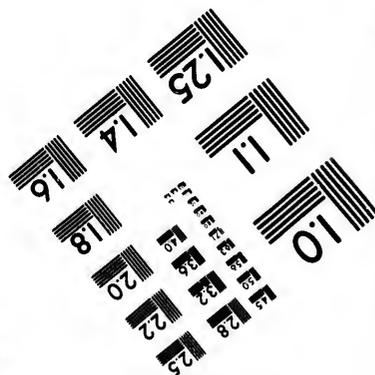
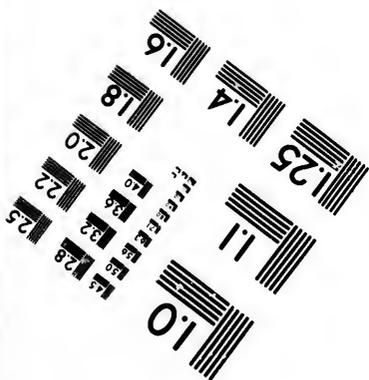
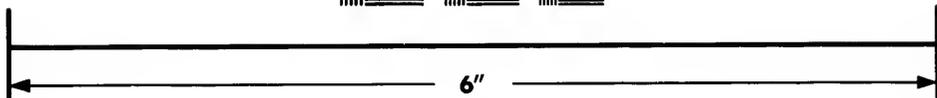
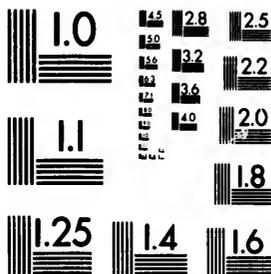


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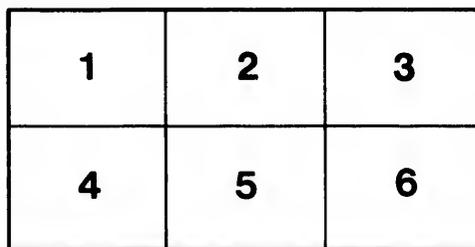
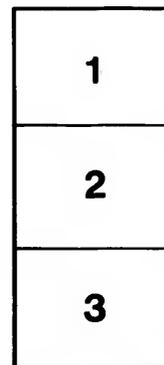
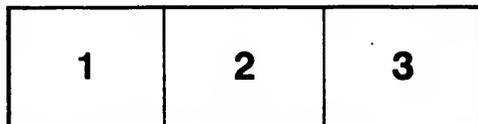
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NOTES

UPON THE

SOUTH WESTERN BOUNDARY LINE

OF

THE BRITISH PROVINCES

OF

LOWER CANADA AND NEW BRUNSWICK,

AND

THE UNITED STATES OF AMERICA.

Quebec :

PRINTED BY T. CARY & Co.
FREEMASONS' HALL.

1830.

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NOTES

UPON THE

South Western Boundary Line,

&c. &c.

THE period of the determination of the great question now pending between Great Britain and the United States of America, concerning the Boundary Line, which is hereafter to separate the Colonial possessions of the former from the territories of the latter, in the long tract of country stretching from the head of the Connecticut River to the Bay of Fundy, is now fast approaching, and mens' minds in this Province begin, at last, to be awakened to the important effects which the determination, however given, must have upon the future fates of the country.

Much that is well worthy of perusal has already been written in support of the right of Great Britain to the territory in dispute.

There is, however, one part of the subject which, it would seem, has not been so fully treated as would have been desirable;—I mean that part which relates to the controversies which, from time to time, arose respecting this Boundary Line between the English and French possessions, whilst Canada belonged to the crown of France, and the treaties by which those controversies were settled.

A notion has been adopted by many, otherwise well informed men, that in the present discussions between Great Britain and the United States of America, the positions to be maintained by Great Britain, are the same as those which France heretofore maintained without success. Now, although it be true that the present controversy cannot be rightly understood without a knowledge of the history of the controversies which preceded it, still it differs essentially from the anterior controversies.

Conflicting titles are produced, and adverse possession set up on the one side and on the other. In investigating these opposite lines of title, we cannot be certain of understanding the last title without first understanding that which immediately precedes it, and so back until we reach the first link of the chain, and with this we ought to begin. The chronological order, always an useful aid to the memory, cannot here be inverted without prejudice to the judgment, nor can a single link of the chain be with safety omitted.

This dry and humble, but necessary inquiry, can probably be no where conducted with so much advantage as in this country. It is intimately connected with the early history of the Colony, and this must be sought for in ancient travels and original documents, possessing no where else the same interest, and no where else so easily accessible.

The French settlements upon the North American Continent long preceded those of England.

In 1506, Jean Denys, of Honfleur,* published a chart of the coast of Newfoundland, and in 1508, a savage was conveyed by a pilot of Dieppe, to France. But the first of all the voyages made to North America with the view of effecting settlements there, was unquestionably that of the Baron de Lery and de St. Just, in 1518.† He landed cattle upon Sable Island in this voyage, whilst it was more than a hundred years afterwards (A. D. 1624) that cattle were first conveyed to New England.‡

* *Fastes Chronologiques du Nouveau Monde*, p. 13.

† *L'Escarlot*, p. 21.

‡ *Salmon*, III. 536.

It is not necessary here to advert to the voyages of Jean Verrazan to the southern parts of North America, in the years 1523, 1524, and 1525, nor to those in the same direction of Laudonière, Ribaud, and of the Chevalier de Gourgues. Nor is it necessary for us to take any notice of the voyage of Jaques Cartier, in 1534, and of his settlement upon the north shore in 1535; nor of the first appointment of a Lieutenant General in the countries of "*Canada, Hochelaga and Saguenay, and others in 1540.*" Our attention will be confined to the River and Gulf of Saint Lawrence, and to the great Peninsula commencing on the southern shore of the Saint Lawrence, opposite Quebec, and terminating at the mouth of the River St. Croix, in the Bay of Fundy.

After the failure of an attempt to make a settlement at Tadoussac, by the Sieur Chauvin, a French Protestant, and after his death, about the year 1602, the Sieur de Monts, who had made his first voyage with Chauvin, formed the project of effecting a settlement more to the southward.* The Sieur de Poitrincourt joined in this enterprise. L'Escarbot, whom the Sieur de Poitrincourt took with him to America on his second voyage, in 1606, has given the history of these early settlements, whereof he was, as it were, an eye witness, since Port Royal (Annapolis) was only founded in 1605, and that he was mainly accessory to the earliest advances of that Colony.

The letters patent nominating the Sieur de Monts *Lieutenant Général pour représenter notre personne au Pays, Territoire, Côtes et Confins de l'Acadie, à commencer dès le quarante-quatrième degré jusqu'au quarante-sixième* bear date the 8th November, 1603, and may be read in L'Escarbot, p. 417.

As early as 1604, the Sieur de Monts fitted out two ships, one intended to form a settlement within the limits of his grant, in which he embarked with the Sieurs Champlain

* Mémoires des Commissaires du Roi, et de ceux de Sa Majesté Britanique sur les possessions et les droits respectifs des deux Couronnes en Amérique, I. 137—Champlain, part I. p. 42.

and de Poitricourt, the other under the command of the Sieur de Pont Gravé, intended principally for the fur trade.*

Upon the 6th May, 1604, they reached the coast of Acadie at Port Rossignol, and thence sailing coastwise, they reached a port which they called Port au Mouton.

They thence went to Cape Sable and explored a large Bay, which they denominated la Baie Française, and which is now known by the name of the Bay of Fundy. The Port at the entrance of this Bay was from its signal beauty, called Port Royal and the Sieur de Poitricourt was so well pleased with the situation that he solicited and obtained a grant of land, there to settle with his family.† After going out of Port Royal and exploring the Mines, they crossed the Bay and arrived at the River St. John on the 24th of June; leaving then that river, and sailing coastwise, they came to the mouth of a river and settled on a small Island, in it which they called St. Croix, a name which was afterwards transferred to the river itself.‡

The situation of St. Croix not being found advantageous, it was determined to effect a new settlement at Port Royal, and this was carried into effect in 1605.||

Another settlement was effected about the same time towards the River Pentagoet (Penobscot) by the Sieur de la Saussaye.§

The Colony not receiving much support from France, was feeble and unprosperous, but retained quiet possession of the country. Against this Colony, in a time of profound peace, the expedition of Argal was directed.

He found it totally unprepared for defence. The Inhabitants who had assiduously and successfully cultivated the friendship of the Indians, being restrained by no fear of hostility from them, were scattered abroad in the woods, engaged in their several pursuits, and a Ship and Bark just

* Mem. des Comm. I. 137.

† L'Escarbot, p. 440.

‡ L'Escarbot, pp. 441 et seq.

|| L'Escarbot, 495, 496, Mem. Coms. 138.

¶ Champlain, pt. I. p. 104 and seq.

arrived from France, laden with articles necessary for the use of the Colony were surprised in port, and their cargoes taken to James Town. Argal left no garrison to keep possession of the place, and after his departure, the French who had only dispersed themselves among the Indians during the continuance of danger, immediately resumed their former station.

The pretext for this predatory expedition was, that the French by settling in Acadie had invaded the rights of the English acquired by the first discovery of the continent.*

The voyages of discovery, made by the English and French to the Coast of North America, had been nearly contemporaneous, and they set up conflicting claims to the territory. In 1603, Henry IV. of France (as has already been seen) granted to De Monts a commission as Lieutenant General over that part of America, which lies between the 40th and 46th degrees of north latitude, with powers to colonize and to rule it, and in 1606, King James granted to the two Virginia Companies all that territory which lies between the 34th and 45th degrees of north latitude, in consequence of which, in 1614, Captain Argal attacked and dispersed the settlements made by the French on the Bay of Fundy. In 1620, James granted to the Plymouth Company all that territory which lies between the 40th and 48th degrees of north latitude, and in 1621, he, as King of Scotland, granted to Sir William Alexander, under the title of Nova Scotia, with the consent of the Plymouth Company, the country bounded on the North and East and South by the River Saint Lawrence and the Ocean, and on the West by the River St. Croix. Under these different grants, actual settlements had been made by the French as far South and West as the St. Croix, and by the English as far North and East as the Kennebec or Connecticut River. During the war with France, which broke out in the commencement of the reign of Charles the First, that Monarch granted a commission to Captain Kirk for the conquest of the countries in America, occupied by the French, and under that commission, in 1629, Canada and Acadie were subdued; but by the treaty concluded at St.

* Chalmers,—Hutchinson,—Masrhall's Life of Washington, vol. I. p. 54, 55.

Germain, those places were restored to France, without any description of their limits, and Port Royal, Quebec and Cape Breton were severally surrendered by name.*

The Treaty of St. Germain contained not a *cession* but a *restitution* as will be seen on reference to the terms of it. The circumstances accompanying the negotiation of this Treaty so far as Canada and Acadie are concerned, are to be found as well in Charlevoix, vol. I, page 173 and seq. as in the begining of the second book of the *Historia Canadensis Creuxii*. The letters Patent to William Alexander, Earl of Stirling, were anterior to the Treaty of St. Germain, his first Patent by James the First, being of the year 1621, and his second by Charles the First, bearing date in 1625, whilst the treaty of St. Germain is of 1633. The description of Nova Scotia as given in these Letters Patent, is in the following words :—

“ *Omnes et singulas terras continentes et insulas situatas*
 “ *et jacentes in America, intra Caput seu promontorium*
 “ *Communiter Cap de Sable appellatum, jacens prope*
 “ *latitudinem quadraginta trium graduum aut eo*
 “ *circa ab equinoctiali linea versus Septentrionem a quo*
 “ *promontorio versus littus maris tendens ad Occidentem ad*
 “ *Stationem navium Sanctæ Mariæ vulgo Saint Mary’s*
 “ *Bay, et deinceps versus Septentrionem per directam line-*
 “ *am, introitum sive ostium magnæ illius stationis navium*
 “ *trajicientem quæ excurrit in terræ Orientalem plagam*
 “ *inter regiones Suriquorum et Hecheminorum vulgo Sevr-*
 “ *quois et Etchemins ad fluvium vulgo nomine Sanctæ Cru-*
 “ *cis appellatum, et ad scaturiginem remotissimam sive*
 “ *fontem EX OCCIDENTALI PARTE ejusdem, qui se primum*
 “ *prædicto fluvio immiscet ; unde per imaginariam direc-*
 “ *tam lineam quæ pergere per terram seu currere versus*
 “ *Septentrionem concipietur ad proximam navium statio-*
 “ *nem fluvium vel scaturiginem in magno fluvio de Canada*
 “ *sese exonerantem et ab eo pergendo versus Orientem per*
 “ *maris oras littorales ejusdem fluvii de Canada, ad fluvi-*
 “ *um, stationem navium, portum aut littus communiter*
 “ *nomine de Gachepé aut Gaspé notum et appellatum ; et*
 “ *deinceps versus Euronotum ad Insulas Baccalaos vel*

* Chalmers,—Hutchinson,—Marshall’s Life of Washington, vol. 1. p. 103-4.

