

Appendix.

Reply to American observations on topographical evidence.

in the year 1789 by the State of New Hampshire to the Trustees of Dartmouth College, which, in the absence of any topographical evidence among the documents relative to this grant communicated by The United States in answer to the demand of the British Government, may be presumed to be correctly represented thereon. The specific object for which this map was annexed to the First British Statement being thus fully answered, Great Britain again disclaims all incidental advantage which she might derive from it, either with respect to the northwest angle of Nova Scotia, or to the north-westernmost head of Connecticut River.

No. 11.

Remarks upon certain Documents communicated by The United States, or of which Copies have been furnished by Great Britain upon the application of The United States, and which have not been cited in the first American Statement.

The United States in conformity with the provisions of the Convention of the 29th of September, 1827, having communicated to Great Britain, and having also been furnished by Great Britain upon their application with Copies of various Documents intended to be laid before the Arbiter as fresh Evidence, which have not been cited in the first American Statement, but which may nevertheless be brought forward in the second Statement of that Power, Great Britain deems it expedient in this place to take notice of some of these Documents, and to submit the following remarks thereon, in case they shall be so made use of by The United States.

Extracts from the Argument of His Britannic Majesty's Agent before the Commissioners, under the fifth Article of the Treaty of 1794. [No. 42 in List of American Written Evidence communicated on the 30th December, 1828.]

1st Am. Stat.
p. 30.

After the express declaration of The United States in their first Statement, that, "The Acts of the two Powers, or of the Local Governments, and the opinions which may have been expressed by any of their Officers in relation to the contested Territory, since the Treaty of 1783, can at best be adduced but by way of illustration: they can throw no light on the intentions of the Framers of the Treaty of 1783; they cannot impair the rights of either party, that are derived from the express and explicit provisions of the Treaty," it is scarcely to be supposed that any stress will be laid on these Arguments of a British Agent under the Treaty of 1794.

These Arguments were directed to shew that the source of the River St. Croix must be placed at the head of its western branch, in conformity with the description of that River, as a Boundary of Nova Scotia, in Sir William Alexander's Charter.

The decision of the Commissioners, to whom they were addressed, has placed the source of the St. Croix intended in the Treaty of 1763 at the head of its northern Branch;* and this very circumstance shews that the north-west angle of Nova Scotia has never, either before or since the Treaty of 1783, been a known and determinate point.

Indeed nothing can more strongly evince the uncertainty of these old Provincial

* See American Statement, p. 2, and Written Evidence annexed thereto. No. 2.