The Columbian.

G. E. ELWELL, J. K. BITTENBENDER, } Proprietors.

BLOOMSBURG, PA., FRIDAY, AUGUST 31, 1888.

THE COLUMBIAN, VOL. XXII, NO 34
COLUMBIA DEMOCRAT, VOL LII, NO 22

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President's Message.

THE FULL TEXT OF AN IMPORTANT MESSAGE ON THE CANADIAN QUESTION.

WASHINGTON, August 23.— The President sent the following message to the Congress this afternoon:

TO THE CONGRESS: The rejection by the Senate of the treaty lately negotiated for the settlement and adjustment of the differences existing between the United States and Great Britain concerning the rights and privileges of the American fisherman in the ports and waters of British North America, seems to justify a survey of the condition to which the pending question is thus remitted.

The treaty upon this subject, concluded in 1818, through disagreements as to the meaning of its terms, has been a fruitful source of irritation and trouble. Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexations, interferences and annoyances, their vessels have been seized upon pretexts which appear to be entirely inadmissible and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusable and oppressive.

THIS CONDUCT JUSTIFIED.

This conduct has been justified by Great Britain and Canada by the claim that the treaty of 1818 permitted it and upon the ground that it was necessary to the proper protection of Canadian interests. We deny that treaty agreements justify these acts and we further maintain that, aside from any treaty restraints of disputed interpretation, the relative positions of the United States and Canada as near neighbors, the growing of our joint commerce, the development and prosperity of both countries, which amicable relations surely guarantee, and, above all, the liberality always extended by the United States to the people of Canada, furnished motives for kindness and consideration higher and better than treaty covenants.

While keenly sensitive to all that was exasperating in the condition and by no means indisposed to support the just complaints of our injured citizens, I still deem it my duty for the preservation of important American interests which were directly involved in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate by a fair and just treaty these ever-recurring causes of difficulty.

THE REJECTED TREATY WAS JUST.

I fully believe that the treaty just rejected by the Senate was well suited to the exigency and that its provisions were adequate for our security in the future from vexatious incidents and for the promotion of friendly neighborhood and intimacy, without sacrificing in the least our national pride or dignity.

I am quite conscious that neither my opinion of the value of the rejected treaty nor the motives which prompted its negotiation are of importance in the light of judgment of the Senate thereupon. But it is of importance to note that this treaty has been rejected without any apparent disposition on the part of the Senate to alter or amend its provisions and with the evident intention not wanting expression that no negotiation should at present be concluded touching the matter at issue.

The co-operation necessary for the adjustment of the long-standing national differences with which we have to deal, by methods of conference and agreement, having thus been declined, I am by no means disposed to abandon the interests and the rights of our people in the premises or to neglect their grievances, and I therefore turn to the contemplation of a plan of retaliation as a mode, which still remains, of treating the situation.

I am not unmindful of the gravity of the responsibility assumed in adopting this line of conduct, nor do I fail in the least to appreciate its serious consequences. It will be impossible to injure our Canadian neighbors by retaliatory measures without inflicting some damage upon our own citizens. This results from our proximity, our community of interests, and the inevitable commingling of the business enterprises which have been developed by mutual activity.

THE POLICY OF RETALIATION.

Plainly stated, the policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves. There is also an evident propriety as well as an invitation to moral support found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines. And above all things the plan of retaliation, if entered upon, should be thorough and vigorous.

These considerations led me at this time to invoke the aid and counsel of the Congress and its support in such a further grant of power as seems to me necessary and desirable to render effective the policy I have indicated.

The Congress has already passed a law, which received Executive assent on the third day of March, 1887, providing that in case American fishing vessels being or visiting in the waters, or at any of the ports of the British dominions of North America, should be, or lately had been, deprived of the rights to which they were entitled by treaty or law, or if they were denied certain other privileges therein specified, or vexed and harrassed in the enjoyment of the same, the President might deny to vessels and their masters and crews of the British dominion of North America any entrance into the waters, ports or harbors of the United States, and also deny entry into any port or place of the United States of any product of said dominion to the United States.

