

SUPPLEMENT
TO
The Courier.

SAINT JOHN:
SATURDAY, APRIL 23, 1831.

OFFICIAL DOCUMENTS
RELATIVE TO THE
NORTH-EASTERN BOUNDARY.

To the Senate and House of Representatives
of the State of Maine.

I have received from the Secretary of State of the United States, under the direction of the President, a copy and translation of the award given by the King of the Netherlands in relation to the North Eastern Boundary of the United States, upon the question submitted to him, and also a copy of the protest which the Minister of the United States at the Hague thought it his duty to make against the award referred to, together with extracts from his dispatch to the Department of State, shewing the character of the protest, and the ground upon which it was made; and a copy of the correspondence between himself and Sir Charles Bagot, the Ambassador of Great Britain at the same Court upon the subject.

Copies of these Documents, and also of the accompanying letter of the Secretary of State of the United States, will herewith be laid before you. The President, through the Secretary of State, has expressed a desire that while this matter is under deliberation, no steps may be taken by the State of Maine, with regard to the disputed territory, which might be calculated to interrupt or embarrass the action of the Executive Board of the Government of the United States upon this subject. The importance of this suggestion will be duly appreciated by the Legislature. And while we adopt such measures as shall be judged proper and expedient to make our rights and claims known to the government of the United States, it will doubtless be considered that we must, under the provisions of the Federal Constitution, rely with confidence upon that Government for the enforcement of our claims against the power of Great Britain.

SAMUEL E. SMITH
Council Chamber, March 25, 1831.

Department of State of the U. States,
Washington 18th March, 1831.
To His Excellency SAMUEL E. SMITH, Governor of the State of Maine.

SIR—By the President's directions, I have the honor to transmit, herewith, to your Excellency a copy, and translation of the award given in relation to the North Eastern Boundary of the United States, upon the question which was submitted to the King of the Netherlands, by this Government and that of Great Britain concerning that Boundary, which award was officially delivered to the Minister of the United States at the Hague, on the 10th day of January last, and by him forwarded to this Department, where it was received on the 16th inst. with a view of making your Excellency acquainted with the state of this transaction, as received here. I also transmit herewith a copy of the Protest which the Minister of the United States at the Hague thought it his duty, without instructions to that effect from the President, to address to the Minister of Foreign Affairs of the Government to which he is accredited against the award referred to,—together with extracts from his dispatch to this Department, showing the character of his Protest, and the ground upon which it was made; and a copy of the correspondence between himself and Sir Charles Bagot the Ambassador of Great-Britain at the same Court upon the subject.

Mr. Preble has asked leave of absence, for the purpose of visiting the United States, which will be forthwith granted, and expressed an earnest wish that he may be further heard upon the subject, before any measures in regard to it are adopted by the President.

I have the honor likewise, by direction of the President to repeat the assurance which I made to your Excellency, in his behalf, in my letter of the 9th inst. that the subject of this award will receive all the attention and consideration to which its great importance, and the interests of the State of Maine, so materially involved therein, especially entitle it, in the Councils of the Executive of the United States; and to add that no time will be lost in communicating to your Excellency, the result of his deliberations upon it, as soon as he shall have determined upon the course which a sense of his high and responsible duties may suggest as proper on the occasion.

Under these circumstances the President will rely with confidence on the candor and liberality of your Excellency and the other constituted authorities of Maine, in appreciating the motives which may influence that course on his part, and in a correspondent interpretation of them to your constituents, in whose patriotism and discretion he has equal confidence.

In making this communication to your Excellency, I am instructed by the President to express his desire that, while the matter is under deliberation, no steps may be taken by the State of Maine, with regard to the disputed territory, which might be calculated to interrupt or embarrass the action of the Executive branch of this Government upon the subject.

I have the honor to be, with the highest respect, your Excellency's most obedient servant,
M. VAN BUREN.

Decision of the King of the Netherlands, in relation to the North Eastern Boundary.

