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THE DAILY REPUBLICAN

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THE COURTS.

United States Commissioner's Court.

M. V. B. Hutchinson, Deputy Collector of Internal Revenue, yesterday made affidavit before United States Commissioner William Grant, charging that José Garcia, carrying on business as a cigar manufacturer, at No. 61 Gasquet street, did, on or about the sixth of August, remove from his factory a lot of cigars, without having first paid the tax due thereon, and having the same stamped according to law, with intent to defraud the government.

A charge of the same kind was also made against G. Nodal, doing business on Gasquet street. Warrants were issued for the arrest of the parties.

Eighth District Court—Suit Against the State Auditor by Mr. Bragdon, the Governor's Secretary—Was he Deposed pro tem. by Lieutenant Governor Dunn.

The State of Louisiana on the relation of O. D. Bragdon vs. James Graham, Auditor. The petition of the State of Louisiana, on the relation of Oren G. Bragdon, respectfully represents that relator was appointed private secretary of the Governor of Louisianana, by his excellency H. C. Warmoth, Governor, on the first of October, 1870, and that ever since that time he has performed the duties of the office, and that for such services he is entitled to be paid quarterly out of the treasury of the State a salary at the rate of twenty-five hundred dollars per annum, on his own warrant, as by the statute in such case made and provided.

And petitioner represents that relator has now due him the sum of six hundred and twenty-five dollars salary for the quarter beginning April 1, 1871, and ending June 30, 1871, for services actually rendered as private secretary aforesaid; that relator drew his warrant, which is made part hereof, against James Graham, Esq., Auditor of Public Accounts of the State of Louisiana, dated July 25, 1871, for the salary due him as aforesaid, and presented the same for payment to the said Auditor; but that said James Graham, Auditor, without any authority of law, refused to audit, warrant for and pay the same unless your relator would suffer a deduction in his pay for the four last days of June, 1871, which he was not and is not bound to do.

All of which acts and doings on the part of said James Graham are arbitrary, unjust and without authority of law. And inasmuch as relator is without adequate remedy by the ordinary proceeding, he is entitled to sue out this mandamus.

Wherefore petitioner prays for a writ of mandamus may issue, ordering that said James Graham, Auditor of Public Accounts of the State of Louisiana, do audit relator's said account, amounting to six hundred and twenty-five dollars, and warrant therefor, in favor of relator, on the treasury of the State of Louisiana, and do right in the premises, or show cause to the contrary on a day to be fixed by the court.

Petitioner prays for all and general relief in the premises, and for costs of suit.

Judge Emerson issued the following order:

Let James Graham, Esq., Auditor of Public Accounts of Louisiana, comply with the demand contained in the foregoing petition, or show cause to the contrary on Monday, the twenty-eighth day of August, 1871, at ten o'clock A. M. of that day.

Sixth District Court—Suit Against the New Orleans, Jackson and Great Northern Railroad for $2600 Damages.

This is a suit brought by J. M. Hugonin, owner of the schooner Confidence, which has been plying in the freighting business to and from Blind river and the city of New Orleans, against the New Orleans, Jackson and Great Northern Railroad Company.

The petition alleges that on the night of the tenth of June last, the said schooner in attempting to pass through Pass Manchac into Lake Pontchartrain, through the bridge of the New Orleans, Jackson and Great Northern Railroad Company, collided with and became fastened in the caps, sills and piles, which the company had, through negligence, permitted to decay and be broken down near to the level of the water; that said collision tore a hole in the vessel's bottom, and otherwise damaged the vessel, notwithstanding the exertions of the master and crew.

He further states that finding it impossible to get the vessel off he repaired to the city and procured two vessels and a number of men with which he returned. On arriving there he states that he discovered that immediately after his departure from the pass, the railroad operatives, under instructions, and in pursuance of orders from the said New Orleans, Jackson and Great Northern Railroad Company, through its officers, entered on board of said schooner, cut down the masts, threw them, together with her sails, spars and rigging, into the pass and allowed them to drift away and to be lost, and that then hauling the said vessel in a partially sunken condition from off said obstructions, abandoned her, after mooring her to the eastern side of said bridge.

