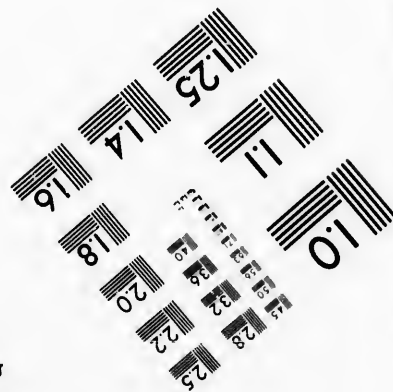
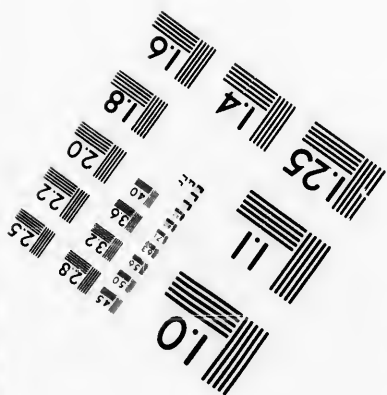
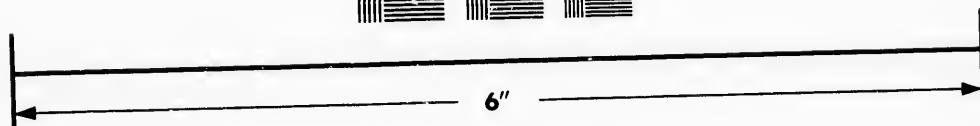
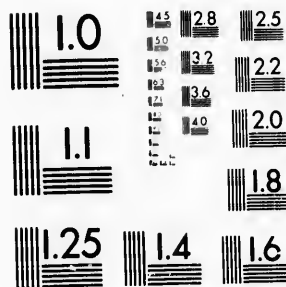


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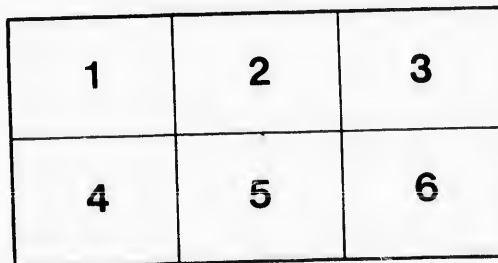
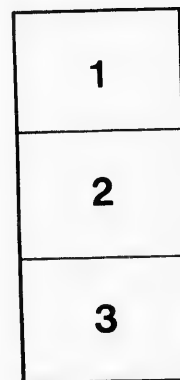
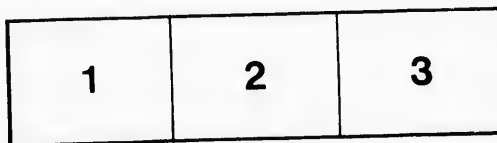
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THE RECIPROcity TREATY.

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SPEECH

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THE RECIPROCITY TREATY.

SPEECH

OF

HON. ALFRED ELY, OF NEW YORK,

DELIVERED,

IN THE HOUSE OF REPRESENTATIVES.

JUNE 15, 1860.

The House being in Committee of the Whole on the state of the Union—Mr. ELY said:

Mr. CHAIRMAN: On the 26th of March last I had the honor to move a resolution which was adopted by this House, calling upon the President of the United States for information relative to the practical working of the treaty concluded with Great Britain on the 5th day of June, 1854, commonly called the "Reciprocity Treaty." I will thank the Clerk to read the resolution:

Resolved, That the President of the United States be, and he is hereby requested to communicate to this House, if in his opinion not incompatible with the public interest, all the information in his possession relative to the practical working of the Reciprocity Treaty concluded with Great Britain on the 5th day of June, 1854; whether the Provincial Government of Canada has not through its Legislature, violated the spirit of the said treaty—what has been the practical effects of the 3d clause of the said treaty upon the interests of the respective countries. What measures, if any, have been taken to procure correct information touching the practical operations and effect of the 3d clause of the said treaty upon the interests of American citizens, and whether in his opinion the said 3d article of the said treaty could not with advantage to American interests, be either amended or rescinded."

.. To this resolution no response has yet been received. I should have been much gratified to have obtained the information called for by the resolution, before entering upon any discussion of this subject. But, sir, as the session is drawing to a close, I am unwilling to await longer the dilatory movements of the Executive, before calling the attention of this House, and of the whole country, so far as I am able, to a question of vital importance, not only to my constituents, but to the people of our common country.

