SUBMISSION TO ARBITRATION OF NORTH-EASTERN BOUNDARY QUESTION

Convention signed at London September 29, 1827
Senate advice and consent to ratification January 14, 1828
Ratified by the President of the United States February 12, 1828
Ratified by the United Kingdom March 29, 1828
Ratifications exchanged at London April 2, 1828
Entered into force April 2, 1828
Proclaimed by the President of the United States May 15, 1828
Terminated January 10, 1831 [1]

8 Stat. 362; Treaty Series 118

WHEREAS it is provided by the fifth article of the Treaty of Ghent,[2] 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 Britannic 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, Esquire, 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

It is agreed that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as

[1] Date on which King of Netherlands rendered award. For text of award and a detailed study of this convention, see 3 Miller 319. Neither government accepted the award.
[2] Treaty signed at Ghent, Dec. 24, 1814 (TS 109, *ante*, p. 41).

described in the 5th 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.

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.

Article II

The reports and documents thereunto annexed of the Commissioners appointed to carry into execution the 5th 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.

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 Britannic Majesty's Minister or Chargé d'Affaires at Washington, and by Breat 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 ratifications of the present Convention.

Article III

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 5th article of the Treaty of Ghent.

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 authentic copies of such individually specified acts of a public 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 averted 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 5th article of the Treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

ARTICLE IV

The map called Mitchell's Map, by which the framers of the treaty of 1783,[3] 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 5th 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 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.

ARTICLE V

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 simulta-

[3] Treaty signed at Paris, Sept. 3, 1783 (TS 104, *ante*, p. 8).

neously 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.

Article VI

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 specific 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 specific 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 expense of the contracting parties, and be considered as conclusive by them.

Article VII

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.

Article VIII

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
Charles Grant
Henry Unwin Addington