

Appendix.

IV.

Decision of the
King of the
Netherlands.

Treaty of Peace of 1783, the Treaty of Amity, Commerce and Navigation of 1794, the Declaration relative to the River St. Croix of 1798, the Treaty of Peace signed at Ghent in 1814, the Convention of the 29th of September 1827, and Mitchell's map, and the map (A.) referred to in that Convention :

We declare,

That with regard to the first point, that is to say, Which is the spot designated in the Treaties as the north-west angle of Nova Scotia, and which are the Highlands dividing the the rivers that empty themselves into the river St. Lawrence from those falling into the Atlantic Ocean, along which Highlands is to be drawn the line of Boundary from that angle to the north-west head of the Connecticut river :

Considering,—

That the high parties concerned respectively claim this line of Boundary, the one to the south and the other to the north of the River St. John, and have each marked upon the map (A.) the line which they demand :

Considering,—

That according to the instances which are adduced, the term Highlands is applied not only to a hilly or elevated country, but likewise to a tract of land which, without being hilly, divides waters flowing in different directions, and that thus the more or less hilly and elevated character of the country, across which are drawn the two lines respectively claimed to the north and to the south of the River St. John, could not form the ground of a choice between them :

That the text of the second Article of the Treaty of Peace of 1783 repeats in part the expressions which were previously employed in the Proclamation of 1763, and in the Quebec Act of 1774, to denote the Southern Limits of the Government of Quebec, commencing from Lake Champlain, "in forty-five degrees of north latitude along the Highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs."

That in 1763, 1765, 1773, and 1782, it was laid down that Nova Scotia should be bounded to the north, as far as the western extremity of the Bay of Chaleurs, by the southern Boundary of the Province of Quebec; that this definition of Boundary is found again for the Province of Quebec in the commission of the Governor General of Quebec of 1786, in which the terms of the Proclamation of 1763, and of the Quebec Act of 1774, are employed; and for the Province of New Brunswick, in the commissions of the Governors of that Province of 1786, and of a later period, as also in a great number of maps antecedent and subsequent to the Treaty of 1783, and that the first Article of the said Treaty recites by name the States, of which the independence is recognized :

But that this mention thereof does not imply that the Boundaries between the two Powers, which were settled by the succeeding Article, entirely coincide with the ancient definition of Boundary of the English Provinces, the maintenance of which is not mentioned in the Treaty of 1783, and which, by its continual variations, and by the uncertainty which continued to exist with respect to it, gave rise from time to time to differences between the Provincial authorities :

That the line drawn by the Treaty of 1783 across the Great Lakes to the west of the River St. Lawrence, produces a deviation from the ancient Provincial charters in regard to Boundaries :

That it would be vain to attempt to explain why, if it were intended to maintain the ancient Provincial Boundary, Mitchell's map, which was published in 1755, and which was therefore antecedent to the Proclamation of 1763, and to the Quebec Act of 1774, should exactly have been chosen for use in the negotiation of 1783 :

That Great Britain, in the first instance, proposed the River Piscataqua for the eastern Boundary of the United States, and subsequently did not accept the proposition for the postponement of the fixing of the Boundary of Maine, or of Massachusset's Bay to a later period :

That the Treaty of Ghent stipulated a new Survey on the spot, which could not apply to a Boundary recorded in history, or defined by internal administration; and that, consequently, neither does the ancient definition of Boundary of the English Provinces offer a ground of decision :

That the longitude of the north-west angle of Nova Scotia, which is to coincide with that of the source of the River St. Croix, was only settled by the Declaration of 1798, which designated which was that river :

That the Treaty of Amity, Commerce and Navigation of 1794 mentions the doubt which had arisen with regard to the River St. Croix; and that the first instructions of the Congress at the time of the negotiations which produced the Treaty of 1783, place the said angle at the source of the River St. John :

That the latitude of this angle, according to Mitchell's map, which is allowed to have directed the joint and official labours of the negotiators of the Treaty of 1783, is to be found on the banks of the St. Lawrence; whereas, according to the Boundary of the Government of Quebec, it ought to be sought for at the Highlands, dividing the rivers which empty themselves into the River St. Lawrence from those falling into the sea :