CAP. III.

An Act to carry into effect a Treaty between Her Majesty and the United States of *America*. [19th *February* 1855.]

'WHEREAS a Treaty was, on the Fifth Day of *June* One thousand eight hundred and fifty-four, concluded between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the United States of *America*, whereby it was agreed as follows:

'ARTICLE I.—It is agreed by the High Contracting Parties that, in addition to the Liberty secured to the *United States* Fishermen by the above-mentioned Convention of *October* 20, 1818, of taking, curing, and drying Fish on certain Coasts of the *British North American* Colonies therein defined, the Inhabitants of the *United States* shall have, in common with the Subjects of Her *Britannic* Majesty, the Liberty to take Fish of every Kind, except Shell Fish, on the Sea Coasts and Shores and in the Bays, Harbours, and Creeks of *Canada*, *New Brunswick*, *Nova Scotia*, *Prince Edward's Island*, and of the several Islands thereunto adjacent, without being restricted to any Distance from the Shore, with Permission to land upon the Coasts and Shores of those Colonies and the Islands thereof, and also upon the *Magdalon Islands*, for the Purpose of drying their Nets and curing their Fish; provided that in so doing they do not interfere with the Rights of private Property or with *British* Fishermen in the peaceable Use of any Part of the said Coast in their Occupancy for the same Purpose.

'It is understood that the above-mentioned Liberty applies solely to the Sea Fishery, and that the Salmon and Shad Fisheries, and all Fisheries in Rivers and the Mouths of Rivers, are hereby reserved exclusively for *British* Fishermen.

'And it is further agreed that, in order to prevent or settle any Disputes as to the Places to which the Reservation of exclusive Right to *British* Fishermen contained in this Article and that of Fishermen of the *United States* contained in the next succeeding Article apply, each of the High Contracting Parties, on the Application of either to the other shall, within Six Months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any Business, shall make and subscribe a solemn Declaration that they will impartially and carefully examine and decide, to the best of their Judgment and according to Justice and Equity, without Fear, Favour, or Affection to their own Country, upon all such Places as are intended to be reserved and excluded from the common Liberty of fishing under this and the next succeeding Article; and such Declaration shall be entered on the Record of their Proceedings. The Commissioners shall name some Third Person to act as an Arbitrator or Umpire in any Case or Cases on which they may themselves differ in Opinion. If they should not be able to agree upon the Name of such Third Person, they shall each name a Person, and it shall be determined by Lot which of the Two Persons so named shall be the Arbitrator or Umpire in Cases of Difference or Disagreement between the Commissioners. The Person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any Case, make and subscribe a solemn Declaration in a Form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the Record of their Proceedings. In the event of the Death, Absence, or Incapacity of either of the Commissioners or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different Person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the Place and Stead of the Person so originally appointed or named as aforesaid, and shall make and subscribe such Declaration as aforesaid.

'Such Commissioners shall proceed to examine the Coasts of the *North American* Provinces and of the *United States* embraced within the Provisions of the First and Second Articles of this Treaty, and shall designate the Places reserved by the said Articles from the common Right of fishing therein.

'The Decision of the Commissioners and of the Arbitrator or Umpire shall be given 'in Writing in each Case, and shall be signed by them respectively.

'The High Contracting Parties hereby solemnly engage to consider the Decision of 'the Commissioners conjointly or of the Arbitrator or Umpire, as the Case may be, as 'absolutely final and conclusive in each Case decided upon by them or him respectively.

'ARTICLE II.—It is agreed by the High Contracting Parties that *British* Subjects 'shall have, in common with the Citizens of the *United States*, the Liberty to take Fish 'of every Kind, except Shell Fish, on the Eastern Sea Coasts and Shores of the *United* '*States* North of the 36th Parallel of North Latitude, and on the Shores of the several 'Islands thereunto adjacent, and in the Bays, Harbours, and Creeks of the said Sea 'Coasts and Shores of the *United States* and of the said Islands without being restricted 'to any Distance from the Shore, with Permission to land upon the said Coasts of the '*United States* and of the Islands aforesaid for the Purpose of drying their Nets and 'curing their Fish; provided, that in so doing they do not interfere with the Rights of 'private Property, or with the Fishermen of the *United States* in the peaceable Use of 'any Part of the said Coasts in their Occupancy for the same Purpose.

'It is understood that the above-mentioned Liberty applies solely to the Sea Fishery, 'and that Salmon and Shad Fisheries, and all Fisheries in Rivers and Mouths of Rivers, 'are hereby reserved exclusively for Fishermen of the *United States*.

