

the case submitted to His Majesty, the King of the Netherlands, the United States, in hearing to delegate any such power, were not influenced by any want of respect for that distinguished monarch. They have, on the contrary, given him the highest and most signal proofs of their consideration and confidence. In the present case especially, as any revision or substitution of boundary whatever, had been steadily, and in a spirit of unalterable determination, resisted at Ghent and at Washington, they had not anticipated the possibility of there being any occasion for delegating such powers.

Protest of
the American
Minister.

Among the questions to which the language of the Treaty of 1783, already quoted, gave rise between the High Parties Interested, is the following, viz: where, at a point due north from the source of the river St. Croix, are "the highlands which divide the rivers that "empty themselves into the river St. Lawrence, from those that fall into the Atlantic "ocean;" at which same point on said highlands was also to be found the northwest angle of the long established, well known, and distinctly defined, British Province of Nova Scotia.

On the southern border of the river St. Lawrence, and at the average distance from it of less than thirty English miles, there is an elevated range or continuation of broken highland, extending from Cape Rosieres, southwesterly to the sources of Connecticut river, forming the southern border of the basin of the St. Lawrence and the *ligne des versants* of the rivers emptying into it. The same highlands form also the *ligne des versants*, on the north of the river Ristigouche, emptying itself into the bay des Chaleurs, the river St. John with its northerly and westerly branches emptying into the bay of Fundy, the river Penobscot with its northwesterly branches emptying into the bay of Penobscot, the rivers Kennebec and Androscoggin, whose united waters empty into the bay of Sagadahock, and the river Connecticut emptying into the bay usually called Long Island Sound. These bays are all open arms of the sea or Atlantic ocean; are designated by these names on Mitchell's map; and, with the single exception of Sagadahock, are all equally well known, and usually designated, by their appropriate names. This *ligne des versants* constitutes the highlands of the treaty, as claimed by the United States.

There is another *ligne des versants*, which Great Britain claims as the highlands of the Treaty. It is the dividing ridge that bounds the southern side of the basin of the river St. John, and divides the streams that flow into the river St. John, from those which flow into the Penobscot and St. Croix. No river flows from this dividing ridge into the river St. Lawrence. On the contrary, nearly the whole of the basins of the St. John and Ristigouche intervene. The source of the St. Croix also is in this very *ligne des versants*, and less than an English mile distant from the source of a tributary stream of the St. John. This proximity, reducing the due north line of the treaty, as it were, to a point, compelled the provincial agents of the British Government to extend the due north line over this dividing ridge into the basin of the St. John, crossing its tributary streams to the distance of about forty miles from the source of the St. Croix, to the vicinity of an isolated hill between two tributary streams of the St. John. Connecting that isolated hill with the *ligne des versants*, as just described, by passing between said tributary streams, they claimed it as constituting the highlands of the treaty.

These two ranges of highlands, as thus described, the one contended for by the United States, and the other by Great Britain, His Majesty, the Arbitrator, regards as comporting equally well in all respects, with the language of the treaty. It is not the intention of the Undersigned, in this place, to question in the slightest degree the correctness of His Majesty's conclusion. But when the Arbitrator proceeds to say, that it would be suitable to run the line due north from the source of the river St. Croix, not "to the highlands which divide the rivers "that fall into the Atlantic ocean from those which fall into the river St. Lawrence," but to the centre of the river St. John, thence to pass up said river to the mouth of the river St. Fran-