously made of the reciprocal free admission of coal, salt, and fish, and of lumber after July 1, 1874; that that proposal had been made entirely in the interest of a peaceful settlement, and for the purpose of removing a source of irritation and of anxiety; that its value had been beyond the commercial or intrinsic value of the rights to have been acquired in return; and that they could not consent to an arrangement on the basis now proposed by the British Commissioners; and they renewed their proposal to pay a money equivalent for the use of the inshore fisheries. They further proposed that, in case the two Governments should not be able to agree upon the sum to be paid as such an equivalent, the matter should be referred to an impartial Commission for determination.

The British Commissioners replied that this proposal was one on which they had no instructions, and that it would not be possible for them to come to any arrangement except one for a term of years and involving the concession of free fish and fish-oil by the American Commissioners; but that if free fish and fish-oil were conceded, they would inquire of their Government whether they were prepared to assent to a reference to arbitration as to money payment.

The American Commissioners replied that they were willing, subject to the action of Congress, to concede free fish and fish-oil as an equivalent for the use of the inshore fisheries, and to make the arrangement for a term of years; that they were of opinion that free fish and fish-oil would be more than an equivalent for those fisheries, but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent, it being understood that legislation would be needed before any payment could be made.

The subject was further discussed in the Conferences of April 18 and 19, and the British Commissioners having referred the last proposal to their Government and received instructions to accept it, the Treaty Articles XVIII to XXV were agreed to at the Conference on the 22nd of April.

ARTICLES XXVI TO XXXIII.

At the Conference on the 6th of March the British Commissioners proposed that the

Reciprocity Treaty of June 5, 1854, should be restored in principle, and that, if any considerable modifications in the Tariff arrangements in force under it were made, the coasting trade of the United States and of Her Britannic Majesty's Possessions in North America should be reciprocally thrown open, and that the navigation of the River St. Lawrence and of the Canadian Canals should be thrown open to the citizens of the United States on terms of equality with British subjects.

The American Commissioners declined this proposal, and in the subsequent negotiations the question of the Fisheries was treated by itself.

At the Conference on the 17th March the Joint High Commission considered the subject of the American improvement of the navigation of the St. Clair Flats.

At the Conference on the 18th March the questions of the navigation of the River St. Lawrence and the Canals and the other subjects connected therewith were taken up.

The American Commissioners proposed to take into consideration the question of transit of goods in bond through Canada and the United States, which was agreed to.

The British Commissioners proposed to take into consideration the question of opening the coasting trade of the lakes reciprocally to each party, which was declined.

On the proposal of the British Commissioners it was agreed to take the question of transshipment into consideration.

The British Commissioners proposed to take into consideration the reciprocal registration of vessels, as between the Dominion of Canada and the United States, which was declined.

At the Conference on the 23rd March the transshipment question was discussed and postponed for further information on the motion of the American Commissioners.

The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the Fishery Articles should be in force.

The question of the navigation of the River St. Lawrence and the Canals was taken up.

The British Commissioners stated that they regarded the concession of the navigation of Lake Michigan as an equivalent for the concession of the navigation of the River St. Lawrence.

As to the Canals they stated that the concession of the privilege to navigate them in their present condition, on terms of equality with British subjects, was a much greater concession than the corresponding use of the Canals offered by the United States.

They further said that the enlargement of the Canals would involve the expenditure of a large amount of money, and they asked what equivalent the American Commissioners proposed to give for the surrender of the right to control the tolls for the use of the Canals, either in their present state or after enlargement.

The American Commissioners replied that, unless the Welland Canal should be enlarged so as to accommodate the present course of trade, they should not be disposed to make any concessions; that in their opinion the citizens of the United States could now justly claim to navigate the River St. Lawrence in its natural state, ascending and descending, from the 45th parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea; and they could not concede that the navigation of Lake Michigan should be given or taken as an equivalent for that right; and they thought that the concession of the navigation of Lake Michigan and of the Canals offered by them was more than an equivalent for the concessions as to the Canadian Canals which were asked. They proposed, in connection with a reciprocal arrangement as to transit and transshipment, that Canada should agree to enlarge the Welland and St. Lawrence Canals, to make no discriminating tolls, and to limit the tolls to rates sufficient to maintain the Canals, pay a reasonable interest on the cost of construction and enlargement, and raise a sinking fund for the repaying within a reasonable time the cost of enlargement; and that the navigation of the River St. Lawrence, the Canadian Canals, the Canals offered by the United States, and Lake Michigan should be enjoyed reciprocally by citizens of the United States and by British subjects. This proposal was declined by the British Commissioners, who repeated that they did not regard the equivalent offered by the United States as at all commensurate with the concessions asked from Great Britain.

