

CANADA

and rivers, and, according to Mr. McGregor and other authorities, equal in point of fertility to any part of America: enclosed by mountain ranges on the north, south, and west, and divided into two nearly equal parts by the St. John river, running from west to east.

Treaty of Amity, 1794.

No. 41. By Thomas Barclay, David Howell, and Egbert Benson, Commissioners appointed in pursuance of the fifth Article of the Treaty of Amity, commerce and navigation between His Britannic Majesty and the United States of America, finally to decide the question, "What river was truly intended, under the name of the river St. Croix, mentioned in the Treaty of Peace between His Majesty and the United States of America, and forming a part of the boundary therein described."

Declaration.

No. 42. We, the said Commissioners, having been sworn "impartially to examine and decide the said question according to such evidence as should respectively be laid before us on the part of the British Government and of the United States," and having heard the evidence which hath been laid before us by the agent of His Majesty and the agent of the United States respectively appointed and authorized to manage the business on behalf of the respective Governments, have decided, and hereby do decide:—The river hereinafter particularly described and mentioned to be the river truly intended under the name of the river St. Croix in the said Treaty of Peace, and forming a part of the boundary therein described, that is to say,—the mouth of the said river is in Passamaquaddy Bay, at a point of land called Ive's Point, about one mile northward from the northern part of St. Andrew's Island, and in the latitude of 45° 5' and 5" north, and in the longitude of 67° 12' and 30" west, from the Royal Observatory at Greenwich in Great Britain, and 3° 50' and 15" east from Howard College in the University of Cambridge, in the state of Massachusetts. And the course of the said river up from its source is northerly to a point of land called The Devil's Head, thence turning the said point, is westerly to where it divides into two streams, the one coming from the westward and the other from the northward, having the Indian name Chiputnatecook, or Chipnitcook, as the same may be variously spelt, then up the said stream, so coming from the northward to its source, which is at a stake near a yellow birch-tree, hooped with iron, marked "S. T. and J. H., 1797," by Samuel Titcomb and John Harris, the surveyors employed to survey the above-mentioned stream coming from the northward. And the said river is designated on the map hereunto annexed and hereby referred to as further descriptive of it by the letters A, B, C, D, E, F, G, H, I, K, and L, the letter A being at its said mouth, and the letter L being at its said source. And the course and distance of the said source from the island at the confluence of the above-mentioned two streams is as laid down on the said map, north 5° and about 15' west by the magnet: about 48 miles and one quarter.

In testimony whereof we have hereunto set our hands and seals at Providence, in the State of Rhode Island, the 25th day of October, in the year 1798.

(Signed)

THOS. BARCLAY, (L.S.)

DAVID HOWELL, (L.S.)

EGBERT BENSON, (L.S.)

Witness,

(Signed)

ED. WINSLOW,

Secretary to the Commissioners.

A true Copy.

(Signed)

ED. WINSLOW.

No. 43.

SIR,

Government House, Fredericton, August 4, 1836.

I HAVE the honour to acknowledge the receipt of your letter of the 29th ultimo, reporting your arrival at Madawaska, by order of his Excellency the Earl of Gosford, for the purpose of examining the depredations reported by me as having been committed within the limits of the disputed territory.

That these depredations have been carried on to a very great extent, I have but too much reason to believe, and this I have no doubt you will find to be the case in the course of your investigation.

To afford you early information on this subject, I have directed J. A. McLauchlan, Esq., the warden of the disputed territory, to join you without delay: he is well acquainted with every step already taken in regard to the question under discussion, as well as the matter that I now wish particularly to be followed; and I trust that your united exertions will lead to the conviction of all the parties concerned in the crime of having daringly and lawlessly cut great quantities of timber on Crown lands, whether in the jurisdiction of Canada or New Brunswick, of course equally culpable.

Great efforts will, I doubt not, be made by the parties accused to make it appear that a proportion of the said timber was cut on granted lands, but of that you will be able to satisfy yourselves by personal inspection on the spot.

I have, &c.,

(Signed)

ARCH. CAMPBELL,

Lieutenant-Governor.

J. Bouchette, Esq., D. S. General,

&c.

&c.

&c.