“ *Cape Breton vocatas, relinquendo easdem insulas à dextra*
 “ *et voraginem dicti fluvii de Canada sive magnæ stationis*
 “ *navium et terras de Newfoundland cum insulis ad easdem*
 “ *terras pertinentibus à sinistra et deinceps ad Caput sive*
 “ *promontorium de Cap Breton prædictum jacens prope*
 “ *latitudinem quadraginta quinque graduum aut eo circa,*
 “ *et à dicto promontorio de Cap Breton versus meridiem et*
 “ *occidentem ad prædictum Cap de Sable ubi incepit peram-*
 “ *bulatio, includens et comprehendens intrà prædictas maris*
 “ *oras littorales ac earum circumferentias à mari ad mare,*
 “ *omnes terras continentes cum fluminibus, torrentibus, si-*
 “ *nibus, littoribus insulis, aut maribus jacentibus prope aut*
 “ *infra sex leucas ad aliquam earundem partem, ex Occi-*
 “ *dentali, boreali vel Orientali partibus orarum littora-*
 “ *lium et præinctuum earundem, et ab Euronoto ubi ja-*
 “ *cet Cap Breton, et ex Australi parte ejusdem (ubi est Cap*
 “ *de Sable) omnia Maria ac insulas versus meridiem intru-*
 “ *quadraginta leucas dictarum orarum littoralium earum-*
 “ *dem, magnam insulam vulgariter appellatam Isle de*
 “ *Sable vel Sablon includendo, jacentem versus Carban*
 “ *vulgo South South-East, circa triginta leucas à dicto*
 “ *Cap Breton in mari et existentem in latitudine quadra-*
 “ *ginta quatuor graduum aut eo circa.”*

In the Treaty of St. Germain there was a formal surrender of all claim to the land described in the Earl of Stirling's Patent, and it was to have been expected, that nothing more would have been heard of that claim.

However, “ Colonial Historians (says Chalmers *) with
 “ an inattention or interestedness of which there are few
 “ examples, have always insisted that, notwithstanding the
 “ absolute restitution before mentioned, certain rights with
 “ regard to that territory still remained in England ; and
 “ her statesmen with a credulity and want of wisdom
 “ equally unexampled, have implicitly adopted their senti-
 “ ments.† But in what consists the justice or policy of
 “ preserving latent pretensions which cannot be defended by
 “ candid discussion ? The law of nations reprobates what-
 “ soever contributes to disturb their repose ; and the present

* Chalmers's Political Annals of the Colonies, p. 93.

† This appears to have been written before the American Revolution.

“ generation has abundant cause to deplore that system of
 “ mistaken politics which entailed on this Realm contentions
 “ and debts, that posterity may possibly regret in vain.”

No sooner was Acadie restored to France in 1632, than her Sovereign granted to De Razilly, the lands around the Bay and River of St. Croix. The Company of New France conveyed, in 1635, the territory on the Banks of the River St. John to St. Etienne De La Tour, the General of that Colony. Massachusetts as well as the other settlements of New England beheld with regret the progress of the French on the adjacent coast, and dreaded their ultimate success; and Sedgewick who was Commander in Chief of Cromwell's forces in New England, was easily persuaded to attack a people, whose religious tenets he detested, and whose country he hated. He acquired Port Royal by Capitulation, in August 1654; giving to the Inhabitants liberty in their religion, and security for their property, and on these conditions Acadie soon after submitted to his power.*

After the conquest of the Peninsula of Nova Scotia by the arms of Cromwell he issued his Letters Patent granting to the Sieurs Charles de St. Etienne, Crowne and Temple the country and territory called Acadie by the following description, (as given in the French translation of it contained in the “*Mémoires des Commissaires du Roi, et de ceux de Sa Majesté Britannique sur les possessions et les droits respectifs des deux Couronnes en Amérique*” cited above.) “ Le pays et territoire appelé l'Acadie et partie du pays nommé la Nouvelle-Ecosse depuis Merliguesche du côté de l'Est jusqu'au Port et Cap de la Hève rangeant les côtes de la mer jusqu'au Cap de Sable, et delà jusqu'à un certain Port appelé le Port la Tour, et à présent nommé le Port L'Esmeron, et delà rangeant les côtes et Isles jusqu'au Cap et Rivière Sainte Marie, rangeant les côtes de la Mer jusqu'au Port Royal, et delà rangeant les côtes jusqu'au fond de la Baie, et delà rangeant la dite Baie jusqu'au Fort St. Jean, et de la reangeant toute la côte jusqu'à Pentagoet et Rivière St. George dans Mescourus, situé sur les confins de la

* Chalmer's political Annals of the Colonies, pages 186-7. Marshall's life of Washington.

“ Nouvelle-Angleterre du côté de l'Ouest et en dedans les
 “ terres tout le long des dites côtes jusqu'à cent lieues de
 “ profondeur, et plus avant, jusqu'à la première habitation
 “ faite par les Flamans ou François, ou par les Anglois de la
 “ Nouvelle-Angleterre.”

In the month of November 1655 a treaty was made between the two nations. France demanded the restitution of the country which had been taken from her. The English Government set up claims to this country. The decision of this controversy was by the 25th Article of the treaty of Westminster referred to Commissioners, but the question was only ultimately settled by the treaty of Breda. The restitution of Acadie and the other possessions of France in America, which had been conquered by the English, was stipulated for by that treaty made in 1667, and carried into effect in 1670.

The article of the treaty of Breda relating to the restitution of Acadie is in the following words :—“ Le ci-devant nommé
 “ Seigneur le Roi de la Grande-Bretagne restituera aussi et
 “ rendra au ci-dessus nommé Seigneur le Roi Très-Chrétien,
 “ ou à ceux qui auront charge et mandement de sa part, icelle
 “ en bonne forme du Grand Sceau de France, le pays ap-
 “ pélé l'Acadie, situé dans l'Amérique Septentrionale, dont
 “ le Roi Très-Chrétien a autrefois joui, et pour exécuter
 “ cette restitution, le sus-nommé Roi de la Grande-Breta-
 “ gne incontinent après la ratification de la présente alliance,
 “ fournira au sus-nommé Roi Très-Chrétien, tous les Actes
 “ et Mandemens expédiés d'ueinent et en bonne forme, né-
 “ cessaires à cet effect, ou les fera fournir à ceux de ses Mi-
 “ nistres et Officiers qui seront par lui délégués.”

The Act of restitution of Acadie by the Crown of England bears date the 17th of February, 1667—8, and will be found in the Appendix to this paper under the letter A.

Here then is a second *restitution* not *cession* of Acadie which formed a portion of the territory comprised in the Letters Patent of James the First, and Charles the First in favor of Sir William Alexander.

In 1674 the Fort of Pentagoet was attacked by an Englishman with the crew of a Flemish ship, and taken possession

of, as well as that of Fort St. John. In 1680 some men from Massachusetts seized upon the same Forts which they abandoned, and the Baron of St. Castin who had repaired that of Pentagoet was summoned by the Governor of New-England to evacuate it.

These acts of aggression were made the subject of loud complaints on the part of the French Colonists, and the British Colonists on their part complained of similar acts of aggression within their territories by the French Colonists.— The war commenced anew between the two nations in 1689, and in the month of October, 1690; the English took Port Royal and Chedabucto and summoned Quebec in the month of October in the same year, 1690. The peace which was re-established in 1697, restored tranquillity to America leaving the belligerents in possession of the territories they had there before the war. This treaty known by the name of the treaty of Ryswick, like the two preceding treaties of St. Germain and Breda, contains a *restitution* to France of her North American possessions generally, and under it the great Peninsula of the River and Gulf of Saint Lawrence was restored to that power.

This peace, however, was but of short duration, and the war again commenced between the two nations in 1702. The treaty of Utrecht put an end to this war in 1713. By the twelfth Article of this treaty His Most Christian Majesty ceded and transferred to the Queen of Great Britain, *Novam Scotiam quoque sive Acadiam totam limitibus suis antiquis comprehensam ut et Portus Regis urbem, nunc Annapolim regiam dictam ceteraque omnia in istis regionibus, quæ ab usdem terris et insulis pendent, &c.*

It is not necessary at present to enter into the details of the controversies which arose between the two States upon the construction of this article of the treaty.

The original limits of Acadie, as established by the letters patent to the Sieur De Monts, as Lieut. General of that Country and the adjoining countries, bearing date the 8th Novr. 1603, embrace the country between the 40th and 46th degrees of latitude. The grant of the company of New France to Charles De St. Etienne, Sieur De La Tour, Lieu-

tenant General of Acadie, of the Fort of La Tour, on the River St. John, bears date the 11th February, 1638, and contains a grant of *Le Fort et habitation de la Tour situë en la Rivière St. Jean en la Nouvelle France entre les quarante-cinq et quarante-six degrés de latitude, ensemble les terres prochainement adjacentes à icelui dans l'étendue de cinq lieues au dessus, le long de la dite rivière, sur dix lieues de profondeur dans les terres, &c. &c. tenir le tout en fief mouvant et relevant de Québec, &c.*

Difficulties having previously existed between M. De St. Etienne and M. leCommandeur De Razilly, Lieut.General of New France, who had settled upon, or near, the Bay of Fundy, and held a grant of the River and Bay of St. Croix, of twelve leagues in breadth and twenty leagues in depth, His Most Christian Majesty Louis XIII. by a letter dated the 10th February, 1638, and addressed to Mr. De Razilly, determines the limits of Mr. De Razilly's government and those of Acadie, which letter was addressed to Mr. De St. Etienne in the following words :—“ Monsieur D'Aulnay Charnisay
 “ —Voulant qu'il y ait bonne intelligence entre vous et le
 “ Sieur de la Tour sans que les limites des lieux où vous
 “ avez à commander l'un et l'autre puissent donner sujet
 “ de controverse entre vous ; j'ai jugé a propos de vous
 “ faire entendre mon intention, touchant l'étendue des
 “ dits lieux, qui est que sous l'autorité que j'ai donné à
 “ mon cousin le Cardinal, Duc de Richelieu sur toutes les
 “ terres nouvellement découvertes par le moyen de la
 “ navigation, dont il est Surintendant, vous soyez mon
 “ Lieutenant Général en la Côte des Etchemins, à prendre
 “ depuis le milieu de la terre ferme de la Baie Française, en
 “ tirant vers les Virginies, et Gouverneur de Pentagoet
 “ et que la charge du Sieur mon Lieutenant Général en la
 “ Côte d'Acadie soit depuis le milieu de la dite Baie Fran-
 “ çoise jusqu'au détroit de Canseau, &c. &c.*

The Sieur De La Tour was, on an accusation of keeping up communications with foreign Protestants, arrested by order of the Court of France and sent home, and the Sieur De Charnisay succeeded in getting annexed to his government in 1647, under the name of “l'Acadie & confins,”

* Mem. des Comm. et Pièces justificatives.

the two territories whereof one was known by the name of Etchemins, and the other by that of Acadie. The Sieur De Charnisay did more, for he obtained a grant of the country which extends from Cape Canseau to Cape Rozier, at the entrance of the Gulf of the St. Lawrence, which had never before formed part of the government of the Etchemins nor of that of Acadie ; but the King of France afterwards, in the year 1654, made a grant of this latter tract to the Sieur Denys.*

M. De Charnisay died in 1650, and the Sieur De St. Etienne having exculpated himself from the charges made against him, obtained letters patent not materially different from those which had been granted to M. De Charnisay in 1647.

It appears from the foregoing that the country designated in the aforesaid letter to M. De Charnisay, by the name of Acadie ; and the country designated in the commission of 1647 to M. De Charnisay, and likewise in the commission to M. De St. Etienne, in 1651, in like manner designated by the name of Acadie ; and the country designated by the same name by Cromwell, in the grant to Crowne and Temple, differed in their metes and bounds from each other, and that they all differed, in their metes and bounds, from the country described in the letters patent of James I. and of Charles I. in favor of Sir Wm. Alexander, and there called Nova Scotia. This ambiguity gave rise to long discussions between the commissioners of the two powers, which could hardly end otherwise than in a war. The English commissioners, on the part of His Majesty, in two memorials presented to the commissioners of His Most Christian Majesty, bearing date the 21st September, 1750, and the 11th of January, 1751, claimed the whole country lying to the eastward of a line running due north, from the mouth of the Kennebec, and striking the St. Lawrence nearly opposite Quebec.— On the other hand, the Governor General of Canada encouraged the Acadians and Indians to remove from the new possessions of Great Britain to the neighbouring establishments belonging to France, and furnished both with

* Mem. des comm.

provisions and clothes at an enormous expense to the Government of France.* Great efforts were made, and expenses incurred on both sides, to secure the alliance of the Indians. The crisis was fast approaching, when it was to be determined which of the two nations was to obtain the ascendancy in the vast territory lying between the Gulf of Mexico and the Gulf of St. Lawrence.

