

REVIEW OF THE DOCUMENTARY AND OTHER EVIDENCE BEARING ON THE QUESTION OF ANCIENT BOUNDARIES, PREVIOUSLY TO THE TREATY OF 1783.

Having found the physical geography of the disputed territory very much at variance with all the accounts of it to which we had had access, and perceiving that the popular opinions regarding it both in Great Britain and in the United States of America, owed their origin to the previous surveys and negotiations respecting the Boundary Question, some of which surveys we found singularly at variance with our own careful observations made on the spot, as to the heights of some leading points of the country, of vital importance to the question; we came to the conclusion, that the most significant of those previous estimates, and which were connected with important inferences, were conjecturally made, without knowledge of the truth, and that thus very incorrect statements had been submitted to the judgment of the Sovereign Arbitrator, to whom, under the Convention of the 29th of September, 1827, those previous surveys were to be referred. We shall, in the course of this Report, point out to your Lordship these inaccuracies in a more specific manner.

Erroneous estimates of heights made during the Survey of 1817, 1818.

Alive to the important bearing of this somewhat unexpected state of things, it became necessary for us immediately upon our arrival in England, to enter upon a more careful study of the diplomatic history of the dispute; in which was to be found those arguments which had been raised upon the erroneous statements we have alluded to, and which had taken so strong a hold upon the public mind in the United States of America.

The assumption consequent hereupon which is entertained in that country, that a particular range of Highlands north of the St. John's River, and running parallel with, and at no great distance from, the St. Lawrence, is the range of Highlands intended by the Treaty of 1783, seemed to have suggested to the Official Agents, employed by the American Government under the Vth Article of the Treaty of Ghent, the necessity of maintaining that the boundary proposed by the Treaty of 1783, was identical with the ancient provincial boundary between the Province of Quebec and Her Majesty's Province of Nova Scotia. This assertion, which appeared to derive plausibility from Mitchell's map,—a document admitted to have been much consulted by the Commissioners of both Governments at the negotiations which ended in the Treaty of 1783,—induced the British Official Agents, under the Treaty of Ghent, to take the opposite line, and to insist that the assertion was “altogether “conjectural and incapable of satisfactory proof.”

The voluminous conflicting documents which this point gave rise to, show how much the British Official Agents were misled by the general ignorance which existed of the interior parts of the territory in dispute. They were right in denying that the ancient provincial boundary was identical with the range of Highlands claimed on the part of the United States; but they were wrong in denying that the line of demarcation established by the ancient provincial boundary, was intimately connected with the boundary intended by the IInd Article of the Treaty of 1783.

Second British Statement, p. 24.

When the American Agents asserted that the Treaty line and the ancient provincial boundary were identical, and when the British Agents denied that they were so, both Parties placed the question at issue upon grounds dangerous to their respective claims; for if it had been known that a range of Highlands corresponding with the terms of the Treaty, existed in a part of the territory which neither of the parties had examined, namely, south of the St. John, and lying in that oblique direction between the sources of the Chaudière and the Bay of Chaleurs, in which ran the line of demarcation of the ancient provincial boundary, the Americans would never have made their assertion; but, on the contrary, would probably have changed arguments with our own Commissioner and Agents. The United States are, however, committed, by the case which they laid before His Majesty the King of the Netherlands, to their assertion of the identity of the ancient provincial boundary with the line described in the Ind Article of the Treaty