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**CORRESPONDENCE respecting the Imposition of
Duty by the United States' Authorities on Tin
Cans containing Fish from Canada.**

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1876.*

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ON

TIN CANS

CONTAINING

FISH FROM CANADA.

Presented to both Houses of Parliament by Command of Her Majesty.
1876.

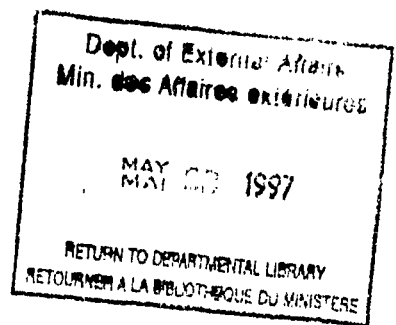
LONDON:

PRINTED BY HARRISON AND SONS.

[C.—1550.] Price 3d.

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Correspondence respecting the Imposition of Duty by the United States' Authorities on Tin Cans containing Fish from Canada.

No. 1.

Mr. Herbert to Lord Tenterden.—(Received April 28.)

Sir,

Downing Street, April 27, 1875.

43279-351
WITH reference to the question asked by Sir A. Monck in the House of Commons on the 9th of April and to Mr. Bourke's reply, I am directed by the Earl of Carnarvon to transmit to you, to be laid before the Earl of Derby, a copy of a despatch from the Governor-General of Canada, inclosing a Report of a Committee of the Privy Council respecting the collection of duty by the United States' Customs authorities upon tin cans containing fish, being the produce of the Canadian fisheries, which proceeding would appear to be inconsistent with the intention of the XX1st Article of the Treaty of Washington, and practically to render its provisions inoperative in respect of an important class of goods.

Lord Carnarvon would be glad to be informed of any communication which may be received from Sir Edward Thornton in reference to this matter, or of any communication which Lord Derby may address to him on the subject, in consequence of this remonstrance from the Canadian Government.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 1.

The Earl of Dufferin to the Earl of Carnarvon.

My Lord,

Government House, Ottawa, April 7, 1875.

I HAVE the honour of submitting, for your Lordship's information, a copy of a Report of a Committee of the Privy Council, and accompanying papers having reference to the collection of duty by the United States' Customs authorities upon tin cans containing fish, being the produce of the Canadian fisheries.

A copy of this Minute of Council has been forwarded to Sir E. Thornton, Her Majesty's Minister at Washington.

I have, &c.

(Signed) DUFFERIN.

Inclosure 2 in No. 1.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General on the 7th day of April, 1875.

THE Committee of the Privy Council have had under consideration a Report dated 31st March, 1875, from the Honourable the Minister of Customs, submitting certain papers having reference to the collection of duty by the United States' Customs upon tin cans containing fish, being the produce of the Canadian fisheries.

These papers consist of two letters from Mr. Thomas G. Bourne, of the city of St. John, New Brunswick, dated respectively 7th January and 18th February, 1875, stating that, having consigned 50 cases of canned lobsters to Philadelphia, accompanied by a United States' Consul's certificate that the fish was the produce of Canadian fisheries, the Collector of that port refused to accept entry without payment of duty, which letters are accompanied by an affidavit of Charles Buckard, Master of the schooner "Lizzie Dakers," in which vessel the fish was conveyed to Philadelphia, confirmatory of Mr. Bourne's statements.

In addition to the above the Minister also submits two telegrams from the Collector of Customs of Philadelphia, and one from the Collector of the Port of Boston, dated 13th and 15th March ultimo, to the Commissioner of Customs, from which it will be seen that, while they disclaim the collection of duty on the fish, they have charged a very onerous duty upon the cans in which it is contained, viz., 1½ cents each upon quart cans, and 1½ cents for each additional quart.

In connection with these papers the Minister further invites the attention of your Excellency in Council to the XX1st Article of the Treaty of Washington, which is as follows:—

"It is agreed that for the term of years mentioned in Article XXXIII of this Treaty fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling in to them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island, shall be admitted into each country respectively free of duty,"

The Minister submits that the language of this Article is very explicit, and that any measure which imposes a duty upon ordinary and usual packages which it is the custom of parties engaged in the trade to use, for the preservation and transportation of the fish, is, in effect, the imposition of a duty upon the fish itself, and cannot be regarded otherwise than as a violation of the Treaty.

That the cans also upon which this duty is imposed are of no value whatever after the contents are removed, and are only used because of the perishable nature of the commodity, and are essential to its preservation in a fresh condition.

The Minister further represents that all similar canned fish, the produce of the fisheries of the United States, is invariably admitted to entry in all ports of Canada free of duty upon both cans and their contents, that being in accordance with the letter and spirit of the Treaty; and he, therefore, recommends that the question be submitted to Her Majesty's Ambassador to the United States for such action as may be necessary to secure a strict observance of the Treaty obligations referred to.

The Committee fully concur in the views and recommendation submitted in the said Report, and advise that a copy of this Minute, and of the papers therein referred to, to be transmitted by your Excellency to Sir Edward Thornton.

Certified,

(Signed) W. A. HIMSWORTH,
Clerk Privy Council, Canada.

Inclosure 3 in No. 1.

Mr. Bourne to Mr. Mackenzie.

(Extract.)

St. John, N.B., January 7, 1875.

I VENTURE to trouble you with a few facts which may be of interest at the present time.

In October last I had a vessel proceeding to Philadelphia, and relying on the clauses of the Washington Treaty making fish of all kinds free between the two countries, I shipped fifty cases of preserved lobsters.

They were regularly entered on the ship's manifest, and accompanied by a proper certificate signed by the American Consul here, who assured me that there was no duty. On arrival at Philadelphia they were refused entry unless 35 per cent. duty was paid. The Captain appealed to the Collector personally, but could get no other answer, so they were brought back with the loss of freight and insurance both ways, besides loss of time, &c. This appears to me to be very one-sided reciprocity, for it is within my own personal knowledge that numbers of American houses catch and can or preserve lobsters all along our coasts and supply the upper

provinces of the Dominion with them free of duty, while ours are charged 35 per cent. in their markets.

