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NOVEMBER, 1877.

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BUSINESS NOTICE.

The "MIRAMICHI ADVANCE" is published at Chatham, N. B., every Thursday morning.

Advertisements are placed under classified heads.

Yearly, or season, advertisements are taken at the rate of five dollars per annum.

The "MIRAMICHI ADVANCE" having the large circulation distributed principally by the Commission of Kent, Northernumberland, Gloucester and Restigouche (New Brunswick), and in the Province of New Brunswick, among communities engaged in Lumbering, Fishing and Agriculture, and other superior inducements to advertisers. Address Editor "Miramichi Advance," Chatham, N. B.

Miramichi Advance.

CHATHAM, THURSDAY, NOVEMBER 29, 1877.

THE FISHERY COMMISSION.

The Fishery Commission, which has sitting in Halifax for nearly six months, brought its work to a close on Friday last by the announcement of its award.

Commissioners have faced the difference of values between the fishery privileges accorded to each other by the British and Americans, respectively, under the Washington Treaty, at five and a half million dollars in favor of Great Britain—or, actually, in favor of Canada, less a sum to be paid to Newfoundland. While the sum of the award falls short of what was claimed for Canada, it is greater than the Americans appeared to think it would be. Judge Kellogg, the American Commissioner, refused to assent to the decision arrived at by the other two Commissioners, chiefly, it is said, on the ground that a just value had not been placed upon the coast fisheries of the United States, thrown open to our fishermen and our fish and oil being admitted duty free into the American market.

Telegrams of Friday last give the following as the record of the closing proceedings of the Commission:

The undersigned Commissioners, appointed under Article 18 of the Washington Treaty of Washington of the 8th of May, 1871, to determine, having regard to the principles of justice and equity, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the subjects of Her Britannic Majesty as stated in Articles 19 and 21 of said Treaty, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the citizens of the United States under Article 18 of the said Treaty, having carefully and impartially examined the matters referred to them according to justice and equity in conformity with the solemn declaration made and subscribed by them on the 19th day of June, 1871, and the hundred and seventy-seven, award the sum of five million five hundred thousand dollars in gold to be paid by the Government of the United States to the Government of Her Britannic Majesty in accordance with the provisions of the said Treaty. Signed at Halifax this twenty-third day of November, one thousand eight hundred and seventy-seven.

MATTHEW DELROSSÉ, A. T. GALT, J. P. FOSTER.

The United States Commissioner is of opinion that the advantages accruing to Great Britain under the Treaty of Washington are greater than those conferred upon the United States by the said Treaty, and he cannot therefore concur in the conclusions announced by his colleagues. And the American Commissioner deems it his duty to state further that it is questionable whether it is competent for the Board to make an award under the Treaty except with the unanimous consent of its members.

(Signed) E. H. KELLOGG, Judge Foster, agent of the United States Government, then said:—

I have no instructions from the Government of the United States as to the course to be pursued in the contingency of such a result as has just been announced, but if I were to accept of the award, it would be signed by two Commissioners it might be claimed hereafter that, as agent of the United States, I have acquiesced in making it a valid award. Against such an inference it seems my duty to guard. I therefore make this statement to the public.

We reproduce articles from the Halifax Chronicle, the St. John Telegraph and other papers, which give a full understanding of the question, and it is not, therefore, necessary for us to enlarge upon it further than to give due credit to the Hon. Minister of Marine and Fisheries, who has worked so assiduously during the past six months, directing the course of the Canadian case. S. R. Thomson, Esq., of St. John, is also doing Canada great service by his masterly conduct of the leading Commission on the British side. Mr. Whitaker, our Canadian Commissioner of Fisheries, also brought to the aid of our side an extensive knowledge of Canadian, as well as American and British fisheries. He, too, therefore, deserves mention amongst those who assisted materially in securing what may be characterized as a satisfactory measure of justice for Canada. The articles following will be read with interest.

The Fishery Commission's Award.

(From the Halifax Chronicle.)

The award of five and a half millions which was delivered by the Commission appointed under the fishery clauses of the Washington Treaty, marks an important era in the history of the Dominion of Canada. Now that the trial is ended it will not be out of place to offer some observations, from time to time, on the interesting subject of the Commission.