TRANSLATION.
WILLIAM, by the Grace of God, King of the Netherlands, Prince of Orange, Nassau; Grand Duke of Luxembourg, &c. &c.

Having accepted the functions of Arbitrator conferred upon us by the note of the Charge d'Affaires of the United States of America, and by that of the Ambassador, Extraordinary and Plenipotentiary of Great Britain, to our Minister of Foreign Affairs, under date of the 12th January, 1829, agreeably to the 5th article of the Treaty of Ghent, of the 14th December, 1814, and to the 1st article of the convention concluded between those Powers, at London, on the 29th September, 1827, in the difference which has arisen between them on the subject of the boundaries of their respective possessions:

Animated by a sincere desire of answering, by a scrupulous and impartial decision,

the confidence they have testified to us, and thus to give them a new proof of the high value we attach to it:

Having, to that effect, duly examined and maturely weighed the contents of the first statement, as well as those of the definitive statement of the said difference, which have been respectively delivered to us on the 1st of April of the year 1830, by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and the Ambassador Extraordinary and Plenipotentiary of the Britannic Majesty, with all the documents thereto annexed in support of them:

Desirous of fulfilling, at this time, the obligations we have contracted in accepting the functions of Arbitrator in the aforesaid difference, by laying before the two high interested parties the result of our examination, and our opinion on the three points into which, by common accord, the contestation is divided.

Considering that the three points above mentioned ought to be decided according to the treaties, acts and conventions concluded between the two Powers; that is to say: the Treaty of Peace of 1783, the Treaty of Friendship, Commerce and Navigation of 1794, the Declaration relative to the River St. Croix of 1798, the Treaty of Peace signed at Ghent in 1814, the Convention of the 29th September, 1827; and Mitchell's map, and the map A. referred to in that convention.

We declare, that, As to the first point, to wit, the question, which is the place designated in the Treaties as the North-west angle of Nova Scotia, and what are the highlands dividing the rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, along which is to be drawn the line of boundary, from that angle to the North-western most head of Connecticut River.

Considering, That the high interested parties respectively claim that line of boundary at the South, and at the North of the river St. John; and have each indicated, upon the map A. the line which they claim:

Considering, That according to the instances alleged, the term highland applies not only to a hilly or elevated country, but also to land which, without being hilly divides waters flowing in different directions; and that thus the character more or less hilly and elevated of the country through which are drawn the two lines respectively claimed, at the North, and at the South, of the river St. John, cannot form the basis of a choice between them.

That the text of the 2d Article of the Treaty of 1783, recites, in part, the words previously used, in the Proclamation of 1763, and in the Quebec Act of 1774, to indicate the Southern boundaries of the Government of Quebec, from Lake Champlain, "in forty five degrees of North Latitude, along the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea, also along the north coast of the Bay des Chaleurs."

That in 1763, 1765, 1773, and 1782, it was established that Nova-Scotia should be bounded at the north, as far as the western extremity of the Bay des Chaleurs, by the southern boundary of the Province of Quebec; that this delimitation is again found, with respect to the Province of Quebec, in the Commission of the Governor General of Quebec of 1766, wherein the language of the Proclamation of 1763 and of the Quebec Act of 1774 has been used, as also in the commissions of the Governors of New-Brunswick, with respect to the last mentioned Province, as well as in a great number of maps anterior and posterior, to the Treaty of 1783; and that the first article of the said Treaty specifies, by name, the states whose independence is acknowledged:

But that this mention does not imply (imply) the entire coincidence of the boundaries between the two powers, as settled by the following Article, with the ancient delimitation of the British Provinces, whose preservation is not mentioned in the Treaty of 1783, and which owing to its continual changes, and the uncertainty which continued to exist respecting it, created, from time to time, differences between the Provincial authorities:

That there results from the line drawn under the Treaty of 1783 through the great Lakes, west of the River St. Lawrence, a departure from the ancient provincial charters, with regard to those boundaries:

