

THE COMMISSIONERS' REPORT.

To EDWARD KENT, Esq.

Governor of the State of Maine.

The Commissioners appointed and commissioned on the 3d day of Sept. last, under the resolve of the Legislature approved March 23, 1838, to ascertain, run and locate the north-eastern boundary line of the State, met at the Bangor House in Bangor on the 13th day of said September, for the purpose of organizing and conferring with the Governor and with each other upon the best and most practicable mode of accomplishing the objects of said resolve, and fulfilling the duties required of them by their appointment; and after a full and deliberate examination of the various considerations which might properly bear upon the question, they were led to concur with him in the opinion, that the only measure that could be attempted the present season, with any reasonable prospect of success, was an examination and exploration of the region round about the Northwest Angle of Nova Scotia, and a review of such part of the line of exploration run by the surveyors under the treaty of Ghent in 1817 and 18, as they might find time to examine as a preliminary measure to the commencement of the running and locating a meridian line from the monument.

One consideration, among others, which had great weight in leading to this course, was the fact, that the officers, agents and diplomatists of the British Government, had so long, so positively and pertinaciously asserted and maintained that no highlands could be found dividing the waters running into the River St. Lawrence from those which fall into the Atlantic Ocean, and answering in character and location to the highlands described and undertaken to be established as the boundary in the definitive treaty of peace—that not merely high officers of the Government, but many of our own people were strongly inclined to give credit to the assertion. It is true that a little reflection upon the subject might have seemed sufficient to convince any man of common sense, unless the laws of nature and of gravitation were reverse!, that these representations were entirely unfounded in truth, for unless water in that region did

not run down hill—or that it ran indiscriminately from the River St. Lawrence to the Atlantic Ocean, and from the Atlantic Ocean to the St. Lawrence, or unless the whole boundary line is in the bed of a lake or in an interminable morass, it must necessarily and inevitably follow that the lands which divide and separate these waters and turn them on their course in opposite directions, to remote and distant seas, are highlands in the sense intended by the treaty, whether you compare them with the level of the seas to which their waters flow, or the more immediate intervening lands through which they seek their passage. But it is nevertheless still further true, that even our own government has seemed recently to entertain some doubts of the existence of these highlands in the direction of a due north line from the monument. It was believed therefore to be exceedingly important to set them right on this point, and to test the truth or falsehood of the statements of the British authorities by an actual reconnoissance of the region in dispute.

The exploring line had, on former occasions, in the excursions of the Commissioners individually in the forest, in pursuing their own business, been seen and examined in various places, between the monument and the point where it crosses the river St. John; and therefore it did not seem to be necessary to do much on that line, unless it could be accurately run, so that no future survey would show any error in it. The State had not the proper instruments to run the true meridian or due north line, and it was ascertained that they could not be obtained and tested, as to their accuracy, in time to do any thing before the weather would prevent the survey this season.

It was concluded to make the chief explorations and surveys to the northward of the River St. John, and to, and about the Northwest Angle of Nova Scotia as described in the treaty of 1783, and thence westwardly on the highlands which divide the rivers emptying themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; and when the weather should prevent operations in that quarter, to examine the line south to the monument. Such instruments as were necessary for taking altitudes and levels, for such surveys as were necessary to be made this season, could be procured without great delay.

In pursuance of these views and of the instructions of the Governor, whose duty it was made by the Resolves to cause them to be carried into effect, arrangements were made

for procuring the necessary instruments, provisions and men for the exploration and survey this season. When they were procured, most of the men went with the provisions up the Penobscot and Sebois Rivers, from whence they carried over into the Aroostook River and descended it to the Little Machias River. Two of the Commissioners and Captain Parrott, the Surveyor, went by the way of the Aroostook River, and the other Commissioner by the way of Moose Head Lake and the Penobscot and Aliguash Rivers. From the Aroostook River one Commissioner and seven of the men went by the way of the Little Machias and Fish Rivers, and one Commissioner and the Surveyor descended the Aroostook, all intending to meet at the mouth of the Grand River, the first river falling into the River St. John from the north and westward of the exploring line, and twelve or thirteen miles from it.

The party which arrived first was to ascend the Grand river, without delay, and the others were to follow in succession as they arrived. The several parties arrived at different times. The first one ascended Grand river, leaving marks and directions at various places, by the river, at the Portages and on the line, advising the others of the best mode of following. The Commissioners, Surveyor and laborers, with three Indians, in all fifteen, arrived at the highlands near Metis river, a river emptying into the river St. Lawrence. The whole were there divided into three parties. One party explored the highlands and streams in various directions, another party explored and surveyed westwardly on the highlands dividing the waters, &c., and the third party, under the direction of Wm. P. Parrott, the Surveyor appointed by the Governor, took various observations to ascertain the longitude of the exploring line, and also to determine the magnetic variation, and made a vertical survey south on the line, to ascertain the elevation.