During the proceedings of the Joint High Commission at Washington, it was understood to be the strong desire of Great Britain and the United States for the time being United States fishermen should be free to fish in the waters of our inshore fisheries—some four thousand miles in lineal extent. The question was to give us an equivalent. The protocols of the Conference show that the United States offered one million dollars for the use of their citizens, view and to be taken by the British Commissioners declined. The United States then offered to admit for the period of twelve years their market fish, oil, coal, salt, and lumber, free of duty, as an equivalent

for the use of the fisheries for the same period. This offer was declined on the part of Canada. It was afterwards agreed that for twelve years United States fishermen should have access to the fisheries in common with Canadians; that Canadian fishermen should be allowed to fish on the United States coast, and that fish and oil should be admitted free by each country from the other. As this arrangement was considered by Canada as throwing the balance of advantage in favor of the United States, it was agreed to submit the question to arbitration. It has been contended on the part of Canada, that the advantage of the free admission of fish is just as great to the one country as the other, and that in point of fact we should be paid the full value of the advantage to the United States for the right of their fishermen to enter at all times for twelve years our waters and coast, and also to enter our ports and procure bait, ice, and supplies, and to tranship their cargoes. For this the Canadian claim was stated to be twelve millions of dollars, exclusive of Newfoundland, which claimed two million eight hundred thousand dollars.

FROM THE ST. JOHN "TELEGRAPH" OF TUESDAY, 27th.

The special despatches to the Telegraph, published yesterday morning, from leading journals, some of which have not yet come to hand, say no doubt that the United States Government would be sustained by the country in paying the sum found due by the award. The papers received last evening contain very little in addition to the *Telegraph's* main statement, and we are sorry to add, incorrect statement, that "the more one knows of the merits of the case the greater will be his astonishment" [at the result of the award]; and in the case of the *Canada*, "who know both sides, their opinion on the decision cannot exceed their astonishment. The *Journal* prefers to argue the case from an *ex parte* view, as if the Commissioners who heard all the evidence did not know more about the matter than all the newspapers of New England rolled into one. It makes the point that possibly the award, not being a unanimous one, is not obligatory. We quote:—

"Article 18 of the Treaty of Washington declares that 'any sum of money which the said Commissioners may so award shall be paid by the United States Government in a gross sum within three months after the award shall have been made.' It is not necessary to say that the question will naturally arise if an award made by the majority, of two of the three Commissioners. It is the award agreed upon by a majority is held to be the award of the Commissioners, and is not subject to appeal. That this is the case is established by numerous precedents, most notable of which is the award of Lord Cockburn, one of the Geneva arbitrators to sign the report awarding the United States over \$1,000,000.

"We are amazed that the *Journal* should take such a position, as it probably is aware that the United States virtually appointed the Commissioners. The President Power appointed the Hon. Mr. KELLOGG as their Commissioner, and it asked Kellogg if the Government would consent to the appointment of M. DELROSSÉ. If the award is not binding on the United States Commissioner there is required, then, of course, it is impossible for Canada to get any return for the fisheries. We were glad to find very different opinions expressed in other leading newspapers.

The *New York Herald*, which publishes a despatch announcing the amount of the award, merely announces the fact, without comment. Its Halifax despatch contains the following:—

"The Canadian course of the opinion that the United States will accept the small value of the American claim, is considered full. Great Britain's prompt acquiescence in the award, is a sign of Chief Justice Cockburn's protest, will, it is expected, lead the United States to a more generous settlement of the Kellogg's partial protest."

The entire article of the *Tribune* on the subject is given below:—

"The award of the Fishery Commission at Halifax giving damages against the United States of \$5,500,000, will be so much to the credit of the United States. True, the Canadians claimed damages to nearly three times that amount, but the arbitration of the Fishery Commission, at about the figures of the Geneva award for the Alabama claims. But it is generally supposed here that the somewhat shadowy damages set forth by the Canadians would be separated by our counter-claims. Our energetic fishermen will have to betwixt themselves the sum of \$5,500,000, and if they are not content with that, they will have to make good the cost of the Dominion to make a surplus profit equal to the award. The convention of going ashore occasionally with their fish was part of the claim, including the privilege of saying bait and curing fish on the coast. It will be an interesting problem, next to the question of the mathematical classes in our public schools, to calculate how often our sailors can make salt down on the shore, and how much bait they must buy of the Canadians, to get the five and a half millions."

After this followed the important paragraph published in Monday's *Telegraph*, namely:—

"The decision of this question of the fishery claims was left open in the Alabama Treaty for a future commission. That commission has done the work, and the general rules of arbitration to which we have hearkened subscribed. It is accordingly improper for us to object to the verdict, however much it may surprise us. There is really nothing to be done but to accept it, and pay as much grace as we can command. Probably, however, the question of returning the award to the United States will be raised again."

