

on the American side, and isle St. George being situated nearer the American shore, and having much the greatest depth and breadth of water on the British side. It is a fact, that the boundary was established by the two present commissioners through the smaller channel which divides Barnhart's island from the British shore; and hence it would seem to be inferred that the American commissioner is obnoxious to the charge of inconsistency and departure from principle, because he now refuses to establish it through the narrower channel which separates isle St. George from the American shore. If the British minister had taken the trouble to cast his eye on the maps along the whole range of boundary, (no such reference is necessary for the commissioner,) he would have discovered that, in ninety-nine cases out of a hundred, and probably in every case except that of Barnhart's island, the line had been run through the larger channel where there were but two, and through some middle one where there were more than two. The rule, therefore, has been (if constant and all but unvaried practice can form a rule) to run the line through the largest channel; and the case of Barnhart's island forms an *exception* to that rule. The charge of inconsistency and departure from former rules and principles may, therefore, be much better preferred and sustained against the British commissioner, for refusing, in this case, to adopt the larger channel in conformity with our former practice, than against the American commissioner, for declining to sanction an exception to that practice, and that, too, in a case where the same reasons for such exception do not exist.

Predicating their opinions on the simple circumstance that Barnhart's island was appropriated to the United States, by fixing the line through the smallest and narrowest channel of the river, and without appreciating, and probably without knowing, the motives which led to it, loud and heavy complaints have been made against the commissioners by some of his Britannic Majesty's subjects in Canada. The undersigned therefore deems it his duty, as he trusts his colleague has felt it to be *his*, to explain the grounds of that decision; not only on account of its supposed bearing on the case now in controversy, but for the purpose of removing any unfavorable impressions which may have been made, more especially on the mind of the British Government, by the unadvised complaints of its subjects.

The river St. Lawrence differs from most other parts of the water communication between the two countries. From lake Ontario to Prescott and Ogdensburg, it is broad, deep, and navigable for ships of any size; from the head of Baxter's island to the lower end of Barnhart's, a distance of about nine miles, commonly called the *Long Saut*, it is so rapid and precipitous that no ship or other vessel adapted to lake navigation has ever ventured to enter it. It is, however, navigated by small boats or batteaux, but can be ascended only by the use of tow-ropes managed from the shores; and each of the main shores is about equally fitted for this kind of navigation. Boats and rafts of timber may, moreover, descend it, but with some hazard, through the middle of the American channel—that is to say, between Baxter's island, the middle of Saut island, and Barnhart's island (commonly called the Three Saut islands,) on the one side, and the American main land on the other; but no boat or raft can descend through the middle of the British channel, without the most imminent hazard of destruction. In tracing the boundary, there-

fore, through the British channel, the restraints which are imposed on the navigation are

There is a small river St. Lawrence of thirty thousand feet in length. It is so situated which is without any other the two principal equivalent on those parts of the navigable water.

The island of the Saut is decidedly on the British side. It is three islands in one, and contains about thirty miles of the British territory.

Grand isle covers, the river and the British side. His own Government has timber and the citizens of the island, therefore, the island is to Great Britain, for, to give the island and the large islands with their rivers.

Such is the river, not unadvisedly appropriated to the United States.

The undersigned has no objection to the primary proposition of His Majesty's Government, that the rights of the United States, in the purport of the treaty, be considered in the charter of the island; as the British Government be restored of common to my colleague. British navigation of the river, the appropriation of the river, and the restoration of the river.