The land at the northern part of the exploring line, and in the region round about it, is found to be sufficiently high to divide the rivers emptying themselves into the river St. Lawrence from those which fall into the Atlantic Ocean. From the Metis, where it is intersected by the exploring line (called by the Surveyors under the fifth article of the treaty of Ghent, Beaver Stream,) the land rises in about one mile south of it on the exploring line, by the report and plan of William P. Parrott, the Surveyor, which is herewith communicated, more than three hundred feet. The land in this region is very high, in large swells, ridges and mountains. Between the Metis and

Katawamkedgewic, or the Great Forks of the Ristigouche, is the highest land found on the whole exploring line north of the monument. Such was the estimation of the Surveyors under the fifth article of the treaty of Ghent, in which estimation we fully agree.

The Metis, by the measurement of the Surveyor, as it appears in his report and profile, is five hundred and thirty one feet above the level of the Katawamkedgewic or Great Forks where the line crosses it, and in a distance of about fourteen and an half miles. Within about one mile South from the Metis, on the exploring line, the land rises to an elevation of three hundred and thirty feet above its level, and this is the spot where the rivers are divided and where the Northwest Angle of Nova Scotia is to be found. The line south of the Katawamkedgewic, or Great Forks, to the river Ristigouche, passes most of the way over high, broken and mountainous ridges, a little more depressed than those north of the Katawamkedgewic, and the depression increases, as the Ristigouche is approached.

South of the river Ristigouche, and between it and the streams emptying into the river St. John, is Sugar Mountain, or more properly Sugar Mountain Ridge—the line passes over the summit of it. It is a large swell, and a tract of fine land, free from stones and covered with a heavy growth of birch and rock maple, with a little mixture of fir and spruce. It is less elevated than the land before described to the north of the Ristigouche, and the Katawamkedgewic, to the river Metis. According to the principal British Surveyor under the fifth article of the treaty of Ghent in 1817, in Col. Bouchette's Survey, vertical section, and profile of the country from the monument ninety nine miles north, Sugar Mountain is shown to be the highest land upon or near the line, in that distance from the monument; which is undoubtedly the fact. They also exhibit a continual rise in the base of the whole country, as indicated by the level of the streams, and the land over which the line passes, to the waters of the Ristigouche. It shows the Meduxnakeag to be higher than the monument, and the Presq' Isle, the DeChute, Aroostook, St. John and Grand Rivers, all rising successively one higher than the other above the level of the sea—and the Wagansis, at the termination of the ninety-nine miles, is higher above the level of the sea than any river south of it. A copy of Col. Bouchette's survey and profile, is for the purpose of illustration annexed to our map.

William F. Odell, the British Surveyor of the continuation

of the exploring line from Sugar Mountain north, in 1818, says, "the general face of the country may be considered as "increasing moderately in elevation northward from the Ristigouche." It does so, as has been before shown. The levels of the rivers above the sea also increase. As far as the level of the Ristigouche and Katawankedgwie can be ascertained from comparative velocity, depth and width of the streams, formation of the bottom and sides, it appears, that the Katawankedgwie is as high, and probably higher, from the level of the sea, than the Ristigouche or Wagansis, where the line crosses them. Admitting the different streams to be of the same height above the level of the sea, the Metis or Beaver Pond, is five hundred and thirty one feet higher—a base line from which drawn South, will show a general inclined plane descending from thence to the monument at the source of the river St. Croix, and that the general elevation of the highlands will be between two and three thousand feet, also, above the level of the sea. Here is the place where the treaty of 1783 describes the Northwest Angle of Nova Scotia to be.

From the north west angle before described, westwardly between the rivers Metis and Rimousky, emptying themselves into the river St. Lawrence, and the Katawankedgwie, Green and Tuledi rivers, falling through channels of various names into the Atlantic Ocean, the base of the country rises; so do the highlands dividing the rivers, &c.; and so do the prominent points of land or mountains, above the level of the sea. The land must rise or at least cannot be depressed to the head of the river St. John and its other branches, as they are longer streams with rapid currents.

