

II. COURTS FOR DETERMINING DISPUTES AND DIFFERENCES BETWEEN TWO OR MORE STATES CONCERNING BOUNDARY, JURISDICTION, OR ANY OTHER CAUSE WHATEVER.

The provisions in the Articles of Confederation for the proceedings in the selection of the court in these cases were as follows: " Whenever the legislative or executive authority or lawful agent of any State, in controversy with another, shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot ; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause, shall agree in the determination."

The following are all the disputes between States which appear to have been brought before Congress for adjustment, including some in which no court was organized. Only one of them came to trial. There is an abundance of literature, both permanent and ephemeral, on the subject of these disputes ; but we are concerned only with the judicial aspect of the controversies, as shown in the Journal of Congress.

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NEW HAMPSHIRE *v.* VERMONT.

NEW YORK *v.* VERMONT.

MASSACHUSETTS *v.* VERMONT.

The controversy for the jurisdiction of the tract of land which became the State of Vermont antedates the Revolution. In 1750 " New York carried its claims to the Connecticut River ; France,