

## Appendix.

## IV.

Decision of the  
King of the  
Netherlands.

Atlantic Ocean, would establish the principle, that the Treaty of 1783 contemplated Highlands dividing mediately as well as immediately the rivers discharging themselves into the St. Lawrence, from those which fall into the Atlantic Ocean, a principle equally realized by both lines :

Thirdly, that the line claimed to the north of the River St. John does not, except in its latter part, near the sources of the St. John, divide the rivers that empty themselves into the St. Lawrence, immediately from the Rivers St. John and Ristigouche, but only from the rivers which fall into the St. John and Ristigouche; and thus, that the rivers which this line divides from those discharging themselves into the St. Lawrence, require, all of them, in order to reach the Atlantic Ocean, two intermediate aids—the one set at the River St. John and the Bay of Fundy; the other set, the River Ristigouche and the Bay of Chaleurs :

And, on the other hand,—

That it cannot be sufficiently explained how, if the High Contracting Parties intended in 1783 to establish the Boundary to the south of the River St. John, that river, to which the territory in dispute owes in a great degree its distinguishing character, was neutralized and put out of the question :

That the verb “divide” appears to require contiguity in the objects which are to be “divided :”

That the said Boundary forms only at its western extremity the immediate division between the River Mettjarmette and the north-west source of the Penobscott, and only divides mediately the rivers emptying themselves into the River St. Lawrence from the waters of the Kennebec, and of the Penobscott, and from the Scondiac Lakes; whilst the Boundary claimed to the north of the River St. John separates immediately the waters of the Rivers Ristigouche and St. John, and mediately, the Scondiac Lakes, and the waters of the Rivers Penobscott and Kennebec, from the rivers emptying themselves into the River St. Lawrence, that is to say, from the Rivers Beaver, Metis, Rimousky, Trois Pistoles, Green, du Loup, Kamouraska, Ouelle, Bras, St. Nicholas, du Sud, la Famine, and Chaudière :

That even putting the Rivers Ristigouche and St. John out of the question, on the ground that they cannot be considered to fall into the Atlantic Ocean, the north line would still be found as near to the Scondiac Lakes, and to the waters of the Penobscott and of the Kennebec, as the south line would be to the Rivers Beaver, Metis, Rimouski, and others, emptying themselves into the River St. Lawrence, and would, as well as the other line, form a mediate separation between these last-named rivers, and the rivers falling into the Atlantic Ocean :

That the circumstance of the southern Boundary being the first that is met with in drawing a line north from the source of the River St. Croix, could afford that Boundary an incidental advantage over the other, only in case that both Boundaries should comprise in the same degree the qualities required by the Treaties :

And that the manner in which the Connecticut and even the St. Lawrence are disposed of in the Treaty of 1783, does away with the supposition that the two Powers could have intended that the entire course of each river, from its source to its mouth, should fall to the share of either one or other of them :

Considering,—

That, according to what is premised, the arguments adduced on either side, and the documents offered in their support, cannot be considered sufficiently preponderant to decide the preference in favour of either of the two lines respectively claimed by the High Parties concerned, as Boundaries of their possessions, from the source of the River St. Croix to the north-west head of the Connecticut River; and that the nature of the difference, and the vague and insufficiently defined stipulations of the Treaty of 1783, do not allow the adjudication of one or the other of these lines to one of the said parties, without departing from the principles of justice and of equity towards the other :

Considering,—

That the question is reduced, as has been said above, to a choice to be made of a tract of country separating the rivers discharging themselves into the River St. Lawrence from those which fall into the Atlantic Ocean; that the High Parties concerned have come to an understanding with regard to the water-courses, which are marked by common consent upon the map (A.) and which offer the only element of decision; and that, consequently, the circumstances on which this decision depends, cannot be further elucidated by means of topographical researches, nor by the production of new documents :

We are of opinion,—

That it will be proper to adopt for the Boundary of the two States a line drawn due north from the source of the River St. Croix to the point where such line intersects the middle of the bed (*thalweg*) of the River St. John; thence the middle of the bed of that river, ascending it to the point where the River St. Francis empties itself into the St. John; thence the middle of the bed of the River St. Francis, ascending it to the source of its south-westernmost branch, which source we mark on the map (A.) by the letter (X.), authenticated by the signature of our Minister for Foreign Affairs; thence a line drawn due west