While I shall not hesitate, upon proper occasion, to enforce this act, it would seem to be unnecessary to suggest that, if such enforcement is limited in such a manner as shall result in the least possible injury to our own people, the effect would probably be entirely inadequate to the accomplishment of the purpose desired.

PREPARING TO RETALIATE.

I deem it my duty, therefore, to call the attention of the Congress to certain particulars in the action of the authorities of the Dominion of Canada, in addition to the general allegations already made, which appear to be in such marked contrast to the liberal and friendly disposition of our country as in my opinion to call for such legislation as will, upon the principles already stated, properly supplement the power to inaugurate retaliation already vested in the Executive.

Actuated by the generous and neighborly spirit which has characterized our legislation, our tariff laws have since 1856 been so far waived in favor of Canada as to allow free of duty the transit across the territory of the United States of property arriving at our ports and destined to Canada, or exported from Canada to other foreign countries. When the treaty of Washington was negotiated in 1871 between the United States and Great Britain, having for its object very largely the modification of the treaty of 1818, the privileges above referred to were made reciprocal and given in return by Canada and the United States in the following language, contained in the twenty-ninth article of said treaty: "It is agreed that, for the term of years mentioned in article thirty-three of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States and destined for her Britannic Majesty's possessions in North America may be entered at the proper Custom House and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations and conditions for the protection of the revenue as the government of the United States may from time to time prescribe, and under like rules, regulations and conditions goods, wares or merchandise may be conveyed in transit without the payment of duties from such possession through the territory of the United States for export from the said ports of the United States.

"It is further agreed that, for the like period, goods, wares or merchandise arriving at any of the ports of her Britannic Majesty's possession in North America, and destined for the United States, may be entered at the proper custom house and conveyed in transit, without the payment of duties, through the said possessions under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe, and, under like rules and regulations and conditions, goods, wares or merchandise may be conveyed in transit without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions."

STOPPING FISH SHIPMENTS.

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country, and ever since that time such shipment has been denied.

The privilege of such shipment which has been extended to our fishermen was a most important one, allowing them to spend the time upon the fishing grounds which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation. In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty, the Canadian authorities deprived us of the only facility dependent upon their concession, and for which we could supply no substitute.

The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory, and to and from our ports, though great in every respect, will be better appreciated when it is remembered that, for a considerable portion of each year, the St. Lawrence river, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.

During the last six years the imports and exports of British Canadian provinces carried across our territory under the privileges granted by our laws, amounted in value to about two hundred and seventy millions of dollars, nearly all of which are goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchanges of goods between Great Britain and her American provinces brought to and carried from our ports in their own vessels. The treaty stipulation entered into by our government was in harmony with laws which were then on our statute book and are still in force.

IMMEDIATE LEGISLATION ASKED.

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares and merchandise in bond across or over the territory of the United States to or from Canada. There need be no hesitation in suspending these laws arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that article 29 of the treaty of 1871, which was the only article incorporating such laws, terminated the first day of July, 1885.

The article itself declares that its provisions shall be in force "for the term of years mentioned in article 33 of this treaty."

Turning to article 33 we find no mention of the 29th article, but only a provision that article 18 to 25 inclusive, and article 30 shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and "that they shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

I am of opinion that the "term of years mentioned in article thirty-three," referred to in article twenty-nine as the limit to its duration, means the period during which articles eighteen to twenty-five inclusive and article thirty, commonly called the "fishery articles," should continue in force under the language of said article thirty-three.

That the Joint High Commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject. "The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

In addition to this very satisfactory evidence supporting this construction of the language of article twenty-nine it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

THE LAW OF 1873.

This law was passed March 1, 1873, and it is entitled 'An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." After providing in its first and second sections for putting in operation articles eighteen to twenty-five inclusive, and article thirty of the treaty, the third section is devoted to article twenty-five, as follows:

"SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, shall remain in force according to the terms and condition of article thirty-third of said treaty, all goods, wares and merchandise arriving, etc., etc."

