

No. 10.

*Mr. Bayard to Mr. Eduardes.*DEPARTMENT OF STATE,  
Washington, June 22, 1888.

SIR: I have the honor to bring to the attention of Her Majesty's Government the case of the American ship *Bridgewater*, which was seized by the customs authorities at Shelburne, Nova Scotia, on the 27th of July, 1887, and detained in custody until the 15th of the following October, a period of eighty-one days, when she was unconditionally released.

The facts in the case are that the *Bridgewater* cleared from St. John's, New Brunswick, on the 1st of April, 1887, with a cargo of deals for Penarth Roads, Great Britain. On the 5th of the same month, having been disabled by a storm and extensively damaged, she put into Shelburne, Nova Scotia, for repairs, was surveyed and condemned and her cargo discharged.

In the meantime, however, Capt. John H. Allen, the agent for Mary Warren Allen, the owner of the vessel, having arrived, refused to accept the survey of condemnation and advertised the vessel for sale.

On the 8th of June the ship was put up at public sale, but as no bid was made, or any that was acceptable, she was bid in by Captain Allen as agent of the owner, and having been thus unable to effect a sale of the ship, he proceeded to repair her.

The repairs were proceeding and, as is alleged, were nearly completed, when, on the 27th of July, the vessel was seized by Collector Atwood, of Shelburne, for non-payment of duty as for goods entered and sold under the Dominion statute 46, Victoria Cap. 12, sections 41 and 60, which read as follows:

41. The person entering any goods inwards shall deliver to the collector or other proper officer an invoice of such goods, showing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased and a full description thereof in detail, giving the quantity and value of each kind of goods so imported and a bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, and if imported by water the name of the vessel and the master and of the place to which bound and of the place within the port where the goods are to be unladen, and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce, or manufacture.

"60. Goods derelict, flotsam, jetsam, or wreck, or landed or saved from any vessel wrecked, stranded, or lost, brought or coming into Canada, shall be subject to the same duties and regulations as goods of the like kind imported are subject to."

It is unnecessary for me to give a construction to these provisions in order to show that they could have no relation to the case of the *Bridgewater*, a vessel compelled to enter in distress and undergo repairs by her owner, out of whose hands she had never passed up to the time of her seizure for non-payment of duties, because that such is the clear opinion of the Canadian authorities unmistakably appears.

Captain Allen formally protested against the seizure of the ship, but without avail, until the 16th of September, when the consul of the United States at Shelburne received from the acting minister of customs at Ottawa the following telegram:

Allen can repair and take vessel away. If he requires Canadian register, will have to pay duty.

A. W. McLELAN,  
Acting Minister of Customs.