New Orleans Republican.

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is published every Saturday morning, and contains the news by telegraph, miscellaneous reading, editorials, local matters of general public interest, commercial and monetary reports, and everything that appears in the Daily, except such items as are of little or no public moment. The WEEKLY REPUBLICAN is an excellent family paper, valuable as well for instruction and amusement as information on the current topics of the day.

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THE CALIFORNIA ELECTION.

A Clear Democratic Defeat.

[From the Sacramento Reporter, September 8.]

"Hope springs eternal in the human breast.
Man never is, but always to be, blest."

We are forcibly reminded of these lines by the signal defeat which has just been sustained by the Democracy of California. Although the majority, which the full vote will show, for the Radical ticket will be far short of what some journals and speakers of the winning party predicted, yet it will, no doubt, surpass the real expectations of the most sanguine members of that party. The victory is a sweeping one. It is worthy of notice that the victors did not need the negro vote at all—in fact, if that vote does not exceed two thousand, and had been cast solidly against the party which called it into existence, still the Democracy would have been defeated. The Radical majority in the State will probably reach five thousand. It is not yet possible to state how the legislature will stand, politically, but it is, we think, perfectly safe to say, that though the Senate will have a very small Democratic majority, the Radicals will largely outnumber the Democrats in the Assembly. There will, therefore, be a respectable Radical majority on joint ballot, and Cornelius Cole, George C. Gorham, or some other leader of the dominant party, will be elected United States Senator for the term commencing March 4, 1873. The Governor elect has declared that he will not take a seat in the Senate if tendered him. Gorham, however, has been careful not to make such a foolish pledge, although he very probably knows that the people would have been greatly pleased had he done so. If Gorham does not enter the field as a candidate for Cole's seat, we shall be greatly surprised, and if he carries off the prize, the people will have themselves to blame. They have again called the Radical party into power, and they need not claim to be surprised if that party should confer the highest honor in their gift upon the only honest exponent of their principles, who took the stump in their behalf in the campaign just closed.

It is certain that the Democratic candidates for Congress in the second and third districts have been defeated, which is a Democratic loss of one in the national House of Representatives. The Radicals also claim that the prospect is good for the election of their candidate in the third district. We, however, still believe that Judge Archer, Democrat, has a good majority.

It is no child's play, this fighting radicalism in California. The Democracy triumphed four years ago by the aid of thousands of radical votes. A majority of the people of the State are radicals, and the election of the sixth instant leads us to believe that they indorse the whole policy of that party, and desire to see it continue its iniquitous career. It is rather hard to believe that the voice of the people is the voice of God, so far as concerns California politics. Until immigration from other States and foreign countries shall bring large accessions to the ranks of the Democracy, the latter will only achieve in this State an occasional triumph over a divided enemy. There is this consolation. The radicals in this State are not able to dwell in unity very long at a time. And they are painfully conscious of the fact that the Democracy is strong and watchful. They now and then fall out and go to quarreling over their plunder. Upon such occasions, in the future as in the past, the Democratic party will not fail to take advantage of the situation.

[From the San Francisco Bulletin.]

California may be safely claimed as once more Republican. Indeed, at heart, the State has not been Democratic since the organization of the Union party in 1862. The election of Haight in 1867, which was due to local causes entirely, was followed by a majority for Grant in 1868. Yet the Democracy might have won the State again this year had their administration been, in all respects, wise, just and prudent. Governor Haight himself has been an honest, well meaning man, and has prevented some wrongs; but he has been a strong partisan, and has exhibited certain inconsistencies which exposed him both to criticism and ridicule. His early record on the subsidy question, which he sought to make the leading issue, was at variance with his later utterances, and these, sincere as they undoubtedly were, offended many of his own party, while the Republicans neutralized them completely by nominating Booth on a strong anti-subsidy platform. There was no very well defined local issue in the canvass in which the Democrats had the advantage, while the bad legislation of their party, their manifest lack of sympathy with the national government, their development of sectarian and race prejudices, put them on the defensive, which is always a weak position. They further weakened themselves by extreme partisanship and inferior nominations in San Francisco, and by failing to squarely meet public opinion on several matters of municipal policy. They have fairly earned their defeat, aside from all political considerations. These, of course, contributed to it, for many Union Democrats who had voted with them four years ago felt that they were proscribed, and that illiberal and reactionary ideas controlled the organization. Many German Democrats, also, were driven off by the exclusive sympathy shown for the French in the late war, coupled with much offensive criticism of the fatherland. As the last straw which broke the camel's back, the colored voters, numbering not less than fifteen hundred in the State, went, nearly to a man, for the great party that had enfranchised them.