Following in the remainder of the section the precise words of the stipulation on the part of the United States as contained in article twenty-nine, which I have already quoted.

Here, then, is a distinct enactment of the Congress limiting the duration of this article of the treaty to the time that articles eighteen to twenty-five, inclusive, and article thirty, should continue in force. That in fixing such limitation it but gave the meaning of the treaty itself, is indicated by the fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that this law appears to have been submitted before the promulgation of the treaty to certain members of the Joint High Commission representing both countries, and met with no objection or dissent.

There appearing to be no conflict or inconsistency between the treaty and the act of the Congress last cited, it is not necessary to invoke the well-settled principle that in case of such conflict the statute governs the question.

SECTION TWENTY-NINE TERMINATED.

In any event and whether the law of 1873 construes the treaty or governs it, section 29 of such treaty, I have no doubt, terminated with the proceedings taken by our government to terminate articles 18 to 25 inclusive, and article 30 of the treaty. These preceeedings had their inception in a joint resolution of Congress passed May 3, 1873 declaring that in the judgment of Congress these articles ought to be terminated, and directing the President to give the notice to the government of Great Britain provided for in article 33 of the treaty. Such notice having been given ten years prior to the first day of July, 1885, the articles mentioned were absolutely terminated on the last named day, and with them article 29 was also terminated.

If by any language used in the joint resolution it was intended to relieve section three of the act of 1873, embodying article twenty-nine of the treaty, from its own limitations, or to save the article itself, I am entirely satisfied that the intention miscarried.

But statutes granting to the people of Canada the valuable privileges of transit for their goods from our ports and over our soil, which have been passed prior to the making of the treaty of 1871 and independently of it, remained in force, and ever since the abrogation of the treaty, notwithstanding the refusal of Canada to permit our fisherman to send their fish to their home market through their territory in bond, the people of that Dominion have enjoyed without diminution the advantages of our liberal and generous laws.

Without basing our complaint upon a violation of treaty obligations, it is, nevertheless, true that such refusal of transit and the other injurious acts which have been recited constitute a provoking insistence upon rights neither mitigated by the amenities of national intercourse nor modified by the recognition of our liberality and generous considerations.

CANADA'S UNNEIGHBORLY CONDUCT.

The history of the events connected with this subject makes it manifest that the Canadian Government can, if so disposed, administer its laws and protect the interests of its people without manifestation of unfriendliness, and without the unneighborly treatment of our fishing vessels of which we have justly complained, and whatever is done on our part should be done in the hope that the disposition of the Canadian Government may remove the occasion of a resort to the executive power now sought through legislative action.

I am satisfied that upon the principles which should govern retaliation our intercourse and relations with the Dominion of Canada furnish no better opportunity for its application than is suggested by the conditions herein presented, and that it could not be more effectively inaugurated than under the power of suspension recommended.

While I have expressed my clear conviction upon the question of the continuance of section 29 of the treaty of 1871, I of course fully concede the power and the duty of the Congress, in contemplating legislative action to construe the terms of any treaty stipulation which might, upon any possible consideration of good faith, limit such action; and likewise the peculiar propriety in the case here presented of its interpretation of its own language as contained in the laws of 1873 putting in operation said treaty, and of 1883 directing the termination thereof; and if in the deliberate judgment of Congress any restraint to the proposed legislation exists, it is to be hoped that the expediency of its early removal will be recognized.

NAVIGATION OF THE LAKES.

I desire also to call the attention of Congress to another subject, involving such wrongs and unfair treatment to our citizens as in my opinion require prompt action.

The navigation of the great lakes, and the immense business and carrying trade growing out of the same, have been treated broadly and liberally by the United States Government and made free to all mankind, while Canadian railroads and navigation companies share in our transportation upon terms as favorable as are accorded to our own citizens.