That one would vainly attempt to explain why, if the intention was to retain the ancient provincial boundary, Mitchell's map, published in 1775, and consequently anterior to the proclamation of 1763, and to the Quebec Act of 1774, was precisely the one used in the negotiation of 1783:

That Great Britain proposed, at first, the river Piscataqua as the Eastern boundary of the U. S.; and did not subsequently agree to the proposition to cause the boundary of Maine, or Massachusetts Bay, to be ascertained at a later period:

That the Treaty of Ghent stipulated for a new examination on the spot, which could not be made applicable to an historical or administrative boundary:

And that therefore, the ancient delimitation of the British Provinces, does not, either, afford the basis of a decision:

That the longitude of the North-west angle of Nova-Scotia which ought to coincide with that of the source of the St. Croix river, was determined only by the declaration of 1798, which indicated that river:

That the Treaty of friendship, commerce, and navigation of 1794, alludes to the doubt which had arisen with respect to the river St. Croix, and that the first instructions of the Congress, at the time of the negotiations which resulted in the Treaty of 1783, locate the said angle at the source of the river St. John:

That the latitude of that angle is upon the banks of the St. Lawrence, according to Mitchell's map, which is acknowledged to have regulated the combined and official labors of the negotiators of the Treaty of 1783; whereas, agreeably to the delimitation of the government of Quebec, it is to be looked for at the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea.

That the nature of the ground east of the before mentioned angle not having been indicated by the Treaty of 1783, no argument can be drawn from it to locate that angle at one place in preference to another:

That, at all events, if it were deemed proper to place it nearer to the source of the river St. Croix, and look for it, at Mars

Hill, for instance, it would be so much the more possible that the boundary of New-Brunswick drawn thence north eastwardly would give to that province several north-west angles, situated farther north and east, according to their greater remoteness from Mars Hill, that the number of degrees of the angle referred to in the Treaty has not been mentioned:

That, consequently, the north-west angle of Nova-Scotia, here alluded to, having been unknown in 1783, and the Treaty of Ghent having again declared it to be uncertain, the mention of that historical angle in the Treaty of 1783 is to be considered as a petition of principle (petition de principe) affording no basis for a decision, whereas, if considered as a topographical point, having reference to the definition, viz: "that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands," it forms simply the extremity of the line along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean,"—an extremity which a reference to the north-west angle of Nova-Scotia does not contribute to ascertain, and which still remaining, itself, to be found cannot lead to the discovery of the line which it is to terminate:

Lastly, that the arguments deduced from the rights of sovereignty exercised over the Fief of Madawaska and over the Madawaska settlement—even admitting that such exercise were sufficiently proved—cannot decide the question, for the reason that those two settlements only embrace a portion of the territory in dispute, and that the high interested parties have acknowledged the country lying between the two lines respectively claimed by them, as constituting a subject of contestation, and that, therefore, possession cannot be considered as derogating from the right, and that if the ancient delimitation of the provinces be set aside, which is adduced in support of the line claimed at the north of the river Saint John, and especially that which is mentioned in the Proclamation of 1763, and in the Quebec Act of 1774, no argument can be admitted in support of the line claimed at the south of the river St. John, which would tend to prove that such part of the territory in dispute belongs to Canada or to New-Brunswick.