In some instances streams or rivers running in opposite directions have their sources on high and elevated land, which is wet, and filled with springs, and may very properly be called swamps—but in all such cases there is a dividing point, from whence the waters run in different directions, and discharge themselves into remote parts of the sea. The source of the Saco river and the Amonusuck, a branch of the river Connecticut, is a remarkable instance among others; they rise in the same swamp, and almost in the same pond, at an elevation of twenty five hundred or three thousand feet above the level of the sea. No doubt there may be found on the highlands dividing the waters &c. on the boundary line, swamps which drain each way. The most remarkable instance of the sort is at the source of the St. John, north branch of the Penobscot and Met-

jarmette, which discharges itself through the De Loup and Chaudiere into the river St Lawrence. The aforesaid rivers have their sources in the same swamp, within the compass of half a mile of each other, and in one instance, at least, streams run in opposite directions which are only six rods apart. The respective streams from this place, as well as from some others in this region, run for some distance through swamps and land but little elevated above them. The British here, have no difficulty in finding the highlands dividing the waters, &c. according to the treaty of 1783, as a part of the boundary. They are the highlands dividing the rivers, &c. and were such the case all the way on the line to the North West angle of Nova Scotia, it would be the line described, meant and intended by the treaty of 1783. All the elevation necessary on the line is, only one barely sufficient to divide the rivers, &c., not hills nor mountain ranges. The treaty says not a syllable about mountains, mountain ranges, or even hills.

The course of the Metis river by the North West angle, is northwestwardly and pursues that general course, from the best authorities, to the river St. Lawrence. The land on the southwestwardly side rises in a northwestwardly direction, and many streams are found running rapidly from it on the one hand into the Metis and St. Lawrence, and on the other into the Katawamkedgwie river and Atlantic Ocean. On the northeasterly side of the Metis a range of high and mountainous land is seen extending in a N. N. W. and S. S. E. direction for several miles. The whole region, as has been before shown, is very high and elevated above the level of the sea, and not only that, it is very much elevated above the streams which run through it. We also find by our exploration and examination, that there is no uncertainty or difficulty in tracing and locating the line from the North West angle of Nova Scotia westwardly along distinct highlands which divide the rivers &c. as described in the treaty of 1783.

The soil in the region round about the North West angle of Nova Scotia and on the line, appears to be of excellent quality, covered with a heavy growth of fir, spruce, yellow, black and white birch, mountain ash, cherry trees and a very few pines. In some places the hard wood predominates, but more generally the ever-green, particularly in the vallies. The soil is free from stones, of any considerable size, and rocks and ledges, none appearing above the surface, and where trees have been turned up by the wind, the soil appears to be of a reddish color, in which are intermixed fragments of reddish sand stone and slate.

The land on the river St. John and its tributaries is also of excellent quality; the soil is generally of a deep rich loam and free from stones; the ridges or swells of land are covered with a heavy growth of timber. But few inhabitants are settled upon it, perhaps three thousand or thereabouts, and where they cultivate it, their labor is abundantly rewarded, in the large crops of wheat, barley, buckwheat, oats, potatoes, hay, &c. Its great freedom from stones renders the cultivation easy. Pine timber is abundant on the river St. John and its branches, all of which are navigable for the transportation of supplies and the driving of logs nearly to their sources, and there is also an abundance of water power for mills. The resources of the country are great; whether its soil or its timber be considered, no equal portion of the State bears any comparison to it, and more than one half of the whole pine timber in the State is upon it.

It may be worthy of a passing remark, that the Southeasterly lake at the head of the Alaguash river is higher, probably thirty feet, than a lake opposite called Webster's pond, at the head of one of the branches of the east branch of Penobscot river. The distance from lake to lake, is half a mile, the land is low, and to every appearance a canal may be cut across at a small expense. If a dam were to be built at the outlet of the Banchemungemook lake, and a canal cut, the timber, from a great tract, which abounds in excellent pine timber, may be sent down the Penobscot river.

The Metis river limited the explorations to the Northward, and when the explorations in that region were interrupted by the weather, and could not be continued for the want of provisions, the exploration was continued South towards the monument, examining and ascertaining the course the exploring line was run, and the magnetic variation and longitude.

The exploring line run in 1817 and 1818, under the 5th article of the Treaty of Ghent, is well enough run and marked for the purpose for which it was intended, not being intended to be the permanent line. The line is a succession of slight curves, not varying much from a true meridian. The Surveyors, in 1817 and 1818, ascertained the magnetic variation at the Monument, the De Chute, Aroostook, Ristigouche, Mempticook or Little Forks, Katawamkedgwick or Great Forks, and at the Metis river. They began their survey with about 14° variation. and ended with about $17^{\circ} 15'$. The westerly variation

has increased, and is now, at the northwest angle, $19^{\circ} 12'$ nearly.

