

laws of navigation, it may perhaps be possible to deal with it separately, and to comply wholly or partially with the application of the Memorialists, even although it should be decided to leave the rest of the Navigation laws untouched. The very fact, however, of this being a peculiarly Canadian question, and as such admitting of a separate solution, renders it more than commonly important that the sense of the Canadian Legislature and of the inhabitants of the Province should be clearly ascertained before any attempt is made to effect a settlement of it ; and however great may be the consideration justly due to the body from which this Memorial proceeds, Her Majesty's Government would not feel justified in coming to any final decision upon a question so materially affecting, not only the foreign relations and the commerce of the Empire at large, but also the fiscal interests of *Canada*, without formal expression on the part of the Provincial Legislature of its approbation and concurrence. An opportunity of ascertaining the views of that body will probably be afforded by the recent communication which I have made to your Lordship respecting the proposal to allow vessels of the *United States* to pass through part of the inland waters of *Canada* in voyages from *Fort Covington* to *Lake Champlain*. Should it appear from the discussion that may arise on this proposition, that the Provincial Legislature is decidedly in favor of opening the navigation of the *St. Lawrence* to foreign vessels, this subject shall receive the serious consideration of Her Majesty's Government in order that such measures may be adopted as may appear best calculated to promote the common interests of this country and of *Canada* in providing that any changes which it may be expedient to effect in the regulation under which the Commercial intercourse between the *United States* and the British Dominion is now carried on, may be settled upon the principle of giving equal advantages to both parties. If, however, any change of this kind should ultimately be considered expedient, I need hardly point out to your Lordship that it will be of the greatest importance to avoid giving a right to any but British subjects, to navigate the *St. Lawrence* ; if citizens of the *United States* should be permitted to do so, the permission must be granted upon the clearest understanding that it may at any time be withdrawn at the pleasure of Her Majesty's Government. Perhaps it will be expedient further to limit the duration of any such indulgence to a period of five or ten years, unless expressly renewed."

3. That this right was further recognized in the negotiations for the Reciprocity Treaty of 1854, and in the submission of that Treaty to the Provincial Legislature for ratification.

4. That since Confederation this right has been vested in the Dominion of *Canada*.

5. That prior to the meeting of the Commissioners appointed to negotiate the Treaty of *Washington*, the Leader of the Government in his place in this House, informed this House that the Imperial Government had given repeated assurances that none of the rights of *Canada* would be surrendered without her consent.

6. That the consent of *Canada* to the cession to the *United States* of any rights or privileges with respect to the navigation of the *St. Lawrence*, has never been asked or given.

7. That by the 26th Article of the Treaty of *Washington* it is agreed as follows :—

"The navigation of the River *St. Lawrence*, ascending and descending from the 45th parallel of north latitude, where it ceases to be the boundary between the two countries, from, to and into the sea, shall forever remain free and open, for the purpose of Commerce to the citizens of the *United States*, subject to any laws and regulations of *Great Britain* or of the Dominion of *Canada* not inconsistent with such privileges of free navigation.

"The navigation of the Rivers *Yukon*, *Porcupine* and *Stikeen*, ascending and descending, from, to and into the sea, shall forever remain free and open for the purposes of Commerce to the subjects of Her Britannic Majesty and to the citizens of the *United States*, subject to any laws and regulations of either Country within its own Territory, not inconsistent with such privileges of free navigation."

8. That in the opinion of this House, *Canada* should have been consulted before the ratification of the said article.