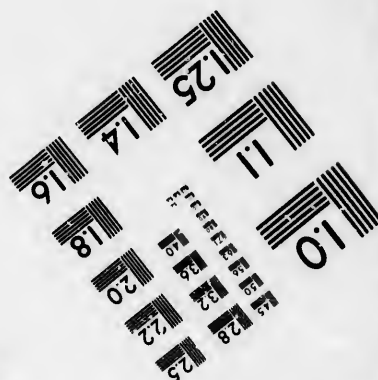
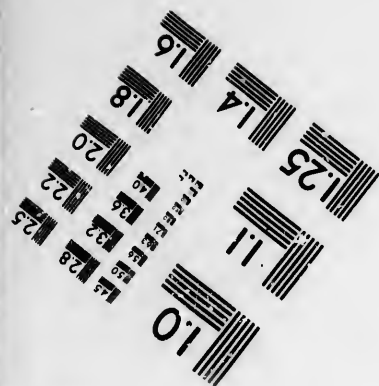
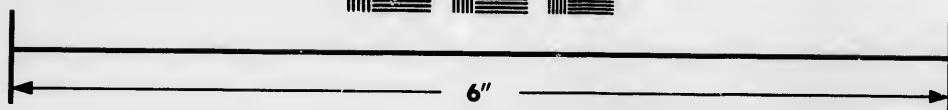
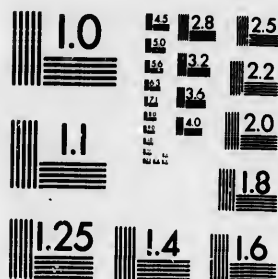


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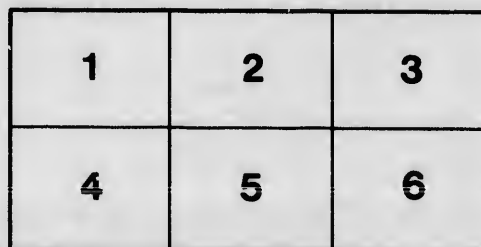
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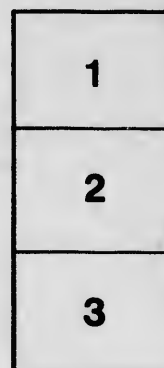
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**APPENDIX**

TO

**THE TWO STATEMENTS**

ON THE PART OF

**THE UNITED STATES,**

RESPECTING

**THE DISPUTED POINTS OF BOUNDARY**

BETWEEN

**THE UNITED STATES AND GREAT BRITAIN:**

REFERRED TO

**HIS MAJESTY, THE KING OF THE NETHERLANDS,**

FOR HIS DECISION THEREON.



WRITTEN AND PRINTED EVIDENCE ADDUCED ON THE PART OF THE  
UNITED STATES.



## TOPOGRAPHICAL EVIDENCE

ANNEXED

### TO THE FIRST STATEMENT.

- Now referred to in U. S. Arguments.
- A. Map A, annexed to the Convention of 29th September, 1827.
  - B. Mitchell's Map of North America, annexed to the said Convention.
  - C. American Transcript of Map A.
  - D. Atlas of the Surveys, &c. annexed to the Report of the American Commissioner, under the 5th Article of the Treaty of Ghent, collated with the British Atlas, with the notes of discrepancies, viz:
    1. Mr. Johnson's Survey of the line north from the St. Croix, in 1817.
    2. Col. Bouchette's Survey of the same line, 1817.
    3. Mr. Johnson's further Survey of the north line and adjacent country, in 1818.
    4. Mr. Odell's further Survey of the north line.
    5. Capt. Partridge's section of the country from Point Levi to Hallowell, Maine, in 1819. of different heights through the Grand Portage. of Madawaska and St John rivers. of Mars' Hill.
    6. Survey of the Restook section of the same, and of Mars' Hill.
    7. Mr. Odell's Survey of the Restook, with a Sketch of the Country as viewed from Mars' Hill, and the vicinity of the Houlton Plantation.
    8. Mr. Hunter's Survey of the Aliguash River.
    9. of the Penobscot, first part.
    10. of the Penobscot, second part.
    11. Mr. Burnham's Survey of the branches of Connecticut River.
    12. Dr. Tiarks' Survey of Connecticut River, and its tributary streams.
    13. Mr. Burnham's Survey of Meemkeswee and Green rivers, and Beaver Stream.
    14. of Tuladie River and Grand Portage.
    15. Dr. Tiarks' Survey of Tuladie and Green rivers.
    16. Mr. Loring's Survey of Penobscot River.
    17. of Moose River.
    18. Mr. Campbell's Sketch of the height of land annexed to Mr. Odell's report of the Survey of 1819.
    19. Mr. Hunter's Survey of the River St. John.
    20. Mr. Loss' Survey of the River St. John.
    21. Mr. Partridge's Survey of the Chaudiere, the source of the Dead River, and the east branch of the Connecticut.
    22. Mr. Carlile's Survey of the head waters of Chaudiere and Kennebec rivers.
    23. Mr. Burnham's Survey of the River Ouelle, and of the source of the Black River.
    24. Mr. Carlile's Survey of the same rivers.
    25. Mr. Burnham's Survey of the sources of the Metjarmette, Penobscot, and St. John rivers.
    26. Mr. Carlile's Survey of the same sources.
    27. Col. Bouchette's barometrical section of the line north from the St. Croix.
    28. Extract from Carrigan's Map of New Hampshire. Mitchell's Map of Connecticut River.
    29. Col. Bouchette concerning the parallel line.
    30. Extract from Mitchell's Map, as first filed by the British Agent.
    30. Plan of the former Survey of the latitude of forty-five degrees north, in 1774.

## E. Engraved Maps produced by the United States, viz.

- |     |  |               |
|-----|--|---------------|
| No. |  |               |
| 1.  | T. Kitchin's British Dominions in North America, &c. Engraved for Dodsley's Annual Register, of  | - 1763        |
| 2.  | T. Kitchin's British Dominions in North America, &c. Engraved for Capt. John Knox's History of the War in America, London,                         | - 1769        |
| 3.  | British Empire in North America, &c. Annexed to Wynne's History of the British Empire, &c. London,   | - 1770        |
| 4.  | J. Palairer's North America, with improvements, &c. By L. Delarochette. London,  | - 1763        |
| 5.  | Ridge's British Dominions in North America, &c. Annexed to a Complete History of the late War, &c. Dublin,   | - 1766        |
| 6.  | Palairer's North and South America, by the American Traveller. Annexed to "The American Traveller," &c. London,                                    | - 1769        |
| 7.  | North America and West Indies, with the opposite coasts, &c. [Jeffreys' Atlas,] London,  | - 1775        |
| 8.  | North America, improved from Danville, with divisions by P. Bell. Engraved by R. W. Seale, London,   | - 1771        |
| 9.  | P. Bell's British Dominions in North America, &c. 1772. Annexed to "History of British Dominions in North America, &c. in fourteen books." London, | - 1772        |
| 10. | S. Dunn's British Empire in North America. London,   | - 1774        |
| 11. | Danville's North America, improved with English Surveys, &c. London,   | - 1773        |
| 12. | E. Rowen, and J. Gibson's North America, &c. London,   | - 1773        |
| 13. | Sayer and Bennett's Province of Quebec, &c. London,  | - 1776        |
| 14. | Seat of War in the Northern Colonies, &c. Annexed to the American Military Pocket Atlas. London,   | - 1776        |
| 15. | North America, &c. corrected from the materials of Gov. Pownall, M. P. London,   | 1777          |
| 16. | Continent of America, &c. corrected from the materials of Gov. Pownall, London,  | - 1777        |
| 17. | W. Faden's British Colonies in North America,  | - 1777        |
| 18. | W. Faden's North America, from the latest discoveries, 1778. Engraved for "Carver's Travels," London,  | - 1778 & 1781 |
| 19. | Sayer and Bennett's United States of America, with the British Possessions, &c. London,  | - 1783        |
| 20. | Bew's North America, &c. Engraved for the Political Magazine. London,  | - 1783        |
| 21. | J. Wallis' United States of North America. Engraved for the Political Magazine. London,  | - 1783        |
| 22. | J. Cary's United States of America, &c. London,  | - 1783        |
| 23. | W. Faden's United States of North America, with the British and Spanish territories, &c.   | - 1783        |
| 24. | S. Dunn's United States of N. America, with the British Dominions, &c. London,   | 1783          |
| 25. | Bowles' Map of North America, and West Indies, &c. London, Bowles and Carver.  |               |
| 26. | Bowles' Pocket Map of the United States of America, British Possessions, &c. London,   |               |
| 27. | Albert and Lotter's North America, &c.   | - 1784        |
| 28. | Briou de la Tour's Etats Unis d'Amérique, &c. Paris,   | - 1784        |
| 29. | J. Cary's North America, &c. according to the preliminary articles of Peace, &c. collected from the materials of Gov. Pownall. London,             | - 1784        |
| 30. | Same Map, London,  | - 1783        |
| 31. | Whole Continent of America, &c. corrected from the materials of Gov. Pownall. Laurie and Whittle, London,  | - 1794        |
| 32. | R. Wilkinson's North America, &c. London,  | - 1794        |
| 33. | R. Wilkinson's United States of America, &c. London,   | - 1794        |

No.		
34.	L. S. Delarochette's North America and West Indies. London,	- 1795
35.	Laurie and Whittle's America, divided into North and South. London,	- 1800
36.	Osgood Carleton's District of Maine, &c. Engraved for "Judge Sullivan's History of the District of Maine." Boston,	- 1795
37.	D. F. Soltzmann's Maine. Hamburg, Carl Ernst Bohn,	- 1798
38.	Moses Greenleaf's State of Maine, &c. -	- 1822
39.	British Colonies and United States of North America. Engraved by J. Lodge, for "Anderson's British America,"	- 1814
40.	J. Bouchette's Lower Canada, &c. London,	- 1815
41.	Upper and Lower Canada. London,	- 1815
42.	District of Gaspé. London,	- 1815
43.	Route from Halifax to River du Loup, on the St. Lawrence. London,	- 1815
44.	J. Wyld's New Brunswick and Nova Scotia. London,	- 1823
45.	British Possessions in North America, compiled from documents in the Colonial Department; to accompany the report of the Emigration Committee, ordered by the House of Commons to be printed, 29th June,	- 1837
46.	T. Jeffery's Nova Scotia, &c. London,	- 1755
47.	same Map, -	- 1775
48.	Canada and north part of Louisiana. London,	- 1760
49.	Chart of the River St. Lawrence, &c. London,	- 1775
50.	Sayer and Bennett's Chart of the Gulf of St. Lawrence, London,	- 1775
51.	W. Brassier's Lake Champlain, &c. 1762. London, Sayer and Bennett,	- 1776
52.	J. Geddes' Map and Profile of the Champlain Canal, &c. -	- 1835
53.	Lewis Evans' Middle British Colonies in North America, improved and extended by T. Pownall, M. P. &c. Annexed to his "Topographical Description." London,	- 1776
54.	H. S. Tanner's Ohio and Indiana, -	- 1827
55.	Major Holland's Provinces of New York, New Jersey, &c. corrected from Pownall's materials. London,	- 1776
56.	C. J. Sauthier's Province of New York, &c. London,	- 1779
57.	S. Holland's Province of New Hampshire, &c. London,	- 1784

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## ERRATUM.

APPENDIX.—Page iv. line 36—Strike out "Engraved for the Political Magazine."



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**APPENDIX.**

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## APPENDIX.

### OBSERVATIONS ON, AND OBJECTIONS TO, THE TOPOGRAPHICAL EVIDENCE.

#### I.

*Maps, Surveys, and Topographical Delineations, filed with the Commissioners under the 5th Article of the Treaty of Ghent.*

It had been intended on the part of the United States, to annex to their first statement only those of the said Maps, Surveys, &c. which they thought unobjectionable. All of them, having been collated by mutual agreement between the two parties, are accordingly communicated, as they appear in the copy of the American Atlas.

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The few variations between that and the British Atlas, none of which are deemed material, having been noted in the joint certificate annexed to each of the Atlases, need not be repeated here.

It has been agreed by the 4th Article of the Convention of 1827, that the Map A. should be considered, by the Contracting Parties, as a delineation of the watercourses, and of the boundary lines in reference to the said watercourses, as contended for by each party respectively, and as evidence mutually acknowledged, of the topography of the country. It is, therefore, unnecessary to make any observations in relation to the watercourses as laid down on the maps, surveys, &c. which were filed with the Commissioners. The observations and objections will apply almost exclusively to the delineations of highlands, ridges and mountains. Even with respect to these, it appears unnecessary to note the errors, in relation either to course or distance, of the dividing ridges; the position and length of these being determined by the sources of the watercourses, as laid down in Map A.

Those surveys, as well as the engraved maps now adduced in evidence, being, according to the Convention, annexed only for the purposes of general illustration, it has not been deemed essential to examine them critically in all their details: and such general observations only will be submitted, as appear obviously necessary for the purpose of repelling inferences which cannot be admitted.

1. No. 7. [G. in the British Atlas.] *Mr. Odell's Survey of the Restook, with a Sketch of the Country as viewed from Mars Hill and the vicinity of Houlton Plantation.*

No objection is made to the plan of the river Restook so far as it was explored.— But no portion whatever of the country, of which Mr. Odell has pretended to give a sketch, has been surveyed, or even explored, either by him or any of the other surveyors under the commission, with the exception of the rivers St. John and Restook, the line drawn due north from the source of the river St. Croix, and Mars Hill. Not a single survey, (Mars Hill excepted,) was made west of the said north line, and south of the river Restook, so far as the plan extends. (a) Not a foot of the ground west

(a) Mount Katahdin was explored by a party coming from the Scodiac lakes, by the way of rivers Passadumkeig and Penobscot: but no part of the country between that mountain and the north line, has been surveyed or visited under the commission.



*Appendix.* and south-west of Mars Hill, has ever been explored or travelled over by any of the surveyors or of their party.

Observations on  
and objections to,  
the Topographical  
Evidence.

The sketch is said to have been taken from two places nearly thirty miles apart, without the assistance of instruments or any observation. Not the slightest reliance can be placed on a view, taken in that manner, of a country the whole of which is a dense forest. It was impossible for any one to ascertain whether a ridge, or a peak, which he might have seen from Mars Hill, was the same he saw from Houlton Plantation. Supposing that Mr. Odell could, merely by a glance of the eye, have taken a profile of the country between Mars Hill and Katahdin Mountain, as seen from the vicinity of Houlton, it was impossible for him to know the distance, from the point where he was placed, of the several hills, &c. of which he has given a profile, as if it was an actual section of the country.

Some of the hills embraced within his plan, are sixty miles from Houlton: and the whole is so obviously a fanciful representation, that it would deserve no notice, was it not for the very erroneous impression which it is calculated at first sight to produce. The country not having been surveyed or explored, the situation of the watercourses remains unknown; and as they could not be seen in a hilly country covered with woods, Mr. Odell has entirely omitted them. There is not a trace, on the plan, of the upper branches of the Restook, or of the various tributary streams of the Penobscot, by which the country is intersected in every direction. Thus the appearance is given of a huge, wide and unbroken mountain, with some prominent peaks, extending fifty or sixty miles, in the direction in which it was necessary to create a chain of highlands, in order to give some color to the British pretension. With no better evidence of that fictitious chain, the United States have a right to deny that it does exist.

2. No. 18. [F. in British Atlas.] *Mr. Campbell's Sketch of the Height of Land.*

Mr. Campbell, in October, 1819, ascended the Penobscot river to Mount Katahdin, and returned down the same river. The ensuing spring he proceeded through the Kennebec country, and along the usual road thence to Quebec, to the height of land (b) which divides the south-west branch of the Penobscot from the sources of a tributary stream of the river Chaudière. He then proceeded about forty miles, partly along the highlands described by the treaty, partly along an easterly ridge intersected by some of the north-west upper branches of the Penobscot. Directing then his course northwardly, he reached, at some miles distance, one of the southerly sources of the Saint John, not far from the place where the conflicting lines meet.

His sketch of the country he thus explored, though not correct either as to course or distance, is not liable to any very material objection. But he has also added a view of the country, north-east and south-east from his last station towards Mars Hill (c) and Katahdin Mountain, which, judging by the length on his sketch of the ridge he explored, is wholly erroneous as to distance. He has there, like Mr. Odell, laid down chains of mountains suited to the British pretension, without any evidence of their existence. The United States object to the whole of that part of his sketch.

3. Nos. 13, 14, 15, 23, 24, 25, 26, (9, 10, 11, 18, 19, 20, 21 in British Atlas.)

*Messrs. Burnham's, Tiarks' and Carlisle's Surveys of certain Portages, between the respective sources of some of the tributary streams of the river St. John and of the river St. Lawrence.*

The usual mode of communication through the uninhabited parts of the whole of this region has hitherto been by water. Canoes, made of the bark of the birch tree,

(b) At the place called *Image* on Map A.

(c) According to Map A, Mars Hill is about 115 miles from the place where the conflicting lines meet.

are used for that purpose, drawing so little water that the smallest streams may be ascended to their sources, and so light that they may be carried by the men on board, wherever the navigation is interrupted by a rapid, and also from the source of one stream to that of another. The Indians, from whom that mode of travelling has been borrowed, necessarily sought, and from long experience discovered, the places where canoes could be carried with the greatest facility, across the ground which separated the sources of the different streams. Those places which, from that circumstance, have received the appellation of portages, or carrying places, are therefore those where the distance between the sources is shortest, and particularly, which was of far greater importance, where the ground separating those sources is the least elevated.

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Observations on,  
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Evidence.

All the above surveys are of portages of that description, separating sources of tributary streams of the river St. John from those of the river St. Lawrence, and along the line claimed by the United States. Those portages are, therefore, the lowest gaps or depressions of the highlands, along which that line extends. No objection is made to the surveys with respect to what they contain; but they are, nevertheless, calculated to convey an erroneous impression of the general character of the highlands.

The various gaps, in which the respective sources of the streams flowing in opposite directions thus approximate, form, in each instance, a kind of valley, the course of which is perpendicular to the general direction of the highlands. The ridges by which each valley appears, in the surveys, to be bounded on both sides, are in fact nothing more than a part of the main ridge, or highlands. In order, therefore, to give a correct view of the whole ground, the surveys ought to have been extended, for some distance, on each side of the valleys, along the main ridge; and the vertical section of such survey, perpendicular to the small valley, would have given a fair representation, both of the main ridge or highland, and of its depression in the gap, where the sources of the opposite streams were near to each other.

It may here be observed, that the Umbazueksus, (or Alaguash,) and other portages, along the British line, as well as those between the heads of Connecticut river and the sources of the river St. Francis, which falls into the river St. Lawrence, are precisely of the same character.

#### 4. [British Atlas, No. 22.] *Greenleaf's Map of Maine.*

The northern parts of the State of Maine having been but very partially explored, at the time when this map was published, the mountains and ridges in that part of the country are wholly omitted. The United States object to any inference that may be drawn from that omission, and also to the blue colored line, drawn by the British Agent on the map.

#### 5. [No. 29, American Atlas, and K, British Atlas.] *Extracts from Mitchell's Map.*

Both those extracts are objected to, on the part of the United States, principally on account of the omission of several names. But they have not been critically examined, as both will be superseded by Mitchell's printed map, which is to be annexed to the statements of the two Powers, in conformity with the Convention of 1827.

## II.

### *British Transcript of the Map A.*

1. Both Parties have laid down, on their respective transcripts of this map, the Katahdin, Spencer, Bald, and several other detached mountains. The position of such of these as had not been actually explored by the surveyors under the commission, cannot be considered as determined on either transcript with precision; and the existence of some of them, with Indian names on the British transcript, is doubtful.

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The dividing highlands or ridges are delineated, on the American transcript, along both the conflicting lines, in the same manner as they usually are in topographical maps; by which delineation it is not intended to attach the character of mountains, properly so called, to such dividing ridges. In the British transcript, no portion of the ridge along the American line is delineated, except such as had been explored by the surveyors: but the whole of Mr. Odell's fictitious representation of a chain of mountains, extending from Mars Hill to Mount Katahdin, has been inserted, as if there existed in that quarter and direction, a chain emphatically entitled to the appellation of highlands, and having a character distinct from that of the adjacent parts of the country, either towards the north, or in any other direction. This, being unsupported by any evidence, is objected to on the part of the United States, for the same reasons which have been alleged with respect to Mr. Odell's plan, No. 7.

2. It being stated, on the face of the British transcript, that the rivers which fall into the Atlantic Ocean are colored "blue," it is objected, on the part of the United States, that the rivers St. John, Ristigouche, and others, that have their mouths in the Bay of Fundy or the Gulf of St. Lawrence, are not thus colored.