We now come to the war which ended in the conquest of Canada, in 1759, and in its cession, in 1763. As early as 1749 the Marquis De La Gallissoniere, then Governor General of New France, began to act openly. He was only relieved in the month of September in that year, and by that time all his orders had been given.

In the Spring he had sent a Colony to Detroit and had established a garrison there. He had afterwards caused other forts to be built; those of "Baie des Puans, des Scioux, de Toronto," afterwards called fort Rouillé, and that of the River de la Presentation. He had reinforced the forts of Frontenac and Niagara. He had taken measures to transfer the Indian trade from the English fort of Choueguen (now Oswego) to the French posts and forts.— He had ordered all English who should be found trading with the savages within the limits which he prescribed, to be arrested, and several were so.

But the most important event which occurred in this year was a solemn proclamation made by the Marquis De LaGallissoniere, in the name of the King of France, of the exclusive right of his Sovereign to the whole of Canada. He sent a strong detachment, under the Sieur de Celeron, to determine the limits of Canada, which he fixed at the River Ohio, then called La belle rivière. He caused public and authentic possession to be taken of that river in the name of the King of France. He had planted on its banks, posts decorated with his King's arms. He had boundaries planted, and had attached to them medals in lead, which represented, or recalled to mind that event, with inscriptions establishing

* It is probable that the inhabitants of Madawaska are descended from these Emigrants if not from older Settlers.

Mem. pour M. Bigot Intend. de la Nouv. France.

the taking possession. He thus declared implicitly that the fort of Choueguen and some other English establishments on this side of the River Ohio were encroachments, from which the English must either withdraw or be expelled.

An idea may be formed of the astonishing efforts made within the colony at that time, from some facts stated by M. Bigot, then Intendant General of Canada, in his defence upon an accusation of peculation preferred against him after his return to France, on the conquest of this country in 1759.

According to him, and he could have had no interest in augmenting the amounts, the stores sent to Louisburg and the Island of St. John, in 1750, amounted to 333,600 livres 15 sols and 8 deniers, and the expense for the posts at the River St. John and Chediak for the same year was 297,389 livres 19 sols and 4 deniers. It appears in the same memorial that there was sent to the River St. John, in 1751, 800 barrels of flour and 100 barrels of pork by the French Government.

The estimate by M. Bigot, for the expenses of the frontier posts of Acadie, for the year 1751, amounts to 826,503 livres 9 deniers. The expense in that year at the post of the point of Beau Sejour alone, for provisions distributed, amounts to 60,000 livres. The expenses of 1752 exceeded those of 1751.

In 1753 the Marquis Du Quesne attempted to take anew, possession of the River Ohio, and built several forts there. The Sieur Marin, whom he sent thither with a numerous body of men, built several forts in that country, and among the rest, a fort to which the name of the Governor in Chief, was given.

M. Bigot states the expenses incurred for that expedition, up to the 1st of October, 1753, at 2,658,230 livres 9 sols and 4 deniers. He stated in his despatch of that month to the French Minister, that he had informed the Marquis Du Quesne that from the manner in which the expedition was carried on, it would cost at least 3,000,000, to which

the General had answered. " que c'étoit le salut du Canada, " et qu'on ne pouvoit s'en départir." Upon the operations ending on the 1st of October, 1753, and stated by M. Bigot to have been paid, is not included the expense of a detachment of 1040 men, who were to proceed under the command of the confidential friend of M. Bigot, M. Péan, to the Belle Rivière, nor the wages of the workmen in digging the foundations of, and in building the forts, nor the expenses of the transport of 18 or 20,000 quintals of merchandize from Presqu'île to the River aux Bœufs, a distance of eight leagues, which was effected on men's backs.

In 1753 the same efforts were continued, and besides a large issue of paper currency which was depreciated 30 per cent, M. Bigot drew Bills of Exchange on the French Treasury, to the amount of three millions and a half.

The expenses in the years 1754 and 1755 of the French Government, in carrying on their project of aggrandizement in North America, were enormous. The Intendant's estimate for the French posts upon the Ohio alone, in the year 1756, amounted to between two and three millions of livres. The estimate of the same officer, transmitted from Canada to France on the 29th of August, 1758, for the following year of 1759, amounted to from thirty-one to thirty-three millions of livres. It appears that twenty-four millions were actually drawn for before the taking of Quebec, in September, 1759.*

The foregoing circumstances are adverted to for the purpose of showing the character of the war which was terminated by the treaty of 1763, containing a cession of all the North American possessions of France to Great Britain. It was a war of conquest on both sides, and one wherein each party felt that the question of British or French ascendancy in the North American continent would be finally and irrevocably settled. The efforts made by the British nation, and by the colonists of Great Britain, corresponded with the magnitude of the object at stake.— The detail of these need not here be entered into, contained

* Mem. pour M. Bigot, Intend. de la Nouv. France.

as they are in historical works in the possession of all. There is one document however, of such great intrinsic merit, and disclosing so fully and distinctly the views entertained by the leading men in the English North American Colonies of that day, respecting the controversy which was just about to be settled by the *ultima ratio regum*, that I cannot forbear to advert to it.

It is entitled "A memorial, stating the nature of the "service in North America, and proposing a general plan of operations as founded thereon," and is to be found in the appendix to a work of Governor Pownal, entitled "The Administration of the British Colonies." This document is the more important when it is recollected that the map, commonly called Mitchell's map, was compiled by the direction of, and from materials furnished by the author of this paper, and published about the same time that this paper was written.—It was, in fact, a WAR MAP.

The treaty of 1763 left Great Britain sole and undisputed master of all the territory on this side of the Mississippi.—The French division lines came to be obliterated. They were, in the language of the civilians, destroyed *per confusionem*.

It became, then, necessary to establish new provincial lines of division of the conquered territories.

By the proclamation of 1763, "The government of Quebec is bounded on the Labrador coast by the River Saint John, and from thence by a line drawn from the head of that river, through the lake Saint John, to the south end of the lake Nipissim; from whence the said line, crossing the River Saint Lawrence, and the lake Champlain in forty-five degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said River Saint Lawrence from those which fall into the sea; and also along the north coast of the Bay des Chaleurs, and the coast of the Gulf of Saint Lawrence to Cape Rosier, and from thence crossing the mouth of the River Saint Lawrence, by the west end of the Island of Anticosti, terminates at the aforesaid River Saint John."

There can be no doubt as well from the tenor of this proclamation as from other evidence, that the intention of His Majesty's Government, at that time, was to assimilate the new acquisitions on this continent, in religion, laws, and government, to the other dominions of Great Britain in North America.

It has so often been asserted that Great Britain was restricted by the terms of the capitulation, from changing the old laws of the country, that many believe such to be the case. But this is an error; as may be seen upon referring to the capitulation itself.

It was expected that the conquest of Canada would secure the tranquillity of the North American possessions of England. The very contrary of this happened, and the prediction of the Duc de Choiseul, and of Burke was verified. France, no longer skirting our old colonies with her well ordered line of posts, and the warlike Indian tribes of this continent, over which she possessed unlimited control, the internal discontents of the colonies, ceasing to be compressed by a powerful external enemy, burst forth with increased violence.—Great Britain had incurred an enormous expense during the war of 1759, and was desirous of being refunded some portion of it by the colonies. But the colonies themselves had also made immense sacrifices both in men and money.—“ When Mr. Grenville began to form his system of American revenue, he stated in the House of Commons, that the colonies were then in debt two million six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. In this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand pounds a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine;—the reduction was not completed till some years after, and at different times in different colonies.”

The plan of taxing the Colonies for a revenue to be levied under the authority of the Imperial Parliament and to be ap-

Burke.

plied to imperial purposes by it, was first attempted to be carried into effect by Mr. Grenville's Act of 1767. The discontents produced by this measure and the general fermentation in the old Colonies seem to have induced a change in the views of England relative to the new acquisitions on this continent. In the rupture which it was easy now to see must take place, the probability was, that these latter would remain faithful to Great Britain. To assimilate the new acquisitions to the old ones would facilitate their union with the old Colonies. To secure to the new subjects their laws and religion was calculated at once to alienate them from the other colonies and to attach them to Great Britain.— Such seems to have been the motive of the provisions of the 14th of the King, relative to the old laws and religion of the mass of the inhabitants of the then Province of Quebec.

The first public document in which we can trace the operation of these new views of policy is in a Report made in 1769 by His Excellency Brigadier General Carleton, the Governor in Chief of the said Province to His Majesty in Council, concerning the administration of the laws and the state of justice in the said Province, which suggests to His Majesty the reviving of the whole of the French laws in civil matters.

The French settlements could not be considered as extending below the Bay des Chaleurs. There was no reason then of Policy or Justice to extend the French laws in that direction beyond that Bay; leaving all beyond it towards the Gulf to the Province of Nova Scotia. The boundaries of the Province of Quebec as given in the 14th of the King are as follows :

“ All the territories, islands and countries in North
 “ America, belonging to the Crown of Great Britain,
 “ bounded on the south by a line from the Bay of Chaleurs
 “ along the high lands which divide the rivers that empty
 “ themselves into the River Saint Lawrence, from those
 “ which fall into the sea, to a point in forty-five degrees
 “ of northern latitude, on the eastern Bank of the River
 “ Connecticut, keeping the said latitude directly west

“ through the lake Champlain, until in the same lati-
 “ tude, it meets the River Saint Lawrence ; from thence
 “ up the eastern bank of the said river to the Lake
 “ Ontario, thence through the Lake Ontario, and the
 “ river commonly called Niagara, and thence along by
 “ the eastern and south-eastern bank of Lake Erie, fol-
 “ lowing the said bank, until the same shall be intersected
 “ by the northern boundary, granted by the Charter of the
 “ province of Pennsylvania, in case the same shall be so
 “ intersected, and from thence along the said northern and
 “ western boundaries of the said province, until the said
 “ western boundary strikes the Ohio ; But in case the said
 “ bank of the said Lake shall not be found to be so inter-
 “ sected, then following the said bank until it shall arrive
 “ at that point of the said bank which shall be nearest to
 “ the north-western angle of the said Province of Pennsyl-
 “ vania, and thence by a right line to the said north-
 “ western angle of the said province, and thence along the
 “ western boundary of the said province, until it strikes
 “ the River Ohio, and along the bank of the said river,
 “ westward, to the banks of the Mississippi, and
 “ northward to the southern boundary of the territory
 “ granted to the merchants adventurers of England, trad-
 “ ing to Hudson’s Bay, and also all such territories, islands
 “ and countries which have, since the tenth of February,
 “ one thousand seven hundred and sixty-three, been made
 “ part of the Government of Newfoundland, be, and they
 “ are hereby, during His Majesty’s pleasure, annexed to,
 “ and made part and parcel of the Province of Quebec, as
 “ created and established by the said Royal Proclamation
 “ of the seventh of October, one thousand seven hundred
 “ and sixty-three.”

The Royal Commission which was about the same time
 granted to Montague Wilmot, Esq. appointing him Captain
 General and Governor in Chief over the Province of Nova
 Scotia, thus describes the limits of that Province, namely :

“ To the northward, our said province shall be bounded
 “ 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 Saint

“ Lawrence, &c. and to the westward, although our said
 “ province hath anciently extended, and doth of right
 “ extend, as far as the River Pentagoet, 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 from thence to the southern
 “ boundary of our Colony of Quebec.”

But as well the line running from Cape Rosier to the height of land, as the line running from the Bay des Chaleurs to the height of land, are partition lines, only as between the Province of Nova Scotia and the Province of Quebec.

I proceed now with the main subject. The unfortunate war of the revolution is known to us all: and I pass over to the next great epoch in this inquiry, which is the treaty of peace between Great Britain and her old colonies, concluded at Paris in the year 1783.

The main end and object of that treaty, was the recognition by Great Britain of the independence of her old colonies as a separate nation, with all the powers and rights incident to sovereignty. The subordinate provisions of the treaty must, then, be looked at in relation to this, its great end and object. To recognize the old colonists as sovereigns of their own possessions, was one thing; to surrender the new acquisitions of England to the newly erected State, would have been another. The war, so far as the colonies were concerned, had never been a war of conquest; it was a war of principle. And if it could by any means be looked upon as a war of conquest, it had in that view entirely failed, for the American arms had been repelled from the new possessions of England.— These new possessions had remained faithful to their Sovereign. A demand made to Great Britain, of a surrender of a portion of her undoubted territories and an abandonment of her faithful subjects in these colonies, was one which if made, would have been instantly rejected as an indignity.

