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VANDERBILT IN THE TOMBS.

The Millionaires Appealing to Judge Sutherland—The Determination of the Authorities to Make an Example—A Lesson for the Autocrats of the Ferries.

[From a New York Paper.]

At eleven o'clock yesterday morning, Captain Jacob H. Vanderbilt, president, James W. Braisted, superintendent, and Harry Robinson, the colored engineer of the Staten Island Ferry Company, presented themselves at Coroner Keenan's office, in answer to the writ for their arrest. George Law and other wealthy friends of the prisoners were already there. Mr. Law offered to give any amount of bail for the appearance of the prisoners, but Assistant District Attorney Sullivan objected, saying that under the law the coroner has no right to accept bail on commitments where the crime charged is homicide. After a short consultation on the point, Coroner Keenan ordered the committal of Captain Vanderbilt, Superintendent Braisted, and the engineer, Robinson, to the Tombs without bail.

While awaiting the coroner's decision, Captain Vanderbilt and his fellow-prisoners were concealed from public view in a back room connected with the office. Captain Vanderbilt was nervous and agitated, but did not for a moment imagine that the president of the Staten Island Ferry Company would be immurred in a dungeon in the Tombs. When the fact was communicated to him, he started with astonishment. He restrained himself, however, and with comparative calmness said to police Captain Ullman:

"Well, we'll go to the Tombs."

Braisted was the most collected of the three prisoners, but Robinson, the engineer, was in a state of utter dejection.

But little stir was created by the transfer of the prisoners to the Tombs. They reached the prison at noon, and Captain Vanderbilt, after giving his name to the clerk near the gate at the Franklin street entrance, was escorted to cell 53, in the second tier. He entered with a deep-drawn sigh, stood for a moment looking around the narrow apartment, and then began pacing the floor in a nervous, agitated manner.

Braisted and Robinson were consigned to separate cells near that of their chief. Braisted entered quickly and sat down. Robinson seemed to suffer intensely. The tears trickled down his swarthy cheeks as he paced the floor with quick, nervous strides.

Meanwhile, Mr. A. C. Brown, the counsel of the Staten Island company, was striving to effect the release of his clients. Finally he secured a writ of habeas corpus from Judge Sutherland, of the supreme court, and, armed with the potent document, he made his appearance at the Tombs just one hour after the incarceration of his principals.

The iron doors swung open, and the three prisoners were taken before Judge Sutherland. When the party arrived counselors were arguing the case of the poor mechanic, Garvey, who wants $34,000 for work which he has done on the new courthouse. The prisoners took seats and waited till the conclusion of this case.

Captain Vanderbilt had evidently suffered much during his brief imprisonment. His eyes rolled wildly over the courtroom, as though seeking some sign of friendly recognition. His hair was unkept, giving to the whole man a peculiarly wild appearance. At length George Law and others of the captain's friends entered and took their seats beside him. He seemed more at ease then, and waited quietly until the case was called.

Mr. Brown approached the bar and said: "Your honor, we are not here to claim a release, but simply that we may be admitted to bail."

Judge Sutherland: Yes, yes; I know that. Mr. Sullivan, what have you to say?

Assistant District Attorney Sullivan: Your honor, these persons are in custody on a writ from the coroner, predicated on the testimony adduced in the inquest over the Westfield explosion. Over one hundred lives were lost, and these defendants are alleged to have been in charge of the boat. The coroner committed them without bail upon my advice.

Judge Sutherland: What offense will you ask the grand jury to indict them for?

Mr. Sullivan: I regard the offense as being manslaughter in the third degree.

Judge Sutherland: What is the penalty for that?

Mr. Sullivan: Imprisonment in the State prison for four years. With regard to the application made here, your honor, I have to say that in such cases it has been my uniform practice, as district attorney, to oppose bail where the grand jury has not found an indictment. The grand jury comes together on the twenty-eighth. I ask your honor to refuse bail until then.