3. Although the extent of the Madawaska Fief is quite irrelevant to the question at issue, it may be observed, that, according to the terms of the grant, as understood by the United States, it covers, in the British transcript, at least three times as much ground as is contained in the grant. The Fief is stated to be three leagues in length, on each side of the river Madawaska, on a depth of two leagues, together with the Temiscouata lake, but without any land on its banks. (e) The leagues are of twenty-five to the degree: presuming the whole breadth, or depth intended, to be four leagues, and calculating the contents of the lake by Dr. Tiarks' survey, (f) the whole does not exceed 125 square miles; whilst, according to the British transcript, it contains about five hundred.

That Fief is, in the references of the British transcript, stated as being uninterruptedly held of the Government of Canada, under the original title, to the present day. What is meant by being held of the Government of Canada, at any time since the proclamation of 1763, and to this day, is not understood. Acts of fealty and homage, and others pertaining to a feudal tenure, whilst Canada belonged to France, have been adduced in evidence. But no evidence, of a date subsequent to the conquest of Canada by Great Britain, has been adduced, of any act of that nature, or in any way proving that that fief has, subsequent to that event, been held of Canada, according to the common acceptance of that term.

4. A line is delineated on the British transcript, along the river St. John, from its mouth to its most southerly source. This line is stated, in the reference, as the most favorable which Congress thought could be obtained in 1782. Without adverting, in this place, to the expression "most favorable," it will be observed, first, that it is susceptible of proof, that the source intended by Congress was that of the north-westerly inlet of lake Temiscouata, towards the Grand Portage. 2dly. That the most southerly source of the river St. John was not known, before the surveys executed under the late commission. 3dly. That, according to Mitchell's map, the most remote and westerly source of that river which Congress could possibly be supposed to have meant, is that which, in Map A. is designated by the name of West Branch.

5. This is not the place to discuss how far the evidence which has been adduced, may prove that the Madawaska settlement has been subject to the jurisdiction of Great Britain, from its establishment in 1783 to the present day. The jurisdiction exercised by the Government of New Brunswick over that settlement, at least since it was ascertained that it lay west of the line drawn due north from the source of the river St.

(e) See British Evidence, Nos. 11, 12, and 13.

(f) Topographical Evidence—Commission Surveys, No. 15.

Croix, has been considered by the Government of the United States as an unwarrantable encroachment on their rights. It was not to be expected, that their long forbearance on that subject, the motive for which could not be mistaken, and their not opposing the transmission of the British mail along the valley of the river St. John, would be alluded to, as tending to strengthen the pretended British claim.

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Observations on,  
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6. The further observation, that this valley affords the only line of communication between Great Britain and the Canadas, through what is called the British territory, during six months of the year, is utterly irrelevant to the merits of the question; though it may serve to explain how it has happened that such a claim as that under discussion, should ever have been set up on the part of Great Britain. It may, however, be observed that, as soon as the United States shall have the exclusive possession of their own territory, Great Britain will find no difficulty in opening a road from the Great Falls of the river St. John, through her acknowledged dominions, towards the river St. Lawrence; which, though somewhat more circuitous, will, during the winter months, and at all times, afford the communication alluded to.

### III.

*Hale's Map of New England—Boston, 1826, communicated by the British Government.*

This map is objected to, first, because the author, (on what authority, particularly under such date, is quite unintelligible,) has made the eastern, or lake, branch of the Connecticut river, the boundary between New Hampshire and Canada; secondly, because he has placed the north-west angle of Nova Scotia on the highlands which divide the tributary streams of the river Ristigouche from those of the river St. John.

ALBERT GALLATIN,  
WILLIAM P. PREBLE.



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**WRITTEN EVIDENCE.**

ANNEXED TO

**THE FIRST STATEMENT**

ON THE PART OF

**The United States.**

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## APPENDIX, No. 1.

### TREATIES AND CONVENTIONS

BETWEEN

### THE UNITED STATES AND GREAT BRITAIN.

#### DEFINITIVE TREATY OF PEACE

BETWEEN THE UNITED STATES AND HIS BRITANNIC MAJESTY: CONCLUDED AT  
PARIS ON THE THIRD DAY OF SEPTEMBER, 1783.

*In the name of the most Holy and Undivided Trinity:*

It having pleased the Divine Providence to dispose the hearts of the Most Serene and Most Potent Prince George the Third, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the 30th of November, 1782, by the Commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which Treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty should be ready to conclude such Treaty accordingly; and the Treaty between Great Britain and France having since been concluded, His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, Esq. Member of the Parliament of Great Britain; and the said United States on their part, John Adams, Esq. late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq. late Delegate in Congress from the State of Pennsylvania, President of the Convention of the said State, and Minister Plenipotentiary from the United States of America, at the Court of Versailles; John Jay, Esq. late President of Congress, and Chief Justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present Definitive Treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:—

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No. 1.

Treaties and Conventions between the United States and Great Britain.

Definitive Treaty of Peace. 3d September, 1783.



## Appendix.

No. 1.

Treaties and Con-  
ventions between  
the United States  
and Great Britain.

Definitive Treaty  
of Peace, 21 Sep-  
tember, 1793.

## ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

## ARTICLE II.

And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby 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 formed by a line drawn due north from the source of St. Croix River to the highlands; along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraqui; thence along the middle of said river into Lake Ontario; through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron; thence along the middle of said water communication, into the Lake Huron; thence through the middle of said Lake to the water communication between that Lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Pelipeaux, to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most north-western point thereof; and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude—South by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees north of the equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean—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 St. Lawrence; comprehending 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.*

## ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the Gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to

dry or cure the same on that Island,) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

*Appendix.*  
No. 1.

Treaties and Conventions between the United States and Great Britain.

Definitive Treaty of Peace, 3d Sep-tember, 1783.

#### ARTICLE IV.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted.

#### ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States: And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several States, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights and properties, of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation.

And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

#### ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced, against any person or persons for, or by reason of, the part which he or they may have taken in the present war, and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

#### ARTICLE VII.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other; wherefore all hostilities, both by sea and land, shall from henceforth cease. All prisoners on both sides shall be set at liberty, and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons and fleets, from the said United States, and from every post, place and harbor, within the same; leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds and papers, belonging to any of the

*Appendix.* said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

No. 1.  
Treaties and Conventions between the United States and Great Britain.

Definitive Treaty of Peace, 2d September, 1783.

#### ARTICLE VIII.

The navigation of the river Mississippi, from its source to the Ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States.

#### ARTICLE IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

#### ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the Contracting Parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we, the undersigned, their Ministers Plenipotentiary, have, in their name, and in virtue of our full powers, signed with our hands the present Definitive Treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

[L. s.]	D. HARTLEY,
[L. s.]	JOHN ADAMS,
[L. s.]	B. FRANKLIN,
[L. s.]	JOHN JAY.

### TREATY OF AMITY, COMMERCE AND NAVIGATION,

BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA, BY THEIR PRESIDENT, WITH THE ADVICE AND CONSENT OF THEIR SENATE.

Treaty of Commerce and Navigation, 19th November, 1794.

His Britannic Majesty and the United States of America, being desirous by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and, also, to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, they have, respectively, named their Plenipotentiaries, and given them full power to treat of, and conclude, the said treaty; that is to say, His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham, Baron Grenville, of Wotton, one of his Majesty's Privy Council, and His Majesty's Principal Secretary of State for Foreign Affairs, and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States and their Envoy Extraordinary to His Majesty, who have agreed on, and concluded the following articles:—

#### ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States

of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

*Appendix.*  
No. 1.

#### ARTICLE II.

His Majesty will withdraw all his troops and garrisons, from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall, in the interval, be taken by concert between the Government of the United States and His Majesty's Governor General in America, for settling the previous arrangements which may be necessary, respecting the delivery of the said posts. The United States, in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts, shall continue to enjoy unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove, with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion: such of them as shall continue to reside within the said boundary lines shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof, but they shall be at full liberty so to do, if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

*Treaties and Conventions between the United States and Great Britain.*

*Treaty of Commerce and Navigation, 10th November, 1794.*

#### ARTICLE III.

It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks, of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories, as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading *bonâ fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichever of the parties belonging, may freely be resorted to, and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandise whose importation into His Majesty's said territories in America, shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Ma-

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jesty's subjects, and such goods and merchandise shall be subject to no higher or other duties, than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories, respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians, passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging *bonâ fide* to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall be merely carried over any of the portages or carrying places on either side, for the purpose of being immediately rebarked and carried to some other place or places. But as, by this stipulation, it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed, that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

#### ARTICLE IV.

Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States, it is agreed, that measures shall be taken in concert between His Majesty's Government in America, and the Government of the United States, for making a joint survey of the said river, from one degree of latitude below the falls of St. Anthony to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned; the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

#### ARTICLE V.

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, decide 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 of the journal 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 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.

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#### ARTICLE VI.

Whereas it is alleged by divers British merchants and others, His Majesty's subjects, that debts to a considerable amount, which were bonâ fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States; and that, by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive, full and adequate compensation for the losses and damages which they have thereby sustained: it is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received, by the said creditors, in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: but it is distinctly understood that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses or damages, five Commissioners shall be appointed, and authorized to meet and act in manner following, viz: Two of them shall be appointed by His Majesty, two of them by the President of the United States, by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and, if they should not agree in such choice, then the Commissioners named by the two parties shall, respectively, propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the four original Commissioners. When the five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath or affirmation, in the presence of each other, which oath or affirmation being so taken and duly attested, shall be entered on the record of their proceedings, viz: I, A B, one of the Commissioners appointed in pursuance of the Sixth Article of the treaty of amity, commerce, and navigation, between His Britannic Majesty and the United States of America, do solemnly swear, (or affirm,) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints as under the said article shall be preferred to the said Commissioners; and that I will forbear to act as a Commissioner in any case in which I may be personally interested.

Three of the said Commissioners shall constitute a Board, and shall have power to do any act appertaining to the said commission, provided that one of the Commissioners



*Appendix.* named on each side, and the fifth Commissioner shall be present; and all decisions shall be made by the majority of the voices of the Commissioners then present. Eighteen months from the day on which the said Commissioners shall form a Board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place, as they shall see cause.

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The said Commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal or interest; and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and, also, to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books or papers, or copies or extracts thereof; every such deposition, book, paper, or copy or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners, or of any three of them, as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: and the United States undertake to cause the sum so awarded, to be paid in specie to such creditor or claimant, without deduction; and at such time or times, and at such place or places, as shall be awarded by the said Commissioners; and on condition of such releases or assignments, to be given by the creditor or claimant, as by the said Commissioners may be directed: *Provided, always,* that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

#### ARTICLE VII.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations, of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had and received, by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had and received, by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners, shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also assigned for the reception of claims, and they are, in like manner, authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence, in the same latitude, and exercise the like discretion and powers

respecting that subject, and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said Commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim and to the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said Commissioners, and on condition of such releases or assignments, to be given by the claimants, as by the said Commissioners may be directed.

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And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States, and brought into the ports of the same, or taken by vessels originally armed in ports of the said States.

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be, and hereby are, referred to the Commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these, as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively, by the said Commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments, to be given by the claimants, as in the said awards may be directed: And it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning, of this article.

#### ARTICLE VIII.

It is further agreed, that the Commissioners mentioned in this and in the two preceding articles, shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the Commissioners. And in the case of death, sickness, or necessary absence, the place of every such Commissioner respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioners shall take the same oath or affirmation, and do the same duties.

#### ARTICLE IX.

It is agreed, that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives, and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

#### ARTICLE X.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor moneys which they may have in the public funds or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated; it being unjust and impolitic that debts and engagements contracted and made by individuals having confidence in each other and in their respective Govern-



*Appendix.* ments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

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#### ARTICLE XI.

It is agreed between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles.

#### ARTICLE XII.

His Majesty consents that it shall and may be lawful during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's Islands and ports in the West Indies, from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce of the said States, which it is or may be lawful to carry to the said islands or ports, from the said States, in British vessels; and that the said American vessels shall be subject there, to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there, to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

And His Majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now, by law, be carried from thence to the said States in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are, or shall be subject, in similar circumstances. *Provided, always,* that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton, in American vessels, either from His Majesty's Islands, or from the United States to any part of the world, except the United States, reasonable sea stores excepted. *Provided, also,* that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce, or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges than shall be payable on the same articles, if so imported or exported in American vessels.

It is agreed, that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and, also, for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed that, at the expiration of the said term, the two Contracting Parties will endeavor to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself, with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavor to agree, whether in any, and what, cases neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But, in the mean time, their conduct towards each other in these respects, shall be regulated by the articles hereinafter inserted on those subjects.

## ARTICLE XIII.

His Majesty consents that the vessels belonging to the citizens of the United States of America, shall be admitted and hospitably received, in all the seaports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation, respectively, to or from the said territories, shall not be entirely prohibited. *Provided, only*, that it shall not be lawful for them in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood, that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States, to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America, in the same manner as against British subjects, or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatever nature established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the Island of St. Helena, but subject in all respects to such regulations as the British Government may, from time to time, establish there.

## ARTICLE XIV.

There shall be between all the dominions of His Majesty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hinderance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also, to hire and possess houses and warehouses for the purposes of their commerce, and, generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

## ARTICLE XV.

It is agreed, that no other or higher duties shall be paid by the ships or merchandise of the one party in the ports of the other, than such as are paid by the like ves-

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sels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country, on the importation of any articles, of the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties, respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels, entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and, also, such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States, in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed, that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ARTICLE XVI.

It shall be free for the two Contracting Parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid: and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or Government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Either of the parties may except from the residence of Consuls, such particular places as such party shall judge proper to be so excepted.

ARTICLE XVII.

It is agreed, that in all cases where vessels shall be captured or detained, on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port, and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

ARTICLE XVIII.

In order to regulate what in future is to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head pieces, cuirasses, halberts, lances, javelins, horses, horse furniture, holsters, belts, and, generally, all other implements of

war; as also, timber for ship building, tar or rosin, copper in sheets, sails, hemp and cordage, and, generally, whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

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And whereas the difficulty of agreeing on the precise cases, in which alone provisions and other articles not generally contraband, may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise, it is further agreed, that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified: and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper: Nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

#### ARTICLE XIX.

And that more abundant care may be taken for the security of the respective subjects and citizens of the Contracting Parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war, and privateers, and all others, the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security, by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, and if such ship be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

It is also agreed, that whenever a Judge of a Court of Admiralty, of either of the parties, shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

#### ARTICLE XX.

It is further agreed, that both the said Contracting Parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their in-

*Appendix.* habitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

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And all their ships, with the goods or merchandises taken by them, and brought into the port of either of the said parties, shall be seized, as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them, (proper evidence being first given in the Court of Admiralty for proving the property,) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect, that they had been piratically taken.

#### ARTICLE XXI.

It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party, and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties, respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

#### ARTICLE XXII.

It is expressly stipulated, that neither of the said Contracting Parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

#### ARTICLE XXIII.

The ships of war of each of the Contracting Parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents, that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not, in ordinary cases, claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the place, be hospitably received, and be permitted to refit, and to purchase, at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the Government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same should be *bonâ fide* necessary to her being refitted; nor shall she be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the Government of the place; nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

#### ARTICLE XXIV.

It shall not be lawful for any foreign privateers, (not being subjects or citizens of either of the said parties,) who have commissions from any other Prince or State in

enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

## ARTICLE XXV.

It shall be lawful for the ships of war and privateers belonging to the said parties, respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the Admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized; neither shall the searchers or other officers of those places, visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew. No shelter or refuge shall be given in their ports, to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced, by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed, or operate contrary to former and existing public treaties with other Sovereigns or States. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commission from any Prince, Republic, or State whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

## ARTICLE XXVI.

If at any time a rupture should take place, (which God forbid) between His Majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws; and in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order, shall be allowed them for that purpose, to remove their families, effects, and property; but this favor shall not be extended to those who shall act contrary to the established laws: and for greater certainty, it is declared, that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their respective rights, either to request the recall, or immediately to send home the ambassador or minister of the other, and that without prejudice to their mutual friendship and good understanding.

## ARTICLE XXVII.

It is further agreed, that His Majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers or officers authorized to make

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*Treaty of Commerce and Navigation, 10th November, 1793.*



*Appendix.* the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery, shall be borne and defrayed by those who make the requisition and receive the fugitive.

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#### ARTICLE XXVIII.

It is agreed, that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition: that whereas, the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which His Majesty is engaged, it is agreed, that proper measures shall by concert be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected and ready to take place. But if it should unfortunately happen that His Majesty and the United States should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly. This treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed, with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse, and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty. In faith whereof, we, the undersigned, Ministers Plenipotentiary of His Majesty the King of Great Britain, and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

[L. S.] GRENVILLE,  
[L. S.] JOHN JAY.

#### TREATY OF PEACE AND AMITY,

BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.

Treaty of Peace and Amity, Ghent, 24th December, 1814.

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have, for that purpose, appointed their respective Plenipotentiaries; that is to say,

His Britannic Majesty, on his part, has appointed the Right Honorable James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's Fleet, Henry Goulburn, Esquire, a Member of the Imperial Parliament and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States; who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

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*Treaty of Peace and Amity, Ghent, 24th December, 1814.*

ARTICLE I.

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease, as soon as this treaty shall have been ratified by both parties as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored, and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made, in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

ARTICLE II.

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two Powers, to cease from all hostilities; and to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the Meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator; and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator, and one hundred and twenty days for all other parts of the world without exception.

ARTICLE III.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter men-



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tioned, on their paying the debts which they may have contracted during their captivity. The two Contracting Parties, respectively, engage to discharge, in specie, the advances which may have been made by the other, for the sustenance and maintenance of such prisoners.

ARTICLE IV.

Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend "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 Nova Scotia;" and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed, that they shall be referred to two Commissioners, to be appointed in the following manner, viz: one Commissioner shall be appointed by His Britannic 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 so appointed, shall be sworn impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States, respectively. The said Commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two Contracting Parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly Sovereign or State, together with the report of such other Commissioner, then such Sovereign or State shall decide, ex parte, upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters so referred.

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## ARTICLE V.

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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: It is agreed that, for these several purposes, two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above-mentioned, in conformity with the provisions of the said Treaty of Peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the River St. Croix to the River Iroquois or Cataraquy, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the north-westernmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

## ARTICLE VI.

Whereas, by the former Treaty of Peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the River Iroquois or Cataraquy to the lake Superior, was declared to be "along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie, thence along the middle of said communication into lake Erie, through the middle of said lake, until it arrives at the water-communication into lake Huron, thence through the middle of said lake to the water-communication between that lake and lake Superior;" and whereas doubts have arisen what was the middle of the said river, lakes, and water-communications, and whether certain islands, lying in the same, were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water-communications, and decide to which of the two Contracting Parties the several islands, lying within the said rivers,

*Appendix.* lakes, and water-communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three; and both

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parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

#### ARTICLE VII.

It is further agreed, that the said two last mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said Treaty of Peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two Powers, which extends from the water-communication between lake Huron and lake Superior to the most north-western point of the Lake of the Woods; to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty-three, and to cause such parts of the said boundary as require it, to be surveyed and marked. The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most north-western point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly Sovereign or State, shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

#### ARTICLE VIII.

The several Boards of two Commissioners, mentioned in the four preceding articles, shall, respectively, have power to appoint a Secretary, and to employ such Surveyors, or other persons, as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the Journal of their proceedings, shall be delivered, by them, to the agents of His Britannic Majesty and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two Contracting Parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty; and all other expenses attending the said commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed; and the new Commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two Contracting Parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties, prior to the commencement of the present war between the two countries, should, by the decision of any of the Boards of Commissioners aforesaid, or of the Sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previ-

ous to the commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

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Treaty of Peace and Amity, 1814, 24th Dec., 1814.

#### ARTICLE IX.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities. *Provided, always,* That such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens, and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges, which they may have enjoyed, or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities: *Provided, always,* That such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

#### ARTICLE X.

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the Contracting Parties shall use their best endeavors to accomplish so desirable an object.

#### ARTICLE XI.

This treaty, when the same shall have been ratified on both sides, without alteration by either of the Contracting Parties, and the ratifications mutually exchanged, shall be binding on both parties; and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[L. S.]	GAMBIER,
[L. S.]	HENRY GOULBURN,
[L. S.]	WILLIAM ADAMS,
[L. S.]	JOHN QUINCY ADAMS,
[L. S.]	J. A. BAYARD,
[L. S.]	H. CLAY,
[L. S.]	JONATHAN RUSSELL,
[L. S.]	ALBERT GALLATIN.

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No. 1.

## CONVENTION

Treaties and Conventions between the United States and Great Britain.

Arbitration Convention, 20th September, 1827.

BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, CONCLUDED AT LONDON ON THE TWENTY-NINTH OF SEPTEMBER, 1827.

