

THE REBEL FORCES IN VIRGINIA.

In a eulogy on General Lee, delivered before the Washington and Lee University at Lexington, Va., January 19, General Jubal Early made the following statements in regard to the strength of the forces with which Lee operated in Virginia:

After the battle of Seven Pines he came to the command of the Army of Northern Virginia had conceived that splendid campaign of which a great mind was alone capable. In the seven days' battles around Richmond Lee had 75,000 infantry and 5,000 cavalry and artillery, and this was the largest army he ever commanded.

In swinging round to attack McClellan's rear and flank he left but 25,000 men between the enemy and Richmond. This was the perfection of wise doing, and had General Lee's orders been carried out by his subordinates, McClellan's Army could have been annihilated. General Pope came next, Jackson's movement to the rear of Pope with 10,000 men was one of the most brilliant strategic movements on record. General Lee now undertook the bold plan of crossing the Potomac at Sharpsburg. Jackson had but 4,000 men, General Lee's whole force engaged did not exceed eighteen thousand men. This was one of the most remarkable battles of the war. The official reports show that during the whole of the 15th and part of the 16th General Lee confronted McClellan with only 7,500 infantry, and his whole force of all arms from first to last was less than thirty thousand men. McClellan had 97,000 men and 400 guns. McClellan did not claim a victory until the 19th, after he found Lee had recrossed the Potomac, and he began to crow, at first feebly and then more loudly. (Applause.) With anything like equal means Lee would, in September 1862, have dictated terms of peace in Washington city. At the battle of Fredericksburg it was impossible to attack in the evening, because of the furious artillery fire. Jackson ordered the speaker to attack and then countermanded the order. At Chancellorsville Lee's success was a triumph. Jackson fell and General Lee might well say that he had lost his right arm. At Gettysburg on the first day we gained a decided victory; on the second and third days we failed to dislodge the enemy. Our ammunition was short. General Lee consulted me a whole day, and determined to fall back.

The magnanimity of General Lee kept back the true secret of ill-success at Gettysburg. The attack was to have been made at daylight but Longstreet's corps was not ready until 4 o'clock p. m. By that time Meade's whole Army was up. In the morning an attack by our right—on the enemy's left—must have resulted in brilliant success. The attack on our left was only made to support Longstreet. If what Swinton says in his book as to what Longstreet has said to be true, then one at least of Lee's lieutenants did not go into the fight with that confidence and good faith necessary to success. General Lee in this battle had less than sixty thousand men of all arms. The defensive line of the Rapidan was then chosen as the one that could not be flanked by gunboats and monitors. In May, 1864, Grant came with 140,000 men. Then came the long death grapple. At Spottsylvania our lines were for a time broken. Grant had received 40,000 men more, Lee not one. Grant finally landed on the southside of the James River, where he could have gone at first without the loss of a man, but to reach

which cost him more men than the entire number in Lee's Army. All things considered, this campaign of Lee's is the most remarkable of ancient or modern times.

The disparity of numbers sounds like romance. General Lee wrote to me, in 1866, that it would be hard to make the world understand and believe the fact, but Lee was always anxious to take the offensive. He said to me, if Grant goes to James River it would become a siege, and then it will only be a question of time. For nine long months constant attention and lingering starvation were doing their work when Sherman reached Goldsboro. The end came at Appomatox. Eight thousand men, the equals of any in all the tide of time, laid down their arms before 100,000. General Lee had not been conquered in battle, but surrendered because he had no longer an army with which to give battle. This is but an imperfect sketch of General Lee's military career. When I returned from Canada I submitted my estimates of his force to him. He said they fully covered the amount and sometimes exceeded them. They are those I have given to-day.—*U. S. Army and Navy Journal.*

OUR COAST RIGHTS.

Great Britain, immemorially has claimed and exercised exclusive property and jurisdiction over the bays or portions of sea cut off by lines drawn from one promontory to another and called the King's Chambers. A similar property and jurisdiction is and has been claimed by the United States over the Delaware Bay, and other bays and estuaries forming portions of their territory. Chancellor Kent in his commentaries says:—"It is difficult to draw any precise or determinate conclusion amidst the variety of opinions as to the distance to which a State may lawfully extend its exclusive dominion over the sea adjoining its territories, and beyond those portions of the sea which are embraced by harbors, gulfs, bays and estuaries, and over which its jurisdiction unquestionably extends.

