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The Commissioners Report to Edward Kent, Esq. Governor of the State of Maine 1838

Maine. Commissioners of the North East Boundary

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The commissioners appointed & commissioned on the third day of Sept. last, under the resolve of the Legislature approved March 23, 1838, to "ascertain, run and locate" the boundary line of the state, respectfully-report ask-leave-respectfully-to-report, that-they met at the Bangor house in Bangor on the thirteenth day of said Sept for the purpose of organizing & conferring with the Governor & with each other upon the best & most practicable mode of accomplishing the objects of said resolve & fulfill required ing the duties imposed-upon them by their appointment & after a full & deliberate consideration-of examination of the various considerations which might properly bear upon the question it-was they were led to concur with him in the opinion that the only measure that could be attempt the present season, with any reasonable prospect of success, was an ex- amination & exploration of the region round about the north west angle of Nova Scotia & a review of such part of the line of exploration run by the surveyors under the treaty of Ghent in 1817 & 18 as they might find time to examine as a preliminary measure to the commencement of the running & locating a meridian line from the monument.

One consideration, which among others which had great weight in leading to this course was the fact, that the officers, agents & diplomats of the British Government, had so long & so positively & so pertinaciously asserted & maintained that no highlands could be River found dividing the waters running into the St. Lawrence from those
which fall into the Atlantic Ocean & answering in character & location to the highlands described in-the-definitive-treaty & 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 & of gravitation were reversed, that these representations were entirely unfounded in truth, for unless water in that region did not run down hill—or that it run indiscriminatively from the River St. Lawrence to the Atlantic Ocean & from the Atlantic Ocean to the St. Lawrence or unless the whole in the bed of a lake or in an interminable boundary line is on-bush-op-reversed-highlands,—perhaps-in-the-bed-of morass e-river, it must necessarily & inevitably follow that the Lands dividing & separating these waters and turning them on their course in opposite directions, to remote & 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 over which these waters take 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, to be exceedingly important to set them right on this point & to test the or falsehood truth, of the region in dispute.

In pursuit of these views & after instructions of the Executive cause whose duty it was made by the resolves themselves to carry them into effect to be carried into effect—arrangements were etc.—
The exploring line had, on former occasions, in the excursions of the commissioners individually in the forest, in pursuing their own business individually, 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 it. The State had not the proper instruments the true meridian or due north line, and it was ascertained, they could not be ascertained and tested as to their accuracy in time to do anything that season 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 north-west 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 and such surveys as were necessary to 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 British themselves to cause them to be carried into effect arrangements &c &c
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 Penobscott and Sebois river, from whence they carried over into the Aroostook river and descended it to the little Machias river. Two of the Commissioners and Capt. Parrot the Surveyor went by the way of the Aroostook river, and the other Commissioners by the way of Moosehead lake and the Penobscot and Aleguash 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 mouth of the Aroostook, all intending to meet at the Grand river, the first river of several falling into the river St. John from the north-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 rivering others at the portages and on the line, advising them of the best mode of following. The Commissioners, Surveyor and laborers, with three Indians, all in number fifteen including all, arrived at the highlands near Metis river, a river emptying into the river St. Lawrence. The whole was 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.
under the direction of Wm. Parrot the Surveyor appointed by the Governor and the third party took various observations to ascertain the longitude of the exploring line and also to determine the magnetic variation and make 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, (called by the surveyors under the fifth article of the treaty of Ghent, Beaver Stream) the land rises in south of it on the exploring line, of Wm. P. Parrot about one mile, by the report and plan of 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 Katawamkedgwi 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 Ghent, in which estimation we fully agree.

The Metis by measurement of the surveyor in his report and profile is five hundred and thirty-one feet above the level of the Katawamkedgwi or great forks where the line crosses it, and in a distance of about fourteen and a half miles. Within about one mile from the Metis, the land rises to an elevation of three hundred and thirty feet above its level. The divided and where the North West angle of Nova Scotia is to be found, line South of the Katawamkedgwi, 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 Katawamkedgwi, and the depression increases, as the Ristigouche is approached.
South of the river Ristigouche and between it, and the stream empty-
ing 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 & a tract of fine land, free from stones and covered with an 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 Katawamkedgwie, to the river Netis. According to the
principal British surveyor under the fifth article of the treaty of Ghent
in 1817, Col. Bouchette's survey, vertical section, and profile of the
country from the monument ninety-nine miles north, sugar mountain is shown
land

in that distance from the monument
to be the highest upon, or near the line, which is undoubtedly the fact.
show