Whereas it is provided by the fifth article of the Treaty of Ghent, that in case the Commissioners appointed under that article for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State, and that the decision given by such Sovereign or State, on such points of difference, should be considered by the Contracting Parties as final and conclusive: That case having now arisen, and it having therefore become expedient to proceed to, and regulate the reference, as above described, the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, have, for that purpose, named their Plenipotentiaries; that is to say, the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty, and his said Majesty, on his part, has appointed the Right Honorable Charles Grant, a Member of Parliament, a Member of his said Majesty's Most Honorable Privy Council, and President of the Committee of the Privy Council for Affairs of Trade and Foreign Plantations, and Henry Unwin Addington, Esquire, who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:—

## ARTICLE I.

It is agreed that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the fifth article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

The two Contracting Powers engage to proceed in concert, to the choice of such friendly Sovereign or State, as soon as the ratifications of this Convention shall have been exchanged, and to use their best endeavors to obtain a decision, if practicable, within two years after the arbiter shall have signified his consent to act as such.

## ARTICLE II.

The reports and documents thereunto annexed, of the Commissioners appointed to carry into execution the fifth article of the Treaty of Ghent, being so voluminous and complicated as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those reports, new and separate statements of the respective cases, severally drawn up by each of the Contracting Parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the Contracting Parties; that is to say, by the United States to His Britannic Majesty's Minister or Chargé d'Affaires at Washington, and by Great Britain to the Minister or Chargé d'Affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present Convention.

After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other party so communicated, which definitive statements shall also be mutually communicated in the same manner as aforesaid to each other, by the

Contracting Parties, within twenty-one months after the exchange of ratifications of *Appendix* the present Convention. No. 1.

#### ARTICLE III.

Each of the Contracting Parties shall, within nine months after the exchange of ratifications of this Convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners or papers thereunto annexed, and other written documents laid before the commission under the fifth article of the Treaty of Ghent.

Treaties and Conventions between the United States and Great Britain.

Arbitration Convention, 20th September, 1857.

Each of the Contracting Parties shall be bound, on the application of the other party, made within six months after the exchange of the ratifications of this Convention, to give authentic copies of such individually specified acts of a public nature, relating to the territory in question, intended to be laid as evidence before the arbitrer, as have been issued under the authority, or are in the exclusive possession, of each party.

No maps, surveys, or topographical evidence, of any description, shall be adduced by either party beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description be adduced or adverted to by either party, other than that mutually communicated or applied for as aforesaid.

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners or papers thereunto annexed, and other written documents laid before the commission under the fifth article of the Treaty of Ghent, or of the other evidence mutually communicated or applied for, as above provided, which it may think fit.

#### ARTICLE IV.

The map called Mitchell's Map, by which the framers of the treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the Map A, which has been agreed on by the Contracting Parties, as a delineation of the water-courses, and of the boundary lines in reference to the said water-courses, as contended for by each party respectively, and which has accordingly been signed by the above named Plenipotentiaries at the same time with this Convention, shall be annexed to the statements of the Contracting Parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the Contracting Parties, of the topography of the country.

It shall, however, be lawful for either party to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations which were filed with the Commissioners under the fifth article of the Treaty of Ghent, any engraved map heretofore published, and also a transcript of the above mentioned Map A, or of a section thereof, in which transcript each party may lay down the highlands or other features of the country as it shall think fit; the water-courses and the boundary lines, as claimed by each party, remaining as laid down in the said Map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the Map A, and Mitchell's Map, intended to be thus annexed, by either party, to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this Convention, and shall be subject to such objections and observations as the other Contracting Party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

#### ARTICLE V.

All the statements, papers, maps and documents above-mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction

Appendix.  
No. 1.

Treaties and Con-  
ventions between  
the United States  
and Great Britain.

Arbitration Con-  
vention, 20th Sep-  
tember, 1827.

tion or alteration whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State, within two years after the exchange of ratifications of this Convention, unless the arbiter should not, within that time, have consented to act as such; in which case, all the said statements, papers, maps and documents, shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents, shall ever be laid before the arbiter, except as hereinafter provided.

#### ARTICLE VI.

In order to facilitate the attainment of a just and sound decision on the part of the arbiter, it is agreed that in case the said arbiter should desire further elucidation or evidence in regard to any specific point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a separate reply to the specific questions submitted by the said arbiter, but no further and such evidence and replies shall be immediately communicated by each party to the other.

And in case the arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he may think fit, which surveys shall be made at the joint expense of the Contracting Parties, and be considered as conclusive by them.

#### ARTICLE VII.

The decision of the arbiter, when given, shall be taken as final and conclusive; and it shall be carried without reserve into immediate effect, by Commissioners appointed for that purpose by the Contracting Parties.

#### ARTICLE VIII.

This Convention shall be ratified, and the ratifications shall be exchanged, in nine months from the date hereof, or sooner, if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

[L. s.]	ALBERT GALLATIN,
[L. s.]	CHARLES GRANT,
[L. s.]	HENRY UNWIN ADDINGTON.



APPENDIX No. II.

DECLARATION OF THE COMMISSIONERS

UNDER

THE FIFTH ARTICLE OF THE TREATY OF 1794,

RESPECTING THE

TRUE RIVER SAINT CROIX,

25TH OCTOBER, 1798,—AND

*Decision of the Commissioners under the Fourth Article of the Treaty of Ghent respecting the Islands in the Bay of Passamaquoddy, 24th November, 1817.*

DECLARATION of the Commissioners under the Fifth Article of the Treaty of 1794, *Appendix.*  
between the United States and Great Britain, respecting the true River St. Croix, *No. 2.*  
by Thomas Barclay, David Howell, and Egbert Benson, Commissioners appointed  
in pursuance of the 5th Article of the Treaty of Amity, Commerce and Navigation, *Declaration and*  
between His Britannic Majesty and the United States of America, finally to decide *Decision of the*  
the question, "What River was truly intended under the name of the River Saint *Commissioners*  
"Croix, mentioned in the Treaty of Peace between His Majesty and the United *under the Treaties*  
States, and forming a part of the boundary therein described." *of 1794 and 1814.*  
*Declaration under the Treaty of 1794.*

DECLARATION.

We, the said Commissioners, having been sworn "impartially to examine and decide the said question, according to such evidence as should respectively be laid before us, on the part of the British Government, and of the United States," and having heard the evidence which has been laid before us, by the agent of His Majesty and the agent of the United States, respectively, appointed and authorized to manage the business on behalf of the respective Governments, have decided, and hereby do decide, the River, hereinafter particularly described and mentioned, to be the River truly intended under the name of the River Saint Croix, in the said Treaty of Peace, and forming a part of the boundary therein described; that is to say, the mouth of the said River is in Passamaquoddy Bay, at a point of land called Joe's Point, about one mile northward from the northern part of Saint Andrew's Island, and in the latitude of forty-five degrees five minutes and five seconds north, and in the longitude of sixty-seven degrees twelve minutes and thirty seconds west, from the Royal Observatory at Greenwich, in Great Britain, and three degrees fifty-four minutes and fifteen seconds east from Harvard College, in the University of Cambridge, in the State of Massachusetts, and the course of the said river up from its said mouth, is northerly to a point of land called the Devil's Head, then turning the said point, is westerly to where it divides into two streams, the one coming from the westward, and the other coming from the northward, having the Indian name of Cheputnatecook or Clibuitcook, as the



*Appendix.*  
No. 2.

Declaration and  
Decision of the  
Commissioners  
under the Treaties  
of 1791 and 1814.

Declaration under  
the Treaty of  
1794.

same may be variously spelt, then up the said stream, so coming from the northward to its source, which is at a stake near a Yellow Birch Tree, hooped with iron, and marked S. T. and I. H. 1797, by Samuel Titcomb and John Harris, the Surveyors employed to survey the above-mentioned stream, coming from the northward. And the said River is designated on the Map hereunto annexed, and hereby referred to as farther descriptive of it, by the letters A B C D E F G H I K and L, the letter A being at its said mouth, and the letter L being at its said source; and the course and distance of the said source from the Island, at the confluence of the above-mentioned two streams, is, as laid down on the same Map, north five degrees and about fifteen minutes west, by the magnet, and about forty-eight miles and one quarter.

In testimony whereof, we have hereunto set our hands and seals, at Providence, in the State of Rhode Island, the twenty-fifth day of October, in the year one thousand seven hundred and ninety-eight.

[L. s.]	THOMAS BARCLAY,
[L. s.]	DAVID HOWELL,
[L. s.]	EGBERT BENSON.

Witness, Ed. WINSLOW, *Secretary to the Commissioners.*

## DECISION OF THE COMMISSIONERS.

UNDER THE

### FOURTH ARTICLE OF THE TREATY OF GHENT,

RESPECTING THE

#### ISLANDS IN THE BAY OF PASSAMAQUODDY,

24TH NOVEMBER, 1817.

*Extract from the Journal of the Commissioners, under the Fourth Article of the Treaty of Ghent.*

CITY OF NEW-YORK, MONDAY, 24th NOVEMBER, 1817.

Decision of the  
Commissioners  
under the Treaty  
of 1814.

The Board met this day, pursuant to adjournment.

The Commissioners having agreed upon the matters referred to them, executed their Decision thereupon in quadruplicate, in the words and manner following, viz:

By Thomas Barclay and John Holmes, Esquires, Commissioners appointed by virtue of the fourth article of the Treaty of Peace and Amity, between His Britannic Majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, one thousand eight hundred and fourteen, to decide to which of the two Contracting Parties to the said Treaty, the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the Treaty of Peace of one thousand seven hundred and eighty-three, between his said Britannic Majesty and the aforesaid United States of America:

We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims, according to such evidence as should be laid before us on the part of His Britannic Majesty and the United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay

of Fundy, do, and each of them does, belong to the United States of America, and we have also decided, and do decide, that all the other Islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic Majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three.

*Appendix.*  
No. 2.

Declaration and  
Decision of the  
Commissioners  
under the Treaty  
of 1704 and 1814.

Decision of the  
Commissioners  
under the Treaty  
of 1814.

In faith and testimony whereof, we have set our hands and affixed our seals, at the City of New York, in the State of New York, in the United States of America, this twenty fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

[L. s.]

THOMAS BARCLAY,

[L. s.]

JOHN HOLMES.

Witness,

JAMES T. AUSTIN,

*Agent of the United States.*

ANTH: BARCLAY,

*Secretary.*

APPENDIX, No. III.

COMMISSION TO THOMAS CARLETON,

CAPTAIN GENERAL AND GOVERNOR IN CHIEF OF NEW-BRUNSWICK,

16TH AUGUST, 4. GEO: III. 1784.

*Eighth part of Patents in the twenty-fourth year of King George the Third*

THOMAS CARLETON Esq  
Governor of New Brunswick

Appendix.  
No. 3.

Commission of  
Thomas Carleton,  
as Governor of  
New Brunswick,  
16th August, 1784.

George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth to our trusty and well beloved Thomas Carleton Esq Greeting

Wee reposing especial trust and confidence in the prudence courage and loyalty of you the said Thomas Carleton of our especial grace certain knowledge and mere motion have thought fit to constitute and appoint you the said *Thomas Carleton to be our Captain General and Governor in Chief of our province of New Brunswick bounded on the westward by the mouth of the River Saint Croix by the said River to its source and by a line drawn due north from thence to the southern boundary of our province of Quebec to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs to the eastward by the said Bay and the Gulf of St. Lawrence, to the bay called Bay Verte to the south by a line in the center of the Bay of Fundy from the river Saint Croix aforesaid to the mouth of the Musquut River by the said River to its source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all islands within six leagues of the coast with all the rights members and appurtenances whatsoever thereunto belonging and wee do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust wee have reposed in you according to the several powers and authorities granted or appointed you by the present commission and instructions herewith given you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our privy council and according to such reasonable laws and statutes as shall hereafter be made or agreed upon by you with the advice and consent of our council and the assembly of our said province under your government when such assembly shall be called in such manner and form as is hereafter expressed and our will and pleasure is that you the said Thomas Carleton after the publication of these our letters patent do take the oaths appointed to be taken by an act passed in the first year of the reign of King George the First intituled "An act for the better security of His Majesty's person and government and the succession of the crown in the heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors" as altered and explained by an act passed in the sixth year of our reign intituled "An act for altering the oath of abjuration and the assurance and for*

amending so much of an act of the seventh year of her late Majesty Queen Anne *Appendix.*  
intituled 'An act for the improvement of the union of the two kingdoms as after the  
time therein limited requires the delivery of certain lists and copies therein mentioned  
to persons indicted of high treason or misprison of treason" as also that you make  
and subscribe the declaration mentioned in an act of Parliament made in the twenty-  
fifth year of the reign of King Charles the Second intituled "An act for preventing  
dangers which may happen from popish recusants" and likewise that you take the  
usual oath for the due execution of the office and trust of our Captain General and  
Governor in Chief of our said province for the due and impartial administration of  
justice and further that you take the oath required to be taken by Governors of  
Plantations to do their utmost that the several laws relating to trade and the planta-  
tions be observed all which said oaths and declaration our council in our said pro-  
vince or any five of the members thereof have hereby full power and authority and  
are required to tender and administer unto you and in your absence to our Lieutenant  
Governor if there be any upon the place all which being duly performed you shall  
administer unto each of the members of our said council as also to our Lieutenant  
Governor if there be any upon the place the said oaths mentioned in the said first re-  
cited act of Parliament altered as above as also cause them to make and subscribe the  
aforementioned declaration and administer to them the oath for the due execution of  
their places and trusts And wee do hereby give and grant unto you full power and  
authority to suspend any of the members of our said council from sitting voting and  
assisting therein if you shall find just cause for so doing And if it shall at any time  
happen that by the death departure out of our said province suspension of any of  
our said councillors or otherwise there shall be a vacancy in our said council (any  
five whereof wee do hereby appoint to be a quorum) our will and pleasure is that  
you signify the same unto us by the first opportunity that we may under our signet  
and sign manual constitute and appoint others in their stead But that our affairs at  
that distance may not suffer for want of a due number of councillors if ever it shall  
happen that there be less than nine of them residing in our said province wee do  
hereby give and grant unto you the said Thomas Carleton full power and authority  
to choose as many persons out of the principal freeholders inhabitants thereof as shall  
make up the full number of our said council to be nine and no more which persons  
so chosen and appointed by you shall be to all intents and purposes councillors in  
our said province until either they shall be confirmed by us or that by the nomination  
of others by us under our sign manual and signet our said council shall have nine or  
more persons in it And wee do hereby give and grant unto you the said Thomas  
Carleton full power and authority with the advice and consent of our said council  
to be appointed as aforesaid so soon as the situation and circumstances of our province  
under your government will admit thereof and when and so often as need shall re-  
quire to summon and call general assemblies of the freeholders and settlers in the  
province under your government in such manner and according to such further pow-  
ers instructions and authorities as shall at any time hereafter be granted or appointed  
you under our signet and sign manual or by our order in our privy council And  
our will and pleasure is that the persons thereupon duly elected by the major part of  
the freeholders of the respective counties and places and so returned shall before  
their sitting take the oaths mentioned in the first recited act of Parliament altered as  
above as also make and subscribe the aforementioned declaration which oaths and  
declarations you shall commissionate fit persons under our seal of New Brunswick to  
tender and administer unto them and until the same shall be so taken and subscribed  
no person shall be capable of sitting though elected And wee do hereby declare  
that the persons so elected and qualified shall be called and deemed the General  
Assembly of that our province of New Brunswick And that you the said Thomas  
Carleton with the advice and consent of our said Council and Assembly or the major

*Commission of  
Thomas Carleton,  
Governor of  
New Brunswick,  
16th August, 1761.*

*Appendix.* part of them respectively shall have full power and authority to make constitute  
No. 3.

Commission of  
Thomas Carleton,  
as Governor of  
New Brunswick,  
6th August, 1784.

and ordain laws statutes and ordinances for the public peace welfare and good government of our said province and of the people and inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors which said laws statutes and ordinances are not to be repugnant but as near as may be to the laws and statutes of this our kingdom of Great Britain *Provided* that all such laws statutes and ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under our seal of New Brunswick for our approbation or disallowance of the same as also duplicates thereof by the next conveyance And in case any or all of the said laws statutes and ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heirs or successors under [our] or their sign manual and signet or by order of our or their Privy Council unto you the said Thomas Carleton or to the Commander in Chief of the said province for the time being then such and so many of the said laws statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cesso determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our heirs and successors we will and ordain that you the said Thomas Carleton shall have and enjoy a negative voice in making and passing all laws statutes and ordinances as aforesaid and you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all general Assemblies as aforesaid and we do hereby authorize and empower you to keep and use the Public Seal which will be herewith delivered to you or shall hereafter be sent to you for sealing all things whatsoever which shall pass the Great Seal of our said Province And we do by these presents give and grant unto you the said Thomas Carleton full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many courts of judicature and public justice within our said Province as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to law and equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your Government to administer the oaths mentioned in the first recited act of Parliament altered as above as also to tender and administer the aforesaid declaration unto such persons belonging to the said Courts as shall be obliged to take the same And we do hereby authorize and empower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers in our said Province for the better administration of justice and putting the laws in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures treasons and wilful murder only excepted in which uses [cases] you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our royal pleasure may be known therein And whereas it belongeth to us in right of our royal prerogative to have the custody of Idiots and their estates and to take the profits thereof to our own use finding them necessaries and also to provide for the custody of Lunatics and their estates without taking the profits thereof to our own use And whereas, while such Idiots and Lunatics and their estates remain under our immediate care great trouble and charges may arise to such as shall have occasion to resort unto us for directions re-

specting such Idiots and Lunaticks and their estates and considering that writs of inquiry of Idiots and Lunaticks are to issue out of our several Courts of Chancery as well in our Provinces in America as within this our Kingdom respectively and the inquisitions thereupon taken are returnable in those Courts we have thought fit to entrust you with the care and commitment of the custody of the said Idiots and Lunaticks and their estates And wee do by these presents give and grant unto you full power and authority without expecting any further special warrant from us from time to time to give order and warrant for the preparing of grants of the custodies of such Idiots and Lunaticks and their estates as are or shall be found by inquisition thereof taken or to be taken and returnable into our Court of Chancery and thereupon to make and pass grants and commitments under our Great Seal of our Province of New Brunswick of the custodies of all and every such Idiots and Lunaticks and their estates to such person or persons suitors in that behalf as according to the rules of law and the use and practice in those and the like cases you shall judge meet for that trust the said grants and commitments to be made in as manner and form or as nearly as may be as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain and to contain such apt and convenient covenants provisions and agreements on the part of the committees and grantees to be performed and such security to be by them given as shall be requisite and needful Wee do by these presents authorize and empower you to collate any person or persons to any churches chapels or other ecclesiastical benefices within our said Province as often as any of them shall happen to be void And we do hereby give and grant unto you the said Thomas Carleton by yourself or by your captains and commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said province and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemies pirates and rebels both at land and sea and to transport such forces to any of our plantations in America if necessity shall require for the defence of the same against the invasion or attempts of any of our enemies and such enemies pirates and rebels (if there shall be occasion) to pursue and prosecute in or out of the limits of our said Province and Plantations or any of them and (if it shall so please God) to vanquish apprehend and take them and being taken according to law put to death or keep and preserve them alive at your discretion and to execute martial law in time of invasion or at other times when by law it may be executed and to do and execute all and every other thing or things which to our Captain General and Governor in Chief doth or ought of right to belong And wee do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council of New Brunswick to erect raise and build in our said Province such and so many forts and platforms castles cities boroughs towns and fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance, ammunition and all sorts of arms fit and necessary for the securing and defence of our said Province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered we do hereby give and grant unto you the said Thomas Carleton full power and authority to constitute and appoint captains lieutenants masters of ships and other commanders and officers and to grant unto such captains lieutenants masters of ships and other commanders and officers commissions to execute the law martial during the time of war according to the directions of an act passed in the twenty-second year of the reign of our late royal Grandfather intituled "An act for amending explaining and reducing into one act of Parliament the laws relating to the government of his Majesty's ships

*Appendix.*  
No. 3.

Commission of  
Thomas Carleton,  
to Governor of  
New Brunswick,  
16th August, 1794.



