

No. 9.

The Earl of Derby to Sir E. Thornton.

Sir,

Foreign Office, June 7, 1875.

WITH reference to my despatch of the 13th ultimo, I transmit to you a copy of a letter from the Colonial Office* forwarding a despatch from the Canadian Government which suggests that a representation should be made to the United States' Government, against the duty recently imposed upon tin cans and other packages containing duty-free fish imported into the United States, and I have to instruct you to take such steps as you may think advisable for obtaining the removal of the duty in question.

I am, &c.
(Signed) DEBBY.

No. 10.

Lord Tenterden to Mr. Herbert.

Sir,

Foreign Office, June 7, 1875.

I AM directed by the Earl of Derby to acknowledge the receipt of your letter of the 28th ultimo, forwarding a further communication from the Canadian Government as to the duty recently imposed in the United States upon tin cans containing duty-free fish, and I am to state to you, for the information of the Earl of Carnarvon, that copies of these papers have been sent to Sir E. Thornton, and that he has been instructed to take such steps as he may think advisable for obtaining the removal of the duty in question.

I am, &c.
(Signed) TENTERDEN.

No. 11.

Sir E. Thornton to the Earl of Derby.—(Received July 3.)

(Extract.)

Washington, June 21, 1875.

WITH reference to my despatch of the 19th of April last, I have the honour to inclose copies of a note and of its inclosures which I have at length received from Mr. Cadwalader, Acting Secretary of State, in answer to mine of the 15th of April last, relative to the refusal of the Collector of Customs at Philadelphia to admit free of duty certain tins of lobster coming from Canada, and to the imposition of a duty upon tin cans containing fish, the latter being free of duty by the provisions of the Treaty of May 8, 1871.

Your Lordship will perceive that, in the first instance, the Collector of Customs of Philadelphia excuses himself by supposing that the lobsters in question were preserved in oil, and therefore excepted from free admission by the terms of the Treaty. I must acknowledge that I am surprised that the Master of the "Lizzie Dakers" took back the lobster in question without even entering a protest before Her Majesty's Consul or making any representation to Her Majesty's Minister, in either of which cases the matter would probably have been investigated, and it would have been proved whether the lobster could have been admitted or not under the terms of the Treaty.

With regard to the duty imposed upon tin cans containing fish which itself would be free of duty, Mr. Cadwalader, who has not sent me a copy of the communication from the Secretary of the Treasury, states that the latter thinks that it is not proper for him to express an opinion in reference to this legislation in the absence of a request from Congress so to do. The Secretary of the Treasury adds that, in a case of doubtful construction, he would be slow to construe an Act of Congress so that it might be held to do violence to a Treaty stipulation, but that in this instance the language of the Act is so clear as to admit of no doubt, and that he considers that the assessment of duty on tin cans containing fish imported under the Treaty is required by such Act.