

consequence of their vessels and cargoes having been taken by the subjects of Spain, all such cases should be referred to a board of three commissioners, one to be chosen by each party, and the third by agreement of the other two, or by lot. The commissioners were bound by oath to impartially examine and decide the claims in question, "according to the merits of the several cases, and to justice, equity, and the law of nations." It is probable that this commission met, but we have been unable to find the records. In 1802 another convention was framed, providing for a commission to settle claims "which have arisen from excesses committed during the late war by individuals of either nation, contrary to the laws of nations or the treaties existing between the two countries." * A very full and interesting correspondence, which ensued before this treaty was ratified by Spain in 1818, will be found in the first four volumes of the *American State Papers*. The commission under this treaty never met; for in 1819 another treaty was entered into, but which Spain ceded Florida to the United States, and each nation gave up certain classes of claims against the other; the United States becoming responsible to her citizens for five millions of dollars.† The correspondence in reference to the different claims given up shows that each nation considered itself responsible for claims similar to those for which England now refuses compensation to the United States.

UNITED STATES AND GREAT BRITAIN.

And now we come to consider what questions have been left by the United States and Great Britain to the decision of an umpire.

The definitive Treaty of 1783 had only been in force eleven years, when it became necessary that a new treaty should be entered into which should provide for the settling of differences between the parties. The river St. Croix formed the part of our north-eastern boundary in accordance with the first treaty, but a difference arose as to what river was the St. Croix. The fifth article of the Treaty of 1794 provided that this question should be left to three commissioners, one chosen by each nation, and the third by agreement or lot. A commission formed in this way came to a conclusion which was accepted by both sides.

* *Elliot's Am. Dip. Code*, Vol. I. p. 411.

† *Ibid.* p. 415.