

name of Holy Cross, or the St. Croix, and to the furthest source or spring upon the western branch of the same, which first mingles its waters with those of the said river; thence by an imaginary direct line, to be drawn or run through the country, or over the land to the north to the first bay, river, or spring emptying itself into the great river of Canada, and from thence running to the east along the shores of the said river of Canada to the river, bay, or harbor, commonly known, or called by the name of Gachepe or Gaspee, etc."

By the charter of 3d William and Mary, 1691, it is declared "that the territories and colonies, called and known by the names of the colony of Massachusetts bay and colony of New Plymouth, the Province of Maine and the territory called Acadie or Nova Scotia, and all the tract of land lying between the said territories of Nova Scotia, and the said province of Maine, be erected, united, and incorporated into one province, by the name of our province of the Massachusetts bay in New England.

Upon referring to Mitchell's map, it will be seen that the line drawn upon it, from the source of the St. Croix to the river of Canada or St. Lawrence, is the westerly line described in the grant to Sir William Alexander, and Nova Scotia, as then known and understood; and the easterly line of the province of Massachusetts Bay; each of those provinces, when that map was made, extending northwardly to the river St. Lawrence. After the publication of Mitchell's map, viz: in 1763, by an order in council, the province of Quebec was formed, and the southwardly line of it thus described: "the said line crossing the St. Lawrence and Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers which empty themselves into the said St. Lawrence, from those which fall into the sea, and also along the coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers," etc. and the like description of boundary is contained in the commissions to Governor Murray, November 21, 1763, and to Governor Carlton, April 21, 1767. By the act of Parliament, 14, George III, 1774, making more effectual provision for the government of the province of Quebec, it is enacted that all the territories, islands, and counties in North America, belonging to the Crown of Great Britain, bounded on the south, by a line from the Bay of Chaleurs, along the highlands which divide the waters that empty themselves into the river St. Lawrence, from those fall into the sea to a point in forty-five degrees of north latitude, on the eastern bank of the river Connecticut, etc. be, and they are hereby, annexed to, and made part and parcel of, the province of Quebec, as created and established by royal proclamation of the 7th October, 1763. In the commission to Guy Carlton, Governor of Quebec, dated December 27, 1774, the southern boundary of the province of Quebec is thus described: "bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees north latitude, etc. After the proclamation of October 7, 1763, the commissions to the several Governors of

Nova Scotia, viz: to Montague Willmot in 1763, to Lord William Campbell in 1765, to Francis Legge, esq. in 1773, and to John Parr, esq. in 1782, described that province of Nova Scotia thus: "to the northward by the southern boundary of our province of Quebec, as far as the western extremity of the Bay des Chaleurs; to the eastward by the said bay and the Gulf of St. Lawrence to the Cape or Promontory, called Cape Breton, in the island of that name, including said island, etc.; to the westward, (although our said province hath anciently extended, and doth of right extend, as far as the river Pantagonet or Penobscot,) it shall be bounded by a line drawn from Cape Sable, across the entrance of the bay of Fundy to the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north, thence to the southern boundary of our province of Quebec."

The province of New Brunswick was established in 1784, and embraces what was, before that time, the northerly part of Nova Scotia. It is thus described in the several commissions to Governors of the province of New Brunswick, from the first one to Thomas Carlton, in 1784, down to that of the Earl of Dalhousie, in 1819, viz: "bounded on the westward by the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our province of Quebec, to the northward by the said boundary as far as the western extremity of bay of Chaleurs, to the eastward by the said bay, and the gulf of St. Lawrence; to the bay called Bay Verte, to the south," &c. From all these documents, it is clear and undeniable that the western line of what was formerly Nova Scotia, now New Brunswick, is, and always has been, the river St. Croix, and a line from the source of that river due north, extending formerly to the river St. Lawrence, and since 1763 to the south line of Quebec; or, to what is the same thing, a line from the bay of Chaleurs, along the highlands, which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea toward a point in 45 degrees of northern latitude, &c. That the north line of that province is as far north as we claim the north line of Maine to be, is proved, first, by the fact that the Bay Chaleurs is a part of that north line; secondly, by acts of the provincial Government, incorporating counties, and parishes, upon the Bay Chaleurs, and upon the river Restigouche, and regulating the fisheries in that river, granting land, and establishing roads, &c.; thirdly, from the acts, and declaration, of the Surveyors General of the provinces of Quebec and of New Brunswick, in 1787, when it was proposed by the authorities of the province of Quebec to run and mark the line between these provinces, as disclosed in the extracts hereafter to be mentioned.

Inasmuch as the province of Maine or Massachusetts bay formerly extended to and was bounded north by the river St. Lawrence, and as no change of its boundary had been made prior to the treaty of 1783, (except so far as the province of Quebec had been extended South of the St. Lawrence,) it is only necessary to see how far the south line of Quebec extends to the southward of the St. Lawrence, to ascertain the north line of the province of

Massachusetts when his first the government same and ever bed, in the p St. Lawrence north latitude divide the ri said river St. the sea, and Chaleurs," a from the bay divide the w river St. La sea to a poi the eastern there was an tended by the locality, in t dence, it mig of the count highlands, e extremity of river, in 45 the streams tinctly repre range of hi tween the ba that this ran the streams re nce from the sea. B satisfy the r tioned in the must, in the great river the Atlantic highlands n streams rep ferent and d genuity of l be difficult made upon

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