THE JOINT HIGH COMMISSION.

Questions for Adjustment Between America and England.

THE ALABAMA CLAIMS.

The United States and the British North American Possessions—Free Navigation of the St. Lawrence—Canadian Claims for Fenian Raids.

Political and Commercial Relations With Canada.

The Northwestern Boundary and the Island of San Juan.

RESUME OF ALL THE SUBJECTS.

Removal of the British Flag from the American Continent.

Perpetual Peace and Friendship Between the English-Speaking Nations.

WASHINGTON, Feb. 17, 1871.

The approaching meeting at Washington of the Joint High Commission to endeavor to agree upon a convention determining the principles which shall govern the adjustment of the various questions between the United States and Great Britain is an era in the history of the country, and has naturally enlisted the attention of the public, both in America and in Europe. To the United States it is an acknowledgment on the part of England that it is no longer safe to permit an estrangement between us and herself, if the differences can be honorably removed; and it is also a matter of gratulation that the dignified and firm attitude we have assumed towards England has compelled that haughty Power to make the first overtures for a settlement. To England the Commission is even more significant. With a clouded horizon in Europe, a happy result of the labors of the Commissioners means the friendship to her of the only English speaking nation in the world besides herself; a people who have been turned against her by her selfish and cruel policy towards us in our hour of need, and who have felt and still feel that it is no fault of Britain that we are not to-day an humbled and broken people

Public opinion is divided as to the probable results of this High Commission. Some regard it as the harbinger of an era of good feeling and harmony. They believe that the convention, which will be the result of deliberations so auspiciously commenced, will concede to us all our just demands, and that to Americans, Great Britain shall no longer be a synonym of aggravated wrongs and ill-concerted hatred. On the other hand, there are those whose feelings partake of no such roseate hues. They believe that England has connived at all the bluster about the fisheries merely as so much capital to trade upon in the general settlement with us; and that frightened at the imminence of the danger of a collision between our fishermen and the armed cruisers arresting them, the British government has hastily asked for a joint commission to patch up that matter, and beat a graceful retreat; but that so far as our general claims against England for depredations committed by the Alabama and kindred English pirates are concerned, there is no more intention of adjusting those claims now to our satisfaction than there was a year ago. General Butler's belligerent utterances, and the knowledge that one Gloucester fisherman, killed by a British cruiser, would inflame the American mind, which would sweep like a cyclone, rending to tatters in an instant all consideration but to avenge the blood thus spilled, they believe have had more to do with the gushing overtures with which Sir Edward Thornton has overwhelmed Mr. Fish, than any considerations of justice or sense of wrong to be repaired. It is seen that in England they consider the fishery question to be the important matter. The vision of the possible American fisherman, carried back to his Gloucester home, done to death by some over-zealous Canadian cruiser, has penetrated the Foreign Office and harrowed up their soul, causing their

Knotted and combined locks to part
Like quills upon the fretful porcupine.

The apprehension of the British Ministry crop out in the Queen's speech, where her Majesty is made to say, that the adjustment of the fisheries question calls for particular attention lest the possible indiscretions of individuals should impair our neighborly understanding. Those who are disposed to view the matter in an unfavorable light allege that it was no part of England's programme to do anything further than to avoid General Butler's dead constituent. If well authenticated rumor is correct, Sir Edward Thornton has gone so far as to repeatedly assure Mr. Fish that, *coute qui coute*, Canada would be directed to restore the license system to our fishermen in time for the approaching season. The doubters point to the fact that the Alabama question was dragged in by our government, and they believe that the London *Times* speaks with some knowledge when it growls forth a prophecy that no very great results will blossom out of that part of the Commission's labors.

THE ALABAMA CLAIMS.

It would be superfluous to allude at length to the question of the Alabama claims. For nearly ten years it has been discussed in every imaginable way.

The manner in which the question will be presented to the High Commission is shadowed forth in the instructions which Mr. Motley took with him to England. The President believes the rejection of the Johnson-Clarendon treaty to have been "in the interest of peace and in the direction of a more perfect and cordial friendship between the two countries," and he has declared he hoped when the question should again be considered it will be broad in its scope and thorough in its conclusions. He desires that the treaty when made shall define clearly the respective rights and duties as neutrals, in case the other government becomes unfortunately engaged in war with a third Power, because he holds that "the absence of some agreement or definition on this subject was among the causes leading to the rejection of the recent convention, under which, had it been adopted by the two countries, none of the grave questions which have arisen would have been passed upon by a tribunal whose decision either party, much less other nations, would regard as authority, so as to prevent repetition or retaliation." He desired that the two great leading maritime nations of the world should establish such rules as would be considered as binding by the civilized world. These principles lie beyond and are of far greater importance than the mere question of details as to our losses; for they seek to avert, in the future, a recurrence of wrongs and a revival of injustice because of the absence of defined public law.

With regard to the particular mode of adjusting the question the President desired that the ground should be taken that "the cause of grievance against Great Britain was not so much upon the issuance of her recognition of the insurgents' state of war as upon her conduct under and subsequent to such recognition." This is undoubtedly the clearest way of getting at the real issue—the absolute acts of injury inflicted upon our commerce and citizens—and will save much discussion as to whether the mere recognition in itself considered, participated in as it was by nearly every other European Power, is a really important consideration, unless such recognition was followed by subsequent unfriendly, injurious and hostile acts. The question is thus narrowed down to an investigation of the absolute wrongful and overt acts, which, specifically presented, will be susceptible of specific treatment, and, after that part of the subject is adjusted, then the declaration of such rules and requirements governing neutrals and defining their rights as will form a guarantee of security in the future and a valuable addition to that somewhat nebulous system known as "the law of nations." That such an adjustment can be had with perfect honor to the one side and full satisfaction to the other can scarcely be doubted if each party approaches the work in a fair and friendly spirit.

The other questions between the United States and Great Britain affect our relations with the British colonial possessions on our northern frontier, now known as the "Dominion by the name of Canada," the Province of Prince Edward Island, the Province of Newfoundland and the Province of British Columbia, and may be generally classified under these heads:—

The coast and gulf fisheries of the British North American possessions.