I wish to observe that mine is not an isolated case, and that I am fully prepared to prove my statements.

On referring to the Dominion Tariff I find "fish preserved not in oil free."

You will, I trust, excuse me troubling you with this trifling matter, in which, however, many are interested besides myself.

Inclosure 4 in No. 1.

Mr. Bourne to Mr. Johnson.

Sir, *St. John, N.B., February 18, 1875.*

I HAVE the honour to acknowledge the receipt of your letter of the 15th ultimo, and regret that I have been unable to make an earlier reply.

I herewith inclose the sworn statement of the captain of the vessel, and also of the Consul's certificate that the goods have been actually relanded at St. John. The certificate you will be good enough to return to me, or forward it to the Customs authorities at Philadelphia, so as to release my Agent from liability.

My direct loss I estimate as follows:—

Freight on 50 cans. Philadelphia and back, 50 cents	D. c.
Insurance (both ways)	25 00
Consul's certificate, outwards	14 50
" " for discharge of bond	2 50
Cartage and wharfage	5 00
	5 00
Total	<u>52 00</u>

This is actual money loss here without any allowance for loss of time on the goods, or expenses at Philadelphia.

I beg leave to thank you for your prompt attention to the subject, and to express the hope that I may at least be the means of placing matters on a more satisfactory basis than heretofore.

I am, &c.
(Signed) THOS. G. BOURNE.

Inclosure 5 in No. 1.

Affidavit.

I, CHARLES BUCKARD, Master of the British schooner "Lizzie Dakers," of St. John, New Brunswick, of which vessel, at the time herein mentioned, Thomas G. Bourne, of St. John, New Brunswick, was the managing owner, do hereby solemnly swear and declare, that the said schooner being on or about the 16th of October last past under charter to proceed to Philadelphia, in the United States of America, I took on board fifty cases of preserved lobsters in cans, for sale at that port, on account of the said Thomas G. Bourne. That on arrival at Philadelphia I requested entry of the said goods under the terms of the Washington Treaty, as being free of duty. That they were refused entry on those terms, and that on personal application to the Collector of the said port (accompanied by the consignee of the vessel), I was told that they could only be entered subject to a duty of 35 per cent. *ad valorem*. That the goods in question were accompanied by a proper certificate, obtained from the United States' Consul at St. John, and that in consequence of the above decision the said goods were brought back to St. John, under bonds given by the agent of the vessel, rendering them liable until such bonds had been cancelled by the sworn testimony of the master and mate of the said vessel, made before the United States' Consul at St. John, New Brunswick. That the said goods had been actually relanded at St. John, the port from which they were originally shipped, and that the said goods were actually brought back and relanded at St. John, New Brunswick, between the 29th and 31st days of December, 1874, according to the terms of the certificate herewith enclosed.

(Signed) CHAS. BUCKARD

Before me,
(Signed) P. GLEESON, J.P.

Inclosure 6 in No. 1.

Mr. Simmons to Mr. Johnston.

(Telegraphic.)

Boston, March 15, 1875.

LOBSTERS in cans, produce of Canadian fisheries, free; cans dutiable.

Inclosure 7 in No. 1.

Mr. Cornby to Mr. Johnston.

(Telegraphic.)

Philadelphia, March 13, 1875.

ALL fish oil, and fish of all kinds, except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil, being the produce of the fisheries of the Dominion of Canada, admitted free of duty.

Inclosure 8 in No. 1.

Mr. Cornby to Mr. Johnston.

(Telegraphic.)

Philadelphia, March 15, 1875.

LOBSTERS and oysters free, cans or packages made of tin or other material, not exceeding one quart, duty 1½ c. each, exceeding one quart, additional duty 1½ c. for each additional quart.

No. 2.

The Earl of Derby to Sir E. Thornton.

Sir,

Foreign Office, May 1, 1875.

I TRANSMIT to you, for your information, the accompanying copy of a letter which has been received from the Colonial Office,* inclosing copy of a despatch from the Governor-General of Canada, together with a Report of his Privy Council and other documents relative to the imposition by the United States' Customs authorities of duty upon tin cans containing fish, the produce of the Canadian fisheries, and I have to request you to furnish me with any observations which you may have to make upon this matter.

The inclosures to the Colonial Office letter are not sent herewith, as they would appear to have been forwarded to you direct from Canada.

I am, &c.
(Signed) DERBY.

No. 3.

Mr. Lister to Mr. Herbert.

Sir,

Foreign Office, May 1, 1875.

I AM directed by the Earl of Derby to acknowledge the receipt of your letter of the 27th ultimo, together with its inclosure, relative to the imposition of the United States' Customs authorities of duty upon tin cans containing fish, the produce of the Canadian fisheries, and I am to inform you in reply that no report on the subject has yet been received from Her Majesty's Minister at Washington, but that your letter has been referred to him for observations.

I am, &c.
(Signed) T. V. LISTER.

No. 4.

Sir E. Thornton to the Earl of Derby.—(Received May 2.)

My Lord,

Washington, April 19, 1875.

I HAVE the honour to inclose copy of a despatch which I have received from the Governor-General of Canada, and in which his Excellency forwards me a Report of a Committee of the Privy Council of Canada, relative to the refusal of the Customs

authorities to allow the import, free of duty, of some tin cans containing lobster, the produce of the Dominion of Canada, and to the collection of duties upon tin cans containing fish from Canada.

I also inclose three printed copies of an Act of Congress passed during the last Session of Congress, and approved on the 8th of February last, making certain alterations in the Customs' and internal revenue laws. At the end of the 4th section of this Act is a proviso imposing a duty upon tin cans containing fish admitted free of duty.

I at first thought that the refusal to admit the lobster in tins brought by the "Lizzie Dakers" to Philadelphia was in accordance with this proviso, for I cannot find that there is any such duty as that of 35 per cent. *ad valorem* upon lobster in tins; but as the arrival of the "Lizzie Dakers" was previous to the passing of the inclosed Act, I presume that the Customs authorities chose to consider the tin cans as coming under the head of "manufactures of tin," upon which there is a duty of 35 per cent.