Sir, at this time, when the subject of a modification of our tariff laws is challenging so much attention in Congress and throughout the country, the practical operation of this Reciprocity Treaty becomes a subject of peculiar interest to the American statesman. To what extent it ties our hands against legislation

for the increase of our revenue, or for the protection of American industry and enterprise, becomes an inquiry of great practical importance. You will find, sir, that so long as this treaty remains in force, there is one considerable branch of our foreign commerce from which we can raise no revenue, and that there are some industrial interests of our citizens to which we can afford no protection as against foreign competition.

This treaty, according to its own terms, has, at least, nearly six years to run. The fifth article stipulates, that it shall continue in force ten years from the time of going into operation, and for the further term of twelve months after either party shall give notice of a desire to terminate it: this notice may be given at the end of said ten years, or at any time thereafter. It went into operation in March, 1855, and so must remain in force until March, 1866, unless it can be sooner abrogated or annulled. One object which I have in desiring to call the attention of Congress and of the country to this subject, is, to awaken inquiry, as to the mode, if any there be, by which it can be abrogated or annulled, or its pernicious effects counteracted and obviated.

Sir, this treaty was commended to us under the alluring guise of a free trade measure. It was christened by the name of "Reciprocity," to delude us with the idea that it was to confer mutual and reciprocal privileges upon the people of both countries. The advocates of that Utopian theory, universal free trade, were led to believe that it was at least an important step in that direction, and that the mutual benefits and blessings to flow from it would vindicate the practical wisdom of that theory.

To what extent the hopes and expectations thus awakened have been realized by the people of this country, we shall be enabled to judge, when we come to examine the operations of the treaty, in the light of practical experience.

The important feature of this treaty, and that which gives it the title of "Reciprocity," is the third article, which provides that certain enumerated articles, being the growth or produce of the British Colonies of North America or of the United States, shall be admitted into each country, respectively, free of duty. The schedule of these enumerated articles is as follows:

Grain, flour, and breadstuffs of all kinds; animals of all kinds; fish, smoked and salted meats; cotton-wool, seeds, and vegetables; undried fruits, dried fruits; fish of all kinds; products of fish and of all other creatures living in the water; poultry, eggs; hides, furs, skins or tails, undressed; stone or marble, in its crude or unwrought state; slate; butter, cheese, tallow; lard, hams, manures; ores of metals of all kinds; coal; pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed and sawed, unmanufactured in whole or in part; fire-wood; plants, shrubs and trees; felts, wool; fish oil; rice, broom corn and bark; gypsum, ground or unground; hewn or wrought or unwrought iron or grindstones; dye-stuffs; flax, hemp and tow, unmanufactured; unmanufactured tobacco; Rags.

Sir, you have but to glance your eye over this schedule, to perceive, that there can be no "reciprocity" in the arrangement, which admits a free interchange between the two countries of the articles embraced in it, and of those articles only. It appears to have been prepared with special reference to including every

article of Canadian production which can ever find a market in this country, and excluding every production of this country which could find a market in the British North American Colonies. The surplus productions of these colonies consist, almost exclusively, of the very classes of articles embraced in this schedule. These commodities constitute the entire basis of their export trade; and we are their nearest and best customers, and their largest consumers. We purchase from Canada more of the articles embraced in the schedule than she sells to all the world beside.

We are also large producers of the same classes of articles. Of most of them, we, in common with Canada, produce a large surplus, which must seek a market in some foreign country. But we never have found, and never shall find, that market in Canada, or in any of the provinces embraced in the treaty. To Canada, the privilege of exporting to the United States free of duty the articles embraced in the schedule, is one of incalculable value. It is all that she could ask or desire—for the schedule embraces everything she has to export. To us, the privilege of exporting the same articles duty free to Canada, is but the barren privilege of “carrying coals to Newcastle.”

It is true that Canada, and the other British provinces embraced in the treaty, would open to us a most desirable market for a great variety of the productions of our manufactories and our work-shops if they could go there duty free, or at reasonable rates of duty. They would furnish a valuable market for our leather, boots and shoes, and other manufactures of leather; for our reaping, mowing, and threshing machines, and other agricultural implements; for our multifarious manufactures of iron, of steel, of brass, and other metals; for our carriages, saddlery, and harness; for our machinery, our fire-arms, and our edge-tools; for our cotton, woolen, and india-rubber goods, and for an almost endless variety of the products of Yankee ingenuity, industry, and enterprise, which I shall not attempt to enumerate. But all these productions are excluded from the schedule with as scrupulous a care as every conceivable article of Canadian production which can find a market in this country is included in it. And not only are they excluded from the list of articles made free by the treaty, but the colonial authorities are left at liberty to increase their imposts upon them at pleasure; a privilege they have exercised to the point of prohibition in respect to many of them.

