

Considering,—

That, according to what is premised, the arguments adduced on either side, and the documents offered in their support, cannot be considered sufficiently preponderant to decide the preference in favour of either of the two Lines respectively claimed by the High Parties concerned, as Boundaries of their Possessions, from the source of the River St. Croix to the North-west Head of the Connecticut River; and that the nature of the difference, and the vague and insufficiently defined stipulations of the Treaty of 1783, do not allow the adjudication of one or the other of these Lines to one of the said Parties, without departing from the principles of justice and of equity towards the other :

Considering,—

That the question is reduced, as has been said above, to a choice to be made of a tract of country separating the Rivers discharging themselves into the River St. Lawrence from those which fall into the Atlantic Ocean; that the High Parties concerned have come to an understanding with regard to the water-courses, which are marked by common consent upon the Map (A.), and which offer the only element of decision; and that, consequently, the circumstances on which this decision depends, cannot be further elucidated by means of topographical researches, nor by the production of new documents :

We are of opinion,—

That it will be proper to adopt for the Boundary of the two States a Line drawn due North from the source of the River St. Croix to the point where such Line intersects the middle of the bed (*thalweg*) of the River St. John; thence the middle of the bed of that River, ascending it to the point where the River St. Francis empties itself into the St. John; thence the middle of the bed of the River St. Francis, ascending it to the source of its South-westernmost branch, which source We mark on the Map (A.) by the letter (X.), authenticated by the signature of Our Minister for Foreign Affairs; thence a line drawn due West to the point where it joins the line claimed by the United States of America, and traced on the Map (A.); thence that Line to the point at which, according to that Map, it falls in with that claimed by Great Britain; and thence the Line, marked on the said Map by both the Two Powers, to the North-westernmost head of the Connecticut River :

With regard to the second point, that is to say, Which is the North-westernmost Head of the Connecticut River?

Considering,—

That, in order to solve this question, a choice is to be made between the River of Connecticut Lake, Perry's Stream, Indian Stream, and Hall's Stream :

Considering,—

That according to the practice adopted in geography, the source and the bed of a River are pointed out by the name of the River affixed to that source and to that bed, and by their greater relative importance compared with other waters communicating with that River :

Considering,—

That in an Official Letter, so early as 1772, mention is made of the name of Hall's Brook, and in an Official Letter of a later date in the same year from the same Surveyor, Hall's Brook is described as a little River falling into the Connecticut :

That the River in which Connecticut Lake is found appears to be more considerable than Hall's, Indian, or Perry's Stream; that Connecticut Lake, and the two Lakes situate to the North of the same, appear to give to it a greater volume of water than belongs to the three other Rivers; and that by admitting it to be the bed of the Connecticut, that River is prolonged to a greater extent than if the preference were given to either of the other three Rivers :

Finally, that the Map (A.) having been recognized in the Convention of 1827 as indicating the course of the waters, the authority of that Map appears to extend equally to their names; seeing that in case of dispute, any name of River or Lake