

The undersigned have the honor to be, with perfect respect, sir, your obedient and humble servants,

J. HOLMES.
THO. BARCLAY.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

DECISION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT, MADE NOVEMBER 24, 1817.

Nov. 24, 1817.

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 peace of one thousand seven hundred and eighty-three, between his said Britannic Majesty and the aforesaid United States of America.

Decision of the commissioners under Article IV, treaty of 1814.

[See treaty of 1814, p. 288.]

[See treaty of 1783, pp. 266, 267.]

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.

Moose Island, &c.

Other islands.

Signatures.

Date.

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 United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN HOLMES. [L. S.]
THO. BARCLAY. [L. S.]

Witness :

JAMES T. AUSTIN, *Agt. U. S. A.*
ANTH: BARCLAY, *Sec'y.*

GREAT BRITAIN, 1818.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS BRITANNIC MAJESTY, RESPECTING FISHERIES, BOUNDARY, AND RESTORATION OF SLAVES, CONCLUDED AT LONDON OCTOBER 20, 1818; RATIFICATION ADVISED BY SENATE JANUARY 25, 1819; RATIFIED BY PRESIDENT JANUARY 28, 1819; RATIFICATIONS EXCHANGED AT WASHINGTON JANUARY 30, 1819; PROCLAIMED JANUARY 30, 1819.

Oct. 20, 1818.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say :

Contracting parties.

Negotiators.

The President of the United States, on his part, has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France, and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty; and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy and President of the Committee of Privy Council for Trade and Plantations, and Henry Goulburn, Esq., one of His Majesty's Under Secretaries of State;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Definition of
common right of
fishing.

[See Articles I
and II, treaty of
1854, pp. 330, 331;
also, Article XVIII,
treaty of 1871, p.
362.]

Hudson Bay
Company.

Renunciation by
the United States.

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straights of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits: Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ARTICLE II.

Northern bound-
ary of the United
States.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

ARTICLE III.

It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

Country westward of the Stony Mountains.

[See Article I, treaty of 1827, p. 311.]

ARTICLE IV.

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty," concluded at London on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting also, so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

Convention of July 3, 1815, continued.

[See pp. 292-295; also, convention of 1827, pp. 311, 312.]

ARTICLE V.

Whereas it was agreed by the first article of the treaty of Ghent that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State, to be named for that purpose;* and the high contracting parties further engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters referred.

Reference to 1st article of treaty of Ghent.

[See Article I, treaty of 1814, p. 287.]

Claim for slaves.

Differences growing out of the claim for slaves.

ARTICLE VI.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by his Britannic Majesty and the respective ratifica-

Ratifications.

* Referred to the Emperor of Russia. See treaty of 1822, relative to indemnity under award, p. 303; also Supplemental Convention of 1826, p. 308.

tions mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the ratifications shall be exchanged in six months from this date, or sooner if possible.

Signatures.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Date.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

ALBERT GALLATIN.

[L. S.]

RICHARD RUSH.

[L. S.]

FREDERICK JOHN ROBINSON.

[L. S.]

HENRY GOULBURN.

[L. S.]

June 18, 1822.

DECISION OF THE COMMISSIONERS UNDER THE SIXTH ARTICLE OF THE TREATY OF GHENT, DONE AT UTICA, IN THE STATE OF NEW YORK, 18TH JUNE, 1822.

Decision of the commissioners.

[See Article VI, treaty of 1814, p. 290.]

The undersigned Commissioners, appointed, sworn, and authorized, in virtue of the sixth 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, in the year of our Lord one thousand eight hundred and fourteen, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the point where the 45th degree of north latitude strikes the river Iroquois or Cataragua, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication, into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783:" Do decide and declare, that the following described line, (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the sixth article of the treaty of Ghent, by a black line shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the Commissioners, and by the two principal surveyors employed by them,) is the true boundary intended by the two before-mentioned treaties, that is to say:

Description of the boundary of the United States.

Beginning at a stone monument, erected by Andrew Ellicott, Esquire, in the year of our Lord one thousand eight hundred and seventeen, on the south bank, or shore, of the said river Iroquois or Cataragua, (now called the St. Lawrence,) which monument bears south seventy-four degrees and forty-five minutes west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the forty-fifth parallel of north latitude strikes the said river; thence, running north thirty-five degrees and forty-five minutes west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores to a point opposite to the northwest corner, or angle, of said island; thence to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's Island; thence northerly, along the channel