

NOTE XIII.

It has been pretended that the grant of the fief of Madawaska, in 1683, can be urged as a bar to the claim of Massachusetts. That fief, indeed, was among the early grants of the French Governors of Canada; but it is not included in the claim which the French themselves set up. It was therefore covered by the Massachusetts charter, because the grant had never been acted upon. Even up to the present day, this fief can hardly be said to be settled or occupied, except by the retainers of the garrison of Fort Ingall; and, from all the evidence which could be found on the spot, it appeared that no settlement had ever been made upon it until the establishment of a post-house, some time between the date of the treaties of 1763 and 1794. It therefore was not, at the time the charter of Massachusetts was granted, (1691,) "actually possessed or inhabited by any other Christian Prince or State."

An argument has also been attempted to be drawn from the limits given on Greenleaf's map to a purchase made from the State of Massachusetts by Watkins and Flint. This purchase is, however, by the patent, extended to the highlands; and the surveyors who laid it out crossed the Walloostook in search of them. Here they met, at a short distance from that stream, with waters running to the north, which they conceived to be waters of the St. Lawrence, and they terminated their survey. The lines traced on Greenleaf's map are therefore incorrect, either as compared with the grant or the actual survey; and although, from a want of knowledge of the country, the surveyors stopped at waters running into Lake Temiscouata, instead of the St. Lawrence, the very error shows the understanding they had of the true design of the patent; and this transaction, so far from being an available argument against the American claim, is an act of possession at an early date within the limits of the disputed territory.