Considering, that the question divested of the inconclusive arguments drawn from the nature, more or less hilly of the ground,—from the ancient delimitation of the Provinces,—from the north-west angle of Nova-Scotia, and from the actual possession, resolves itself, in the end, to these: which is the line drawn due north from the source of the river St. Croix, and which is the ground, no matter whether hilly and elevated, or not, which from that line to the north-western most head of Connecticut river, divides the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; That the high interested parties only agree upon the fact that the boundary sought for must be determined by such a line, and by such a ground; that they further agree, since the declaration of 1798, as to the answer to be given to the first question, with the exception of the latitude at which the line drawn due north from the source of the St. Croix river is to terminate; that said latitude coincides with the extremity of the ground which, from that line to the north-western most source of Connecticut river divides the rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; and that, therefore, it only remains to ascertain that ground:

That on entering upon this operation, it is discovered, on the one hand:

First, that if, by adopting the line claimed at the north of the river St. John, Great Britain cannot be considered as obtaining a territory of less value than if she had accepted, in 1783 the river St. John as her frontier, taking into view the situation of the country situated between the rivers St. John and St. Croix in the vicinity of the sea, and the possession of both banks of the river St. John in the lower part of its course, said equivalent would, nevertheless be destroyed by the interruption of the communication between Lower Canada and New-Brunswick, especially between Quebec and Fredericton; and one would vainly seek to discover what motives could have determined the Court of London to consent to such an interruption.

That if, in the second place, in contradistinction to the rivers that empty themselves into the river St. Lawrence it had been proper, agreeably to the language ordinarily used in geography, to comprehend the rivers falling into the Bay of Fundy and des Chaleurs with those emptying themselves directly into the Atlantic Ocean, in the general denomination of rivers falling into the Atlantic Ocean, it would be hazardous to include into the species belonging to that class the rivers Saint John and Restigouche, which the line claimed at the north of the river St. John divides immediately from rivers emptying themselves into the river St. Lawrence, nor with other rivers falling into the Atlantic Ocean, but alone; and thus to apply, in interpreting the delimitation established by a Treaty, where each word must have a meaning, to two exclusively special cases, and where no mention is made of the genus (genre) a general expression which would ascribe to them a broader meaning, or which, if extended to the Schoodic lakes, the Penobscot and the Kennebec, which empty themselves directly into the Atlantic Ocean, would establish the principle that the Treaty of 1783 meant highlands that divide as well immediately as immediately, the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean—a principal equally realized by both lines.

Thirdly: That the line claimed at the north of the river St. John does not divide, even immediately the rivers that empty themselves into the river St. Lawrence from the rivers St. John and Restigouche, but only rivers that empty themselves into the St. John and Restigouche, with the exception of the last part of said line, near the sources of the river St. John, and that hence, in order to reach the Atlantic Ocean, the rivers divided by that line from those that empty themselves into the river St. Lawrence, each need two intermediate channels, to wit: the ones, the river St. John and the Bay of Fundy, and the others, the river Restigouche 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 at the south of the river St. John, that river, to which the territory in dispute is in a great measure, indebted for its distinctive character, has been neutralized and set aside.

That the verb "divide" appears to require the contiguity of the objects to be "divided."

That the said boundary forms at its western extremity, only, the immediate separation between the river Matamoras, and the north-western most head of the Penobscot, and divides, immediately, only the rivers that empty themselves into the river St. Lawrence from the waters of the Kennebec, Penobscot, and Schoodic lakes; while the boundary claimed at the north of the river Saint John divides, immediately, the waters of the rivers Restigouche and St. John, and immediately, the Schoodic lakes, and the waters of the rivers Penobscot and Kennebec, from the rivers that empty themselves into the river St. Lawrence, to wit: the rivers Beaver, Metis, Kimousky, Trois, Pistoles, Green, Du Loup, Kamouraska, Ouelle, Bras St. Nicholas, Du Sud, La Famille and Chaudiere.