I thought it, however, expedient to address a note to Mr. Cadwalader, Acting Secretary of State in the absence of Mr. Fish, in which I have put it that an attempt was made to levy duty upon the fish, and that this was an infraction of the XXist Article of the Treaty of May 8, 1871.

I also adverted to the proviso of the Act of February 8, 1875, levying a duty upon tin cans containing fish free of duty, which it appears to me is entirely opposed to the spirit of the Treaty of May 8, 1871, for it is of course impossible to import fish of that sort without the protection of these tin cans, which are themselves, when once broken open, of no use or value whatever.

Your Lordship will observe that the Act imposes the duty upon "cans or packages made of tin or other material," so that if this principle is admitted, there is no reason why such a duty should not be imposed upon tin cans, barrels, cases, or any other package containing fish as would prohibit entirely the importation of fish from Canada, and render the stipulation of the Treaty illusory.

I have the honour to inclose a copy of my note above-mentioned.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 4.

The Earl of Dufferin to the Earl of Carnarvon, April 8, 1875.

[See Inclosure 1 in No. 1.]

Inclosure 2 in No. 4.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General on the 7th day of April, 1875; with Annexes.

[See Inclosure 2 in No. 1.]

Inclosure 3 in No. 4.

Extract from an Act to amend existing Customs and Internal Revenue Laws, and for other purposes.

Sec. 4. That on and after the date of the passage of this Act, in lieu of the duties imposed by law on the articles in this section enumerated, there shall be levied, collected, and paid on the goods, wares, and merchandize in this section enumerated and provided for, imported from foreign countries, the following duties and rates of duties, that is to say:—

On hops, eight cents per pound.

On chromate and bichromate of potassa, four cents per pound.

On macaroni and vermicelli, and on all similar preparations, two cents per pound.

On nitro-benzole, or oil of mirbane, ten cents per pound.

On tin in plates or sheets and on terne and tagger's tin, one and one-tenth cents per pound.

On anchovies and sardines, packed in oil or otherwise, in tin boxes, fifteen cents per whole box, measuring not more than five inches long, four inches wide, and three and a-half inches deep; seven and one-half cents for each half-box, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep; and four cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-half inches deep; when imported in any other form, sixty per centum *ad valorem*: Provided, that cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or Treaty, not exceeding one quart in contents, shall be subject to a duty of one cent and a-half on each can or package; and when exceeding one quart, shall be subject to an additional duty of one cent and a-half for each additional quart, or fractional part thereof.

Inclosure 4 in No. 4.

Sir E. Thornton to Mr. Cadwalader.

Sir,

Washington, April 15, 1875.

I HAVE the honour to invite your attention to the following circumstances which have been communicated to me by the Governor-General of the Dominion of Canada:—

It seems that the British schooner "Lizzie Dakers," of St. John, New Brunswick, owned by Thomas G. Bourne, of St. John, New Brunswick, being, on or about the 16th of October last, under charter to proceed to Philadelphia, took on board fifty cases of preserved lobsters in cans.

On arrival at that port, the master requested entry of these goods under the terms of the Washington Treaty, as being free of duty. He states that they were refused entry, and that, on personal application to the Collector of the Port, he was told that they could only be entered subject to a duty of 35 per cent. *ad valorem*. The goods were accompanied by a proper certificate obtained from the United States' Consul at St. John; but, in consequence of the decision of the Collector, the master took the fifty cases back again, and they were reloaded at St. John. The owner of the goods claims that the actual loss on the goods in freight, insurance, and other expenses has amounted to 52 dollars, without any allowance for loss of time on the goods or expenses at Philadelphia.

If the facts are as stated by the master of the "Lizzie Dakers," it seems to me that the refusal to receive the goods in question free of duty was an infraction of the Treaty of May 8, 1871, and of the Act of Congress of March 1, 1873, and that the owner of the goods is entitled to compensation for the loss he has suffered; and I have the honour to ask that inquiries may be instituted upon the subject.

A representation has also been forwarded to me by the Governor-General of Canada, relative to a duty levied upon the tin cans containing lobster and other fresh fish imported into the United States from Canada.

I presume that the imposition of this duty is in accordance with the proviso at the end of the 4th section of the Act of Congress of February 8, 1875, which enacts "that cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or Treaty, not exceeding one quart in contents, shall be liable to a duty of 1½ cent on each can or package." But I must be allowed to observe that this enactment seems to me to be entirely contrary to the spirit of the XXIst Article of the Treaty above mentioned, which provides for the free admission of fish of all kinds into each country.

The tin can which contains lobster and other fresh fish is not like other packages or vessels containing duty-free articles, upon which packages or vessels, such as carboys, casks, barrels, &c., duty is levied; for these are, when emptied, saleable and useful articles, whilst the tin cans containing fish are necessary to the preservation of the contents, but, when opened, are necessarily destroyed, and are unsaleable and useless.

I should hesitate to believe that this particular proviso of the Act of Congress of February 8, 1875, was especially directed against the fish preserved in cans, the produce of the Dominion of Canada and of Prince Edward Island, which suffers from this duty; whilst, on the other hand, no duty is levied in Canada upon tin cans containing fish, the produce of the United States.

I venture to hope that the Government of the United States, which, I am convinced, is imbued with a spirit of liberality upon this matter, will acquiesce in

my view, and that measures may at least be taken during the next Session of Congress for a reconsideration of the enactment in question.

I have, &c.
(Signed) EDWD. THORNTON.

No. 5.

Lord Tenterden to Mr. Herbert.

Sir, *Foreign Office, May 6, 1875.*
WITH reference to your letter of the 27th ultimo, relative to the levy of duty at Philadelphia on tin cans containing lobsters, the produce of the Canadian fisheries, I am directed by the Earl of Derby to transmit to you a copy of a despatch from Sir E. Thornton on the subject;* and I am to request you to state to the Earl of Carnarvon that Lord Derby proposes, with his concurrence, to approve the note which Sir E. Thornton has addressed to the Acting Secretary of State, calling the attention of the United States' Government to the matter.