The petitioner alleges that the grounding of said schooner on said obstructions was solely due to the improper construction of the bridge, in not being passable freely at all tides and winds, and that the damages are also traceable to the negligence of said company, its officers and agents, in allowing said piling, stringers and sills to so decay, etc., as to form an obstruction to navigation.

For this, and for the subsequent action of the company in wrecking and injuring the vessel, the petitioner prays for $2600 damages, and that the New Orleans, Jackson and Great Northern Railroad Company be cited to appear and answer.

Fourth District Court.

The only thing that has occurred in this court recently is the following somewhat grotesquely humorous reply of a doctor, who received a summons to pay a license on the practice of his profession. The court is a roar over the matter, so we give it, that the public may enjoy the joke:

To the Honorable Judge of the Fourth District Court of New Orleans:

Dr. P. Hartmann, residing at No. 219 Tchoupitoulas street, having received summons to comply with the demand of Simeon Belden, Attorney General of the State of Louisiana, for the sum of $22 50, which he claims is due to said State, by defendant, for a license on profession of medical practitioner for the year 1871, or to answer the petition of Mr. Belden, respectfully represents hereby his reasons for not complying with Mr. Belden's demand:

1. Dr. P. Hartmann having arrived in New Orleans on the fifteenth of July, 1871, has taken up his residence at No. 219 Tchoupitoulas street, where he is at present occupying an unfurnished room on the second floor. Having on his arrival been robbed of all his property, partly by the revenue officers of the State of Louisiana and city of Shreveport, in the city of Shreveport, Louisiana, partly by an open thief named Charles Givens, against whom affidavit is made in the First District Court of New Orleans, Louisiana, has not yet been able to furnish his future office, and, therefore, has not commenced to practice his profession.

2. Defendant not having yet practiced his profession in this city, nor having any prospect of getting any practice at present, does not consider himself indebted to the State of Louisiana. He has never received any license for the year 1871 from the State of Louisiana, nor has he made application for any, nor does he intend to buy any before his means will allow it.

3. Defendant having paid ninety-five dollars license for the year 1870, and among these thirty-five dollars to the State of Louisiana, consequently fifteen, too much, considers himself not only as not indebted to the State, but really as one of its creditors, to the amount over-paid.

4. I will put my entire present property, by my own free will, at the disposal of Simeon Belden, if he can find where it is. If he wishes to shut up my place of business he is welcome to do so, as there is no inducement for me to keep it open. Yours respectfully, DR. HARTMANN.

In the suit of Louis Bernos et als. vs. Alfred Kearney et al., for a liquidation of the firm of Kearney, Blois & Co. and Kearney & Bernos, the parties having failed to agree, the court appointed C. S. St. Amand, liquidator.

A Cotton Revolution.

[From the New York Commercial.]

In the year 1860, eighty-five per cent of all the cotton used in England was of American growth—but the rebellion put an end to the virtual monopoly long enjoyed by our Southern States, and, as events have proved, began a complete revolution. The English manufacturers, deprived by the war of their usual supplies, cast about for new fields, and under the stimulus of absolute necessity, they have caused the lands of the East to become abundantly fruitful. The increasing yield of the new cotton fields, and their brilliant promise for the future, are strikingly set forth in a work just published in Manchester, under the title of "The Cotton Supply Association: Its Origin and Progress." The author, Mr. Isaac Watts, is the secretary of the association, and he has drawn the facts of his interesting narrative from the official records.

The Cotton Supply Association was organized in 1857, for the specific purpose of opening up and developing other sources of cotton supply than the Southern States of America; but up to the time of our civil war its operations were limited in extent and comparatively barren in result. The pressure of the cotton famine in 1861 lent new vigor to its undertrkings, and India became the theatre of elaborate experiments, during a period of ten years, are now given for the first time in a connected official form.

