

any similar charge against the United States. The admission is most important, as it enables both parties to judge of that which has been effected by the treaty, and removes the discussion to other subjects which affect the commercial relations of both countries, but do not impugn the good faith of either.

The Committee, however, charge upon Canada breaches of the spirit and intention of the treaty, by an increase of duties on manufactured articles; by a change in the mode of levying the said duties; and by the abolition of tolls on the St. Lawrence Canals and river. The undersigned proposes to shew, by a careful review of the report of the Committee, that these allegations are wholly without foundation, as affording any ground of complaint by the United States. It may perhaps be as well here, however to dispose at once of any question arising upon the right of Canada to impose such duties as she may please on manufactured goods. The spirit and intent of any treaty can only refer either to the mode of dealing with subjects in it, or necessarily affected through it. The treaty contains no reference to manufactured articles whatever, but is expressly limited to articles, "the growth and produce" of the respective countries (of which a Schedule is attached.) It is therefore an assumption for which no ground exists, to allege that either its spirit or intent could possibly be affected by the policy of either country as regards any unenumerated article. The spirit of the treaty was, however, infringed by the United States, by the imposition of heavy consular fees on proof of origin, which thus became tantamount to a duty, and which were therefore, after nearly two years of negotiation, finally removed by Act of Congress. In proof that the United States never contemplated any latitude being given to the express words of the treaty, it may be here stated that under the article of timber and lumber, they have subjected to duty all planks and boards which were either in whole or in part planed or tongued and grooved, giving the most restricted sense to the words used "unmanufactured in whole or in part." In further evidence of the views taken by that Government of the "spirit and intent" of the treaty, it may be stated that they subject to duty flour ground in Canada from *American wheat*, although Canadian flour is free. So also is lumber made in Canada, out of *American saw logs*, subject to duty in the United States. In these cases, especially in the two latter, it may well be questioned whether their decision is in conformity with the spirit of the treaty, or even its letter; it certainly does not harmonize with the allegation that there was a tacit understanding that the treaty went beyond its letter.

It is scarcely necessary to argue upon such a perfectly groundless assertion, as that manufactured goods were affected by the treaty; but admitting it were so, this obligation must have been mutual, and if Canada were debarred from increasing her duties, the United States must have been equally held bound. Their necessities have produced an enormous increase in their customs duties, against which Canada certainly pretends no right to complain; why then do they complain of what has been found needful here? Some plausible reason might have been found, had Canada imposed differential duties against *American manufactures*;