

No. 12.

Lord Tenterden to Mr. Meade.

Sir,

Foreign Office, August 11, 1875.

I AM directed by the Earl of Derby to transmit to you, for the information of the Earl of Carnarvon, the accompanying copy of a despatch which has been addressed to Sir E. Thornton,* on the subject of the refusal of the United States' Customs authorities to allow the importation, free of duty, of fish and fish-oil from British Columbia under the XXIst Article of the Treaty of Washington of May 8, 1871.

I am, &c.

(Signed) TENTERDEN.

No. 13.

The Earl of Derby to Sir E. Thornton.

Sir,

Foreign Office, August 14, 1875

I INCLOSE for your information copy of a letter from the Colonial Office on the subject of the importation into the United States, free of duty, of fish and fish-oil from British Columbia.†

I am, &c.

(Signed) DERBY.

No. 14.

Mr. Herbert to Lord Tenterden.—(Received August 20.)

(Extract)

Downing Street, August 19, 1875.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 11th instant, inclosing a copy of a despatch addressed by the Earl of Derby to Sir Edward Thornton on the subject of the refusal of the United States Customs authorities to allow the importation, free of duty, of fish and fish-oil from British Columbia, the XXIst Article of the Treaty of Washington.

Lord Carnarvon has communicated to the officer administering the Government of Canada the substance of the Report of the Law Officers on this question in a despatch of which a copy is inclosed.

Inclosure in No. 14.

The Earl of Carnarvon to the Officer Administering the Government of Canada.

Sir,

Downing Street, August 12, 1875.

HER Majesty's Government have been in communication with the Law Officers of the Crown on the subject of your despatch of the 1st of May last, inclosing a Report of the Privy Council on the subject of the refusal of the United States Customs authorities to allow the importation, free of duty, of fish and fish-oil from British Columbia, under the XXIst Article of the Treaty of Washington, and they are advised that the words "Dominion of Canada" in the Treaty of Washington, Article XXI, must be governed by the state of things existing in May, 1871, and cannot now receive a wider construction, from the fact that additional territory has since been added to the Dominion.

2. Her Majesty's Government have been further advised that it would not be possible to uphold the argument contained in the Report of the Committee of Privy Council of the 30th of April, 1875, upon the XXVth Article of the Treaty of Washington, and they fear that no inference applicable in any way to the present case, can be drawn from the provision that the navigation of certain specified rivers is to be free.

3. On the other hand it would appear that some confirmation of the view taken by the United States' Customs-house may be deemed to be given by Articles XVIII and

* No. 11.

† No. 10.