ent of the bye-law and prosecute. It is well to notice the words of witnesses, they do not say that Mr. Carvell placed the obstruction at the foot of Purdy's warehouse—but out a certain distance in the water, and all went on to say, we went a certain distance out to clear a spring-hole. This involves an important question, whether the right of way in winter travel on the ice would constitute a right of way in summer as well. The wharf which is a prolongation of Pownal Street, was originally built out straight on a line with the street, but shortly after it was erected, it was moved from its foundation by a schooner precipitating it towards Mr. Carvell's land, and from that it has been extended out piecemeal, until it has assumed the form of a crescent. This necessitates the public to go round the crescent in going down on the ice, and to trespass on the water lot now in Mr. Carvell's possession, but this, as has been shown, does not constitute an easement, and gives them no right in the soil, and I submit, my Lord, that the evidence brought in has not confirmed the question of jurisdiction.

Mr. J. Longworth, Counsel for the Respondent.—Before entering upon the discussion of the various points raised, we will submit to your Lordship that it is desirable to the ends of justice that your Lordship will not close up the case here.

Judge Hensley.—I thought you closed it up yourselves.

Mr. Longworth.—We submit to your Lordship that it would be a denial of justice to shut up the case until we produce further proof, as the onus devolves upon us to prove the line of the street. We submit to your Lordship that sufficient has been shown to substantiate that point. That the position of the eastern end of the breastwork was in range with the street, there could be no manner of doubt. According to the evidence of John Ball, the end of the breastwork was within six inches of the apparent line of the City street; and admitting, too, the evidence of James Merry, respecting the first nuisance, which was abated the 2nd March, the original was within range of the street, for he measured it on the ice. According to the evidence, the mean distance of half way up the original breastwork was 4 feet 2 inches, so that the nuisance then stood eastwark on the line of the street 4 feet 2 inches. My learned friend can understand what deduction is to be drawn from these inferences. By protracting the line of the late Surveyor General, Mr. Wright, as shown on Mr. Ball's plan, we have clearly shown that the obstruction was within the limits of the City street, and any portion of this obstruction was a nuisance, calling for the attention of the City Authorities; hence this suit against Mr. Daniel Dinn. We have shown that there was an existing right-of-way, and we have established that way by showing that way to be used for a period of 30 years. Here is an old right existing for 30 years. It was co-existing with the higher right which the public enjoyed for entering that part of the Town, and it has not been shown that the public were interrupted from enjoying that right for 30 years. If your Lordship will not allow that private right is not to be uncontroverted—that the public right is not the higher right, where the right of private parties is not to be brought in contravention to the public right—we submit to your Lordship that that right to the public has existed ever since the year 1843. The right-of-way extended out under the water, just the same as land covered with water is still the land of the party whose land is inundated. It is an excrescence that grows out of the Statute.

Mr. Hodgson.—That's a lifter.

