

"Lizzie Dakers" stated were refused admission by the Custom House at Philadelphia unless upon the payment of duty.

I have, &c.,

(Signed,)

WARD THORNTON.

His Excellency Lieut.-General
Sir W. O'G. HALY, K.C.B.

Mr. Cadwalader to Sir E. Thornton.

WASHINGTON, 19th June, 1875.

SIR,—Referring to your note of the 15th of April last, inviting the attention of this Department to the imposition of a duty on an importation of canned lobsters by the "Lizze Dakers," and also to the imposition of a duty on the cans containing fish admitted free of duty, I have the honour to inform you that a communication upon the subject has been received from the Secretary of the Treasury bearing date the 16th June, to whom a copy of your note had been referred.

In reference to the particular importation by the "Lizze Dakers," the Secretary of the Treasury forwards a copy of a letter addressed to the Collector of Customs at Philadelphia, under date of May 3rd, requesting a report in reference to the case, and of the reply of the Collector of Customs thereto.

A copy of this correspondence is herewith enclosed. You will perceive from the communication of the Collector the grounds on which he deemed the importation in question not entitled to free entry. The Secretary of the Treasury states in reference thereto that as the importations had been warehoused and withdrawn for immediate exportation prior to this report, that his Department has no means of determining with certainty at the present time, whether the same was or was not entitled to free entry and that he is unable with the facts in his possession to express an opinion as to whether the goods were entitled to free admission.

In regard to the duty on tin cans imposed by the Act of February 8th, 1875, the Secretary of the Treasury is of opinion that it is not proper for him to express an opinion in reference to this legislation in the absence of a request from Congress so to do. He adds that in a case of doubtful construction he would be slow to construe an Act of Congress so that it might be held to do violence to a treaty stipulation, but that in this instance the language of the Act is so clear as to admit of no doubt, and that he considers the assessment of duty on tin cans containing fish imported under the treaty to be required by such Act.

I have, &c.,

(Signed,)

JOHN L. CADWALADER.

The Honourable
SIR E. THORNTON, K. C. B.,
&c., &c., &c.

Mr. Hartley to the Collector of Customs.

TREASURY DEPARTMENT,
WASHINGTON, D. C., May 3, 1875.

SIR,—I enclose herewith an extract from a letter of the British Minister addressed to the Department of State, under date of the 15th ult., in which it is alleged that you refused free entry of a certain importation of fifty cases of pressed lobster, per schooner "Lizzie Dakers," from St. John's, New Brunswick.

Referring to the Department decision of July 10th, 1873, synopsis (1622), I will thank you to report in what respect, if any, the preserved lobsters in question