

On anchovies and sardines, packed in oil or otherwise, in tin boxes, fifteen cents per whole box, measuring not more than five inches long, four inches wide, and three and a-half inches deep; seven and one-half cents for each half-box, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep; and four cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-half inches deep; when imported in any other form, sixty per centum *ad valorem*: Provided, that cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or Treaty, not exceeding one quart in contents, shall be subject to a duty of one cent and a-half on each can or package; and when exceeding one quart, shall be subject to an additional duty of one cent and a-half for each additional quart, or fractional part thereof.

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Inclosure 4 in No. 4.

*Sir E. Thornton to Mr. Cadwalader.*

Sir,

*Washington, April 15, 1875.*

I HAVE the honour to invite your attention to the following circumstances which have been communicated to me by the Governor-General of the Dominion of Canada:—

It seems that the British schooner "Lizzie Dakers," of St. John, New Brunswick, owned by Thomas G. Bourne, of St. John, New Brunswick, being, on or about the 16th of October last, under charter to proceed to Philadelphia, took on board fifty cases of preserved lobsters in cans.

On arrival at that port, the master requested entry of these goods under the terms of the Washington Treaty, as being free of duty. He states that they were refused entry, and that, on personal application to the Collector of the Port, he was told that they could only be entered subject to a duty of 35 per cent. *ad valorem*. The goods were accompanied by a proper certificate obtained from the United States' Consul at St. John; but, in consequence of the decision of the Collector, the master took the fifty cases back again, and they were relanded at St. John. The owner of the goods claims that the actual loss on the goods in freight, insurance, and other expenses has amounted to 52 dollars, without any allowance for loss of time on the goods or expenses at Philadelphia.

If the facts are as stated by the master of the "Lizzie Dakers," it seems to me that the refusal to receive the goods in question free of duty was an infraction of the Treaty of May 8, 1871, and of the Act of Congress of March 1, 1873, and that the owner of the goods is entitled to compensation for the loss he has suffered; and I have the honour to ask that inquiries may be instituted upon the subject.

A representation has also been forwarded to me by the Governor-General of Canada, relative to a duty levied upon the tin cans containing lobster and other fresh fish imported into the United States from Canada.

I presume that the imposition of this duty is in accordance with the proviso at the end of the 4th section of the Act of Congress of February 8, 1875, which enacts "that cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or Treaty, not exceeding one quart in contents, shall be liable to a duty of 1½ cent on each can or package." But I must be allowed to observe that this enactment seems to me to be entirely contrary to the spirit of the XX1st Article of the Treaty above mentioned, which provides for the free admission of fish of all kinds into each country.

The tin can which contains lobster and other fresh fish is not like other packages or vessels containing duty-free articles, upon which packages or vessels, such as carboys, casks, barrels, &c., duty is levied; for these are, when emptied, saleable and useful articles, whilst the tin cans containing fish are necessary to the preservation of the contents, but, when opened, are necessarily destroyed, and are unsaleable and useless.

I should hesitate to believe that this particular proviso of the Act of Congress of February 8, 1875, was especially directed against the fish preserved in cans, the produce of the Dominion of Canada and of Prince Edward Island, which suffers from this duty; whilst, on the other hand, no duty is levied in Canada upon tin cans containing fish, the produce of the United States.

I venture to hope that the Government of the United States, which, I am convinced, is imbued with a spirit of liberality upon this matter, will acquiesce in