The *Sun* treats of the award as "A Set-off for Geneva." It begins its article thus:—

"It is a surprising despatch from Halifax that the United States Government has accepted the award of the Fishery Commission in session there. This sum has been awarded to Great Britain."

It then recites the facts of the Washington Treaty, etc., and concludes:—

"The Canadian Commissioner, Sir John A. Macdonald, was understood at the time to maintain that the decision of the arbitrators must be unanimous in order to be binding."

"The arbitrators—Sir A. T. Galt for the United States, and the Belgian Minister at Washington, Mr. Delrossé, as President—have now given their decision, and it is not unanimous. The majority award Great Britain (Canada) \$5,500,000. The American Commissioner dissents."

"The award is a disagreeable surprise to both parties in interest. The Canadians have been talking confidently of from \$3,000,000 to \$10,000,000, which has not been supposed in Washington that the damages in any case would go over a million."

"The *Sun* is mistaken in thinking that any of the parties who signed the Treaty of Washington held or believed that the said Commissioners must bring in a unanimous award for the Treaty in question, as we showed, on Saturday, bears internal evidence to the contrary. But when the *Sun* states that the Canadians expected a much larger sum, and had their just claim for the privilege of the buying and selling of bait by the Treaty, they would, no doubt, have got nearly all the indemnity asked, but their own Commissioner, now taking 'a rise' out of our contempt by leading him to believe that we owe our successful prosecution of the lumber trade to ideas imported from St. John. The *Globe* ought to know that it would be difficult for St. John men to teach our people how to work machinery which was never worked in St. John. If the *Globe* will take the trouble to enquire it will find that the Miramichi has, for a long time, led the province in conducting its lumber operations with the very best modern appliances. These, having been successful, it worked down, and learning why they do not work here, afterwards, found their way to St. John. The *Globe* ought to be enquire of such gentlemen as Messrs. Murray, Davidson, Woodman, Baker, Barnhill, Randolph and others well known as among its best millwrights, who having visited our Miramichi mills for the purpose of studying their superior points and learning why they do not work here, afterwards, found their way to much better work than their own. It can speak intelligently in reference to them. The same paper should remember that it was on the Miramichi that the

first steam saw-mill in New Brunswick was built—the same mill being also built to hold its own with some of the modern St. John mills. It is true that we have some excellent St. John mechanics working in our mills, but they prefer to do so because they are provided with better facilities and have other advantages here which they cannot find at home. In a few years St. John's mills may be equal to those of the Miramichi, but the latter will then have taken a stride in advance, leaving the little metropolitan County where it is now—sitting on our feet acquiring knowledge of milling matters.

The Fall of Kara.

We promised our readers an account of the Capture of Kara in the present issue but are obliged to disappoint them because there has been quite an unusual delay in the forwarding of details to the press. We hope, by next week, to be in possession of the particulars. Referring to the event the *New York Herald* says:—"The capture of this renowned fortress by the Russians on the night of the 17th marks a period in the history of the war and gives the victors an enormous advantage over their enemy. The manner of the capture, by a direct assault at night and with scarcely one man more than the defenders could muster, furnishes one of those exceptional instances where combined courage, skill and good luck operate harmoniously in the accomplishment of an extremely dangerous and difficult undertaking. It is evident that the Russians felt the necessity of doing something desperate toward closing the siege by the capture of Kara, for a winter encampment on the bare, storm-swept plateaus and ridges around the fortress, or a retreat was the alternative which the Russians would be forced to accept. Hence this sudden, daring and successful rush on the fortifications by which the key of Armenia is once more in the hands of the Czar and the prestige of his army restored. The details of the night assault are not yet to hand, but enough is known to indicate that a prolonged and bloody struggle took place before the Russians were masters of Kara. Under cover of the darkness the two most accessible fronts of the place—namely, that of the entrenched camp on the north, flanked by Forts Hafiz Pasha and Suvarri, and of the old English line on the north—were simultaneously attacked by the Russians led by Lazareff, Grabbe, Komaroff, Koop and other subordinate commanders. General Loris Melnikoff directed all the movements for the Grand Duke Michael. The dominating force of the Kara system—namely Arab Tabia and the great work on Kara Dagh—were the last to be captured, and this fact alone shows how desperate were the chances against the Russians. Had the attack been seriously checked during the night so as to afford the garrison of the chief fortress a chance to open fire on the assaulting forces exposed on the open, a bloody repulse might have resulted. But the measures to insure success taken by the Russian commander were carefully considered, intelligently understood by the leaders in the assault and most brilliantly executed by the troops. Kara has fallen, all its garrison are prisoners and the accumulated stores of food and munitions of war, three hundred pieces of cannon, mostly Krupp guns, arms, standards—in fact everything the place contained, is seized by the victors. But we are glad to learn that in the moment of triumph the Russian soldiers spared the persons and property of non-combatants. The slaughter of the defence was, however, very heavy, for the defence was obstinate. It is estimated that about five thousand Turks and two thousand seven hundred Russians were killed and wounded during the attack, but that fully ten thousand of the Sultan's soldiers are prisoners. To the inhabitants the fall of Kara must come as a blessing; to the Turks it is an irreparable disaster; to the Russians a glorious victory."