The most restricted claim of Great Britain embraced the St. Croix. The French, whom they now represented, for a long time claimed to the Kennebec. The Penobscot, or Pentagoet, as it is called by the French, was also long in controversy between the two nations, and it is believed that it will be found that the French settlements upon the Penobscot are anterior to the English. This is probably the reason why we find the Penobscot in discussion, as a boundary between the two countries, both at the treaty of 1783, and at the treaty of Ghent. The American negotiators of the treaty of 1783, themselves, felt the force of these obvious reasons. Mr. Adams, one of the negotiators of that treaty, in his examination before the commissioners, under the fifth article of the treaty of 1794, for determining the true St. Croix, produced in evidence on this occasion by the American agent, states as follows:—"The British commissioners first claimed to Piscataqua River, then to Kennebec, then to Penobscot, and at length to St. Croix, as marked on Mitchell's map. One of the American Ministers 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's Bay, they could not justify insisting on the St. John as an ultimatum, he agreed with them to adhere to the charter of Massachusetts's Bay."

Again in the secret journals of the old Congress, most opportunely published in Boston, in August 1821; we find the instructions of Congress to their Commissioners for regulating the treaty of 1783, including an original project of the article respecting boundaries from which the following are extracts:—"these 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, that empty themselves into the River Saint Lawrence, from those which fall into the Atlantic Ocean to the north-westernmost head of Connecticut River." The southern boundary is made to terminate as in the definitive treaty by a line "drawn along the middle of St. Mary's River to the Atlantic Ocean."

The description continues " east by a line to be drawn
 " along the middle of St. John's River from its source to
 " its mouth, in the Bay of Fundy, comprehending all
 " Islands, &c," as in the definitive treaty describing
 the points where the boundaries " respectively touch the
 " Bay of Fundy and the Atlantic Ocean."

The object of Great Britain, as well in the treaty of
 Utrecht as in the treaty of 1783, so far as regards this
 territory seems to have been to secure the Fisheries
 upon its coasts, and this object was fully attained by taking
 the St. Croix as the boundary. The Marquis De La Galis-
 sonnière, than whom no man was better acquainted with the
 public affairs of this continent, in his day informs us, that
 such was the object of the treaty of Utrecht, in the twentieth
 article of the memorial of the Commissioners of His Most
 Christian Majesty, upon the limits of Acadie, signed by him-
 self and Mr. De Silhouette, and bearing date the 4th Octr.
 1751, says :—" Il est aisé de reconnoître que l'objet
 " principal des Anglois au traité d'Utrecht étoit de s'assu-
 " rer de la pêche ; c'est dans cet esprit que l'Angleterre
 " se fit céder l'Isle de Terre-Neuve, c'est aussi dans le
 " même esprit qu'elle se fit céder l'Acadie ; et que pour
 " donner plus de faveur surtout aux pêches de la Nouvelle
 " Angleterre, elle stipula la jouissance exclusive des Bancs
 " qui sont situés vis-à-vis les côtes d'Acadie, et qui sont
 " extrêmement abondans en poisson. Ce dernier objet se
 " trouvoit rempli par la cession de l'Acadie, telle qu'elle
 " a été désignée dans le cours de ce mémoire, à qui puisse
 " convenir cette pêche exclusive ; ni la côte des Etchemins,
 " ni aucune de celles du Golfe Saint Laurent, n'ont des
 " Bancs à leur sud-est, sur lesquels on puisse pêcher."

The point of departure once settled, the next subject of
 discussion would be the direction of the line. The first
 mention, which I find made of this line is again in the
 Marquis De La Galissonnière's memorial ; it is in the fol-
 lowing words :

" L'objection d'incertitude sur ces limites, ne peut donc
 " tomber que sur celles de l'intérieur des terres ; et cette
 " décision est une preuve de l'exactitude et la bonne foi

“ que les Commissaires du Roi se sont proposé d'apporter
 “ au règlement des limites, puis que ce qu'ils auroient pu
 “ marquer à cet égard, auroit été arbitraires, n'y ayant
 “ jamais eu dans le fait aucunes limites établies dans cette
 “ partie, et c'est là précisément l'objet de ce qui est à ré-
 “ gler entre les Commissaires respectifs.

“ Dans de pareils cas, la règle la plus usitée et la plus
 “ convenable, est d'étendre les limites dans l'intérieur des
 “ terres, jusqu'à la source des rivières qui se déchargent à
 “ la côte, c'est-à-dire ; que chaque nation a de son côté
 “ les eaux pendantes ; c'est ainsi qu'on en a usé à la paix
 “ des Pyrénées, pour fixer les limites entre la France et
 “ l'Espagne ; et si les Commissaires du Roi connoissoient
 “ une règle plus équitable, ils la proposeroient aux Com-
 “ missaires de Sa Majesté Britannique.”

The article of the treaty of 1783 which relates to this line of boundary is the 2nd article, and it provides as follows :
 “ That all disputes which might arise in future on the
 “ subject of the boundaries of the United States may be
 “ prevented ; it is agreed and declared, that the following
 “ are and shall be their boundaries, viz : from the north-
 “ west angle of Nova Scotia, viz : that angle which is form-
 “ ed 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 Saint Lawrence from those which fall into the
 “ Atlantic Ocean to the north-westernmost head of Connec-
 “ ticut River, thence down along the middle of that river,
 “ to the 45th degree of north latitude, from thence by a line
 “ due west on said latitude, until it strikes the River Iro-
 “ quois or Cataraguay.”

The southern boundary is terminated “ by a line down
 “ along the middle of St. Mary's River to the Atlantic
 “ Ocean.” The boundary is continued “ east by a line to
 “ be drawn along the middle of the River St. Croix from its
 “ mouth in the Bay of Fundy to its source, and from its source
 “ directly north to the aforesaid highlands which divide
 “ the rivers that fall into the Atlantic Ocean from those
 “ which fall into the River Saint Lawrence, comprehend-

“ ing all islands within twenty leagues of any part 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, shall respectively touch the
 “ Bay of Fundy, and the Atlantic Ocean, excepting such
 “ islands as now are, or heretofore have been within the
 “ limits of the said Province of Nova Scotia.”

The next public document to be looked at is the treaty between Great Britain and the United States of America, made on the 19th of November, 1794. The fifth article of that treaty is to the following effect :—“ Whereas, doubts
 “ have arisen, what river was truly intended under the
 “ name of the River St. Croix, mentioned in the said
 “ treaty of peace, and forming a part of the boundary
 “ therein described, that question shall be referred to the
 “ final decision of commissioners to be appointed in the
 “ following manner, viz. :—

“ One commissioner shall be named by His Majesty,
 “ and one by the President of the United States, by and
 “ with the advice and consent of the Senate thereof, and
 “ the said two commissioners shall agree on the choice of
 “ a third; or if they cannot so agree, they shall each
 “ propose one person, and of the two names so proposed,
 “ one shall be drawn by lot in the presence of the two
 “ original commissioners; and the three commissioners so
 “ appointed, shall be sworn, impartially to examine and
 “ decide the said question according to such evidence as
 “ shall respectively be laid before them, on the part of the
 “ British Government and of the United States. The said
 “ commissioners shall meet at Halifax, and shall have power
 “ to adjourn to such other place or places as they shall think
 “ fit. They shall have power to appoint a secretary, and
 “ to employ such surveyors or other persons as they shall
 “ judge necessary. The said commissioners shall, by a
 “ declaration under their hands and seals, decidè what
 “ river is the River St. Croix, intended by the treaty.—
 “ The said declaration shall contain a description of the
 “ said river, and shall particularize the latitude and
 “ longitude of its mouth and of its source. Duplicates of

" this declaration, and of the statements of their accounts,
 " and the journals of their proceedings, shall be delivered
 " by them to the agent of His Majesty, and to the agent
 " of the United States, who may be respectively appointed
 " and authorized to manage the business on behalf of the
 " respective governments; and both parties agree to con-
 " sider such decision as final and conclusive, so as that
 " the same shall never thereafter be called into question,
 " or made the subject of dispute or difference between
 " them."

Soon after the making of this treaty, Thomas Bar-
 clay, Esquire, on the part of His Majesty, and David
 Howell, Esquire, on the part of the United States,
 were named commissioners to carry the above clause into
 effect. In 1796 Egbert Benson, Esquire, a Judge of the
 Supreme Court of the State of New York, was appointed
 as an umpire by the mutual agreement of both commis-
 sioners to settle a question which it seems had arisen whether
 the River St. Croix, mentioned in the foregoing treaties,
 was the river now known by the name of the Magaguada-
 vic as was contended on the part of the United States, or
 the river now known by the name of the River Schoodic as
 was urged on our part. The umpire determined, that the
 River Schoodic was the true St. Croix.

A new difficulty arose, after ascending the St. Croix for
 about five and twenty miles; at that distance two streams are
 met with, the one from the westward, taking its source in
 the Crooked Lake and running through a succession of
 large lakes, commonly called the Schoodic Lakes; the other
 taking its source in a lake called Grand Lake, and empty-
 ing itself at the same point, as the waters proceeding from
 the Schoodic Lakes at a distance as was mentioned before
 of about 25 miles from the mouth of the St. Croix. The
 American commissioner contended, that the latter branch
 of the St. Croix was that branch at whose head waters the
 point of departure was to be taken, whilst on the other hand
 the commissioner named by Great Britain, urged, that the
 point of departure could not be any other than the highest
 waters of the westernmost source of the St. Croix.

It is somewhat surprising, that such a claim should have

been at all set up by the American commissioner. The St. Croix being the westernmost boundary of Nova Scotia, it's westernmost waters were alone to be looked at. Again, in the original letters patent to Sir William Alexander, the western branch of the St. Croix is expressly named as the boundary of the Province of Nova Scotia. The words in this patent it will be recollected are "ad fluvium vulgo nomine Santæ Crucis appellatum, et ad scaturiginem remotissimam sive fontem ex Occidentali parte, ejusdem qui se primum prædicto fluvio immiscet." Other reasons might be added, but it is sufficient to say, that at the expiration of two years from the time when the difficulty was first started, (A. D. 1798,) a decision was made by the umpire, rejecting, as might have been expected, the American pretensions upon this score.

For this we have the authority of a writer who has published a pamphlet on this subject under the signature of Verax, who evidently had access to the original documents of the commission, and could not have been mistaken upon a point of such vital importance. His words in his first letter are as follows :

"The next year after this treaty was concluded, viz. in the year 1784, a part of the ancient Province of Nova Scotia, bordering on the United States, was erected into the Province of New Brunswick, and settlements were made by the King's subjects, at St. Andrews, and on the River Schoodic, as being the St. Croix, and the boundary of the treaty. The Americans soon set up a claim to the River Magaguadavic, as the St. Croix; and the treaty of amity, commerce, and navigation, made in the year 1794, commonly called in the United States, Jay's treaty, provided for settling this question by a board of three commissioners. By the provisions of this treaty, one commissioner was to be appointed by each government, and the two commissioners so appointed, were to agree in the choice of a third; or if they could not agree, each was to propose one person, and of the two names so proposed, one was to be drawn by lot, in the presence of the two original commissioners. In this instance, the two original commissioners did agree in the choice of a

“ third. A Judge of the Supreme Court of the State of New York, and a man whose character stood high for talent and integrity; it being probably thought more advisable by the British commissioner, to select, by mutual choice, an individual whose character was known to him although a citizen of the United States, than to trust to the nomination of a third commissioner, and thus, in all probability, the decision of the controversy entirely to chance.—This was in the year 1796. The discussions before three commissioners were continued until the Autumn of 1798; the Magaguadavic being throughout, most strenuously insisted upon as the true River St. Croix, on the part of the United States. The result in the first instance was, at the time, well understood to be, *that the third commissioner, who was, in fact, the umpire, expressed himself satisfied that the British claim was fully established to the River Schoodic, as the River St. Croix, truly intended by that name in the treaty of 1783, and to the WESTERN BRANCH OF THAT RIVER, AS THE TRUNK AND MAIN RIVER; the original commissioner expressing himself to be of a different opinion.*”

It would seem, that after so giving his opinion, the commissioners and umpire were all *functi officio*, and that it remained only to place the boundary stone, indicating the point of departure at the head waters of the WESTERN-MOST source of the Schoodic River. This was not done.

It is certain, that the boundary mark of the point of departure was fixed at the highest waters of the northernmost source of the Schoodic River. It is from this fatal source, that all the difficulties, which for the last 35 years have embarrassed the settlement of this most important question have risen. It is this, and not any ambiguity in the treaty of 1783 which has protracted for so many years and still keeps unsettled a negotiation, which if the point of departure had been properly placed at the highest head waters of the westernmost source of the Schoodic, either would not have been at all necessary, or must have been settled in six months; and this is the next part of the enquiry to which I shall proceed.