They also, 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 river Ristigouche. It shows the Meduxnekeag to be
higher than the monument, and the Presquiale, the DeChute, Aroostook,
successively
St. John and Grand rivers all rising, one higher than the other above
the level of the sea and the Wagensis at the termination of
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 the map.-

Wm. T. Odell the British surveyor of the continuation of the explor-
ing line from Sugar Mt. North, in 1818 says "the general face of the coun-
try may be considered as increasing moderately in elevation northward from
the Ristigouche". It does as has been before shown. The levels of the
waters above the sea also increase. As far as the levels of the streams
the Ristigouche and Katawamkedgwie can be ascertained from comparative
velocity, depth and width of the streams formation of the bottom and
sides, it appears, that the Katawamkedgwick is as high, if not higher from the level of the sea, than the Ristigouche or Wagensis 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 will show a general inclined plan as descending from thence to the monument, and that the general elevation of the highlands will be between 8 and three thousand feet also, above the level of the sea. There is the place where the treaty of 1783 describes the North West angle of Nova Scotia to be.

From the North West angle before described, westwardly between the rivers Metis and Rimausky emptying themselves into the river St. Lawrence, and the Katawamkedgwick, Green and Tuledi rivers, falling through various channels of various names into the Atlantic Ocean, the base of the country rises as so rivers do the highlands dividing the waters &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 of 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, in distant parts of the sea. The source of the Saco river and the Amosucuck, a branch of the river Connecticut is a remark- among others able instance; 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 sources of the St. John, north branch of the Penobscot, and Metgamettda 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, either 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, find 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 waters &c and were such as to be 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, only one barely sufficient to divide, 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 authorities to the side river St. Lawrence. The land on the Southwestwardly runs in a northwestwardly direction, and many streams are found running rapidly from it on the one hand into the Metis, and on the other into the Katawanskedgwe & Atlantic Ocean river. On the northwesterly side of the Metis a range of high and mountainous land is seen extending several miles in a N.N.W. & S.S.E. direction for several miles. The whole region as has been before shown, is very high & elevated above the level of the sea, and not only that, it
is very elevated above the streams which run through it. We also find by our explorations and examinations, that there is no difficulty in tracing and locating the line from the North West angle of Nova Scotia westwardly along distant highlands which divide the rivers &c as described in the treaty of 1783.

The soil in the region round about the N. West angle of Nova Scotia and on the line appears to be of excellent quality covered with an heavy growth of fir, spruce, fir yellow, black & white birch, mountain ash cherry trees and a very few pines. In some places the hard wood predominates, but more generally the soft-woods particularly in the valleys. The soil is free from stones of any considerable size or rocks or ledges, none appearing above the surface and where trees have been turned up by the wind, the soil appears to be of a redish colour, in which are limited fragments of redish sandstone & slate.

The land on the river St. John is also of excellent quality, the soil is generally a deep rich loam and free from stones, the ridges or swells of land are covered with an heavy growth of timber. But few inhabitants are settled upon, 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. Fine timber is abundant on the river St. John and its branches, all of which are navigable for the transportation of supplies and the driving the 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 in the State is upon it.
It may be worthy of a passing remark, that the southeasterly lake at the head of the Aleguash river is higher, probably thirty feet, than a lake opposite called Websterspond at the head of one of the branches of the east branch of Penobscot river, the distance from lake, is half a mile the land is low, and to every appearance a canal be cut across at a small expense. If a dam were to be built at the outlet of the cut Bemchemungamook lake and a canal 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 variations and longitude.

The exploring line run in 1817 & 1818 under the fifth 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 surveyor ascertained the magnetic variation at the monument, the De Chute, Aroostook, Ristigouche, Nempticook or little forks, Kata-rivers wamkedgwie or great forks and at the Metis. They began their survey with about fourteen degrees variation, and ended with about seventeen degrees and forty-five minutes. The westerly variation has increased and is now at the North West angle, 19° 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 and Aroostook rivers, and their branches from the surveys as far as the have been made by Massachusetts or 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 Etchemen and River du Sud which, taken from Wm. Henderson's map who says he laid them down from actual surveys.