The navigation of the St. Lawrence and the canals thereof.

The subject of commercial intercourse, embracing a consideration of the bonding system and the transit trade.

The political relations of the provinces and their attitude toward the United States.

The claims of Canada for alleged damages and expenses caused by Fenian raids from the United States.

The northwestern boundary question, affecting the ownership of the island of San Juan.

The Alabama claims question.

To properly understand these questions it is advisable that each should be at least briefly reviewed, and the history of the case examined. The public will thus be enabled to ascertain, with some degree of exactitude, the gravity of the subjects which will occupy the attention of the Joint High Commission.

THE FISHERY QUESTION.

The question of the fisheries on the coasts of the British possessions in North America has been a fruitful subject of disagreement between the United States and Great Britain ever since the peace of 1783, with the exception of the period covered by the convention of 1854—the Reciprocity Treaty, so called—and the continuance of the system of licensing American fishing vessels, adopted by Canada after the abrogation of that convention, but repealed by the Dominion on the 12th of May, 1870. The "loyalists" or "tories" of Nova Scotia—those adherents of British rule who, opposing our revolution, found refuge in that province—gave vent to their feelings by violently insisting that no stipulations or agreements whatever should be entered into by which American fishermen should have any privileges on their coasts, and the fishery difficulties, which became chronic, until 1854, were mainly due to the active hostility and pressure of that province and of New Brunswick. In 1806 the inhabitants of Plymouth and Barnstable, in Massachusetts, engaged in fishing, memorialized Congress, complaining of grievances almost identical with those complained of in 1852. They alleged that they were fired upon and brought to by British cruisers; that they were compelled to pay light money if they passed through the Strait of Canso; that their men were imprisoned, and that if they anchored in the colonial harbors they were compelled to pay anchorage money. On the other hand complaints were made by the colonists to the British government of the "aggressions" of our fishermen. The war of 1812, it was held, put an end to the treaty of 1783 and the stipulations regarding our rights of fishing in British America. The colonists determined to exclude our fishermen from the colonial fishing grounds on the return of peace. It is not necessary to enter at any length into the discussions at this period. The result, however, was the negotiation of the Treaty of London of the 20th October, 1818, and under the provisions of which treaty England claims we possess the only rights we have in the fishing grounds of the coasts of the provinces of British North America. Under the operations of this treaty and the legislative acts of Nova Scotia and New Brunswick the difficulties existing previous to its negotiation, so far from being abated, gathered greater intensity and importance, and in the interval up to 1854 formed the subject of frequent complaint and almost incessant negotiation and correspondence. In 1841 Mr. Stevenson, our Minister near the Court of St. James, was directed to bring these complaints to the attention of the British government. In the course of his letter to Lord Palmerston Mr. Stevenson lays down the stipulations of the Treaty of 1818, and instances the recent seizure of American vessels for supposed violations, and recites the evils of the "headland to headland" measurement of the fishing limits of three marine miles from the shore and the refusal to shelter American vessels in their ports. The seizure without due notice and the navigation of the Staits of Canso, which was forbidden to our ships, were also censured:—

The undersigned has accordingly been instructed to bring the whole subject under the consideration of her Majesty's government, to remonstrate against the illegal and vexatious proceedings of the authorities of Nova Scotia against the citizens of the United States engaged in the fisheries, and request that measures may be forthwith adopted by her Majesty's government to remedy the evils arising out of the misconstruction on the part of its provincial authorities of their conventional obligations and prevent the possibility of the recurrence of similar acts.

The law of Nova Scotia, against which this letter is directed, has been substantially re-enacted by the Dominion of Canada, although, as will be seen hereafter, the present law of Canada is even more objectionable than the Nova Scotia statute, unjust as that was shown to be.

Lord Palmerston submitted Mr. Stevenson's letter to Lord Falkland, Lieutenant Governor of Nova Scotia, in order "to make immediate inquiries into the allegations contained in it." Lord Falkland, in reply, sent certain questions which had been passed by the Legislature of Nova Scotia, based upon Mr. Stevenson's letter, and requesting that they might be submitted to the law officers of the crown. These questions were, in fact, a recital of the Nova Scotia statutes as presented by Mr. Stevenson. On the 30th of August following, these questions having in the meantime been submitted to the crown law officers by Lord Palmerston, the eminent gentlemen rendered an "opinion," fully endorsing the pretensions of the Nova Scotians as against our citizens. These "law officers of the crown"—J. Dodson and Thomas Wilde, the one the Queen's Advocate and the other her Majesty's Attorney General—appear to have supposed they must make out a case for their side, *per fas et nefas*. They accordingly stated, in categorically answering the questions propounded, "that the treaty of 1783 was annulled by the war of 1812," and "that the rights of fishery of the citizens of the United States must now be considered as defined by the convention of 1818;" and they then go on to declare:—

Except within certain defined limits, to which the query put to us does not apply, we are of opinion that by the terms of the treaty American citizens are excluded from the right of fishing within three miles of the coast of British America, and that the prescribed distance of three miles is to be measured from the headlands or extreme points of land next the sea or coast or of the entrance of the bays, and not from the interior of such bays or inlets of the coast, and consequently that no right exists on the part of American citizens to enter the bays of Nova Scotia, there to take fish, although the fishing, being within the bay, may be at a greater distance than three miles from the shore of the bay, as we are of opinion that the term headland is used in the treaty (*i. e.*, of 1818) to express the part of the land we have before mentioned.

The value of this high legal "opinion" may be judged by the fact that the term "headland" so conspicuously quoted by the crown lawyers nowhere occurs in the treaty in question, and is simply an interpolation of these functionaries, learned in the law. It seems scarcely credible that any respectable counsel could have been induced to lend themselves to such singular work as to interject words into a treaty, and then gravely proceed to base an "opinion" upon such a simulated state of facts. Yet there is the record, and upon it rests the extraordinary pretension known as the "headland" interpretation. These officers also, of course, declared that the Bay of Fundy was a bay within the meaning of the treaty, and as such American fishermen were excluded from fishing within three miles of its mouth. Strong as were Lord Palmerston's feelings of antagonism to the United States, he appears to have hesitated at giving publicity to this "opinion," and the Lieutenant Governor of Nova Scotia did not receive it for fifteen months after its date. The result in Nova Scotia was the enforcement of still more offensive measures towards our fishermen.

