

said Islands are claimed as belonging to His Britannic Majesty, as having been at the time of, and previous to the aforesaid Treaty of 1783, within the limits of the Province of Nova Scotia.

In order, therefore, finally to decide upon these Claims it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed, shall be sworn impartially to examine and decide upon the said Claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively.

The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other Place or Places as they shall think fit. The said Commissioners shall, by a Declaration or Report under their hands and seals, decide to which of the two Contracting Parties, the several Islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783; and if the said Commissioners shall agree in their decision, both Parties shall consider such decision as final and conclusive.

It is further agreed that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make jointly or separately, a Report or Reports, as well to the Government of His Britannic Majesty as to that of the United States stating, in detail, the points on which they differ and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them, have so refused, declined, or omitted to act.

And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said Report or Reports, or upon the Report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be.

And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such Friendly Sovereign or State, together with the Report of such other Commissioner, then such Sovereign or State shall decide, *ex parte*, upon the said Report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such Friendly Sovereign or State to be final and conclusive on all the matters so referred.

V. Whereas neither that point of the Highlands lying due North from the source of the River St. Croix, and designated in the former Treaty of Peace* between the two Powers, as the Northwest Angle of Nova Scotia, nor the North-Westernmost head of the Connecticut River, has yet been ascertained; and whereas that part of the Boundary Line between the Dominions of the two Powers, which extends from the source of the River St. Croix, directly North to the above-mentioned Northwest 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 Connecticut River, thence down along the middle of that River to the 45th degree of North Latitude, thence by a line due West on said Latitude,

* See extract, page 2.