*Appendix.* vessels and forces by sea as the same is altered by an act passed in the nineteenth year of our reign intituled "An act to explain and amend an act made in the twenty-second year of the reign of his late Majesty King George the Second intituled "An act for amending explaining and reducing into one act of Parliament the laws relating to the government of his Majesty's ships, vessels and forces by sea" and to use such proceedings authorities punishments and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the ports harbours or bays of our said Province as the case shall be found to require according to the martial law and the said directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have and jurisdiction of any offence cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said Province under your government by any Captain Commander Lieutenant, Master Officer Seaman Soldier or person whatsoever who shall be in our actual service and pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant by our Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seamen Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by commission under our great seal of Great Britain as the statute of the twenty-eighth of Henry the Eighth directs or by commission from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being according to the aforementioned act intituled "An act for amending explaining and reducing into one act of Parliament the laws relating to the government of His Majesty's ships vessels and forces at sea" as the same is altered by an act passed in the nineteenth year of our reign intituled "An act to explain and amend an act made in the twenty second year of the reign of his late Majesty King George the Second intituled "An act for amending explaining and reducing into one act of Parliament the laws relating to the government of His Majesty's ships vessels and forces by sea Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander or Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tried and punished according to the laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our said Commissioners for executing the office of High Admiral or our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our service at sea And our further will and pleasure is that all public money raised or which shall be raised by any act hereafter to be made within our said Province be issued out by warrant from you by and with the advice and consent of our said Council and disposed of by you for the support of the Government or for such other purpose as shall be particularly directed in and by such act and not otherwise And we do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the inhabitants of our Province for such lands tenements and hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or per-

No. 3.  
Commission of  
Thomas Carleton,  
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16th August, 1794.

sons upon such terms and under such quit rents services and acknowledgements as wee by our instructions given you herewith or which wee may hereafter give you shall think fit to appoint order and direct which said grants are to pass and be sealed with our seal of New Brunswick and being entered upon record by such officer or officers as shall be appointed thereunto shall be good and effectual in law against us our heirs and successors And wee do hereby give you the said Thomas Carleton full power to order and appoint fairs marts and markets as also such and so many ports and harbours bays and havens and other places for the convenience and security of shipping and for the better loading and unlading of goods and merchandizes as by you with the advice and consent of the said Council shall be thought fit and necessary And wee do hereby require and command all officers and ministers civil and military and all other inhabitants of our said Province to be obedient aiding and assisting unto you the said Thomas Carleton in the execution of this our commission and of the powers and authorities herein contained and in case of your death or absence out of our said Province to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in-Chief of our said Province To whom wee do therefore, by these presents, give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure, or until your arrival within our said Province And if upon your death or absence out of our said Province there be no person upon the place commissioned and appointed by us to be our Lieutenant Governor or Commander in Chief of the said Province our will and pleasure is that the eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the administration of the government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And wee do hereby declare ordain and appoint that you, the said Thomas Carleton shall and may hold execute and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of New Brunswick with all its rights members and appurtenances whatsoever together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure In witness &c

Witness ourself at Westminster the sixteenth day of August in the twenty-fourth year of our reign

*By Writ of Privy Seal*

This is a true copy from the original record remaining in the Chapel of the Rolls having been examined.

JOHN KIPLING.

*Appendix.*  
No.3.

Commission of  
Thomas Carleton,  
as Governor of  
New Brunswick,  
16th August, 1784.



APPENDIX, No. IV.

ACT OF THE BRITISH PARLIAMENT

TO DIVIDE

THE PROVINCE OF QUEBEC INTO TWO SEPARATE PROVINCES,

XXXI GEO. III. CAP. 31, 1791.

AND

*British Order in Council, by which the Province of Quebec was divided into two separate Governments, of Upper and Lower Canada, 24th August, 1791.*

*Appendix. An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, intituled, An act for making more effectual provision for the government of the Province of Quebec, in North America; and to make further provision for the government of the said Province.*

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divide the Pro-  
vince of Quebec.

Act of Parlia-  
ment, xxxi Geo:  
iii. Cap. 31.

Whereas, an act was passed in the fourteenth year of the reign of his present Majesty, intituled, An act for making more effectual provision for the government of the Province of Quebec, in North America: and whereas the said act is in many respects inapplicable to the present condition and circumstances of the said Province: and whereas it is expedient and necessary that further provision should now be made for the good government and prosperity thereof: may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That so much of the said act as in any manner relates to the appointment of a Council for the affairs of the said Province of Quebec, or to the power given by the said act to the said Council, or to the major part of them, to make ordinances for the peace, welfare, and good government of the said Province, with the consent of his Majesty's Governor, Lieutenant Governor, or Commander in Chief, for the time being, shall be and the same is hereby repealed.

II. And whereas his Majesty has been pleased to signify, by his message to both Houses of Parliament, his royal intention to divide his Province of Quebec into two separate Provinces, to be called the Province of Upper Canada and the Province of Lower Canada, be it enacted by the authority aforesaid, That there shall be within each of the said Provinces, respectively, a Legislative Council and an Assembly, to be severally composed and constituted in the manner hereinafter described; and that in each of the said Provinces, respectively, his Majesty, his heirs or successors, shall have power, during the continuance of this act, by and with the advice and consent of the Legislative Council and assembly of such Provinces, respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to this act; and that all such laws, being passed by the Legislative Council and Assembly of either of the said Provinces, respectively, and assented to by his Majesty, his heirs or

successors, or assented to in his Majesty's name, by such person as his Majesty, his heirs or successors, shall from time to time appoint to be the Governor, or Lieutenant Governor, of such Province, or by such person as his Majesty, his heirs or successors, shall from time to time appoint to administer the government within the same, shall be, and the same are hereby declared to be, by virtue of and under the authority of this act, valid and binding to all intents and purposes whatever, within the Province in which the same shall have been so passed.

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vince of Quebec.

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ent, xxi Geo.  
III. Cap. 81.

III. And be it further enacted by the authority aforesaid, That, for the purpose of constituting such Legislative Council, as aforesaid, in each of the said Provinces, respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the Governor or Lieutenant Governor, or person administering the government in each of the said Provinces, respectively, within the time hereinafter mentioned, in his Majesty's name, and by an instrument under the great seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces, respectively, a sufficient number of discreet and proper persons, being not fewer than seven, to the Legislative Council for the Province of *Upper Canada*, and not fewer than fifteen to the Legislative Council for the Province of *Lower Canada*; and that it shall also be lawful for his Majesty, his heirs or successors, from time to time, by an instrument under his or their sign manual, to authorize and direct the Governor or Lieutenant Governor, or person administering the government in each of the said Provinces, respectively, to summon to the Legislative Council of such Province, in like manner, such other person or persons as his Majesty, his heirs or successors, shall think fit; and that every person who shall be so summoned to the Legislative Council of either of the said Provinces, respectively, shall thereby become a member of such Legislative Council to which he shall have been so summoned.

IV. Provided always, and be it enacted by the authority aforesaid, That no person shall be summoned to the said Legislative Council, in either of the said Provinces, who shall not be of the full age of twenty-one years, and a natural-born subject of his Majesty, or a subject of his Majesty naturalized by act of the British Parliament, or a subject of his Majesty, having become such by the conquest and session of the province of Canada.

V. And be it further enacted by the authority aforesaid, That every member of each of the said Legislative Councils shall hold his seat therein for the term of his life, but subject, nevertheless, to the provisions hereinafter contained for vacating the same, in the cases hereinafter specified.

VI. And be it further enacted by the authority aforesaid, That whenever his Majesty, his heirs or successors, shall think proper to confer upon any subject of the crown of Great Britain, by letters patent under the great seal of either of the said Provinces, any hereditary title of honor, rank, or dignity of such Province, descendible according to any course of descent limited in such letters patent, it shall and may be lawful for his Majesty, his heirs or successors, to annex thereto, by the said letters patent, if his Majesty, his heirs or successors, shall so think fit, an hereditary right of being summoned to the Legislative Council of such Province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or person administering the government of such Province, his writ or summons to such Legislative Council, at any time after he shall have attained the age of twenty-one years, subject nevertheless to the provisions hereinafter contained.

VII. Provided always, and be it further enacted by the authority aforesaid, That when and so often as any person to whom such hereditary right shall have descended, shall, without the permission of his Majesty, his heirs or successors, signified to the

*Appendix.* Legislative Council of the Province by the Governor, Lieutenant Governor, or person administering the government there, have been absent from the said Province for the space of four years continually, at any time between the date of his succeeding to such right, and the time of his applying for such writ of summons, if he shall have been of the age of twenty-one years or upwards at the time of his so succeeding, or at any time between the date of his attaining the said age, and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also when, and so often as any such person shall at any time, before his applying for such writ of summons, have taken any oath of allegiance or obedience to any foreign prince or power, in every such case, such person shall not be entitled to receive any writ of summons to the Legislative Council by virtue of such hereditary right, unless his Majesty, his heirs or successors, shall at any time think fit, by instrument under his or their sign manual, to direct that such person shall be summoned to the said Council; and the Governor, Lieutenant Governor, or person administering the government in the said Provinces, respectively, is hereby authorized and required, previous to granting such writ of summons to any person so applying for the same, to interrogate such person upon oath, touching the said several particulars, before such executive council as shall have been appointed by his Majesty, his heirs or successors, within such Province, for the affairs thereof.

VIII. Provided also, and be it further enacted by the authority aforesaid, That, if any member of the Legislative Councils of either of the said Provinces, respectively, shall leave such Province, and shall reside out of the same for the space of four years, continually, without the permission of his Majesty, his heirs or successors, signified to such Legislative Council by the Governor or Lieutenant Governor, or person administering his Majesty's government there, or for the space of two years continually, without the like permission, or the permission of the Governor, Lieutenant Governor, or person administering the government of such Province, signified to such Legislative Council in the manner aforesaid; or if any such member shall take any oath of allegiance or obedience to any foreign prince or power, his seat in such Council shall thereby become vacant.

IX. Provided also, and be it further enacted by the authority aforesaid, That in every case where a writ of summons to such Legislative Council shall have been lawfully withheld from any person to whom such hereditary right as aforesaid shall have descended, by reason of such absence from the Province as aforesaid, or of his having taken an oath of allegiance or obedience to any foreign prince or power, and also in every case where the seat in such Council of any member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes hereinbefore specified, such hereditary right shall remain suspended during the life of such person, unless his Majesty, his heirs or successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the death of such person, such right, subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the letters patent by which the same shall have been originally conferred.

X. Provided also, and be it further enacted by the authority aforesaid, That if any member of either of the said Legislative Councils shall be attainted for treason in any court of law within any of his Majesty's dominions, his seat in such Council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such person, or to be derived to any other persons through him, shall be utterly forfeited and extinguished.

XI. Provided also, and be it further enacted by the authority aforesaid, That whenever any question shall arise respecting the right of any person to be summoned to either of the said Legislative Councils, respectively, or respecting the vacancy of the seat in such Legislative Council of any person having been summoned thereto, every

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Acts of Parliament, and Geo. iii. Cap. 31.

such question shall, by the Governor or Lieutenant Governor of the Province, or by the person administering the government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for his Majesty's Attorney General of such Province, in his Majesty's name, to appeal from the determination of the said council, in such case, to his Majesty in his Parliament of Great Britain; and that the judgment thereon of his Majesty in his said parliament shall be final and conclusive to all intents and purposes whatever.

XII. And be it further enacted by the authority aforesaid, That the Governor or Lieutenant Governor of the said Provinces, respectively, or the person administering his Majesty's government therein, respectively, shall have power and authority, from time to time, by an instrument under the great seal of such Province, to constitute, appoint, and remove the Speakers of the Legislative Councils of such Provinces, respectively.

XIII. And be it further enacted by the authority aforesaid, That, for the purpose of constituting such assembly as aforesaid, in each of the said Provinces, respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the Governor or Lieutenant Governor, or person administering the government in each of the said Provinces, respectively, within the time hereinafter mentioned, and thereafter from time to time, as occasion shall require, in his Majesty's name, and by an instrument under the great seal of such Province, to summon and call together an assembly in and for such Province.

XIV. And be it further enacted by the authority aforesaid, That for the purpose of electing the members of such assemblies, respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize the Governor or Lieutenant Governor of each of the said Provinces, respectively, or the person administering the government therein, within the time hereinafter mentioned, to issue a proclamation dividing such Province into districts, or counties, or circles, and towns or townships, and appointing the limits thereof; and declaring and appointing the number of representatives to be chosen by each of such districts, or counties, or circles, and towns or townships, respectively; and that it shall also be lawful for his Majesty, his heirs or successors, to authorize such Governor or Lieutenant Governor, or person administering the government, from time to time, to nominate and appoint proper persons to execute the office of returning officer in each of the said districts, or counties, or circles, and towns or townships, respectively; and that such division of the said provinces into districts, or counties, or circles, and towns or townships, and such declaration and appointment of the number of representatives to be chosen by each of the said districts, or counties, or circles, and towns or townships, respectively, and also such nomination and appointment of returning officers in the same, shall be valid and effectual to all the purposes of this act, unless it shall at any time be otherwise provided by any act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XV. Provided nevertheless, and be it further enacted by the authority aforesaid, That the provision herein-before contained, for empowering the Governor, Lieutenant Governor, or person administering the government of the said Provinces, respectively, under such authority as aforesaid, from his Majesty, his heirs or successors, from time to time, to nominate and appoint proper persons to execute the office of returning officer in the said districts, counties, circles, and towns or townships, shall remain and continue in force in each of the said Provinces, respectively, for the term of two years, from and after the commencement of this act, within such Province, and no longer; but subject, nevertheless, to be sooner repealed or varied by any act of the Legislative

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vince of Quebec.

Acts of Parlia-  
ment, 221 Geo.  
III. Cap. 31.

*Appendix.* Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

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divide the Pro-  
vince of Quebec.  
Act of Parlia-  
ment, xxxi Geo.  
iii. Cap. 31

XVI. Provided always, and be it further enacted by the authority aforesaid, That no person shall be obliged to execute the said office of returning officer for any longer time than one year, or oftener than once, unless it shall at any time be otherwise provided by any act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XVII. Provided also, and be it enacted by the authority aforesaid, That the whole number of members to be chosen in the Province of Upper Canada shall not be less than sixteen, and that the whole number of members to be chosen in the Province of Lower Canada shall not be less than fifty.

XVIII. And be it further enacted by the authority aforesaid, That writs for the election of members to serve in the said Assemblies, respectively, shall be issued by the Governor, Lieutenant Governor, or person administering his Majesty's government within the said Provinces, respectively, within fourteen days after the sealing of such instrument as aforesaid, for summoning and calling together such Assembly, and that such writs shall be directed to the respective returning officers of the said districts, or counties, or circles, and towns or townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors; and that writs shall, in like manner and form, be issued for the election of members in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the Legislative Council of either Province, and that such writs shall be made returnable within fifty days at farthest, from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new member shall be issued within six days after the same shall be made known to the proper office for issuing such writs of election.

XIX. And be it further enacted by the authority aforesaid, That all and every the returning officers so appointed as aforesaid, to whom any such writs as aforesaid, shall be directed, shall and they are hereby authorized and required duly to execute such writs.

XX. And be it further enacted by the authority aforesaid, That the members for the several districts, or counties, or circles of the said Provinces, respectively, shall be chosen by the majority of votes of such persons as shall severally be possessed, for their own use and benefit, of lands or tenements within such district, or county, or circle, as the case shall be, such lands being by them held in freehold, or in fief, or in roture, or by certificate derived under the authority of the Governor and Council of the Province of Quebec, and being of the yearly value of forty shillings sterling, or upwards, over and above all rents and charges payable out of, or in respect of the same; and that the members for the several towns or townships within the said Provinces, respectively, shall be chosen by the majority of votes of such persons as either shall severally be possessed, for their own use and benefit, of a dwelling house and lot of ground in such town or township, such dwelling house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds sterling, or upwards, or as having been resident within the said town or township for the space of twelve calendar months next before the date of the writ of summons for the election, shall *bona fide* have paid one year's rent for the dwelling house in which they shall have so resided, at the rate of ten pounds sterling per annum, or upwards.

XXI. Provided always, and be it further enacted by the authority aforesaid, That no person shall be capable of being elected a member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a member of either of the said Legislative Councils to be established as aforesaid, in the said two Provinces, or who shall be a minister of the church of England, or a minister, priest, ecclesiastic, or teacher, either according to the rites of the church of Rome, or under any other form or profession of religious faith or worship.

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vince of Quebec.

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ment, XXI. Cap.  
31.

XXII. Provided also, and be it further enacted by the authority aforesaid, That no person shall be capable of voting at any election of a member to serve in such Assembly, in either of the said Provinces, or of being elected at any such election, who shall not be of the full age of twenty-one years, and a natural-born subject of his Majesty, or a subject of his Majesty naturalized by act of the British Parliament, or a subject of his Majesty, having become such by the conquest and cession of the Province of Canada.

XXIII. And be it also enacted by the authority aforesaid, That no person shall be capable of voting at any election of a member to serve in such assembly, in either of the said Provinces, or of being elected at any such election, who shall have been attainted for treason or felony in any court of law within any of his Majesty's dominions, or who shall be within any description of persons disqualified by any act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XXIV. Provided also, and be it further enacted by the authority aforesaid, That every voter, before he is admitted to give his vote at any such election, shall, if required by any of the candidates, or by the returning officer, take the following oath, which shall be administered in the English or French language, as the case may require: I, A. B. do declare and testify, in the presence of Almighty God, that I am, to the best of my knowledge and belief, of the full age of twenty-one years, and that I have not voted before at this election. And that every such person shall also, if so required as aforesaid, make oath, previous to his being admitted to vote, that he is, to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling house and lot of ground, or that he has *bona fide* been so resident, and paid such rent for his dwelling house, as entitles him, according to the provisions of this act, to give his vote at such election for the county, or district, or circle, or for the town or township for which he shall offer the same.

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant Governor, or person administering the government within each of the said Provinces, respectively, to fix the time and place of holding such elections, giving not less than eight days' notice of such time, subject nevertheless, to such provisions as may hereafter be made in these respects by any act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces, respectively, or the person administering the government therein, to fix the places and times of holding the first and every other session of the Legislative Council and Assembly of such Province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same, by proclamation or otherwise, whenever he shall judge it necessary or expedient.

XXVII. Provided always, and be it enacted by the authority aforesaid, That the said Legislative Council and Assembly, in each of the said Provinces, shall be called together once at the least, in every twelve calendar months, and that every Assembly shall continue for four years from the day of the return of the writs for choosing the



*Appendix.* same, and no longer, subject nevertheless, to be sooner prorogued or dissolved by the Governor or Lieutenant Governor of the Province, or person administering his Majesty's government therein.

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ment, vol. 60:  
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XXVIII. And be it further enacted by the authority aforesaid, That all questions which shall arise in the said Legislative Councils or Assemblies, respectively, shall be decided by the majority of voices of such members as shall be present; and that in all cases where the voices shall be equal, the Speaker of such Council or Assembly, as the case shall be, shall have a casting voice.

XXIX. Provided always, and be it enacted by the authority aforesaid, That no member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit, or to vote therein, until he shall have taken and subscribed the following oath, either before the Governor or Lieutenant Governor of such Province, or person administering the government therein, or before some person or persons authorized by the said Governor or Lieutenant Governor, or other person as aforesaid, to administer such oath, and that the same shall be administered in the English or French language, as the case may require:—I, A. B. do sincerely promise and swear that I will be faithful, and bear true allegiance to his Majesty King George, as lawful sovereign of the kingdom of Great Britain, and of these Provinces dependent on, and belonging to the said kingdom; and that I will defend him to the utmost of my power, against all traitorous conspiracies and attempts whatever, which shall be made against his person, crown, and dignity; and that I will do my utmost endeavour, to disclose and make known to his Majesty, his heirs or successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him, or any of them: and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary. So help me God.

XXX. And be it further enacted by the authority aforesaid, That whenever any bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said Provinces, respectively, shall be presented for his Majesty's assent, to the Governor or Lieutenant Governor of such Province, or to the person administering his Majesty's government therein, such Governor or Lieutenant Governor, or person administering the government, shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless, to the provisions contained in this act, and to such instructions as may, from time to time, be given in that behalf by his Majesty, his heirs or successors, that he assents to such bill in his Majesty's name, or that he withholds his Majesty's assent from such bill, or that he reserves such bill for the signification of his Majesty's pleasure thereon.

XXXI. Provided always, and be it further enacted by the authority aforesaid, That whenever any bill, which shall have been so presented for his Majesty's assent, to such Governor, Lieutenant Governor, or person administering the government, shall, by such Governor, Lieutenant Governor, or person administering the government, have been assented to in his Majesty's name, such Governor, Lieutenant Governor, or person as aforesaid, shall, and he is hereby required, by the first convenient opportunity, to transmit to one of his Majesty's principal Secretaries of State, an authentic copy of such bill so assented to: and that it shall and may be lawful, at any time within two years after such bill shall have been so received by such Secretary of State, for his Majesty, his heirs or successors, by his or their order in Council, to declare his or their disallowance of such bill, and that such disallowance, together with a certificate, under the hand and seal of such Secretary of State, testifying the day on which such bill was received as aforesaid, being signified by such Governor, Lieutenant Governor, or person administering the government, to the Legislative Council and Assembly of such Province, or by proclamation, shall make void and annul the same, from and after the date of such signification.

XXXII. And be it further enacted by the authority aforesaid, That no such bill, which shall be so reserved for the signification of his Majesty's pleasure thereon, shall have any force or authority within either of the said Provinces, respectively, until the Governor or Lieutenant Governor, or person administering the government, shall signify, either by speech or message, to the Legislative Council and Assembly of such Province, or by proclamation, that such bill has been laid before his Majesty in Council, and that his Majesty has been pleased to assent to the same; and that an entry shall be made, in the journals of the said Legislative Council of every such speech, message or proclamation; and a duplicate thereof, duly attested, shall be delivered to the proper officer, to be kept amongst the public records of the Province: and that no such bill, which shall be so reserved as aforesaid, shall have any force or authority within either of the said Provinces, respectively, unless his Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent to the Governor, Lieutenant Governor, or person administering the government of such Province.