A vessel—the Washington—having been seized for fishing in the Bay of Fundy, formed the subject of a complaint addressed by Mr. Everett, who had succeeded Mr. Stevenson as American Minister, to Lord Aberdeen, on the 10th of August, 1843. Lord Aberdeen justified this seizure on the ground that the Bay of Fundy was a bay within the meaning of the treaty of 1818, and that American fishermen were by that convention prohibited from fishing within three marine miles of any bay of Nova Scotia, &c. To this Mr. Everett replied at length, and as the general questions as to our rights under the treaty are as much disputed now as they were then, the republication of some of Mr. Everett's able arguments will place the matter in dispute clearly before the public. Mr. Everett wrote:—

With respect to the main question—the right of American vessels to fish within the acknowledged limits of the Bay of Fundy—it is necessary, for a clear understanding of the case, to go back to the Treaty of 1783. By this treaty it was provided that the citizens of the United States should be allowed "to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America, and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

These privileges and conditions were in reference to a country of which a considerable portion was then unsettled, likely to be attended with differences of opinion as to what should in the progress of time be accounted a settlement from which American fishermen might be excluded. These differences, in fact, arose, and by the year 1818 the state of things was so far changed that his Majesty's government thought it necessary, in negotiating the convention of that year, entirely to except the province of Nova Scotia from the number of the places which might be frequented by Americans as being in part unsettled, and to provide that the fishermen of the United States should not pursue their occupation within three miles of the shores, bays, creeks and harbors of that and other parts of his Majesty's possessions similarly situated. The privilege reserved to American fishermen by the Treaty of 1783, of taking fish in all the waters and drying them on all the unsettled portions of the coast of these possessions, was accordingly by the Convention of 1818 restricted as follows:—"The United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbors of his Britannic Majesty's dominions in America, not included within the above mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of sheltering and repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever."

Mr. Everett goes on to combat the arbitrary British-Canadian interpretation of this clause on geographical and rational grounds, and concludes thus:—

Lastly—and this consideration seems to put the matter beyond doubt—the construction set up by her Majesty's colonial authorities would altogether nullify another, and that the most important stipulation of the treaty, about which there is no controversy, viz., the privilege reserved to American fishing vessels of taking shelter and repairing damages in the bays within which they are forbidden to fish. There is, of course, no shelter nor means of repairing damages for a vessel entering the Bay of Fundy, in itself considered. It is necessary before relief or succor of any kind can be had to traverse that broad arm of the sea and reach the bays and harbors, properly so called, which indent the coast, and which are, no doubt, the bays and harbors referred to in the Convention of 1818. The privilege of entering the latter in extremity of weather, reserved by the treaty, is of the utmost importance. It enables the fisherman, whose equipage is always very slender (that of the Washington was four men, all told), to pursue his laborious occupation with comparative safety, in the assurance that in one of the sudden and dangerous changes of weather, so frequent and so terrible on this iron-bound coast, he can take shelter in a neighboring and friendly port. To forbid him to approach within thirty miles of that port, except for shelter in extremity of weather, is to forbid him to resort there for that purpose. It is keeping him at such a distance at sea as wholly to destroy the value of the privilege expressly reserved.

In fact it would follow, if the construction contended for by the British colonial authorities were sustained, that two entirely different limitations would exist in reference to the right of shelter reserved to American vessels on the shores of her Majesty's colonial possessions. They would be allowed to fish within three miles of the place of shelter along the greater part of the coast, while in reference to the entire extent of shore within the Bay of Fundy they would be wholly prohibited from fishing along the coast, and would be kept at a distance of twenty or thirty miles from any place of refuge in case of extremity.

The undersigned flatters himself that these considerations will go far to satisfy Lord Aberdeen of the correctness of the American understanding of the words "Bay of Fundy," arguing on the terms of the treaties of 1783 and 1818.

Lord Aberdeen replied, conceding, as an act of friendship and good feeling, the privilege of fishing in the Bay of Fundy, but still claiming the right to exclude American fishermen under the Treaty of 1818. The American government, in accepting the concession regarding the Bay of Fundy, formally protested against the assumption set up by Lord Aberdeen, and again reiterated the doctrine that the three mile line must follow the curvature of the coast, except in the case of ordinary bays, less than ten miles wide, and altogether dissenting from the "headland" doctrine of the British government.

Thus matters went on until 1853, when the assumptions of the colonists abated upon the negotiation of the Reciprocity treaty, which gave them the freedom of our markets for their products; they giving our fishermen the freedom of the fisheries without let or hindrance.

The termination of the treaty, and, as they allege, their disappointment at not effecting a renewal of that convention, induced the Canadian authorities, last April, to pass a law doing away with the license system, which had been instituted in 1866, and reviving in a more objectionable form than ever their laws against American fishermen. Much as we had to complain of in former years as to the unjust and oppressive conduct of Nova Scotia to our fishermen, it was left for the Dominion of Canada to surpass all former acts of unfriendliness. Always hitherto, in the most exciting phases of the fishery question, the provincial laws provided for giving our fishermen notice that they were within the waters prescribed by the Treaty of 1818 before seizing them. Three notices, or warnings, were given, and the seizure only took place after these warnings. Upon a mere pretence that warnings were unnecessary, and that the treaty did not absolutely require them, the present Dominion government have enacted and enforced a law, seizing our fishermen without previous notice or warning and ruthlessly dragging them into port and thrusting them into prison. In this, as in other matters, the authorities of the Dominion justify themselves by declaring that they have not acted illegally. Good feeling, ordinary comity, a decent regard for even a semblance of international courtesy, all have given place to an extreme and hostile clamor for such indecent and harsh treatment of our fishermen as they think they can indulge in, because it is not "nominated in the bond" that notice shall be given, or that feelings of humanity are to be observed in enforcing their alleged rights. And to make the brutality of the conduct pursued towards our fishermen still more undeniable, their own courts have already declared that some of the seizures were not warranted by the circumstances of the case, by the stipulations of the treaty or even by a forced construction of the Dominion law itself.