At the Conference on the 27th of March the proposed enlargement of the Canadian Canals was further discussed. It was stated on the part of the British Commissioners that the Canadian Government were now considering the expediency of enlarging the capacity of the Canals on the River St. Lawrence, and had already provided for the enlargement of the Welland Canal, which would be undertaken without delay.

The subject of the export duty in New Brunswick on American lumber floated down the River St. John was proposed for consideration by the American Commissioners.

At the Conference on the 22nd of April the British Commissioners proposed that the navigation of Lake Michigan should be given in exchange for the navigation of the River St. Lawrence; and that Her Majesty's Government should agree to urge upon the Dominion of Canada to give to the citizens of the United States the use of the Canadian Canals on terms of equality with British subjects; and that the Government of the United States should agree to urge upon the several States to give to British subjects the use of the several State Canals on terms of equality with citizens of the United States. They also proposed, as part of the arrangement, a reciprocal agreement as to transit and transshipment, and that the Government of Great Britain should urge upon New Brunswick not to impose export duties on the lumber floated down the River St. John for shipment to the United States.

The American Commissioners repeated their views as to the navigation of the River St. Lawrence in its natural state.

The British Commissioners replied that they could not admit the claims of American citizens to navigate the River St. Lawrence as of right; but that the British Government had no desire to exclude them from it. They however pointed out that there were certain rivers running through Alaska which should on like grounds be declared free and open to British subjects, in case the River St. Lawrence should be declared free.

The American Commissioners replied that they were prepared to consider that question. They also assented to the arrangement as to the Canals which was proposed by the British Commissioners, limiting it, as regarded American Canals, to the Canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the British and American possessions. They likewise agreed to give the right of navigating Lake Michigan for a term of years. They desired, and it was agreed, that the transshipment arrangement should be made dependent upon the non-existence of discriminating tolls or regulations on the Canadian Canals, and also upon the abolition of the New Brunswick export duty on American lumber intended for the United States. It was also agreed that the right of carrying should be made dependent upon the non-imposition of export duties on either side on the goods of the other party passing in transit.

The discussion of these subjects was further continued at the Conferences of the 24th, 25th, and 26th of April, and the Treaty Articles XXVI to XXXIII were agreed to at the Conference on the 3rd of May.

In the course of these discussions the British Commissioners called attention to the question of the survey of the boundary line along the forty-ninth parallel, which still remained unexecuted from the Lake of the Woods to the Rocky Mountains, and to which reference had been made in the President's Message.

The American Commissioners stated that the survey was a matter for administrative action, and did not require to be dealt with by a Treaty provision. The United States' Government would be prepared to agree with the British Government for the appointment of a Boundary Survey Commission, in the same manner as had been done in regard to the remainder of the boundary along the forty-ninth parallel, as soon as the legislative appropriations and other necessary arrangements could be made.

ARTICLES XXXIV TO XLII.

At the Conference on the 15th of March the British Commissioners stated that it was proposed that day to take up the North-West Water Boundary question; that the difference was one of long standing, which had more than once been the subject of negotiations between the two Governments, and that the negotiators had, in January 1869, agreed upon a Treaty. They then proposed that an arbitration of this question should be made upon the basis of the provisions of that Treaty.

The American Commissioners replied that, though no formal vote was actually taken upon it, it was well understood that that Treaty had not been favourably regarded by the Senate. They declined the proposal of the British Commissioners, and expressed their wish that an effort should be made to settle the question in the Joint High Commission.

The British Commissioners assented to this, and presented the reasons which induced them to regard the Rosario Straits as the channel contemplated by the Treaty of June 15, 1846.

The American Commissioners replied, and presented the reasons which induced them to regard the Haro Channel as the channel contemplated by that Treaty. They also produced in support of their views some original correspondence of Mr. Everett with his Government, which had not been alluded to in previous discussions of the question.

The British Commissioners replied that they saw in that correspondence no reason to

induce them to change the opinion which they had previously expressed. They then asked whether the American Commissioners had any further proposal to make.

The American Commissioners replied that, in view of the position taken by the British Commissioners, it appeared that the Treaty of June 15, 1846, might have been made under a mutual misunderstanding, and would not have been made had each Party understood at that time the construction which the other Party puts upon the language whose interpretation is in dispute; they therefore proposed to abrogate the whole of that part of the Treaty, and rearrange the boundary line which was in dispute before that Treaty was concluded.

The British Commissioners replied that the proposal to abrogate a Treaty was one of a serious character, and that they had no instructions which would enable them to entertain it; and at the Conference on the 20th of March the British Commissioners declined the proposal.

