

ACE.

and the United States, terminating the friendship subsisted between them, upon principle, and friendship, and then, have, in their respective names, by his Britannic Majesty, pointed the right of the late admiral of the red squadron of the Goulbourn, Esq., to the command, and under the name of Adams, Esq., president of the peace, and the advice and consent of the Senate, appointed John Jay, Henry Clay, and Gallatin, citizens of the United States, to exercise full powers, and to negotiate the following articles:

Article I.—All prisoners of war taken on either side, as well by land as sea, shall be restored as soon as practicable after the ratification of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other, for the sustenance and maintenance of such prisoners.

Article II.—Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty three, between his Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia, on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of Nova-Scotia: and whereas the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic Majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova-Scotia: in order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners, to be appointed in the following manner; viz. One commissioner shall be appointed by his Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners so appointed shall be sworn impartially to ex-

amine and decide upon the said claims, according to such evidence as shall be laid before them, on the part of his Britannic Majesty and of the United States respectively. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of two commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said commissioners refusing or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report or reports as well to the government of his Britannic Majesty, as to that of the United States, stating in detail the points of which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic Majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide ex parte upon the said report alone. And his Britannic Majesty and the government of the United States engage to consider the decision of some friendly sovereign or state to be final and conclusive, on all the matters so referred.

Article III.—All prisoners of war taken on either side, as well by land as sea, shall be restored as soon as practicable after the ratification of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other, for the sustenance and maintenance of such prisoners.

Article IV.—Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty three, between his Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia, on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of Nova-Scotia: and whereas the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic Majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova-Scotia: in order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners, to be appointed in the following manner; viz. One commissioner shall be appointed by his Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners so appointed shall be sworn impartially to ex-

amine and decide upon the said claims, according to such evidence as shall be laid before them, on the part of his Britannic Majesty and of the United States respectively. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of two commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said commissioners refusing or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report or reports as well to the government of his Britannic Majesty, as to that of the United States, stating in detail the points of which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic Majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide ex parte upon the said report alone. And his Britannic Majesty and the government of the United States engage to consider the decision of some friendly sovereign or state to be final and conclusive, on all the matters so referred.

Article V.—Whereas neither that point of the high lands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers as the north-west angle of Nova Scotia, nor the north-westernmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominion of the two powers which extends from the source of the river St. Croix directly north to the above mentioned north-west angle of Nova Scotia, thence along the said high lands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the north-westernmost

er the ratification of the treaty, as hereinafter agreed to by the two powers, and citizens of the United States, and to the hostilities: and to