

lation of the Treaty illusory."<sup>17</sup> Canada imposed no retaliatory duty on American tin cans containing fish or fish oil imported into Canada under the same Article.

The diplomatic relations between the United States and China furnish several illustrations of the Congressional revocation of Treaties conceding municipal and reciprocal international privileges, or concessions, to the subjects of that Empire.

By what is known as the Burlinghame Treaty with China of 1868, it was provided that citizens of the United States visiting, or residing, in China, and Chinese subjects visiting, or residing, in the United States, should reciprocally enjoy the same privileges, immunities and exemptions in respect to travel or residence as may then be enjoyed "by the citizens or subjects of the most favoured nation;" and that they should also reciprocally enjoy all the privileges and immunities of the public educational institutions under the control of either nation "as are enjoyed in the respective countries by the citizens or subjects of the most favoured nation."

The first Congressional variation of the provisions of this Treaty was made in 1875, by which contracts of service with Chinese subjects were declared void within the United States.<sup>18</sup>

In 1880, another Treaty with China provided that the Government of the United States might regulate, limit, or suspend the coming or residence, of Chinese labourers in the United States, "but may not absolutely prohibit it."<sup>19</sup>

Notwithstanding the Treaty concession of such reciprocal residential, educational, and trade privileges "as were accorded to the citizens, or subjects, of the most-favoured nation," Congress passed an Exclusion Act in 1888, depriving Chinese subjects of certain Treaty privileges.<sup>20</sup> On appeal, the Supreme Court held that "the Exclusion Act of 1888 was in contravention of the express stipulations of the Treaty of 1868 and of the Sup-

<sup>17</sup> Canada Sessional Papers (1877), vol. 10, No. 14, p. 6.

<sup>18</sup> Statutes at Large (U.S.), vol. 18, p. 477, c. 141.

<sup>19</sup> Compilation of Treaties in Force (U.S.), 1899, p. 118.

<sup>20</sup> Statutes at Large (U.S.), vol. 25, pp. 476 and 504, cc. 1015 and 1064.