The President, in his message to Congress at the opening of the session, characterized the conduct of Canada in the course pursued towards our fishermen as being unfriendly, and that this unfriendly and vexatious treatment was designed to bear harshly upon the hardy fishermen of the United States with a view to political effect upon this government. To the Joint High Commission is entrusted the task of endeavoring to reconcile the differences which have existed since the formation of the government as to the rights of American fishermen on the one hand, and the pretensions of the colonists on the other. It is by no means an easy task. After seventy years' controversy the differences were adjusted in 1854 by a convention which waived all the points in dispute. The matter blazes forth again in all its prestine vigor; and considering the position we now hold as a Power in the world, the strength we have developed—and nations, like individuals, are somewhat swayed by a bountiful display of brawn and muscle—it will be well for the youthful Dominion not to press us to the wall.

THE NAVIGATION OF THE ST. LAWRENCE.

An adjustment of the question of the free navigation of the river St. Lawrence is also one of the matters referred to the High Commission. The question will probably be presented in its twofold aspect. First, as to the right of the United States to use that river as the only natural outlet to the great lakes. And, secondly, the commercial importance of that route to the United State .

Upon the first branch of the subject it is very likely a vast amount of erudition will be brought to bear. The Canadians have already disposed of this part of the case very cavalierly. In the *brochure*, printed at Ottawa, Canada, and believed to have been written by a member of the Dominion Cabinet—if the whole "Privy Council" were not employed in the incubation—which professes to review the President's message very much to the satisfaction evidently of the reviewers, the question of the right of the United States to the St. Lawrence is conceded. But, say the wily "Privy Councillors," how are you going to use the river, when the canals, without which the navigation is impossible, belong to Canada? The question is, however, a much deeper one than the pamphleteers suppose, if they give up the natural claim to the use of the river as the outlet to the lakes. It becomes a matter, then, for grave inquiry, whether, if the United States have the right to use the river, they have not also the right to use, upon the same terms as the people of Canada, the only means by which that navigation is possible—namely, the canals. That Canada constructed those canals is undoubted; but being constructed, it becomes a question of a very important character, whether the United States can be rightfully excluded from their use upon the same terms identically, as to regulations and charges, as the Canadians themselves. Otherwise we are debarred from the exercise of the right which belongs to us of having free ingress and egress to the lakes, the second largest of which is exclusively in the territory of the United States, while half of each of the others belongs to us. From the physical nature of the difficulties in the navigation of the St. Lawrence it is impossible that any amount of expenditures could succeed in making the river navigable for ingress to the lakes from the sea in the channel of the river itself. The rapids can only be overcome by canals on the banks of the river. If the United States cannot of right use the canals already constructed, because they are cut through the soil of Canada, we have equally no right to build canals ourselves through Canadian soil. Hence the question arises, if we have the right to use the St. Lawrence as the natural outlet to our inland seas have we not the right to do so in the only way possible by using the canals?

But this question of the St. Lawrence, as an outlet for the products of the West, and a competitive route for cheapening transportation, has been greatly exaggerated in the importance sought to be given it. To say nothing of the fact that the St. Lawrence route is only comparatively safe for less than half the year, while for the other portion it is locked up by ice, that outlet never can be made, under any circumstances, a route for direct trade between the lakes and Europe, as so many Western enthusiasts suppose. In the first place the much cheaper class of vessels which are suitable for lake navigation, but shells unfitted for ocean voyages is a sufficiently potent reason in itself to forbid it. Even as it is, the cheap, inexpensive and lightly manned lake vessels do not now go down the St. Lawrence to Montreal with their cargoes. It is found more economical to discharge them with ordinary canal boats at Kingston, at the foot of Lake Ontario, and the saving by the transport in canal boats over schooners in the short distance between Kingston and Montreal is found to leave a profit after paying the cost of shifting the cargoes.

But even if the question of difference in expense between cheap fresh water craft and large ocean vessels did not deter business men from going into the venture, as it would—for cheapness is alone the consideration—the fact is that there is not water enough covering the various rapids of the St. Lawrence to float large ocean vessels, and to build a double set of new canal locks would cost far more than Canada can expend. Her present canals have cost her $17,000,000, and with all the American trade added to her own, the revenue from these public works has never yet been able to pay the interest on the debt incurred in their construction. The present St. Lawrence canals have a depth of nine feet, and the locks are two hundred feet long by forty-five feet wide, sufficient for vessels of six hundred tons. The total length of the St. Lawrence canals is forty-three miles, and in that distance they overcome six formidable rapids, with a total of twenty-nine locks.

The water in the channel of the St. Lawrence through most of these rapids does not give a greater depth than about twelve feet, and this in the summer and autumn is reduced so much that even the light draught steamers between Montreal and the head of Lake Ontario, and drawing but six feet water, are compelled to go down as well as up through the canals. The St. Lawrence is a valuable outlet now, and may be improved to be still more useful. But as to making it an uninterrupted communication for ships from the great lakes to the sea, it cannot be done, much as we may regret it.

There is still another view of this St. Lawrence question. Until the destinies of Canada are united with those of the United States it may well be doubted if it is to our interest to feel so desirous of seeing that route divert any large and important portion of the trade of this country away from our own channels of communication and our own Atlantic ports. Enough has been said to demonstrate that, if the High Commission should determine that the St. Lawrence route is not ours by right as much as it is Canada's, we need make no great sacrifices to obtain the boon for any real commercial necessity, as none such exists.

POLITICAL AND COMMERCIAL CONSIDERATIONS.