'ARTICLE III.—It is agreed that the Articles enumerated in the Schedule hereunto 'annexed, being the Growth and Produce of the aforesaid *British* Colonies, or of the '*United States*, shall be admitted into each Country respectively free of Duty:

'Schedule.

'Grain, Flour, and Bread-stuffs of all Kinds.
'Animals of all Kinds.
'Fresh, 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, Horns, 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.
'Firewood.
'Plants, Shrubs, and Trees.
'Pelts, Wool.
'Fish, Oil.
'Rice, Broom Corn, and Bark.
'Gypsum, ground or unground.
'Hewn or wrought or unwrought Burr or Grindstones.
'Dye Stuffs.
'Flax, Hemp, and Tow unmanufactured.
'Unmanufactured Tobacco.
'Rags.

'ARTICLE IV.—It is agreed that the Citizens and Inhabitants of the *United States* 'shall have 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

'with their Vessels, Boats, and Crafts, as fully and freely as the Subjects of Her *Britannic* 'Majesty, subject only to the same Tolls and other Assessments as now are or may here- 'after be exacted of Her Majesty's said Subjects; it being understood, however, that the '*British* Government retains the Right of suspending this Privilege, on giving due 'Notice thereof to the Government of the *United States*.

'It is further agreed, that if at any Time the *British* Government should exercise the 'said reserved Right, the Government of the *United States* shall have the Right of 'suspending, if it think fit, the Operation of Article III. of the present Treaty, in so far 'as the Province of *Canada* is affected thereby, for so long as the Suspension of the free 'Navigation of the River *St. Lawrence* or the Canals may continue.

'It is further agreed, that *British* Subjects shall have the Right freely to navigate *Lake* '*Michigan*, with their Vessels, Boats, and Crafts, so long as the Privilege of navigating 'the River *St. Lawrence*, secured to *American* Citizens by the above Clause of the 'present Article, shall continue; and the Government of the *United States* further 'engages to urge upon the State Governments to secure to the Subjects of Her *Britannic* 'Majesty the Use of the several State Canals on Terms of Equality with the Inhabitants 'of the *United States*.

'And it is further agreed, that no Export Duty or other Duty shall be levied on 'Lumber or Timber of any Kind cut on that Portion of the *American* Territory in the 'State of *Maine* watered by the River *St. John* and its Tributaries, and floated down 'that River to the Sea, when the same is shipped to the *United States* from the Province 'of *New Brunswick*.

'ARTICLE V.—The present Treaty shall take effect as soon as the Laws required to 'carry it into operation shall have been passed by the Imperial Parliament of *Great Britain* 'and by the Provincial Parliaments of those of the *British North American* Colonies 'which are affected by this Treaty on the one Hand, and by the Congress of the *United* '*States* on the other. Such Assent having been given, the Treaty shall remain in force 'for Ten Years from the Date at which it may come into operation, and further until 'the Expiration of Twelve Months after either of the High Contracting Parties shall 'give Notice to the other of its Wish to terminate the same; each of the High Con- 'tracting Parties being at liberty to give such Notice to the other at the End of the said 'Term of Ten Years, or at any Time afterwards.

'It is clearly understood, however, that this Stipulation is not intended to affect the 'Reservation made by Article IV. of the present Treaty with regard to the Right of 'temporarily suspending the Operation of Articles III. and IV. thereof.

'ARTICLE VI.—And it is hereby further agreed, that the Provisions and Stipulations 'of the foregoing Articles shall extend to the Island of *Newfoundland*, so far as they are 'applicable to that Colony. But if the Imperial Parliament, the Provincial Parliament of '*Newfoundland*, or the Congress of the *United States*, shall not embrace, in their Laws 'enacted for carrying this Treaty into effect, the Colony of *Newfoundland*, then this 'Article shall be of no Effect; but the Omission to make Provision by Law to give it 'Effect, by either of the Legislative Bodies aforesaid, shall not in any Way impair the 'remaining Articles of this Treaty.

