

to forward me a copy of the letter which the President had received upon the subject referred to from his Excellency Governor Hoffman.

I had much pleasure in transmitting a copy of his Excellency's letter to Her Majesty's Government, and to the Governor-General of Canada.

But I have just received a despatch from the Earl of Dufferin transmitting copy of a report of a Committee of the Privy Council of the Dominion of the 12th instant, in which it is stated that whilst all the Canadian canals have been freely opened to vessels of the United States on payment of the same tolls and charges as are exacted from British or Canadian vessels, the latter are entirely excluded from the use of any and all of the canals within United States' territory, except the Sault Sainte Marie Canal, and that thus while United States' barges and other vessels, with or without cargo, clearing from ports upon the Hudson River, are allowed to pass through the Chambly Canal to the St. Lawrence, and thence from Montreal through the Lachine Canal, and through the canals on the Ottawa to the city of Ottawa, or any other destination, British or Canadian vessels loading at Ottawa or any other Canadian port, or even in ballast, are prohibited from passing Whitehall through the Champlain Canal to the Hudson River, in the State of New York. The same prohibitory policy, as the report further states, obtains generally in reference to the use of the Erie and other canals connecting navigable waters within the territory of the United States.

As this policy seems to be entirely at variance with the opinion expressed by the Governor of the State of New York in his letter to the President, of December 4th, 1871, and considering that over three years have passed during which the Canadian Government has been faithfully acting upon the spirit of the Treaty, permitting the use of their numerous canals in as full and unrestricted a manner as that accorded to their own vessels, whilst the latter have enjoyed no reciprocity with regard to the canals in the United States, I have the honour to request that inquiries may be made as to the prohibition complained of, which seems so contrary to the spirit of the above-mentioned letter of the Government of the State of New York, and to suggest that further representations may be made with a view to the enjoyment by British and Canadian vessels of the use of the canals in accordance with the XXVIIIth Article of the Treaty of Washington.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 4 in No. 5.

Sir E. Thornton to the Earl of Dufferin.

My Lord,

Washington, November 23, 1874.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 18th instant, and of its inclosure, relative to the XXVIIIth Article of the Treaty of Washington, by which the United States' Government engaged to urge upon the State Governments to secure to Her Majesty's subjects the use of the canals referred to therein.

There is no doubt that the United States' Government has urged the Government of the State of New York, within which the principal canals are situated, to throw them open to British subjects, and in my despatch to your Excellency, of the 28th of April last, I transmitted a copy of a letter, dated December 4, 1871, from the Governor of the State of New York to the President, in which he stated that those who were charged with the administration of the canals in that State knew of no restrictions upon the equal use of the canals by British subjects and American citizens. Mr. Fish has often referred to this letter, and has expressed his opinion that his Government lost no time in carrying out the engagement contained in the XXVIIIth Article of the Treaty.

I do not, therefore, feel justified in saying in an official note that the stipulation of the XXVIIIth Article has not been complied with, because I believe that the United States' Government really urged the Government of the State of New York to throw open its canals to British subjects, and wished that it should be done, though its representation seems to have produced no effect.

I am, however, addressing a note to Mr. Fish, stating that the canals of the State of New York have not been opened to British vessels, and have requested that a further representation may be made upon the subject to the Governor of that State.