

2. Article V runs as follows: "The present Treaty shall take effect as soon as the Laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain, and by the Provincial Parliaments of those of the British North American Colonies which are affected by this Treaty on the one hand, and by the Congress of the United States on the other."

3. It may be expedient to caution Lord Elgin, that this Article is not to be understood as if the assent of the Provincial Legislatures or even of the Imperial Legislature were necessary in order to enable the Crown to execute a valid and binding Treaty with a foreign country. This is in all countries a prerogative of the sovereign power, and in England the sovereign power *quoad hoc* is vested in the King. Whatever contracts therefore he engaged in, no other power in the Kingdom can legally delay, resist, or annul.

4. But the concurrence of the Legislature may, nevertheless, be required to abrogate existing laws which may be in any respect inconsistent with the intended Treaty, and it is in this sense that Sir George Grey conceives the provision of Article V is properly to be understood. The Parliament of the United Kingdom must be applied to, for instance, to repeal various provisions of the Statute 59, Geo. III., c. 38, passed in consequence of the Convention of 1818, between Great Britain and the United States, and possibly other existing Acts of Parliament may present impediments which it will require such authority to remove.

5. The Imperial Parliament has, farther, legal power to overrule any provisions of Colonial law which may be in opposition to the Treaty; but it is scarcely necessary to say, that to enforce that power would be contrary to the principles on which the Government and Legislature of this country have long acted towards the inhabitants of Her Majesty's dominions. It will, therefore, be advisable to apply, in addition, to the several Colonial Legislatures, as has been assumed by Lord Elgin in framing the Treaty.

6. The purposes for which such application must be made, and the extent of the repealing or enabling provisions required, must be better known to the Colonial authorities than to Her Majesty's Government. They would appear, however, chiefly to relate to the following subjects. The admission of American fishermen to the Colonial fisheries within Article I, for which purpose certain Acts of the Legislatures of Nova Scotia, New Brunswick, and Prince Edward Island would require repeal; and the admission of American produce duty free under Article III.

7. For these purposes (which Lord Elgin's own better judgment and that of the authorities of the several Colonies will probably add others), it is not proposed that Imperial Legislation should be resorted to, but that they should be provided for by the several provincial Legislatures, as specified in the Treaty.

8. I am to add that, in Sir George Grey's opinion, instructions on this subject should not be sent without the cognizance and sanction of the Law Advisers of the Crown in this country; and that he would propose (if Lord Clarendon concurs), that the present letter should be submitted to the Queen's Advocate, the Attorney-General, and the Solicitor-General, for their joint perusal and advice thereon.

I am, &c.
(Signed) HERMAN MERIVALE.

No. 27.

The Earl of Elgin to the Earl of Clarendon.

(Telegraphic.)

Quebec, August 3, 1854.

RECIPROCITY Treaty confirmed by the Senate.

No. 28.

Mr. Buchanan to the Earl of Clarendon.—(Received August 16.)

*Legation of the United States, London,
August 16, 1854.*

My Lord,

I HAVE the honour to inclose you the copy of a despatch of the 4th instant, which I have just received from Washington, and to express the hope that your Lordship will enable me to communicate to the Secretary of State by Saturday's steamer, that orders have been sent by the British Government to the authorities in the Colonies not to molest