In 1860, the sum paid to India for cotton was about $17,500,000; but in 1864, it had increased to $190,000,000; and the average annual amount remitted from England for cotton during the past eight years is stated at $115,000,000—showing an aggegate increase in the value of the Indian cotton trade, during this period, of about $750,000,000. This astonishing growth has been followed by a corresponding development of the cotton producing districts of Turkey, Egypt, and Australia. Since 1862, the preeminence of Egypt has been a notable fact in the history of cotton culture. Mr. Watts writes that in that year "cotton began to be so much in favor that cereals were almost neglected, and the enormous profits derived from its cultivation during the American war led to the abandonment of the ordinary succession of crops—a result which the late Viceroy, Said Pacha, beheld with apprehension and alarm." The present Khedive, however, has encouraged the new industry, and during his visit to London, in 1867, gave much attention to the selection of cotton seed and to the measures best calculated to render the crops excellent and abundant. Cotton culture is now firmly established in Egypt, and both the government and the people are alive to its importance. It is believed that the fertile regions which are watered by the Nile will, in time, be converted into a vast cotton field, and that India, prolific as it now is, will become a secondary source of supply.

These facts indicate the character of the change which is gradually coming to our Southern States—a change which will deprive the cotton fields of their fancied advantages, and lead the planters to cultivate cereals for home consumption. The altered conditions of labor, the partitions of old estates, the loss of fortune, the necessity of giving larger areas of land to the cultivation of corn and grain, are some of the causes which must produce marked changes in the South; and with the complete explosion of the fallacy that cotton is king, will come a better system of agricultural development, a sounder financial basis, and the encouragement of the working classes, who are the real rulers in a republic. Certain districts in the South, fitted for little else than the culture of cotton, will continue to furnish supplies for the home and foreign demand, but the extraordinary developments of ten years in other fields show that in the granary, rather than in the cotton bale, the elements of future prosperity will exist.

Colfax to a Sunday School.

CHICAGO, July 17.—On Sunday evening last, at Winona, Minnesota, Vice President Colfax, who was the guest of Senator Windom, briefly addressed a Sunday school connected with the Congregational Church. He said it was not his intention, on coming into Minnesota, to indulge in public speaking, under any circumstances, but, when invited to say a few words in a Sunday school, he could not refuse, for among the happiest recollections of his life were those of the time he had spent in the infant class, to which he had been taken by his mother when only three years old. For some twelve years it was his privilege, and he considered it a great privilege, to be a teacher in the Sunday school, and one of the sweetest rewards of his life was the assurance of a young man about to enter the ministry that it was through his instrumentality that he had been led to that calling. The speaker considered that the injunction of the Saviour to Simon Peter, "Feed my lambs," had come down to us, and it devolved upon Sunday school teachers to realize the responsibility that rested upon them in dealing with the immortal souls committed to their care.

He dwelt with much emphasis upon the beneficial influence exerted by the Sunday school in the home circle and upon society at large. It makes children more tender, more respectful, more obedient. Go to prisons, he said, as he had frequently gone, and ask the poor wretches behind the bars if they had been brought up in Sunday schools. Only an occasional criminal will give you an affirmative answer. Their school was upon the street and in places where they were cut off from all moral and religious instruction.

Drawing his remarks to a close, he said it was hardly possible that he would ever see all their faces again, even if he were to return to Winona at some future day, but before leaving he wished to give one or two sentiments to the young people before him—sentiments that if lived up to would brighten the retrospect as they recalled their youthful days. The first was, be masters and mistresses of your tempers, of yourselves. Hasty words caused more unhappiness than flowed from any other source. The other advice was, never allow yourselves to do an act in private that you would blush to have exposed to the gaze of the world. Fortify yourselves against temptation from without and sinfulness from within, and you will have laid the foundation for a peaceful and happy life.