A retrospect of events in Canada for the past twenty years, or since the negotiations of the so-called Reciprocity Treaty, must inevitably lead to the conclusion not only that that convention failed wholly in creating a beneficial political feeling towards us on the part of the Canadian people, but that the conduct of the Canadian authorities has been unjust towards our citizens and unfriendly towards our institutions and government. It is beyond dispute that while the Reciprocity Treaty was made as a friendly concession to Canada, as a weak and impoverished neighbor, yet that it wholly failed to draw that people towards us. When civil war threatened our national existence, in no quarter of the world did we meet more bitter enmity, or the rebels more active friendship, than in Canada. This was the conduct of the Canadian people. But the governmental authorities went still further. Acting under instructions from England, at the time Louis Napoleon attempted to set up a monarchy in Mexico, the plan of a consolidated empire was started in Canada, for the object, scarcely attempted to be concealed, of destroying the spread of this republic. It is no fault of the promoters and abettors of these schemes if they failed ignominiously upon our Southern border, and if, in the case of Canada, the refusal of two provinces to join the Dominion, and the unwilling and lukewarm assent of two of the others, has made the attempted creation a mere skeleton of what was intended. The animus is the same. The "Dominion" exists to-day as a monument of the effort to do us a deadly injury; and its only present hope of success lies in being able to effect trade arrangements with us; and the belief that by constructing a line of railroad through Manitoba and so on, through what is practically called in Canada "the fertile belt," to British Columbia, they will be enabled to successfully compete with the United States for the Eastern trade. While Canada is looking with longing eyes and bated breath to our markets for the sale of her vegetables, her coal, her horses, cattle and dairy produce, she is at the same moment straining every nerve to compete with us and to injure our commerce. No one can blame her for her ambitious longings; but it is equally true that we are not called upon to help her at the expense of our own citizens and trade.

For some years previous to the negotiation of the Reciprocity Treaty political discontent was widespread in the British provinces. With bountiful harvests the colonial farmers found scarcely any market for their products, and, while the farmers of the United States were prosperous in proportion to their industry, the Canadians found themselves dependent upon a market three thousand miles distant and a season of dangerous navigation embracing less than half the year. The discontent was general, and several of the leading colonists openly advocated either severance from England and independence or annexation to the United States. Independence, was the more popular cry, because, slavery then existing in the Southern States, many Canadians, who would otherwise have desired annexation, hesitated at taking the step.

The question which now arises is, is it advisable to enter into any new arrangements of trade and intercourse with Canada at this time? And if so what should be the character of the agreement? It cannot be imagined that the United States will ever again enter into such an arrangement as was presented by the Treaty of 1854. What sort of an arrangement, then, can we consent to?

The hostile feeling of the Canadians has been referred to. But this should be qualified by saying that it is the official class and not the masses in Canada who are enemies of the United States. During the continuance of the Reciprocity Treaty the spirit of that convention was outraged by Canada in this, that their tariff was so changed as to bear unduly against the United States whenever it could be made to affect our interests. This "national policy" put a duty of fifty cents a ton on coal, in the hope of excluding the coal of the United States from Western Canada; it placed a duty on corn, although Canada is compelled to purchase American corn as a cheap breadstuff for her own consumption, to take the place of Canadian wheat, which is sent to Europe. It also imposed a duty on barley, although no American barley is purchased by Canada. The Western Canadians will not purchase the coal of Nova Scotia. They clamor for the repeal of the tax on our coal, which is fifty cents a ton, and it is found, notwithstanding, cheaper to buy from us, to say nothing of the better quality they obtain.

No commercial arrangement can be agreed to by this country which does not include a free interchange not only of natural productions, but of manufactures. Canada says that England will not permit them to admit American manufactures and tax those of "the mother country," and that as their revenue is derived from duties on imports, they can enter into no treaty of a really reciprocal nature while they are a British colony.

It is possible that in arranging the fishery and St. Lawrence questions an attempt may be made to induce the government of the United States to consent to an enlargement of commercial intercourse by way of an equivalent. But Canada already has full equivalents for all she can give us. The freedom of the St. Lawrence we claim as a right. The freedom of the fisheries may well be considered as an equivalent for the very great advantages which Canada derives from the bonding system and the transit trade; and which enable her two lines of railroads, the Great Western and the Grand Trunk, to exist as commercial enterprises. Of the ten million dollars which represent the gross yearly earnings of the Grand Trunk, more than two-thirds are on American account; that is to say, for trade which only exists in consequence of the bonding system and the fact that our lake ports are ports of entry from Canada. The Great Western Railroad is even more dependent upon the United States.

THE QUESTION OF THE FENIAN RAIDS.

It is supposed that the Canadian claims for losses and expenses incurred by Fenian raids from the United States will be presented by the British commissioners as a set-off against the claims for the depredations committed by the Alabama and other Anglo-Confederate vessels upon our commerce. It is known that the Canadian authorities, whether by the direction of England or not is unknown, have made up an official account of the damages by Fenian raids in Canada, and that the bill, footing up a formidable array of figures, has been on file in England for some time. These include the "Ridgeway" and "St. Albans" campaigns, and all the expenses incurred by Canada in preparing for the anticipated attacks. How, precisely, these claims are to be dragged in it is not easy to say; for, so far as the British government is concerned, it is beyond doubt that after both the Fenian forays the British Minister at Washington was directed by his government to thank the President of the United States for the loyal and effective manner in which he had enforced the neutrality laws, and as soon as any overt acts were committed within the jurisdiction of the United States, the prompt manner in which he had caused the disarming of the bands and the imprisonment of the leaders. And it is also beyond question that but for the President's action the Canadians would have found the raids anything but child's play.

With all our innate sympathy for Irishmen and their wrongs the conduct of the United States is unimpeachable and unimpeached as to the faithful performance of their duties and international obligations. The Fenians at Niagara and St. Albans were disarmed and the leaders imprisoned; they were not feted and given a fresh start, as England acted towards the Alabama; and if the imprisonment was brief it has not been the usage of the American government to punish political offences, even aimed at the life of the republic, with severity. The presentation of the Canadian claims will be a singular proceeding, and there can be little doubt of the reception they will meet with at the hands of the American Commissioners.

THE NORTHWESTERN BOUNDARY—THE SAN JUAN QUESTION.

