

EXTRACT

From the Report of the Committee on Military Affairs, made in Congress in 1843.

"The Treaty of Utrecht was concluded in 1713. By the tenth article it was agreed between Great Britain and France to determine within one year, by Commissioners, the limits between the Hudson's Bay and the places appertaining to the French. The same Commissioners were also authorised to settle in like manner, the boundaries between the other British and French colonies in these parts. Commissioners were accordingly appointed by the two powers, and there is strong reason to believe they actually established the boundaries according to the terms of the treaty, although no formal record of the fact now exists. The evidence that the boundaries were thus established is, first, the fact of the appointment of the Commissioners for that express purpose, and that two distinct lines may be found traced on different maps, published in the last century, each purporting to be the limits between the Hudson's Bay Territories on the north, and the French possessions on the south, fixed by Commissioners according to the Treaty of Utrecht. One of these lines is drawn irregularly from the Atlantic to a point in the 49th parallel of latitude, south of the southernmost part of the Hudson's Bay, and thence westward along that parallel to Red River, and in some maps still farther west. This line is generally considered in the United States, and has been assumed by their Government, as the true boundary, settled by the Commissioners agreeably to the treaty above mentioned.

"Thus, we find Messrs. Munro and Puckney, at Madrid, in 1805, writing to the Spanish Minister as follows: 'In conformity with the tenth article of the first mentioned Treaty (Treaty of Utrecht), the boundary between Canada and Louisiana, on the one side, and the Hudson's Bay and Northwestern Companies, on the other, was established by Commissioners by a line to commence at a cape or promontory on the ocean, in 58 degrees and 31 minutes north latitude; to run thence southwestwardly to latitude 49 degrees north from the equator, and along that line indefinitely westward.' These extracts are taken from the memoir of Mr. Greenhow, who, it is proper to add, considers the opinion that these boundary lines were actually established by the Commissioners, 'at variance with the most accredited authorities.' In this opinion the Committee do not concur; so far from doing so, it is thought the presumption, that the 49th Parallel was adopted by the Commissioners under the Treaty of Utrecht, is strengthened by the line of demarcation subsequently agreed on by the Treaty of Versailles, in 1763, between France and Great Britain, and also by the Treaty of Peace of 1783, between the United States and Great Britain. By the former, the confines between the British and French possessions were irrevocably fixed 'by a line drawn along the middle of the Mississippi, from its source to the Iberville,' &c. By the latter, that part of the northern boundary of the United States, which is applicable to the subject, is described to be through the Lake of the Woods, to the most northwestern point thereof, and from thence on a due west course to the Mississippi River.'

"The most northwestern point of the Lake of the Woods is perhaps a few minutes north of the 49th parallel of latitude.

"By the convention of 1818, between the United States and Great Britain, in the second article, it is agreed, that a line drawn from the most northwestern point of the Lake of the Woods, along the 49th parallel of north latitude, or, if the said point shall not lie in the 49th parallel of north latitude, then that a line drawn from the said point, due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west, along and with said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty; and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territory of His Britannic Majesty from the Lake of the Woods to the Stony Mountains.

"This line, it will be observed, is a deviation from the boundary established by the Treaty of 1783, for that was to extend due west from the northwestern point of the Lake of the Woods, without any reference to its latitude. By this we are in the contingency named, to run, by the shortest line, from the specified point on the Lake of the Woods, to the 49th parallel of latitude. Whence, it may be asked, the solicitude to adopt this particular parallel, except as it corresponded with pre-existing arrangements, which could have been made under the provisions of the Treaty of Utrecht alone; for under no other had any reference, at that time, been made to the said 49th degree.