Mr. Longworth.—Yes, and an important excrescence, too. The Statute presumes that the road goes down to the limit of the harbor—29 Vic., Cap. 20. We submit that the definition shows that it was within the continuation of the street leading out into the Hillsborough River. With regard to the authority of the Mayor and City Council, the learned Counsel has taken some exception. The City Clerk (Mr. Macgowan) has produced in Court the Records into which are copied the Bye-laws of the City Council, and the fact be shows the books containing the Bye-laws of the City Council is proof that such Bye-law was passed. There is no obligation on the part of the Corporation. There is nothing in the Bye-laws to show that when an Act is passed it must be accompanied with a notification, that it has been sent back to the City Council from the Lieutenant Governor after receiving his approbation. The fact that it was sent back is proof that it was approved, and the fact that the Bye-laws shows the name of the Queen's Printer, is proof that the publication took place duly, and the book every way bears the impress of the Officers of the Crown. There is presumptive evidence, there is *prima facie* that it is legal, and the 35th sec., of the act gives a clear power to impose a fine. If your Lordship will assume that the view taken by the lower Court was a correct one, and that the certificate produced by the city clerk is correct then all the bye-laws are correct, and that these Bye-laws are binding upon all citizens as well as those who came in to traffic here, as the law of the land there can be no shadow of doubt, my learned friend says he that must prove an injury, take the evidence of Durgan, he comes to town and is prevented from entering, by their obstruction, he then goes round to Cut Street, and there has to wait until the tide falls. There is an injury to himself and the public, as one of the number by this erection, it interrupted that common right-of-way which was held for upwards of thirty years. The learned counsel says, that a private individual must show damages, even here it is not always essential to show damages in a specific manner as pounds shillings and pence, for instance, if a man throws a stone or rocks in the way of another and by means of that he breaks his leg, it is not necessary for the injured person to show that he had suffered damages in a specific manner. My learned friend affirms, that he must hold the fee simple, even though he may, he cannot control or exercise that right at the expense of the public—especially a right which they have exercised for a long period of 30 years. The winter seasons extend a long period in northern climates and many thoroughfares are required which are not necessary for use in summer season; consequently, while the fee-simple in a private individual, it can only be exercised in such a manner that it will not militate against the public convenience, so that they cannot use it. One of Purdy's hired men, in his evidence, says, "I was instructed to go down at night—and a calm night it was,"—showing how well he remembered it—' to cut away the boom, and to be sure not to allow a stick of timber to go out, for fear they (the truckmen) would cut it up and," says Inglis, "I cut away the boom, and the like never occurred again." The moment it was discovered to be an infringement upon the public, that moment Mr. Purdy gave orders to abate the nuisance. Although Mr. Flinn brings this prosecution in his own name, he, in his own *propria persona* represents every man in Prince Edward Island. The learned Counsel (Mr. Hodgson) spoke also of a permissive right. The public went there because their business led them to go there. The very fact of their going there, while recognizing the right of Mr. Purdy, would show that it was not a permissive right. We submit to your Lordship that the case has been proved on the part of the prosecution. There was another point raised on the part of the Bye-laws; that this is a prosecution of a criminal nature. Now, the Statute empowers any two Justices of the Peace to try a case where an injury has been done to any highway, so that any two Magistrates in this Colony have a right to try a case of this kind, irrespective of the Bye-laws, under the Statute. There is nothing which controls the right or limits—the right which has not been followed out in this case.

The Attorney General followed upon the same side. He said: With respect to the insufficiency of the Bye-laws, I take for proof that they are produced in Court by Mr. Macgowan, that they were sent to the Lieutenant Governor, and afterwards recorded in the book. The book being produced by the proper authority, according to the regular custom, is a guarantee of its authenticity. In proof of this position, I refer your Lordship to Roscoe's Evidence on Documents. I understood Mr. Macgowan when the Bye-law was passed it went before the Lieutenant Governor, and was printed, and then recorded in this book. Now, the learned Counsel says "But where is the evidence of any notification?" I submit the enquiry; but here is the extract of a certified copy from the proper officer. The evidence amounts to this, that the confirmation that the Bye-law was published by the Lieutenant Governor in Council. O! but, says the learned Counsel, it must be passed by a two-thirds majority of the members present. Here is a Court, my Lord, constituted under an Act of the Legislature. This law, entered in its Bye laws, shows the necessary information relating to highways, and I take it that this record is conclusive evidence that this law, entered herein, has been passed. Then, says the learned Counsel, there is no signification that the Lieutenant Governor did approve of it, but three months' absence has the same effect.

Mr. Hodgson.—If that book is entered now I claim the right to cross-examine Mr. Macgowan, as the learned Counsel seems to be trying to smuggle in the documents as evidence.

Mr. E. Palmer.—It was a little piece of inadvertence on the part of the witness, when on the stand, that he did not refer to the matter at the time.