This subject comes before the Joint High Commission for adjustment. The question has been an annoying one for many years, and up to this time all efforts to arrive at a satisfactory agreement as to the true boundary line between the United States and Vancouver's Island have failed. The United States claim that the true line, according to the Treaty of June 15, 1846, gives to them the Haro archipelago, of which San Juan island forms a part; while Great Britain, with equal pertinacity, holds that the San Juan Island and the islands of the Haro archipelago are part of the British dominions.

In the various negotiations which took place between the United States and Great Britain for the settlement of the Oregon controversy, the United States made the proposition that the line should run along the forty-ninth parallel. This line was proposed as a compromise of their conflicting claims to the territory west of the Rocky Mountains, between the latitudes of forty-two degrees and fifty-four degrees forty minutes. For a long period the British government persisted in asserting a claim to the territory lying to the westward of the Columbia river. This pretension was adhered to until a short time previous to the conclusion of the Treaty of 1846, when they so far receded from their position that they were willing to adopt the proposed compromise, provided that Vancouver's Island were left to the undivided jurisdiction of Great Britain. The United States finally consented to this concession, and a boundary was adopted having in view this object. The boundary is defined in the first article of the treaty of June 15, 1846, as follows:—

ARTICLE 1. From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the Continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean. *Provided*, however, that the navigation of the whole of the said channel and straits south of the forty-ninth parallel of north latitude remain free and open to both parties.

Every officer of the United States government who had any part in the negotiation or ratification of the treaty assented to it with the full understanding that the deflection of the boundary from the forty-ninth parallel was consented to for the sole purpose of giving the whole of Vancouver's Island to Great Britain, and that to effect this purpose the line was to be carried through the Canal de Haro to the Straits of Fuca, on its way to the Pacific Ocean. This line gives to the United States the Haro Archipelago, of which the San Juan island forms a part. The dispute on the line really intended by the clause has been taken up at various times, but without any definite result. Reverdy Johnson was the last of our Ministers abroad to move on the matter. The subject was brought up in the Senate, and through a strong speech of Senator Howard, denunciatory of England, it passed over the day's business and has never since come up.

LABORS OF THE JOINT HIGH COMMISSION.

The labors of the Joint High Commission will, of course, be confined to an arrangement of the general principles which shall govern the adjustment of the several questions presented to them; and the results will probably be embodied in treaties for the settlement of each case. Thus the Alabama question will be disposed of, if at all, by a declaration of principles, which shall hereafter have the force of public law, while the claims portion will be provided for by the appointment of another joint commission to adjudicate them according to certain rules agreed upon. The matter of the fisheries will require an agreement as to the rights of American citizens in the future, and such a revision of the Treaty of 1818 as will render it in keeping with the changed condition of facts as regards the fisheries of the coast of Canada, and thus while carrying out the intentions of that treaty—which was made to secure certain rights to our fishermen, derived from joint occupancy before the Revolutionary war, and beyond mere natural rights—the necessary changes will render collisions less imminent. The Treaty of 1818 was made with especial reference to the cod fisheries, and the right to land at certain points was a necessary provision, as regards curing and drying that fish. Until recent years the mackerel was caught on our coasts, and was not found to any great extent in the waters of the provinces. For certain unknown reasons the mackerel appears to have deserted the waters of our coast, and is now found in abundance on the coasts of Canada. The mackerel is now the great productive industry, while the cod fishing has become secondary to it. And, while the character of the fish has thus changed, the mode of fishing is also affected. To fish for cod the vessels lie at anchor, and, as that fish does not run very close to the shore, it is an easy matter to keep outside of the three mile limit of the treaty. In the case of mackerel, however, the fishing is entirely and essentially different. The fishing vessels are kept in motion and follow the fish; and as the mackerel swim in at times close to the shore it is almost beyond human endurance—certainly that of fishermen engaged in the pursuit—not to keep up the chase, heedless of the imaginary line. The Commission will have to decide whether, recognizing all the circumstances under which the treaties of 1783 and 1818 were made, a revision to meet the changed condition of the fishery is not demanded, as well by the spirit of those conventions as by neighborly feeling. The Northwestern water boundary may possibly be submitted to arbitration, as that course has already been twice agreed to by the two governments, and failed to get the consideration of the Senate from causes not touching the merits of the convention.

The question of the navigation of the St. Lawrence will probably lead to a long and warm discussion. There is no reason to suppose that our Commissioners will admit the Canadian claims for Fenian raids, nor is it at all probable the question of commercial intercourse with Canada will be permitted to enter into consideration. As for trade matters between the United States and Canada, it is believed the American Commissioners will take the ground that these do not come under the head of questions affecting the relations of the two countries in the sense of the agreement of our government to the High Commission.

But the labors of this Joint High Commission will greatly depend for success upon the manner in which the British government approaches the subject, which, in reality, underlies the whole matter. There is a universal feeling among public men in Washington, and which is but the reflex of the popular feeling throughout the United States, having no party lines of demarcation, but coextensive with the country itself, that we can never have cordial and friendly relations with England so long as her flag floats over any portion of this Continent, as an emblem of her power here. America for Americans is a watchword which rallies the whole people of the United States. We want no European monarchies here exercising control and menacing republican institutions. The United States desire no acquisition of an unwilling people. The question of annexation, it is believed, must come up hereafter; it will be one between the people of Canada and of the United States, and at the solicitation of the former. But what we do want, what we require, what we may be compelled to insist on, is that England shall no longer meddle with the people of this Continent; that she shall take her flag from off American territory. And why should she not do so? Has not the colonial system of England ceased to have any real interest to Englishmen? Under the system of free trade which England has established and the right she has conferred on her colonial governments to enact their own tariffs, taxing English productions equally with those of other countries, her colonies are no longer anything to her but sources of expense and trouble. Is England now prepared to take this step? If she is then this joint commission will be a grand success and Great Britain will find an ally in the United States of far more real value to her than all her colonies combined. If, however, she is not prepared to act—if this high commission comes here with no broad and comprehensive policy, but merely to parley over claims of private citizens, boundary questions and fishery squabbles—if, in a word, England is not determined voluntarily to remove her flag forever from America, then is the appointment of this Joint High Commission useless and its labors will be as mere dust and ashes.