But before doing so I would beg leave to state this occurrence in the words of the author of Verax, and also in those

of the author of a pamphlet published in London, in 1826, entitled, "Considerations of the Claims and Conduct of the United States respecting the North Eastern Boundary, and of the the value of the British Colonies in North America.—London, 1826."

The former of those writers goes on to say : " The third commissioner however, placed the source of the river, which the treaty required to be particularized, at the mouth of the easternmost of the Schoodic Lakes, where he seems to have considered it as losing the form of a river. This point is situate about five or six miles above the confluence of the Cheputnaticook with the main river, and on a meridian several miles to the eastward of the source of the Cheputnaticook. In this state of things, it was proposed by the American agent, *by way of accommodation*, to adopt the extreme northern source of the Cheputnaticook, or northern branch of the Schoodic, as the source of the St. Croix. The inducement to this proposal, on his part, was said to be *to save to the state of Massachusetts*, certain grants of land that had been made by that state between the western and northern branches of the Schoodic ; and as this proposal placed the source of the St. Croix on a meridian considerably to the westward of the point named as the source of the river by the third commissioner, it was acceded to on the part of His Majesty, and brought about what was evidently a very desirable object—an unanimous decision of the three commissioners, who accordingly, by their declaration, established the River Schoodic, and the northern branch of that river to its source, as the River St. Croix, truly intended in the treaty of 1783. The declaration of these commissioners, is thus spoken of by the President of the United States, in his speech to Congress, December 8th, 1798. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Schoodic, and its northern branch, bound the grants of lands which have been made by the respective adjoining governments.

" I have been thus particular in the history of the decision with regard to the River St. Croix, which was a matter of notoriety at the time, and it is reasonable to

“ suppose may be substantiated by documents in the hands
 “ of those officially connected with the transaction, because
 “ the writers in the State of Maine, in a spirit by no means
 “ liberal or magnanimous, speak of it, as one in which an
 “ advantage was obtained over the United States, and
 “ made a merit of the State of Maine and Massachusetts
 “ having quietly submitted to it; whereas, if national
 “ controversies are to be weighed in the same narrow
 “ scale as the disputes of obstinate litigants, in a municipal
 “ court, *the advantage may be fairly said to lie on the part*
 “ *of the United States*, for it appears to me that the course
 “ pursued by the *commmissioners* under the treaty of 1794,
 “ with regard to the source of the St. Croix, *is clearly*
 “ *erroneous*, upon the principle which established the
 “ river itself to be the true St. Croix.

“ That principle is shortly this; the River St. Croix,
 “ intended in the treaty of 1783, is a river, a due north
 “ line from the source of which, forms one side of the
 “ north-west angle of Nova Scotia, and therefore was a
 “ part of the western boundary of that province. The
 “ river which was a part of the western boundary of Nova
 “ Scotia, is the river intended by the name of the St. Croix,
 “ in the original erection of that province, by the grant of
 “ King James I. to Sir William Alexander, in the year
 “ 1621, and in that grant described thus: ‘The river
 “ commonly called by the name of St. Croix, and to the
 “ most remote spring or fountain from the western part of
 “ the same, which first mingles itself with the aforesaid
 “ river.’ The river thus described in this grant to Sir
 “ William Alexander, is the river called St. Croix, by the
 “ first French voyagers there, in the year 1604. The par-
 “ ticular and minute description given by these voyagers
 “ of the river which they called St. Croix, and especially
 “ of a small island in the mouth of that river, on which
 “ they wintered, correspond exactly with the river Schoo-
 “ dic; and a small island in the mouth of that river, a
 “ short distance above St. Andrews, called by the French
 “ Isle St. Croix, since called Bone, or Docea’s Island, on
 “ which island were found, in the year 1799, and probably
 “ exist to the present day, indubitable traces of the habit-
 “ ations described with such minute particularity by the

“ French historians of the voyage of 1604 ; and the des-
 “ cription of these historians will correspond with no other
 “ river or island in that neighbourhood. The River
 “ Schoodic is therefore the river intended in the grant to
 “ Sir William Alexander, as a western boundary of Nova
 “ Scotia ; and if so, by the description in the grant, should
 “ be followed as a boundary to its most western source, or
 “ spring, which, according to the principle, would be the
 “ true boundary of the treaty of 1783. But *as a measure*
 “ *of accommodation* suggested by the person to whom the
 “ management of this matter was entrusted by the United
 “ States, and acquiesced in by all the parties, the source
 “ of the St. Croix was fixed at a point on a meridian several
 “ miles to the eastward of the source designated in the
 “ original declaration of the western boundary of Nova
 “ Scotia ; and is, therefore, in so far, an advantage to the
 “ United States.”

“ Now I cannot think that this designation of the source
 “ of the River St. Croix, by the commissioners, under the
 “ 5th article of the treaty of 1794, can be defended upon
 “ the principles which must demonstrably have governed
 “ their decision. And His Majesty’s subjects in this
 “ quarter would be well justified in complaining of it, if it
 “ had not been yielded to, for the purpose of preventing a
 “ more unfavourable result, according to the original
 “ decision of the umpire in the selection of a point lying
 “ on a meridian line several miles further to the eastward,
 “ as the source of the river, and if its effect on the interior
 “ boundary were of material moment. But the fact is,
 “ that if the most western source of the Schoodic had been
 “ decided to be the source of the St. Croix, under the
 “ treaty, it would have carried the line, running due north
 “ from that point, only about ten miles further to the
 “ westward ; and if the river St. John is to be crossed by
 “ this due north line, according to the claim set up by the
 “ Americans, in the controversy now subsisting, such line,
 “ from the most western source of the Schoodic, would
 “ have crossed the St. John about fourteen miles above the
 “ Great Falls ; and as to its pernicious operation as a bound-
 “ dary, would not vary substantially from a north line run
 “ from the monument at the source of the Cheputnaticook.

“ But, say the American writers, the St. Croix intended
 “ by the treaty of 1783, is not the St. Croix of Sir William
 “ Alexander’s grant, in 1621, nor the St. Croix, so named
 “ by the Sieur De Monts, in 1604 ; but the river marked
 “ by the name, on Mitchell’s map, which map was before
 “ the commissioners who negotiated the treaty of peace, in
 “ 1783, and the river marked on that map, as the St.
 “ Croix, is the next great river westward of the St. John,
 “ and is clearly the Magaguadavic.

“ This map of Mitchell was published in the year 1755,
 “ prior to the erection of the province of Quebec, and the
 “ introduction of highlands, as a northern boundary of
 “ these sea-board provinces, in the year 1763. This map,
 “ as it regards the Bay of Passamaquoddy, and the rivers
 “ issuing into it, is evidently erroneous and imperfect ; so
 “ much so, that I will confidently assert that not one of the
 “ rivers, or the islands of this bay, would be known with
 “ certainty, from a comparison of the delineation of them
 “ on the map, with the natural objects as they exist. But
 “ there is a characteristic of the river, which the compiler
 “ of this map calls the St. Croix, not to be mistaken, and
 “ that is, a line of boundary traced along the western side
 “ of the river, and the lake at the source of the river, and
 “ along the northerly side of the lake, to the most northern
 “ part of it ; and thence in a north course to a small river,
 “ the St. Barnabas, emptying into the St. Lawrence ; on
 “ one side of each line the country is called New England,
 “ and on the other Nova Scotia. Now, in the grant of
 “ 1621, to Sir William Alexander, the boundary of Nova
 “ Scotia is continued from the source of the St. Croix, as
 “ before quoted, by an imaginary direct line which may
 “ be conceived to go over the land, or run towards the
 “ north to the nearest bay, river, or spring, discharging
 “ itself into the great river of Canada. There can be no
 “ doubt then, that the boundary line thus traced on
 “ Mitchell’s map, indicates what was at that time esteemed
 “ to be the boundary of Nova Scotia, from the mouth of
 “ the St. Croix to the St. Lawrence ; and this boundary is
 “ the boundary described in Sir William Alexander’s
 “ grant. If then, the river called St. Croix, in Sir Wm.
 “ Alexander’s grant, is the river so called by the French,

“ in 1604, and this river is demonstrably, unless the face
 “ of nature be changed, the Schoodic; the proof is perfect
 “ that the Schoodic is the river intended by the name of
 “ St. Croix, in Mitchell’s map.

“ It is worthy of remark also, that there is a river marked
 “ on this map on the eastern side of Passamaquoddy Bay,
 “ probably intended for the Magaguadavic, which it is also
 “ probable, in consequence of the falls so near it’s mouth,
 “ had not then been explored, and so its size and extent
 “ were not then known.

“ Similar considerations might be applied to prove that
 “ in all the authentic maps published from the time of the
 “ original erection of the Province of Nova Scotia, in
 “ 1621, to the peace of 1783, the river called St. Croix, is
 “ intended to be the river originally designated as the
 “ western boundary of that province, under that name.”

The author of the pamphlet entitled “ Consideration, &c.” gives a somewhat different account of the matter. He says—“ It is said by the treaty of 1794, this
 “ difference (as to boundary) was referred to commission-
 “ ers.—They disagreed. In that case they were to nomi-
 “ nate an umpire. A most unequal compromise was
 “ suggested and adopted. The British commissioner was
 “ to have the nomination, but the umpire was to be a
 “ citizen of the United States. A person so chosen could
 “ hardly have been expected to decide otherwise than that
 “ the Schoodic was the River St. Croix, and *its most*
 “ *eastern source* the source; though if the ancient bound-
 “ aries of Nova Scotia deserved any consideration, its
 “ charter had, in express and very forcible terms, appointed
 “ *the most western fountain and spring.*”

It is proper here to point out several material errors of fact, in the foregoing statement of Verax.

I pass over the extraordinary error of the American umpire, in taking the Cheputnaticook, and the lakes and sources of the Cheputnaticook, for the main stream of the Schoodic, and the lakes and sources of the Schoodic. I pass over the still more extraordinary error of the umpire

in taking the lowest expanse of water in the river, as its source.

The whole course of the Cheputnaticook River, from its source to its confluence, is from sixty to seventy miles. It takes its rise there, in springs or marshes, and not in a lake, and runs in the form of a small river for a distance of about ten miles, at which point it spreads out into a long irregularly formed expanse of water, which from its resemblance to a lake, is popularly, but improperly denominated Grand Lake, of twelve or fifteen miles in length. It thence proceeds a distance of seven or eight miles with its usual river breadth, and there again expands into two or three smaller and irregular sheets of water, which might, in like manner, be improperly called lakes, the lowest of which is not, as stated by Verax, at the distance of six miles above the confluence of the Cheputnaticook, or eastern branch of the Schoodic, but is at a distance of from twenty-five to thirty miles from the point of confluence.

Another highly material error of fact to be found in this statement, is, "that if the most western source of the Schoodic had been decided to be the source of the St. Croix, under the treaty, it would have carried the line running due north from that point, only about ten miles further to the westward."

Now so far from this being the case, the interval between the meridians of longitude of these two points is twenty statute miles.—The interval between the two points, in a straight line, is fifty statute miles.

This mislocation of the point of departure was altogether unknown in this province, until soon after the publication of the before-mentioned pamphlets.

It is not now many years since rumours first began to be whispered, implying that the American line intersected the route from Halifax to Quebec.

The belief that such might be the case, acquired such a degree of consistency, that upon the close of the last

American war, the following article was inserted in the treaty of peace between Great Britain and the United States of America, at Ghent.

“ Whereas, neither that point of the highlands lying
 “ due north from the source of the River St. Croix, and
 “ designated in the former treaty of peace between the
 “ two powers, as *the north-west angle of Nova Scotia, nor*
 “ *the north-westernmost head of Connecticut River*, has
 “ yet been *ascertained*; and whereas that part of the
 “ boundary line between the dominions of the two powers,
 “ which extends from the source of the River St. Croix,
 “ directly north to the above-mentioned north-west angle
 “ of Nova Scotia, thence 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 north-westernmost head of Connecticut
 “ River, thence down along the middle of that river to the
 “ forty-fifth degree of north latitude, thence by a *line due*
 “ *west on said latitude, until it strikes the River Iroquois,*
 “ *or Cataraquy, has not yet been surveyed.*”

The article goes on to provide for the appointment of commissioners, and that “ they shall have power to *ascertain* and *determine* the points above-mentioned, in conformity with the provisions of the said treaty of peace, of 1783; and shall cause the boundary aforesaid, from the source of the River St. Croix to the Iroquois, or Cataraquy, to be surveyed, and marked according to the said provisions.”

The article further directs that “ the commissioners shall make a map of the boundary, particularly the latitude and longitude of the north-west angle of Nova Scotia, the north-westernmost head of Connecticut River, and such other points as they may deem proper.”

The motives assigned by Verax, for the procedure of the commissioners and umpire, in thus substituting, for the true point of departure, one which, from his statement, it appears that all parties knew to be otherwise, seem to be entirely inadequate.