Attorney General.—Here is my client to show that it has been proved. If, by any whim or indiscretion, the documents have been left in the pigeon holes of the Executive Council, in three months' time that would have been law. There is another point raised against the prosecution,—that he must show damage. That Mr. Flinn, who stood here, not in his public, but in his private, capacity, has not to prove any loss. He need only bring evidence to prove that the public highway has been obstructed, although it may happen that the man who obstructed the public streets may go unpunished. This man (Flinn) stands here on behalf of the public. The evidence of Merry goes to prove that the obstruction extended some three feet into the line of the street; and Mr. Inglis, in his evidence, says:—"I received express orders not to allow one stick to cross that boom, and no disturbance ever took place after that." We have nothing to do here with the Corporation. There is a good deal said about Mr. Flinn, but he does not come here as City Marshal, but as one of Her Majesty's subjects, to represent the public in his private capacity. Again, the learned Counsel says that there is no evidence of the continuation of Pownal Street being obstructed. One man—Donald McKinnon, if I mistake not—says: I have been in the habit of coming up some 30 years this street, when I could not come up Cut Street; but now he could not. What, then, is that but an obstruction across the right-of-way? The evidence is that there is a main track, and of course there is a number of others diverging off from this main track. Where this obstruction stands is where all the roads meet, forming one main track. The nature of this obstruction is that the whole space from Purdy's Wharf to Pownal Street Wharf is useless. I submit that it is more than *prima facie* evidence—it is substantial evidence that the obstruction was, in March, across the right-of-way.

(*To be Continued.*)

Correspondence.

To the Editor of the Examiner.

Sir,—Being absent from home for a short time, I have been unable to answer the conjoint reply to my former communication which was published in the Examiner. As Messrs. Lawson and Morris have made some charges against me I rely on your sense of justice to give me an opportunity to answer them through your columns. It appears by the joint reply, that I should have been perfectly satisfied with the decision of that august Court; in fact, one of the above gentlemen told me so in the Court room, after the examination took place—that I *must* be satisfied—(emphasizing the words " must be,") and at the same time, for the better conveyance of his paternal ideas he pushed me with his own hands of seventy years,—a law-abiding example, I should say, in the presence of some of the highest functionaries of the Corporation. Perhaps this venerable lawgiver has, at this advanced stage of his earthly sojourn, adopted a new style of jurisprudence, in order to keep pace with the fast times in which we live, and in accordance with his own views. The joint reply says I could have taken my case to a higher power. A frank admission on their part, but not exactly in concord with my instructions from Mr Lawson on 8th March last, as above quoted. I was well aware that I could have had a hearing at a higher Court than that in which the two writers of the reply figure conspiciously, and I have the very best of good reasons to believe that I could have had their order reversed; but, in this instance, I appeal to the scrutinizing public, and the wholesome teachings of rationality, to bear me out in saying, that it is not at all prudent for any person to follow up litigation to its furthest extremity, merely for the sake of confirming a claim of six or eight pounds, regardless of loss of time, or travelling expenses.

These gentlemen do not like the idea of my seeking redress in the manner I have done. Speaking of redress, they say, " we most emphatically deny that a censorious letter, in a public newspaper, is the proper mode of effecting the purpose. My answer to this objection is this, namely, that I would rather forego my legal claim to the amount of debt, and give publicity to the facts of the case, to the intelligent readers of the Examiner—facts which are incontrovertible, and which I chellenge Messrs. Lawson and Morris to disprove. If the publication of these facts is nauseous to either or both of those gentlemen, I have only to say, I am sorry for it, and contend that they should not blame me for making them known, for certainly it originated with themselves, and themselves alone. I ask these gentlemen, do their brother Commissioner (J. Brecken, Esqr.,) feel as they do with regard to my former letter, which they are pleased to censure. Methinks I hear one say to the other. Oh! he (Mr. B.) did not view the case through our spectacles.