I am, &c.
(Signed) TENTERDEN.

No. 6.

Mr. Herbert to Lord Tenterden.—(Received May 11.)

Sir, *Downing Street, May 10, 1875*
I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 6th instant, inclosing a despatch from Sir E. Thornton, relative to a duty charged in the United States of America on tin cans containing fish, the levy of which duty in the case of fish, the produce of British North America, appears to be inconsistent with the provisions of the Treaty of Washington.

Lord Carnarvon desires me to state that he concurs in the approval which Lord Derby proposes to convey to Sir E. Thornton of the communication which he has addressed to the United States' Government on this subject.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 7.

The Earl of Derby to Sir E. Thornton.

Sir, *Foreign Office, May 13, 1875.*
I HAVE had under my consideration, in communication with Her Majesty's Secretary of State for the Colonies, your despatch of the 19th ultimo, forwarding correspondence respecting the levy of duty by the Customs' authorities at Philadelphia on tin cans containing fish, the produce of the Dominion of Canada, and I have to state to you that the note which you addressed to Mr. Cadwalader on the subject on the 15th ultimo is approved by Her Majesty's Government.

I am, &c.
(Signed) DERBY.

No. 8.

Mr. Herbert to Lord Tenterden.—(Received May 29.)

(Extract.) *Downing Street, May 28, 1875.*
WITH reference to my letter of the 27th of April, and to your reply of the 6th instant, I am directed by the Earl of Carnarvon to transmit to you, to be laid before the Earl of Derby, a copy of a despatch from the Governor-General of

Canada, inclosing a further Report of the Privy Council, urging that a representation may be addressed to the Government of the United States, with a view to the removal of the duty recently imposed by the Government upon tin cans and other packages containing duty-free fish.

Lord Carnarvon would recommend that these papers should be communicated at once to Sir E. Thornton. In the meantime his Lordship proposes to inform the Officer Administering the Government that this matter is receiving the best attention of Her Majesty's Government, and to refer him to a Secret despatch addressed to him on the 11th instant, in which his Lordship forwarded to him copy of the communication which Sir E. Thornton addressed to Mr. Cadwalader on the 15th of April, of the full purport of which the Canadian Government do not appear to have been aware when writing their Report of the 30th of April, now forwarded.

Inclosure 1 in No. 8.

The Earl of Dufferin to the Earl of Carnarvon.

My Lord,

Government House, Ottawa, May 1, 1875.

IN my despatch of the 7th of April I had the honour of forwarding to your Lordship a copy of a Minute of the Privy Council, which has been communicated to Her Majesty's Minister at Washington, remonstrating against the exaction by the United States' Customs authorities of the duty lately imposed upon tin cans containing fish, being the produce of the Canadian Fisheries.

I have now the honour of inclosing a copy of a further Report of Council, which contains an urgent request from my Government that the attention of the United States may be drawn to the subject, and that the Executive may be moved to adopt measures for the removal of the impost complained of.

I have, &c.

(Signed) DUFFERIN.

Inclosure 2 in No. 8.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General on the 30th day of April, 1875.

THE Committee of Council have had under consideration the despatches from Sir Edward Thornton, British Minister at Washington, to your Excellency, under date the 12th and 16th April, 1875, in answer to a despatch inclosing the minute of the Privy Council, dated 7th April, 1875, remonstrating against the exaction by the United States' Customs authorities of the duty lately imposed upon tin cans, containing fish imported from the Dominion of Canada, which, by the 21st Article of the Treaty of Washington, is to be admitted free of duty. That Article reads as follows:—

“It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States or of the Dominion of Canada, or of Prince Edward Island, shall be admitted into each country respectively free of duty.”

The Trade between Canada and the United States in fish, including oysters and lobsters, inclosed in hermetically sealed cans of tin, is large and important; the value of American oysters imported into Canada last year in tin cans, chiefly from Baltimore, was 110,000 dollars, and since the Treaty of Washington no duty has been charged on tin or other packages containing fish from the United States, free under the XXIst Article of the Treaty, and as no complaints have been made to the Canadian authorities, it may fairly be assumed that the American Government considered the language of the XXIst Article sufficiently clear to admit the tin and other packages containing fish free of duty. That interpretation seemed consistent with the spirit of the Treaty, as a large portion of the fish trade could only be carried on successfully in hermetically sealed cans, and if it had been contemplated to exempt fish so prepared it is but reasonable to infer that the restriction would have been stated.

On the 8th February last the Congress of the United States passed an Act, No. 11, amending "Existing Customs and Internal Revenue Laws, and for other purposes," the 4th section of which contains the following provision:—

"That cans or packages made of tin, or other material, containing fish of any kind, admitted free of duty under any existing Law or Treaty, not exceeding one quart in contents, shall be subject to a duty of $1\frac{1}{2}$ c. on each can or package, and when exceeding one quart shall be subject to an additional duty of $1\frac{1}{2}$ c. for each additional quart or fractional part thereof."

It seems clear, from the introduction of the word Treaty, that this proviso expressly defeats the construction hitherto placed upon the XXIst Article of the Treaty, the tin cans are necessary for the preservation and transportation of the fish, and on removal of the contents the cans have no value whatever; it is obvious therefore that the imposition of an arbitrary duty on the cans is equivalent to a duty on the fish, and in the opinion of the Committee is a violation of the XXIst Article of the Treaty.

The Committee are disposed to think that the proviso in the Act of Congress referred to must have been inadvertently inserted, and without considering the restriction it would impose on the fair and reasonable interpretation of the Article in the Treaty, as it is impossible to believe that it was intended to violate express Treaty stipulations, and they trust that when the subject is brought under the notice of the United States' Government, the just grounds of complaint on the part of the Dominion Government will be removed.

The Committee, therefore, advise that a copy of this Minute, and also a copy of the Minute approved on the 7th April instant, with the letters and documents therein referred to, be transmitted by your Excellency to the Right Honourable the Secretary of State for the Colonies, with a request that the attention of the Government of the United States may be called to the subject, and that it may be moved to adopt measures for the removal of the duty complained of.