Mr. Chairman, when the President shall, in his own good time, respond to the resolution which has just been read, he will doubtless send us a copy of the report recently made by the Hon. Israel T. Hatch, of the State which I have the honor in part to represent, who was appointed a special agent to examine into the operations of this treaty, and report thereon. I desired much that that document should be communicated to this House before I should proceed to the discussion of this subject; but I am not wholly ignorant of the character of its contents. When it shall be made public, if I am not greatly mistaken, it will be found to

justify, and more than justify, all that I have said, or shall say, in denunciation of this treaty as an unmitigated cheat and swindle.

I propose to examine, first, the effects of this treaty upon our Federal revenues. During the year 1854, which was the last year previous to the taking effect of the treaty, we derived a revenue from articles imported from Canada alone, which are now made free by the treaty, of about \$1,250,000, and including all the provinces embraced in the treaty, amounting to more than \$1,500,000. Assuming that the revenues from these sources would have continued to increase since that year in the same ratio that it had increased for five years previously, it would have now reached nearly two millions per annum, if the treaty had never been made, and would have amounted in the aggregate, since the time that the treaty took effect, to more than *eleven millions of dollars*. But this branch of our foreign commerce, instead of yielding us an annual revenue of some \$2,000,000, is now, under the operation of the treaty, an actual drain upon the treasury to the extent of about *fifty thousand dollars per annum*. For since the treaty went into operation, the revenue received at the various ports of entry on our northern frontier, has so fallen off, that the expenses of collecting it during the last four years exceed the gross receipts by the sum of \$189,730. And yet, to guard against the surreptitious introduction of foreign merchandise through these northern ports, it is absolutely necessary to maintain the same custom-house organization on our northern frontier, and at the same expense, as when duties were collected on the articles which now come in duty free.

Mr. Chairman, the fact that this treaty has operated to diminish our revenue, does not necessarily condemn it. If the people have received equivalents in some other form—if it has opened new markets for the products of their labor; if it has lightened the burdens imposed upon their export trade, or stimulated industry and enterprise at home, these benefits should be placed to its credit, and set off against any loss to the Federal revenues which may have resulted from it. But, sir, an examination of its practical operations and effects will reveal no such redeeming traits in its character. It has tended rather to restrict than to enlarge the foreign markets for our exportable productions. It has imposed new burdens upon our export trade, instead of lightening those which before oppressed it. And instead of stimulating domestic industry and enterprise, it has invited the productions of foreign labor and foreign soils to compete with the productions of our own citizens, in our own markets.

The effect of the treaty in throwing upon our markets, duty free, a large increase of Canadian productions, to compete with similar productions of our own soil, is strikingly exhibited by a little table which I will now present. This table shows the amounts of goods imported from Canada, chargeable with duty, and free of duty, for four years next preceding the treaty, in contrast with the amounts of both classes imported during four years subsequent to the treaty.

Importations from Canada to the United States.

PRIOR TO THE TREATY.		
	FREE OF DUTY.	SUBJECT TO DUTY.
1851.....	\$1,529,685	\$3,424,786
1852.....	761,571	3,828,398
1853.....	1,179,682	4,098,434
1854.....	380,040	6,340,493
	<u>\$3,850,979</u>	<u>\$17,695,116</u>
SUBSEQUENT TO THE TREATY.		
	FREE OF DUTY.	SUBJECT TO DUTY.
1856*.....	\$16,847,822	\$240,375
1857.....	17,600,737	691,097
1858.....	11,267,618	318,953
1859.....	13,703,748	504,969
	<u>\$59,419,925</u>	<u>\$2,150,394</u>

From this table it will be seen that during the four years next succeeding the treaty, our imports from Canada amounted to nearly three times as much as during the four years immediately preceding its ratification. It will also be seen that while for four years next preceding the treaty, more than four-fifths of all our importations from Canada were subject to duty, for the four years subsequent to it less than one twenty-ninth part of them have contributed anything whatever to our revenue. And even of the trifling amounts of importations from that country which have paid duties since the treaty, less than one-third are the productions of Canada. Of the \$2,150,394 paying duty during the four years subsequent to the treaty, as shown by the foregoing table, iron, hardware, and salt, articles not produced in Canada for exportation, make up the sum of \$1,548,156, being more than two-thirds of the whole amount. So that in fact, of all the productions of Canada which seek our markets, the proportion paying duty is so utterly insignificant as to be wholly unworthy of consideration; ranging, one year with another, somewhere between two and three per centum only.

