THE GREAT TREATY.

Summary of the Proceedings of the Joint High Commission.

THE LAWS OF NEUTRALS DISCUSSED.

Manner in Which the British Apology Was Obtained.

THE FISHERIES QUESTION.

A Request for the Renewal of the Reciprocity Treaty.

THE BOUNDARY DISPUTE.

Friendly and Cordial Discussions Over the Several Subjects.

LETTERS OF APPOINTMENT AND INSTRUCTION.

NORFOLK, May 16, 1871.

The following are the letters of appointment and instructions sent to the American Commissioners:—

DEPARTMENT APPOINTMENTS AND INSTRUCTIONS,
DEPARTMENT OF STATE, WASHINGTON, Feb. 20, 1871.

SIR—The President having, by and with the advice and consent of the Senate, appointed you to be a Commissioner of the United States in a Joint High Commission between the United States and Great Britain, I hereby inclose your commission. You will be pleased to inform this department of the receipt of it, and, should it be accepted, of the name of the State or county in which you were born. I also inclose a blank form of the oath of allegiance, which, in the event of your acceptance, you will please execute and return to this department for file. I am, sir, your obedient servant,
HAMILTON FISH.

Hon. ROBERT C. SCHENCK.

A similar letter was addressed to the Hon. E. R. Hoar, Hon. Samuel Nelson and Hon. George H. Williams:—

I, Robert C. Schenck, having been appointed a commissioner of the United States in a Joint High Commission between the United States and Great Britain, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution, within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Sworn to and subscribed before me this — day of —.

LETTER OF INSTRUCTION.
DEPARTMENT OF STATE,
WASHINGTON, Feb. 22, 1871.

SIR—Your high character and experience in public affairs, and the familiarity which your long service under the federal government has given you of the questions to be discussed and treated by the Joint Commission, of which you have been appointed a member, seem to render unnecessary any instructions upon the questions that will come under the consideration of that body. Another consideration, more personal to the undersigned, forbids an attempt on his part to give instructions to his associates on the commission. You will receive herewith a confidential memorandum, embodying a reference to correspondence of this department, and to the history of several of the questions which may be discussed by the commission, viz.:—

I. The fisheries.
II. The navigation of the St. Lawrence.
III. Reciprocal trade between the United States and the Dominion of Canada.
IV. Northwest water boundary and the island of San Juan.
V. The claims of the United States against Great Britain on account of acts committed by rebel cruisers.
VI. Claims of British subjects against the United States for losses and injuries arising out of acts committed during the recent civil war in the United States.

It is hoped that this memorandum, which has been prepared in this department, may aid you, by its references, in the consideration of the several questions on which it treats. The President commits the discussion and treatment of the several questions to the joint discretion of yourself and your associates. The sittings of the Commission being in this city, you will have the opportunity, of which he expects you to avail yourself, of conferring with him upon the points on which you may have serious doubts, and you can also cautiously and confidentially ascertain the views and opinions of Senators to whom, in case your negotiations shall result in a treaty or convention, that result must be submitted for their constitutional advice and consent.

One point not referred to in the accompanying memorandum will probably be brought to the consideration of the Joint Commission, viz.:—Some agreement between the two governments defining their respective rights and duties as neutrals in case the other government be engaged in war with a third Power. It is enough that the subject be indicated and your attention to it asked as one of the important questions that may engage the consideration of the Commission. The President hopes that whatever principles may be established or recognized in connection with this subject shall be considered equally applicable to the period covered by the late civil war in this country and the future.

I have the honor to be, sir, your obedient servant,
HAMILTON FISH.

To Hon. ROBERT C. SCHENCK.

The same letter was addressed to each member of the Commission. The memoranda alluded to above are brief histories of the several questions above named.

THE PROTOCOLS OF CONFERENCE.

The following are the protocols of conference, the record of the proceedings of the Joint High Commission, showing the process by which the Commissioners arrived at the conclusions embodied in the Treaty of Washington:—

Protocol 1.

WASHINGTON, Feb. 27, 1871.—The High Commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof exchanged, as follows:—

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 1871, and of the Independence of the United States of America the ninety-fifth.
U. S. GRANT.

By the President, HAMILTON FISH, Secretary of State.