Certified,
(Signed) W. A. HIMSWORTH,
Clerk Privy Council, Canada.

Inclosure 3 in No. 8.

Sir E. Thornton to the Earl of Dufferin.

My Lord,

Washington, April 12, 1875.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 8th instant, forwarding a Report of a Committee of the Privy Council relative to the collection of duty by the United States' Authorities upon tin cans containing fish, being the produce of the Canadian Fisheries.

Although it is not so stated in the declaration of the Master of the "Lizzie Dakers," or in Mr. Bourne's letter of the 18th of February last, I presume that the duty of 35 per cent. *ad valorem* demanded by the Collector at Philadelphia was upon the tin cans, and not upon the lobster which they contained; for 35 per cent. is the duty imposed by the Tariff upon manufactures of tin, whilst I find no such duty upon preserved lobster, the duty on the latter being, as I understand the Tariff, 50 cents. per 100 lbs.

With regard to the duty on the tin cans I must make further inquiries, and shall then probably make a verbal representation to Mr. Fish upon the subject. But, as far as I can as yet learn, the general rule seems to be to levy duties upon the vessels, of whatever sort they may be, which contain the duty-free articles, the difference however being that these vessels can generally be used again, whilst the tin cans, when once opened, can be of no use.

I have, &c.
(Signed) EDWD. THORNTON.

No. 9.

The Earl of Derby to Sir E. Thornton.

Sir,

Foreign Office, June 7, 1875.

WITH reference to my despatch of the 13th ultimo, I transmit to you a copy of a letter from the Colonial Office* forwarding a despatch from the Canadian Government which suggests that a representation should be made to the United States' Government, against the duty recently imposed upon tin cans and other packages containing duty-free fish imported into the United States, and I have to instruct you to take such steps as you may think advisable for obtaining the removal of the duty in question.

I am, &c.
(Signed) DEBBY.

No. 10.

Lord Tenterden to Mr. Herbert.

Sir,

Foreign Office, June 7, 1875.

I AM directed by the Earl of Derby to acknowledge the receipt of your letter of the 28th ultimo, forwarding a further communication from the Canadian Government as to the duty recently imposed in the United States upon tin cans containing duty-free fish, and I am to state to you, for the information of the Earl of Carnarvon, that copies of these papers have been sent to Sir E. Thornton, and that he has been instructed to take such steps as he may think advisable for obtaining the removal of the duty in question.

I am, &c.
(Signed) TENTERDEN.

No. 11.

Sir E. Thornton to the Earl of Derby.—(Received July 3.)

(Extract.)

Washington, June 21, 1875.

WITH reference to my despatch of the 19th of April last, I have the honour to inclose copies of a note and of its inclosures which I have at length received from Mr. Cadwalader, Acting Secretary of State, in answer to mine of the 15th of April last, relative to the refusal of the Collector of Customs at Philadelphia to admit free of duty certain tins of lobster coming from Canada, and to the imposition of a duty upon tin cans containing fish, the latter being free of duty by the provisions of the Treaty of May 8, 1871.

Your Lordship will perceive that, in the first instance, the Collector of Customs of Philadelphia excuses himself by supposing that the lobsters in question were preserved in oil, and therefore excepted from free admission by the terms of the Treaty. I must acknowledge that I am surprised that the Master of the "Lizzie Dakers" took back the lobster in question without even entering a protest before Her Majesty's Consul or making any representation to Her Majesty's Minister, in either of which cases the matter would probably have been investigated, and it would have been proved whether the lobster could have been admitted or not under the terms of the Treaty.

With regard to the duty imposed upon tin cans containing fish which itself would be free of duty, Mr. Cadwalader, who has not sent me a copy of the communication from the Secretary of the Treasury, states that the latter thinks 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. The Secretary of the Treasury 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 that the assessment of duty on tin cans containing fish imported under the Treaty is required by such Act.

I am to-day forwarding copies of this note and of its inclosures to his Excellency the Administrator of the Government of Canada.

I may observe that, since I addressed my note on the 19th of April last to Mr. Fish, the Secretary of the Treasury has issued an order to the effect that barrels containing fish free of duty by Treaty are not subject to the duty imposed by the Act of Congress. Yet I cannot see why barrels should be exempt when tin cans are not so; for the Act imposes duty upon "cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or Treaty, &c."

Inclosure 1 in No. 11.

Mr. Cadwalader to Sir E. Thornton.

Sir, *Department of State, Washington, June 19, 1875.*

REFERRING to your note of the 15th April last, inviting the attention of this Department to the imposition of a duty on an importation of canned lobsters by the "Lizzie Dakers," and also to the imposition of a duty on tin 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 information by the "Lizzie Dakers," the Secretary of the Treasury forwards a copy of a letter addressed to the Collector of Customs at Philadelphia, under date of May 3, 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 inclosed. 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 importation 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 8, 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 that 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.

Inclosure 2 in No. 11.

Mr. Hartley to Mr. Cornby.

Sir, *Treasury Department, Washington, May 3, 1875.*

I INCLOSE herewith an extract from a letter of the British Minister, addressed to the Department of State, under date of the 15th ultimo, 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, New Brunswick.

Referring to Department's decision of July 10th, 1873 (Synopsis 1622), I will thank you to report, in what respect, if any, the preserved lobsters in question differ from those covered by said decision, stating whether you refused free entry of said merchandize, as alleged, and if so, what ground you had for such action.

I have, &c.

(Signed) J. F. HARTLEY.

Inclosure 3 in No. 11.

Mr. Cornby to Mr. Bristow.

Sir,

Custom House, Philadelphia, May 8, 1876.

I HAVE the honour to acknowledge the receipt of your letter of the 3rd instant, containing copy of an extract from a letter of the British Minister, addressed to the Department of State under date of the 15th ultimo, in which it is alleged that you [I] refused free entry of a certain importation of fifty cases of preserved lobsters, per schooner "Lizzie Dakers," from St. John, New Brunswick, and in reply respectfully beg leave to say that, after investigation, I cannot find that free entry was refused for the fifty cases of lobsters except from the supposed fact that the lobsters being preserved in oil; Revised Statutes, Section 2506: "All fish oil and fish of all kinds (except fish of the inland lakes and rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island, shall be admitted into the United States free of duty.