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ent, xxvi Geo.  
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XXXIII. And be it further enacted by the authority aforesaid, That all laws, statutes, and ordinances, which shall be in force on the day to be fixed, in the manner herein-after directed for the commencement of this act, within the said Provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority, and effect, in each of the said Provinces, respectively, as if this act had not been made, and as if the said Province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this act, or in so far as the same shall, or may hereafter, by virtue of and under the authority of this act, be repealed or varied by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Councils and Assemblies of the said Provinces, respectively, or in so far as the same may be repealed or varied by such temporary laws or ordinances as may be made in the manner hereinafter specified.

XXXIV. And whereas, by an ordinance passed in the Province of Quebec, the Governor and Council of the said Province were constituted a court of civil jurisdiction, for hearing and determining appeals in certain cases therein specified, be it further enacted by the authority aforesaid, That the Governor, or Lieutenant Governor, or person administering the government of each of the said Provinces, respectively, together with such executive council as shall be appointed by his Majesty, for the affairs of such Province, shall be a court of civil jurisdiction within each of the said Provinces, respectively, for hearing and determining appeals within the same, in the like cases, and in the like manner and form, and subject to such appeal therefrom, as such appeals might before the passing of this act, have been heard and determined by the Governor and Council of the Province of Quebec; but subject, nevertheless, to such further, or other provisions as may be made in this behalf, by any act of the Legislative Council and Assembly of either of the said Provinces, respectively, assented to by his Majesty, his heirs or successors.

XXXV. And whereas, by the above-mentioned act, passed in the fourteenth year of the reign of his present Majesty, it was declared, that the clergy of the church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion; provided nevertheless, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said Province, as he or they should from time to time, think necessary and expedient: and whereas, by his Majesty's royal instructions, given under his Majesty's royal sign manual, on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to Guy Carleton, esquire, now Lord Dorchester, at that time his Majes-



*Appendix. ty's Captain General and Governor in Chief in and over his Majesty's Province of*  
 No. 4. *Quebec, his Majesty was pleased, amongst other things, to direct, "that no innum-*

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*Act of Parliament, XLVI Geo. III. Chap. 31.*

bent professing the religion of the church of Rome, appointed to any parish in the said Province, should be entitled to receive any tythes for lands or possessions occupied by a Protestant, but that such tythes should be received by such persons as the said Guy Carleton, esquire, his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of Quebec, should appoint and should be reserved in the hands of his Majesty's Receiver General of the said Province, for the support of a Protestant clergy in his Majesty's said Province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, esquire, his Majesty's Captain General and Governor in Chief, in and over his Majesty's said Province, should receive from his Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for, and applied to the like uses;" and whereas, his Majesty's pleasure has likewise been signified to the same effect in his Majesty's royal instructions, given in like manner to Sir Frederic Haldimand, knight of the most honorable order of the Bath, late his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of Quebec; and also in his Majesty's royal instructions, given in like manner to the said right honorable Guy, Lord Dorchester, now his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of Quebec; be it enacted by the authority aforesaid, That the said declaration and Provision contained in the said above-mentioned act, and also the said provision, so made by his Majesty in consequence thereof, by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two Provinces of Upper Canada, and Lower Canada respectively, except in so far as the said declaration or provisions, respectively, or any part thereof, shall be expressly varied or repealed by any act or acts which may be passed by the Legislative Council and Assembly of the said Provinces, respectively, and assented to by his Majesty, his heirs or successors, under the restriction herein-after provided.

XXXVI. And whereas his Majesty has been graciously pleased, by message to both houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said Provinces, for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: and whereas his Majesty has been graciously pleased, by his said message, further to signify his royal desire that such provision may be made, with respect to all future grants of land within the said Provinces, respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said Provinces, in proportion to such increase as may happen in the population and cultivation thereof: therefore, for the purpose of more effectually fulfilling his Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces, respectively, or the person administering the government therein, to make, from and out of the lands of the crown within such Provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty: and that whenever any grant of lands within either of the said Provinces shall hereafter be made, by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the town-

ship or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

*Appendix.*  
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British Acts to  
divide the Pro-  
vince of Quebec.  
Acts of Parlia-  
ment, xxi Geo.  
iii. Cap. 31.

XXXVII. And be it further enacted by the authority aforesaid, That all and every the rents, profits or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a protestant clergy within the Province in which the same shall be situated, and to no other use or purpose whatever.

XXXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces, respectively, or the person administering the government therein, from time to time, with the advice of such executive council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof, to constitute and erect, within every township or parish which now is, or hereafter may be formed, constituted, or erected within such Province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the church of England; and from time to time, by an instrument under the great seal of such Province, to endow every such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by his Majesty, in respect of any lands granted by his Majesty before the commencement of this act, as such Governor, Lieutenant Governor, or person administering the government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant Governor, or person administering the government of each of the said Provinces, respectively, to present to every such parsonage or rectory, an incumbent or minister of the church of England, who shall have been duly ordained according to the rites of the said church, and to supply, from time to time, such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

XL. Provided always, and be it further enacted by the authority aforesaid, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by his Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter, by his Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the church of England, which are lawfully made and received in England.

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No. 4.

British Acts to  
divide the Pro-  
vince of Quebec.  
  
Acts of Parlia-  
ment, xxi Geo.  
iii Cap. 31.

XLI. Provided always, and be it further enacted by the authority aforesaid, That the several provisions herein-before contained, respecting the allotment and appropriation of lands for the support of a protestant clergy within the said Provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any act or acts which may be passed by the Legislative Council and Assembly of the said Provinces, respectively, and assented to by his Majesty, his heirs or successors, under the restriction herein-after provided.

XLII. Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any act or acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any provisions to vary or repeal the above recited declaration and provision contained in the said act, passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above-recited provision contained in his Majesty's royal instructions, given on the third day of January in the year of our Lord one thousand seven hundred and seventy-five, to the said Guy Carleton, esquire, now Lord Dorchester; or to vary or repeal the provisions herein-before contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions herein-before contained, respecting the allotment and appropriation of lands for the support of a protestant clergy within the said Provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said Provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same; and also, that whenever any act or acts shall be so passed, containing any provisions which shall in any manner relate to, or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same; or shall, in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein-before mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to, or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to, or affect the establishment or discipline of the church of England, amongst the ministers and members thereof within the said Provinces; or shall in any manner relate to, or affect the King's prerogative touching the granting the waste lands of the crown within the said Provinces; every such act or acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such act or acts, until thirty days after the same shall have been laid before the said houses, or to assent to any such act or acts, in case either House of Parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such act or acts; and that no such act shall be valid or effectual to any of the said purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or person administering the government of such Province, an address or addresses, specifying that such act contains provisions for some of the said purposes herein-before specially described, and desiring that, in order to give effect to the same, such act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of his Majesty's assent thereto.

XLIII. And be it further enacted by the authority aforesaid, That all lands which shall be hereafter granted within the said Province of Upper Canada shall be granted in free and common socage, in like manner as lands are now holden in free and common socage, in that part of Great Britain called England: and that in every case where lands shall be hereafter granted within the said Province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common socage, the same shall be so granted; but subject, nevertheless, to such alterations, with respect to the nature and consequences of such tenure of free and common socage, as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the Province.

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No. 4.

British Acts to divide the Province of Quebec.  
Act of Parliament, 31 Geo. III. Cap. 31.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons holding any lands in the said Province of Upper Canada, by virtue of any certificate of occupation derived under the authority of the Governor and Council of the Province of Quebec, and having power and authority to alienate the same, shall, at any time, from and after the commencement of this act, surrender the same into the hands of his Majesty, his heirs or successors, by petition to the Governor or Lieutenant Governor, or person administering the government of the said Province, setting forth, that he, she, or they is or are desirous of holding the same in free and common socage, such Governor, or Lieutenant Governor, or person administering the government, shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common socage.

XLV. Provided nevertheless, and be it further enacted by the authority aforesaid, That such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons, other than the person or persons surrendering the same, shall have been entitled, either in possession, remainder, or reversion, or otherwise, at the time of such surrender; but that every such surrender and grant shall be made subject to every such right, title, and interest, and that every such right, title, or interest shall be as valid and effectual as if such surrender and grant had never been made.

XLVI. And whereas by an act passed in the eighteenth year of the reign of his present Majesty, entitled, An act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain in any of the Colonies, Provinces, and Plantations in North America and the West Indies; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any Colony or Plantation in America, or relates thereto, it has been declared, "that the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's Colonies, Provinces, and Plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce, the net produce of such duties to be always paid and applied to and for the use of the Colony, Province, or Plantation, in which the same shall be respectively levied in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations, are ordinarily paid and applied:" and whereas, it is necessary, for the general benefit of the British empire, that such power of regulation of commerce should continue to be exercised by his Majesty, his heirs, or successors, and the Parliament of Great Britain, subject, nevertheless, to the condition herein-before recited, with respect to the application of any duties which may be imposed for that purpose: be it therefore enacted by the authority aforesaid, That nothing in this act contained, shall extend, or be construed to extend, to prevent or affect the execution of any law which hath been or shall at any time be made by his Majesty, his heirs or successors, and the Parliament of Great Britain, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for

*Appendix.* the regulation of navigation, or for the regulation of the commerce to be carried on between the said two Provinces or between either of the said Provinces, and any other part of his Majesty's dominions, or between either of the said Provinces and any foreign country or state, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to his Majesty, his heirs or successors, any power or authority by and with the advice and consent of such Legislative Councils and Assemblies, respectively, to vary or repeal any such law or laws, or any part thereof, or in any manner to prevent or obstruct the execution thereof.

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British Acts to  
divide the Pro-  
vince of Quebec.  
Act of Parlia-  
ment, xxvi Geo.  
iii. Cap. 31.

XLVII. Provided always, and be it enacted by the authority aforesaid, That the net produce of all duties which shall be so imposed, shall at all times hereafter be applied to and for the use of each of the said Provinces, respectively, and in such manner only as shall be directed by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of such Province.

XLVIII. And whereas, by reason of the distance of the said Provinces, from this country, and of the change to be made by this act in the government thereof, it may be necessary that there should be some interval of time between the notification of this act to the said Provinces, respectively, and the day of its commencement within the said Provinces, respectively: be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, with the advice of his Privy Council, to fix and declare, or to authorize the Governor or Lieutenant Governor of the Province of Quebec, or the person administering the government there, to fix and declare the day of the commencement of this act within the said Provinces, respectively, provided, that such day shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-one.

XLIX. And be it further enacted by the authority aforesaid, That the time to be fixed by his Majesty, his heirs or successors, or under his or their authority, by the Governor, Lieutenant Governor, or person administering the government in each of the said Provinces, respectively, for issuing the writs of summons and election, and calling together the Legislative Councils and Assemblies of each of the said Provinces, respectively, shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two.

L. Provided always, and be it further enacted by the authority aforesaid, That during such interval as may happen between the commencement of this act, within the said Provinces respectively, and the first meeting of the Legislative Council and Assembly of each of the said Provinces, respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such Province, or for the person administering the government therein, with the consent of the major part of such Executive Council as shall be appointed by his Majesty for the affairs of such Province, to make temporary laws and ordinances for the good government, peace, and welfare of such Province, in the same manner, and under the same restrictions, as such laws or ordinances might have been made by the Council for the affairs of the Province of Quebec, constituted by virtue of the above mentioned act of the fourteenth year of the reign of his present Majesty; and that such temporary laws or ordinances shall be valid and binding within such Province until the expiration of six months after the Legislative Council and Assembly of such Province shall have been first assembled by virtue of, and under the authority of this act; subject, nevertheless, to be sooner repealed or varied by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the said Legislative Council and Assembly.

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## ORDER IN COUNCIL

BY WHICH

THE PROVINCE OF QUEBEC WAS DIVIDED INTO TWO SEPARATE GOVERNMENTS OF  
UPPER AND LOWER CANADA, TWENTY-FOURTH AUGUST, 1791.

*At the Court at St. James's the 24th of August 1791*

Present the Kings most Excellent Majesty in Council

Whereas there was this day read at the Board a report from the Right Honorable the Lords of the Committee of Council dated the 19th of this instant in the words following (viz)

Your Majesty having been pleased by your order in Council bearing date the 17th of this instant to refer unto this Committee a letter from the Right Honorable Henry Dundas one of your Majestys Principal Secretaries of State to the Lord President of the Council transmitting a printed copy of an act passed in the last session of Parliament entitled "An act to repeal certain parts of an act passed in the fourteenth year of His Majestys reign entitled an act for making more effectual provision for the government of the Province of Quebec in North America and to make further provision for the government of the said province and also copy of a paper presented to Parliament previous to the passing of the said act describing the line proposed to be drawn for dividing the Province of Quebec into two separate Provinces agreeable to your Majestys Royal intention signified by message to both Houses of Parliament to be called the Province of Upper Canada and the Province of Lower Canada and stating that by section forty-eight of the said act It is provided that by reason of the distance of the said Provinces from this country and of the change to be made by the said act in the government thereof it may be necessary that there should be some interval of time between the notification of the said act to the said Provinces respectively and the day of its commencement within the said Provinces respectively and that it should be lawful for your Majesty with the advice of your Privy Council to fix and declare or to authorize the Governor or Lieutenant Governor of the Province of Quebec or the person administering the government there to fix and declare the day of the commencement of the said act within the said Provinces respectively *Provided* That such day shall not be later than the 31st of December 1791 The Lords of the Committee in obedience to your Majestys said order of reference this day took the said letter into their consideration together with the act of Parliament therein referred to and likewise copy of the said paper describing the line proposed to be drawn for separating the Province of Upper Canada and the Province of Lower Canada and their Lordships do thereupon agree humbly to report as their opinion to your Majesty that it may be advisable for your Majesty by your order in Council to divide the Province of Quebec into two distinct Provinces by separating the Province of Upper Canada and the Province of Lower Canada according to the said line of division described in the said paper (copy of which is hereunto annexed) And the Lords of the Committee are further of opinion that it may be advisable for your Majesty by warrant under your royal sign manual to authorize the Governor or Lieutenant Governor of the Province of Quebec or the person administering the government there to fix and declare such day for the commencement of the said before mentioned act within the said two Provinces of Upper and Lower Canada respectively as the said Governor or Lieutenant Governor of the Province of Quebec or the person administering the go-

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cil of 24th August,  
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cil of 24th August,  
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vernment there shall judge most advisable provided that such day shall not be later than the 31st day of December in the present year 1791

*The proposed line of division*—To commence at a stone boundary on the north bank of the Lake St. Francis at the Cove west of Pointe au Bodet in the limit between the township of Lancaster and the Seigneurie of New Longueuil running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil thence along the north-western boundary of the Seigneurie of Vaudreuil running north twenty-five degrees east until it strikes the Ottawas river to ascend the said river into the Lake Tomis Canning and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudsons Bay including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada

His Majesty this day took the said report into his royal consideration and approving of what is therein proposed is pleased by and with the advice of his Privy Council to order as it is hereby ordered that the Province of Quebec be divided into two distinct Provinces to be called the Province of Upper Canada and the Province of Lower Canada by separating the said two Provinces according to the following line of division viz To commence at a stone boundary on the north bank of the Lake St Francis at the Cove west of Pointe au Bodet in the limit between the township of Lancaster and the Seigneurie of New Longueuil running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil thence along the north-western boundary of the Seigneurie of Vaudreuil running north twenty-five degrees east until it strikes the Ottawas river to ascend the said river into the Lake Tomis Canning and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudsons Bay including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada Whereof the Governor Lieutenant Governor or Commander in Chief of the Province of Quebec and all other His Majestys officers in the said Provinces and all whom it may concern are to take notice and yield due obedience to His Majestys pleasure hereby signified

Whereas there was this day read at the Board a report from the Right Honorable the Lords of the Committee of Council dated the 19th of this instant in the words following viz

*Memorandum*—Here the Committee report for dividing the Province of Quebec into two distinct Provinces to be called Upper Canada and Lower Canada and proposing the line of division for separating the said Provinces was inserted at length as in the preceding order

His Majesty this day took the said report into his royal consideration and approving of what is therein proposed was pleased by and with the advice of his Privy Council to order that the Province of Quebec be divided into two distinct Provinces to be called the Province of Upper Canada and the Province of Lower Canada by separating the said two Provinces according to the line of division inserted in the said orders

And His Majesty is hereby further pleased to order that the Right Honorable Henry Dundas one of His Majesty's Principal Secretaries of State do prepare a warrant to be passed under His Majestys Royal Sign Manual to authorize the Governor or Lieutenant Governor of the Province of Quebec or the person administering the government there to fix and declare such day as they shall judge most advisable for the commencement within the Province of Upper Canada and the Province of Lower Canada respectively of the said act passed in the last session of Parliament entitled



"An act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign entitled an act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province" Provided that such day so to be fixed and declared for the commencement of the said act within the said two Provinces respectively shall not be later than the thirty-first day of December 1791

*Appendix.*  
No. 4.

British Acts to divide the Province of Quebec.  
Order in Council of 24th August, 1791.

I hereby certify that the above are true copies of the original orders.

JAS. BULLER.

COUNCIL OFFICE, 17th February, 1829.

APPENDIX No. V.

ACTS OF THE GENERAL COURT

OF MASSACHUSETTS

AND OF THE CONGRESS OF THE UNITED STATES,

RELATIVE TO THE ERECTION OF

THE DISTRICT OF MAINE INTO A SEPARATE AND INDEPENDENT STATE.

*An Act in addition to an Act, entitled "An Act relating to the separation of the  
"District of Maine from Massachusetts Proper, and forming the same into a  
"separate and independent State."*

*Appendix.*  
No. 5.

Act of Mass-  
achusetts relative  
to the erection of  
Maine into an In-  
dependent State.

SEC. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of the Legislature of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a separate and independent State, upon the terms and conditions, and in conformity to the enactments contained in an act, entitled "an act relating to the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State," whenever the Congress of the United States shall give its consent thereto, any thing in the said act limiting the time when such consent should be given, to the contrary notwithstanding: Provided, however, that if the Congress of the United States shall not have given its consent, as aforesaid, before the fifteenth day of March next, then all parts of the act, to which this is an addition, and all matters therein contained, which by said act have date or operation from or relation to the fifteenth day of March next, shall have date and operation from and relation to the day on which the Congress of the United States shall give its consent, as aforesaid: Provided also, that if the Congress of the United States shall not give its consent, as aforesaid, within two years from the fourth day of March next, this present act shall be void and of no effect.

SEC. 2. Be it further enacted, That if it shall not be known on the first Mouday of April next, that the Congress of the United States has given its consent, as aforesaid, the people of the said District of Maine shall elect, provisionally, a Governor, Senators and Representatives, or other officers necessary to the organization of the government thereof as a separate and independent State, according to the provisions of the constitution of government agreed to by the people of the said District. And the persons so elected shall assemble at the time and place designated by the said constitu-

tion, if the consent of Congress, as aforesaid, shall be given during the present session thereof, but not otherwise; and when assembled, as aforesaid, and having first determined on the returns and qualifications of the persons elected, they shall have the power as delegates of the people for that purpose, to declare on behalf and in the name of the people, the said elections of such persons to be constitutional and valid, for the respective offices and stations for which they shall have been elected, as aforesaid. And if such declaration shall not be made before the persons so elected shall proceed to transact business as the Legislature of said State, the said election shall be wholly void, unless it shall appear that the consent of Congress, aforesaid, shall have been given on or before the said first Monday of April next. And if the consent of Congress, as aforesaid, shall be given after the said first Monday of April next, and the persons so elected, when assembled, as aforesaid, shall not declare the said election valid and constitutional, as aforesaid, within ten days from the last Wednesday of May next, then they shall cease to have any power to act in any capacity for the people of the said District, by virtue of their elections, as aforesaid; and the people shall again choose Delegates to meet in Convention, in the manner, for the purposes, and with the powers set forth in the third and fourth sections of the act to which this is in addition; the said elections of such Delegates to be made on the first Monday of July next, and the Delegates to meet in Convention at Portland, on the first Monday of September next.

[Approved by the Governor, February 25th, 1820.]

#### AN ACT

FOR THE ADMISSION OF THE STATE OF MAINE INTO THE UNION.

Whereas, by an Act of the State of Massachusetts, passed on the nineteenth day of June, in the year one thousand eight hundred and nineteen, entitled "An Act relating to the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State," the people of that part of Massachusetts, heretofore known as the District of Maine, did, with the consent of the Legislature of said State of Massachusetts, form themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of said Act. Therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that from and after the fifteenth day of March, in the year one thousand eight hundred and twenty, the State of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

[Approved, 3d March, 1820.]

#### APPENDIX, No. VI.

Extract from Guthrie's Geographical Grammar. See printed copy of the work, Article "Scotland,"

16\*

Appendix.  
No. 5.

American Act relative to the erection of Maine into an Independent State.

Act of Massachusetts, 25 February, 1820.

Act of Congress of 3d March, 1820.

No. 6.