On the map accompanying this Report, the Commissioners have endeavored to give a true delineation of the features of the country, its rivers and mountains, as far as they could from their own explorations, and other explorations and surveys. The river St. John and its principal branches are laid down from explorations and surveys; the Fish, Aroostook and Penobscot rivers, and their branches, from the surveys as far as they have been made by Massachusetts, and Maine and Massachusetts. The heads of some of the westerly branches of the Fish and Aroostook rivers, and the branches of the Aliguash, are taken from the information given by Indians and others; so are some of the small and unimportant streams in other parts. The shores of the river St. Lawrence, and the rivers emptying into it, are taken from Col. Bouchette's map, published in 1815; so are the mountains and other features of the country, excepting only the river Etchemens and river du Sud, which were taken from Wm. Henderson's map, who says he laid them down from actual surveys.

The lines are described on the map, according to the British Proclamation of 1763, the Act of Parliament of 1774, and the commissions to the Governor of the Province of Quebec and Lower Canada; also the west line of the Province of Nova Scotia, from 1763 until the Province of New Brunswick was separated from it, and of the Province of New Brunswick to the present time, as the line is described in all the commissions to the Governors, also according to the Treaty of 1783, all showing the lines in the same place, so far as the State of Maine extends. These repeated and reiterated facts show that the Treaty of 1783 only adopted the lines previously established and well understood by the British; they also show that the British equally well know at this time where the lines thus established are, and must be applied to the surface of the earth. The only difference in the lines of the Proclamation, Act of Parliament, and Treaty, is about the heads of Connecticut river, and west of it, which are delineated upon the map as far west as it extends.

It is difficult to imagine a more certain and accurate description of boundaries than that contained in the Treaty of 1783, or which, with more certainty, can be applied on the earth's surface. Its monuments are as fixed and certain as

the pole and the everlasting hills, so long as the laws of motion and gravitation shall continue.

It may not be unimportant to inquire what the British claim is, and what the boundaries of their Provinces are, so far as they are connected with this question. It is well known, as an historical fact, that the British and French long contended for empire in America—each endeavoring to expel the other. Oct. 7, 1691, by the charter of William and Mary, the Province of Massachusetts Bay contained what is now the State of Maine and the Provinces of Nova Scotia and New Brunswick, with the part of Canada lying between Maine and New Brunswick on the one hand, and the river St. Lawrence on the other. In 1719, the Province of Nova Scotia had a separate Governor, without any specified limits, further than could be gathered from the description in the commission of “Nova Scotia, or Acadie, in America.” Thus the Provinces continued, until the peace which ended the war of 1756, and which put an end to the rights and jurisdiction of the French.

The Royal Proclamation of Oct. 7th, 1763, establishes the Government of Quebec, and so much of the southern boundary of it as is connected with the present controversy is: “whence the said line crossing the river St. Lawrence and “the Lake Champlain in forty-five degrees of north latitude “*passes along the highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea* and also along the north coast of the Bay “des Chaleurs and the coast of the Gulf of St. Lawrence, “to Cape Rosieres and from thence crossing the mouth of “the river St. Lawrence.”

Gov. James Murray was the first Governor of the Province of Quebec, and his commission was dated Nov. 21st, 1763, and contains the same description of boundary. In the commission to Gov. Montague Wilnot, dated Nov. 21st, 1763, appointing him Governor of the Province of Nova Scotia, the north and west boundaries are thus described: “To the northward our said Province shall be bounded by the southern “boundary of our Province of Quebec as far as the western “extremity of the Bay des Chaleurs.” *To the westward*, “it “shall be bounded by a line drawn from Cape Sable across the “entrance of the Bay of Fundy to the mouth of the river “St. Croix by said river to its source and by a line drawn “due north from thence *to the southern boundary of our colony*

"of Quebec." It follows that all the territory which was not taken by the Proclamation of 1763, and changed by the commission to Gov. Wilmot, was still the Province of Massachusetts Bay, and therefore its northeastern boundary was the river St. Croix, and a line drawn due north from its source to the south line of the Province of Quebec, and thence westwardly along the highlands which divide the rivers emptying themselves into the river St. Lawrence from those which fall into the sea, as far westward as the Province of Massachusetts Bay extended.

The same boundary as was described in the Proclamation of 1763, and in the commission to Gov. James Murray, was continued in the commissions to the succeeding Governors of the Province of Quebec, until after the passing of an Act by the British Parliament, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," passed in 1774. The Act aforesaid bounds the Province of Quebec, "*on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude on the eastern bank of the river Connecticut, keeping the same latitude directly west, through Lake Champlain, until, in the same latitude, it meets the river St. Lawrence.*" The lines described by the Proclamation and Act of Parliament differ only about the head of Connecticut river, and from Connecticut river to Lake Champlain.

