

such action is the result of a new negotiation and agreement between the respective governments.

I. Your memorialists prefer to rest this remonstrance upon the single consideration of national good faith—the scrupulous regard for treaty obligations which the American government has always observed and will continue to observe.

For this purpose we invite attention to the fifth article of the treaty, which follows :

ARTICLE 5. The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain, and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same ; each of the high contracting parties being at liberty to give such notice to the other at the end of said term of ten years, or at any time afterwards.

This treaty was promulgated by President Pierce on the 11th of September, 1854. The period from its date to promulgation, June 5 to September 11, was occupied in the passage of laws to carry it into operation by the United States, England and the provinces interested. Under a special article (article 6) the treaty did not become applicable to the Island of Newfoundland until December 12, 1855.

From the date of President Pierce's proclamation, September 11, 1854, the period of ten years must therefore be computed, within which the operation of the treaty is removed beyond the power of Congress. The life and obligation of the treaty extends to September 11, 1864, and neither of the contracting parties is at liberty even to give notice of its termination until after the "end of the said ten years." Twelve months must also elapse before such notice can take effect.

There is one exception, however, to this conclusion. By the first clause of Article IV it was agreed "that the citizens and inhabitants of the United States shall have the right to navigate the river St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats and crafts, as fully and freely as the subjects of her Britannic Majesty. * * It being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the government of the United States."

Article IV then proceeds to provide that if at any time the British government shall suspend this freedom of navigation upon the St. Lawrence river and the Canadian canals, the government of the United States may suspend, as to Canada, the third article, which admits an enumerated list of articles, the growth and produce of the colonies and the United States, into each country respectively, free of duty.

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