

Inclosure 2 in No. 1.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General, on the 1st day of April, 1875.

ON a Report dated 31st March, 1875, from the Honourable the Minister of Customs, representing that he has been given to understand that the United States' Customs Officers at San Francisco and other ports deny the right of the Province of British Columbia to participate in the terms of the Washington Treaty, which provide for the admission free of duty of fish and fish oil, &c., the product of the Canadian Fisheries, and demand and collect duties upon the same as if the said Treaty had not been made, and further representing that the interpretation given to the law of this Dominion, which was enacted to give effect to the said Washington Treaty, is, and always has been, that fish and fish oils, &c., as therein provided, are equally entitled to free entry in British Columbia, as in all other Provinces of the Dominion, and he submits a copy of the opinion of the Honourable the Minister of Justice on the subject, dated 5th February, 1874. He therefore requests that the case be brought under the notice of Her Majesty's Ambassador to the United States at Washington, with a view to the adoption of proper measures for the removal of the illegal restrictions imposed on the imports of such articles from British Columbia into the United States.

The Committee concur in the above Report, and advise that a copy of this Minute and of the report of the Minister of Justice therein referred to, be transmitted to Sir Edward Thornton.

Certified,
(Signed) W. A. HIMSWORTH,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 1.

Report by the Minister of Justice of Canada.

Department of Justice, February 5, 1874.

REFERENCE is made by the Department of Marine and Fisheries as to whether fish oils from the Province of British Columbia are admissible into United States' markets duty free under the Treaty of Washington.

By Article XXI of the Treaty of Washington, fish and fish oil, the produce of the United States' fisheries or of the Dominion of Canada, shall be admitted into each country free of duty.

By Article XXXIII, Article XXI, &c., shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial and Canadian Parliaments on the one hand, and the United States' Congress on the other.

The Treaty itself bears date the 8th May, 1871, and is, as to these clauses, in effect a proposition of the Commissioners for free exchange of the commodities named, should each country see fit to pass laws covering the suggestion.

The real agreement and its terms are to be looked for in the Legislative action of the two countries, and these consist of—

1st. Statutes, Canada, 1873, chapter 2, passed 14th June, 1872; section 2 of which provides for the admission into Canada, free of duty, of fish and fish oils, the produce of the fisheries of the United States.

At the time of the passing of this Act, the Province of British Columbia was a part of Canada, having been admitted 20th July, 1871; was represented in Parliament; and, therefore, there being no restriction in the Act, Canada was bound by it to admit into the ports of British Columbia United States' fish and fish oils.

2nd. Act of Congress, United States; approved 1st March, 1873. It is enacted that whenever the President of the United States shall receive satisfactory evidence that the Parliament of Canada has passed laws on its part to give full effect to Article XXI of the Treaty, "the President is to issue his Proclamation to that effect, and thereafter all fish oil and fish, the produce of Canada, shall be admitted into United States free of duty."

The President's Proclamation, as above required, was published July 1, 1873.

There being no restriction in the Act of Congress, it must be taken as applying to what at the time constituted Canada; and as British Columbia then formed a part of