

We come now to examine what the mutual understanding was upon concluding the Treaty of 1783, as to any one of the Boundary lines, and as to the correspondence of the language of the II<sup>nd</sup> Article of the Treaty with the previous opinion entertained about the territory in dispute, and with the natural features of that territory.

By Article I. of the Treaty of 1783, the independence of the thirteen United States, including New Hampshire and Massachusetts, was established; and Massachusetts extending furthest to the east of those States, adjoined the western boundary of the King's retained dominions, *to wit*, Nova Scotia. It will not be pretended from any quarter, that Great Britain intended to surrender, or did surrender, to the new nation then coming into political existence, any portion of the British North American Colonies, lying out of the ancient boundaries of the revolted Colonies.

No change in the ancient Boundaries of the revolted Colonies, made by the Treaty of 1783.

"All claims to the Government, property, and territorial rights of the same (the revolted Colonies), and every part thereof," were relinquished in that Article; but nothing more.

To the north, as it has been shown, the territorial rights of Massachusetts were undefined; but to the east they were limited by the waters of the St. Croix, that river being part of the north-west boundary of the Province of Nova Scotia, as described in the grant of James the First, in 1621. This was universally understood to be so by the colonists in the revolted Provinces, and was admitted by their Commissioners when they agreed upon the terms of the Treaty of Peace in 1783.

It appears, by reference to the "Secret Journals of Congress," vol. ii. p. 225 (published in 1824, forty-one years subsequently to the recognition of the independence of the United States), that, in contemplation of some expected negotiations for a peace, a Committee of the Congress, appointed for that purpose, recommended, February 23, 1779, amongst other things, that it ought to be insisted on as their ultimatum, that the bounds of the United States be acknowledged—"Easterly by the boundary settled between Massachusetts and Nova Scotia."

Secret Journals of Congress, vol. 2, p. 225.

And on the 19th of March of the same year, the Congress adopting the Report of the Committee, agreed to the following *ultimata* :—

"That the thirteen United States are bounded north by a line to be drawn from the north-west angle of Nova Scotia, along the highlands which divide those rivers which empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River. And east, by a line to be drawn along the middle of St. John's, from its source to its mouth, in the bay of Fundy, or by a line to be settled and adjusted between that part of the State of Massachusetts Bay, formerly called the Province of Maine, and the Colony of Nova Scotia, agreeably to their respective rights, comprehending all islands within twenty leagues of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other part, shall respectively touch the Bay of Fundy, and the Atlantic Ocean."

Proposition of the Congress, in 1779, to make the St. John the boundary from its source to its mouth.

This passage is significant, inasmuch as it not only fixes the north-west angle of Nova Scotia to be at the source of the St. John, but especially states the mouth of that river to be, not in the Atlantic Ocean, but in the Bay of Fundy.

On the 14th of August, 1779, the Congress acting further upon the resolution of the 19th of March, "unanimously agreed to instructions to be given to the Commissioner (Mr. John Adams) appointed by them to negotiate a Treaty of Peace."

In these instructions, Article the 3rd, which recites the boundary intended to be claimed, repeats *verbatim* what the Congress agreed to on the 19th of March.

In 1782, when preliminaries were negotiating at Paris for peace, the Congress adopted (on the 20th August) a Report from one of their Committees appointed for the purpose, and which stated:—

"That they had collected facts and observations which they recommend to be referred to the Secretary for Foreign Affairs, to be by him digested, completed, and transmitted to the Ministers Plenipotentiary for negotiating a peace, for their information and use."