With respect to the insignificance alluded to in the reply, I suppose I do feel or seem small in their private opinions—these men of chivalrous bravery and unequalled gallantry; but in this case, I have to inform them their opinion is simply their own, and not that of intelligent men; therefore I do not envy them the sweets of their own thoughts. The last paragraph of the reply is such as would lead many to think I had left myself liable to an action for libel. I ask for what? Is it for giving publicity to the truth, and facts of evidence, and actions of others on hearing the evidence? is that they feel that they have done wrong? or is it that they now begin to see the awkward net they are in? and last, though not by any means, least, do they think that they may be superseded by men better qualified to discharge the important duty of such officials, or men after the stamp of their brother Commissioner, who can hear both sides of a case, and judge accordingly? In the joint reply, they said that I chose to be my own Counsel, and the rule held good, that I had a fool for my client. For their sarcasm I do not care; but certainly these two men of dignity must think I was a fool, and a very foolish one at that. But truly, I pity them, when they have to defend their actions in this manner.

Some folks may be offended at me for daring or presuming to question any remarks which such dignified characters as these gentlemen would write, but my motto is, give Cæser his due, and in doing so, I must introduce something which is new to you, at least, on account of your absence from the Island at the time. I mean the never-to be-forgotten " *Posse Commatatus*." It would open your eyes to see the hardy and stalwart pioneers of Charlottetown assemble, fall in, and advance, under command of this elevated man, who looks at me in such a narrow point of view. I admit that I cannot lay claim to any such dignity. But, Mr. Editor, these hardy and brave men were marched along the road, through muck and mire—well generalled—to catch Fletcher. But what did they capture? Only a straw man! A conquest! A treasure! A great and wonderful victory!! An epoch in the history of P. E. Island!!! Behold the leader! No wonder that this man of note would impeach me with insignificance!!

Feeling that I have already trespassed, and occupied too much of your valuable space,

I remain, respectfully yours,

John Hughes.

Hill Cottage, Wheatley River, 28th April, 1871.

To the Editor of the Examiner

Dear Sir;—I am induced to write you a few lines suggested by the letter of " Cousin Katie" in last *Examiner*. I wonder how any one can be so blind as not to see the benefits which must accrue from the construction of a Railroad My delight at the prospect of being able some day to go on the Cars and see your city is unbounded. All the women are in favor of the railroad—young and old—except a few old women about here in pantaloons. We believe that the Railroad will put plenty of money in circulation, and give home employment to the young men. Why can not the Island find employment for as many of her sons and daughters, who year after year roam away among strangers to win their bread? It is because of the want of enterprise on the part of our public men, and those in power But it is no wonder they should be careless in trying to serve the people, for there is a large class of them when they hear of anything going on for their good are the first to open their eyes and mouths to denounce it as some dreadful omen of evil, or something that is going to pounce down upon them and swallow them. To make us anything of an independent people we must have railroads, factories and some works that will give the people winter employment. Now what is grown in summer is eaten in winter, we have three months labor to support the remaining nine months. I hope, therefore, that works of utility will be commenced and factories established, and that in so doing our Island home will prosper. Trusting that you will give this a place in your independent journal.

I remain Respectfully Yours,

A Country Girl.

Head St., Peter's Bay, May 10th, 1871.

LINES

SUGGESTED BY THE FINDING OF THE BODY OF DUGALD McDONALD, ONE OF THE CREW OF THE ILL-FATED SCHOONER "EMELINE," AT LITTLE HARBOR.

No more we doubt the missing fate,
'Tis proved alas! too true,
We did their coming kindly wait
The dreary winter through.

We waited for the coming spring,
The fluctuating tide;
Hoped against hope, 'twould safely bring,
Our lov'ed ones too our side.

But 'stead of spring's first balmy gale
Wafting them safely home,
It but confirms the mournful tale
That they no more will come.

McDonald! thou alone of all,
That able, skilful crew,
Hast found a resting place where friends,
The sacred spot may view.

The others lay beneath the wave,
And far away may be,
And thou art found that we may know
They're buried in the sea.

Could we but get their cold remains
Out of the ocean's breast,
'Twould ease our hearts of grief and pains,
To view their place of rest.

Dundas, May 4, 1871. M. Stewart

The Examiner.

Charlottetown, May 22, 1871.

BETTER LATE THAN NEVER.

To the Queen's Printer.