On the other hand, we still continue to pay heavy and increasing duties upon much more than one-half of all our exports to Canada, as will appear by another table which I now present, showing the value of our exports to that country, paying duty and free of duty, for the four years next succeeding the year that the treaty took effect.

Value of goods exported from the United States to Canada.

	PAYING DUTY.	FREE OF DUTY.
1855.....	\$11,445,472	\$9,379,204
1856.....	12,770,923	9,933,586
1857.....	9,966,430	10,258,220
1858.....	8,473,607	7,161,958
	<u>\$42,660,432</u>	<u>\$36,732,968</u>

Of the articles which go to make up this item of \$36,732,968, exported to Canada free of duty, only a small proportion have

* The importations of 1855 are omitted, because they were in part made before the treaty took effect, and in part afterwards.

gone in free *because of the treaty*, the leading varieties having been admitted free before the treaty existed. Wheat, for instance, one of the large items in the list of our free exports to Canada, was admitted free before the treaty, and would have continued so if the treaty had never been made, because it is the interest of Canadian millers and ship-owners to have it so admitted. It does not go to Canada for consumption there—Canada herself producing much more wheat than she consumes. It is either returned to us in the form of flour, duty free, or shipped abroad. In either case the effect is rather prejudicial than beneficial to American industry and enterprise. If it goes to Canada merely to be converted into flour and returned to us, our millers lose the profit of manufacturing it. If it goes there to be shipped to Europe, in foreign bottoms, our ship-owners lose the profits of carrying it. So, although our wheat does not go into Canada free of duty, because of the treaty, it would be no argument in favor of the treaty even if it did. Indian corn, another prominent item in the free list, was also free before the treaty, and would have remained free independent of the treaty, because Canada is not herself a corn-producing country, and finds it to her advantage to purchase corn from us.

In the tables I have presented, of exports and imports to and from the United States and Canada, foreign merchandise, merely carried through the respective countries, is included. To show the effects of the treaty upon the industrial interests of the two countries, however, foreign merchandise should be excluded, and the domestic products of the respective countries only embraced.

I now present, therefore, a table of the products of the United States, exported to Canada, and paying duties there, and of products of Canada imported to this country, and paying duties here, for the three years next after the treaty went fully into effect:

Products of the United States paying duty in Canada.

1856.....	\$7,981,284	
1857.....	6,208,320	
1858.....	4,524,503	
		\$18,709,107

Products of Canada paying duty in the United States.

1856.....	\$136,370	
1857.....	160,086	
1858.....	119,358	
		415,814

Difference..... \$18,293,293

Thus it appears, that while our people have paid duties to Canada, on products of the United States exported to that country, amounting to \$18,709,107, the people of Canada have paid duties on products of their country exported to this, during the same years, amounting only to the pitiful sum of \$415,814—the proportion being forty-six to one. The Lord deliver us from such “reciprocity” as this!

These, Mr. Chairman, are some of the legitimate and necessary effects of the treaty. But the Canadian authorities, not content to rest upon the immense advantages legitimately flowing from it,

have availed themselves of an indirect and incidental power which it gives them, to impose upon our export trade to that country, new and intolerable burdens. Every year since the ratification of the treaty, they have been regularly and systematically increasing their duties upon the leading articles of American production seeking their markets, till these duties on many of them, amount to a practical prohibition. Every year the Canadian Parliament has passed a new tariff act, imposing additional burdens upon importations from this country. The following table exhibits the *ad valorem* duties that have been levied, by her successive tariff acts, since the ratification of the treaty, upon certain articles which we largely produce, and which in times past we largely exported to that country :

	1855.	1856.	1857.	1858.	1859.
Boots and Shoes.....	12½	14½	20	21	25
Harness.....	12½	17	20	21	25
Cotton Goods.....	12½	13½	15	15	20
Iron Goods.....	12½	18½	15	16	20
Wood Goods.....	12½	14	15	18	20
Molasses.....	16	11	11	18	20
Refined Sugar.....	32	28	25	26½	40
Other Sugar.....	27½	20	17½	21	30

