

provisions of the said Convention of the 3d of July, 1815, were herein specifically recited.

Second

Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years; that is, after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Third.

Art. 3. The present Convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.

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

Done at London, the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN, (L. S.)
CHARLES GRANT, (L. S.)
HENRY UNWIN ADDINGTON. (L. S.)

CONVENTION

Sept. 29, 1827.

Between the United States of America and Great Britain.

Ratifications
exchanged,
April 2, 1828.
Proclamation
of the President
of the U. S.,
May 15, 1828.
Ante, p. 220.
Commission-
ers appointed as
provided by the
Treaty of Ghent.

WHEREAS it is provided by the fifth article of the Treaty of Ghent, that, in case the Commissioners appointed under that article, for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State, and that the decision given by such Sovereign or State, on such points of difference, should be considered by the contracting Parties as final and conclusive: that case having now arisen, and it having, therefore, become expedient to proceed to and regulate the reference, as above described, the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, have, for that purpose, named their Plenipotentiaries, that is to say: the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty; and his said Majesty, on his part, has appointed the Right Honorable Charles Grant, a member of Parliament, a member of His said Majesty's most Honorable Privy Council, and President of the Committee of the Privy Council for affairs of trade and foreign plantations, and Henry Unwin Addington, Esq. who, after having exchanged their respective full powers,

found to be in due and proper form, have agreed to, and concluded the following articles.

Art. 1. It is agreed, that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the fifth article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

Reference of differences to a friendly power.

The two contracting Powers engage to proceed in concert, to the choice of such friendly Sovereign or State, as soon as the ratifications of this Convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within two years after the Arbiter shall have signified his consent to act as such.

Art. 2. The reports and documents, thereunto annexed, of the Commissioners appointed to carry into execution the fifth article of the Treaty of Ghent, being so voluminous and complicated, as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting Parties, in such form and terms as each may think fit.

Statements of the respective cases to be drawn up.

The said statements, when prepared, shall be mutually communicated to each other by the contracting Parties, that is to say: by the United States to His Britannick Majesty's Minister or Chargé d'Affaires at Washington, and by Great Britain to the Minister or Chargé d'Affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present Convention.

After such communication shall have taken place, each Party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other Party, so communicated; which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting Parties, within twenty-one months after the exchange of the ratifications of the present Convention.

Art. 3. Each of the contracting Parties shall, within nine months after the exchange of ratifications of this Convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission, under the fifth article of the Treaty of Ghent.

Each of the contracting parties shall communicate to the other, the evidence intended to be offered.

Each of the contracting Parties shall be bound, on the application of the other Party, made within six months after the exchange of the ratifications, of this Convention, to give authentick copies of such individually specified acts of a publick nature, relating to the territory in question, intended to be laid as evidence before the Arbiter, as have been issued under the authority, or are in the exclusive possession, of each Party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either Party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description, be adduced or adverted to, by either Party, other than that mutually communicated or applied for, as aforesaid.

Each Party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners, or papers thereunto annexed, and other written documents laid

before the Commission under the fifth article of the Treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

Maps to be
annexed to the
statements.

Art. 4. The map called Mitchell's map, by which the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting Parties, as a delineation of the water courses, and of the boundary lines in reference to the said water courses, as contended for by each Party respectively, and which has accordingly been signed by the above named Plenipotentiaries, at the same time with this Convention, shall be annexed to the statements of the contracting Parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting Parties, of the topography of the country.

It shall, however, be lawful for either Party, to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed with the Commissioners under the fifth article of the Treaty of Ghent, any engraved map heretofore published, and also a transcript of the above mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water courses and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either Party, to the respective statements, shall be communicated to the other Party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this Convention, and shall be subject to such objections and observations, as the other contracting Party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

Statements,
&c. to be deliv-
ered to the ar-
bitrating power
within two
years.

Art. 5. All the statements, papers, maps, and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration, whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State, within two years after the exchange of ratifications of this Convention, unless the Arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents, shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents, shall ever be laid before the Arbiter, except as hereinafter provided.

In case the
arbiter should
desire further
evidence, &c.

Art. 6. In order to facilitate the attainment of a just and sound decision on the part of the Arbiter, it is agreed that, in case the said Arbiter should desire further elucidation or evidence in regard to any specifick point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both Parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specifick questions submitted by the said Arbiter, but no further; and such evidence and replies shall be immediately communicated by each Party to the other.

And in case the Arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he

may think fit; which surveys shall be made at the joint expence of the contracting Parties, and be considered as conclusive by them.

Art. 7. The decision of the Arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting Parties. The decision of the arbiter shall be final.

Art. 8. This Convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner, if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London, the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN,	(L. S.)
CHARLES GRANT,	(L. S.)
HENRY UNWIN ADDINGTON,	(L. S.)