Sir;—I have to express my surprise and regret that such an article as that which appeared in the Editorial columns of the " Islander " on the 5th inst., referring to the construction of a Railroad, should have been published by you. You say, ' and we are satisfied that were the Government required to raise the money necessary for the construction of a Railroad upon debentures at thirty years, no provision being made by means of a sinking fund for their redemption, the cost of so doing would be little if at all under twelve or fifteen per cent." Now as the " Islander " may be supposed to reflect the views and opinions of the Government, I feel called upon, on behalf of the Government, in the most empatic manner possible to repudiate the sentiments contained in the article referred to, and to express my opinion that no remarks, having the effect of damaging the Government, and lessening in value the public securities of the Colony, should receive a place in the Editorial columns of any paper published by the Queen's Printer.

Were there any foundation for the statement that if the public debentures had to be floated by the Government a loss of twelve or fifteen per cent would be sustained, I would consider the Government who introduced and carried a Bill authorising the construction of a Railroad, much as I feel the great advantage that it would confer upon the people of the country, highly culpable under such circumstances, I would never give my sanction for proceeding with the work. I have only to add that I believe the Railway debentures, bearing interest at six per cent, payable half yearly, with the revenues of the Colony, and the road itself pledged for their redemption, will be considered a first class in any difficulty. As a proof of which I may say that the debentures issued the other day for the payment of the Stock Farm sold readily at a premium of one per cent.

Yours, &c,

May 18. J. C. Pope.

The above letter of the Leader of the Government, repudiating the utterances of the supposed organ of the Government, came none too soon to allay the distrust and indignation which were becoming widespread through the Island. If a rival trader decryed the credit of another, would not the act be attributed to malicious motives; and, if it were proved that he had done an injury, should he not be punished for libel? But what would be thought of a book-keeper that would circulate statements calculated to ruin his employer's credit? Would he not be regarded as an idiotic blockhead, or as one of the basest of ungrateful, traitorous, miscreants? Most assuredly he would, and his employer would either send him to an asylum for the incurables, or give him a ticket of leave for all coming time.

We wish to be very charitable towards the Editor of the *Islander*, and do not intend to attribute improper motives to him, but we have to say that he has committed a political blunder, and that stands in the same catagory of offences as does crime in the moral law. He should be prepared for the consequences; and the Government, in justice to the Country, and to satisfy the manes of public indignation, should inflict the punishment which such conduct as lessening confidence in the credit of the Colony deserves. The letter of repudiation is hardly enough. It is good, so far as it goes, and is what we had a right to expect from him in this great Railway enterprise, in which he is so wrapt up, and from which, if it proves as great a success as we hope, he will receive honor and fame, such as fall only to the lot of the chosen few. But his letter is not sufficient; it will scarcely satisfy the people that he is in earnest, and there are times when a man who has the courage to win must be terribly in earnest.

The Editor of the *Islander* does not retract his statements, which we showed last week to be unfounded. If the Government give their pledge, as they of course will do, that at the very next session of the Legislature—and there will probably be a Session during the summer—they will make provision for a sinking fund of £6,000 per annum, which will pay off the debentures at the end of thirty years—then contractors will be glad to take them in payment for their work. It simply amounts to this: is money to be had at six per cent interest to pay which the whole revenues of the Colony are solemnly and legally pledged. We believe there is; and if there is not, then our duty is plain, and we are glad to see the Leader of the Government take the same view,—we must wait for a Railway until such time as we can build one in strict accordance with the letter and spirit of the Railway Act.

The *Islander* did not place the matter fairly before the Country; to say so is adding insult to injury. The supposed organ should make a full and satisfactory retraction. But, perhaps, the Queen's Printer will prove his devotion to his party by returning the trust which was placed in his hands, and which has been so injudiciously used against them, and what is worse—injured the public credit of the Colony.

THE COST OF THE RAILWAY—MR. BOYD'S ESTIMATE.