OFFICIAL.

TREATIES AND PROCLAMATIONS.

A PROCLAMATION by the President of the United of America. Treaty between the United States and Great Britain—Claims, fisheries, navigation of the St. Lawrence, etc., American lumber on the river St. John, boundary—Concluded May 8, 1871; ratifications exchanged June 17, 1871; proclaimed July 4, 1871.

Whereas, a treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concerning the settlement of all causes of difference between the two countries, was concluded and signed at Washington by the high commissioners and plenipotentiaries of the respective governments on the eight day of May last; which treaty is, word for word, as follows:

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective plenipotentiaries, that is to say: the President of the United States has appointed, on the part of the United States, as commissioners in a joint high commission and plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, envoy extraordinary and minister plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britanic Majesty, on her part, has appointed as her high commissioners and plenipotentiaries, the Right Honorable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a peer of the United Kingdom, Lord President of Her Majesty's Most Honorable Privy Council, Knight of the Most Noble Order of the Garter, etc., etc.; the Right Honorable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honorable Privy Council, a member of Parliament, a Companion of the Most Honorable Order of the Bath, etc., etc.; Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, Her Majesty's envoy extraordinary and minister plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honorable Order of the Bath, a member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Montague Bernard, Esquire, Chichele Professor of international law in the University of Oxford.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

WHEREAS, Differences have arisen between the government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims;"

And whereas, Her Britannic Majesty has authorized her high commissioners and plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels and generically known as the "Alabama claims," shall be referred to a tribunal of arbitration to be composed of five arbitrators, to be appointed in the following manner, that is to say: One shall be named by the President of the United States; one shall be named by Her Britannic Majesty; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

In case of the death, absence, or incapacity to serve of any or either of the said arbitrators, or, in the event of either of the said arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as arbitrator in the place and stead of the arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the request from either of the high contracting parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such arbitrator or arbitrators.

ARTICLE II.

The arbitrators shall meet at Geneva, Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the governments of the United States and Her Britannic Majesty, respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the arbitrators.

Each of the high contracting parties shall also name one person to attend the tribunal as its agent to represent it generally in all matters connected with the arbitration.

ARTICLE III.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the arbitrators and to the agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Within four months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each of said arbitrators, and to the agent of the other party, a counter case and additional documents, correspondence and evidence in reply to the case, documents, correspondence and evidence so presented by the other party.

The arbitrators may, however, extend the time for delivering such counter case, documents, correspondence and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

If in the case submitted to the arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the arbitrators may require.

ARTICLE V.

It shall be the duty of the agent of each party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said arbitrators and to the agent of the other party a written or printed argument showing the points and referring to the evidence upon which his government relies; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

ARTICLE VI.

In deciding the matters submitted to the arbitrators, they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the arbitrators shall determine to have been applicable to the case.

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her high commissioners and plenipotentiaries to declare that Her Majesty's government can not assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the arbitrators should assume that Her Majesty's government had undertaken to act upon the principles set forth in these rules.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them.

ARTICLE VII.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators who may assent to it.

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the government of Great Britain to the government of the United States at Washington, within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the agent of the United States for his government, and the other copy shall be delivered to the agent of Great Britain for his government.

ARTICLE VIII.

Each government shall pay its own agent, and provide for the proper remuneration of the counsel employed by it and of the arbitrator appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the abitration shall be defrayed by the two governments in equal moieties.

ARTICLE IX.

The arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

ARTICLE X.

In case the tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability as decided by the arbitrators.

The board of assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Brittannic Majesty; and one member thereof shall be named by the representative at Washington of His Majesty the King of Italy; and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the board of assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally 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, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the governments of the United States and of Great Britain, respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each government, as counsel or agent. A majority of the assessors in each case shall be sufficient for a decision.

