

the framers of the Treaty of 1783, shall be considered as evidence mutually acknowledged by the Contracting Parties as bearing upon the question to be decided.

authority; and it is so notoriously wrong in latitudes and longitudes, that it can have no value or authority whatever as a geographical work.

ARTICLE XI.

And in case the joint Commission authorized under the preceding Articles should not be able to concur in opinion as to the true boundaries described in the said Treaty of 1783, it is further agreed that the designation of that part of the Boundary line between the dominions of the United States and Great Britain which extends from the source of the River St. Croix, directly north to the north-west angle of Nova Scotia; thence 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 the Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; thence by a line due west in said latitude until it strikes the River Iroquois or Cataraugus, as described in the Fifth Article of the Treaty of Ghent, shall be referred to three Commissioners, (neither of whom shall be a citizen of the United States or a subject of Great Britain,) to be severally selected by three friendly Sovereigns or States, viz.: and and , who shall be invited by the President of the United States, and Her Britannic Majesty, to assume this office. And the said Commissioners so appointed, shall be sworn impartially to examine and decide upon the matters so referred to them, according to such evidence as shall be laid before them, on the part of the United States and of Great Britain respectively. The said Commissioners shall meet at , and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners, or a majority of them, shall, by a declaration or report under their hands and seals, decide upon the matters referred to them, and shall designate the line of Boundary in conformity with the true intent of the definitive Treaty

If I understand this plan of arbitration, it goes to this, that if the Joint Commission cannot agree upon everything, they shall be wholly set aside, and a Commission of Arbitration shall be appointed to determine the whole Boundary: the Report of the Commission of Survey and Exploration being submitted as evidence to the Commission of Arbitration.

It seems to me that a much better plan would be to let the decisions of the Commission of Survey be final, as far as they go, to give the two Governments, in the first instance, an opportunity of coming to an agreement about points on which the Commissioners of Survey shall have differed, and to submit to the Commission of Arbitration those points only upon which the Commission of Survey, and the two Governments, shall have been unable to come to an agreement: the new Draft is framed upon this scheme.

It seems objectionable to allow the two Governments to submit to the Commission of Arbitration evidence which has not been submitted to the Commission of Survey.