VICTORIA REG.—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 special 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 Earl of Ripon Viscount Goderich, Baron Grantham, a baronet, a peer of our United Kingdom, President of our Most Honorable 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 Honorable Order of the Bath, &c., &c.; of our trusty and well beloved Sir Edward Thornton, Knight Commander of our most honorable Order of the Bath, our Envoy Extraordinary and Minister Plenipotentiary to our good friends the United States of America; of our trusty and well beloved Sir John Alexander Macdonald, Knight Commander of our most honorable Order of the Bath, a member of our Privy Council for Canada and Minister of Justice and Attorney General of our Dominion of Canada, and of our trusty and well beloved Montague Bernard, Esq., 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 16th day of February, in the year of our Lord 1871, and in the thirty-fourth year of our reign.

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 Lord Tenterden, Secretary to the British High Commission, and Mr. Bancroft Davis, 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:—

SIR EDWARD THORNTON TO MR. FISH.
WASHINGTON, Jan. 26, 1871.

SIR—In compliance with an instruction received from Earl Granville I have the honor to state that her Majesty's government deem it of importance to the good relations which they are ever anxious should subsist and be strengthened between the United States and Great Britain that a friendly and complete understanding should be come to between the two governments as to the extent of the rights which belong to the citizens of the United States and her Majesty's subjects respectively, with reference to the fisheries on the coasts of her Majesty's possessions in North America, and as to any other questions between them which affect the relations of the United States towards these possessions. As the consideration of these matters would, however, involve investigations of a somewhat complicated nature, and as it is very desirable that they should be thoroughly examined, I am directed by Lord Granville to propose to the government of the United States the appointment of a joint high commission, which shall be composed of members to be named by each government, shall hold its sessions at Washington and shall treat of and discuss the mode of settling the differences which have arisen out of the fisheries as well as those which affect the relations of the United States towards her Majesty's possessions in North America.

I have laid your note before the President, who instructs me to say that he shares with her Majesty's government the appreciation of the importance of a friendly and complete understanding between the two governments with reference to the subjects specially suggested for the consideration of the proposed joint high commission, and he fully recognises the friendly spirit which has prompted the proposal. The President is, however, of the opinion that without the adjustment of a class of questions not alluded to in your note the supposed high commission would fail to establish the permanent relations and the sincere, substantial and lasting friendship between the two governments, which, in common with her Majesty's government, he desires should prevail. He thinks that the removal of the differences which arose during the rebellion in the United States, and which have existed since then, growing out of the acts committed by the several vessels which have given rise to the claims generally known as the "Alabama Claims," will also be essential to the restoration of cordial and amicable relations between the two governments. He desired me to say that should her Majesty's government accept this view of this matter, and admit that this subject also may be treated of by the proposed High Commission, and may thus be put in the way of a final and amicable settlement, this government will with much pleasure appoint High Commissioners on the part of the United States to meet those who may be appointed on behalf of her Majesty's government, and will spare no efforts to secure, at the earliest practicable moment, a just and amicable arrangement of all the questions which now unfortunately stand in the way of an entire and abiding friendship between the two nations.

I have the honor to be, with the highest consideration, sir, your very obedient servant,
HAMILTON FISH.

Sir EDWARD THORNTON, K.C.B., &c., &c.

SIR EDWARD THORNTON TO MR. FISH.
WASHINGTON, Feb. 1, 1871.

SIR—I have the honor to acknowledge the receipt of your note of the 30th ult. and to offer you my sincere and cordial thanks for the friendly and conciliatory spirit which pervades it. With reference to that part of it in which you state that the President thinks that the removal of the differences which arose during the rebellion in the United States, which have existed since then growing out of the acts committed by the several vessels which have given rise to the claims generally known as the "Alabama claims," will also be essential to the restoration of cordial and amicable relations between the two governments, I have the honor to inform you that I have submitted to Earl Granville the opinion thus expressed by the President of the United States, the friendliness of which, I beg you to believe, I fully appreciate. I am now authorized by his Lordship to state that it would give her Majesty's government great satisfaction if the claims commonly known by the name of the "Alabama claims" were submitted to the consideration of the same High Commission by which her Majesty's government have proposed that the questions relating to the British possessions in North America should be discussed, provided 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, are similarly referred to the same Commission. The expressions made use of in the name of the President in your above mentioned note with regard to the "Alabama claims" convince me that the government of the United States will consider it of importance that these causes of dispute between the two countries should also and at the same time be done away with, and that you will enable me to convey to my government the assent of the President to the addition which Earl Granville proposes to the duties of the High Commission, which cannot but tend to the removal of an unfriendly feeling which lies at the root of so many of the differences between the two countries.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,
EDWARD THORNTON.

The Hon. HAMILTON FISH, &c., &c., &c.

MR. FISH TO SIR EDWARD THORNTON.
DEPARTMENT OF STATE,
WASHINGTON, Jan. 26, 1871.

