

The minister observes that the inquiry made as per dispatch No. 32 respecting the interpretation by the Imperial Government of the "third power" clause in said treaty having been satisfactorily answered by a cablegram dated 22nd March, 1895, hereto attached, there is now no further reason why the said agreement should not be ratified and the Proclamation of the Governor General of Canada issued to put in force the Act of the Parliament of Canada, 57-58 Victoria, chapter 2, being "An Act respecting a certain treaty between Her Britannic Majesty and the President of the French Republic."

The committee, on the recommendation of the Minister of Trade and Commerce, advise that Your Excellency be moved to communicate to the Right Honourable the Secretary of State for the Colonies, the desire on the part of the government of Canada that the said agreement or treaty be ratified.

The committee further advise on the same recommendation that, upon being officially informed of such ratification, Your Excellency do issue your proclamation putting the said Act of the Parliament of Canada into force.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE, *Clerk of the Privy Council.*

(Telegram)

*Marquess of Ripon to Earl of Aberdeen.*

LONDON, 22nd March, 1895.

Referring to your despatch No. 32 of the 4th February, colony is not third power.

*The Marquess of Ripon to the Earl of Aberdeen.*

DOWNING STREET, 26th March, 1895.

Governor General, &c., &c., &c.

MY LORD,—I have the honour to acknowledge the receipt of your secret despatch of the 4th of February, forwarding a copy of an approved Minute of Council dealing with the question of the position of nations entitled under treaty with Her Majesty's Government to the most favoured nation treatment in Canada, with special reference to the recent convention dealing with trade between Canada and France.

In the 2nd paragraph of this minute your ministers observe that "it has been conceded by Her Majesty's Government that the Colonial Parliaments have to pass any laws that may be required to bring such treaties as that of the 5th December, 1876, into operation in the colonies, and that the passing of such laws is subject to the discretion of the Colonial Parliaments affected."

This passage appears to be based on the statement at page 4 of the Earl of Kimberley's despatch of the 19th of April, 1872, to which reference is made in the minute, but I have to point out that such engagements, so far as they affect the colonies, are of a negative character, merely binding them to abstain from any action inconsistent with the engagement, and therefore become operative and binding immediately on ratification, without legislation.

It is only when some alteration of the law in the colony is involved in the treaty that legislation is required to bring it into operation.

I think it necessary to make this explanation, as I am not sure from the language of the minute of Council that your ministers are not under the apprehension that every treaty by which the colonies are affected requires to be sanctioned by the several Colonial Parliaments before it becomes binding on the colonies.

With regard to the portions of the minute dealing with the Belgian and Zollverein Treaties and the position of other parts of Her Majesty's Dominions, in case of a commercial arrangement between a colony and a foreign power a further communication will be addressed to you shortly.

I have, &c.,

RIPON.