I have no doubt that the lobsters were not entitled to free entry under the above section, as it appears they were warehoused and withdrawn for immediate exportation.

I am, &c.
(Signed) S. J. CORNBY, *Collector.*

No. 12.

Mr. Lister to Mr. Herbert.

Sir,

Foreign Office, July 6, 1875.

WITH reference to your letter of the 10th of May, I am directed by the Earl of Derby to transmit to you, to be laid before the Earl of Carnarvon, a copy of a despatch from Her Majesty's Minister in Washington,* in regard to the imposition of a duty upon tin cans containing fish imported from Canada into the United States.

I am, &c.
(Signed) T. V. LISTER.

No. 13.

Sir E. Thornton to the Earl of Derby.—(Received September 19.)

My Lord,

Washington, September 6, 1875.

WITH reference to my despatch of the 21st of June last, I have the honour to inclose copies of a despatch, and of its inclosures, from the Administrator of the Government of Canada, transmitting copy of a Report of a Committee of the Privy Council of Canada, suggesting that I should call upon the United States' Government to grant indemnity to the shipper of a quantity of preserved lobster in tins, which arrived at Philadelphia at the end of last year, in the "Lizzie Dakers," and was refused admittance, as the master alleges, except on the payment of duty.

In compliance, however, with the general instructions from your Lordship's Department, I have the honour to submit the case to you, and to ask whether your Lordship deems it expedient that the claim of the shipper of the preserved lobster should be presented to the Government of the United States.

I may be allowed to observe that the Master of the "Lizzie Dakers" does not seem to have obtained from the Collector of Customs a refusal in writing to admit the lobster except on the payment of duty, but to have taken it back to Canada on the verbal refusal of the Collector to admit it free of duty. It seems to me that he would, under the circumstances, have done better to have paid the duties under protest, and afterwards to have claimed their restitution. At any rate, he might have addressed himself either to Her Majesty's Consul at Philadelphia, or to Her Majesty's Minister at Washington, in either of which cases it is more than probable

that the exemption of the lobster from the payment of duty would have been at once allowed. But he took neither of these steps, and does not seem even to have entered a protest at the British Consulate against the act of the Collector of Customs. The master's determination to take the lobster back again without even taking such ordinary steps, or discovering the reasons which led the Collector to refuse its admittance free of duty, seems to have been somewhat precipitate.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 13.

Lieutenant-General Sir W. O'G. Haly to Sir E. Thornton.

Sir, *Halifax, Nova Scotia, August 30, 1875.*
 WITH reference to your despatch of the 21st June, and to previous correspondence on the subject of the refusal of the Collector of Customs at Philadelphia to admit cases of preserved lobster shipped from Canada, unless upon the payment of duty, I have the honour, at the instance of my Government, of inclosing a copy of an approved Minute of Council, covering copy of a letter, and an affidavit in support of the claim of the shipper for indemnity for loss sustained by him in consequence of the action of the Collector of Customs.

I have, &c.

(Signed) W. O'G. HALY.

Inclosure 2 in No. 13.

Report of a Committee of the Honourable Privy Council, approved by his Excellency the Administrator of the Government in Council, on the 27th August, 1875.

THE Committee of the Privy Council have had under consideration the Memorandum dated 10th July, 1875, from the Honourable the Minister of Customs, relative to the cases of preserved lobster which the Master of the "Lizzie Dakers" stated were refused admission by the Custom-house at Philadelphia, unless upon the payment of duty.

The Secretary of the Treasury of the United States forwards a copy of a letter addressed to the Collector of Customs, Philadelphia, in which he states that, "after investigation, he cannot find that free entry was refused for the fifty cases of lobsters, except from the supposed fact that the lobsters being preserved in oil," they came within the exceptions in the Treaty and the Acts relating thereto.

On this point the Minister of Customs submits that the facts stated in the accompanying affidavits of Thomas G. Bourne, Esq., the shipper of the lobsters in question, and J. E. Puddington, Esq., a respectable merchant of St. John, New Brunswick, may, in his opinion, be received as satisfactory proof that there was no oil used in their preservation, and further that such a method of preserving lobsters is not known or practised in Canada, and as this is the only ground alleged by the Collector of Customs of Philadelphia for refusing to accept a free entry of the fish, he trusts that the Secretary of the Treasury of the United States will favourably consider the claim of the shipper for indemnity for the loss sustained by him as a consequence of the Collector's custom.

The Committee concurs in the views expressed by the Minister of Customs, and advise that a copy of this Minute and of the affidavits referred to be transmitted to Sir Edward Thornton.

Certified,

(Signed) W. A. HIMSWORTH,
 Clerk, Privy Council.

Inclosure 3 in No. 13.

Mr. Bourne to Mr. Johnson.

Sir,

St. John, New Brunswick, July 29, 1875.

I HAVE to acknowledge the receipt of your letter of the 14th instant, and regret that, owing to severe illness, I have not been able to make an earlier reply. I herewith inclose papers such as you request, and think they should be sufficient to satisfy any person desirous of arriving at the truth of the matter. In order, however, to set the matter at rest, I have forwarded you, by to-day's mail, a can of preserved lobsters, taken at random from the very lot that was shipped to Philadelphia by the "Lizzie Dakers."

I am, &c.
(Signed) THOS. G. BOURNE.

Inclosure 4 in No. 13.

Affidavit.

I, THOMAS GEORGE BOURNE, of the City of St. John, New Brunswick, in the Dominion of Canada, do hereby solemnly swear and declare that the fifty cases of preserved lobsters shipped by me on board the schooner "Lizzie Dakers," on the 19th of October last past, and which were refused free entry at the Port of Philadelphia, in the United States, and afterwards returned to St. John, New Brunswick, under bond, were fresh lobsters, put up in the usual way in which fresh meats, fish, and vegetables are put up in cans; that no oil of any kind whatever was used, or could have been used in their preparation, and that, if necessary, I am prepared to furnish sample cans of exactly the same brand of fish, which I would be willing to submit to the judgment of competent persons in proof of the truth of my statement.

