

'Declaration of the Commissioners under the IVth Article of the Treaty of Ghent.

NEW YORK, 24th November, 1817.

SIR.—The Undersigned Commissioners, appointed by virtue of the IVth Article of the Treaty of Ghent, have attended to the duties assigned them, and have decided that Moose Island Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America, and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the IIInd Article of the Treaty of Peace of 1783.

The Commissioners have the honour to enclose herewith their decision.

In making this decision, it became necessary that each of the Commissioners should yield a part of his individual opinion; several reasons induced them to adopt this measure, one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the Treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own Territories and Foreign Ports.

The Undersigned have the honour to be, &c.,

The Hon. J. Q. ADAMS.

JOHN HOLMES.
THOMAS BARCLAY.

Decision of the Commissioners under the IVth Article of the Treaty of Ghent.—24th November, 1817.

By Thomas Barclay and John Holmes, Esquires, Commissioners appointed by virtue of the IVth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th day of December, 1814, to decide to which of the two Contracting Parties to the said Treaty, the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the

¹ From British & Foreign State Papers, Vol. 5, p. 199.