• Mr. Chairman, you may tell me that these increased and increasing impositions upon our export trade to Canada are not the effects of the treaty. I admit, sir, that they are not legitimate and necessary effects of it; but they are, nevertheless, justly chargeable to it. If the treaty were not in existence, these burdens would not be imposed—we could prevent them from being imposed, or, at least, counteract their effects. If our hands were not tied by the treaty, we could retaliate by imposing similar duties upon the productions of Canada seeking our markets, and thus render it unprofitable for the Canadian Parliament to indulge in such legislation toward us. But having bound us by the treaty to admit all her productions free of duty, without assuming any corresponding obligation in respect to the productions of this country which seek her markets, and without even binding herself to abstain from imposing additional burdens upon them at pleasure, we are left wholly at her mercy. Sir, it is altogether incomprehensible to me, how our Government ever came to be so overreached at every point—how it ever came to yield its assent to a treaty, the legitimate workings of which are so much to our prejudice, without at least requiring some guaranty that it should not be made still more intolerable by such legislation as this. You may denounce this legislation as being a breach of good faith, and in violation of the spirit of the treaty—and it deserves to be so denounced—but that will not excuse the blind fatuity which led us into the snare.

Sir, view this treaty from whatever stand-point you may, it presents the same forbidding aspect. Its effects upon our public revenues, and the private interests of our citizens, are alike pernicious. It is prejudicial alike to the interests of our farmers and our mechanics, our manufacturers and our merchants, our lum-

bermen and our fishermen. Its operations are wholly and thoroughly mischievous, presenting scarcely one redeeming trait.

What are its effects upon the interests of our farmers? It throws wide open the gates of our markets, always overstocked with the productions of our own soil, to a prolific agricultural region lying at their very thresholds. It invites free competition from an agricultural people, the fertility and cheapness of whose virgin lands, and the comparative lightness of whose taxes, enables them to undersell us in our own markets. Sir, those who suppose that the agricultural products of Canada, thus thrown upon our markets, have no serious influence in depressing prices, have taken but a very superficial view of the subject. Most persons, I apprehend, would regard the closing of the ports of England against our wheat and flour as a great calamity to the wheat growers of this country. And yet it would be less injurious to their interests than this throwing open of our markets to the wheat and flour of Canada. During the fiscal year ending on the 30th of June, 1859, the value of wheat and flour imported by us from Canada was more than double that of all we exported to England the same year.

The free admission of the agricultural productions of Canada to our markets, tends to equalize the value of lands on both sides of the line, to the great disadvantage of our own landed proprietors. Sir, it is a self-evident proposition, that lands on the Canada side of the line, equally productive with lands on our own side, are intrinsically worth as much, if the same markets are common to both, and equally accessible to both—especially if the Canada lands are subject to less taxation than ours. If it could be known that the provisions of the treaty would be indefinitely perpetuated, lands in my own District, the richest portion of the Genesee Valley, which before the treaty would have commanded *sixty dollars per acre*, would be intrinsically worth little, if any more, than lands on the other side of the line that could have been purchased at the same time for less than *twenty dollars*. And this equalization is effected, as much by depreciating the value of the higher-priced, as by increasing the value of the lower-priced lands.

The injurious effects of this treaty upon our mechanical and manufacturing interests, spring mainly from the "unfriendly legislation" which the treaty has put it in the power of the Canadian Parliament to practice towards them. The increasing duties which have been levied from year to year upon the productions of our workshops and manufactories, since the ratification of the treaty, have been driving them out of the Canadian markets. Many of these productions which still sought those markets in spite of the increasing impositions upon them, prior to 1859, are by the tariff act of that year wholly excluded. That act has not been long enough in force to furnish any statistics showing to what extent importations of manufactured articles from this country will be diminished by it. It appears, however, from a table which I have already exhibited, that the products of this country, paying duty in Canada (consisting, almost exclusively, of manufactured articles) declined from \$7,981,284 in 1856, to \$4,524,503, in 1858. Under

the operation of the Canadian tariff act of 1859, the falling off must be in a still greater ratio. In fact these onerous duties are not only driving our manufactures out of the Canadian markets, but they are tending to the transfer of capital and enterprise from this country to that. Many of our most enterprising manufacturers have already transplanted their establishments to Canadian soil, to secure the benefit of her markets without being subjected to these duties; and many more will follow their example. Thus, under the operation of a policy which owes its existence to this treaty, we are not only losing a valuable trade, but actually losing a most valuable class of citizens, and no inconsiderable amount of solid capital.