And so the Democracy of California have met their Sedan. Their utter discomfiture will have an important bearing on the Eastern fall elections, and will be hailed by Republicans throughout the Union as an earnest of what they may expect at the Presidential election, if only the national party is wise enough to follow good counsels, to enact good laws and to nominate proper candidates.

Henry Clay once said that the true secret of political success was to see where the people were going and to get there first.

Nine Thousand Dollars Lost and Regained—The Solid Advantages of Woman's Inability to Keep a Secret.

When the Atlantic Hotel at Cape May was burned at the time of the great fire on the twentieth of August, 1869, it contained, as one of its guests, Mr. Charles Rubicam, a Philadelphian, who had at that moment stored in his trunk $9000 in currency, with which he intended to purchase the Diamond Beach Driving Park. The flames wrapped the ill-fated building so quickly that Mr. Rubicam failed to secure all his effects. During the excitement of the moment he removed one of his trunks which he believed contained the precious bundle, but when he looked to assure himself of its safety, he discovered that he had picked up the wrong trunk. How it was recovered the Philadelphia *Telegraph* thus tells: One day, many months after the calamity, and when the Atlantic had sprung up from the ashes, its proprietor, Mr. McMackin, received a note from an old servant announcing that she had heard all about the $9000, and that she would, at some future time, tell all about it. This declaration surprised Mr. Rubicam when he heard of it, and with a fluttering heart he set about reclaiming a fortune that he had looked upon as lost. Detectives Bartholomew and Duke, old Philadelphians, but now in the employ of Cape May City, were enlisted, and, after a weary search, succeeded in finding the servant that had given the welcome intelligence, and who had promised to explain "in the future." She informed the detectives that a colored waiter named R. S. Clarke, in the service of the Atlantic Hotel at the time of the conflagration, had saved the trunk from the fire, and she supposed that "that was how he came to get the money."

The detectives then instituted a search for Mr. Clarke, and found him at length in the service of the Broadhead House, at the Delaware Water Gap, where, on Wednesday, he was found. Clarke openly acknowledged that he had received the $9000, denying, however, that he had stolen it, and to make good his word volunteered to return every cent of it. From his statement it seems that after the fire he came to the city and bought the house No. 910 Lombard street. This he volunteered to turn over, and with some remaining cash, the full amount lost by Mr. Rubicam would be returned to him. To-day, it is said, the necessary papers were made out and the property transferred to Mr. Rubicam. Thus was it that Clarke lost a fortune and Rubicam regained one, through a woman who couldn't keep a secret.

An Important Matter.

NEW YORK, September 14.—The following is the Washington special to the *Herald:* A case involving the right of ambassadors under the international law will shortly be presented to the State department. The decision of the United States will be probably called for to confirm established precedents in the laws of contracts between a citizen of the United States and a foreign power. Mr. Sidney Oak Smith, on the fifth of August, 1869, contracted with the Haytian government, then under the presidency of Sylvan Salnave, for the sale and delivery of an iron-clad called the Atlanta. The sum to be paid was $150,000 in gold or coffee; $50,000 in gold to be paid on the completion, equipment and armament of the vessel, and the balance to be paid within a certain specified time, either in coffee or gold, according to option of the Haytian government. Forty-nine thousand four hundred and four dollars and fifty eight cents were paid on account of the contract, and this was at the request and demand of Mr. Tate, the minister plenipotentiary at Washington of the Haytian government, and the Atlanta, formally delivered to the Haytian government, on the third day of December, 1869, at Philadelphia; he, Mr. Tate, signing the necessary receipt therefor, and in which he was joined by Admiral Elins, the admiral commanding the said ram Atlanta. The Atlanta started from the port of Philadelphia on the sixteenth day of December, 1869, with her officers and crew, and under the Haytian flag, to carry out the strife then pending with Salnave and Saget. The Atlanta, from the day of her departure from our ports, has never been heard of; Salnave has fallen, and Saget, now president of the Haytain republic, is called on to pay the bill, amounting to $100,595 42. The law of nations declares the liability of the present government of Hayti to pay the amount. From the date of the restoration, and during the numerous revolutions in France that have uprooted so many forms of government, the contracts made by all prior governments have been recognized and faithfully performed. Under these precedents, an effort will be made to enforce the payment of the amount contracted for.