The decision of each assessor shall be given upon each claim in writing, and shall be signed by them respectively and dated.

Each claim shall be presented to the assessors within six months from the day of their first meeting, but they may, for good cause shown, extend the time for the presentation of any claim to a further period, not exceeding three months.

The assessors shall report to each government at or before the expiration of one year from the date of their first meeting the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the representative of Her Britannic Majesty at Washington.

All sums of money which may be awarded under this article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The board of assessors may employ such clerks as they shall think necessary.

The expenses of the board of assessors shall be borne equally by the two governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the board. The remuneration of the assessors shall also be paid by the two governments in equal moieties in a similar manner.

ARTICLE XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration and of the board of assessors, should such board be appointed, as a full, perfect and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE XII.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of Her Britannic Majesty, arising out of acts committed against the persons or property of the citizens of the United States during the period between the thirteenth of April, eighteen hundred and sixty-one, and the ninth of April, eighteen hundred and sixty-five, inclusive, not being claims growing out of the acts of the vessels referred to in article one of this treaty, and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either government for its interposition with the other, and which may yet remain unsettled, as well as any other such claim which may be presented within the time specified in article xiv of this treaty, shall be referred to three commissioners, to be appointed in the following manner, that is to say: One commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Brittanic Majesty conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this treaty, then the third commissioner shall be named by the representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, 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, all such claims as shall be laid before them on the part of the governments of the United States and of Her Britanic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

ARTICLE XIII.

The commissioner shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective governments in support of, or in answer to, any claim, and to hear, if required, one person on each side, on behalf of each government, on each and every separate claim. A majority of the commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the commissioners assenting to it. It shall be competent for each government to name one person to attend the commissioners as its agent, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The high contracting parties hereby engage to consider the decision of the commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion or delay whatsoever.

ARTICLE XIV.

Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this treaty.

ARTICLE XV.

All sums of money which may be awarded by the commissioners on account of any claim shall be paid by the one government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in article xvi of this treaty.

ARTICLE XVI.

The commissioners shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each government shall pay its own commissioner and agent or counsel. All other expenses shall be defrayed by the two governments in equal moieties.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commissioners, provided always that such deduction shall not exceed the rate of five per cent on the sums so awarded.

ARTICLE XVII.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect and final settlement of all such claims as are mentioned in article XII of this treaty upon either government; and fur her engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the twentieth day of October, 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, for the term of years mentioned in article xxxiii of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of 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 said coasts and shores and islands, and also upon the Magdalen 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 coasts 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 other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in article xxxiii of this treaty, take fish of every kind, except shell fish, on the eastern seacoasts and shores of the United States, north of the thirty-ninth parallel of north latitude, and the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said seacoasts 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.

understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the fifth of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the governments of the United States and Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties and authority as the commission appointed under the said first article of the treaty of the fifth of June, 1854.

ARTICLE XXI.

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's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under article xviii of this treaty are of greater value than those accorded by articles xix and xxi of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the government of the United States, it is further agreed that commissioners shall be appointed to determine, having regard to the privileges accorded by the United to the subjects of Her Britannic Majesty, as stated in articles xix and xxi of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the government of the United States to the government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under article xviii of this treaty; and that any sum of money which the said commissioners may so award shall be paid by the United States government in a gross sum within twelve months after such award shall have been given.

ARTICLE XXIII.

The commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the high contracting parties shall also name one person to attend the commission as its agent, to represent it generally in all matters connected with the commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the commissioners appointed under articles xxii and xxiii of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the commissioners shall prescribe.

If in the case submitted to the commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the commission, and the commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the commissioners under the circumstances contemplated in article xxiii of this treaty.

ARTICLE XXV.

The commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the high contracting parties shall pay its own commissioner and agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

ARTICLE XXVII.

The government of Her Britannic Majesty engages to urge upon the government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

ARTICLE XXVIII.

The navigation