

amicably and definitively settled by the award of the two commissioners, the undersigned has nevertheless thought proper to allude to it, as he will hereafter have frequent occasion to do in this report, because, in the course of their proceedings under that article, principles were established, decisions made, and facts established, which will be important to the elucidation of the points now in difference. Under a mutual conviction that such reference would be proper, as well as convenient, a resolution was adopted by the two commissioners, which appears on their journal, under date of October 27th, 1827, by which it is declared, "that each party, in making his separate report, shall be at liberty to avail himself, either for fact or argument, of the decisions, journals, and documents made, kept, and filed under the 6th article of the treaty." No inconvenience will result from this course to the umpire to whom the subject may be referred, as the journals kept under the 6th and 7th articles are contained in the same book; and various documents on file, relating to the two commissions, accompany, and are in some measure blended with, each other.

The two points in difference between the commissioners are—

1st. As to the course which the boundary line should pursue in passing the island called "St. George's," or "Sugar island," situated in the water communication between lakes Huron and Superior, and involving also the property of said island: the American commissioner being of opinion that the boundary should be drawn along the channel which divides the island from the British or eastern shore, and thus place it within the territories of the United States; and the British commissioner contending, on the other hand, that the line should pass through the American or western channel, and the island be appropriated to his Britannic Majesty.

2d. The second point of difference regards the course of the boundary from lake Superior to the Chaudiere falls, in Lac La Pluie, situated between lake Superior and the Lake of the Woods: the American commissioner being of opinion that the boundary ought to pass from lake Superior, into the bay or estuary at the mouth of the river Kamanistiquia, and proceed up that river, keeping the most continuous chain of water communication to the Chaudiere falls; which line is minutely described on the journal of the commission, under date of 23d of October, 1826, to which, and to the maps accompanying this report, reference is made: and the British commissioner being of opinion, that from lake Superior the boundary should enter the mouth of the river St. Louis, and thence proceed up that river, and by the most continuous water communication, to the said Chaudiere falls: for the route of which reference is again made to the journal and maps aforesaid.

As preliminary to a more specific examination of the first point in difference, it may be well to take some general views of the duties imposed on the commissioners by the treaty, and of the principles which have governed the American commissioner, at least, if not his colleague, in the discharge of those duties; and to connect therewith so much of the history of the commission under the 6th article as may be necessary to the purposes of explanation.

By the treaty of 1783, the boundary from St. Regis (the point where the 45th parallel of latitude first strikes the St. Lawrence) to lake Superior, is simply and uniformly described as passing "through" or "along the middle," of the several rivers, lakes, and water communications which separate the countries. Although any line which would have the

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