

GREAT BRITAIN : NOVEMBER 24, 1817

Decision of the Commissioners under Article 4 of the Treaty of Ghent (Document 33), signed at New York November 24, 1817, with covering letter of the same date. Originals in English.

By Thomas Barclay and John Holmes Esquires.

Commissioners, appointed by virtue of the fourth Article of the Treaty of Peace and Amity between His Britannic Majesty and The United States of America concluded at Ghent on the twenty fourth day of december One Thousand eight hundred and fourteen 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 second Article of the Treaty of Peace¹ of One Thousand seven hundred and eighty three between His said Britannic Majesty and the aforesaid United States of America.

We the said Thomas Barclay and John Holmes Commissioners as aforesaid having been duly sworn impartially to examine and decide upon the said claims according to such evidence as should be laid before us on the part of His Britannic Majesty and The United States respectively Have decided and do decide that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy which is part of the Bay of Fundy do and each of them does belong to The United States of America and we have also decided and do decide that all the other Islands and each and every of them in the said Bay of Passamaquoddy which is part of the Bay of Fundy and the Island of Grand Menan in the said Bay of Fundy do belong to His said Britannic Majesty in conformity with the true intent of the said second Article of said Treaty of One Thousand seven hundred and eighty three.

In faith and Testimony whereof we have set our hands and affixed our Seals at the City of New York, in the State of New York in The

¹ Document 11.

United States of America This twenty fourth day of November, in the Year of Our Lord One thousand eight hundred and Seventeen.

Witness

JAMES T. AUSTIN. *Ag^t USA*

ANTH: BARCLAY *Sec^y*

JOHN HOLMES [Seal]

THO BARCLAY [Seal]

[Covering Letter]

NEW YORK 24th November 1817.

SIR The undersigned Commissioners appointed by virtue of the fourth 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 Second Article of the Treaty of Peace¹ of One Thousand, Seven hundred and eighty three. The Commissioners have the Honor 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 Honor to be with perfect respect Sir Your obedient and humble Servants

J HOLMES

THO BARCLAY

The Hon^{ble} JOHN QUINCY ADAMS

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NOTES

Two originals of the decision, engrossed on parchment, are with the covering letter in the treaty file.

Communication of the fact of the decision was made by President Monroe in his annual message to Congress of December 2, 1817; and copies of the papers were transmitted on February 25, 1818 (Richardson, II, 12, 28).

¹ Document 11.

For an account of the proceedings of the Commissioners under Article 4 of the Treaty of Ghent (Document 33), see Moore, *International Arbitrations*, I, 45-64.

THE ISLANDS

A comparison of the present maps of the International Boundary Commission with the map dated September, 1817, which accompanied the Memorial of the Agent of the United States before the Commissioners under Article 4 of the Treaty of Ghent, shows that the islands which in 1817 were known as Moose, Dudley, and Frederick Islands, are now respectively known as Moose, Treat, and Dudley Islands. In other words, the Dudley Island of the award is now known as Treat Island, and the Frederick Island of the award is now known as Dudley Island.

Treat Island is mentioned in the treaties with Great Britain signed at Washington on April 11, 1908 (Article 1), and on May 21, 1910 (Article 1).

The maps compared (originals whereof are in the archives of the Department of State) are the following:

"A Map to accompany and elucidate the Memorial of the Agent of the United States in support of their claim to the Islands in the Bay of Passamaquoddy and the grand Manan in the Bay of Fundy. September 1817 Copied from a Map compiled from Actual Surveys by George Sproule Esq^r Surveyor Gen^l of the Province of New Brunswick. By W^m Taylor for James T. Austin Agent of U. S. under the 4th Art^{le} Treaty of Ghent." "International Boundary from the Source of the St. Croix River to the Atlantic Ocean," sheets Nos. 16 and 17, signed on July 21, 1925, by the Commissioners of the United States and of His Britannic Majesty appointed pursuant to Article 1 of the treaty of April 11, 1908, and to Articles 1 and 2 of the treaty of May 21, 1910.

The two maps of the International Boundary Commission above mentioned are part of a series of eighteen maps which are described in the notes to Document 23.