Extract from Guthrie's Grammar.

APPENDIX, No. VII.

EXTRACTS FROM TREATIES

BETWEEN

GREAT BRITAIN AND FOREIGN POWERS.

TENTH ARTICLE

OF THE TREATY OF PEACE BETWEEN ENGLAND AND FRANCE, CONCLUDED AT  
BREDa,  $\frac{21}{31}$  JULY, 1667.

*Appendix. Traité de Paix entre Louis XIV. Roi de France et Charles II. Roi d'Angleterre,  
No. 7. Fait à Breda le  $\frac{21}{31}$  Juillet, 1667.*

Treaties between  
Great Britain and  
Foreign Powers

10th Art. Treaty  
with France  
Breda, July 1667.

ARTICLE X.

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, scellé en bonne forme du grand Sceau de France, le pays  
appellé l'Acadie, situé dans l'Amérique Septentrionale, dont le Roi Très-Chrétien a  
autrefois joui. Et pour exécuter cette restitution, le susnommé Roi de la Grande Bre-  
tagne, incontinent après la ratification de la présente alliance, fournira au susnommé  
Roi Très-Chrétien, tous les actes et mandemens expédiés dûment et en bonne forme,  
nécessaire à cet effet, ou les fera fournir à ceux de ses ministres et officiers, qui seront  
par lui délégués.

SEVENTH ARTICLE

OF THE TREATY OF PEACE BETWEEN GREAT BRITAIN AND FRANCE, CONCLUDED  
AT RYSWICK,  $\frac{10}{10}$  SEPTEMBER, 1697.

7th Art. Treaty  
with France.  
Ryswick, 1697.

*The articles of Peace between William the Third, King of Great Britain, and  
Lewis the Fourteenth, King of France, concluded in the Royal Palace at Rys-  
wick, the  $\frac{10}{10}$ th day of September, 1697.*

ARTICLE VII.

The most Christian King shall restore to the said King of Great Britain, all  
countries, islands, forts, and colonies, wheresoever situated, which the English did  
possess before the declaration of this present war. And in like manner the King of  
Great Britain shall restore to the most Christian King all countries, islands, forts, and  
colonies, wheresoever situated, which the French did possess before the said declara-  
tion of war; and this restitution shall be made, on both sides, within the space of six  
months, or sooner if it can be done. And to that end, immediately after the ratifica-  
tion of this treaty, each of the said Kings shall deliver, or cause to be delivered, to the  
other, or to commissioners authorized in his name for that purpose, all acts of conces-  
sion, instruments, and necessary orders, duly made and in proper form, so that they  
may have their effect.

**TWELFTH AND THIRTEENTH ARTICLES**

OF THE TREATY OF PEACE AND FRIENDSHIP BETWEEN GREAT BRITAIN AND  
FRANCE, CONCLUDED AT UTRECHT, <sup>31 March</sup><sub>11 April</sub> 1713.

*Appendix.*  
No. 7.

Treaties between  
Great Britain and  
Foreign Powers.  
—  
12th and 13th Art.  
Treaty with  
France, Utrecht,  
1713.

*The Treaty of Peace and Friendship between Anne, Queen of Great Britain,  
France, and Ireland, and Lewis XIV., King of France, concluded at Utrecht,  
the 11 day of <sup>March</sup><sub>April</sub> 1713.*

ARTICLE XII.

The most Christian King shall take care to have delivered to the Queen of Great Britain, on the same day that the ratifications of this treaty shall be exchanged, solemn and authentic letters or instruments, by virtue whereof it shall appear, that the island of St. Christopher's is to be possessed alone hereafter by British subjects; likewise all Nova Scotia or Acadie, with its ancient boundaries, as also the city of Port Royal, now called Annapolis Royal, and all other things in those parts which depend on the said lands and islands, together with the dominion, propriety, and possession of the said islands, lands, and places, and all right whatsoever, by treaties, or by any other way obtained, which the most Christian King, the Crown of France, or any of the subjects thereof, have hitherto had to the said islands, lands, and places, and the inhabitants of the same, are yielded and made over to the Queen of Great Britain, and to her crown forever, as the most Christian King doth at present yield and make over all the particulars abovesaid, and that in such ample manner and form, that the subjects of the most Christian King shall hereafter be excluded from all kind of fishing in the said seas, bays, and other places, on the coasts of Nova Scotia, that is to say: on those which lie towards the east, within thirty leagues, beginning from the island commonly called Sable, inclusively, and thence stretching along towards the southwest.

ARTICLE XIII.

The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Britain; and to that end, the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up, within seven months from the exchange of the ratifications of this treaty, or sooner if possible, by the most Christian King, to those who have a commission from the Queen of Great Britain, for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island and islands, or to any part of it, or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish; or to resort to the said island, beyond the time necessary for fishing, and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river of St. Lawrence, and in the gulf of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there.

*Appendix.*  
No. 7.

Treaties between  
Great Britain and  
Foreign Powers.

4th, 5th, 7th, and  
30th Art. Treaty  
with France and  
Spain, 10th Feb-  
ruary, 1763.

**FOURTH, FIFTH, SEVENTH AND TWENTIETH ARTICLES**

OF THE DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN GREAT BRITAIN,  
FRANCE AND SPAIN, CONCLUDED AT PARIS, TENTH FEBRUARY, 1763.

*The Definitive Treaty of Peace and Friendship between His Britannic Majesty,  
the most Christian King, and the King of Spain, concluded at Paris, the  
10th day of February, 1763.*

ARTICLE IV.

His most Christian Majesty renounces all pretensions, which he has heretofore formed, or might form, to Nova Scotia or Acadia, in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: moreover, his most Christian Majesty cedes and guaranties to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the Island of Cape Breton, and all the other islands and coasts in the gulph and river St. Lawrence, and, in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights, acquired by treaty or otherwise, which the most Christian King, and the crown of France, have had till now over the said countries, islands, lands, places, coasts, and their inhabitants, so that the most Christian King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb Great Britain in the possessions above-mentioned. His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada: he will consequently give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees, that the French inhabitants, or others who had been subjects of the most Christian King in Canada, may retire, with all safety and freedom, wherever they shall think proper, and may sell their estates, provided it be to subjects of his Britannic Majesty, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty.

ARTICLE V.

The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Lawrence;) and his Britannic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the gulph St. Lawrence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said gulph St. Lawrence. And as to what relates to the fishery on the coasts of the island of

Capo Breton out of the said gulph, the subjects of the most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.

*Appendix:  
No. 7.*

*Treaties between  
Great Britain and  
Foreign Powers.*

*4th, 5th, 7th, and  
8th Art. Treaty  
with France and  
Spain. 10th Feby.  
1763.*

#### ARTICLE VII.

In order to re-establish peace on solid and durable foundations, and to remove for ever all subjects of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed that, for the future, the confines between the dominions of his Britannic Majesty, and those of his most Christian Majesty in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes in full right, and guaranties to his Britannic Majesty, the river and port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the river Mississippi, except the town of New Orleans, and the island in which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, inserted in the IVth article, in favor of the inhabitants of Canada, shall also take place with regard to the inhabitants of the countries ceded by this article.

#### ARTICLE XX.

In consequence of the restitution stipulated in the preceding article, His Catholic Majesty cedes and guaranties, in full right, to His Britannic Majesty, Florida, with Fort St. Augustine and the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east or to the south-east of the river Mississippi; and, in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the Catholic King and the Crown of Spain have had till now over the said countries, lands, places, and their inhabitants: so that the Catholic King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample manner and form. His Britannic Majesty agrees, on his side, to grant to the inhabitants of the countries above ceded, the liberty of the Catholic religion: he will consequently give the most express and the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion, according to the rights of the Romish Church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees, that the Spanish inhabitants, or others, who had been subjects of the Catholic King, in the said countries, may retire, with all safety and freedom, wherever they think proper, and may sell their estates, provided it be to his Britannic Majesty's subjects, and bring away their effects as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholic Majesty shall have power to cause all the effects that may belong to him, to be brought away, whether it be artillery or other things.



*Appendix.*  
No. 7.

Treaties between  
Great Britain and  
Foreign Powers.

4th, 5th and 6th  
Art. Treaty with  
France, Versailles,  
23 September,  
1763.

**FOURTH, FIFTH AND SIXTH ARTICLES**

**OF THE DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN GREAT BRITAIN  
AND FRANCE, CONCLUDED AT VERSAILLES, THIRD SEPTEMBER, 1763,**

AND

*Extracts from the Declaration and Counter-Declaration, signed on the same day  
and annexed to said Treaty.*

*The definitive Treaty of Peace and Friendship between his Britannic Majesty  
and the most Christian King, signed at Versailles, the 3d of September, 1763;  
and extracts from the Declaration and Counter-Declaration, signed on the  
same day, and annexed to said Treaty.*

**ARTICLE IV.**

His Majesty the King of Great Britain is maintained in his right to the island of Newfoundland, and to the adjacent islands, as the whole were assured to him by the thirteenth article of the treaty of Utrecht; excepting the islands of St. Pierre and Miquelon, which are ceded in full right, by the present treaty, to his most Christian Majesty.

**ARTICLE V.**

His Majesty the most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees north latitude; and his Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of his most Christian Majesty, beginning at the said Cape St. John, passing to the north, and descending by the western coast of the island of Newfoundland, shall extend to the place called Cape Raye, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the treaty of Utrecht.

**ARTICLE VI.**

With regard to the fishery in the gulf of St. Lawrence, the French shall continue to exercise it conformably to the fifth article of the treaty of Paris.

**DECLARATION.**

"The King having entirely agreed with His most Christian Majesty, upon the articles of the definitive treaty, will seek every means which shall not only insure the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting, in any manner, by their competition, the fishery of the French, during the temporary exercise of it which is granted to them.

upon the coasts of the island of Newfoundland; and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded, in cutting the wood necessary for the repair of their scaffolds, huts, and fishing-vessels.

"The thirteenth article of the treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there: it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen, during their fishing, nor injuring their scaffolds during their absence.

"The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations; and that the fishery between the said islands and that of Newfoundland shall be limited to the middle of the channel."

"IN WITNESS WHEREOF, we, His Britannic Majesty's Ambassador Extraordinary and Minister Plenipotentiary, being thereto duly authorized, have signed the present declaration, and caused the seal of our arms to be set thereto.

"Given at Versailles, the third of September, one thousand seven hundred and eighty-three.

[L. s.] "MANCHESTER."

#### COUNTER-DECLARATION.

"The principles which have guided the King, in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that his Majesty has had no other design than to render it solid and lasting, by preventing, as much as possible, in the four quarters of the world, every subject of discussion and quarrel. The King of Great Britain undoubtedly places too much confidence in the uprightness of his Majesty's intentions, not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

"As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two Sovereigns upon this matter, it is sufficiently ascertained by the fifth article of the treaty of peace signed this day, and by the declaration likewise delivered to day, by His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and His Majesty declares that he is fully satisfied on this head.

"In regard to the fishery between the island of Newfoundland, and those of St. Pierre and Miquelon, it is not to be carried on by either party, but to the middle of the channel; and His Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen."

"IN WITNESS WHEREOF, we, the under-written Minister Plenipotentiary of His most Christian Majesty, being thereto duly authorized, have signed the present counter-declaration, and have caused the seal of our arms to be affixed hereto.

"Given at Versailles, the third of September, one thousand seven hundred and eighty-three.

[L. s.] "GRAVIER DE VERGENNES."

*Appendix.*  
No. 7.

Treaties between  
Great Britain and  
Foreign Powers.

4th, 5th and 6th  
Art. Treaty with  
France, Versailles,  
3d September,  
1763.

Appendix.  
No. 7.

Treaties between  
Great Britain and  
Foreign Powers.

5th Art. Treaty  
with Spain, Ver-  
sailles, 3d Septem-  
ber, 1763.

FIFTE ARTICLE

OF THE DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN GREAT BRITAIN  
AND SPAIN, SIGNED AT VERSAILLES, THIRD SEPTEMBER, 1763.

*The Definitive Treaty of Peace and Friendship between his Britannic Majesty  
and the King of Spain—Signed at Versailles, the 3d of September, 1763.*

ARTICLE V.

*His Britannic Majesty likewise cedes and guaranties, in full right, to his Catholic Majesty, East Florida, as also West Florida. His Catholic Majesty agrees that the British inhabitants, or others who may have been subjects of the King of Great Britain in the said countries, may retire in full security and liberty, where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty: but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then His Catholic Majesty shall grant them a prolongation proportioned to that end. It is further stipulated, that His Britannic Majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery, or other matters.*

APPENDIX, No. VIII.

No. 8.

Secret Journals of  
Congress.

Secret Journals of the Acts and Proceedings of Congress, from the first meeting thereof, to the dissolution of the Confederation, by the adoption of the Constitution of the United States. Published under the direction of the President of the United States, conformably to the Resolution of Congress of 27th March, 1818, and 21st April, 1820.

See printed copy of the work, Wait's Boston Edition, 1821.

APPENDIX, No. IX.

EXTRACTS

FROM

FRANKLIN'S PRINTED PRIVATE CORRESPONDENCE.

*Extract of a letter from Dr. Franklin, one of the negotiators of the preliminary treaty of 1782, between Great Britain and the United States, to the Hon. Robert R. Livingston, dated Passy, 14th October, 1782. Transcribed from a work entitled "The Private Correspondence of Benjamin Franklin."*

Appendix.  
No 9.

Extracts from Dr.  
Franklin's Private  
Correspondence.

"We have now made several preliminary propositions, which the English Minister, Mr. Oswald, has approved, and sent to his Court. He thinks they will be approved there, *but I have some doubts*. In a few days, however, the answer expected will determine. By the first of these articles, the King of Great Britain renounces for himself and successors, all claim and pretension to dominion or territory within the thirteen United States; *and the boundaries are described as in our instructions*; except that the line between Nova Scotia and New England is to be settled by Commissioners after the peace."

*Extract of a letter from Dr. Franklin to the Hon. R. R. Livingston, dated Passy, 5th December, 1782.*

"You desire to be very particularly acquainted with 'every step which tends to a negotiation.' I am, therefore, encouraged to send you the first part of the Journal, which accidents and a long severe illness interrupted: but which, from notes I have by me, may be continued if thought proper. In its present state it is hardly fit for the inspection of Congress—certainly not for public view. I confide it, therefore, to your prudence.

"The arrival of Mr. Jay, Mr. Adams, and Mr. Laurens, relieved me from much anxiety, which must have continued, if I had been left to finish the treaty alone; and it has given me the more satisfaction, as I am sure the business has profited by their assistance.

"Much of the summer had been taken up in objecting against the powers given to Great Britain, and in removing those objections; in using any expressions that might imply an acknowledgment of our independence, seemed, at first, industriously to be avowed. But our refusing otherwise to treat, at length induced them to get over that difficulty; *and then we came to the point of making propositions. Those made by*

*Appendix. Mr. Jay and me*, before the arrival of the other gentlemen, you will find in the enclosed *Paper No. 1*, which was sent by the British Plenipotentiary to London, for the King's consideration. After some weeks, an Under Secretary, Mr. Strachey, arrived, *with whom we had much contestation about the boundaries*, and other articles which he proposed. We settled some, which he carried to London, and returned with the propositions, some adopted, others omitted or altered, and new ones added; *which you will see in Paper No. 2*. We spent many days in discussing and disputing; and, at length, agreed on and signed the preliminaries, which you will receive by this conveyance.

No. 9.  
 Extracts from Dr.  
 Franklin's Private  
 Correspondence.

*Paper No. 1, above referred to.*

Articles agreed upon by and between Richard Oswald, Esq. the Commissioner of His Britannic Majesty for treating of peace with the Commissioners of the United States of America, on the behalf of his said Majesty, on the one part, and Benjamin Franklin and John Jay, two of the Commissioners of the said States for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part.

Whereas, *reciprocal advantages* and mutual convenience are found, by experience, to form the only permanent foundation of peace and friendship between States, it is agreed to *frame the articles* of the proposed treaty on such principles of *liberal equality* and *reciprocity*, as that partial advantages (those seeds of discord,) being excluded, such a *beneficial and satisfactory intercourse* between the two countries *may be established*, as to promise and secure to both the blessings of perpetual peace and harmony.

1st. His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be *free, sovereign, and independent States*: That *he treats with them as such*; and for himself, his heirs and successors, relinquishes all claims to the government, proprietary, and territorial rights of the same, and every part thereof; and that *all disputes which might arise*, in future, *on the subject of the boundaries* of the said United States, *may be prevented*, it is hereby agreed and declared, that the following are, and shall remain to be, their boundaries, viz:

The said States are bounded, *North, by a line to be drawn from the north-west angle of Nova Scotia, along the high lands which divide those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northernmost head of Connecticut River*; thence, down along the middle of that river to the 45th degree of north latitude, and thence due west, in the latitude forty-five degrees north from the equator, to the north-westernmost side of the River St. Lawrence, or Cadaraqui; *thence straight to the south end of the Lake Nipissing, and thence straight to the source of the River Mississippi*: West, by a line to be drawn along the middle of the River Mississippi, from its source to where the said line shall intersect the thirty-first degree of north latitude: South, by a line to be drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Apalachicola, or Catahouche; thence along the middle thereof, to its junction with the Flint River; thence, straight to the head of St. Mary's River; thence, down along the middle of St. Mary's River to the Atlantic Ocean: and *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 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.

*Appendix.*  
No. 9.  
Extracts from Dr.  
Franklin's Private  
Correspondence.

PARIS, 8th October, 1782. A true copy of which has been agreed on between the American Commissioners and me, to be submitted to his Majesty's consideration.

[Signed] RICHARD OSWALD.

*Alteration to be made in the treaty respecting the boundaries of Nova Scotia, viz:*  
*East—The TRUE line between which and the United States shall be settled by Commissioners, as soon as conveniently may be after the war.*

To the Hon. R. R. LIVINGSTON, Esq.

PASSY, December 14, 1782.

*Secretary for Foreign Affairs.*

SIR: We have the honor to congratulate Congress on the signature of the preliminaries of a peace between the Crown of Great Britain and the United States of America.

*Appendix.*  
No. 9.

Extracts from Dr.  
Franklin's Private  
Correspondence.

ca, to be inserted in a definitive treaty, so soon as the terms between the Crowns of France and Great Britain shall be agreed on. A copy of the articles is here enclosed; and we cannot but flatter ourselves that they will appear to Congress, as they do to all of us, to be consistent with the honor and interest of the United States; and we are persuaded Congress would be more fully of that opinion, if they were apprized of all the circumstances and reasons which have influenced the negotiation. Although it is impossible for us to go into that detail, we think it necessary, nevertheless, to make a few remarks on such of the articles as appear most to require elucidation.

*Remarks on Article II. relative to the Boundaries.*

The Court of Great Britain insisted on retaining all the territories comprehended within the Province of Quebec, *by the act of Parliament respecting it*. They contended that *Nova Scotia should extend to the River Kennebec*; and they claimed not only all the lands in the western country, and on the Mississippi, which were not expressly included in our charters and governments, but, also, all such lands within them as remained ungranted by the King of Great Britain. It would be endless to enumerate all the discussions and arguments on the subject. We knew this Court and Spain to be against our claims to the western country; and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this article. Indeed, they appear to leave us little to complain of, and not much to desire. Congress will observe that, although our northern line is in a certain part below the latitude of forty-five, yet, in others it extends above it, divides the Lako Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.

*Remarks on Article IV. respecting Creditors.*

We had been informed that some of the States had confiscated British debts; but although each State has a right to bind its own citizens, yet, in our opinion, it appertains solely to Congress, in whom exclusively are vested the right of making war and peace, to pass acts against the subjects of a power with which the Confederacy may be at war. It therefore only remains for us to consider whether this article is founded in justice and good policy.

In our opinion no acts of Government could dissolve the obligations of good faith, resulting from lawful contracts between individuals of the two countries prior to the war. We knew that some of the British creditors were making common cause with the refugees, and other adversaries of our independence; besides, sacrificing private justice to reasons of State and political convenience is always an odious measure; and the purity of our reputation, in this respect, in all foreign commercial countries, is of infinitely more importance to us than the sums in question. It may also be remarked, that American and British creditors are placed on an equal footing.

*Remarks on Articles V. and VI. respecting Refugees.*

These articles were among the first discussed, and the last agreed to. And had not the conclusion of their business, at the time of its date, been particularly important to the British Administration, the respect which, both in London and Versailles, is supposed to be due to the honor, dignity, and interests of royalty, would probably have forever prevented our bringing this article so near to the views of Congress, and the



sovereign rights of States, as it now stands. When it is considered that it was utterly impossible to render this article perfectly consistent both with American and British ideas of honor, we presume that the middle line adopted by this article, is as little unfavorable to the former, as any that could in reason be expected.