Justice's Civil Courts.

A valued correspondent directs our attention to a new section of the Justices' Act, passed at the late Session of the Legislature and embodied as part of the Consolidated Statutes, and very properly asks us to direct public attention thereto. The section is one that makes a very important change in trials before Justices of the Peace, and in the manner in which such trials shall be conducted. Heretofore, the testimony given in many cases, was taken by the Justice in a loose, careless manner, and, in some instances, not taken at all. By the new section, it becomes the presiding Justice's duty to take down the evidence fully, and read it over to each witness who is required to subscribe to it. Heretofore, errors may have been made in the hurry of taking down the testimony as recorded, and when such testimony is required for the Supreme or County Courts on review, the facts elicited at the trial will appear as nearly correct as possible. We believe that this enactment will very much lessen the number of cases from Justices' Courts which are carried up to the Supreme or County Courts on review, and confine the trial of causes to such Justices as feel themselves competent to transcribe the evidence with sufficient accuracy to enable the Court of Review, when called upon, to give an intelligent judgment. Another principle established by the section, and one of vast importance, is that the Justices may now transmit the same evidence when called upon by the Judge to do so; that is, they are to transmit the same evidence as taken down and subscribed by the witness, without any alteration or change whatever. In this way the testimony, as elicited from the witnesses, will form the ground work on which the Judge will be called upon to decide, and not the conclusions of the Justice who tried the cause.

The St. John "Globe" on Miramichi Lumber Trade.

The *St. John Globe* has the following to say in reference to our river and its lumber trade:—

"The extraordinary development of the lumber trade along the Miramichi Valley is one of the most remarkable things that has ever happened in this Province. The season is now over, the ships have departed and in a very short time the river will be locked in the 'icy embrace of winter'—a marked contrast with the condition of things a few weeks ago, when the river, for miles below Newcastle was filled with ships taking in cargoes, and where the scene was one of great activity, and seemed to be still more active because the looker-on was conscious of the fact that a few weeks would produce a complete change of scene. Secondly only in St. John is in size the Miramichi is now really capable of doing a large lumber business, because in a great measure the forests along the St. John and its tributaries have been stripped. It is a fact that the lumber trade along the Miramichi River are active, energetic and thriving, and we are destined to see, in that part of New Brunswick, a far more rapid development than in any other part of the Province."

"The above, no doubt, written in a friendly spirit, but some one has, surely, been taking 'a rise' out of our contempt by leading him to believe that we owe our successful prosecution of the lumber trade to ideas imported from St. John. The *Globe* ought to know that it would be difficult for St. John men to teach our people how to work machinery which was never worked in St. John. If the *Globe* will take the trouble to enquire it will find that the Miramichi has, for a long time, led the province in conducting its lumber operations with the very best modern appliances. These, having been successful, it worked down, and learning why they do not work here, afterwards, found their way to St. John. The *Globe* ought to be enquire of such gentlemen as Messrs. Murray, Davidson, Woodman, Baker, Barnhill, Randolph and others well known as among its best millwrights, who having visited our Miramichi mills for the purpose of studying their superior points and learning why they do not work here, afterwards, found their way to much better work than their own. It can speak intelligently in reference to them. The same paper should remember that it was on the Miramichi that the

first steam saw-mill in New Brunswick was built—the same mill being also built to hold its own with some of the modern St. John mills. It is true that we have some excellent St. John mechanics working in our mills, but they prefer to do so because they are provided with better facilities and have other advantages here which they cannot find at home. In a few years St. John's mills may be equal to those of the Miramichi, but the latter will then have taken a stride in advance, leaving the little metropolitan County where it is now—sitting on our feet acquiring knowledge of milling matters.

The Canadian Trophy at the Paris Exhibition.