That even setting aside the rivers Restigouche and St. John, for the reason that they could not be considered as falling into the Atlantic Ocean the northern line would still be as near to the Schoodic lakes, and to the waters of the Penobscot and of the Kennebec, as the southern line would be to the rivers Beaver, Metis, Kimousky and others that empty themselves into the river St. Lawrence; and would, as well as the other, form a mediate separation between these and the rivers falling into the Atlantic Ocean:

That the prior intersections of the southern boundary by a line drawn due north from the source of the Saint Croix could only secure to it an accessory advantage over the other, in case both the one and the other boundary should combine, in the same degree, the qualities required by the treaties:

And the late assigned by that of 1783 to the Connecticut, and even to the St. Lawrence, precludes the supposition that the two powers could have intended to surrender the whole course of each river from its source to its mouth, to the share of either the one or the other:

Considering, That, after what precedes, the arguments adduced on either side, and the documents exhibited in support of them, cannot be considered as sufficiently preponderating to determine a preference in favor of one of the two lines respectively claimed by the high interested parties, as boundaries of their possessions from the source of the river St. Croix to the north-western most head of Connecticut River; and that the nature of the difference and the vague and not sufficiently determinate stipulations of the Treaty of 1783, do not permit to adjudicate either of those lines to one of the said parties, without wounding the principle of law and equity, with regard to the other:

Considering, That, as has already been said, the question resolves itself into a selection to be made of a ground dividing the rivers that empty themselves into the Saint Lawrence from those that fall into the Atlantic Ocean; that the high interested parties are agreed with regard to the course of the streams delineated by common accord on the map A. and affording the only basis of a decision:

And that, therefore, the circumstances upon which such decision could not be further elucidated by means of fresh topographical investigation, nor by the production of additional documents;

We are of opinion, That it will be suitable [il conviendrait] to adopt as the boundary of the two States a line drawn due north from the source of the river St. Croix to the point where it intersects the middle of the thalweg (†) of the river St. John, thence the middle of the thalweg of that river, ascending it, to the point where the river St. Francis empties itself into the river St. John, thence the middle of the thalweg of the river St. Francis, ascending it, to the source of its south-western most branch, which source we indicate, on the map A, by the letter X, authenticated by the signature of our Minister of Foreign Affairs, thence a line drawn due west, to the point where it unites with the line claimed by the United States of America and delineated on the map A, thence said line to the point at which according to said map, it coincides with that claimed by Great-Britain, and thence the line traced on the map by the two powers, to the north-western most source of the Connecticut river:

As regards the second point, to wit: the question, which is the north-western most head of Connecticut river:

Considering, That, in order to solve this question, it is necessary to choose between Connecticut-lake river, Perry's Stream, Indian Stream and Hall's Stream:

Considering, That according to the usage adopted in geography, the source and the bed of a river are denoted by the name of the river which is attached to such source and to such bed, and by their greater relative importance, as compared to that of other waters communicating with said river:

Considering, That an official letter of 1772 already mentions the name of Hall's Brook; and that in an official letter, of subsequent date in the same year, Hall's brook is re-named as a small river falling into the Connecticut:

That the river in which Connecticut lake is situated appears more considerable than either Hall's, Indian, or Perry's Stream; that Connecticut Lake and the two Lakes situated northward of it, seem to ascribe to it a greater volume of water than to the other three rivers; and that by admitting it to be the bed of the Connecticut, the course of that river is extended farther than it would be if a preference were given to either of the other three rivers:

Lastly, that the map A, having been recognized by the convention of 1827, as indicating the courses of streams, the authority of that map would likewise seem to extend to their appellation, since in case of dispute, such name of river, or lake, respecting which the parties were not agreed, may have been omitted; that said map mentions Connecticut Lake, and that the name of Connecticut Lake implies the applicability of the name of Connecticut to the river which flows through the said lake;

We are of opinion, that the stream situated farthest to the north-west, among those which fall in the northernmost of the three lakes the last of which bears the name of Connecticut lake must be considered as the

(†) Thalweg—a German compound word—Thal, valley, and Weg, way. It means here the deepest channel of the river.

north-western most head of Connecticut river:

As to the third point, to wit: the question, which is the boundary to be traced from the river Connecticut, along the parallel of the 45th degree of north latitude, to the river Saint Lawrence, named in the Treaties of Iroquois and Cataraugy:

Considering, that the high interested parties differ in opinion as to the question—Whether the Treaties require a fresh survey of the whole line of boundary from the river Connecticut to the river St. Lawrence, named in the Treaties Iroquois or Cataraugy, or simply the completion of the ancient provincial surveys.