The lines are described on the map, according the British proclamation of 1763, the act of Parliament of 1772 and the commissions to the governors 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 shewing the lines in the same place so far as the state of Maine extends. These repeated and reiterated parts, shew that the treaty of 1783, only adopted the lines, previously established by, and, were well understood by the British; they also shew that the British equally well know at this time where the lines then established are, and must be applied to the
surface of the earth. The only difference in the lines of the Proclamation and treaty
Act of Parliament is about the heads of Connecticut river and west
of it, which are delineated upon the map as for west as it extends.

It is difficult to imagine a more certain and accurate description of boundaries than those contained in the treaty of 1783, or a
description of boundary which, with more certainty be applied on the
earth's surface. Its monuments, 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 enquire what the British claim is,
and what the boundaries of their Provinces are, so far as they are connected with the Northeastern boundary? It is well known as an historical
fact, that the British and French, contended for empire in America—each endeavoring to excel 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 Province of Nova Scotia and New Brunswick, with
the part of Canada lying between Maine & 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
in the commission could be gathered from the description "Nova Scotia or Acadia in America". Thus the Provinces continued until the peace which ended the
War of 1756, which put and to right a jurisdiction of the French.

The Royal Proclamation of Oct. 7th, 1763 establishes the govern-
as is connected with present controver-
of Quebec and so much of the southern boundary it is "whence the said
"line crossing the river St. Lawrence & the Lake Champlain in forty-five
"degrees of North Latitude passes along the highlands which divide the
"rivers that empty themselves into the 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 Gulph of St. Lawrence to Cape "Rosieres & from thence crossing the mouth of the river St. Lawrence, &c."

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 Wilmot dated Nov. 21st, 1763 appointing Gov. of the Province of Nova Scotia, the North & West boundaries are thus described "To the North-
ward 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 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 Massas-
chusetts Bay extended.

The same boundary as was described was continued in the Procla-
tion of 1763 and in the Com to Gov. James Murray was continued in the Commissions to the succeeding Governors of the Province of Quebec untill 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 1772. 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 direct by 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 Frederic Haldimand of the Province of Quebec dated Sept. 1777 the same boundary is precisely and literally recited. The Commissions to Gov Campbell in 1765, to Gov Legge in 1773, & to Gov Parr in 1782 all successive Governors of the Province of e 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 same river to its source and by a line drawn due North from thence to the boundary as far as the western extremity of the Bay des Chaleurs, to "the eastward by the said Bay and the Gulph of St. Lawrence &c." Such were the boundaries of the respective British Provinces at the time of the Revolution, made, and recited again, & again by the King & Council, and Parliament, for a period of nearly twenty years. Between Great-Britain & the United States & Britain the definitive treaty of Sept 3rd 1783, declares and describes the boundaries as follow "And that all disputes which might arise in "future on the subject of the boundaries of the U States may be pre-
"vented, it is hereby agreed and declared, that the following are and
"shall be their boundaries, viz: From the North West 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 North Westernmost head
"of Connecticut river; thence down a long the middle of that river to the
"forty-fifth degree of North Latitude; from thence by a due west line on
"said latitude untill it strikes the river Iroquois or Cataraguy. "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 boundaries in the said boundaries
differ in only one place from the preestablished lines which were estab-
lished by the British to wit at head of Connecticut river. The commis-
sion to Gov Carleton dated 22d April 1786 a short period after the defini-
tive treaty of bounds his government "South by a line from the Bay of
"Chaleur along the highlands which divide the rivers that empty them-
"selves into the river St. Lawrence from those which fall into the Atlan-
"tico to the Northwesternmost head of Connecticut river thence down alo-
"the middle of that river to the forty-fifth degree of north latitude from
"due
"thence west on said latitude untill it strikes the river Iroquois or
"Cataraguy. There it was the British changed the line in their Commis-
sions as they had done previously after the alteration the line by the
act of parliament of 1772. A comparison also shews the exact coincidence of this line with the 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 & Lower Canada.