'And whereas the said Treaty was ratified between Her said Majesty and the *United States*, 'and such Ratification was exchanged on the Ninth Day of *September* One thousand eight 'hundred and fifty-four: And whereas in pursuance of the said Treaty the Senate and House 'of Representatives of the United States of *America* in Congress assembled have passed an 'entitled "An Act to carry into effect a Treaty between the *United States* and *Great Britain*," 'signed on the Fifth Day of *June* One thousand eight hundred and fifty-four, which Act was 'approved on the Fifth Day of *August* One thousand eight hundred and fifty-four, by which 'Act it is among other things provided, that whenever the President of the *United States* 'shall receive satisfactory Evidence that the Imperial Parliament of *Great Britain*, and the 'Provincial Parliaments of *Canada*, *New Brunswick*, *Nova Scotia*, and *Prince Edward's Island* 'have passed Laws on their Part to give full Effect to the Provisions of the said Treaty, the 'said President is thereby authorized to issue his Proclamation declaring that he has such 'Evidence, and thereupon the Provisions of the said Treaty shall go into effect, and be 'observed on the Part of the *United States*: And whereas the Legislatures of the Colonies

'aforesaid have respectively passed Laws to carry the said Treaty into operation; namely, an 'Act passed by the Legislature of *Canada*, intituled "An Act for giving Effect on the Part of 'this Province to a certain Treaty between Her Majesty and the United States of *America*;" 'an Act passed by the Legislature of *Nova Scotia*, intituled "An Act for giving Effect on 'the Part of the Province of *Nova Scotia* to a certain Treaty between Her Majesty and 'the United States of *America*;" an Act passed by the Legislature of *New Brunswick*, 'intituled "An Act for giving Effect on the Part of the Province of *New Brunswick* to a 'certain Treaty between Her Majesty and the United States of *America*;" and an Act passed 'by the Legislature of *Prince Edward Island*, intituled "An Act to authorize Free Trade with 'the United States of *America* under a Treaty between *Great Britain* and the United States 'of *America*:" And whereas it is expedient that effectual Provision should be made by 'Parliament for carrying into operation the said Treaty:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts at variance with the said Treaty suspended.

I. All Acts of Parliament and Laws which operate to prevent the Provisions of the said Treaty from taking full Effect shall, so far as they so operate, be suspended and of no Effect during the Continuance of the said Treaty.

When Act to come into operation.

II. This Act shall come into operation in each of the said Colonies of *Canada*, *New Brunswick*, *Nova Scotia*, and *Prince Edward Island* as soon as the same shall have been received and proclaimed by the Officer administering the Government of such Colony.

Provision for Extension of the Treaty to Newfoundland.

III. Whenever the necessary Laws shall have been passed by the Legislature of *Newfoundland*, and approved by Her Majesty, for giving Effect to the Provisions and Stipulations of the said Treaty as it respects that Colony, it shall be lawful for the Officer administering the Government of *Newfoundland* by his Proclamation to declare that, after a Time fixed in such Proclamation for that Purpose, the Provisions and Stipulations mentioned or referred to in the Sixth Article of the said Treaty shall extend to the said Island of *Newfoundland* so far as they are applicable to that Colony, and thereupon from the Time so fixed the said Provisions and Stipulations shall be so extended and have full Effect accordingly, any Act of Parliament, Law, Custom, or Usage to the contrary notwithstanding.

CAP IV.

An Act to amend the Act for limiting the Time of Service in the Army.

[27th *February* 1855.]

10 & 11 Vict. c. 37.

'WHEREAS by an Act passed in the Session holden in the Tenth and Eleventh Years 'of Her Majesty, Chapter Thirty-seven, "for limiting the Time of Service in the 'Army," it was enacted, that no Person should be enlisted to serve Her Majesty, or in the 'Forces of the *East India* Company, as a Soldier for a longer Term than Ten Years in the 'Infantry or Twelve Years in the Cavalry or Artillery, or other Ordnance Corps, to be 'reckoned from the Day on which the Recruit should have been attested, if he should have 'stated himself to be then of the Age of Eighteen Years, or if not, then from the Day on 'which he would complete the Age of Eighteen Years, to be reckoned according to the 'Age stated in his Attestation: And it was thereby also enacted, that any Soldier at any 'Time during the last Six Months of the Term of limited Service for which he should have 'been first engaged, or after the Completion of such Term, might, if approved by his Commanding Officer or other competent military Authority as a fit Person to continue in Her 'Majesty's Service or in the Service of the *East India* Company as a Soldier, be re-engaged 'to serve for the further Term of Eleven Years in the Infantry and Twelve Years in the 'Cavalry or Artillery, or other Ordnance Corps; and that any Soldier who should be 'ordered on Foreign Service and who was within Three Years of the Expiration of his 'First Engagement, should be at Liberty, with the Approbation of his Commanding Officer, 'to re-engage before he embarked for such Foreign Service for such Period as should

'complete