There is reason to believe that subsequent to the treaty of 1783, to wit, about the year 1787, settlements were made under the authority of the State of Massachusetts within the British lines. The circumstances attending this settlement, are not sufficiently well known, to enable one to judge whether it was made in good faith or not.

But supposing the utmost good faith to have obtained with the settlers, the greatest extent to which their claim, I will not say upon the justice, but upon the magnanimity of His Majesty's government could have been carried, would have been for a confirmation of their titles to the lands in their actual possession, upon their taking the oath of allegiance, and becoming the King's subjects; or if this last condition was not agreeable to them, then to have been allowed to sell the lands in their actual possession, and to remove from the country with their effects, having a reasonable time allowed them for effecting the sale of their lands. But it is clear that it should have been given as a boon, and should have been strictly confined to the lands in the actual possession of settlers under grants from the State of Massachusetts.

Unanimity was in itself a thing highly desirable; but the price which seems here to have been paid for it,—the surrender of a small province, without any other equivalent, may, perhaps, be thought too high.

Verax, it is apprehended, is also in an error, in considering the erroneous location of the point of departure, in 1798, as conclusive and irremediable.

The power conferred upon the commissioners of the two countries, under the treaty of 1794, was a limited power—limited as to the subject of it, and limited as to the form and manner in which it was to be executed.

The matter referred to the commissioners was, to determine, “ what river was truly intended under the name “ of the River St. Croix, mentioned in the said treaty of “ 1783, and forming a part of the boundary therein “ described.”—Art. 5.

If the commissioners named should not agree, then the treaty provides that "the two commissioners shall agree on the choice of a third, or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the two original commissioners."

It has been seen above that another, and very different mode of selection was adopted by the commissioners, and the important point, that the umpire should be an American citizen, surrendered.

The umpire and the commissioners were next to be sworn, "to examine and decide the said question, according to such evidence as should respectively be laid before them, on the part of the British government, and of the United States."

They were then, by a "declaration under their hands and seals," to "decide what river is the River St. Croix, intended by the treaty;" and this declaration was "to contain a description of the said river." and was to "particularize the latitude and longitude of its mouth, and of its source."

"Duplicates of this declaration, and of the statements of their accounts, and of the journals of their proceedings," were to be delivered by them, "to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective governments;" and then, and then only, both parties agreed "to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them."

It appears from the foregoing, that the power of the commissioners was confined to the determining of the question of what river was the River St. Croix, intended by the treaty of 1783. That point determined, they were instructed to cause it to be surveyed, What should be considered its source was not referred to them; and their finding, therefore upon this question would, even if regular, have been a mere and absolute nullity.

But there were irregularities in the proceedings (as stated by Verax) which, if the treaty had given them power to determine, this question would still have vitiated their determination.

The umpire was not named in the manner prescribed by the treaty. It does not appear that he was sworn, nor indeed could he have been; otherwise how, after acknowledging the westernmost waters of the St. Croix, to be the St. Croix, could he have placed the point of departure upon the tributary stream of the Cheputnaticook? It does not appear that the declaration, under the hand and seal of the commissioners, required by the treaty, was ever made.

But why go farther, when we have it stated by Verax, that the point of departure was settled *by compromise*.— Where is there to be found any power to compound or compromise, conferred upon the commissioners. And is not such compromise again a mere and absolute nullity?

Nor can this nullity be covered by the silence of Great Britain, unless full knowledge of the mislocation of the point of departure be brought home to His Majesty's government.

It is exceedingly improbable that it was known to the King's Ministers; when we consider how subversive it is in its consequences, to the great ends had in view by the framers of the treaty of 1783, and how ruinous those consequences are to the just rights of England.

This brings me to the last branch of the subject, which is, the consideration of those consequences, and to it I shall strictly confine myself—for it is not my intention to enter into the general arguments upon the claims of the two governments, lest the weakness of the advocate might impair the strength of the cause.

To understand the effects which this most unfortunate error has produced, it is necessary to bear in mind that there are in the southern peninsula, washed by the waters of the St. Lawrence and the Gulf, three distinct great levels.

Any ordinary map will show the sources and the courses of the rivers in this Peninsula, and having them, we have the relative elevation of the lands, and the line of these their several levels plainly marked out.

The first consists of a range of high lands, extending from the head of the Connecticut River to the head of the St. Croix; and the waters which descend are poured into the St. Lawrence on the one side, and the Atlantic Ocean on the other.

The second consists of a range of highlands, running north-easterly around the sources of the St. John, thence in an easterly direction along the head waters which empty themselves into the St. Lawrence, between Quebec and Cape Rosiers, the extreme limit of that river to the eastward.

The third is a subordinate range, running north and south, from the River St. John, along the head waters that empty themselves into the Gulf, and probably touching at its extremity, the last mentioned highlands, and to the eastward to Cape Rosiers.

Each of these ranges has probably spurs,—in which of them Mars-hill is, does not appear.

If the point of departure had been taken at the source of the St. Croix or Schoodic River, there is reason to believe that the height of land first above described, would have been struck at a distance of about twenty miles from that point; and the highlands might have been followed in a sinuous, but distinctly marked course to the head of the Connecticut River. And if the secondly above described level be taken to be the highlands referred to by the treaty of 1783, as contended by the American government, then those highlands would have been struck at a point, on the south shore a few leagues below the mouth of the Saguenay. Whereas, by taking the source of the tributary stream of the Cheputnaticook, as the point of departure the River St. John came to be intersected at a low point of its course, and in the immediate proximity of the third range of highlands above described, and brought us to Mars-hill, whence it is highly improbable that we can proceed to any other than the range of highlands, secondly or thirdly described.

The loss of territory incurred by this mislocation of the point of departure is very great. Some idea may be formed of its extent, by considering the loss of territory incurred before we reach Mars-hill.

There was lost by it—First, The triangular piece of ground lying between the two branches of the Schoodic, having its apex at the confluence of the two branches, and for its base, the line running from the westernmost source of the Schoodic, to the easternmost source of the Schoodic, being a distance of fifty miles; for one of its sides, the whole length of the eastern branch of the Schoodic, above the point of confluence, being about sixty miles; and, for its remaining side, the whole westernmost branch of the Schoodic, above the point of confluence, being about forty miles, and containing an area, as those rivers run, of about 628,480 acres.

Secondly, A territory in the form of a trapezium, having for one of its sides twenty miles (from the westernmost source of the Schoodic to the commencement of the height of land); for another of its sides, fifty miles (the distance

in a straight line from the westernmost source of the Schoodic, to the easternmost source of that river), being the base line of the before-mentioned triangle; having for its third side the line extending from the easternmost source of the Schoodic to Mars-hill; and for its fourth side, the line which connects the point of termination at Mars-hill, with the point of termination of the first mentioned line, running from the westernmost source of the St. Croix, to the extremity of the height of land.

These two tracts will be found to embrace, probably one million and a half acres of land; and this, whether the hypothesis of the British or of the American government, be thought to be the true one.

The territory thus surrendered between Mars-hill and the River and Gulf of St. Lawrence, is immense; but it will be lesser or greater as the one or the other of these two hypotheses is adopted.

The mischief, however, does not end here. Proceeding from a point so far to the eastward and northward, not only is the second range of highlands struck much lower down than it would otherwise have been, and thus a great extent of territory sacrificed; but we here come to intersect the St. John at a low point, where its waters are navigable, instead of either not intersecting it at all (if the British hypothesis be the true one) or intersecting it only towards its source, as would be the case if the American hypothesis were admitted. So, too, all the waters emptying themselves into the Gulf, would, even under the American hypothesis, belong to Great Britain, as being to the eastward of the River St. John.

It will be recollected that the American commissioners, in 1783, declined even proposing a surrender of the navigable waters of the St. John, to the future republic.

It is thus seen (contrary to what is asserted by Verax) that this change in the point of departure, had a most material effect upon the interior boundary.

The inquiry is thus brought down from the earliest periods of this and of the adjoining countries, to the treaty of Ghent, in 1815.

I have not access to the documents which would be requisite to carry it down to the present day, and without which it would not be possible to form any judgment upon the present state of the controversy.

To do this, it would be necessary to be in possession of all the documents relating to, and the circumstances accompanying the alleged *compromise*, under which the point of departure is stated to have been fixed at the *easternmost*, instead of the *westernmost* source of the Schoodic river.

Quebec, 22d January, 1830.

ANDREW STUART.

APPENDIX.

A

“ **CHARLES, &c.**—To all persons to whom these presents shall come, greeting :—

“ Whereas, by the treaty of peace concluded at Breda, the 31st of July last past, between our Ambassador and those of our good Brother, the Most Christian King, it is among other things agreed, that we shall restore to the said King, or unto such as shall receive for that purpose, his commission, duly passed under the Great Seal of France, the country which is called Acadie, lying in North America, which the said Most Christian King did formerly enjoy, and to that end, that we should immediately, upon the ratification of the agreement, deliver, or cause to be delivered unto the said Most Christian King, or such Ministers of his as should be thereunto appointed, all instruments and orders duly dispatched, which should be necessary to the said ratification ; as also in like manner, that we should restore unto the said Most Christian King, all islands, countries, forts, and colonies any where situated, which might have been gotten by our arms, before or after the subscription of the said treaty, and which the said Most Christian King, possessed before the First of January, in the year 1665, on condition that he the said Most Christian King should, with all speed, or at the farthest, within six months, to be reckoned from the day of subscribing that agreement, restore unto us, or unto such as for that purpose should receive our commands, duly passed under our Great Seal of England, that part of the Island of St. Christophers, which the English possessed the First of January, 1665, before the declaration of the

“ late war ; and should to that end, immediately upon the
“ ratification of the said agreement, deliver, or cause to
“ be delivered unto us, or such of our Ministers as should
“ be thereunto appointed, all necessary instruments and
“ orders ; as also that he, the said Most Christian King,
“ should in like manner restore unto us, the Islands called
“ Antigoa, and Montserrat, if they were in his power ; and
“ all other islands, countries, forts, and colonies, which
“ might have been gotten by the arms of the said Most
“ Christian King, before or after the subscription of the
“ said treaty, and which we possessed before we entered
“ into the war with the States General, (to which war that
“ treaty puts end) as appears by the several articles of
“ the said treaty, which are as follows:—Articles, VII.
“ VIII. IX. X. XI. XII. XIII. XIV. and XV. And we
“ desiring on our part, sincerely and truly, without all
“ delay or difficulty, under what pretence or colour soever,
“ to accomplish and observe the said treaty, and every
“ article, clause, and part thereof, and more particularly
“ what concerns the restitution and delivery of the said
“ islands, countries, castles, and colonies, which our
“ meaning and intention is, they shall be forthwith deliv-
“ ered to our said good Brother as aforesaid, or such as
“ shall be thereto, by him sufficiently empowered and
“ appointed ; know ye that we for these, and several good
“ considerations, us thereunto especially moving, have
“ given, granted, quitted, transferred, surrendered, and
“ delivered, and by these presents signed with our Royal
“ Signature, do for us, our heirs and successors, for ever,
“ grant, quit, transfer, surrender, and deliver all that
“ country, called Acadie, lying in North America, which
“ the said Most Christian King did formerly enjoy, as
“ namely, the forts and habitations of Pentagoet, St. John,
“ Port Royal, la Have, and Cap de Sable, which his
“ subjects enjoyed under his authority, till the English
“ possessed themselves of them, in the years 1654 and 1655,
“ and since ; or also the countrie of Cayenne, in America,
“ with all and singular, the forts and places thereto and
“ to them, or any of them belonging ; and all and every
“ the islands, countries, castles, forts, and colonies which
“ were in the possession of our said good Brother, before
“ the declaration of the war with the United Provinces of

“ the lower countries, and which have been taken from
“ him, or his subjects, by our forces, before or since the
“ signing of the said treaty, with all the rights, powers,
“ privileges, sovereignty, jurisdiction, preeminence, and
“ authority, that doth or might belong to us, within the
“ same and every of them, to be and remain to him, the
“ said Most Christian King, his heirs and successors for
“ ever, with the same and like power, authority, and
“ sovereignty as they would or might have done to us, our
“ heirs and successors. Whereas, we therefore have, and
“ by these presents do, from this time forward, and for
“ ever, disseize and dispossess ourself in favour of our said
“ good Brother, his heirs and successors ; and accordingly
“ him and them have, by these presents do seize, and
“ possess, all the same, and of every part and parcel
“ thereof, in pursuance of our said treaty, and of the
“ respective articles thereof, without exemption, limitation,
“ or exception whatsoever, and for the full and effectual
“ execution thereof, our will and pleasure is, and we do
“ hereby strictly charge and require, as well our Captain
“ General and Governor in Chief of our Caribbee Islands,
“ our Governor of our Country of Nova Scotia, for the
“ time being, as the several Governors, Captains, Com-
“ manders in Chief of the said Country of Acadie, la Cayenne,
“ and of others, the said islands, countries, castles, forts,
“ and colonies respectively, that forthwith and by virtue
“ hereof, without all difficulty or delay, they surrender
“ and give up into the hands of our said good Brother, or
“ to such as he shall thereto appoint, as aforesaid, the
“ the said countries, islands, castles, forts, and colonies,
“ and every of them ; withdrawing such of our garrisons
“ and forces as shall have been placed there for our
“ service ; and for this end, we have freed, acquitted, and
“ discharged, and by these presents, do for us, our heirs
“ and successors, free, acquit, and discharge our said
“ Captain General, the several Governors, Captains, and
“ Commanders of all and singular, islands respectively, of
“ and from the charge, command, and government of the
“ same ; and all such as are employed by them therein, or
“ in any of them, so as not to be at any time hereafter
“ chargeable, answerable, or accountable to us, our heirs
“ or successors, for or concerning the same, or for or

“ concerning any matter or thing they shall do by virtue
“ of these presents. Whereas, we will that all and singular,
“ our inferior officers, civil and military, our soldiers,
“ people, and subjects, of our said islands, countries,
“ castles, and forts, whom it may concern, and every of
“ them, do take due notice and be obedient, accordingly,
“ to such orders and directions as shall be given to every
“ of them, by our said Captain General, our Governors,
“ Captains, and Commanders respectively, in the due and
“ punctual execution of these presents, without delay or
“ difficulty, or obstruction whatsoever; for which this
“ shall be to them and every of them, and to all others
“ whom it may concern, against us, our heirs and succes-
“ sors, a full and sufficient warrant and discharge in this
“ behalf. In witness whereof we have caused our Seal of
“ England, to be put to these presents.—Given, &c.

