

It is not necessary, on this occasion, either to re-state the points of difference, for a just solution of which the Contracting Parties have agreed to resort to the Arbitration of a friendly Sovereign, or to recapitulate the historical circumstances immediately connected with the three Questions in dispute. Those Questions and those Circumstances, together with the passages of the Treaties immediately relating to the former, have already found a suitable place in the opening pages of the First British Statement. The Commercial Treaty of 1794, and the declaration of the Commissioners appointed under its fifth Article to determine what River was the true St. Croix intended by Treaty, may also be cited as affording some additional matter of reference. They are annexed to the American Statement, and the Arbiter will have an opportunity of observing, in the 4th and 5th Articles of the Commercial Treaty, how very erroneous an idea of the country to be traversed by parts of the Boundary Line must have been entertained by the Negotiators of 1783.

1st Brit. Stat. pp. 1 and 2.

1st Am. Stat. Written Evidence Nos. 1 & 2.

Three questions referred to Arbitration.

Of the three questions referred to Arbitration the one, which stands first in the Statements already communicated, is that which is principally characterized by its relation to the Western Boundary of the Province of Nova Scotia, since divided into Nova Scotia and New Brunswick. There is no reason to depart from this order of arrangement now.

## FIRST BRANCH OF DIFFERENCE.

It is justly observed in the opening of the American Argument, that those clauses of the second Article of the Treaty of 1783, which regard the Northern and Eastern Boundaries of The United States, must be brought together and connected in order to afford a clear and exact view of the case submitted to Arbitration. The words of the Treaty are these: "From the North West Angle of *Nova Scotia*, viz. that Angle *which is formed by a line drawn due North from the source of St. Croix River to the Highlands*, 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;—EAST, by a line to be drawn along the middle of the River *St. Croix* from its mouth in the Bay of Fundy to its source, and from its source directly North to the aforesaid Highlands which divide the Rivers that fall into the ATLANTIC OCEAN from those which fall into the River *St. Lawrence*: comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid Boundaries between *Nova Scotia* on the one part, and *East Florida* on the other, shall respectively touch THE BAY OF FUNDY AND THE ATLANTIC OCEAN." It will be remembered that the last clause of this extract refers to a preceding part of the same article in which the Southern Boundary of The United States is described as following the course of St. Mary's River to the Ocean.

First question. Northeast Boundary of The United States. 1st Am. Stat. p. 4.

Although the British and American Governments differ as to where the point of departure for the northern Boundary of The United States, designated by the name of the north-west angle of Nova Scotia, is to be placed according to the intention of The Treaty; and although the conflicting claims involve a difference of 105 miles distance on the due north Line, and of 10,705 square miles in total extent, both Parties agree in stating, that in order to determine the true situation of the above-mentioned point of departure, the *highlands intended by the Treaty must first be determined*. The correctness of

App. 1st Brit. Stat. p. 44. 1st Am. Stat. p. 5.