Mr. Brown: So, please your honor, all this appears to me very unfair. If Captain Vanderbilt is president of the company, there are other stockholders, many of whom have more stock than he. Braisted is the superintendent, Robinson the engineer. The verdict of the coroner's jury is:

That the deceased, Andrew Coyle and others, died through a rupture or explosion of the boiler of the steam ferryboat Westfield, July 30, 1871; that said explosion was caused by a flaw in the iron, and by the negligence of the engineer, Robinson, in carrying an over-pressure of steam; that the company are responsible for the disaster, as the defect could have been detected if the Staten Island Ferry Company had had a competent ship master, engineer and mechanic in their employ, and were, therefore, criminally negligent. We recommend the district attorney to give prompt action in the matter. We also think that the government inspection is very defective as now conducted.

So far as the president is concerned, the verdict does not touch him.

Judge Sutherland: The engineer is charged with negligence?

Mr. Brown: Yes, and under the fourteenth section of the law, possibly every officer of the boat might be held. We have no disposition to shirk a trial.

Judge: I know that. This is an extraordinary case. If there was culpable negligence it was an immense wrong, and I want to see it expiated to the full extent of the law. Now there is no doubt that Captain Vanderbilt can give good bail; and probably who ever bails him will do the same for his companions, as the case is all one. If they can secure bail for a sufficient amount—enough to place their appearance when wanted beyond all possible contingencies—I can not see why they should not be bailed. The constitution declares the right of bail, and also provides that it shall not be excessive.

Mr. Sullivan: So, please your honor, the verdict of the coroner's jury is in the nature of a judgment. Now we all feel that the time is come when some marked demonstrations should be made to show the people that the law in respect to the careless sacrifice of human life shall be vindicated. There never will be a more appropriate case to illustrate this than the one now before your honor. I want an example made of these men, whom I believe criminally guilty of homicide.

Judge Sutherland: If they are bailed, I shall fix the sum as though they were already indicted. There can be no doubt of their right to bail. The point is, whether bail will in all probability secure their appearance at the proper time. We have no right to punish them pecuniarily. There never was a case of this kind in the State of New York, and it is not probable that these parties will run away. That's the way the question appeals to my good sense.

Mr. Brown: The testimony in this case has not been published fully. There are facts in favor of these gentlemen which the papers have refused to print. Public sentiment is against us. We simply ask your honor to fix a proper amount of bail. We delivered ourselves up to arrest.

Judge: If they are bailed, Mr. Sullivan, what amount would you fix?

Mr. Sullivan: I am not prepared to say. I have no doubt they can give bail to any amount. I would have it fixed so large that the gravity of the offense might be evident to all.

Judge: Suppose I say $20,000 for Captain Vanderbilt, and $10,000 each for the other two. Would that be satisfactory to you?

Mr. Sullivan: That will do, your honor.

Mr. Brown: The coroner named $5000, your honor.

Judge: I want to see this thing come to trial. If they are guilty, I want to see them punished. I'll name that sum. Mr. Sullivan will draw the bonds.

During the proceedings Captain Vanderbilt had watched Judge Sutherland and Mr. Sullivan with an eagle eye. He felt that his fate depended on those two men. He moved about uneasily in his chair, and grasped the ivory handle of a very old umbrella which he carried with a nervous hand. After the case had been decided, and his freedom for a time assured, his face lightened, and he smiled for the first time since his imprisonment.

The party adjourned to District Attorney Sullivan's office. Here the bonds were drawn, and George Law was accepted as security for $40,000 for the appearance of the three prisoners in the court of the general sessions every day until their case is called.

They were then discharged from custody by Judge Sutherland.

The *Sun* reporter caught Captain Vanderbilt as he was crossing the park. He introduced himself, but the captain was evidently in a bad humor. He was positively rude. He said:

"I've got nothing to say, sir, nothing to say; I'm under arrest. Don't bother me, and don't put down anything I don't say."

