

Lastly. That this was admitted to be so by the State of Massachusetts, by their public acts in 1792, and by their published maps in 1816.

This then is perhaps one of the most remarkable instances in the history of diplomacy, where the language of a Treaty professing to obviate the possibility of all future disputes on the subject of boundary betwixt two countries, should have produced the very disputes which have prevented the execution of that same Treaty. We beg attention, therefore, to the language of the II<sup>nd</sup> Article of the Treaty of 1783, and propose, first to show the cause of the obscurity, and next, to clear that obscurity up.

“Article II. And that all disputes which might arise in future on the “subject of the boundaries of the said United States may be prevented, 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 St. Croix “River to the highlands, along the said highlands which divide those 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.”

Had the parties to the Treaty, previously to its being concluded, agreed among themselves, and distinctly described where those Highlands were actually to be found upon the surface of the territory which was to be divided, then the north-west angle of Nova Scotia, where the Treaty directs the boundary to BEGIN, could easily have been ascertained: but no such agreement having been recorded, it remained in the power of either of the parties to refuse to acknowledge as the “Highlands” of the Treaty, those Highlands which the other party claimed to be such; and so to prevent the execution of the Treaty. For the Treaty directs the Boundary to begin at a point which *never had been determined or ascertained in any manner, or at any time*, either directly, or indirectly, notwithstanding all the American allegations to the contrary. That point therefore is to this moment a non-existent point, and must for ever remain so, until the parties agree upon the two lines mentioned in the Second Article, to wit, the “Highlands,” and “the due North Line,” the junction of which is to give the “North-west angle of Nova Scotia.” Now the “Highlands,” as we have shown at page 22, were laid down in the map of Evans, published in 1755, were mentioned in the Royal Proclamation of 1763, and are described by Pownall in his work dated 1776. The inference, therefore, is clear, that they were publicly known, and that they were the “Highlands” intended in the Treaty of 1783. We also have shown at page 24, that the Government of Massachusetts assigned these same Highlands in 1792, as the northern limit of a contract for land made with some of their own citizens. But the language of the Treaty, which places the beginning of the boundary at a non-existent point, is in opposition to the law of inductive science, and to the progress of all practical human business, for it directs the parties to go from the *unknown to the known*, and to commence at the end instead of the beginning. It is not therefore surprizing that the Treaty has not yet been executed; nor is it to be wondered at that the British Government should be urged to adopt as the Highlands of the Treaty, other Highlands than the true ones, for the obvious reason, that the adoption of such a boundary would give to the United States, the whole of the territory in dispute.

But the difficulty of ascertaining this north-west angle, is not the only difficulty which has hitherto presented an insurmountable obstacle to the execution of the Treaty; for it will be found that the nature of each of the two important lines, whose junction is to create the north-west angle, requires to be carefully reconsidered, before Her Majesty's Government can be prepared to assert the British case upon its true merits.

Of these two lines, namely, the *Highlands*, and the *due North Line from the source of the St. Croix*, the first, when it shall be agreed upon, will give the Northern Boundary of the United States, from the north-western head of Connecticut River eastward, until it touches the due North Line; and the second will give the extreme eastern Boundary of the United States.

In entering upon the examination of the Question, where are those

Impossibility of  
executing the II<sup>nd</sup>  
Article, without  
first agreeing upon  
the line of  
Highlands.

Difficulties apper-  
taining to the two  
lines mentioned in  
the II<sup>nd</sup> Article.