

The Religious Intelligencer.

AN EVANGELICAL FAMILY NEWSPAPER FOR NEW BRUNSWICK AND NOVA SCOTIA.

Rev. J. McLEOD,

"THAT GOD IN ALL THINGS MAY BE GLORIFIED THROUGH JESUS CHRIST." Peter.

[Editor and Proprietor,

Vol. XVIII.—No. 21.

SAINT JOHN, NEW BRUNSWICK, FRIDAY, MAY 26, 1871.

Whole No. 905.

THOMAS LOGAN

The Intelligencer.

Has received, and now opened, per "City of Dublin," via Halifax:

SIX BALES

NEW CARPETINGS;

ONE BALE

HEARTH RUGS

AND

Door Mats;

ONE CASE

ENGLISH OIL CLOTHS,

1, 1½, 2 and 3 yards wide;

ONE CASE

NEW DRESS GOODS.

An inspection is solicited.

THOMAS LOGAN,

Fredericton, April 7, 1871.

ALBION HOUSE.

New Goods,

PER STEAMER "ASSYRIA."

22 CASES AND BALES

NOW OPENING,

Comprising Newest Goods in the Markets, personally selected in the

LONDON MARKETS.

NEW HATS,

BONNETS,

FLOWERS,

RIBBONS,

GLOVES, &c.,

NOW READY FOR INSPECTION,

and will be sold at

Lowest Living Profits.

JOHN THOMAS.

Fredericton, May 5, 1871.

THE WASHINGTON TREATY.

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 Britannic Majesty on her part has appointed as her High Commissioners and Plenipotentiaries the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Godech, Baron Grantham, a Baronet a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council Knight of the Most Noble Order of the Garter, &c.; the Right Honourable Sir Stafford Henry, Northcote, a Member of Her Majesty's Most Honourable Privy Council, a member of Parliament, a Companion of the Most Honourable Order of the Bath, &c. &c.; Sir Edward Thornton, Knight Commander of the Most Honourable 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 Honourable Order of the Bath, a member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Montague Bernard, Esq., 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 generally 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 generally 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 declining, or declining to act as such, the President of the United States, or Her British 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 a refusal or omission, for two months after the 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 place of one who may have died, be absent, or incapacitated, or who may omit, decline, or for 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.

The arbitrators shall meet at Geneva, in Switzerland, at the earliest day convenient 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.

PRESENTATION OF CLAIMS.

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 the 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 original 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.

RULES OF INTERNATIONAL LAW.

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 to 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 and carry on war as above, such vessel having been specially adapted in whole or in part, within such jurisdiction to warfare 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 cannot 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 between themselves in future, and to bring them to the knowledge of other maritime powers, and invite them to accede to them.

THE DECISION.

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 of 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 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 the 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.

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 arbitration 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.

AWARD OF DAMAGES.

ARTICLE X.

In case the tribunal finds that Great Britain has failed to fulfill 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 Britannic 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 Great Britain and the United States, 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 the assessors shall be given upon each claim in writing, and shall be signed by them respectively, and dated. Every 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 paid 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 herebefore referred to, and further engage that every such claim, whether the same may have been presented to 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 henceforth inadmissible.

CLAIMS OF BRITISH SUBJECTS.

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 citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive (not being claims growing out of the acts of the vessels referred to in article I 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 yet remain unsettled, as well as any other such claims which may be presented within the time specified in article 14 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 Britannic 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 the 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 herebefore 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 opportunity 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 government of the United States and of Her Britannic Majesty

respectively, and such declarations shall be entered on the record of their proceedings.

ARTICLE XIII.

The commissioners shall then forthwith proceed to the investigations 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 in 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, as counsel or agent for such 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 claims 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 16 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 paid 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 5 per cent. on the sums so awarded.

ARTICLE XVII.

The high contracting parties engage to consider the result of the proceeding of this commission as a full, perfect, and final settlement of all such claims as are mentioned in article 12 of this treaty upon either government, and further 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 said commission be considered and treated as finally settled, barred, and henceforth inadmissible.

THE FISHERIES.

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 20th 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 35, of this Treaty, to take fish of every kind, except shell fish, on the seacoast and shores and in the bays, harbors and creeks of the Province of Quebec, Nova Scotia, New Brunswick, and the Colony of Prince Edward Island and of the several islands thereto 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 the British fishermen in their occupancy for the same purpose.

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

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 33 of this treaty, to take fish of every kind except shell fish, on the Eastern coasts and shores of the United States, north of the 39th parallel of north latitude, and on the shores of the several Islands thereto adjacent, and in the bays, harbors and creeks of the said sea coasts and shores 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 peaceful use of any part of 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 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 3th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and of 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 design such places, and shall be constituted in the same manner and have the same power, duties, and authorities as the commission appointed under the first Article of the treaty of the 3th of June, 1854.

ARTICLE XXI.

It is agreed that for the term of years mentioned in Article 33 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 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 18 of this Treaty are of greater value than those accorded by Articles 19 and 21 of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges given by the Government of the United States to the subjects of Her Britannic Majesty, and to the subjects 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 18 of this Treaty. 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 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 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, and in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner herebefore 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 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 matters referred to them to the best of their judgment and according to justice and equity; and such declaration shall be entered upon the record of their proceedings.

Each of the High Contracting powers 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 22 and 23 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, 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 original 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 23 of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them. Each of the High Contracting parties shall pay its own Commissioner and agent or counsel. All other expenses shall be defrayed by the two Governments in equal portions.

THE INTERNAL NAVIGATION QUESTION.

ARTICLE XXVI.

The navigation of the River St. Lawrence ascending and descending from the 49th parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the same, 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 Lakes Yucan, Porcupine and others ascending and descending from, to, and into the same, shall ever remain free and open for the purposes of commerce 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 engage 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 engage that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Falls Canal on terms of equality with the inhabitants of the United States, and further engage 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 below the possessions of the contracting parties on terms of equality with the inhabitants of the United States.