As to the separate article, we beg leave to observe, that it was our policy to render the navigation of the River Mississippi so important to Britain as that their views might correspond with ours on that subject. Their possessing the country on the river, north of the line from the Lake of the Woods, affords a foundation for their claiming such navigation. And as the importance of West Florida to Britain was, for the same reason, rather to be strengthened than otherwise, we think it advisable to allow them the extent contained in the separate article; especially as, before the war, it had been annexed by Britain to West Florida, and would operate as an additional inducement to their joining with us in agreeing that the navigation of the river should forever remain open to both. The map used in the course of our negotiations was Mitchell's.

As we had reason to imagine that the articles respecting the boundaries, the refugees, and fisheries, did not correspond with the policy of this Court, we did not communicate the preliminaries to the Minister, until after they were signed; and not even then the separate article. We hope that these considerations will excuse our having so far deviated from the spirit of our instructions. The Count de Vergennes, on perusing the articles, appeared surprised, but not displeased, at their being so favorable to us.

We beg leave to add our advice, that copies be sent us of the accounts directed to be taken by the different States, of the unnecessary devastations and sufferings sustained by them from the enemy in the course of the war. Should they arrive before the signature of the definitive treaty, they might possibly answer very good purposes.

We have the honor to be, Sir, with great respect, your most obedient and most humble servants,

[Signed]

JOHN ADAMS,  
B. FRANKLIN,  
JOHN JAY,  
HENRY LAURENS.

*Appendix.*  
No. 9

Extracts from  
Dr Franklin's Private Correspondence.

APPENDIX, No. X.

GRANT OF NOVA SCOTIA

TO SIR WILLIAM ALEXANDER,

DATED TENTH SEPTEMBER, 1621.

[Ex Registro Magni Sigilli, Lib. L, No. 36.]

*Carta Domini Willelmi Alexandri Equitis Domini et Baronis Novæ Scotiæ in America.*—(10 Sept. 1621.)

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liam Alexander,  
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Jacobus Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideique Defensor Omnibus Probis hominibus Totius terræ suæ Clericis et Laicis Salutem Sciatis Nos semper ad quamlibet que ad decus et emolumentum regni nostri Scotiæ spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam que in exteris et incultis regnis eubi vitæ et victui suppetunt comoda nobis deducendis coloniis facta sit presertim si vel ipsa regna cultoribus prius vacua, vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum inessæ fuerunt, Sed cum et alia nonnulla regna et hec non ita pridem nostra Anglia laudabiliter sua nomina nobis terris acquisitis et a se subactis indiderunt quam numerosa et frequens divino beneficio hæc gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exereeri, ne in deteriora ex ignavia et otio prolabatur expediat plerosque in novam deducendos regionem quam coloniis compleant operæ pretium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque diffie statibus si qui alii mortalium uspiam se audeant opponere Hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecunia transportationem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotio adeo immunita sic posset reponere Hisce de causis sicuti et propter bonum fidele et gratum dilecti nostri consilarii Domini Willelmi Alexandri Equitis servitium nobis prestitum et prestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversasque terras infra designatis limitibus circumscriptas incolendas expetiverit. Nos Igitur ex Regali nostra ad Christianam religionem propagandam at ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiæ acquirendam cura sicuti alii Principes extranei in talibus casibus hactenus fecerunt cum avasamento et consensu predilecti nostri consanguinei et consilarii Joannis Comitis de Mar Domini Erskini et Gareoch summi nostri Thesaurarii computorum rotulatoris collectoris ac Thesaurarii novarum nostrarum augmentationem hujus regni nostri Scotiæ ac reliquorum Dominorum nostrorum Commissionariorum ejusdem regni nostri Dedimus Concessimus et Disposuimus tenoreque presentis Carte nostre Damus Concedimus et Disponimus prefato Domino Willelmo Alexandro heredibus suis vel assignatis quibuscunque hereditarie Omnes et singulas terras continentis ac insulas situatas et jacentes in

*America Intra caput seu promontorium communiter Cap de Sable appellat. Jacen. prope latitudinem quadraginta trium graduum aut eo circa ab equinociali linea versus septentrionem a quo promontorio versus littus maris tenden. ad occidentem ad Stationem Sanctæ Mariæ navium vulgo Sanctmareis bay Et deinceps versus septentrionem per directam lineam introitum sive ostium magnæ illius stationis navium trajicien. que excurrit in terre orientalem plagam inter regiones Suriquorum et Eteche minorum vulgo Suriquois et Etechemines ad fluvium vulgo nomine Sancte Crucis appellat. Et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum predicto fluvio immiscet unde per imaginariam directam lineam que pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Cannada se se exonerantem Et ab eo pergendo versus orientem per maris oris littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum Et deinceps versus Euronotum ad insulas Baculaos vel Cap Britton vocat. Relinquendo easdem insulas a dextra et voraginem dicti magni fluvii de Canada sive magne stationis navium Et terras de Newfundland cum insulis ad easdem terras pertinentibus a sinistra Et deinceps ad Caput sive promontorium de Cap Britton predict. Jacen. prope latitudinem quadraginta quinquagraduum aut eo circa Et a dicto promontorio de Cap Britton versus meridiem et occidentem ad predict. Cap Sable ubi incepit perambulatio includen. et comprehenden. intra dictas maris oras littorales ac earum circumferentias a mari ad mare Omnes terras continentis cum fluminibus torrentibus sinibus littoribus insulis aut maribus Jacen. prope aut infra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et precinctuum earundem Et ab Euronoto (ubi jacet Cap Britton) et ex australi parte ejusdem (ubi est Cap de Sable) Omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat. Yle de Sable vel Sablon includen. Jacen. versus Carban. vulgo South south eist circa triginta leucas a dicto Cap Britton in mari Et existen. in latitudine quadraginta quatuor graduum aut eo circa Quequidem terre predictæ omni tempore futuro nomine Nove Scotie in America gaudebunt Quas etiam prefatus Dominus Willelmus in partes et portiones sicut ei visum fuerit dividet, iisdemque nomina pro bene placito imponet, Unacum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri stanni æris ac aliis mineralibus quibuscunque Cum potestate effodiendi et de terra effodere causandi purificandi et repurgandi easdem et convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willelmo Alexander hereditibus suis vel assignatis aut iis qui suo loco in dictis terris stabili ipsam contigerit visum fuerit Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo oore auri et argenti quod ex terra in posterum effodietur aut lucrabitur Relinquendo dicto Domino Willelmo suisque predict. quodeunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis prefatis metallis tollerare possit Unacum margaritis vulgo Pearle ac lapidibus preciosis quibuscunque aliis lapideis silvis virgultis mossis marcescens lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione aucupatione commoditatibus et hereditamentis quibuscunque unacum plenaria potestate privilegio et Jurisdictione libere regalitatis capelle et Cancellarie imperpetuum Cumque donatione et patronatus jure ecclesiarum Capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem Unacum Officiis Justiciarie et Admiraltatis respective infra omnes bondas respective supramentionatas Una etiam cum potestate civitates liberos burgos liberos portus villas et burgos baronie erigendi ac fora et nundinas infra bondas dictarum terrarum Constituendi Curias Justiciarie et admi-*

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Scotiæ in

Defensor  
ciatis Nos  
taret occa-  
innoxiam  
tui suppe-  
cultoribus  
oriam in-  
ta pridem  
ndiderunt  
iscum re-  
deteriora  
em quam  
alacritate  
um uspi-  
bitramur  
pecunia  
utionem  
sis sicuti  
alexandri  
stratibus  
ra desig-  
nostra ad  
que natu-  
sicuti alii  
nsu pre-  
rskin et  
esaurari  
Domino-  
imus et  
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ntes in

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ralitatis infra limites dictarum terrarum fluviorum portuum et *marium* tenendi Una etiam cum potestate imponendi levandi et recipiendi Omnia tollia Customs ancoragia aliasque dictorum burgrum fororum nundiarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotie gavisus est aut gaudere pterit quovis tempore preterito vel futuro Cum Omnibus aliis prerogativis privilegiis Immunitatibus dignitatibus casualitatibus proficiis et devoriis ad dictas terras *maria* et bondas earundem spectant et pertinent. Et que nos ipsi dare vel concedere possumus adeo libera et ampla forma sicuti Nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infocamenta donationes aut diplomata concesserunt cuivis subdito nostro ejuseunque qualitatibus aut gradus cuivis societati aut communitati tales colonias in quasunque partes extraneas deducendi aut terras extraneas investiganti in adeo libera et ampla forma sicuti eadem in hac presenti carta nostra insereretur Facimus etiam constituimus et ordinamus dictum Dominum Willelmum Alexander heredes suos aut assignatos vel eorum deputatos nostros hereditarios locum tenentes generales ad representandum nostram personam regalem tan per *mare* quam per terram in regionibus *maris* oris ac finibus predict. In petendo dietas terras quamdiu illie manserit ac redeundo ab eisdem ad gubernandum et regendum et puniendum omnes nostros subditos quos ad dictas terras ire aut easdem inhabitare contingeret aut qui negotiationem cum eisdem suscipiant vel in eisdem locis remanebunt ac eisdem ignoscendum Et ab stabiliendum tales legis statuta constitutiones directiones instructiones formas gubernandi et magistratuum ceremonias infra dietas bondas sicuti ipsi Domino Willelmo Alexander aut ejus predict. ad gubernationem diete regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et ceremonias alterandum et mutandum quoties sibi vel suis predictis pro bono et commodo diete regionis placuerit Ita ut diete leges tam legibus hujus regni nostri Scotie quam fieri possunt sint concordantes volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens ejus vis regni nostri vel domini virtute officii locum tenentis habent vel habere possunt Excludendo omnes alios officarios hujus regni nostri Scotie terrestres vel maritimos qui imposterum aliquid juris clamei commoditatis autoritatis aut interesse in et ad dietas terras aut provinciam predict. Vel aliquam inibi Jurisdictionem virtute alicujus precedentis dispositionis aut diplomatis pretendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colonii plantationem in dietis terris addatur animus. Nos pro nobis nostrisque heredibus et successoribus cum avasamento et consensu predict. Virtute presentis carte nostre Damas et concedemus liberam et plenariam potestatem prefato Domino Willelmo Alexander suisque predict. Conferendi favores privilegia munia et honores in demerentes. Cum plenaria potestate iisdem aut eorum alicui quos cum ipso Domino Willelmo suisque predict. Pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum predict. Et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationum fluviorum aut premissorum alicujus partis disponendi et extra donandi. Erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit. Dandi etiam concedendi et attribuendi talia officia titulos Jura et potestates constituendi et designandi tales capitaneos officarios ballivos gubernatores omnesque alios regalitatis baronie et burgi officarios aliosque ministros pro administratione Justitia infra bondas dictarum terrarum aut in via dum terras istas petunt per *mare* ab ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum diete provincia aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei

suisque proscript. expediens videbitur Et eum hujus conatus non sine magno labore et sumptibus fiunt magnamque pecunie largitionem requirant adeo ut privati cujusvis fortunae excedent et multoties suppetiis indigeant Ob quam causam prefatus Dominus Wilhelmus Alexander suisque prescript. cum diversis nostris subditis aliisque pro particularibus periculationibus et susceptionibus ibidem. Qui forte cum eo suisque heredibus assignatus vel deputatis pro terris piscationibus merimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inibunt Volumus ut quicumque tales contractus cum dicto Wilhelmo suisque predict. sub ipsorum subscriptionibus et sigillis expediant limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub pena et forisfactura cujusdam monete summe et eosdem contractus non perficiant sed ipsum frustrant et in itinere designato ei nocebunt Quod non solum dicto Domino Wilhelmo suisque predict. poterit esse prejudicio et nocumento verum etiam nostre tam laudabili intentioni obstat et detrimentum inferet Tunc licitum erit prefato Domino Wilhelmo suisque predictis vel eorum deputatis et conservatoribus inframentionatis in eo casu sibi suisque predict. quos ad hunc effectum substituit omnes tales summas monete bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur Dedimus et Concessimus tenoreque presentis Carte nostre Damus et Concedimus plenariam licentiam liberatem et potestatem dicto Domino Wilhelmo suisque heredibus et assignatis predict. Eligendi nominandi assignandi et ordinandi libertatem et privilegiorum per presentem Cartam nostram sibi suisque predict. Concessorem Conservatorem Qui expedite executioni leges et statuta per ipsum suosque predict. facta secundum potestatem ei suisque predict. per dietam nostram eamdem concessam demandant Volumusque et ordinamus potestatem dicti Conservatoris in actionibus et causis ad personas versus dietam plantationem contrahentes spectantibus absolutam esse sine ulla appellatione aut procrastinatione quaecunque Quicumque Conservator possidebit et gaudebit omnia privilegia Immunitates libertates ac dignitates quaeunque que quivis Conservator Scotiae privilegiorum apud extraneos vel in Gallia Flandria aut alibi hactenus possiderunt aut gavisii sunt quovis tempore prederito Et licet omnes tales contractus inter dictum Dominum Wilhelum suosque predict. et predictos periclitatores per periculationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficiantur. Et ipsi eum suis omnibus pecoribus et bonis ad litus illius provinciae animo coloniam ducendi et remanendi appellent. Et nihilominus postea vel omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Wilhelmi ejusque predict. vel eorum deputatorum vel societatem et coloniam predict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes indigenas in locis remotis et desertis habitandum se se conferent Quod tunc amittent et forisfaciant omnes terras prius iis concessas Omnia etiam bona infra omnes predictas bondas. Et licitum erit predicto Domino Wilhelmo suisque predict. Eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque predict. convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dietas terras aut aliquam earundem partem ad merimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et auctoritati per nos in predictum fidem nostrum consiliarium Dominum Wilhelum Alexander suosque predict. collate in omnibus talibus omissionibus warrantis contractibus quas quovis tempore futuro faciet concedet et constituet pro decentiori et valideiori constitutione officiariorum pro gubernatione dietae coloniae concessione terrarum et executione Justitiae dictos inhabitantes periclitantes deputatos factores vel assignatos tangere in aliqua dietarum terrarum parte vel in navigatione ad easdem terras. Nos cum avisa mento et consensu predicto ordinamus Quod dictus Dominus Wilhelmus Alexander suisque predict. unum commune sigillum habebunt ad officium locum tenentis Justiciariae et

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*Appendix. Admiraltatis spectan. Quod per dictum Dominum Willelmum Alexander suosque*  
*No. 10.* predict. vel per deputatos suos omni tempore assuturo custodietur. In ejus uno-  
 latere nostra insignia insculpentur cum his verbis in ejusdem circulo et margino Sigil-  
 lum Regis Scotie Anglie Francie et Hybernie Et in altera latera Imago nostra nos-  
 trorumque successorum cum his verbis (Pro Nove Scotie locum tenente) ejus justum  
 exemplar in manibus ac custodia dicti conservatoria remanebit quo prout occasio requi-  
 ret in officio suo utetur Et eam maxime necessarium sit ut omnes dilecti nostri subditi  
 quot quot dictam provinciam Nove Scotie vel ejus confinia incolent in timore omni-  
 potentis Dei et vero ejus cultu simul vivant omni conanimo intentes Christianam reli-  
 gionem ibi stabilire pacem etiam et quietem cum nativis incolis et agrestibus aborigi-  
 nibus earum terrarum colero unde ipsi et eorum cuilibet mercimonia ibi exercentes  
 tuti cum oblectamento ea que magno cum labore et periculo acquisiverunt quiete pos-  
 sidere possint. Nos pro nobis nostrisque successoribus volumus nobisque visum est  
 per presentis carte nostre tenorem Dare et concedere dicto Domino Willelmo Alex-  
 ander suisque predict. et eorum deputatis vel aliquibus aliis gubernatoribus officiariis  
 et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem  
 affinitatem amicitiam mutua colloquia operam et communicationem cum agrestibus  
 illis aboriginibus et eorum Principibus vel quibuscunque aliis regimen et potestatem  
 in ipsos habentibus contrahendi observandi et colendi tales affinitates et colloquia que  
 ipse vel sui predict. cum iis contrahent modo federa illa ex aversa parte per ipsos sil-  
 vestres fideliter observentur, Quod nisi fiat armia contra ipsos sumendi quibus redege-  
 rentia et Dei servitio ac stabilimento defensione et conservatione autoritatis nostre inter  
 ipsos expediens videbitur Cum potestate etiam predicto Domino Willelmo Alexander  
 suisque predict. per ipsos vel eorum deputos substitutos vel assignatos pro ipsorum de-  
 fensione tutela omni tempore et omnibus justis occasionibus in posterum aggrediendi  
 exinopinato invadiendi expellendi ac armis repellendi tam per mare quam per terram  
 omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willelmi suorum  
 que predict. terras inhabitare aut mercaturam facere in dicta Nove Scotie provincia aut  
 quavis ejusdem parte conabuntur Et similiter omnes alios quoscunque qui aliquid damni  
 detrimenti destructionis lesionis vel invasionis contra provinciam illam aut ejusdem  
 incolas inferre presumunt Quod ut facilius fecit licitum erit dicto Domino Willelmo  
 suisque predict. eorum deputatis factoribus et assignatis contributiones a periculan-  
 tibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio or-  
 dine talibus temporibus sicut dicto Domino Willelmo suisque predict. expediens  
 videbitur Omnes nostros subditos infra dictos limites dicte provincie Nove Scotie in-  
 habitantes et mercimonia ibidem exercentes convocare pro meliori exercituum neces-  
 sariorum supplemento et populi et plantationis dictarum terrarum augmentatione et  
 incremento cum plenaria potestate privilegio et libertate dicto Domino Willelmo  
 Alexander suisque predict. per ipsos vel eorum substitutos per quavis maria sub  
 nostris insignis et vexillis navigandi cum tot navibus tanti oneris et tam bene muni-  
 tione viris et victualibus instructis sicut possunt parare quovis tempore et quoties eis  
 videbitur expellens ac omnes cujuscunque qualitatibus et gradus personas subditi nostri  
 existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint  
 cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus ma-  
 chinis majoribus armis et instrumentis militaribus quot quot voluerint aliisque com-  
 moditatibus et rebus necessariis pro usu ejusdem colonie mutuo commercio cum nativis  
 inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia  
 contrahent transportandi. Et omnes commoditates et mercimonia que iis videbuntur  
 necessaria in regnum nostrum Scotie sine alicujus taxationis custume aut impositionis  
 pro cisdem solutione nobis vel nostris custumariis aut eorum deputatis inde portandi  
 eosdem ubi eorum officiis in hac parte pro spatio septem annorum diem date presen-  
 tium immediate sequen. inhibendo Quamquidem solam commoditatem per spatium

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 liam Alexander,  
 10th Sept. 1621.



tredecim annorum in posterum libere concessimus tenoreque presentis carte nostre concedimus et disponimus dicto Domino Willelmo suisque predictis secundum proportionem quinque pro centum postea mentionat. Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis que ex hoc regno nostro Scotie ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotie exportabuntur vel importabuntur in quibusvis hujus regni nostri portibus per dictum Willelmum suosque predictos. Tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione custuma vel deboria ab ipsis imperpetuum levare et exigere. Quaquidem summa quinque librarum pro centum sic soluta per dictum Dominum Willelmum suosque predictos aliisque nostris officiariis ad hunc effectum constitutis, Exinde licitum erit dicto Domino Willelmo suisque predictis eadem bona de nostro hoc regno Scotie. In quasvis alias partes vel regiones extraneas siue alienius alterius custume taxationis vel devorie solutione nobis vel nostris heredibus aut successoribus aut aliquibus aliis transportare et avehere, Proviso tamen quod dicta bona infra spatium tredecim mensium post ipsorum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan. et conceden. absolutam et plenariam potestatem dicto Domino Willelmo suisque predictis ab omnibus nostris subditis qui colonie uelucere mercimonia exercere aut ad easdem terras Novo Scotie et ab eisdem navigare voluerint preter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotie ad provinciam Nove Scotie vel importationis a dicta provincia ad regnum hoc nostrum Scotie predictis. In ipsius ejusque predictis propriis usus sumendi levandi et recipiendi Et similiter de omnibus bonis et mercimoniis que per nos subditos coloniarum doctores negotiatores et navigatores de dicta provincia Nove Scotie ad quevis nostra dominia aut alia quevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatam quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium que vel de provincia Nove Scotie exportebuntur vel ad eandem importabuntur ultra et supra dictam summam nobis destinatam decem libras de centum dicti Domini Willelmi suorumque predictis propriis usibus per tales ministros officarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willelmi suorumque predictis aliorumque omnium dictorum nostrorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostre authoritati et potestati sese subdere non gravabuntur nobis visum est Volumusque quod licitum erit dicto Domino Willelmo suisque predictis unum aut plura munimina propugnacula castella loca fortia specula armamentaria lie blokhoussis alique edificia cum portibus et navium stationibus edificare vel edificari causare uracum navibus bellicis easdemque pro defensione dictarum locarum applicare sicuti dicto Domino Willelmo suisque predictis. Pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire preter predicta supramentionata Et generaliter omnia facera que pro conquestu augmentatione populi inhabitatione preservatione et gubernatione dicte Nove Scotie ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et autoritate quodcumque nos si personaliter essemus presentes facere potuimus Licet casus specialem et strictum magis ordinem quam per presentes prescribitur requirat, Cui mandato volumus et ordinamus strictissimeque precipimus Omnibus nostris Justiciariis Officiariis et subditis ad loca illa sese conferentibus ut sese applicant dicto que Domino Willelmo suisque predictis. In omnibus et singulis supramentionatis earum substantiis circumstantiis et dependentiis intendant et obediant eisque in earum executione in omnibus adeo sint obedientes ut nobis cujus personam representat esse debent sub pena disobediente et rebellionis Et quia fieri potest quod quidem ad dicta loca

Appendix.  
No. 10.

