

"be no doubt that the north-west angle of Nova Scotia is yet to be formed, and that this is to be done by forming the north-east angle of the State of Massachusetts."

We consider these passages to be conclusive as to the impossibility of executing the Treaty of 1783, without the two Governments first agreeing upon the line of Highlands.

The abandonment of all pretension to go up to the St. John, was also a renunciation of all claim to participate in the navigation of that river; yet now the Americans claim the absolute possession and exclusive navigation of it, one hundred and fifty miles from its source eastwardly; a claim which involves the gratuitous surrender to a foreign Power, not only of our communications between Quebec and New Brunswick, but of a territory more than one hundred miles wide, which they never had possession of, and which is not necessary to them. Such a claim is surely incompatible with the "reciprocal advantages," "the mutual convenience," the "liberal equity and reciprocity," the "security of perpetual peace and harmony," recorded by the Preamble of the Treaty of 1783, as being the objects which the Contracting Parties intended to attain.

We come now to speak of the Treaty of Amity, Commerce, and Navigation with the United States, which directs the manner in which the River St. Croix is to be identified. By the Vth Article, a commission was appointed, consisting of one commissioner from each country, with power to choose a third. The three were to be sworn to decide according to evidence,

Treaty of Amity, &c., of 1794, to identify the St. Croix.

"What river is the River St. Croix intended by the Treaty?"

They were to furnish a description of the river; and to "particularise" the latitude and longitude of its mouth and its source."

And their decision was to be "*final and conclusive.*"

They had thus two objects to accomplish, one to identify the river, the other to fix the latitude and longitude of its source.

We have already shown—First, that the grant of Nova Scotia in 1621, made the westernmost waters of the St. Croix a part of its boundary; Secondly, that the boundary in the Charter of 1691 was thus described:—

"The territory called Accadia, or Nova Scotia, and all that tract of land lying between the said territories of Nova Scotia and the said Province of Maine;" and in another part of the said Charter in these terms:—

"The lands and hereditaments lying and being in the country or territory commonly called Accadia, or Nova Scotia, and all those lands and hereditaments lying and extending between the said country or territory of Nova Scotia, and the said River of Sagadahoc, or any part thereof."

And thirdly, we have shown that the Congress in 1782 adopted a report from one of their Committees, which declared,—“With respect to the boundaries of the States, &c., Massachusetts claims under the Charter granted by William and Mary, October, 1691:” a declaration, which as we have remarked at page 20, Mr. John Adams, under oath, stated to have received the sanction of the American Plenipotentiaries upon concluding the preliminaries of peace in 1782. “One of the American Commissioners,” said Mr. Adams, “at first proposed the River St. John, as marked on Mitchell’s map, but his colleagues observing that as the River St. Croix was the river mentioned in the Charter of Massachusetts Bay, they could not justify insisting on the St. John as an ultimatum, he agreed with them to adhere to the Charter of Massachusetts Bay.”

We have thus a regular recognition of Massachusetts being bounded upon Nova Scotia, and of the most western waters of the St. Croix forming part of the boundary of Nova Scotia\*. And how was the duty of the Commissioners under the Treaty of 1794 performed?

Disregarding the obvious propriety of choosing the most western source of the river, they fixed upon the north branch; and this in the face of the most extraordinary evidence against their proceeding. For the Scoodeag, which is the known Indian name of the St. Croix, runs from its most western source to its mouth, under the same name of *Scoodeag*, whilst its northern branch, which comes in at the upper falls, bears the separate

Error of the Commissioners under that Treaty, in fixing the point of departure of the due north line twenty miles too far to the east.

\* In Evans’ map of 1755, the North boundary line, which appears in so many maps, takes its departure from the most western source of the St. Croix.