In the commission to Gov. Frederick Haldimand, of the Province of Quebec, dated Sept. 18th, 1777, the same boundary is precisely and literally recited. The commissions to Gov. Campbell in 1765, to Gov. Legge in 1773, and to Gov. Parr in 1782, successive Governors of the Province of Nova Scotia, all contain the following boundaries: "*Bounded on the westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the river St. Croix, by said river to its source, and by a line drawn due north from thence to the southern boundary of our Province of Quebec; to the northward by the said boundary, as far as the western extremity of the Bay des Chaleurs; to the eastward by the said Bay and the Gulf of St. Lawrence,*" &c. Such were the boundaries of the respective British Provinces up to and at the time of the war of the revolution, made, and

recited again and again, by the King and Council, and Parliament, for a period of nearly twenty years.

The definitive treaty of Sept 3d, 1783, between the United States and Great Britain, declares and describes the boundaries as follows: "*And that all disputes which might arise in future, on the subject of the boundaries of the United States, may be prevented*, it is hereby agreed and declared, that the following are and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy." *East* by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence."

By a comparison, it will be readily seen that the boundaries differ in only one place from the boundaries which were established by the British, to wit, at the head of Connecticut river. The commission to Gov. Carleton, dated 22d April, 1786, a short period after the definitive treaty of peace, bounds his government "South by a line from the Bay of Chaleurs, *along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean*, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence due west on said latitude, until it strikes the river Iroquois or Cataraquy." Here it seems the British changed the line in their commissions to Governors, as they had done previously, after the alteration of the line by the Act of Parliament of 1774. A comparison also shows the exact coincidence of this line with the line described in the treaty of 1783. The successive Governors of the Province have been limited by the same line to the present time—although the Province of Quebec was in 1791 divided into two Provinces, called in the Act of division Upper and Lower Canada.

'After dividing the Province of Nova Scotia and establishing the Province of New Brunswick out of it, the Commission to Gov. Carleton bounds his government "Westward by the mouth of the river St. Croix by said river to its source, and by a line drawn due north from thence to the southern boundary of our province of Quebec, to the Northward by said boundary as far as the western extremity of the Bay des Chaleurs, to the eastward by said Bay and the Gulph of St. Lawrence to the Bay called Bay Verte," &c. Such have been the boundaries in the Governors' Commissions of the Province from that to the present time; even this year the Commission to the Earl of Durham, making him Captain General and Governor in Chief over the Province of New Brunswick in America bounds his Government westward "by the mouth of the river St. Croix, by said river to its source and by a line drawn due north from thence to the Southern boundary of our Province of Quebec, to the northward by the said boundary as far as the western extremity of the Bay de Chaleurs, to the eastward by the said Bay and the Gulf of St. Lawrence to the Bay called Bay Verte." A comparison of the boundaries shows them to be one and the same. A comparison of the boundaries further shows that the river St. Lawrence and the rivers emptying into it, are all clearly and distinctly placed in one class, and all other rivers, whether they fall into the Bay des Chaleurs, the Gulf of St. Lawrence, the Bay of Fundy, or any other Gulf, Bay or Sound, are placed in another distinct class, as rivers falling into the sea or Atlantic Ocean.

Examine the boundaries of the Province of Quebec, so far as the territory of the State of Maine is concerned, in the Proclamation of 1763, the act of Parliament of 1774 and in all the commissions of the Governors to the present day, and the southern boundary is uniform, by the highlands which divide the rivers &c. to the head of the Bay of Chaleur. Examine also the boundaries in the commissions of the Governors of the Provinces of Nova Scotia and New Brunswick and they are also uniform from 1763 to the present time, and they are bounded west by a line due north from the source of the river St. Croix to the Southern Boundary of the Province of Quebec, and northward by said boundary, as far as the western extremity of the Bay de Chaleurs, and to the eastward by said bay, the Gulf of St. Lawrence, &c. and what can be said of a pretence at this time, that the bay of Fundy is not, within

the true intent and meaning of all the boundaries, as established by the British and adopted by the treaty of 1783, a part and parcel of the Atlantic Ocean and included in that description of boundary ?

A brief notice of another class of facts may not be unimportant, as they tend to show the construction put upon the treaty boundary by legislators and agents of the British Government and their men of science.

In the session of Parliament in 1783 immediately succeeding the treaty, the ministry were charged with having made a bad bargain with the United States, by surrendering to them the country now in question; as it divided the British Provinces of Nova Scotia and Quebec. The charge was acknowledged by the Ministry, and their apology was that by giving the United States this territory it would secure a more lasting peace. The map published with the debates of that session shows the territory as claimed by us.

