

clause inserted, pledging the British and United States' Governments to make it the subject of a separate arrangement. Mr. Marcy, who, I am bound to say evinced, in all his communications with me, great candour and firmness, expressed much unwillingness to adopt this course, feeling apprehensive, as he alleged, that it might lead to embarrassing discussions in the Senate. The same objection applied with even greater force to the insertion of a clause in the Treaty, reserving (as suggested in your Lordship's despatch, Secret, No. 6 of May-19) not only "the rights of France under existing Treaties," but also "the rights which might be conferred on France by any future Treaty." After much consideration, we agreed on the clause which now stands No. 6 in the Treaty. By the terms of this clause, the provisions of the Treaty are extended to Newfoundland, in "so far as they are applicable to that Colony," and it is further agreed that, if either the Imperial Parliament, the Provincial Parliament, or Congress should fail to include Newfoundland in any legislation which may be necessary for giving effect to this Treaty, such omission shall not prevent the Treaty from taking effect as regards the other Colonies. The terms of the Treaty itself, therefore, distinctly imply that in some respects, it is not applicable to Newfoundland; and they further point out a mode by which that Colony may be excluded from its operation. I have been most desirous, as I trust your Lordship will believe, to avoid doing anything at Washington which could prejudice the endeavours of Her Majesty's Government to effect an amicable arrangement with France, in reference to the rights of that country in the fisheries of Newfoundland. At the same time I felt, and in this opinion Mr. Crampton fully concurred, that so favourable an opportunity for settling important questions, which had been long pending between Great Britain and the United States, might not again present itself, and that I ought not to shrink from assuming any responsibility which the faithful discharge of the duty which your Lordship had imposed upon me might entail.

3. Passing from this special, though embarrassing case, the general scope of the Treaty may be briefly described as providing for the admissions, duty free, into one of the greatest, and certainly the most rapidly rising, market of the world of all the more important staple products of the British North American Colonies, among which are included coal, timber, fish, grain, and flour. In return for this advantage, the people of the United States obtain certain rights of fishing and navigation, which they value highly; but the enjoyment of which by them will, it may be confidently predicted, be attended with benefit rather than loss to the colonists, as leading to the more rapid improvement of resources hitherto but imperfectly developed.

4. In the original drafts of this Treaty the fisheries and estuaries were reserved for the fishermen of either nation respectively, and in subsequent drafts, in order to avoid disputes to which the ambiguity of the word "estuary" might give rise, it was provided that the estuaries and rivers to be excepted from its operation should be enumerated. I found, however, on inquiry, that this enumeration would occasion great delay, and that it was even doubtful whether the Treaty could be submitted to the Senate before it was complete in this particular, I agreed therefore with Mr. Secretary Marcy to substitute the words which your Lordship will find in the second paragraphs of Articles I and II for the terms used in earlier drafts, and to add an Arbitration Clause, which will, I trust, furnish the means of amicably adjusting any differences which may arise with respect to the extent of the reservation in question.

5. In order to rid of all difficulty in regard to interference with the chartered rights of the Hudson's Bay Company, and also with respect to privileges of fishing on the coast of Florida, the fisheries on the Pacific Coast have been altogether omitted from this Treaty, and the liberty of fishing conceded to the subjects of Her Majesty on the eastern coast of the United States has been bounded by a geographical line.

6. I was unable to induce Mr. Marcy to consent to the introduction of a clause conceding to Colonial-built vessels registration in the United States when owned by citizens of that country. It is very obvious, however, that if, in consequence of the refusal of this boon, the cost of carriage in Colonial vessels is rendered permanently lower than in vessels of the United States, the evil must soon correct itself, under a system which admits the bulky staples of the Colonies duty free into the American market. Mr. Marcy, on his side, agreed to withdraw the claims which he had formerly preferred on behalf of the citizens of the United States to the free navigation of the River St. John.

7. Article IV of the Treaty is further modified in the following particulars:—Firstly. That the suspension of the Reciprocity Article III, which is to follow, if the British Government should at any time exercise the reserved right of closing the St. Lawrence against the United States' vessels, shall take effect only in so far as Canada is affected thereby; and, Secondly. That the Navigation of Lake Michigan is secured to