The executive authority of this country, in 1793, considered the whole of the Delaware Bay to be within our territorial jurisdiction; and it rested its claim upon those authorities which admits that gulfs, channels and arms of the sea belong to the people with whose lands they are encompassed." In 1806 the United States Government insisted that the extent of neutral immunity, terms equivalent to maritime territory, should correspond with the claims maintained by Great Britain around her own territory, and that no belligerent right should be exercised within "the chambers formed by headlands or anywhere at sea within the distance of four leagues, from a right line from one headland to another."

It is to be remembered also that the United States have inherited from Great Britain the principle now maintained in this affair by the latter State. The doctrine of bays, no matter of what size, being subject to the territorial jurisdiction of the State owning the headlands and shores was fully admitted in Great Britain previous to the American Revolution, and as all the other principles of International Law recognized by the mother country at that time were adopted by the Americans after the recognition of their independence, it is not the only deduction that can be drawn from the history of two nations, their diplomatic correspondence, and the opinions of their jurists, that in the convention of 1818, the word "bay" was used, not in the restricted sense recently applied to it by other States, but as ap-

plying to all indentations in the coasts of the British North American Provinces, denominated as, or known under the designation of bays?

The phraseology employed in the convention must also be carefully considered in order to arrive at the meaning of the contracting parties.

By the first part of the articles, the inhabitants of the United States have the right of fishing on the coasts, bays, harbours, and creeks of certain specified portions of British North America, the employment of the words "bays, harbors, and creeks" after the word coasts, must be taken as giving greater rights to the Americans than if they had been limited solely to fishing on the coasts; they were in fact so used in derogation of the usage obtaining amongst both nations to consider the coast, where the evenness of the seashore is broken, to be a line drawn from headland to headland, of bays, harbours and creeks, without the use therefore of those words in addition to "coasts," the Americans would now have no right to fish in, or on, bays, harbours, and creeks even in the limits specified.

In the second portion of the article by which the United States forever renounce the liberty of taking, drying or curing fish on or within three marine miles of any of the coasts, bays, creeks or harbors of His Britannic Majesty's dominions in America, not included in the specified limits, the intention was to define so clearly the renunciation that thereafter no difficulty as to its extent, could possibly arise; thus again the words "bays, creeks or harbours," are used in addition to the word "coasts," and the United States expressly renounce the liberty of taking, drying and curing fish, not only on, or within three marine miles of the "coasts," but also within three marine miles of "the bays, creeks and harbors" of British North America. But the word coasts according to the interpretation generally accepted means, where the evenness of the shore is broken by indentations, a line drawn from headland to headland, when not more than six miles apart, so that the addition of the words "bays, creeks and harbors" add nothing, according to the American interpretation, to the meaning of the word "coasts" but it is perfectly clear that they do mean something more. The word "bays" is used without limitation, it applies to all the bays not included in the specified limits, and as each bay commences from a straight line drawn from one of its headlands to the other. *American fishermen have no right to fish within three marine miles of such straight lines no matter what may be the distance between the headlands of the bay.*

The bays, with respect to which difficulties judging from the past, may be expected to arise, are those of Fundy and Chaleur. The Bay of Fundy may, perhaps, be regarded as open throughout its whole extent to within three miles of lines drawn from headland to headland of bays, not exceeding six miles in width, and resting upon islands, belonging to New Brunswick, as herein before set out to the fishing operations of American vessels. The empire to whom had been referred the question of the condemnation of an American fishing vessel, captured while fishing in that bay, held "that the Bay of Fundy was not a British bay, nor a bay within the meaning of the words used in the Treaties of 1783 and 1818."

The decision of the empire in that case was accepted by the Government of Great Britain and the award of damages paid Great Britain's right to claim that bay as a portion of the maritime territory of the Province of New Brunswick was, in fact, the