SIR—I have the honor to acknowledge the receipt of your note of the 1st inst., in which you inform me that you are authorized by Earl Granville to state that it would give her Majesty's government great satisfaction if the claims commonly known by the name of the "Alabama claims" were submitted to the consideration of the same High Commission by which her Majesty's government have proposed that the questions relating to the British possessions in North America should be discussed, provided 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, are similarly referred to the same committee. I have laid your note before the President, and he has directed me to express the satisfaction with which he has received the intelligence that Earl Granville has authorized you to state that her Majesty's government has accepted the views of this government as to the disposition to be made of the so-called "Alabama claims." He also directs me to say, with reference to the remainder of your note, that if there be other and further claims of British subjects or of American citizens, growing out of acts committed during the recent civil war in this country, he assents to the propriety of their reference to the same high commission; but he suggests that the High Commissioners shall consider only such claims of this description as may be presented by the governments of the respective claimants at an early day to be agreed upon by the Commissioners.

I have the honor to be, with the highest consideration, sir, your obedient servant,
HAMILTON FISH.

Sir EDWARD THORNTON, K. C. B., &c., &c.

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.
J. C. BANCROFT DAVIS.
TENTERDEN.

Protocol 2.

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.
J. C. BANCROFT DAVIS.
TENTERDEN.

All the protocols, from the third to the thirty-fourth inclusive, are precisely the same and read as follows:—

The High Commissioners having met, the protocol of the conference held on the — of — was read and confirmed. The High Commissioners then proceeded with the consideration of the matters referred to them. The conference was adjourned to the — of —.
J. C. BANCROFT DAVIS,
TENTERDEN.

Protocol 35.

WASHINGTON, May 8, 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 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 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, or 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, it 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.
U. S. GRANT.

By the President.
HAMILTON FISH, Secretary of State.

This full power was examined by the British Commissioners and found satisfactory. The Joint Hight Commissioners determined that they would embody in 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.
J. C. BANCROFT DAVIS.
TENTERDEN.

Protocol 36.

WASHINGTON, May 4, 1871.—The High Commissioners having met, the protocol of the conference held on the 3d 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:—

"Statements," articles 1 to 11. At the conference held on the 8th of March the American Commissioner 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 Britian during the recent rebellion in the United States; that what has occurred in Great Britian 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 cruisers 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 cruisers, 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 cruisers 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 cruisers 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 towards 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, 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, provided 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 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 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 was room for such instruction, nor did they incline 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 of 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 regard 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 one to eleven were agreed to. Articles twelve to seventeen at the conference on the 4th March were agreed to. The subjects were 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 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, was deferred until 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 26, relating to the mode of settling the different questions which have arisen out of the fisheries as well as 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 subject 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 subject 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 twelve to seventeen 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 replied 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 3d of May the British Commissioners stated that they were instructed by their government to express their regrets 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 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 favor.

The British High Commissioners said that under the circumstances they would not urge further; that the settlement of the 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.

In articles 18 to 25, 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 inquire 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 June 5, 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, if any considerable modification were made in the tariff arrangement of that trade, 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 question relating to navigation of the river St. Lawrence and of Canadian canals and to other commercial questions affecting Canada should be treated by themselves. The subject of the fisheries was further discussed at the conference on the 7th, 20th, 22d and 25th of March. The American Commissioners stated that if a 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 one million dollars as the sum that 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 objections.

The American Commissioners inquired whether it would be necessary to refer any arrangement for purchase to the colonial or provincial Parliament.

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 assent 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 favor 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 the tendency of legislation in the United States was towards the reduction of taxation of duties in proportion to the reduction of the public debt and expenses, they would further propose that timber be admitted free from duty, from and after the 1st of July, 1874, subject to the approval of Congress, which was necessary on 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 reciprocal had been made entirely in the interest of peaceful settlement, and for the purpose of removing a source of irritation and 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 these 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 18 to 25 were agreed to at the Conference on the 22d of April, and articles 23 to 33 at the Conference on the 7th 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 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 of March the Joint High Commission considered the subject of the American improvement of the navigation of the St. Clair flats.

At the conference of the 18th of 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 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 of the 23d of 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 forty-fifth 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 asked to the Canadian canals which were asked. They proposed, in connection with a reciprocal arrangement as to transit and transhipment, 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 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 at St. John was proposed for consideration by the American Commissioners.

At the conference on the 22d 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 transhipment, 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 has 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 recommend that the 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 transhipment 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 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 Confer