After the division of the Province of Nova Scotia and establishing the Province of New Brunswick out of it, the Commission to Governor 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 de Chaleurs, to the eastward by said Bay and the Gulph of St. Lawrence to the Bay called Bay Vesti &c." Such have been the boundaries in the Governors Commissioners of the Province from that to present time—even this year the Commission to the Earl of Durham making him Capt 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, the to the northward by said boundary as far as the western extremity of the Bay de Chaleurs to the eastward by the said Bay and the Gulph of St. Lawrence to the Bay called Bay Vesti." A comparison the Boundaries show them to be one and the same. A comparison of the boundaries further shews 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 de Chaleur, the Gulph of St. Lawrence, the Bay of Fundy or any other Gulph Bay or Sound, are placed in another distinct class.
as rivers falling into the sea or Atlantic Ocean.

so far as the territory of the State of Maine is connected

Examine the boundaries of the Province of Quebec, in the Procla-

mation of 1763 - the act of Parliament of 1772 and in all the Commissions

of the Governors to the present day, and the Southern Boundary is uni-

form, by the highlands which divide the waters &c to the head of the

Bay of Chaleur. Examine also the Boundaries in the Commissions to the

& New Brunswick

Governors of the Provinces of Nova Scotia and, 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 des Chaleurs, and to the eastward by said

Bay, the Gulph 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 mean-

ing of all the boundaries established as aforesaid by the British and

Ocean

adopted by the treaty of 1763, a part and parcel of the Atlantic, and in-

cluded in that description of boundary? To call such a pretence, by no

harsher name, it is nonsense.

A brief notice of another class of facts may not be unimportant

as they tend to shew, the construction put upon the treaty boundary by

legislators & agents of the British Government and their men of science.

succeeding

In the session of Parliament in 1783 immediately after the

treaty, the ministry were charged with having made a bad bargain with the

U States, by surrendering to them the country now in question, as it di-

vided the British provinces of Nova Scotia & Quebec, the charge was ac-

nowledged by the ministry, and their apology was that by giving the U

States this territory it would secure a more lasting peace. The map

published with the debates of that session shews 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 ob-
serve, that at the time of the treaty of peace made, in 1783, the Pro-
vinces of Quebec & Nova Scotia belonged to and were in the possession
of the Crown of Great Britain, and that his Britannic Majesty, had at
that time, an undoubted right to cede to the U States of America such
part of those territories as he might think fit; and that in making the
cession of the territory comprised within the boundaries of the U States,
"as described in the 2d article of the treaty of peace, his Majesty must
to have used
"be supposed as using these terms describing these boundaries in the
"sense in which they had been uniformly understood by the British nation,
"and recognized in public documents & acts of the Government. In this
"sense, and no other, could they have been then understood, or can they
"be now claimed or insisted upon by the U States. The Province of Nova
"Scotia was at the time of the treaty of 1783, was, as has already ap-
ppeared, bounded at the northward by the Southern boundary of the province
"of Quebec, which boundary was established by the royal proclamation of
"the 7th Oct 1763, and confirmed by the

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"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 G. Britain, bounded 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, &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 time of the treaty of peace of 1783 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 at the time of the treaty of peace of 1783 and that it therefore became necessary to give it, 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 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 North West 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 to the time of the revolution— all represent the lines 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. Carey's United States of America, &c. London, July, 1783. done and all show the lines, as all the proceeding had showed the understanding of the people, and the nation, and no doubt were intended to aid in, or least illustrate the debates in Parliament, one of them at was, as it appears from its tittle 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 nation was distinctly whole then 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 and all collectively express but one and the same opinion. The boundaries are recognized & 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 & 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, & 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 rivers the waters emptying into the river St. Lawrence from those which fall into the Atlantic Ocean to the Northwestern most head of Connecticut river. Thus far there appears to have been no claims set up by the British to any part of the State of Maine, and had those instructions been throughout carried it to 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 1816 the British agent Judge Chipman had the address to procure the amending 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, having the line on the highlands dividing the waters &c., to the northwestern most head of Connecticut river excepting at a few points totally unexplored. An exploring line was never run on that part of the boundary.
In the proceeding 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 cotemporeaneous construction of parliament, and the understand of geographers, historians and men of science, and it may now well be asked by what authority do the provicial British governments exercise any jurisdiction beyond the limits of their commissions, 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 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 Russians for instance) she would have to answer for it at the common mouth. It cannot fail to astonish every man of common sense that a nation professing to be high minded and honorable should so far depart from the course which they ought to pursue, as to attempt to wrest (by legerdemain) a portion of territory from the State of Maine, which all her official acts, shew so clearly belongs to it.