(Signed) THOMAS G. BOURNE.

Sworn to before me, this 27th day of July, 1875.

(Signed) P. GLEESON, J.P.

I, J. E. Puddington, of the city of St. John, New Brunswick, merchant, being fully cognizant of the facts of the statement above sworn to, do hereby testify that such statement is, in my opinion, strictly true and worthy of full credit and belief.

(Signed) J. E. PUDDINGTON.

Witness:

(Signed) W. H. MERRETT.

St. John, New Brunswick, July 27, 1875.

No. 14.

Mr. Lister to Mr. Herbert.

Sir,

Foreign Office, September 22, 1875.

WITH reference to Lord Tenterden's letter of the 6th of July, I am directed by the Earl of Derby to transmit to you a copy of a despatch from Her Majesty's Minister at Washington,* forwarding a copy of a further communication addressed to him by the Canadian Government, on the subject of the demand made by the Custom-house at Philadelphia for the payment of duty on some preserved lobster, shipped on board the "Lizzie Dakers," and I am to request you in laying this despatch before the Earl of Carnarvon to move his Lordship to inform Lord Derby whether he would wish that Sir E. Thornton should be instructed to apply to the United States' Government for compensation for the owner of the lobsters.

I am, &c.
(Signed) T. V. LISTER.

No. 15.

Mr. Meade to Lord Tenterden.—(Received October 4.)

Sir, *Downing Street, October 2, 1875.*

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 22nd instant, inclosing a copy of a despatch from Her Majesty's Minister at Washington, forwarding a copy of a further communication addressed to him by the Canadian Government, on the subject of the demand made at the Custom-house at Philadelphia, for the payment of duty on some lobsters shipped on board the "Lizzie Dakers," and requesting to be informed whether Lord Carnarvon would wish that Sir E. Thornton should be instructed to apply to the United States' Government for compensation of the owners of the lobsters.

Lord Carnarvon desires me in reply to request that you will inform the Earl of Derby that his Lordship thinks that Sir E. Thornton may be instructed to ascertain whether the United States' Government would be prepared to make any compensation to the shipper of these lobsters.

I am, &c.
(Signed) R. H. MEADE.

No. 16.

Mr. Malcolm to Lord Tenterden.—(Received October 7.)

Sir, *Downing Street, October 6, 1875.*

WITH reference to your letter of the 22nd September, and to the reply from this Department of the 2nd instant, relating to the refusal of the United States Customs' authorities at Philadelphia to admit free of duty certain lobsters shipped on board the "Lizzie Dakers" by Mr. Bourne, of St. John, New Brunswick, I am directed by the Earl of Carnarvon to transmit to you, to be laid before the Earl of Derby, a copy of a despatch addressed to the officer administering the Government of Canada by Sir E. Thornton on this subject.

Lord Carnarvon desires me to state that he would be glad to receive a copy of any instruction given to Sir E. Thornton in consequence of the letter from this Department above referred to, in order that the Governor-General of Canada may be apprized of the course proposed to be taken in the matter.

I am, &c.
(Signed) W. R. MALCOLM.

Inclosure in No. 16.

Sir E. Thornton to Lieutenant-General Sir W. O'G. Haly, K.C.B.

Sir, *Washington, September 6, 1875.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 30th ultimo, transmitting a copy of a Report of a Committee of the Privy Council of Canada relative to the preserved lobster which was carried to Philadelphia in the "Lizzie Dakers," and was there refused admittance except on the payment of duty.

I do not, however, feel justified in presenting to the United States' Government a claim for indemnity on this account without being instructed to do so by the Earl of Derby, to whom I have, consequently, referred the matter.

I have, &c.
(Signed) EDWD THORNTON.

No. 17.

The Earl of Derby to Sir E. Thornton.

Sir, *Foreign Office, October 11, 1875.*

I HAVE had under my consideration, in communication with Her Majesty's Secretary of State for the Colonies, your despatch of the 6th ultimo, forwarding

a communication from the Canadian Government on the subject of the demand made at the Custom-house at Philadelphia for the payment of duty on some tinned lobsters shipped on board the "Lizzie Dakers," and I have to instruct you to ascertain whether the United States' Government would be prepared to make any compensation to the shipper of the lobsters for the loss sustained by him in consequence of that demand.

I am, &c.
(Signed) DERBY.

No. 18.

Mr. Lister to Mr. Herbert.

Sir,

Foreign Office, October 12, 1875.

WITH reference to your letters of the 2nd and 6th instant, I am directed by the Earl of Derby to transmit to you, to be laid before the Earl of Carnarvon, a copy of a despatch addressed by Lord Derby to Her Majesty's Minister at Washington,* instructing him to ascertain whether the United States' Government would be prepared to make any compensation to the shipper of some lobsters on board the "Lizzie Dakers," on which duty was claimed at Philadelphia.

I am, &c.
(Signed) T. V. LISTER.

No. 19.

Sir E. Thornton to the Earl of Derby.—(Received December 5.)

My Lord,

Washington, November 22, 1875.

IN compliance with the instructions contained in your Lordship's despatch of the 11th ultimo, I addressed a note to Mr. Fish, copy of which I have the honour to inclose, inquiring whether the Government of the United States would not consider it in accordance with justice that the owners of the lobster preserved in tins, which was shipped in the "Lizzie Dakers," and was refused admittance, without payment of duty, by the Custom-house at Philadelphia, should be compensated for their loss.

I now inclose copy of the answer which I have received from Mr. Fish, and which incloses copy of a communication from the Secretary of the Treasury, to the effect that it is out of the power of his Department to grant the relief solicited by the owners of the preserved lobster, and that this can only be afforded by a special Act of Congress.

I have forwarded a copy of Mr. Fish's note, and of its inclosure, to the Governor-General of Canada.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 1 in No. 19.