Then Captain Vanderbilt hurried on to his palace on Staten Island.

A Reprehensible Habit.

[From Once a Week.]

There is no breach of that etiquette which should be observed in public places so reprehensible as that of a gentleman leaving ladies sitting alone. It is not only a matter of etiquette, but of the attention and protection due a lady under the charge of a gentleman! How often do we observe at the opera and the theatre from fifty to a hundred vacant chairs between acts, representing this reprehensible practice? Gentlemen should not be guilty of such a disrespectful act toward ladies, and ladies should not tolerate it! There are many considerations apart from the etiquette of good breeding in public places to discourage such a practice. A lady is liable to be insulted in the absence of her escort; the difficulty of his returning through a crowded house to his seat, and even the probability of an accident or panic occurring, which would require his immediate care of the lady or ladies under his charge. This breach of good taste and breeding is not committed, in a majority of instances, once or twice, but frequently repeated between every act. The most effectual way to prevent it, is to refuse to accompany a gentleman to a place of amusement who is guilty of this ungentlemanly breach of decorum and neglect of a lady under his charge.

Anecdote of Mr. Lincoln and Tad.

Mr. Lincoln was very fond of a game of chess, and frequently spent the evening with Judge Treat, a near neighbor, in that pastime. Upon one occasion, when little Tad was alone, the quiet of the game and the loneliness of the room became too trying to his restless nature, and he interrupted the game repeatedly with, "Let's go home, father." "Sit down, Tad, sit down," said Mr. Lincoln. The child kept quiet for a few minutes, but soon broke the silence again. "Presently, my son, presently," said his father. Tad waited as long as he could command his temper, then, starting up in a fit of impatience, he tilted the board, throwing the pieces on the floor and bringing the game to an abrupt termination. Mr. Lincoln made a stride or two with his long legs, overtook the little culprit just before he reached the door, gave him a partial turnover, and raised his broad palm. "Tad," said he, "you little villain, I am going to give you a good whipping;" then pausing, lowering his arm and letting the child go, he added, "that is, if you ever do it again."

The Iberville *South* of the nineteenth says:

A friend has called upon us on the part of a number of citizens of the parish, to tell us the condition of the levees in the Bayou Goula district. He gave us an account of bad cavings at some five places below Bayou Goula, where nothing can be done to save the country but to build new levees. He suggests that the Police Jury invite the people of West Baton Rouge to join with the people of Iberville in a mass meeting to take the subject of levees into consideration, and to devise some means by which the breaks may be closed. No reliance can be placed on the State or United States to build levees this year.

LITTLE ROCK, August 18.—General Catterson, the suspended United States marshal, just from Washington, where he has been to settle his accounts and lay his case before the President. The latter told him that he had been suspended because of packing the United States grand jury, and procuring the indictment of Senator Clayton. General Catterson received but little encouragement from the President, and it is believed he will not be restored, although he filed papers with the Attorney General exonerating himself from the charges; and that officer was clearly of the opinion that the marshal was blameless.

A writer in the *Food Journal* says that out of twenty samples of baker's bread, analyzed and examined by him, only three were positively genuine, while sixteen were contaminated with an actual poison. The quantity, he says, is not so great as to show immediate effects, but thousands are unconsciously consuming a half grain of sulphate of copper every day, a habit that can not be long practised without impunity. As he suggests, however, the fault may not rest entirely with the bakers, since there are inferior brands of flour in the market warranted to make white bread without the use of alum.

A Canton (Illinois) farmer says: "I was going out past my corn crib the other morning, when I observed a large rat, with head erect, carrying a full sized ear of corn in his mouth. At the same time his tail was wrapped around another, and an extra large ear, which he was dragging behind him."

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 Mountague 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 commisioners 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 ond open for the purposes of commerce to the subjects of her Britannic Maiesty 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 of Lake Michigan shall also, for the term of years, mentioned in article xxxiii of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.