

the general understanding at that day, by describing *the highest points of land between the Atlantic and the Saint Lawrence*, as contained in a tract of country running north-easterly between the sources of the Du Loup, a branch of the Chaudière, and the east branch of the Penobscot.

The Proclamation of 1763 states also, that the line of boundary of the Government of Quebec, is to pass "along the north coast of the Bay of Chaleurs;" it does not state, as has been erroneously asserted, that the line passes along Highlands, which are on the north coast of the Bay of Chaleurs; but merely that it, the line, is to pass along the north coast, so as to place the whole of that part of the country, down to the water's edge of the bay, within the jurisdiction of Quebec. And it is a fact, which will hereafter be shown, that the Highlands do extend from the eastern sources of the Penobscot, to the Bay of Chaleurs, forming a perfect continuity of Highlands from that bay to the heads of the Chaudière.

The propriety of including all the settlements accustomed to be governed by French law, and professing, as the Canadians of those settlements did, the Roman Catholic Religion, was manifestly one of the motives for extending the jurisdiction of Quebec, wherever the settlements were French. This is evident, both from the language of the Proclamation of 1763, where the boundary line is directed to go 'also along the north coast of the Bay of Chaleurs,' because various fishing settlements were there; and from the recital of the same boundary in the Act 14 Geo. III, 1774, commonly called the Quebec Act, where the southern boundary is thus described:—

"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 Chaleurs along the highlands which divide the rivers that empty themselves into the 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."

No particular point of the Bay of Chaleurs is here mentioned at which this line is to begin, and there is nothing in this Act which forbids the jurisdiction of Quebec to go as far south as the southernmost point of the Bay of Chaleurs at Bathurst, in north latitude 47° 38'. But in the commission of Montague Wilmot, dated 21st of November, 1763, the Government of the Province of Nova Scotia is directed to "be bounded by the southern boundary of our Provinces of Quebec as far as *the Western extremity* of the "Bay des Chaleurs." And this is repeated in other commissions to governors at various periods. But as no part of the territory in dispute with the United States can lie east of the due north line from the source of the St. Croix, the Acts of the British Government touching the partitionment of lands between the Provinces of New Brunswick and Lower Canada, are not appropriate matters for discussion in the dispute with the United States. The real subject for discussion is purely the true direction of the highlands which "divide those rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic Ocean to the north-westernmost head of Connecticut River;" and is limited to that part of them which lies west of the due north line, and to the point at which the due north line from the sources of the St. Croix River comes to those highlands.

The southern boundary of Quebec intended to cover all Canadian Settlements.

Quebec Act, 14th Geo. III., 1774.

Commission of Montague Wilmot, 1763.

On a review of the preceding pages, it will be seen that we have shown, 1st. That the Colony of Massachusetts Bay acquired at no time any title to lands lying north of the *ancient limits of Acadia*, which extended only to the forty-sixth degree of north latitude.

2nd. That the height of land described by Evans and Pownall in 1755, extended to the eastern branches of the Penobscot.

3d. That the description of the southern boundary of the Province of Quebec in the Royal Proclamation of 1763, was derived from the information published by Evans, the highlands there spoken of being identical with the *height of land* laid down in Evans' map.

4th. That the Boundary description contained in the commission of Governor Wilmot and other governors; in the Quebec Act of 1774; in the Résolutions of the Congress in the Secret Journals; in the Royal Proclamation of 1763; and in the Treaty of 1783, are all identical with each other; and,—

Massachusetts has never acquired any title to lands north of 46° N. lat.