

Appendix.

Reply to American observations on topographical evidence.

from any of its lateral branches, especially such a branch as the Madawaska River, which, it is in evidence, has been known, at least since the year 1683, the date of the original cession of the fief of Madawaska, by this distinct name. This interpretation is likewise the one adopted by the American Commissioners, who concluded the Treaty of 1783. According to Mr. Adams's testimony, they understood, when advancing this claim proposed by Congress, by the words which they used, the whole of the River St. John, as laid down on Mitchell's map, and that map contains the name "River St. John," laid down near the western sources. When the words made use of are so clear in indicating the whole of the River St. John from its mouth to its source as the boundary, the single circumstance that this river was only described as forming the eastern boundary, while it actually likewise forms a part of the northern boundary, can evidently not have the effect which The United States would seem to attribute to it. And it is to be further remarked that, although in the original instruction of the Congress the St. John is described as the eastern boundary, yet in the Report of the 16th August 1782, when the same instruction is under consideration, the wish is stated that the north-eastern boundary of Massachusetts may be left to future discussion, and this north-eastern boundary can be no other than the River St. John, which is thus recognized as a northern as well as eastern boundary arising from its bend to the westward.

Madawaska Settlement.—Appendix to First American Statement, p. 46.

The United States appear to throw out a doubt, whether it has been proved that the Madawaska Settlement has been subject to the jurisdiction of Great Britain, from its establishment in 1783 to the present day. Now, wherever the right to the Territory and Sovereignty of this tract of country may dwell, it is indisputable, and all evidence adduced on either side on the present occasion concurs to establish, that the actual possession of it, and the exercise of jurisdiction over it, commencing before the Treaty of 1783, has continued in Great Britain quite down to the present day. The inhabitants, almost without exception natural born British subjects, were, for the first time, included in the census of The United States in the year 1820, and then amounted to upwards of 1100 souls.* It cannot be denied that this must be considered as an assertion of right on the part of The United States† to this tract of country, whatever exceptions may lie to such a mode of asserting a right to an actual British Settlement. But the actual British jurisdiction, first Canadian, then conflicting between Canada and New Brunswick, and, since 1792, uninterruptedly New Brunswick, but, nevertheless, all the while the jurisdiction of the King of Great Britain, in whose‡ name it is uniformly exercised, has never been changed. The United States, under the provisions of the present Convention of Reference, applied to Great Britain§ for authentic copies

* See extract from census for The United States for the year 1820. App. to 1st British Statement, p. 287. In the column of the census in which the Matawaska Settlement is included, there are but two settlements of equal amount.

† It appears also, that in 1825, the land agents of the States of Maine and Massachusetts undertook to give deeds of land to two American citizens in this Settlement, one of whom was on the point of being naturalized as a British subject, and had actually received a bounty from the Province of New Brunswick for grain raised on the land which he occupied, and of which these agents gave a deed; at this very time also, as well as before and since, the British laws, both in civil and criminal matters, being in force among the few American settlers, as well as the natural born British subjects. See the history of this transaction in Mr. Barrell's Report. Appendix to 1st British Statement, p. 252.

‡ Grants of land run in the King's name. See Appendix to 1st British Statement, Nos. 35, 36, and 37, pp. 254, 258, 260. So all judicial proceedings, see Trial of John Baker, *ibid*, No. 33, p. 266.

§ See Mr. Barbour's Letter to the Earl of Aberdeen, 22nd September, 1828, American Statement, Written Evidence, No. 31.