This treaty operates to the prejudice of our merchants and traders also, not only by diminishing their sales to Canada, of the products of our manufactories—excluded from her markets as I have just shown—but they also suffer from “unfriendly legislation” on the part of the Canadian Parliament. Formerly, the people of Canada West purchased many of the productions of foreign countries in our markets, paying no higher duties upon them than if purchased in the country of their production, and introduced by the river St. Lawrence. The duties then being specific, they amounted to no more on goods introduced by the way of our Atlantic cities, than when introduced through the St. Lawrence. But the law has been changed, and *ad valorem* duties are now charged, upon the value of the goods *at the place of purchase*. The Canadian purchaser, therefore, if he now buys his goods in Boston or New York, must not only pay duty upon the original cost in the foreign country, but upon that cost with interest, freight, insurance, and profits of the American merchant added. This policy now drives the merchant of western Canada to Montreal, to purchase the goods which he formerly bought in our own markets. And this operates not only to the prejudice of our merchants, but of our carriers as well. The legislation which has produced this result, is one of the indirect and incidental effects of the treaty; at least, it is legislation which we might counteract, if our hands were not tied by the treaty.

No class of our citizens have felt more keenly the pernicious effects of this abominable treaty, than our enterprising lumbermen. We have no resources for the production of lumber at all comparable to the vast primeval forests of Canada, New Brunswick, and Nova Scotia. The timber lands in these provinces are mostly owned by the Government, which grants the privilege of cutting timber, at prices little more than nominal. The lumbermen of this country, who have to pay high prices for inferior timber lands; cannot successfully compete with the products of these forests. The throwing open of our markets to them, has rendered many large investments in the timber lands of this country ruinous to their proprietors, and stricken down numerous large enterprises undertaken by our citizens, with the brightest prospects of success. Much American capital and enterprise has thus been driven out of our own country to seek investment and employment in the forests of these provinces.

Even our fishermen, for whose special benefit the large concessions of this treaty were supposed to be made, find that the privilege accorded to them of taking fish in the bays, harbors, and creeks of the British provinces, is more than counterbalanced by the like privilege extended to British subjects, of taking fish upon our shores and coasts, coupled, as it is, with the still more important privilege of introducing the products of their fisheries into our markets, duty free.

Pennsylvania will in vain demand protection to her great coal interest, while this treaty remains in force. So long as Nova Scotia, by means of cheap and easy water-carriage, can throw the products of her extensive coal mines into all our seaboard markets, duty free, protection to the coal interests of Pennsylvania and Maryland will be wholly out of the question. In vain will they appeal to Congress for relief, while our power to grant it is paralyzed by this treaty.

Mr. Chairman, without pretending to go very thoroughly into this subject, or to notice any but the most prominent features in the operations of this treaty, I trust I have succeeded in showing that there is no "reciprocity" in the article which provides for a free interchange of the commodities enumerated in the schedule. I trust I have succeeded in showing, that as affecting every public or private interest, the advantages of this arrangement are all on one side, and all against us. Where, then, are the reciprocal benefits conferred upon our citizens? Outside of this arrangement, for the free interchange of the productions specified in the schedule, there are but two provisions of the treaty which pretend to confer any privileges or benefits upon the people of this country.

These provisions are—

1st. The grant of a privilege to the inhabitants of the United States to take fish of every kind, except shell fish, on the sea coast and shores, and in the bays, harbors and creeks of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, and of the several islands adjacent thereto, without being restricted to any distance from the shore; and of drying their nets and curing their fish on the shores of those colonies and islands.

2d. A grant to the citizens of the United States, of the right to navigate the river St. Lawrence and the canals in Canada, used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats and crafts, subject only to the same tolls and assessments as are or may be exacted of British subjects.

Sir, if we have received any benefits from the treaty to compensate us, in the slightest degree, for the ruinous concessions made by the third article, it must be by virtue of one or the other, or both of these provisions.

I have already stated that the privileges conferred by the fishing grant, are more than compensated by a similar privilege extended to British subjects on our part, and by the privilege of introducing the products of their fisheries to our markets, duty free. I do not pretend to understand this branch of the subject very well myself, but I am informed by those who represent large fishing interests on this floor, that the treaty is regarded as prejudicial to those interests. This being the case, we get no "reciprocity" under this fishing grant.

We have only the privilege of navigating the river St. Lawrence and the canals of Canada, to fall back upon; and if we do not find "reciprocity" here, we may as well abandon the search.