Judge Chipman, the British agent under the fifth article of the treaty of 1794 to settle what river was meant by the river St. Croix in the treaty of 1783, in his argument says—"It is sufficient here to observe, that at the time the treaty of peace was made in 1783, the Provinces of Quebec and Nova Scotia belonged to and were in the possession of the Crown of Great Britain and that his Britannic Majesty, at that time, had an undoubted right to cede to the United States of America such part of these territories as he might think fit; and that in making the cession of the territory comprised within the boundaries of the United States, as described in the second article of the treaty of peace, *his Majesty must be supposed to have used the terms describing these boundaries in the sense in which they had been uniformly understood by the British nation, and recognised in public documents and acts of Government. In this sense, and in no other, could they have been then understood, or can they now be claimed or insisted upon by the United States.* The Province of Nova Scotia at the time of the treaty of 1783, was, as has already appeared, bounded to the northward by the southern boundary of the Province of Quebec; which boundary was established by the Royal Proclamation of the 7th October, 1763, and confirmed by the Acts of the 14th of Geo. 3, chap. 83, passed in the same year with the act of Parliament already cited, by which it is enacted that all the territories, islands and countries in North America, belonging to the crown of Great Britain, bounded on the south by a line from the Bay of

“Chaleur, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty five degrees of northern latitude on the eastern bank of the River Connecticut, &c., be annexed to and made a part and parcel of the Province of Quebec.”

“As, then, at the treaty of Peace of 1783 the northern limit of Nova Scotia was along the highlands which divide the rivers which empty themselves into the river St. Lawrence from those which fall into the sea, *it unquestionably follows that the North West Angle of Nova Scotia, at the treaty of Peace of 1783, was the angle which was formed by a line drawn due north from the source of the river St. Croix to those highlands: If we compare this Angle with the North West Angle of Nova Scotia described in the treaty of Peace, viz: that Angle which is formed by a line drawn due north from the source of the St. Croix River to the same highlands, can it be said with any degree of propriety, that the limits and boundaries of Nova Scotia were unknown at the time of the treaty of peace of 1783, and that it therefore became necessary to give it a western boundary by the treaty itself, in these words to wit: that angle which is formed by a line due north from the source of the river St. Croix to the highlands?*”

“Can it be believed or for a moment imagined, that in the course of human events, so exact a coincidence could have happened between the actual boundaries of the Province of Nova Scotia and the boundary of it described in the treaty, if the latter had not been dictated and regulated by the former?”

“Can any man hesitate to say he is convinced that the commissioners at Paris in 1783, in forming the 2d article of the treaty of peace, in which they have so exactly described this northwest angle, had reference to, and were governed by the boundaries of Nova Scotia as described in the grant to Sir William Alexander, and the subsequent alteration of the northern boundary by the erection of the Province of Quebec?”

Again the British maps published separately or annexed to their histories, travels &c. after the Proclamation of 1763 until 1815, all represent the line as claimed now by the State of Maine. The maps published during the time which elapsed between the Provisional Treaty and the definitive treaty of peace to wit:

Sager and Bennet's United States of America with the British Possessions, &c., London 9th February, 1783.

Bew's North America, &c, (or Rebel Colonies, now United States) engraved for the Political Magazine, London, 9th February, 1783.

J. Wallis', United States of America, &c., London, April, 1783,

J. Carey's United States of America, &c., London, July, 1783,

all show the lines, as all the preceding had done, and show the understanding of the people, and the nation, and no doubt were intended to aid in or illustrate the debates in Parliament. One of them at least was, as it appears from its title and the purpose to which it was applied. Thus far has been detailed the understanding of the British Government and the people, including the intelligent portion of them—when too the attention of the whole nation was distinctly called to the subject, when every circumstance was the most exciting, when every circumstance was as fresh as it could be in the recollection of every one, and when if there had been the slightest doubt or misapprehension, it would have appeared on the one or the other side, still the government and men of science all collectively express but one and the same opinion. The boundaries are recognized and understood to be, where they had been before established by the British Government, adopted by the treaty of 1783, and the State of Maine now insists they are.

Again at the time of the treaty of Ghent in 1814 the British Commissioners wished to purchase or acquire the territory or a part of it, for some equivalent in territory or otherwise. The whole appears in the correspondence between the commissioners of the respective Governments at the time the treaty of Ghent was made.

Again in 1817 when the Agents and Commissioners under the fifth article of the treaty of Ghent met and instructed the Surveyors to run the line according to the treaty of 1783 according to the authority given them by the aforesaid fifth article, they instructed the surveyors to run an exploring line, and also a permanent line from the monument at the source of the river St. Croix due north to the rivers, or a river emptying into the river St. Lawrence, and thence along the highlands dividing the rivers emptying into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River. Thus far there appears to have

been no claim set up by the British to any part of the State of Maine, and had those instructions been throughout carried into full and complete effect, the controversy which now exists would have been long since settled; the boundary would have been established according to the ancient lines, and the treaty of 1783.