The canals and other public works built and maintained by the government along the line of the lakes are made free to all.

In contrast to this condition, and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By article twenty-seven of the treaty of 1871, provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

DISCRIMINATION IN TOLL PAYMENTS.

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers, as well as vessel-owners, were to enjoy the equality promised. And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage. To promise equality, and then in practice make it conditional upon our vessels doing Canadian business instead of their own, is to fulfil a promise with the shadow of performance.

I recommend that such legislative action be taken as will give Canadian vessels navigating our canals, and their cargoes, precisely the advantages granted to our vessels and cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

THE COUNTRY'S HONOR AND DIGNITY.

The course which I have outlined and the recommendations made relate to the honor and dignity of our country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching dispositions of other nations. If we invite our people to rely upon arrangements made for their benefit abroad we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately, and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly, with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

GROVER CLEVELAND.

EXECUTIVE MANSION, August 23, 1888.

CIRCUMSTANTIAL EVIDENCE.

In my profession as a detective I have often been asked if I believed in the virtue of circumstantial evidence. In every instance I have replied in the affirmative. While the profession may make a man hard-hearted and anxious to convict, it is nevertheless a certain fact that a complete chain of circumstantial evidence against a criminal will settle his case sooner than half a dozen respectable witnesses. Lawyers can browbeat and confuse witnesses, and the veracity of a witness can be slurred or impeached, but when you strike against a circumstance it is not so easy to step over it or explain it away.

Many years ago, when I was a young man of eighteen, I ran away from my uncle, to whom I was apprenticed. He had a farm near Liverpool, Medina county, Ohio, and he was a man who had not one jot of pity for or mercy on man or animal. His wife lived in mortal fear of him, and a look from him would make his children tremble. Our family lived a hundred miles away, and we knew little or nothing of Uncle Jabez. He came out on a visit, seemed to take a liking to me, and he gave my father one hundred dollars to apprentice me for three years. I liked farm work, and as Uncle Jabez was on his good behavior while visiting us, I was by no means opposed to the arrangement. No sooner had we arrived at his home than he became a tyrant and slave driver. I was overworked, half-fed, scolded and maltreated, and one night after a promise of a "good licking" in the morning, I tied up a few personal effects and dropped from chamber window and set out for Cleveland. Uncle Jabez was a man who would demand his pound of flesh and more. If I returned home he would follow on and make me a captive. As soon as he missed me he would raise a great hue and cry over the country, and I felt that my only safe course was to reach some large city and lose myself in the mass.

The farm was twenty-five miles from Cleveland. I could have walked the distance in seven hours, as it was a cool autumn night and the roads were good, but for the first ten miles I did not dare use the highway. Teams were coming and going, and farmers moving about, and I wanted to cover my tracks from Uncle Jabez. With the difficulties in my path I did not enter Cleveland until about nine o'clock next morning. I had not yet reached the business portion and I was walking in the middle of the street, country fashion, when I made a rich find. In the dust lay three diamond rings, two ladies' watches and several charms for lockets. They were scattered about as if they had fallen from some vehicle passing over the road. I picked them up, of course, and there being no one near me I continued my way. I had never found anything of value before, and I did not know exactly how to proceed. I knew of course, that I had no right to the property, nor did I have the remotest intention of converting it to my use. The trouble was that I did not know exactly what course to take, being but a young, green boy. At home I would have gone to my father or a neighbor, but under the present circumstances I was puzzled. I had heard of policemen, but never saw one. I finally made up my mind to accost the first one I met and ask him what to do.

About four squares beyond where I had found the jewelry I stopped at a German grocery to ask for a drink of water. There was a boy about fourteen years old in the store and he told me to go around the side way to a pen stock. I was drinking, when a dog rushed at me and was so determined to bite me that I had to keep him off with my feet. The German and his wife rushed out and attacked me and as I got out of the gate a policeman came up and seized me. The officer asked who I was, where I came from, and where I was going. If I had returned him prompt answers he might have let me go, but I did not dare tell him I was a runaway for fear he would return me to Uncle Jabez. I therefor refused to answer him, and he naturally concluded that I was a suspicious character, and took me to the station. As I was registered they searched me, and when the jewelry came to light there was great astonishment and rejoicing, and the charge of grand larceny was at once entered against me.