THE COAL MINERS' STRIKE.

Proceedings to be Instituted Against the Carrying Companies.

TAMAQUA, Pa., Feb. 19, 1871.

It is rumored that the Workingmen's Benevolent Association and the general coal operators, who have renounced their allegiance to the Anthracite Board of Trade, are about to institute proceedings against the several carrying companies, under what is known as the Conspiracy law of the State of Pennsylvania. The rumor cannot be traced to any definite source, but seems to be very generally accepted as correct.

Manifesto by the Miners' Benevolent Association—Rapacity of Operators—Frauds Upon the Miners—Miners' Wages and Dangers—$4,000,000 Realized by Operators in Consequence of the Strike.

JEDDO, Pa., Feb. 16, 1871.

TO THE EDITOR OF THE HERALD:—

At a special meeting of the Miners and Laborers' Benevolent Association of Jeddo, Luzerne county, Pa., held on the 13th inst., it was unanimously adopted that the undersigned committee should, through your wide circulating journal, make known to the public at large the real cause of suspension in these anthracite coal fields. There are some periodicals which take the part of capital against labor, never thinking that the working class is the bone and sinew of the land—such as the Pottsville *Miners' Journal*, better known as the *Coal Operators' Journal*; the Scranton *Republican*, the Philadelphia *Inquirer*, &c. We doubt the veracity of these journals for truth and honesty in the garb of public printers. They try to make the public believe that suspension is brought on solely for the welfare and benefit of the miners. Such is not the case. Suspension is caused by the tyrannical oppression and combination of railroad companies and coal operators, who are, almost to a man, stockholders in said companies. They try all means in their power to make the public believe that the miner wishes to earn enormous wages. The miner would feel quite satisfied if he could get three dollars per day, which would be only considered a fair day's wages when taking into account the perils and dangers which he has to encounter by descending and ascending those dark and dangerous shafts or slopes, with no guarantee of life save an indifferent chain, or, as is too often the case, a worthless wire rope, which may at any moment launch him into eternity. He has also to contend, when in the mines, with foul and damp gases and powder smoke, and is liable at any moment to be crushed or mutilated by a fall of coal or rock. When coal is sold at five dollars per ton at the seaboard the miner gets fifty-five cents per ton, and does not average over eight tons per day while working. From this is deducted his laborer's wages, amounting to $13 20 per week, for loading his cars, besides paying for powder, blasting paper, cotton and oil, &c. He has also to pay monthly for the sharpening of his picks and drills, and must procure his own shovels, the balance of the five dollars going to the railroad companies and coal operators. The miner will always feel satisfied that coal should remain at five dollars per ton at the seaboard, but when it gets below this price he cannot live or keep his family.

It is alleged that the miners are the cause or are to blame for the high prices of coal in the market. When suspension was ordered it was estimated that not less than 2,000,000 tons had been at tide water, which had been sold at an advance of two dollars per ton, making a total profit of $4,000,000. Did the miner or miners receive any of the profit? We answer no. Besides, these 2,000,000 tons were mined when we were paid at the rate of five dollars per ton in the market, and compare this with the real prices in the market for the three months ending December, 1871.

We have given above an overrated statement of the miner's wages; for, instead of being paid by the ton, he is only paid by measurement. For instance, a car measuring 128 cubic feet, and allowing thirty-six cubic feet to constitute a ton of coal, said car would exactly contain three and a half tons, for which the miner is paid $1 24. Thus you see how the miner is misrepresented to the public, as also the enormous wages he earns; for, instead of getting fifty-five cents per ton, he actually gets a little over thirty-five cents per ton. Now, where does the balance of the exorbitant prices paid by the consumers go to? As we have said before, the miner does not get it, and, as a natural consequence, it must go to the operators and railroad companies, or, as they might be termed, one company.

The miners, without an exception, are ready to resume work, but the operators are not, owing, as they say, to the market being overstocked, their chief object being to lessen the supply and advance the prices still higher, and afterwards attach the blame to the miners for all this outrage as practised by themselves, and thereby denounce them before the public for the sole purpose of strengthening their combinations with a view to eradicate forever the Miners and Laborers' Benevolent Association.

Seeing we have trespassed on your space too much we shall stop, hoping, at some subsequent period, to renew our communication. If the statements herein made are disputed by any of the reading public, we, the committee, are willing to prove the above facts.

N. P. JOHNSON, President,
ENOCH T. EVANS,
PATRICK McLAUGHLIN,
WILLIAM O'GARA,
Committee.

Strike Among the Illinois Miners.

ST. LOUIS, Feb. 17, 1871.

The coal miners of St. Clair and Madison counties, Illinois, opposite this city, have suspended work, in consequence of the reduction of wages by the owners of the mine. Coal is becoming scarce, but the operators declare that they will bring coal from other mines and sell at the present prices before they will accede to the demands of the miners.

LITERATURE.

Criticisms of New Books.

ANTI-JANUS: A Historico-Theological Criticism of the Work entitled "The Pope and the Council," by Janus. By Dr. Hergenröther, Professor of Canon Law and of Ecclesiastical History at the University of Wurzburg, author of the "Life and Times of the Patriarch Photius." Translated from the German by J. B. Robertson, Esq., Professor of Modern History and English Literature at the Catholic University of Dublin, &c., &c., &c.; with an Introduction by him, giving a history of Gallicanism from the reign of Louis XIV. down to the present time. Dublin: W. B. Kelly, No. 8 Grafton street. London: Burns, Oates & Co.; and Simpkin, Marshall & Co. New York: The Catholic Publishing Society, No. 9 Warren street. 1870.

