

and repossess, by land or internal navigation, into the respective territories of the two nations, and freely to carry on trade with each other." It further provided that all goods and merchandise (not prohibited by law) should "freely, for the purposes of commerce, be carried into the United States by His Majesty's subjects; and such goods or merchandise shall be subject to no higher duties than those payable by the citizens of the United States on importations of the same on American vessels into the Atlantic ports of the said States." The duty payable on such importations at the Atlantic ports was 16½ per cent., but the United States enforced the payment by Canadians of a duty of 22 per cent. at the inland ports along the Canadian boundary line; and also a fee of 6 dollars for a license to trade with the Indians, not chargeable against American traders;¹⁴ and so turned into diplomatic irony the closing words of the Article:—

"As this Article is intended to render in a great degree the local advantage of each party common to both, and thereby to promote a disposition favourable to friendship, and good neighbourhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all concerned therein."¹⁵

A similar policy was adopted in 1875 by Congress imposing a customs duty on the tin cans in which Canadian fish and fish oil were entitled by Article 21 of the Treaty of Washington of 1871 to be imported into the United States "free of duty." The Act of Congress enacted: "That cans or packages made of tin or other material, containing fish of any kind admitted free of duty under any law or Treaty,"¹⁶ shall be subject to a specific duty, though the tin cans when opened were necessarily destroyed, as unsaleable and useless. The effect of this legislation was declared by the British Minister to "prohibit entirely the importation of fish from Canada into the United States, and to render the stipu-

¹⁴ American State Papers, Foreign Relations, vol. 3, p. 152.

¹⁵ Treaties and Conventions between the United States and Other Powers, p. 319.

¹⁶ Statutes at Large (U.S.), vol. 18, p. 308, c. 36.