In 1818 the British Agent, Judge Chipman, had the address to procure the annulling of those instructions excepting so far as to continue the exploring line due north from the monument to a river emptying into the river St. Lawrence, leaving the line on the highlands dividing the rivers, &c., to the north-westernmost head of Connecticut River, excepting at a few points totally unexplored—even an exploring line was never run on that part of the boundary.

In the preceeding part of this report the boundaries have all been precisely and literally stated as contained in all the official acts of the British Government, to the present time, also the cotemporaneous construction of Parliament, and the understanding of their geographers, historians and men of science, and it may now well be asked by what authority do the provincial British Governments exercise any jurisdiction beyond the limits of their commissions, to tax, fine and imprison our citizens, and strip or suffer to be stripped the most available and valuable timber from our forests, and not only that, but interrupting and retarding the settlement of our domain consecrated by the toils and blood of our ancestors and secured to us by the solemn obligations of a treaty? The only answer is, by intrusion or invasion; their conduct has for a long time been an act or a succession of acts of war, and were the British to pursue such a course with any European nation of sufficient strength to meet her, (the Russian for instance) she would soon find herself involved in a war. It cannot fail to astonish every man of common sense that a nation, professing to be highminded and honorable, should so far depart from the course which they ought to pursue, as to attempt to wrest a portion of territory from the State of Maine, which all her official acts show so clearly belongs to it.

It may not be considered wholly unimportant to examine briefly the claim lately set up by the British Agents. The claim, if they are to be credited, originated in doubts and queries, and has been sustained by doubts and queries, mystifications and sophistries. They have been aided in their doubts and queries, no doubt, by the language and statements of the King of Holland, who seems to have had much difficulty, in not deciding

in favor of the U. States, and recommended a new boundary, on the ground, that inasmuch as the territory intervened between the British Provinces, and would interrupt their communication if it belonged to the United States, it could not be presumed that the British intended to give it up, when they and the United States made the treaty of 1783. At the same time the King did not spend much time in disposing of the new pretended claim of boundary, the British mountain range from Mars Hill.

Since the recommendation of the King of Holland the British appear to have taken courage, and say now the north-west Angle of Nova Scotia cannot be found according to the former description of boundaries and according to the treaty of 1783. The claim for a new boundary, when first promulgated by them, within a few years, appeared by their own statements to have originated in doubts, but not even now very tangible, but as far as they can be understood, they say Mars Hill is the North West Angle of Nova Scotia according to the treaty of 1783, and that a mountain range from thence extends to Mount Ktahdn. If they were to continue southwestwardly they might find other mountains, such as Mounts Bigelow, Abraham and Mount Washington the White Hills in New Hampshire, none of them having the slightest possible connexion with the sources of any streams emptying into the River St. Lawrence.

The British have taken good care not to explore the country with any accuracy, and only by distant views, where, by the force of a predisposition aided by imagination, from one and another place of observation, they could fancy detached mountains united in ranges, and could make out sketches accordingly. If they had been governed by fair and honest intentions, and a single desire to ascertain the truth, they would have surveyed the streams, the lands, especially the lands at the heads of the streams, flowing in different directions, and the mountains, and would have made maps showing accurately the true and exact features of the whole country; they would not have made and exhibited their fancy and imaginary sketches from Mar's Hill, Park's Farm, Ktahdn, and from the sources of the Main Penobscot River, laying down mountain ranges for many miles, where there are only lakes, level land, bogs and swamps. Such a course would not answer their purposes.

The British pretend that Mars Hill is the North West Angle of Nova Scotia according to the treaty of 1783. Where is Mars Hill? Does any stream or even spring flow

from it into the river St. Lawrence? The map shows its true position, that it is a detached eminence, surrounded by the river St. John and its tributary streams. The exploring line passes through a valley to the eastward of it, and southwest and north, it is divided from any thing like a mountain range, or even a hill, by rivers, low and level lands for several miles. It is more than a hundred miles from the rivers emptying into the river St. Lawrence, and so far from dividing the rivers emptying into the river St. Lawrence from those which fall into the Atlantic Ocean, it only divides streams and rivers emptying themselves into the river St. John. It cannot be approached in a due north line from the monument at the source of the St. Croix River, except by crossing Bull's Stream, the Meduxnekeag, Presqu' Isle and other streams all emptying into the river St. John; Mars Hill cannot therefore come within the boundary described in the treaty.

The North West Angle of Nova Scotia is on the south line of the Province of Quebec, at the heads of the rivers emptying into the River St. Lawrence. To have been consistent, the Province of New Brunswick ought not to have claimed and exercised jurisdiction so many miles in a due north line, north of the assumed North West Angle of the Province. The Province of Quebec ought to have claimed and exercised the jurisdiction from 1763 and ought not to have allowed Nova Scotia or New Brunswick to have gone any further north. The boundaries and the late claim are totally inconsistent.