The polemics of the recent grand Ecumenical Council are likely to agitate the theological world for a long time to come. The dogma of infallibility is not the sport of an hour, but a tremendous declaration, which, in directly influencing the opinions and conduct of 200,000,000 Catholics, must press, immediately and importantly, upon the destinies of civilization. The work before us is an able and ingenious defence of that dogma by one of the most erudite and eminent Catholic divines of Germany, in reply to the attacks of "Janus" (also supposed to be a distinguished German prelate), which made such noise in Europe about eighteen months ago. Professor Robertson, the translator, has well performed his part, and in dedicating his share of the work to the Very Rev. Dr. Russell, President of St. Patrick's College, Maynooth, has invoked high sanction for its success. The volume will prove intensely attractive, as well as strikingly opportune in time, to theological readers, and its appreciation by the public will not be unassisted by its neat dress and clear typography.

HISTORY OF LOUIS XIV. By John S. C. Abbott, author of "The History of Napoleon Bonaparte," &c., &c. Harper & Brothers, New York.

Mr. Abbott's "History of Louis XIV." is written in a very plain and simple style, and while it is far from being intended exclusively for the young it is nevertheless, like his other works, peculiarly adapted for their instruction. His style is graphic, though by no means fluent. One of its greatest merits is that he never goes into wearisome and unnecessary details, which tire the attention without instructing the mind. As a work of interest this volume can in no respect be compared to Miss Pardoe's "Louis XIV. and the Court of France," which is, perhaps, the most complete account we have of that corrupt, yet splendid reign. Miss Pardoe's book is, however, entirely unsuited for school libraries or the general perusal of the young, while Mr. Abbott, on the contrary, although faithful to fact, has fully succeeded in the design expressed in his preface—so to describe the events of the times that any father may safely read the narrative aloud to his family. The volume contains some twenty-eight illustrations, including one of the Tuileries, the Palais Royal, the Palace of Versailles (built at such enormous expense by Louis XIV. himself) and many other points of historical interest.

LIPPINCOTT'S BIOGRAPHICAL DICTIONARY. A Universal Pronouncing Dictionary of Biography and Mythology. By J. Thomas, A. M., M. D. Philadelphia: J. B. Lippincott & Co. 1870.

We acknowledge the receipt of Nos. 22 to 36 inclusive of this invaluable new biographical compendium. The numbers before us bring the reader from letter K to Y, and leave but nine more parts wanting to complete the work, which is to embrace forty-five in all. In this day of hasty and defective encyclopedias and biographical dictionaries, the excellent arrangement, great research, and handsome as well as convenient form of the Lippincott work, render it a noteworthy exception greatly appreciated by the public.

AMERICAN TURF REGISTER. A correct synopsis of turf events in the United States, embracing running, trotting and pacing. Published at the office of the *Turf, Field and Farm*.

This is a work of 391 pages, and is doubtless very interesting to those who desire information on the horse.

"READING LESSONS IN STENOPHONOGRAPHY" is the title of a little work specially dedicated to school classes and to all who may have to depend upon self-instruction for the acquirement of this useful art.

The Magazines.

The Catholic World.—The March number of this serial has been issued by the Catholic Publication House in this city. It closes the twelfth volume of the work and gives promise of the opening of the thirteenth on the 1st of April. The enterprise appears hopeful, consolatory of the past and evidently encouraging of the future.

Harper's New Monthly for March is one of the very brightest and pleasantest of the series of brilliant numbers which, for some months past, has seemed to redouble the interest and vivacity of this popular periodical. The beautifully illustrated papers on "Ireland and Her Scenery," the "Florida Reef," "Castle Garden," and "Frederick the Great," vie with the rich selection of essays, novelettes and sketches in grace and interest. The editorial departments are, as usual, inimitably original, piquant and racy.

The Galaxy retains its hold upon a large army of readers, although there is getting to be a certain faded look about it, and a premature weakness in its literary knees that are not redeemed even by the taking announcement that "Mark Twain, the great humorist," writes for it every month. It has much of the variety, but not enough of the snap and fire that are expected from a leading American magazine.

Scribner's Magazine for March fully bears out the dashing promise of its commencement. Profuse in illustration and abundant in varied and attractive contents, it reflects the greatest credit upon the house that publishes and the able literary champion, Dr. Holland, who edits it.

The Phrenological Journal for March bears every outward indication of prosperity, and offers a table of contents stocked with good things. In its peculiar walk of literature and science the *Phrenological* is one of the most valuable publications of the day.

Old and New, which, as its name implies, does not confine itself to topics of the hour alone, but takes a retrospective as well as a progressive range, is rapidly improving for the year 1871. As a national periodical, it claims contributions from some of the best writers in all parts of the country, and enumerates in its prospectus for the twelvemonth a formidable array of experienced critics. Mr. Warner's "Sorrento Papers" are among the fresh attractions of February, and a series of historical articles entitled "Across the War Gulf," by Mr. Robert Owen, is announced. Messrs. Roberts Brothers, of Boston, the publishers, are assured of a complete success in their spirited venture.

Lippincott's Magazine is the literary messenger which Philadelphia sends us every month, and it is always welcome, for taste and ability are happily combined in its management. The March number is one of the most substantially good that its record can boast. The first of a delightful set of papers on "Student Rambles in Prussia;" an article on "The Origin and Lesson of the Franco-Prussian War," by Mr. Amasa Walker, and "An Account of a Mission to St. Domingo" are but specimens of a long and opulent list of new and important articles for the month, with the pledge of still more novelty to come.

Good Words for the Young is another contribution of value from the Lippincott press. It is presented in the English style, with a world of woodcuts and charming tales and sketches for the little folks.

The XIXth Century, published by Livingston & Eckmann, of Charleston, S. C., has become the great monthly of the South. Its circulation now extends through 250 of the Southern cities, and the list of contributors embraces a host of brilliant literary names, among them that of Henry Cleveland, so long and favorably known in this meridian.

The De La Salle Monthly, a Catholic magazine, published by the De La Salle Association of New York, is a neat, well arranged and outspoken little periodical. It is bold on all matters of faith and commands the respect of the general reader by its discriminating criticisms on public measures as they are in the United States, and on the social evils of our time.

The *Young Pilot*, an original monthly magazine for children in their teens, is the title of a new venture among the juvenile population, published at Chicago.