On the night previous a jewelry store was robbed of a large amount of jewelry, and the robbers had got away, leaving no clew for the detectives. This was some of the plunder. I told them where I found it, but as I would not tell them who I was, or anything about myself, my find was declared too thin. Under the same circumstances to-day I would do just as the officers did then. They regarded my greenness as assumed for the occasion, and the newspapers put me down as one of the sharpest and shrewdest thieves in the country. Every inducement was held out to me to give way my confederates, who were supposed to be older men and tougher characters, and my inability to do it was laid to shrewdness and nerve. The only lame point with the detectives was that I was on my way into the city when captured, and that I was showing myself openly and boldly. It was hard to believe that a robber would hang about town with his pockets full of plunder, but they got over this by saying it was a shrewd move on my part to throw them off the scent.

Had I acknowledged my identity, Uncle Jabez would have come on to defend and clear me, but would have also taken me back and thrashed me within an inch of my life. I dreaded him more than State prison, and, therefore, when the trial came on I had nothing to say, and was sentenced to State prison for three years. I was glad of it, I would be of age when I came out, and as no one would hear of me in the interval, I would have nothing to fear from my tyrant of an uncle.

The fact that I had served only four months of my sentence was due to the efforts of an old detective in another case. I had forgotten to tell you that the jeweler and two of the clerks had "fully identified" me as "a person who had been in the store several times just previous to the robbery." The proprietor swore that he sold me a ring for two dollars, and one of the clerks testified on the stand that I stood for half an hour and bartered with him about a silver watch.

"Then you positively swear he is the person?" asked my counsel in each case.

"I do," was the decided answer.

I could have shown that I was twenty-five miles away at the time, and that I had never stepped foot in Cleveland before the morning of my arrest, but, for reasons which I have stated, I went off to prison with a comparatively light heart, knowing my own innocence. I had been a convict for four months when, one day, I was called into the warden's office. There were several gentlemen present, among them I recognized the Cuyahoga county prosecuting attorney and two Cleveland detectives. The prosecutor began by declaring that I was an innocent man, and then asked for my story. Under promises that they would not betray me I gave it to them. It seems that the detective, in working up another case, had fallen upon the jewelry robbers and secured most of the plunder. There were three of them, all old hands, and the stuff I found had been lost by them as they drove out of the city. Robbers though they were, they did me a good turn by denying that I had any hand in the affair. Indeed, after the case was open, the detectives saw that a blunder had been made in arresting me. The gentlemen had come with a pardon from the Governor and I returned to Cleveland with them on the promise of employment. To test the value of the people at the jewelry store as witnesses the detective took me in there and asked if they had ever seen me before. Four months could not have changed me much, and yet those who had sworn so boldly against me on the stand now denied ever having seen me before.

I have been a detective for years, but that circumstance has been uppermost in my mind when I had a case where the identity of a prisoner was to be sworn to. I have always cautioned my witnesses not to testify unless satisfied beyond all doubt. My caution has several times operated to let a man escape the clutches of the law, but that was better than to swear an innocent man's life or liberty away."

LOG CABINS can hardly be considered handsome or elegant, but they were fit habitations for the rugged pioneers of America. Our ancestors were rugged specimens of noble manhood, complete in health, strength and endurance. Their wholesome remedies are reproduced to this later age, in Warner's Log Cabin Sarsaparilla and Warner's "Tippecanoe."

Saratoga Belle—You would scarcely believe it, Mr. Oldboy, but the lady seated near the open window has over 200 dresses.

Mr. Oldboy—Is it possible? Why doesn't she put one of 'em on?—*Richfield News.*