

These papers consist of two letters from Mr. Thomas G. Bourne, of the city of St. John, New Brunswick, dated respectively 7th January and 18th February, 1875, stating that, having consigned 50 cases of canned lobsters to Philadelphia, accompanied by a United States' Consul's certificate that the fish was the produce of Canadian fisheries, the Collector of that port refused to accept entry without payment of duty, which letters are accompanied by an affidavit of Charles Buckard, Master of the schooner "Lizzie Dakers," in which vessel the fish was conveyed to Philadelphia, confirmatory of Mr. Bourne's statements.

In addition to the above the Minister also submits two telegrams from the Collector of Customs of Philadelphia, and one from the Collector of the Port of Boston, dated 13th and 15th March ultimo, to the Commissioner of Customs, from which it will be seen that, while they disclaim the collection of duty on the fish, they have charged a very onerous duty upon the cans in which it is contained, viz., 1½ cents each upon quart cans, and 1½ cents for each additional quart.

In connection with these papers the Minister further invites the attention of your Excellency in Council to the XXIst Article of the Treaty of Washington, which is as follows:—

"It is agreed that for the term of years mentioned in Article XXXIII of this Treaty fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling in to them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island, shall be admitted into each country respectively free of duty,"

The Minister submits that the language of this Article is very explicit, and that any measure which imposes a duty upon ordinary and usual packages which it is the custom of parties engaged in the trade to use, for the preservation and transportation of the fish, is, in effect, the imposition of a duty upon the fish itself, and cannot be regarded otherwise than as a violation of the Treaty.

That the cans also upon which this duty is imposed are of no value whatever after the contents are removed, and are only used because of the perishable nature of the commodity, and are essential to its preservation in a fresh condition.

The Minister further represents that all similar canned fish, the produce of the fisheries of the United States, is invariably admitted to entry in all ports of Canada free of duty upon both cans and their contents, that being in accordance with the letter and spirit of the Treaty; and he, therefore, recommends that the question be submitted to Her Majesty's Ambassador to the United States for such action as may be necessary to secure a strict observance of the Treaty obligations referred to.

The Committee fully concur in the views and recommendation submitted in the said Report, and advise that a copy of this Minute, and of the papers therein referred to, to be transmitted by your Excellency to Sir Edward Thornton.

Certified,

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

Inclosure 3 in No. 1.

*Mr. Bourne to Mr. Mackenzie.*

(Extract.)

*St. John, N.B., January 7, 1875.*

I VENTURE to trouble you with a few facts which may be of interest at the present time.

In October last I had a vessel proceeding to Philadelphia, and relying on the clauses of the Washington Treaty making fish of all kinds free between the two countries, I shipped fifty cases of preserved lobsters.

They were regularly entered on the ship's manifest, and accompanied by a proper certificate signed by the American Consul here, who assured me that there was no duty. On arrival at Philadelphia they were refused entry unless 35 per cent. duty was paid. The Captain appealed to the Collector personally, but could get no other answer, so they were brought back with the loss of freight and insurance both ways, besides loss of time, &c. This appears to me to be very one-sided reciprocity, for it is within my own personal knowledge that numbers of American houses catch and can or preserve lobsters all along our coasts and supply the upper