At the Conference on the 19th of April the British Commissioners proposed to the American Commissioners to adopt the Middle Channel (generally known as the Douglas Channel) as the channel through which the boundary line should be run, with the understanding that all the channels through the Archipelago should be free and common to both Parties.

The American Commissioners declined to entertain that proposal. They proposed that the Joint High Commission should recognize the Haro Channel as the channel intended by the Treaty of June 15, 1846, with a mutual agreement that no fortifications should be erected by either Party to obstruct or command it, and with proper provisions as to any existing proprietary rights of British subjects in the Island of San Juan.

The British Commissioners declined this proposal, and stated that, being convinced of the justice of their view of the Treaty, they could not abandon it except after a fair decision by an impartial Arbitrator. They therefore renewed their proposal for a reference to arbitration, and hoped that it would be seriously considered.

The American Commissioners replied that they had hoped that their last proposal would be accepted. As it had been declined, they would, should the other questions between the two Governments be satisfactorily adjusted, agree to a reference to arbitration to determine whether the line should run through the Haro Channel or through the Rosario Straits, upon the condition that either Government should have the right to include in the evidence to be considered by the Arbitrator such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases. This condition was agreed to.

The British Commissioners proposed that the Arbitrator should have the right to draw the boundary through an intermediate channel. The American Commissioners declined this proposal, stating that they desired a decision, not a compromise.

The British Commissioners proposed that it should be declared to be the proper construction of the Treaty of 1846 that all the channels were to be open to navigation by both Parties. The American Commissioners stated that they did not so construe the Treaty of 1846, and therefore could not assent to such a declaration.

The discussion of this subject was continued during this Conference, and in the Conference of the 22nd of April the Treaty Articles XXXIV to XLII were agreed to.

The Joint High Commissioners approved this Statement, and directed it to be entered in the Protocol.

The Conference was adjourned to the 6th of May.

(Signed)

TENTERDEN.

J. C. BANCROFT DAVIS.

XXXVIIIth Protocol of Conference between the High Commissioners on the part of Great Britain and the High Commissioners on the part of the United States of America.

Washington, May 6, 1871.

THE High Commissioners having met, the Protocol of the Conference held on the 4th of May was read and confirmed.

Lord de Grey said that, as the Joint High Commission would not meet again after to-day, except for the purpose of signing the Treaty, he desired, on behalf of himself and his colleagues, to express their high appreciation of the manner in which Mr. Fish and his American colleagues had, on their side, conducted the negotiations. It had been most

gratifying to the British Commissioners to be associated with colleagues who were animated with the same sincere desire as themselves to bring about a settlement, equally honourable and just to both countries, of the various questions of which it had been their duty to treat, and the British Commissioners would always retain a grateful recollection of the fair and friendly spirit which the American Commissioners had displayed.

Mr. Fish, in behalf of the American Commissioners, said that they were gratefully sensible of the friendly words expressed by Lord de Grey, and of the kind spirit which had prompted them. From the date of the first Conference the American Commissioners had been impressed by the earnestness of desire manifested by the British Commissioners to reach a settlement worthy of the two Powers who had committed to this Joint High Commission the treatment of various questions of peculiar interest, complexity, and delicacy. His colleagues and he could never cease to appreciate the generous spirit and the open and friendly manner in which the British Commissioners had met and discussed the several questions that had led to the conclusion of a Treaty which it was hoped would receive the approval of the people of both countries, and would prove the foundation of a cordial and friendly understanding between them for all time to come.

Mr. Fish further said that he was sure that every member of the Joint High Commission would desire to record his appreciation of the ability, the zeal, and the unceasing labour which the Joint Protocolists had exhibited in the discharge of their arduous and responsible duties, and that he knew that he only gave expression to the feelings of the Commissioners in saying that Lord Tenterden and Mr. Bancroft Davis were entitled to, and were requested to accept, the thanks of the Joint High Commission for their valuable services, and the great assistance which they had rendered with unvarying obligingness to the Commission.

Lord de Grey replied, on behalf of the British Commissioners, that he and his colleagues most cordially concurred in the proposal made by Mr. Fish that the thanks of the Joint High Commission should be tendered to Mr. Bancroft Davis and Lord Tenterden for their valuable services as Joint Protocolists. The British Commissioners were also quite as sensible as their American colleagues of the great advantage which the Commission had derived from the assistance which those gentlemen had given them in the conduct of the important negotiations in which they had been engaged.

Monday, the 8th of May, was appointed for the signature of the Treaty.

(Signed)

TENTERDEN.

J. C. BANCROFT DAVIS.
