

and that the latter have failed to observe the implied engagement. This aspect of the subject is, therefore, interesting. The Washington Treaty was concluded on May 8th, 1871. Towards the close of the same year, the Governor of New York addressed the following letter to the President of the United States :—

STATE OF NEW YORK,  
EXECUTIVE CHAMBERS,  
ALBANY, Dec. 4th, 1871.

SIR,—I received this morning your letter of Nov. 29th, transmitting to me a copy of a treaty concluded on May 8th last between the United States and Great Britain, calling my attention to 27th article thereof, whereby the United States engages to urge upon the States Governments to secure to the subjects of Her Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States, and requesting me to bring the provisions of this article before the Legislature of this State, now about to convene, and to recommend to it such legislation as will secure to the subjects of Her Britannic Majesty in North America the use of the canals of this State on equal terms with our own citizens.

I have caused enquiry to be made of those charged with the administration of the canals of this State, and learn from them that they know of no restrictions now to be found in the laws of the State upon the equal use of the canals by British subjects and American citizens; that there are no restrictions upon foreigners being the owners, in part or in whole, of boats entitled to navigate our canals; nor would a boat owned wholly in Canada be forbidden the use of our canals, or be subject to other tolls or other regulations than those imposed upon boats owned in our own State.

I shall, nevertheless, with great pleasure, call the attention of the Legislature to the subject, and recommend them to pass such laws as they may find to be necessary to carry into effect at once the agreement made in the 27th article of the Treaty. I have, etc.,

JOHN W. T. HOFFMAN.

His Excellency,

ULYSSES S. GRANT,

President of the United States.

The pledge of Governor Hoffman was redeemed. In his annual message in January, 1872, he called the attention of the Legislature to the subject, and recommended the prompt passage of any laws which might be necessary for the fulfilment of the agreement on the part of the United States government under Article 27. No laws, however, were passed, for the reason that there were no restrictions to be removed. As for the State of Michigan, its Legislature, by resolution on March 23rd, 1872, opened the Sault St. Marie canal to Canadian citizens on terms of equality with citizens of the United States. It appears, therefore, that the Washington government took steps to carry out its promise to urge the State governments to open their canals to Canadians on terms of equality with Americans, and that both New York and Michigan complied with the request. Yet on November 12th, 1874, the Canadian government passed an Order in Council complaining that the engagement entered into by the United States under Article 27 had not been carried into practical effect, and recommending that the British Minister at Washington should be communicated with for the purpose of ascertaining whether the American government intended to carry out its promise. The correspondence shows that Sir Edward Thornton, the then British Minister at Washington, renewed his communications with the State department, only to be assured once again that the engagement under Article 27 had been faithfully complied with, whereupon Lord Carnarvon requested the Canadian government to give particulars of the specific cases upon which the latter had founded their representation that the Americans had not kept faith. On February 18th, 1875, an Order-in-Council was passed at Ottawa, which concluded as follows :—