“ *17th February, 1667 - 8.*”

B

MITCHELL'S MAP.

THE expression so frequently used in the American State Papers upon the Boundary question, respecting Mitchell's Map, to wit, that "*it was before the commissioners who framed the treaty of 1783,*" is one which appears to be calculated to convey very erroneous notions.

It is true that Mitchell's Map was before the commissioners, but this is not the whole truth,—So also were various other maps.

The matter in negociation at the treaty of 1783, involved the question what was the extent of territory acquired in this quarter, by the Cession of Canada, contained in the treaty of 1763.

Mitchell's map, if I recollect rightly, was compiled from reports made to the Colonial Office, by the Governors of the different colonies concerning the limits of their several governments, under the superintendance of Governor Pownal, whose signature will be found to it. It was published about the year 1757, and of course at a time when views of territorial aggrandizement were, as stated in the text, rife upon this continent.

Not only the map, called Mitchell's Map, but also the various maps and charts which had been adverted to in the controversy between the English and French Commissioners in 1751-2, must have been before the Commissioners who framed the treaty of 1783.

The negociations of that treaty on both sides, well knew the character of Mitchell's map, and if Franklin could raise his head from the grave, he would smile at the importance which the American commissioner and government now affect to give to it.

But, after all, the words of the treaty are to be looked at,—from these alone can we know the mind of the framers of it. What effect Mitchell's map may have had upon their minds, it is impossible to conjecture; and, if it could be known, it would be entirely useless.

C

EARLY TITLES TO LANDS ON THE RIVER ST. JOHN, FROM
THE FRENCH GOVERNMENT.

It will be seen, from the following documents, that the possession of the River St. John by the Crown of France (in whose place Great Britain now stands), is of very old date. —

“ *La Compagnie de la Nouvelle France* : A tous ceux
 “ qui ces présentes lettres verront ; Salut : Le désir que
 “ nous avons d’apporter toute diligence possible à l’éta-
 “ blissement de la colonie de la Nouvelle France, nous
 “ faisant rechercher ceux qui ont la volonté d’y contribuer
 “ de leur part, et l’obligation que nous avons de récom-
 “ penser, par toutes voies, les travaux de ceux qui nous
 “ assistent, et d’embrasser les occasions de leur témoigner
 “ par effets, étant bien informés des bonnes inclinations
 “ que M. le Commandeur de Razilly, Lieutenant-Général
 “ pour le Roi en la Nouvelle France, a toujours eues pour
 “ faire réussir cette entreprise, et désirant l’en reconnoître
 “ par les gratifications à nous possibles ; A ces causes,
 “ avons au dit sieur de Razilly donné et octroyé, donnons
 “ et octroyons par ces présentes, l’étendue des terres et
 “ pays qui ensuivent ; à *savoir la rivière et baie Sainte-*
 “ *Croix, isles y contenues, et terres adjacentes d’une part et*
 “ *d’autre en la Nouvelle France*, de l’étendue de douze
 “ lieues de large, à prendre le point milieu en l’isle Sainte-
 “ Croix, où le sieur de Mons a hiverné, et vingt lieues de
 “ profondeur depuis le port aux Coquilles, qui est en l’une
 “ des isles de l’entrée de la rivière et baie Sainte-Croix,
 “ chaque lieue de quatre mille toises de long. Pour jouir
 “ des dits lieux par le dit sieur de Razilly, ses successeurs
 “ et ayans cause, en toute propriété, justice et seigneurie à
 “ perpétuité, tout et ainsi, et à pareils droits qu’il a plu au
 “ Roi donner le pays de la Nouvelle France à la Compa-
 “ gnie ; à la réserve de *la foi et hommage* que le dit sieur
 “ Commandeur, ses successeurs et ayans cause, seront tenus
 “ porter *au fort Saint-Louis à Québec*, ou autre lieu qui
 “ sera destiné par la dite Compagnie, par un seul hommage
 “ lige à chaque mutation de possesseur des dits lieux, avec

“ une maille d’or du poids d’une once, et le revenu d’une
 “ année de ce que le dit sieur Commandeur se sera réservé,
 “ après avoir donné en fief ou à cens et rente, tout ou partie
 “ des dits lieux ; que les appellations du juge qui sera établi
 “ esdits lieux par le dit sieur de Razilly, ressortiront nue-
 “ ment à la cour et justice souveraine qui sera ci-après
 “ établie au Sault Saint-Louis ou ailleurs ; que les hommes
 “ que le dit sieur Commandeur fera passer *en la Nouvelle*
 “ *France* tourneront à la décharge et diminution du
 “ nombre de ceux que la Compagnie doit faire passer, sans
 “ que le dit sieur Commandeur ou les siens puissent traiter
 “ des peaux et pelleteries qu’aux conditions portées par
 “ l’édit de l’établissement de la Compagnie de la Nouvelle
 “ France ; et en cas que le dit sieur Commandeur désire
 “ faire porter à cette étendue de terre quelque nom et titre
 “ plus honorable, se retirera vers le Roi et Monseigneur le
 “ Cardinal de Richelieu, Grand-Maître, Chef et Surinten-
 “ dant général de la navigation et commerce de France,
 “ pour lui être pourvû conformément aux articles accordés
 “ à la dite Compagnie. En témoins de quoi nous avons
 “ signé ces présentes. A Paris, au Bureau de la Nouvelle
 “ France, le dix-neuvième Mai, mil six cent trente-deux.
 “ *Signé* LAMI avec paraphe, Secrétaire.

“ Louis de Buade, Comte de Frontenac, Conseiller du
 “ Roi en ses Conseils, Gouverneur et Lieutenant-général
 “ pour Sa Majesté en Canada, Acadie, Isle de Terre-neuve
 “ et autres pays de la France septentrionale : A tous ceux
 “ qui ces présentes lettres verront ; SALUT. Savoir fai-
 “ sons que vû la requête à nous présentée par le sieur
 “ Pierre de Joibert, Ecuyer, sieur de Soulange et de Mar-
 “ son, Major de Pentagoet, et Commandant des forts de
 “ Gemisik et de la rivière de Saint Jean, à ce qu’il nous
 “ plût lui accorder en titre de fief, seigneurie, haute,
 “ moyenne et basse justice, le lieu appelé *Nachouac*, et que
 “ l’on appellera à l’avenir *Soulange*, sur la dite rivière de
 “ Saint Jean, à quinze lieues du dit Gemisik, contenant
 “ deux lieues de front de chaque côté sur la dite rivière, et
 “ deux lieues de profondeur dans les terres, aussi de cha-
 “ cun côté, ensemble les isles et islets qui sont dans la dite
 “ rivière au devant des dites lieues de front ; requérant
 “ cette quantité, attendu le peu de bonnes terres labou-

“ rables qui s’y trouvent. Nous, en vertu du pouvoir à
 “ nous donné par Sa Majesté, conjointement avec M. Du-
 “ chesneau, Conseiller du Roi en ses Conseils, et Intendant
 “ de la justice, police et finance de ce pays, et en considé-
 “ ration des services que le dit sieur de Marson y a rendus,
 “ et désirant l’engager à les y continuer, avons au dit sieur
 “ de Marson accordé, donné et concédé, donnons, accor-
 “ dons et concédons par ces présentes, le dit lieu appelé
 “ *Nachouac*, que l’on appellera à l’avenir *Soulange*, sur la
 “ dite rivière de Saint Jean, contenant deux lieues de front
 “ de chaque côté de la dite rivière, et deux lieues de pro-
 “ fondeur dans les terres, aussi de chaque côté, ensemble
 “ les isles et islets qui sont dans la dite rivière au devant
 “ des dites deux lieues de front, pour, du tout, jouir par
 “ lui, ses hoirs et ayans cause, en fief, seigneurie, haute,
 “ moyenne et basse justice, avec le droit de chasse et de
 “ pêche dans l’étendue des dits lieux, à la charge de la *foi*
 “ *et hommage*, que le dit sieur de Marson, ses dits hoirs et
 “ ayans cause, seront *tenus de porter au Château Saint-*
 “ *Louis de cette ville de Québec, du quel il relevera aux*
 “ droits et redevances accoûtumés, et au désir de la coû-
 “ tume de la Prevôté et Viconté de Paris, qui sera suivie
 “ pour cet égard par provision, et en attendant qu’il en
 “ soit autrement ordonné par Sa Majesté ; et que les ap-
 “ pellations du juge qui pourra être établi au dit lieu, res-
 “ sortiront par devart.....

“ Et à la charge qu’il tiendra et fera tenir feu et lieu par
 “ ses tenanciers, sur les concessions qu’il leur accordera ;
 “ et à faute de ce faire, qu’il rentrera de plein droit en
 “ possession de la dite terre ; et conservera le dit sieur de
 “ Marson, et fera conserver par ses tenanciers, les bois de
 “ chêne qui se trouveront propres pour la construction des
 “ vaisseaux, dans l’étendue des dits lieux ; et qu’il donnera
 “ incessamment avis au Roi et à nous, des mines, minières
 “ et minéraux, si aucuns se trouvent, et y laissera et fera
 “ laisser tous chemins et passages nécessaires : le tout sous
 “ le bon plaisir de Sa Majesté, de laquelle il sera tenu de
 “ prendre la confirmation des présentes dans un an. En
 “ témoins de quoi nous avons signé ces présentes, à icelles
 “ fait apposer le seau de nos armes, et contresigner par
 “ l’un de nos Secrétaire. DONNÉ à Québec, le douzième

“ Octobre, mil six cent soixante-seize ; *ainsi signé à l'ori-*
 “ *ginul*, FRONTENAC, scellé à côté du sceau des armes du
 “ dit Seigneur, *et contre-signé plus bas*, par Mousseigneur.
 “ LE CHASSEUR, avec paraphe. *Et ensuite est écrit.*
 “ Le titre de concession ci-dessus, à été confirmé par
 “ arrêt du Conseil d'État du Roi, du 29 Mai 1680, et re-
 “ gistré au greffe du Conseil souverain à Québec, suivant
 “ le dit arrêt du Conseil d'Etat, et celui du dit Conseil
 “ souverain, du 24 Octobre au dit an, par moi, Greffier en
 “ chef au dit Conseil, soussigné. *Ainsi signé PEUVRET,*
 “ avec paraphe”.

