

the ball, has a somewhat decidedly English and un-Indian sound.

For twenty years the National Lacrosse Association kept on and prospered. Then in 1886 the Torontos got to outs with the Shamrocks and Montrealers and seceded. The Canadian Lacrosse Association was formed, at a meeting in the Rossin House, Toronto, April 22nd, 1887. The Torontos won the championship that year and the Brants of Paris the next. Then the first winners, unmindful of the fact that the C. L. A. was formed mainly for their support, ungratefully fell away and what was known as the Senior League was formed with Toronto, Montreal, Shamrocks, Cornwall and Capitals of Ottawa in the aggregation. Whether it is a Nemesis that has followed the Torontos for their ingratitude, I cannot say, but it is a fact that they are the only club of the original members that has never had its name inscribed on the championship roll of the Senior or big league.

Space does not permit me to dwell upon various incidents in the history of the game, such as other trips across the Atlantic and the Australian tour of the team captained and managed by Mr. J. C. Miller of Orillia, but I cannot help expressing the opinion that the *Canadian Courier's* correspondent, referred to at the outset of this article, takes a not altogether warranted gloomy view of the situation. It is in the nature of things that, like other mundane affairs, games should have their ups and downs, their fat-

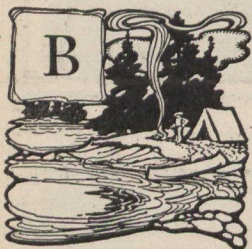
years and their lean years. At one period Winnipeg showed up strongly, but of recent years the game does not appear to have exceptionally flourished in Manitoba, whence the *Courier* correspondent hails, but it has gone farther west and only within the last few weeks a New Westminster team has travelled hitherward and snatched the Minto cup from the Shamrocks, of Montreal, last year's winners. This cup was given by His Excellency the Earl of Minto, then Governor-General of Canada, as a championship trophy in 1900. The Shamrocks beat a team from Vancouver for the cup in 1901. In 1902 the Shamrocks maintained their claim by beating New Westminster. In 1903 and 1904 the Irishmen retained possession, defeating the Brantford club, champions of the C. L. A., and the Capitals of Ottawa. In 1905 they again defeated the C. L. A. champions, this time the Athletics of St. Catharines. In 1907, the Shamrocks, who have gone strangely to pieces this year, repeated their earlier victories, and now, despite the fact that the Tecumseh look like winning the big championship, New Westminster is in possession.

As in Manitoba, so in the Maritime Provinces we have not recently heard much of lacrosse, but it still flourishes. What can be done to farther advance the game I am hardly prepared to say. Professionalism is here undoubtedly to stay and that of a necessity has estranged the active sympathy of many of the best citizens who do not care to have

their children identified with the sport under its altered circumstances. Again, the interest in the public schools has waned, for lack of such encouragement as the two Hughes (J. L. and Sam) were wont to give. In his book, "Lacrosse and How to Play It," published first in 1873 and again in 1880, Mr. W. K. McNaught, the present senior member in the provincial legislature for North Toronto, terms lacrosse "the cheapest of all games, requiring no pads, gauntlets or other expensive equipments." Alas, for then and now! The weakness of lacrosse to-day, and I am rather disposed to think, after all, there has not been much change, is its expense. Not only have gauntlets and pads appeared, but a team cannot be fitted out with sticks, to say nothing of uniforms, poles and nets, under eighteen or twenty dollars. On the other hand, five or six dollars will equip a baseball club, while the juveniles can play the Yankee game with any sort of old stick and a ball. Then again, the roughness of lacrosse has to be reckoned with. It was no gentle pastime in Mr. McNaught's playing days—in the days, thirty-six years ago, when after a hard match on the old College Street cricket grounds, Toronto's present public school inspector, flushed with victory, compared the Ontarios to certain long-eared animals—but somehow or other the players then did not seem to make so much fuss over their knocks as they do now.

# The Ashburton Treaty and the Maine Boundary

By R. S. NEVILLE, K. C.



By the Treaty of Versailles (1783) the northern boundary of Maine was fixed to run "from the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix River to the Highlands, along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of the Connecticut River."

By the Treaty of Ghent (1814) it was recited that neither the northwest angle of Nova Scotia nor the northwesternmost head of the Connecticut River had yet been ascertained; and it was provided that two commissioners should be appointed to "ascertain and determine the points above mentioned in conformity with the provisions of the said Treaty of Peace in 1783," and to "cause the boundary to be surveyed and marked according to the said provisions." If they failed to agree a reference to a friendly sovereign or state was provided for.

Mr. Featherstonehaugh, of New Brunswick, was appointed British Commissioner under this arrangement and after long and careful investigation declared that the northwest angle of Nova Scotia "never had any existence"—"never was established or set apart by any survey either of a direct or indirect kind"—and he proceeded to explain that the angle in question could not be determined on information then existing.

A settlement by commissioners therefore failed of accomplishment and the whole matter was referred, under a convention of 1827, to the King of the Netherlands, pursuant to the Treaty of Ghent. The king found himself in similar difficulties and being unable to ascertain any boundary that would conform to the terms of the Treaty, recommended a compromise. By this compromise award, out of 12,027 square miles in dispute, Canada was given 4,119, the United States 7,908. The United States Senate refused to accept this award. But from it we get the view of an independent sovereign arbitrator as to what was fair and right.

