

XX.

Protest of the American Minister at the Court of the Netherlands.

The Hague, January 12, 1831.

The undersigned, Minister Plenipotentiary and Envoy Extraordinary of the United States of America, had the honour to receive from the hands of His Majesty, the King of the Netherlands, on the 10th instant, a document purporting to be an expression of his opinion on the several points submitted to him as arbiter, relative to certain portions of the boundary of the United States. In a period of much difficulty His Majesty has had the goodness, for the purpose of conciliating conflicting claims and pretensions, to devote to the high parties interested a time that must have been precious to himself and people. It is with extreme regret, therefore, that the undersigned, in order to prevent all misconception, and to vindicate the rights of his Government, feels himself compelled to call the attention of his Excellency, the Baron Verstolk Van Soelen, His Majesty's Minister of Foreign Affairs, again to the subject. But while, on the one hand, in advertng to certain views and considerations, which seem in some measure, perhaps, to have escaped observation, the undersigned will deem it necessary to do so with simplicity and frankness; he could not, on the other, be wanting in the expressions of a most respectful deference for His Majesty, the Arbiter.

The language of the Treaty which has given rise to the contestation between the United States and Great Britain is, "And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the north-west angle of Nova Scotia: that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut river; thence down along the middle of the river to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the River Iroquois or Cataraguay. East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its native source; directly north the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence." The manner of carrying this apparently exceedingly definite and lucid description of boundary into effect, by running the line as described, and making the same on the surface of the earth, was the subject, the sole exclusive subject, submitted by the Convention of September, 1827, in pursuance of the Treaty of Ghent of 1814 to an arbiter.

If, on investigation, that arbiter found the language of the Treaty, in his opinion, inapplicable to, and wholly inconsistent with, the topography of the country, so that the Treaty of 1783, in regard to its description of boundary, could not be executed according to its own express stipulations, no authority whatever was conferred upon him to determine or consider what practicable boundary line should in such case be substituted and established. Such a