The anticipated advantages to be derived from the free navigation of the St. Lawrence, have proved utterly delusive. That river is ice-bound nearly half the year, and when it is open, our navigators do not see fit to avail themselves of the privilege of using it. Since the ratification of the treaty, up to the closing of navigation in 1859, it appears by official statements that only *forty American vessels*, with only 12,550 tons burden, had passed seaward through that river, and only *nineteen vessels*, with only 5,446 tons burden, had returned from sea through the same channel. And this is the sum total of all the much-vaunted benefits we were to derive from the free navigation of the St. Lawrence! Was it for this that we sacrificed an annual revenue of two millions of dollars? Was it for this that we threw open our ports to all the agricultural products of the British provinces, to surfeit our markets, already made plethoric by the productions of our own soil? Was it for this that we put it in the power of the Canadian Parliament to drive the products of our workshops and manufactories from her marts, by the imposition of onerous taxes upon them? Was it for this that we struck down the value of our timber lands, and visited disaster and ruin upon many enterprising citizens who were engaged in the lumbering business? Is it for this, that capital and enterprise are being driven out of our own country, and transplanted to a foreign soil?

But, sir, even this miserable privilege of navigating the St. Lawrence, was only granted to us upon the condition that British subjects should have the right freely to navigate Lake Michigan, with their vessels, boats, and crafts, so long as the privilege of navigating the St. Lawrence should be enjoyed by American citizens. And now let us see how these reciprocal privileges compare, as to results. In the year 1857, *one hundred and nine* British vessels cleared from the single port of Chicago, on Lake Michigan—freighted, doubtless, mainly by the products of our great grain growing region of the Northwest—to the great detriment of our own ship owners and carriers. Thus, it will be seen, that instead of receiving any benefits from the privilege of navigating the St. Lawrence, to compensate for the large concessions of the treaty, we only obtained that privilege by granting a similar one to British subjects, of ten times its value.

I object, furthermore, to this article in respect to the navigation of the St. Lawrence, that, by receiving it as a favor, for a limited period, and for an expressed and continuing consideration, we preclude ourselves from taking the higher and true ground, that it belongs to us by the law of nations. That is a position we ought never to yield. We occupied it in respect to the Mississippi, when Louisiana belonged to a foreign power. It is the position to which the publicists of Europe have been steadily tending since the treaties of 1815, which terminated the great wars of Napoleon, and it is even more imperatively demanded by the geography of this continent. We are insisting upon it at this

time in the interest of our commerce with the nations upon the valleys of the great rivers of South America, and we ought not to abandon it in our own case, as the occupants of a part of the upper valley of the St. Lawrence. And yet, accepting this privilege of outlet to the sea, as a purchased favor under this treaty, why are we not estopped from claiming it as our right under the law of nations?

The privilege of navigating the canals of Canada, communicating between the great lakes and the ocean, with our vessels, boats, and crafts, on payment of the same tolls as are charged to British subjects, was no new privilege granted by the treaty. It is a privilege which we had enjoyed before, without any treaty stipulation on the subject, and which it would have been the height of folly, on the part of the Canadian Government, to have withdrawn from us. These canals were built for the purpose of drawing the trade of our western States to the ports of Montreal and Quebec, and to close them against our vessels, would not only defeat the object for which they were created, but diminish the revenues derivable therefrom. We need no treaty stipulations to protect us against an act so suicidal. And yet we are not permitted to enjoy this privilege even, in the true spirit in which it was granted. By a regulation of the Canadian Government, wheat, flour, and corn, passing through the Welland canal, only twenty-eight miles in length, are charged the same tolls as if they also passed through all the St. Lawrence canals to the ocean. These articles constitute almost the entire freight of our vessels passing through the Welland canal, and not one in twenty of our vessels pass through any other canal but that. Although this regulation applies as well to British vessels as to our own, yet as nearly all the wheat, flour, and corn, transported by the Welland canal, is carried by American vessels, the hardship falls almost exclusively upon American interests. The regulation, therefore, practically operates as an odious discrimination against us.

Mr. Chairman, I have now gone through with my indictment against this misnamed "Reciprocity Treaty." In the limited time allotted to me, I have only been able to arraign it upon some of its most glaring enormities—nor could I attempt to elaborate an argument upon a single count in the indictment. The treaty is the parent of a long line of minor evils, which have either sprung directly from its loins, or resulted from acts of the Canadian Parliament, which never would have been passed if the treaty had not been in existence. All these I have been compelled to pass over entirely.

And now, sir, having shown some of the evils of this treaty, I come to the important question—what is the appropriate remedy for them? Must we quietly submit to them for five years longer, and then merely give notice that we desire to terminate the treaty at the end of another year? Sir, I am opposed to this dilatory action. I would strike at once at the root of the evil, by abrogating the treaty, if that be practicable; and if not, I would lop off its branches by a resort to every kind of retaliatory legislation within our power.