“ Louis de Buade, Comte de Frontenac, Conseiller du
 “ Roi en ses Conseils, Gouverneur et Lieutenant-général
 “ pour Sa Majesté en Canada, Acadie, Isle de Terre-neuve
 “ et autres pays de la France septentrionale : A tous ceux
 “ qui ces présentes lettres verront ; SALUT. Savoir faisons
 “ que sur la requête à nous présentée par Pierre de Joibert
 “ Écuyer, sieur de Soulange et de Marson, Major de Pen-
 “ tangoet, et Commandant des forts de Gemisik et de la
 “ rivière de Saint Jean, contenant que depuis quatre années
 “ qu'il a l'honneur de commander sous nos ordres dans les
 “ dits forts, il a fait diverses réparations et augmentations
 “ à celui de Gemisik, afin de le rendre logeable et de dé-
 “ fense, n'y ayant auparavant qu'un petit logement de bois
 “ tout ruiné, entouré seulement de quelques palissades à
 “ demi-tombées par terre ; en sorte que pour re-édifier le
 “ tout, il lui auroit coûté beaucoup, et se verroit encore
 “ contraint d'y faire de grandes dépenses pour le remettre
 “ en état, à cause de la ruine entière qu'en ont fait les
 “ Hollandoit en le faisant prisonnier dans le dit fort, il y a
 “ deux ans, et lui enlevant généralement tout ce qu'il y
 “ avoit ; ce qui ne seroit pas juste, s'il n'étoit assuré d'ob-
 “ tenir l'effet des promesses de M. Talon, ci-devant Inten-
 “ dant de la justice, police et finance de ce pays, lequel
 “ lui en avoit fait espérer la propriété ; c'est pourquoi il
 “ requéroit qu'il nous plût lui accorder pour son rembour-
 “ sement la propriété du fort ou maison de Gemisik, avec
 “ une lieue de chaque côté du dit, fort, faisant deux lieues
 “ de front, la devanture de la rivière, et les isles et islets
 “ qui y sont, et deux lieues de profondeur dans les terres,
 “ avec le droit de chasse et de pêche dans l'étendue des

“ dits lieux : le tout en fief, Seigneurie, haute, moyenne et
“ basse justice ; duquel fort M. Talon, lors Intendant de
“ la justice, police et finance de ce pays, lui auroit promis
“ la propriété, attendu les dépenses et voyages qu’il avoit
“ faits dans le pays pour le service de Sa Majesté, peu
“ auparavant notre arrivée dans ce gouvernement. Nous,
“ en vertu du pouvoir à nous donné par Sa Majesté, con-
“ jointement avec M. Duchesneau, Conseiller du Roi en
“ ses Conseils, et Intendant de justice, police et finance
“ de ce pays, et en considération des services que le dit
“ sieur de Marson y a rendus, et de la dépense qu’il a faite
“ pour l’entretien et augmentation du dit fort de Gemisik,
“ de la perte qu’il a soufferte, il y a deux ans, lorsqu’il fut
“ pris et pillé par les Hollandois ; et pour aucunement le
“ dédommager et l’engager de continuer ses services, avons,
“ au dit sieur de Marson, donné, octroyé, concédé, don-
“ nons, octroyons et concédons par ces présentes, le dit
“ fort de Gemisik, avec une lieue de chaque côté du dit
“ fort, faisant deux lieues de front, la devanture de la ri-
“ vivière, et les isles et islets qui y sont, et deux lieues de
“ profondeur dans les terres, avec le droit de chasse et de
“ pêche dans l’étendue des dits lieux ; pour, du tout, jouir
“ par lui en pleine propriété, ses hoirs et ayans cause, en
“ fief et seigneurie, haute, moyenne et basse justice ; à la
“ charge de la foi et hommage que le dit sieur de Marson,
“ ses dits hoirs et ayans cause seront tenus de porter au
“ Château Saint Louis de cette ville de Québec, duquel il
“ relevera aux droits et redevances accoutumés, et au désir
“ de la coutume de la Prevôté et Vicomté de Paris, qui sera
“ suivie pour cet égard par provision, et en attendant qu’il
“ en soit autrement ordonné par Sa Majesté ; et que les ap-
“ pellations du juge qui pourra être établi au dit lieu, res-
“ sortiront par devant.....A la charge qu’il tiendra
“ et fera tenir feu et lieu par ses tenanciers, sur les conces-
“ sions qu’il leur accordera ; et à faute de ce faire, qu’il
“ rentrera de plein droit en possession de la dite terre : et
“ conservera le dit sieur de Marson, et fera conserver par
“ ses tenanciers, les bois de chêne qui se trouveront propres
“ pour la construction des vaisseaux, dans l’étendue des
“ dits lieux ; et qu’il donnera incessamment avis au Roi ou
“ à nous, des mines, minières ou minéraux, si aucuns s’y
“ trouvent, et qu’il laissera et fara laisser tous chemins et

“ passages nécessaires : le tout sous le bon plaisir de Sa
 “ Majesté, de laquelle il sera tenu de prendre la confirma-
 “ tion des présentes dans un an. En témoins de quoi nous
 “ avons signé ces présentes, à icelles fait apposer le sceau
 “ de nos armes, et contre-signer par l'un de nos Secrétaires.
 “ Donné à Québec, le seizième Octobre mil six
 “ cent soixante-seize ; *ainsi signé à l'original en parche-*
 “ *main, FRONTENAC, et contre-signé plus bas, par Monsei-*
 “ *gneur, LE CHASSEUR, avec paraphe. Et au dos du dit*
 “ *titre est écrit.*

“ Le titre de concession de l'autre part, a été confirmé
 “ par arrêt du Conseil d'Etat du Roi, du 29 Mai 1680, et
 “ enregistré au greffe du Conseil souverain à Québec, suivant
 “ le dit arrêt du Conseil d'Etat et celui du dit Conseil sou-
 “ verain, du vingt-quatrième Octobre au dit an, par moi,
 “ Greffier en Chef au dit Conseil, Soussigné. *Ainsi signé*
 “ *PEUVRET, avec paraphe.*”

“ Les sieurs le Febvre de la Barre, Seigneur du dit lieu
 “ Conseiller du Roi en ses Conseils, Gouverneur et son
 “ Lieutenant Général dans toutes les terres de la Nouvelle-
 “ France ; et de Meules, Chevalier, Seigneur de la Source,
 “ Conseiller du Roi en ses Conseils, Intendant de justice,
 “ police et finance en Canada, et pays de la dite France
 “ Septentrionale : A tous ceux qui ces présentes lettres
 “ verront ; Salut. Savoir, faisons que sur la requête à
 “ nous présenté par René d'Amours, Ecuyer, sieur de
 “ Clignancourt, à ce qui nous plût lui vouloir accorder en
 “ titre de fief, seigneurie, et justice, haute, moyenne et
 “ basse, ce qui se rencontre de terre non concédée le long
 “ de la Rivière de Saint Jean, depuis le lieu de Medoctet,
 “ icelui compris, jusqu'au long sault qui se trouve en re-
 “ montant la dite rivière de Saint-Jean, icelle comprise,
 “ avec les isles et islets qui se trouveront dans cet espace,
 “ et deux lieues de profondeur de chaque côté de la dite
 “ rivière de Saint-Jean. Nous, en vertu du pouvoir à nous
 “ conjointement donné par Sa Majesté, avons donné, accor-
 “ dé, concédé, donnons, accordons et concédons par ces
 “ présentes au dit Sieur de Clignancourt, ce qui se rencontre
 “ de terre non concédée ni habituée le long de la dite ri-
 “ vière de Saint-Jean, depuis le dit lieu de Madoctet, icelui

“ compris, jusqu’au long sault qui se trouve en remontant
 “ la dite rivière de Saint Jean, icelle comprise avec les isles
 “ et islets qui se rencontreront dans cet espace, et deux
 “ lieues de profondeur de chaque côté de la dite rivière de
 “ Saint-Jean ; pour jouir de la dite étendue de terre et de
 “ tout ce qui s’y pourra rencontrer, par le dit sieur de
 “ Clignancourt, ses hoirs et ayans cause, à perpétuité en
 “ titre de fief, seigneurie, haute, moyenae et basse justice,
 “ en faire et disposer comme de chose à lui appartenante ;
 “ lequel fief et seigneurie portera le non de Clignancourt, à
 “ la charge de la *foi et hommage* que le dit sieur de Clig-
 “ nancourt, ses dits hoirs et ayans cause, seront tenus d’ap-
 “ porter à Sa Majesté au *chateau de Saint-Louis de cette*
 “ *ville*, duquel il relevera aux droits et redevances ordi-
 “ naires, suivant la coûtume de la Prevôté et Vicomté de
 “ Paris suivie en ce Pays ; qu’il tiendra ou fera tenir feu et
 “ lieu, et y obligera les particuliers à qui il accordera des
 “ terres, et qu’à faute de ce faire par eux, il rentrera de plein
 “ droit en la possession d’icelles ; qu’il ne souffrira la dite
 “ rivière de Saint-Jean être embarrassée, afin que la naviga-
 “ tion y soit libre, qu’il conservera et fera conserver les bois
 “ de chêne qui s’y trouveront propres pour la construction
 “ des vaisseaux ; donnera avis à Sa Majesté et à nous, des
 “ mines, minières et minéraux, si aucuns s’y trouvent, lais-
 “ sera et fera laisser et tenir en bon état les chemins et
 “ passages nécessaires, et qu’il fera défricher et habituer
 “ les dits lieux, et les garnira de bâtimens et de bestiaux
 “ dans deux ans de ce jour, autrement la présente conces-
 “ sion demeurera nulle et de nul effet : le tout sous le bon
 “ plaisir de Sa Majesté, de laquelle il sera tenu de prendre
 “ confirmation d’icelle dans deux ans. En foi de quoi nous
 “ avons signé ces présentes, à icelles fait apposer le sceau
 “ de nos armes et contre-signer par le Secrétaire de nous
 “ dit Intendant. DONNE’ à Québec, le vingt Septembre
 “ mil six cent quatre-vingt-quatre. *Signé* LE FEBVRE DE
 “ LA BARRE ET DE MEULES. *Et plus bas*, par Monseigneur
 “ PEUVRET. Et scellé.

“ Collationné à l’original en parchemin à moi représenté
 “ et à l’instant rendu, par moi Conseiller, Secrétaire du
 “ Roi et Greffier en chef du Conseil souverain de la Nou-
 “ velle France. A Québec le vingt-troisième Septembre
 “ mil six cent quatre-vingt-quatre. *Signé* PEUVRET.”

" A tous ceux qui ces présentes lettres verront ; SALUT.
 " Savoir faisons que sur la requête à nous présentée par
 " Pierre Chesnet, Ecuyer, sieur du Breuil, tendante à ce
 " qu'il nous plût lui accorder en propriété deux lieues de
 " front le long de la Rivière de Saint-Jean, dans le lieu ap-
 " pelé par les Sauvages Canibecachiche, et petit Nachouac
 " faisant le milieu de sa concession, avec les isles et islets
 " qui se trouveront au devant, et trois lieues de profondeur,
 " ensemble le droit de traite avec les Sauvages, de chasse,
 " de pêche dans la dite étendue, et le tout tenir en fief,
 " seigneurie, haute, basse et moyenne justice. Nous, en
 " conséquence du pouvoir à nous donné par Sa Majesté,
 " avons au dit sieur du Breuil accordé et concédé, accor-
 " dons et concédons à perpétuité, deux lieues de front le
 " long de la rivière de Saint-Jean, dans le lieu appelé par
 " les Sauvages Canibecachiche et petit Nachouac, savoir,
 " une lieue d'un côté, et une de l'autre, le dit petit Na-
 " chouac, faisant le milieu de la dite concession, avec les
 " isles et islets qui se trouveront au devant, et trois lieues
 " de profondeur, ensemble le droit de traite avec les Sau-
 " vages, de chasse et de pêche dans la dite étendue ; pour,
 " par lui, ses hoirs et ayans cause, en jouir à perpétuité, à
 " titre de fief et seigneurie, avec haute, moyenne et basse
 " justice, et droit de chasse et de pêche dans toute l'éten-
 " due de la dite concession ; à la charge de rendre la *foi et*
 " *hommage au Château de Saint Louis de Québec*, et de
 " payer les droits ordinaires à chaque mutation : le tout
 " suivant la coutume de Paris ; de conserver et faire con-
 " server par ses tenanciers, les bois de chêne qui se trou-
 " veront dans toute l'étendue de la dite concession, propres
 " pour la construction des vaisseaux ; et de donner avis des
 " mines, minières et minéraux, à Sa Majesté ou au Gou-
 " verneur du pays, si aucuns se trouvent ; de faire insérer
 " pareille condition dans les concessions qu'il lui sera per-
 " mis d'accorder sur la dite terre, et de commencer dans
 " trois ans de ce jour, à travailler pour habiter la dite terre,
 " à peine d'être déchû de la possession d'icelle. En té-
 " moin de quoi nous avons signé ces présentes, à icelles
 " fait apposer le sceau de nos armes, et contre-signer par
 " l'un de nos Secrétaires. Fait à Québec, ce septième
 " Janvier, mil six cent quatre-vingt-neuf. *Signé J. R. DE*

“ BRISAY DE DENONVILLE, J. BOCHART CHAMPIGNY. *Et*
“ *plus bas*, par Monseigneur, DE FREDIN.

“ Collationné à l'original en papier, par moi Notaire
“ Soussigné, ce vingt-huitième Septembre mil six cent
“ quatre-vingt-dix-neuf, et à l'instant rendu. *Signé*
“ HOPPINOT.”

r. *Et*

Notaire
x cent
Signé