The following estimate of the cost of the Prince Edward Island Railroad has been made by the gentleman entrusted by the Government with the Survey. The road is not to be one of those trumpery affairs that are sometimes constructed by swindling contractors, which last only a few years. It is to be a really first-class, substantial Railroad, and Mr. Boyd, who is a gentleman of well established integrity, can scarcely do otherwise than see that the work and materials will be such as to redound to his credit. There is a chance for him to build a model Railroad that will give him a world-wide reputation. Everything can be had of the latest styles and improvements, and they can be nicely arranged and numbered, so that at any subsequent time duplicates can be ordered. The estimate may prove to be a good deal less in some particulars. We think contractors will be forthcoming to build our Railroad a good deal less than $15000 per mile. We would not be surprised if offers were made to build it for about £3,500 per mile. We see by our exchanges that a line of narrow gauge Railroad has recently been completed, at the rate of $8000 per mile, in Missouri.

Cleaning, Grubbing, &c.,	$200 00
Fencing, Gates, and Warning Boards,	700 00
Grading,	3,500 00
Level Crossings & Road Division,	100 00
Bridging and Culverts,	800 00
Rails, Fish-plates Spikes & Bolts,	3,500 00
Track-laying and lifting,	450 00
Sleepers,	600 00
Ballasting,	850 00
Stations	600 00
Rolling Stock,	1,800 00
Engineering and Management,	1 600 00
Land and Land Damages,	200 00
Sidings,	700 00
	$15,000 00

THE NOVA SCOTIA ELECTIONS.

The Elections which came off on Tuesday last, in Nova Scotia, resulted in the Local Government being sustained. The contest seems to have been a warm one, even for Nova Scotia. The Press there throws the Island Press into the shade in the polite art of slang whanging, and the politicians of our "little lovely land" are not a patch on the Nova Scotians for throwing powerful epithets at each other. We should be exceedingly sorry to believe what either sides of the Press or Politicians say there of each other, because if it were the "whole truth," then they would all be as precious a lot of political charlatans, as ever went "uwnhipt of justice." But we must attribute it to a high state of political excitement, which is a kind of safety valve in the body-politic, necessary to be blown off every four years The following is a list of the members returned for the several Counties. The Government have twenty-five, and the Opposition thirteen, according to the latest returns.

	Government.	*Opposition.*
ANNAPOLIS.	J. C. Troop	
	D. C. Landers	
ANTIGONISH.	Danl. McDonald	
	Joseph McDonald	
CAPE BRETON.	J. Ferguson	
	Alonzo J. White	
COLCHESTER.	T. F. Morrison	Samuel Rettie
CUMBERLAND.		H. G Pineo, Jr.
		Edward Vickery
DIGBY.	W. B. Vail	
	Urbine Doucette	
GUYSBOROUGH.	John A. Kirk	
	W. H. Wylde	
HALIFAX.	William Garvie	
	John Flinn	
	Donald Archibald	
HANTS.		Henry Allison
		Wm McDougall
INVERNESS.		Hiram Blanchard
		Saml. McDonnell
KINGS.	Daniel Moore	D. B. Woodworth
LUNENBURG.	M. B. DesBrisay	
	Jas. Eisenhauer	
PICTOU.		Jas. McDona'd
		Simon H. Holmes
		Hugh J. Cameron
QUEENS.	H. W. Smith	
	Samuel Freeman	
RICHMOND.	E. P. Flynn	Mr. McRae
SHELBURNE.	R. Robertson	
	Thos. Johnson	
VICTORIA.	John Ross	Chas. J. Campbell
YARMOUTH.	W. H. Townsend	
	Albert Gayton.	

The Washington Treaty.

THE FULL TEXT OF THE OFFICIAL DOCUMENT.