Extra Gold Sale.

NEW YORK, September 14.—The chief event of the day was the sale of $2,000,000 extra gold by the Secretary of the Treasury, making a total of $4,000,000 gold sales to-day instead of $2,000,000. This action of the secretary will enable the banks to get rid of over $4,500,000 of national bank notes, which do not count in their legal reserve, and in their place receive $4,000,000 in gold, which they do count in their legal reserve. The banks, therefore, will be much strengthened legally. It was reported that leading bears in the stock market find the course of prices tending so strongly upward that, in order to neutralize the extra sales of gold by the Treasury, they have determined to withdraw and look up a large amount of legal-tenders to-morrow, in order to lighten the money market, and, if possible, check the advancing tendency of prices on the Stock Exchange until they cover the large short interest created during the last week. The gold speculators are demoralized by the extra sales of gold to-day by the government, while the foreign exchange market was relieved, and foreign bankers resumed their legitimate trading in gold and railway bonds. The markets closed in a better condition to day than they have been since Wednesday of last week.

Massachusetts Democracy.

SPRINGFIELD, Mass., September 14.—The complete ticket nominated by the Democratic State convention, yesterday, was as follows: Governor, John Quincy Adams, of Quincy; lieutenant governor, S. O. Lamb, of Greenfield; secretary of State, Luther Stevenson, Jr., of Hingham; treasurer, Levi Heywood, of Gardiner; auditor, Phineas Allen, of Pittsfield; attorney general, William W. Warren, of Brighton. Three hundred and seventeen cities and towns were represented by 1044 delegates. John Quincy Adams was nominated for governor by acclamation, and Judge Abbott and Colonel Charles T. Green, of Boston; George W. Gill, of Worcester, and G. M. Stearns, of Chicopee, chosen delegates at large to the national Democratic convention.

Resolutions were adopted demanding reform in the national administration, and free amnesty and equal rights in the South; accepting the new amendments and new departure; calling for reform of taxation and a tariff for revenue only; denouncing prohibitory and State constabulary laws; declaring against railroad monopolies, and indorsing the candidates nominated.

Fight With Highwaymen.

SAN FRANCISCO, September 15.—Deputy Sheriff Lincoln and posse, from Santa Cruz, in searching for the gang of the notorious bandit Procopio or Red Dick, who shot Officer Liddell in a raid on Santa Cruz on Sunday last, discovered some of the gang yesterday secreted under some hay in a barn in the Santa Cruz mountains, near Vine Hill. A fight ensued. A Spaniard, who proved to be Pancho Barcame, began firing rapidly from a revolver, but a volley from the posse laid him dead. A party, ascertained to be Procopio, who was desperately wounded by Liddell in the fight on Sunday, was within hearing when the fight began yesterday, but was hurried away in a buggy by his comrades. Marcias Roderiguez, another of the gang, was arrested at Monterey yesterday.

Cincinnati Wants Cotton.

CINCINNATI, September 15.—The cotton factors of this city have long felt the need of an organization by which they could, through concerted action, bring the advantages which this city presents as a cotton market, more prominently before the trade of the country, from the planter to the manufacturer, and on Wednesday last held a meeting, at which a constitution was adopted. At an adjourned meeting to-day the organization was effected by the election of Matthew Addy, president; J. L. Taylor and M. Hirshberg, vice presidents. This cotton association will soon be ready for business.

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.

It is 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 commisioners 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 b