Sir E. Thornton to Mr. Fish.

Sir,

Washington, October 30, 1875.

WITH reference to Mr. Cadwalader's note of the 19th of June last, on the subject of some canned lobster which was brought to Philadelphia by the British vessel "Lizzie Dakers" towards the end of 1874, and was refused admittance free of duty by the Collector of Customs of that port, I have the honour to inclose copy of a despatch which I have received from the Administrator of the Government of Canada, transmitting copies of documents showing that the lobster in question was not preserved in oil.

I transmitted a copy of this despatch to the Earl of Derby, and his Lordship has now instructed me to inquire of you whether the Government of the United States would not consider it fair, and in accordance with justice, that some com-

pensation should be made to the shipper of the lobster for the loss he has sustained in consequence of the refusal to admit it free of duty, which rendered it necessary to take the lobster back to the place of shipment.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 2 in No. 19.

Mr. Fish to Sir E. Thornton.

Sir, *Department of State, Washington, November 17, 1875.*
REFERRING to your note of the 30th ultimo, further in regard to the importation of certain canned lobsters in the British vessel "Lizzie Dakers" at the port of Philadelphia in the year 1874, I have the honour to inclose, for your information, a copy of a letter of the 12th instant upon the subject from the Secretary of the Treasury, to whom a copy of your note was submitted.

(Signed) HAMILTON FISH.

Inclosure 3 in No. 19.

Mr. Bristow to Mr. Fish.

Sir, *Treasury Department, November 12, 1875.*

I HAVE the honour to acknowledge the receipt of the communication of the Acting Secretary of State, under date of the 2nd instant, transmitting a copy of a note and its accompaniments lately received by you from the British Minister further in regard to the importation of certain canned lobsters in the British vessel "Lizzie Dakers" at the port of Philadelphia in the year 1874.

It appears from the papers before the Department that the Collector of Customs at that port declined to admit said importation to free entry on the ground that the lobsters were presumed to have been preserved in oil, a fact which, if true, would exclude them from the benefit of the provision in the Treaty of Washington, allowing, with certain exceptions, the free entry of fish, the produce of Canadian fisheries.

It further appears that, in consequence of such action of the Collector, the owners of the lobsters returned the same to the Dominion of Canada, under an entry for warehouse and immediate exportation, and, consequently, without any examination by which the fact, whether the same were or were not preserved in oil could be determined.

Evidence is now presented going to show that the lobsters in question were, as a matter of fact, not preserved in oil, and were, therefore, entitled to free entry; and claim is made on behalf of the Canadian owners for damages alleged to have been sustained by reason of the non-admission of said merchandize to free entry, and the supposed compulsory re-exportation thereof under the circumstances stated.

In reply I have to remark that it may be deemed sufficient to state, so far as the action of this Department is concerned, that, under the circumstances of the case, the Secretary of the Treasury has no jurisdiction of said claim: first, because it is for constructive or equitable damages; and, secondly, because, if he could entertain the claim and adjust the amount to be allowed (if any) there is no appropriation out of which he could direct the same to be paid.

It may be proper to add, however, for the information of the claimants, that, as the facts appear before the Department, there was no legal stress or compulsion which prevented them from exercising the right to enter the merchandize, either in bond or for consumption, and therefore to have such examination made as would have determined the precise character of the importation, or would have enabled them to bring the question before the Department on protest and appeal.

It would seem, therefore, that the claimants voluntarily adopted an alternative of their own selection, a course which they may have taken in ignorance of their legal rights, but not of itself affording any grounds for the relief they now seek, and which, if they are entitled thereto, can be afforded only by a special Act of Congress.

I am, &c.
(Signed) B. H. BRISTOW, *Secretary.*

No. 20.

Lord Tenterden to Mr. Herbert.

Sir,

Foreign Office, December 10, 1875.

WITH reference to Mr. Lister's letter of the 12th of October, I am directed by the Earl of Derby to transmit to you, herewith, to be laid before the Earl of Carnarvon, a copy of a despatch from Her Majesty's Minister at Washington,* reporting that the United States' Government are unable, without a special Act of Congress, to grant compensation to the shipper of the lobsters on board the "Lizzie Dakers."

I am, &c.
(Signed) TENTERDEN.

No. 21.

Mr. Meude to Lord Tenterden.—(Received December 20.)

(Extract.)

Downing Street, December 18, 1875.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 10th instant, inclosing a copy of a despatch from Sir E. Thornton, giving the result of the representation which he made to the United States' Government respecting the grant of compensation to the shipper of certain tinned lobsters sent from Canada on board the "Lizzie Dakers."

No. 22.

Sir E. Thornton to the Earl of Derby.—(Received February 5.)

(Extract.)

Washington, January 24, 1876.

I HAVE the honour to state that I have more than once urged upon Mr. Fish the justice of procuring the repeal of the Tariff of February 8, 1873, as far as it relates to the imposition of duty upon the tins containing fish imported from Canada, on the ground that it was a violation of the XXIst Article of the Treaty of May 8, 1871. Mr. Fish, admitting that the duty in question was opposed to the spirit, if not to the letter, of that Treaty, had promised that he would endeavour to obtain a repeal of the objectionable enactment on the meeting of Congress.

Within the last few days I have reminded him of the matter. He excused himself for not having yet taken any step on the ground that, owing to the multitude of requests for papers by the new House of Representatives, he had been more than usually occupied, but he has assured me that he will take an early opportunity of calling the attention of the Chairman of the Committee of Ways and Means to the subject.

No. 23.

Lord Tenterden to Mr. Meude.

Sir,

Foreign Office, February 8, 1876.

WITH reference to your letter of the 18th of December, I am directed by the Earl of Derby to transmit to you, to be laid before the Earl of Carnarvon, an extract of a despatch from Her Majesty's Minister at Washington,† in regard to the imposition of duty upon the tins containing fish imported into the United States from Canada.

I am, &c.
(Signed) TENTERDEN.

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Correspondence respecting the
imposition of duty by the United
States' authorities on tin cans
containing fish from Canada.

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