An Ottawa telegram to the Halifax Chronicle thus describes the Canadian Trophy to be erected in one of the rooms of the Paris Exhibition Building. The design has been approved and the construction will commence immediately. The frame alone will be prepared in Canada, but all materials for completing it will be sent. The whole will be shipped from Halifax by steamer *Weyfield*. The Trophy is of wood. The frame is divided into five stages and will reach the height of about one hundred feet. As the precise nature of many of the exhibits is not known, the description must be limited to the following. Canadian wild flowers, exhibits of wheels, gas fittings and such small articles as do not need to be covered, around the front of the gallery.

The following is a list of the exhibits to be included in the geological specimens and such agricultural produce as may be contained in bottles. Fossils of reptile, etc., are to be hung from the gallery above. The third stage will be devoted to lumbermen's tools and sawmills, and implements of various kinds, and in the centre of each side of the gallery, a grouping of fishing nets, spears, lacrosse paddles, buffalo robes, and Indian work. Four large buffalo heads will surround the doorway, and the larger kinds of corn sheaves and sheaves of wheat will decorate the side of the lower doorway. The roofing will exhibit specimens of Canadian silks and shingles.

NEW SYSTEM OF LIGHTING STREETS AND DWELLINGS.—The DeGaignon system of illumination has lately been shown at the Waverly House, St. John, by Mr. George Winter. The system consists simply in the use of kerosene or paraffine oil, arranged in lamps, brackets or chandeliers so as to enable it to be delivered at the points of combustion, where it is brought in contact with air forced through ordinary gas pipes and converted into gas of great brilliancy. It is stated that light for from 2000 to 3000 lamps distributed over a city, can be supplied with the necessary quantity of air through a few inch pipes, and that it is stated that for any number of lamps less than 100, even clock work may be made to drive the air to the points of combustion, it will not be difficult to understand how trifling the expense would be to supply a force sufficient to burn 2000 lamps with the necessary quantity of air. Part of Jersey City, N. Y., is lighted by this system, and the apparatus is now being fitted for lighting Newburyport, Mass.

THE NORTHERN LIGHT.—The P. E. Island Patriot says this is now ready to go to sea at a moment's notice, and is much better fitted for hard work than was the last season. The saloon has been enlarged, as well as the state rooms and thoroughly refitted. A snug ladies' cabin of four berths with washroom, and a cabin has been fitted up below the saloon for officers and engineers, and the men's quarters have been improved. A new steam live oak has been placed in her. This steamer is equal where it comes in contact with the ice with an iron plate three and a half inches thick. The bow, over the greenhead, is covered with iron plating three-fourths of an inch for sixteen feet from the stem and down to the keel. The plates are so ingeniously fitted to the overlapping stem-plate that they cannot be torn off by the ice. An iron shoe an inch thick has been placed under her keel along the whole length. The bow is besides been greatly strengthened with timber and iron knees. Amidships four new beams have been put in where there were none before, and four others were removed and stronger ones put in their places. These have been all iron knees. She has been completely refitted with a new rubber post of solid iron, eight inches by six, and a new rubber donut the size of the old one. The new tiller is massive and very strong. The whole steering gear has been greatly strengthened and improved. The engines have been overhauled, the boilers are in good condition, and she has been bulked with a plate iron as a protection against fire, and to keep the heat in. A new stern pipe of copper has also been substituted for the old one in which the screw formerly worked; in fact neither money nor pains have been spared to fit her for her new work, and Capt. Finlayson is hopeful that she will prove a complete success.

LITTLE'S LIVING AGE FOR 1878.—The success of this sterling periodical is owing to the fact that it combines one, with small outlay of time and money, to keep pace with the best thought and literature of the day. Hence its importance to every reader.

The ablest living contributor to periodical literature are represented in its pages, some of whose names will be found in the prospectus published in another column.

It has always stood at the head of its class, both in the quality and quantity of the reading furnished, and in fact it affords, of itself, so thorough and complete a compendium of what is of immediate interest or permanent value in the literary world as to render it an invaluable economic of time, labor and money. It keeps abreast of the current literature of the world affords, so cheaply or conveniently,

Telegraphing Without Wires.

The Washington correspondent of the *Harvard Times* states that Professor Loomis has been for some months in the mountains of Virginia experimenting with his aerial telegraph, and has demonstrated its practicability. His manner of operating has been endorsed by many scientists. It consists of running a wire up to a certain altitude, reaching a particular current of electricity, which so tending to Professor Loomis, can be found at various heights. At any distance away, this current can be reached by a similar wire, and communication can be had immediately. The apparatus necessary to bring about this wonder is very simple and inexpensive. Professor Loomis has