We give as much as we can this week of the Treaty which we will soon be called upon to discuss and legislate upon. The concluding part we will give next week. Our readers will then be in a position to read it and carefully consider it for themselves. We should not decide hastily in regard to the action which our Legislature should take concerning it, because there is a good deal to be said in favor of our acceptance of the Treaty, and more, perhaps against it The advantages of having the Americans come to our shore, and purchase many of their suppies is evident enough. It will also benefit our fishermen to be able to send their fish duty free, to the American Market. But will these advantages compensate us for giving up all? The fisheries of Prince Edward Island are amongst the most valuable in the world. The northern shores of the Island are whitened every summer with American sail, which come up to the very extremity of the three mile limit. So far let them come, but no farther. For a hundred years no Colony has had to struggle as we have had. All others have had Crown Lands in countless acres. We have had none but the three miles limit which girth our shores. To any foreigners who ask us for the privilege of fishing there, without full compensation, the great majority of the people will give an indignant refusal. We rejoice to find that the Island will not stand alone, and that we will be backed up by the public sentiment of Nova Scotia, New Brunswick, and, we doubt not, Newfoundland.

ALABAMA CLAIMS.

Article 1. 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 authorised 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: The first 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 death, absence, or incapacity to serve, of either of the said arbitrators, or in the event of either of the said arbitrators omitting, or declining, or ceasing to act as such, the President of the United States, or Her 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 or stead of the arbitrator originally named by such head of State; and in the event of refusal or omission, for two months after the receipt of the refusal, 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, incapacitated, or who may omit, decline, or from any cause cease to act, as such arbitrator, his Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such arbitrators.

Art. 2. The arbitrators shall meet at Geneva 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 all 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.

Art. 3. 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 ratification of the treaty.

Art. 4. 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, 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, any report or document in the exclusive possession of any party be omitted, 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.

Art. 5. It shall be the duty of the agent of each party, within two months of 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.

Art. 6. In deciding the matters submitted to the arbitrators, they shall be governed by the following three 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.

Rules.—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 diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use: *Secondly*: Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men. *Thirdly*: To exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent the 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 1 arose, but that Her Britannic 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 these 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 to invite them to accede to them.

Art. 7. The decisions 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, by any act or omission, failed to fulfil 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 fulfil any duty or duties as aforesaid it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all 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 shall be delivered to the agent of Great Britain for his Government.

Art. 8. 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.

Art. 9. The arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

Art. 10. In case the tribunal finds that Great Britain has failed to fulfil any duty or duties, as aforesaid, and does not award a sum in gross, the high contracting parties agree that a Board of Assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel, according to the extent of such liability as decided by the arbitrators. The Board of Assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Britannic Majesty, one member thereof shall be names 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 Boston. The members thereof 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 on 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 reports.

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 reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the representative of Her Britannic Majesty at Washington. All sums of money which may be awarded under this article shall be payable at Washington, in coin, within twelve months after the delivery of each report. The Board of Assessors may employ such clerks as they shall think necessary. The expenses of the Board of Assessors shall be assumed 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 moities in a similar manner.

Art. 11. 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 a board be appointed as a full, perfect, and final settlement of all claims hereinbefore referred to, and further engage that every such claim, whether the same may or may not have been presented to their notice, or made preferred, or laid before the Tribunal or Board, shall, from and after the conclusion of the proceedings of the Tribunal or Board, be considered and treated as finally settled, barred, and henceforth inadmissable.

CLAIMS OF BRITISH SUBJECTS.

Art. 12 The high contracting parties agree that all claims on the part of the corporations, companies, or private individuals—citizens of the United States—upon the Government of Her Britannic Majesty arising out of acts committed against the persons or property of the citizens of the United States during the period between the 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 1 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 Act 14 of the 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 ratification of this Treaty, then the third Commissioner shall be named by the representative at Washington of His Majesty the King of Spain.

In the case of the death, absence, or incapability of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months, in case of such substitution, being calculated from the date of the happening of the vacancy. The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectfully 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 Her Britannic Majesty, respectively, and such declarations, shall be entered on the record of their proceedings.

Art. 13. The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or in 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 decisions 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 whatever.

Art 14. Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in cases where reasons for the delay shall be established to the satisfaction of the Commissioners, and if 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 their first meeting. It shall be competent for the Commissioners to decide, in each case, whether any claim has or has not been made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this Treaty.

Art 15 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, as specified in Article 16 of this Treaty.

Art. 16. 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 their 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 the rateble 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.

Art. 17. The high contracting parties engage to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of all such claims as are mentioned in Art. 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 thenceforth inadmissable.