Finally in 1842 the Ashburton Treaty was negotiated. Lord Ashburton represented British interests and Mr. Daniel Webster those of the United States. By this treaty we secured 5,012 square miles, the United States 7,015. In other words, Lord Ashburton procured for us nearly 900 square miles more than the King of the Netherlands had awarded to us.

The United States Senate at first refused to ratify this treaty, and Webster was called upon to justify his surrender. The doors of the Senate Chamber were closed and in secret session he disclosed to the bewildered senators a map—the now famous Red Line Map—which had convinced him,

and in turn convinced them, that the United States had all the time been claiming what did not belong to them and that the British claim was justified. Satisfied, therefore, that they were getting much more than their due, they ratified the treaty. No doubt they hastened to do so, lest knowledge of this map should come to the British, and then they could never expect so favourable a settlement again. Webster had held the map during the negotiations, but had not made it known to Lord Ashburton.

This seems to be a case where an attempt to be "smart" led Webster and, through him, the Senate into a sacrifice of their country's interests. For this map is of doubtful authority, and there were other official and authentic maps which were entirely in favour of the claims of the United States, and, being also British maps, would have put the British claim entirely out of court. But when Webster came into possession of the Red Line Map, he seems to have been afraid to stir up further research for maps, especially in Paris or London, from fear that it, or a copy of it, might be found and come to the knowledge of the British. Had he not tried to be so clever, he possibly might have discovered the British official map, which he never did discover, and which was not before either Lord Ashburton or himself during the negotiations. It has been common to charge Mr. Webster with bad faith in withholding the knowledge of the Red Line Map from Lord Ashburton. But the British did not take that view. Lord Brougham said: "I deny that a negotiator, in carrying on a contest as representing his own country with a foreign country, is bound to disclose to the other party whatever he may know that tells against his own party and for the opposite party." Such a view he declares is new to diplomacy. How could he as a British statesman take any other stand, with two authentic British maps then before him, which were adverse to British claims and had not been produced to the negotiators? But before dealing with these maps, we shall for a moment pursue another line of enquiry.

In order to determine where the northern boundary of Maine ought to be, we must ascertain whether such a line had been drawn before the American Revolution, and, if so, where it was.

When the Atlantic coast was British and Canada was French, the British pushed their claims northward through Maine across the St. John River and over the north Highlands to the St. Lawrence. By the middle of the eighteenth century they claimed an unbroken line of colonies from Florida on the south to the River and Gulf of St. Lawrence, including not only what is now Nova Scotia, New Brunswick and Maine, but also that portion of the Province of Quebec which lies south of the St. Lawrence and east of about the 70th degree of west longitude. The French disputed these extreme claims on the north, but the Seven Years War gave Canada to Great Britain; and the boundary question ceased to be international and became inter-provincial, like the recent dispute about the boundaries of Ontario.

A British Government was established at Quebec and it became necessary to define the dividing line between its territorial jurisdiction, and that of the government on the south. This was done and the boundary line was run west from Chaleurs Bay along the Highlands that divide the St. Lawrence and the St. John Valleys. The Government of Massachusetts, which then embraced Maine, through its agent in London, protested vigorously against the loss of its St. Lawrence frontier, but in vain, and the boundary then fixed remained the boundary till the American Revolution swept everything south of it away from British control and out of the Empire.

When the treaty of partition was made in 1783, neither of the parties had the slightest intention of changing this boundary. They thought they were describing it. But a generation passed away and with it, the War of 1812-14, before an effort was made to have the line surveyed. The commissioners under the Treaty of Ghent (1814), having failed to agree, a joint scientific commission in 1817-18 undertook to survey the line "due north from the source of the St. Croix River to the Highlands" according to the original treaty of 1783. About forty miles north from the starting point, they found a bump on the face of the earth known as Mars Hill. Happy accident! Why not run the line from this westward along the ridge south of the St. John River? Surely it will answer the description, "Highlands"! Hence arose the new British interpretation of the terms of the treaty and the new claim to a boundary line south of the St. John Valley. The question of the "northwest angle of Nova Scotia," to which the line was to run according to the treaty, got lost in the woods a hundred miles farther north.

Now to the maps, and first, to the Red Line Map. Just before the Ashburton Treaty was made, Dr. Jared Sparks, an American historian, found in the Historical Section of the French Foreign Office, a letter, dated 6th December, 1782, from Dr. Franklin, the American plenipotentiary, to Vergennes, the French minister who represented the French Government in the negotiations for peace, which said: "I have the honour of returning herewith the map Your Excellency sent me yesterday. I have marked with a strong red line, according to your desires, the limits of the United States as settled in the preliminaries between the British and American plenipotentiaries." These "preliminaries" had been signed a few days before.

But there was no map with the letter. During his further researches, among thousands of maps, he found a map which had a red line marking the boundaries of the United States and he took it for granted that this was the map that had been enclosed in Dr. Franklin's letter. Dr. Sparks says it was a map of North America, by D'Anville, dated 1746.

It is well known that different boundaries were proposed during the negotiations, and possibly many different red lines were drawn on different maps.