Considering: That the fifth article of the Treaty of Ghent of 1814 does not stipulate that such portion of the boundaries which may not have hitherto been surveyed, shall be surveyed; but declares that the boundaries have not been; and establishes that they shall be surveyed:

That, in effect, such survey ought, in the relations between the two Powers, to be considered as not having been made from the Connecticut to the river St. Lawrence, named in the treaties Iroquois or Cataraugy, since the ancient survey was found to be incorrect, and had been ordered, not by a common accord of the two Powers, but by the ancient Provincial authorities:

That in determining the latitude of places, it is customary to follow the principle of the observed latitude.

And that the Government of the United States of America has erected certain fortifications at the place called Rouses Point, under impression that the ground formed part of their territory—an impression sufficiently authorized by the circumstance that the line had, until then, been reputed to correspond with the 45th degree of North Latitude;

We are of opinion: That it will be suitable [il conviendrait] to proceed to fresh operations to measure the observed latitude, in order to mark out the boundary from the river Connecticut along the parallel of the 45th degree of North Latitude to the river St. Lawrence, named in the treaties Iroquois or Cataraugy, in such a manner, however, that, in all cases, at the place called Rouses Point, the territory of the United States of America shall extend to the fort erected at that place, and shall include said fort and its Kilometrical radius [rayon Kilometrique].

Thus done and given under our Royal seal, at the Hague, this tenth day of January, in the year of our Lord one thousand eight hundred and thirty one, and of our Reign, the eighteenth.

WILLIAM.
The Minister of Foreign Affairs,
(Signed) VERSTOLK DE SOELEN.

PROTEST OF THE UNITED STATES MINISTER.
(COPY.)

THE HAGUE, Jan. 12, 1831.

The undersigned, Minister Plenipotentiary and Envoy Extraordinary of the United States of America, had the honor to receive from the hands of his Majesty, the King of the Netherlands, on the 16th inst. a document purporting to be an expression of his opinion on the several points submitted to him as arbitrator, relative to certain portions of the boundary of the United States. In a period of much difficulty, his Majesty had had the goodness, for the purpose of conciliating conflicting claims and pretensions, to devote to the high parties interested, a time that must have been precious to himself and people. It is with extreme regret therefore, that the undersigned, in order to prevent all misconception, and to vindicate the rights of his Government, feels himself compelled to call the attention of his Excellency, the Baron Verstolk Van Soelen, his Majesty's Minister of Foreign Affairs, again to the subject. But, while, on the one hand, in advertent to certain views and considerations, which seem in some measure, perhaps, to have escaped observation, the undersigned will deem it necessary to do so with simplicity and frankness; he could not on the other, he wanting in the expressions of a most respectful deference for his Majesty, the Arbitrator.

The language of the Treaty, which has given rise to the contestation between the United States and Great Britain, is, "And that all disputes which might arise in future on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz: from the north west angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of the 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-western most head of Connecticut river; thence, down along the middle of that river, to the forty fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraugy *** 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." The manner of carrying this apparently exceedingly definite and lucid description of boundary into effect, by running the line as described, and marking the same on the surface of the earth, was the subject, the sole exclusive subject, submitted by the convention of Sept. 1827, in pursuance of the Treaty of Ghent, 1814, to an arbitrator. If on investigation, that arbitrator found the language of the treaty in his opinion, inapplicable to, and wholly inconsistent with, the topography of the country, so that the Treaty of 1783, in regard to its description of boundary, could not be executed according to its own express stipulations, no authority whatever was conferred upon him to determine or consider what practicable boundary line should, in such case, be substituted and established. Such a question of boundary, as is here supposed, the United States of America would, it is believed, submit to the definitive decision of no sovereign. And in the case submitted to his Majesty, the King of the Netherlands, the U. States, in forbearing 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.

