

eastern line was settled; and all the other questions remained wholly unsettled down to the year 1842.

But the two Governments continued to pursue the important and necessary purpose of adjusting boundary difficulties; and a convention was negotiated in London by Mr. Rufus King and Lord Hawkesbury, and signed on the 12th day of May, 1803, by the 2nd and 3d articles of which it was agreed, that a commission should be appointed, in the same manner as that provided for under the treaty of 1794, to wit: one commissioner to be appointed by England, and one by the United States, and these two to make choice of a third; or, if they could not agree, each to name the person he proposed, and the choice to be decided by lot; this third commissioner, whether appointed by choice or by lot, would, of course, be umpire or ultimate arbiter.

Governments, at that day, in disputes concerning territorial boundaries, did not set out each with the declaration that the whole of its own claim was clear and indisputable; whatever was seriously disputed they regarded, as in some degree, at least, doubtful or disputable; and, when they could not agree, they saw no indignity or impropriety in referring the dispute to arbitration, even though the arbitrator were to be appointed by chance, between respectable persons, named, severally, by the parties.

The commission thus constituted was authorized to ascertain and determine the northwest angle of Nova Scotia; to run and mark the line from the monument, at the source of St. Croix, to that northwest angle of Nova Scotia; and also to determine the northwesternmost head of Connecticut river; and then to run and mark the boundary line between the northwest angle of Nova Scotia and the said northwesternmost head of Connecticut river; and the decision and proceedings of the said commissioners, or a majority of them, was to be final and conclusive.

No objection was made by either Government to this agreement and stipulation; but an incident arose to prevent the final ratification of this treaty, and it arose in this way. Its fifth article contained an agreement between the parties settling the line of boundary between them beyond the Lake of the Woods. In coming to this agreement they proceeded, exclusively, on the grounds of their respective rights under the treaty of 1783; but it so happened that, twelve days before the convention was signed in London, France, by a treaty signed in Paris, had ceded Louisiana to the United States. This cession was at once regarded as giving to the United States new rights, or new limits, in this part of the continent. The Senate, therefore, struck this 5th article out of the convention; and as England did not incline to agree to this alteration, the whole convention fell.

Here, sir, the whole matter rested till it was revived by the Treaty of Ghent, in the year 1814. And by the 5th article of that treaty it was provided, that each party should appoint a commissioner, and those two should have power to ascertain and determine the boundary line, from the source of the St. Croix to the St. Lawrence river, according to the treaty of 1783; and if these commissioners could