

but was artfully introduced by the British agents, and was incautiously admitted, or not sufficiently opposed and resisted by the agents of the United States. This State has never admitted the authority of the Convention, and cannot consider her rights compromised by any decision under it.

The King, or Sovereign Power of the Netherlands, derived its authority of Arbiter, from the Convention of September 29, 1827. His authority to decide the question submitted is indicated in the first article, which is as follows: "It is agreed that the points of difference which have arisen in the settlement of the Boundary between the American and British dominions, as described in the fifth article of the Treaty of Ghent, shall be referred to some *friendly Sovereign or State*, who shall be invited to investigate, and make a decision upon such points of difference."

The first question which naturally arises in this case, is: Did the Arbiter to whom the points of difference between the Governments was submitted, decide them, or advise the manner of settling them?

From the language used, it seems to have been the intention both of Great Britain and the United States, to submit the decision of the difference which had arisen, not to an individual, but to the Sovereign Power of an Independent State or Kingdom, hence the propriety of the language they used to express their intention, "*some friendly Sovereign or State*." To fulfil the intention of the parties it was not only necessary that the Sovereign Power selected, should have been at the time of its selection in the full and undisturbed enjoyment of its power, and equally dependent upon, and independent of, the parties, but that the power should have thus continued to the time of its delivering its opinions upon the questions submitted. At the time of the selection of the King of the Netherlands, or the Sovereign to arbitrate and settle the differences, he, and his Government were exercising, and were in the full and uncontrolled possession of the sovereign power of Holland and Belgium, formerly the United Provinces and the Netherlands. Subsequent events, and events, which occurred many months before the subject had been considered, and any sort of decision was made and delivered to the parties, separated Belgium from his dominions and from the sovereign power of his Government. Losing Belgium, deprived the King of nearly three-fifths of his subjects, and of course of three-fifths of his power and consequence, and he ceased to be the King of the Netherlands.

The loss of Belgium arose from the prevalence of liberal opinions and the desire of the people to secure their rights. The revolution from the course the British pursued, naturally produced feelings of attachment to, and dependence upon them for aid and protection, and as naturally excited feelings against the institutions of the United States. But we go still further: the course of events did not simply increase his dependence upon the British, but compelled him to call upon them for assistance to enable him to sustain his power as King even in Holland. The British were, long before the decision, his privy counsellors, if not the managers and regulators of his public concerns and negotiations, upon which the existence and continuance of his power depended. He was within their power and control. Having then lost the character possessed at the time of the selection, the King or Sovereign power of the Netherlands ceased to be the Arbiter to whom the differences had been submitted. A decision after such a change of character and interest cannot, for any purpose, be considered as having any obligatory force or effect, it can be considered only a mere nullity.

The next question which arises is, has the Arbiter decided the points of difference which had arisen between the two Governments?

The Arbiter, in stating the authority of rules of decision, says, "The points submitted ought to be decided according to the Treaties, Acts, and Conventions concluded between the two powers; that is to say, the Treaty of Peace of 1783, the Treaty of Friendship, Commerce and Navigation of 1794, the declaration in relation to the River St. Croix in 1798, the Treaty of Peace, signed at Ghent in 1814, and Mitchell's map and the map A. referred to in the Convention."

The first point the Arbiter was called upon to decide, was, "Which is the place designated in the Treaties as the north-west angle of Nova Scotia, and what are the highlands dividing the rivers emptying themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, along which is to be drawn the line of boundary from that angle to the north-westernmost head of Connecticut River." The United States claimed a range of highlands which limit the streams falling into the River St. Lawrence, and separate them from streams flowing from the same range in all other directions, and through all other channels, falling ultimately into the Atlantic Ocean. The British claimed a range of land, which in a part of its course separated the waters of the St. John from the waters of the Kennebec, and in another part of its course separated only the waters of one tributary of the St. John from another tributary of the same river. These ranges of land were indicated on the map A. according to the claims set up by the parties respectively. The north-west angle of Nova Scotia, according to the claims of both parties, was at the point where a line due north from the source of the River St. Croix intersected the range of highlands, with only this difference, according to the claims of the United States, it would intersect the range, and according to the claims of Great Britain it would touch the eastern extremity of the line, and only intersect if it continued north-westerly.

To avoid any misrepresentation of the meaning of the Arbiter, we will quote from the document. He says, "The arguments adduced on either side, and the documents exhibited in support of them, cannot be considered as sufficiently preponderating to determine any preference in favor of one of the lines respectively claimed by the high interested parties as

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Proceedings of the Legislature of Maine, on the result of the Arbitration.