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 north-west 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 Rouses, south westerly 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 Restigouche, 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 north westerly 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 their 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 Restigouche intervene. The source of the St. Croix also 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 the 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 are thus described, the one contended for by the United States, and the other by Great Britain, his Majesty the Arbitrator, regards as comparing equally well in all respects with the languages of the Treaty. It is not the intention of this 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 St. Lawrence," but to the centre of the river St. John, thence to pass up the said river to the mouth of the river St. Francis, thence up the river St. Francis to the source of its south westernmost branch, and from thence by a line drawn west unto the point where it intersects the line of the highlands as claimed by the United States, and only from thence to pass "along said highlands, which divide the rivers, that fall into the Atlantic Ocean, from those which fall into the River St. Lawrence, to the north-western most head of Connecticut River,"—thus abandoning altogether the boundaries of the Treaty, and substituting for them a distinct and different line of demarcation, it becomes the duty of the undersigned, with the most perfect respect for the friendly views of the Arbitrator to enter a protest against the proceeding, as constituting a departure from the power delegated by the high parties interested, in order that the rights and interests of the United States may not be supposed to be committed by any presumed acquiescence on the part of their representative near his Majesty the King of the Netherlands.

The undersigned avails himself of this occasion to renew to the Baron Verstolk Van Soelen, the assurance of his high consideration.

(Signed) WM. P. PREBLE.
His Excellency the Baron Verstolk Van Soelen,
His Majesty's Minister of Foreign Affairs.

had not anticipated the possibility of there being any occasion for delegating such powers.

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 north-west 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 Rouses, south westerly 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 Restigouche, 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 north westerly 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 their 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 Restigouche intervene. The source of the St. Croix also 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 the 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 are thus described, the one contended for by the United States, and the other by Great Britain, his Majesty the Arbitrator, regards as comparing equally well in all respects with the languages of the Treaty. It is not the intention of this 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 St. Lawrence," but to the centre of the river St. John, thence to pass up the said river to the mouth of the river St. Francis, thence up the river St. Francis to the source of its south westernmost branch, and from thence by a line drawn west unto the point where it intersects the line of the highlands as claimed by the United States, and only from thence to pass "along said highlands, which divide the rivers, that fall into the Atlantic Ocean, from those which fall into the River St. Lawrence, to the north-western most head of Connecticut River,"—thus abandoning altogether the boundaries of the Treaty, and substituting for them a distinct and different line of demarcation, it becomes the duty of the undersigned, with the most perfect respect for the friendly views of the Arbitrator to enter a protest against the proceeding, as constituting a departure from the power delegated by the high parties interested, in order that the rights and interests of the United States may not be supposed to be committed by any presumed acquiescence on the part of their representative near his Majesty the King of the Netherlands.

The undersigned avails himself of this occasion to renew to the Baron Verstolk Van Soelen, the assurance of his high consideration.

(Signed) WM. P. PREBLE.
His Excellency the Baron Verstolk Van Soelen,
His Majesty's Minister of Foreign Affairs.

STATE OF MAINE.

The Joint Select Committee of the Legislature, consisting of four on the part of the Senate, and seven on the part of the House, to whom was referred the Governor's special Message of the 25th March, 1831, with accompanying documents, consisting of a copy of the award made by the King of the Netherlands in relation to the North Eastern Boundary of the United States, upon the question submitted to him by the Government of the United States and Great Britain; also a copy of the Protest which the Minister of the U. States at the Hague thought it his duty to make against the award of the King; also extracts from the dispatch of the Minister, shewing the character of the protest, and the ground upon which it was made; and also the correspondence between the Minister of the U. States, and Sir Charles Bagot, the Ambassador of Great Britain at the Court of the King aforesaid, upon the same subject; have examined and considered the same Message and documents, and

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