It has already appeared that the British Surveyors were too cautious to survey the line they seemed to pretend to claim, being aware that a true developement of facts would overcome theory or statement—and such sketches as could be made from distant positions. On the map accompanying this report, the line from Mar's Hill is laid down according as the British claim it, from surveys made by Maine and Massachusetts of townships and the country on the line—and from surveys from Mar's Hill along the heads of the streams, to the carrying place between the north branch of Penobscot River and the south branch of the river St. John, made by Daniel Rose and George W. Coffin, land Agents of Maine and Massachusetts in 1828—and Daniel Rose in 1829, which show a few detached hills and fewer mountains, and that there is no continuous range of mountains uniting Mars Hill with Mount Ktahdn or in any other direction between the sources of the streams, as the British surveyors have reported, as having distinctly seen but

from remote points of observation. The hills and mountains are many miles assunder, divided by lakes, rivers and swamps, and level lands.

No one who examines the subject thoroughly, the long list of reiterated and positive evidence, and the late claim of the British, can suppose that the British ever expected to obtain it. However much it may reflect upon a nation calling themselves "*highminded and honorable*," it cannot be supposed that they ever expected, by any management, to obtain only a part to wit: a tract to the northward of the river St. John, to secure their intercourse between the Provinces.

If the subject is examined in all its bearings and consequences, it will be perceived that the territory north of the River St. John is the key stone of the arch, and if given up, leaves the whole territory watered by the river St. John and its tributaries, at the mercy of the British, and essentially a part of the Province of New Brunswick. They, by commercial or other regulations, can render the vast quantities of fine timber now standing and growing in that region valueless to the State of Maine; they may harvest the profits of the lumber and the industry of the people, and make them dependent, and prevent any thing but a nominal connection with the State.

If the right of passage be deserved by either party, by the British, between their Provinces through the State of Maine, or by the State of Maine between their territory and the sea, for either party to transport their mails or productions or whatever they please, there does not appear to be any very strong or reasonable objection to it. A reciprocal arrangement might be made, securing the rights of passage to each, which would be mutually beneficial, and to carry such arrangements into full and complete effect no cession of Territory by either party is necessary.

In a time of war the free use of the right of passage might be interrupted according to inclination or the force of the parties. A cession of territory by either party, will give to the party to whom the territory is ceded a decided advantage. The party who has the cession of territory can by regulations or by the conduct of her officers, whenever it sees fit, interrupt the passage, for which there will be no redress except through negotiation or war. Should it be thought advisable to grant a right of passage, and that too on reciprocal grounds, leaving the territorial jurisdiction where it now belongs, it would leave each party with equal rights and equal coercive powers,

and ensure the most lasting continuance to the arrangement.

A right on paper only, securing the free navigation of the river St. John to the State of Maine or the United States, as far as any opinion can be formed from the continual and daily violation, by the Province, of the most solemn acts of the British government, if the State of Maine yields the right of sovereignty of any portion of her territory at the north, would be of very little or no value. Her citizens in the transit of their lumber or their produce might be continually interrupted, their property might be detained, without their being able to procure redress during the period of their lives, as redress must depend upon a long protracted negotiation of which we have sufficient experience, or a war.

The Commissioners are preparing a map of the country to explain and illustrate the prominent parts and features presented in their report, and to which map reference has been repeatedly made. But the map not being completed, they can with this report deliver only a rough draft as far as they have made it, but will deliver a more perfect map of the country as far as past explorations and surveys furnish the authorities, as soon as it can be finished. Future explorations and surveys will, no doubt, develop new facts which can hereafter be added. It has been, and is, the intention of the Commissioners, to represent the great and prominent features of the country, its principal rivers and branches, and its mountains correctly, which they presume they shall accomplish, while many of the minor parts may be less accurate for the want of the proper authorities.

The map accompanying this Report is marked No. 1.

Gen. Irish's Plan is marked No. 2.

Wm. P. Parrott's Report and Plans are marked No. 3.

A copy of Col. Bouchette's vertical section, from the monument at the source of the river St. Croix, North ninety-nine miles, taken by him in 1817, while he was the principal British Surveyor under the fifth article of the Treaty of Ghent, is marked No. 4.

The Commissioners having been by their instructions directed to make further enquiries, they will, as soon as they can, make another report, embracing all the subjects to which their attention was called and which are not embraced in this Report.

JOHN G. DEANE,	}	Commissioners.
M. P. NORTON,		
JAMES IRISH.		

Augusta, Dec. 31, 1838.