Anti-Railroad Meeting at Vernon River Bridge.

The account of the Vernon River meeting, which we had prepared, we lay aside for the present in order to give place to the official report which we received today. We intend to refer to it again, however, as there were some things said which have not yet appeared in the press We understood the Chairman to say that the amendment to the first resolution was "lost by a majority, but a very small majority." We must express our sympathy with the closing remarks of the following report. The Chairman and Secretary did their best to preserve good order, and were it not for their patience there would have been worse scenes than those which took place and they were noisy enough. The noise and interruptions of a few, however, should not reflect discredit on a whole meeting, which would have been orderly, no doubt, if the room had been a suitable one for a large number of people to assemble in. We had the pleasure of making the acquaintance of a number of intelligent gentlemen in Vernon River, and were glad to find that they know how to appreciate the Examiner in that flourishing locality.

In accordance with notice previously given a meeting was held at the abovementioned place. Edward Grant, Esq, was appointed Chairman, and the undersigned Secretary The chief speakers were the Hon. Messrs. Davies, Duncan and Haythorne, and L. H. Davies, D. Laird, and E. Smith, Esqrs. After an animated discussion the following Resolutions were put to the Meeting.

Moved by James B Gay, Esq., and seconded by Mr H. Findley—

Whereas, The Legislature of this Island, at its late Session, passed a Bill authorizing the Government to contract a Railroad from Alberton to Georgetown without the question having been discussed by the people at the polls, and without a survey of the route having been first made, and proper plans and estimates of the cost of the work laid before both Houses; and *whereas*, the Trunk Line of Railway, with its branches, as contemplated by the Railway Act, would involve an expenditure of money amounting to eight or ten years of our present revenue—an outlay altogether disproportionate to the means of the Colony; and *whereas*, the *Islander*—the recognized organ of the Government—has declared that the depreciation or discount necessary to float the Railway Debentures would be at least twelve and a half or fifteen per cent—equal to about £100,000 on the whole capital required for the construction of the road.

Therefore Resolved, That this meeting is of opinion that a memorial should be presented to the Lieutenant Governor, praying him to call a special session of the Legislature, to consider the propriety of passing a supplementary bill to the Railway Act, providing that no contracts be entered into by the Government until a survey is made, and carefully prepared plans and estimates are laid before the people for their approval.

Resolved further, That in order to prepare such a memorial, or to adopt any other course that may be deemed desirable, two or three delegates should be appointed from those electoral districts that can hold meetings for the purpose such delegates to meet in convention at Charlottetown in June or at any time that may be hereafter agreed upon.

Moved, as an amendment, by John J. McDonald, Esq, seconded by Mr. John McGillvray—

Whereas, The Bill for the immediate construction of a Railway has become law by the vote of a large majority of both branches of the Legislature; and *whereas*, the route which would be most direct would be on a bridge across the Hillsborough River, through Pownal, Vernon River, and New Perth, or as near these settlements as practicable.

Resolved, therefore, That this meeting respectfully urge upon the Government the practibility of taking into their consideration this route, which would be of great benefit to a large section of the country, and be the means of making the Railroad better self sustaining than if brought through less populous places.

For the amendment—about one-third of the meeting; against it—the other two-thirds.

The following resolution was carried by about the same majority as the first.

Moved by Mr. Thomas Vaniderstine, seconded by Ronald Beaton, Esq., Lot 61—

Whereas The action of the Hon. James Duncan, our representative, in voting for and supporting the Government Railroad Bill is directly in opposition to the wishes of his constituents; and *whereas*, we believe calling upon him to resign would be the best mode of giving expression to our strong opinions and would materially tend to defeat the practical operation of the Railroad Bill.

Therefore resolved, That he be at once desired to resign his seat in the Government and his position as our representative.

Moved by John J. McDonald, Esq., seconded by Chas. McDonald, Esq., that the proceeding of ths meeting be furnished to the Examiner and *Patriot* newspapers for publication. This was accorded to, and the thanks of the meeting were given to