

St. Lawrence." The highlands mentioned in both parts of the description of boundaries are therefore the same and not different, and, to satisfy the description of them, must be such highlands as divide the rivers in the manner mentioned in the treaty.

That such highlands were known to be near to the river St. Lawrence, and between the source of St. Croix and the river St. Lawrence, is not only apparent upon inspection of Mitchell's map, used by the commissioners in forming the treaty of peace, and in preparing the description of boundaries, but was then matter of history and record in England, as well as in the British provinces in North America.

In Pownall's topographical description of part of the British colonies in America, in describing mountains, highlands, etc. he says: "And in the latitude of 45 or thereabouts, turning eastward, run away to the Gulf of St. Lawrence." Again: "Going from the same line in latitude 45 of the greatest height of this range of mountains, and following them to the east northerly, they all seem to range as united until again divided by the Bay of Chaleurs." Again: "All the rivers which have their sources amidst the northern ridges of this great range, fall into Canada or St. Lawrence river, as the St. Francis, Chaudier, and many others. All which have their sources in the southern ridges, fall into the Bay of Fundy or into the main ocean," etc.

The range of highlands thus described is near to the St. Lawrence and north of the St. Johns, and has always been claimed by the American Government as the highlands intended and described in the treaty; and although formerly admitted to be such by agents of the British Government, it is not so now; but the latter Government contend that the due north line from the source of the St. Croix shall stop at *Marr's Hill*, which is situated some thirty miles south of the Great Falls in St. Johns river, and not more than forty-five miles from the monument at the source of St. Croix.

To show that the highlands of the treaty were formerly understood and admitted by the agents of the Government of Great Britain to be situated north of the St. Johns river, and where the American Government now claim that they are to be found, the following extracts are submitted:

Extract from minutes of Executive Council of Quebec.

MONDAY, 9th July, 1787.—Present his Excellency the Governor, &c.

His lordship intimated the propriety of ascertaining the limits between this and the province of New Brunswick, and that the Surveyor General of that province would soon meet Mr. Holland for that purpose, &c.

Extract from Lord Dorchester's instructions to Mr. John Holland.

QUEBEC, July 9, 1787.—You will be pleased to accompany Mr. Finlay to the Great Falls on the river St. Johns, in order to assist in marking out the boundary between the provinces of Quebec and New Brunswick, &c. You will there meet the Surveyor General of the province of New Brunswick, or some other person authorized by the Lieutenant Governor of that province, in concert with whom and Mr. Finlay, you will proceed upon that business. You will be guided therein by the en-

closed descriptions of the boundaries of the provinces of Quebec, Nova Scotia, and New Brunswick, extracted from commissions as Governor thereof, to which is likewise added the description of the boundary of the United States, taken from the definitive treaty for your information, &c.

Extract from Mr. Holland's report.

"July 26, 1787.—Pursuant to orders, proceeded to Great Falls, on the river St. Johns, and on the 16th met Capt. Sproul, Surveyor General of New Brunswick, who said that, conceiving his waiting for us at the Great Falls totally unnecessary, he was now proceeding on his way to the height of land or the carrying place between St. Lawrence and Lake Timisconia, as there (according to his idea) the boundary ought to be fixed. I observed, it was generally understood in Canada, that the line between the provinces of Quebec and New Brunswick should run from the head of Chaleur bay along the highlands in a westerly direction to the Great Falls on the St. Johns river, and from thence west to the westernmost or main branch of the river St. Croix. He answered that, should a boundary be fixed at or near the Great Falls, he would protest against such doings as contrary to directions laid down in his instructions. Afterwards, Capt. Sproul repeated the same to Mr. Finlay, adding that he would proceed immediately to the portage, to examine which way the waters incline on the heights there, that, by their course, he might ascertain the boundary between the provinces of Quebec and New Brunswick, as all the streams running into the rivers which empty themselves into the river St. Johns are in the province of New Brunswick, and those which fall into the St. Lawrence are in the province of Quebec. After many arguments to show the impropriety and disadvantage of fixing a boundary on the portage, &c. but more especially that the fixing that limit would materially affect the boundary between us and the United States of America, and that a large territory would thereby be saved or lost to His Majesty's dominions, &c. and requested Mr. Sproul to return with us to the Great Falls. He refused, saying that he had formed his opinion of the situation of the boundary from geographical knowledge and ocular demonstration, and it was unalterable, &c."

The written instructions from the Governor of New Brunswick to Sproul, dated 7th July, 1787, were to run the boundary line between the provinces of Quebec and New Brunswick agreeably to the act of Parliament for establishing the province of Quebec. *Extract from the report of the Commissioner of Council of the province of Quebec, appointed to consider the boundary between the provinces of Quebec and New Brunswick, &c. Oct. 18, 1787:*

"The Commissioner most humbly submits to your Lordship whether it would not be for the advantage of both Governments that the province of Quebec be separated from that of New Brunswick by a line running along the highlands, which extend from the head of Chaleurs bay to the foot of the great fall of St. Johns river, and from thence crossing the river (so as to include the whole of the portage or carrying place) and continuing in a straight line toward the sources of the river Chaudier, which rise on the highlands that commence at the said head of the Bay of Chaleurs, and extend all the way to the northwest-most head of Connecticut river."

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