It may not be deemed totally unimportant to examine the claim set up by the British or more particularly by their agents. The claim if they are to be credited, originated in doubts, and has been kept alive by mistification and sophistry. They have been aided in their doubts by the reasoning of the King of Holland, and he seems to have had much difficulty in not deciding
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, queries, mistification and sophistry. They have been aided in their doubts and queries, no doubt, by the possession 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 that the territory intervened between the British Provinces and would interrupt their communications if it belonged to the U States, it could not be presumed that the British intended to give it when they and the U States made the treaty of 1783. At the same, the King did not spend much time in disposing of the new pretended boundary, the British mountain range from Mars hill.

Since the recommendation of the King of Holland the British appear to have taken, and say now, the Northwest angle of Nova Scotia, cannot be found according 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 Mt. Ktahdn. If they were to continue Southwestwardly they might find other Mountains such as Mt.s. Bigelow, Abraham & Mt. Washington of the White hills in New Hampshire, none of them having the slightest possible connexion with the sources of any stream emptying into the river St. Lawrence.
The British have taken good care not to explore the country with any care 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 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 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 Mars hill, Park’s farm, Ktahdn, and from the sources of the Main Penobscot river, laying down mountain ranges for many miles, where there, only lakes, level land, bogs and swamps. Such a course would not answer their purpose.

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 passes through a valley to the eastward of it, and south west and north, it is a mountain range or even divided from anything like an hill by rivers, a low and miles level lands for several miles. It is more than an hundred, 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 divides to the Atlantic Ocean, it only streams and rivers emptying themselves in, 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
Bulls stream, the Meduxnekeag, Presqu' Isle and other streams all empty-
ing into the river St. John; Mars hill cannot therefore come within the
boundary described in the treaty.

The northwest 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 British and the Province of
New Brunswick ought not to have claimed and exercised jurisdiction, many
miles in a due north line, north of the northwest angle of the Province.

The Province of Quebec ought not to have claimed and exercised the jurisdiction
from 1783 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 development of facts would overcome theory or fancy—and such sketches
as could be made from distant positions. On the map accompanying this
report, the line from Mars 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 Mars hill along the heads
of the streams, to the carrying place between the North branch of Penob-
scot river and the South branch of the river St. John, which show a few
detached hills and fewer mountains & that there is no continuous range
of mountains uniting, with Mt. Katahdan ever or any where between the
sources of the streams, as the British surveyors have reported, as having
been distinctly seen, but from remote points of observation. The hills and mountains
are many miles asunder, divided by lakes, rivers, and swamps, and level land.

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, upon a nation calling themselves "high minded 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 the 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 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 pine timber now standing and growing in that region valueless to the State and make and make depend, and prevent anything but a nominal connexion with the state. No consideration, ought, to induce the state to give up any portion of the territory which was secured by the toils and blood of the Patriots of the Revolution, and guaranteed by the treaty of 1783.

If the right of passage be desired by either party, by the British, between their provinces, 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 an arrangement into full and complete
effect
complete, no cession of Territory by either party is necessary.

In 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 by the conduct of her officers can by petty regulations or otherwise, whenever it sees fit interrupt the passage, for which there will be no redress except through negotiation, of which should it be thought advisable to grant a right of passage or war. Nothing more than the right of passage ought to be granted, that and, too, on reciprocal grounds, leaving the territorial jurisdiction where it now belongs. It would leave such party with equal rights and equal coercive power ever-each-other, and ensure the most lasting continuance to the arrangement.

A right on paper only, securing the free navigation of the river or the U States St. John to the State of Maine, as far as any opinion can be formed, from the continual and daily violations, by the Province, of the most solemn acts of the British government, if the State of Maine yields to the right of sovereignty of any portion of her territory at the north, would be of very little value. Her citizens in the transit of their lumber or their produce might be continually interrupted, their property might be detained, theiring without, be 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 facts 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, and will deliver a more perfect map of the country as soon as it can be finished as far as facts, explorations and surveys furnish the authorities. Future can explorations & surveys will, no doubt develop new facts which, 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 some of the minor facts may be less accurate for want of proper authorities.

The map accompanying this report is marked No 1

Wm P. Parrot's report and plans

Gen Irish's Plan is marked No 2 are

Wm P. Parrots Report & plans # marked No 3

Gen-Bouchettes-Ver

A copy of Col Bouchettes vertical section from the monument North from-the-source at the source of the river St. Croix, 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 directed

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

John G. Deane
M. P. Norton Commissioners
James Irish

Augusta Dec. 31, 1838