But, sir, in my judgment we have a right to abrogate this treaty at once. It has been persistently violated in its spirit, if not in its letter, by the Canadian Government, ever since the day that it was ratified. Its avowed and manifest objects have been wholly perverted, and it has been used as a means of defeating and utterly abolishing the international policy which it was intended to foster and build up. For years before this treaty was made, the British Government, through her accredited diplomatic agents, had been urging upon our Government the importance of entering into some arrangement to facilitate trade and commerce between this country and the neighboring British colonies, for the mutual and reciprocal benefit of the people of both countries. That the treaty was intended to promote trade in both directions—to increase the sales of our products to the people of the British colonies, as well as our purchases of their products, is a proposition that does not admit of a doubt. To assume that our Government would have entered into it with the understanding that it was to be the foundation of a policy which should close the ports of the British colonies against all the products of this country which could find a market there, while admitting all the exportable products of those colonies to unrestricted access to our markets, would be to assume that our Government had deliberately and maliciously conspired against the interests of its own citizens, for the advantage of strangers and aliens. If the history of the negotiations which led to the treaty were wholly blotted out, reason and common sense would forbid any such assumption. The object of the treaty was formally declared, in the preamble, to be, “to regulate the commerce and navigation between their respective territories and people, and more especially between her Majesty’s possessions in North America and the United States, *in such manner as to render the same reciprocally beneficial and satisfactory.*” Now, sir, when a treaty, whose objects are thus solemnly declared by its own language, is so perverted by one party as to utterly defeat those objects, and produce directly opposite results, is the other party bound to adhere to it?

That such has been the effect of the legislation of the Canadian Parliament, since the ratification of the treaty, is undeniable. They have not only annually increased their imposts upon all the productions of this country which seek their markets, but they have so modified their tariff laws as practically to discriminate against importations from this country, in favor of all other countries.

The tendency of their legislation has been, to compel the people of Canada to purchase their imports from any other country upon earth, in preference to the country to which they sell their exports. The effect has been, a rapid decline in our export trade to Canada, ever since the ratification of the treaty. And now, by their late tariff act of 1859, they have increased these duties to such a point, as must henceforth almost annihilate our export trade to that country. Sir, had the Canadian Parliament a right, immediately upon the ratification of the treaty, to pass a law absolutely prohibiting all importations from this country, except

of the articles specified in the treaty? Can anybody doubt that such legislation would have been in flagrant violation of the treaty? Will anybody contend, that we should be bound by the treaty in the face of such legislation? And if Canada could not, consistently with the treaty, at once lay an absolute embargo upon importations from this country, can she gradually effect the same result by increasing her imposts from year to year, and so modifying her tariff laws as to discriminate against us?

Sir, as the avowed object of this treaty was, according to its own terms, "to regulate commerce and navigation" between the two countries in "such manner as to render the same reciprocally beneficial and satisfactory," any act by either party tending to prohibit and abolish such commerce, is not only a violation of the spirit of the treaty, but of its express letter. When the treaty, setting out with this broad and liberal declaration of its objects, went on to specify certain enumerated articles which should be admitted into each country, from the other, entirely free of duty, was there not an implied agreement that articles not specified should continue to be admitted into each country on at least as favorable terms as then existed? It appears to me, sir, that any other construction of the treaty makes it an instrument to defeat the very policy and objects, which, according to its own terms, it was intended to foster and promote.

Mr. Chairman, no one holds our treaty obligations more sacred than I do. I would perform, with scrupulous fidelity, all our international engagements, without stopping to weigh the advantages, so long as good faith was kept towards us on the other side. But when a treaty, imposing mutual obligations and duties, is persistently violated, circumvented and perverted by one party, I hold that it ceases to impose obligations on the other. In such a case, the injured party has a two-fold remedy. It can either appeal to the last arbiter of nations, to compel the delinquent party to perform its duty; or it can annul the treaty, and drive the other party to offensive measures, if she does not choose to submit. Sir, in my judgment, this choice of remedies is presented to us in respect to this treaty. If the treaty, faithfully performed on both sides, would enure to our benefit, it might be policy to hold the other party to its strict performance. But inasmuch as it will operate to our disadvantage in any event, I would resort to the other remedy—annul it, and take the consequences. Entertaining these views, it is my intention, at an early day, to introduce a bill to repeal the act of August 5, 1854, to carry into effect the provisions of this treaty, and the act amendatory thereto, approved March 2d, 1855—with a clause declaring all imports from the British North American Provinces, subject to the same duties as are imposed upon imports from other countries.

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