Grant of Nova Scotia to Sir William Alexander, 10th Sept. 1621.



*Appendix.*  
No. 10.

Grant of Nova  
Scotia to Sir Wil-  
liam Alexander,  
10th Sept. 1621.

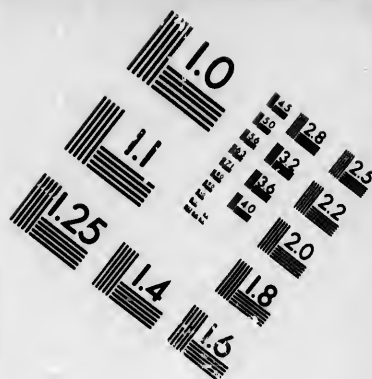
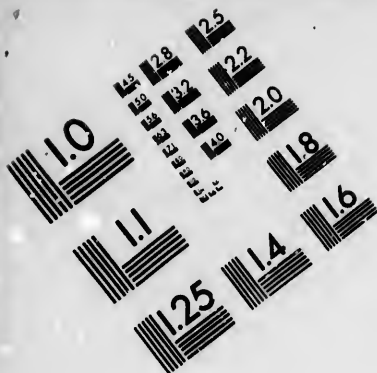
transportandi refractarii sint et ab eadem loca ire recusant aut dicto Domino Willelmo suisque predict. resistent Nobis igitur placet quod omnes Vicecomites senescalli regalitatum ballivi pacis iusticiarii prepositi et urbium ballivi eorumque officarii et Justicie ministri quicumque dictum Dominum Willelmum suosque deputatos aliosque predict. In omnibus et singulis legitimis rebus et factis quas facient aut intendunt ad effectum predict. similiter et eodem modo sicuti nostrum speciale warrantum ad hunc effectum haberent assistant fortificent et eisdem suppetias ferant Declaramus insuper per presentis carte nostre tenorem omnibus Christianis Regibus Principibus et Statibus Quod si aliquis vel aliqui qui imposterum de dictis coloniis vel de earum aliqua sit in dicta Provincia Nove Scotie vel aliqui alii sub eorum licencia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquid injustum aut molestum hostiliter intra aliquos nostros nostrorumque heredum et successorum aut aliorum Regum Principum Gubernatorum aut Statuum in fœdere nobiscum existen, subditos quod tali injuria sic oblata aut justa querela de super mota per aliquem Regem Principem Gubernatorem Statum vel eorum subditos predict. Nos nostri heredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotie ad hunc effectum magis commoda ut dicta pirata vel pirate qui tales rapinas committent stato tempore per prefatas proclamationes limitando plenarie restituent que cunque bona sic oblata et pro dictis injuriis omnimodo satisfaciant Ita ut dicti Princeipes alique sic conque- rentes satisfactos se esse repnent Et quod si talia facinora committent bona oblata non restituent aut restitui faciant infra limitatum tempus Quod tunc imposterum sub nostra protectione et tutela minime erunt Et quod licitum erit omnibus Principibus aliisque predict. delinquentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hæc sine licencia nostra decedere statutum sit Nihilominus volumus quod presens hoc Diploma sufficiens erit licencia et warrantum omnibus qui se huic itineri committent qui lese majestatis non sunt rei vel aliquo alio speciali mandato inhibiti Atque etiam per presentis carte nostre tenorem declaramus volumusque quod nemo patria hæc decedere permittatur versus dictam Novam Scotiam nullo tempore nisi ii qui Juramentum suprematis nostre primum susceperint ad quem effectum nos per presentes dicto Domino Willelmo suisque predict. vel eorum conservatori vel deputatis Idem hoc juramentum omnibus personis versus illas terras in ea colonia se se conferentibus requirere et exhibere plenariam potestatem et auctoritatem damus et concedimus Preterea Nos cum avisamento et consensu predicto pro nobis et successoribus nostris Declaramus decernimus et ordinamus Quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscuntur aut eam incolent carumque omnes liberi et posteritas qui ibi nasci contigerit alique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotie aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper Nos pro nobis et successoribus nostris Damus et concedimus dicto Domino Willelmo Alexander suisque predict. liberam potestatem stabiliendi et eudere causandi monetam pro commercio liberiori inhabitantium dictæ provincie cujusvis metalli que modo et qua forma voluerint et eisdem prescribent Atque etiam si que questiones aut dubia super interpretatione aut constructione alicujus clause in hac presenti carta nostra contente occurrent Ea omnia sumentur et interpretabuntur in amplissima forma Et in favorem dicti Domini Willelmi suorumque predict. Preterea Nos ex nostra certa scientia proprio motu auctoritate regali et potestate regia fecimus univimus annexavimus ereximus creavimus et incorporavimus tenoreque presentis carte nostre facimus univimus annexamus erigimus creamus et incorporamus Totam et integram predictam provinciam et terras Nove Scotie cum omnibus earundem limitibus et mariis ac mineralibus auri et argenti plumbi cupri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus preciosis lapicidinis silvis virgultis mossis marresis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum Civitatibus liberis portibus libe- is burgis urbibus baronie burgis maris portu-

bus anchoragiis machinis molendinis officiis et Jurisdictionibus omnibusque aliis generaliter et particulariter supramentionatis In unum Integrum et liberum Dominium et Baroniam per predictum nomen Nove Scotie omni tempore futuro appelland. Volumusque et concedimus ac pro nobis et successoribus nostris Decernimus et ordinamus Quod unica sasina nunc per dictum Dominum Willelmum suosque predict. omni tempore asisturo super aliquam partem fundi dictarum terrarum et provincie prescript. Stabit et sufficiens erit sasina pro tota regione Cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supra mentionatis absque aliqua alia speciali aut particulari sasina per ipsum suosve predict. apud aliquam aliam partem vel ejusdem locum capienda penes quam sasina omniaque que inde sequuta sunt aut sequi possunt, Nos cum avisamento et consensu prescript. pro nobis et successoribus nostris dispensavimus Tenoreque presentis carte nostre modo subius mentionat. dispensamus imperpetuum Tenen. et Haben. Tutam et integram dictam regionem et dominium Nove Scotie cum omnibus ejusdem limitibus infra predicta *maria* mineralibus auri et argenti cupri chalibis stanni ferri aeris aliisque quibuscunque fodinis margaritis lapidibus preciosis lapideinis silvis virgultis mossis marresii lacubus aquis piscationibus tam in aquis dulcibus quam salis tam regalium piscium quam aliorum civetatibus liberis burgis liberis portubus urbibus baronie burgis *maris* portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supramentionat. Cumque omnibus aliis privilegiis libertatibus Immunitatibus casualitatibus aliisque supra expressis prefato Domino Willelmo Alexander heredibus suis et assignatis De nobis nostrisque successoribus In feodo hereditate libero dominio libera baronia et regalitate imperpetuum modo supra mentionato Per omnes rectas metas et limites suas prout jacent in longitudine et latitudine In domibus edificiis edificatis et edificandis boscis planis *maris* marresii vis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis euniculariis columbis columbariis fabrilibus brasinis brueriis et genestis silvis nemoribus et virgultis lignis lapideis lapide et calce Cum euriis et earum exitibus herezeldis blude-witis et mulierum marchetis Cum furca fossa sok sak thole thame infangtheiff outfang-theiff vert wrak wair veth vennyssoun pitt et gallous ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subius terra quam supra terram procul et prope ad predict. regionem spectan. seu juste spectare valen. quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace Absque ulla revocatione contradictione impedimento aut obstaculo aliquo Solvendo inde annuatim dictus Dominus Willelmus Alexander suique predict. Nobis nostrisque heredibus et successoribus unum denarium monete Scotie super fundum dictarum terrarum et provincie Nove Scotie ad festum Nativitatis Christi nomine albefirme si petatur tantum Et quia tentione dictarum terrarum et provincie Nove Scotie et albasirma predict. deficiente tempestivo et legitimo introitu ejusvis heredis vel heredum dicti Domini Willelmi sibi succedent. quod difficulter per ipsos prestari potest, ob longinquam distantiam ab hoc regno nostro eadem terre et provincia ratione nonintroitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimi heredis introitum Et nos nolentes dictas terras et regionem quovis tempore in nonintroitu cadere neque dictum Dominum Willelmum suosque predict. beneficiis et proficuis ejusdem catenus frustrari Idecirco Nos cum avisamento predict. cum dicto introitu quodocunque contigerit dispensavimus Tenoreque presentis carte nostre pro nobis et successoribus nostris dispensamus Ac etiam renunciavimus et exoneravimus tenoreque ejusdem Carte nostre cum consensu predicto Renunciavimus et exoneramus dictum Dominum Willelmum ejusque prescript. prefatum nonintroitum dicte provincie et regionis quodocunque in manibus nostris deveniet aut ratione nonintroitus eadet cum omnibus que desuper sequi possunt Proviso tamen Quod dictus Dominus Willelmus suique heredes et assignati

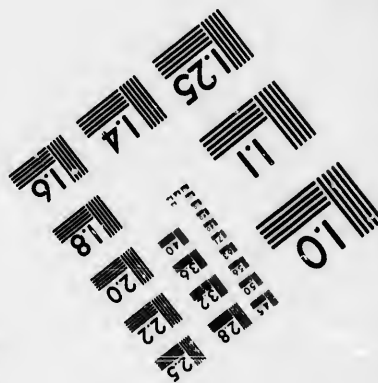
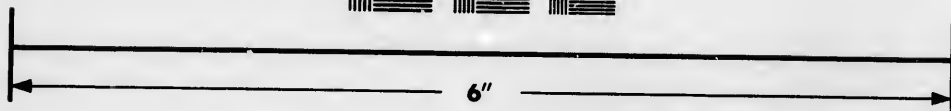
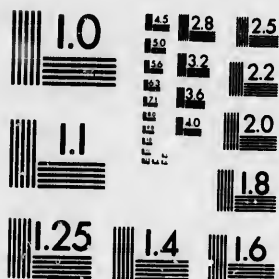
Appendix.  
No 10.

Grant of Nova  
Scotia to Sir Wil-  
liam Alexander,  
10th Sept. 1602.





# IMAGE EVALUATION TEST TARGET (MT-3)



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*Appendix.*  
No. 10.

Grant of Nova  
Scotia to Sir Wil-  
liam Alexander,  
10th Sept. 1821.

infra spatium septem annorum post decessum et obitum suorum predecessorum aut introitum ad possessionem dictarum terrarum aliorumque predict. per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant Et dictas terras dominium et baroniam aliasque predict. adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotie Denique Nos pro nobis et successoribus nostris volumus decernimus et ordinamus presentem hanc nostram cartam et infeofamentum suprascript. predict. terrarum dominii et regionis Nove Scotie privilegia et libertates ejusdem in proximo nostro Parlamento dicti regni nostri Scotie cum contigerit ratificari approbari et confirmari ut vim et efficaciam decreti inibi habeat penes quod nos pro nobis et successoribus nostris declaramus hanc nostram cartam sufficiens fore warrantum Et in verbo Principis eandem ibi Ratificari et approbari promittimus Atque etiam alterare renovare et eandem in amplissima forma augere et extendere quoties dicto Domino Willelmo ejusque predict. necessarium et expediens videbitur Insuper Nobis visum est ac mandamus et precipimus dilectis nostris

Vice comitibus nostris in hac parte specialiter constitutis quatenus post hujus carte nostre nostro sub magno sigillo aspectum statum et sasinam actuaalem et realem prefato Domino Willelmo suisque predict. eorumve actornato vel actornatis terrarum domini baronie aliorumque predict. eum omnibus libertatibus privilegiis immunitatibus aliisque supra expressis dare et concedere Quam sasinam Nos per presentis carte nostre tenorem adeo legitimam et ordinariam esse declaramus Ac si preceptum sub testimonio nostri magni sigilli in amplissima forma cum omnibus clausulis requisitis ad hunc effectum predict. haberet penes quod pro nobis et successoribus nostris imperpetuum dispensamus In cujus rei Testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus predilectis nostris consanguineis Jacobo Marchione de Hammiltoun comite Arranie Domino Evan Georgio Mariscalli Comite Domino Keyth \* regni nostri Mariscallo Alexandro Comite de Dumfermeling Domino Fyvie et Urquhart nostro Cancellario Thoma Comite de Melros Domino Binning et Byres \* nostro Secretario dilectis nostris familiaribus consiliariis Dominis Ricardo Cokburne Juniore de Clerkintoun nostri secreti sigilli custode Georgio Hayde Kin fawnis nostrorum rotulorum registri ac consilii clerico Joanne Cokburne de Ormes-toun nostre Justicie clerico et Joanne Scot de Scotstarvett nostre cancellarie directore militibus Apud Castellum nostrum de Windsore decimo die mensis Septembris Anno Domini millesimo sexcentesimo vigesimo primo Regnorumque nostrorum annis quinquagesimo quinto et decimo nono.

Per signaturam manu S. D. N. Regis suprascript. ac manibus Cancellarii The-saurarii principalis Secretarii ac reliquorum Dominorum Commission-  
ariorum ac Secreti Consilii ejusdem regni Scotie subscriptani.

H. M. General Register House, Edinburgh, Dec. 25, 1828.

A faithful copy.

THO. THOMSON,  
Deputy Clerk Register.

APPENDIX, No. XI.

GRANTS AND DEEDS OF SALE

OF THE

PROVINCE OF MAINE

AND

EXTRACTS FROM THE RECORDS OF THE GENERAL COURT OF THE COLONY OF MASSACHUSETTS BAY, RELATIVE TO THE TRANSFER OF SAID PROVINCE,

VIZ:

Grant of the Province or Countie of Maine to Sir Ferdinando Gorges, by Charles I. 3d April, 1639.  
Deed of Ferdinando Gorges to John Usher, 13th March, 1677.  
Deed of John Usher to the Massachusetts Bay Company, 15th March, 1677.  
Extracts from the Records of the General Court of the Colony of Massachusetts Bay of the 2d Oct. 1678.  
Ditto.....Ditto.....28th May, 1679.  
Ditto.....Ditto.....4th Feb'y 1679.  
Ditto.....Ditto.....4th June, 1717.

GRANT

OF THE PROVINCE OR COUNTIE OF MAINE BY CHARLES I. TO SIR FERDINANDO GORGES, THIRSD APRIL, 1639.

Vigesima quinta pars Paten de anno Regni Regis Caroli quinto decimo

D Con ad Vitam }  
Ferdinando Gorges } CHARLES by the grace of God King of England Scotland  
Militi sibi & heredibus } France and Ireland Defender of the Faith &c

Appendix.  
No. 11.

To all to whom these Presents shall come Greeting Whereas Sir Ferdinando Gorges Knight hath beene an humble suitor unto us to graunte and confirme unto him and his heires a parte and porcon of the Countrie of America now comonly called or knowne by the name of New England in America hereafter in these Presents described by the meets and boundes thereof with divers and sundrie priviledges and jurisdiecons for the welfare and good of the state of those Colonies that shalbee drawne thither and for the better governement of the people that shall live and inhabite within the lymits and precincts thereof whiche parte or porcon of the said Countrie wee have heretofore (amongst other things) for us our heires and successors taken into actual and reall possession or in defaulte of such actual and reall possession formerly taken Wee Doe by these Presents for us our heires and successors take the same into our actual and reall possession Knowe yee therefore that of our especial grace certaine knowledge and meere mocon Wee Have given graunted and confirmed And by these Presents for us our heires and successors Doe give graunte and confirme unto the said Sir Fardinando Gorges his heires and assignes All that Parte

Grant, Sale and  
transfer of the  
Province of Maine.

Grant by Charles  
I. to Sir Ferd.  
Gorges.



*Appendix. Purparte and Porcon of the Mayne Lande of New England aforesaid beginning  
No. 11. ait the entrance of Pascataway Harbor and soe to passe upp the same into the*

Grant, Sale and  
transfer of the  
Province of Maine.

Grant by Charles  
1. to Sir Ferd:  
Gorges.

*and from thence Northwestward till one hundred and twenty miles bee finished  
and from Pascataway Harbor mouth aforesaid Northeastwards alonge the  
Sea Coasts to Sagadahocke and upp the River thereof to Kynnybeguy River and  
through the same unto the heade thereof and into the Lande Northwestwards untill  
one hundred and twenty myles bee ended being accompted from the mouth of Sa-  
gadahocke and from the period of one hundred and twenty myles aforesaid to  
crosse over Lande to the one hundred and twenty myles end formerly reckoned  
upp into the Lande from Pascataway Harbor through Newichewanocke River and  
alsoe the Northe halfe of the Isles of Shoales together with the Isles of Capawock  
and Nautican neere Cape Cod as alsoe all the Islands and Ilets lyeinge within  
five leagues of the Mayne all alonge the foresaide Coasts betweene the aforesaid River  
of Pascataway and Sagadahocke with all the Creekes Havens and Harbors thereunto  
belonginge and the Revercon and Revercons Remynder and Remynders of all and  
singular the said Landes Rivers and Premisses All which said Part Purpart or Porcon  
of the Mayne Lande and all and every the Premisses herein before named Wee Doe  
for us our heires and successors create and incorporate into One Province or Countie  
And Wee Doe name ordeyne and appoynt that the porcon of the Mayne Lande and Pre-  
misses aforesaid shall forever hereafter bee called and named The Province or Countie  
of Mayne and not by any other name or names whatsoever with all and singular the  
Soyle and Groundes thereof as well drye as covered with water and all Waters Portes  
Havens and Creekes of the Sea and Inletts of the said Province of Mayne and Pre-  
misses as to them or any of them belonginge or adjacent as alsoe all Woodes Trees  
Lakes and Rivers within the said Province of Mayne and Premisses and the Lymitts  
of the same together with the Fisheing of whatsoever kinde as well Pearle as Fische  
as Whales Sturgeons or any other either in the Sea or Rivers and alsoe All Royalties  
of Hawkeing Hunting Fowleing Warren and Chases within the said Province of Mayne  
and Premisses aforesaid Decree of all sorts and all other Beasts and Fowles of Warren  
and Chase and all other Beasts there and alsoe All Mynesa and Oare of Goulde Silver Pre-  
cious Stones Tynne Leade Copper Sulphure Brimstone or any other Mettall or Mynerall  
matter whatsoever within the said Province and Premisses or any of them opened or  
hidden in all Quarries there And all Gould Silver Pearle Precious Stones and Amber-  
greece whiche shalbee founde within the said Province and Premisses or any of them  
and the Lymitts and Coasts of the same or any of them or any parte of them or any of  
them and all and singular other Profitts Benefitts and Commodities groweing come-  
ing accruing or happening or to be had perceived or taken within the said Pro-  
vince and Premisses Lymitts and Coasts of the same or any of them and alsoe All  
Patronages and Advowsons Free Disposicons and Donacons of all and every such  
Churches and Chappells as shalbee made and erected within the said Province and Pre-  
misses or any of them with full power lyceuse and authority to builde and erecte  
or cause to be builde and erected soe many Churches and Chappells there as to the  
said Sir Ferdinando Gorges his heires and assigns shall seeme mete and conven-  
ient and to dedicate and consecrate the same or cause the same to bee dedicated and  
consecrated according to the Ecclesiastical Lawes of this our Realme of England to-  
gether alsoe with all and singular and as large and ample Rights Jurisdictiones Pri-  
viledges Prerogatives Royalties Libertyes Imunityes Franchises Preheminences and  
Hereditaments aswell by Sea as by Lande within the said Province and Premisses and  
the Precincts and Coasts of the same or any of them and within the Seas belonging or  
adjacent to them or any of them as the Bishopp of Durham within the Bishopricke  
or Countie Palatine of Duresme in our Kingdome of England now hath useth or en-  
joyeth or of right hee ough to have use or enjoye within the said Countie Palatine*

as if the same were herein particularly menconed and expressed To have and to houlde possesse and enjoye the said Province and Premisses and every of them and all and singular other the Premisses before by theise Presents graunted or menconed or intended to bee graunted with theire and everye of theire rights members and appurtenances unto the said Sir Ferdinando Gorges his heires and assignes To the sole and only use of the said Sir Ferdinando Gorges his heires and assignes forever To bee boulden of us our heires and successors as of the Mannor of East Greenwich in the Countie of Kent by Fealty onely in fee and common Socage and not in Capite nor in Knights Service for all manner of service whatsoever Yeldeing and Payeing therefore yearly to us our heires and successors one Quarter of Wheate And alsoe Yeldeing and Payeing to us our heires and successors the fiftie parte of the cleere yearly proffitts of all Royall Mynes of Goulde and Silver that from tyme to tyme and att all tymes hereafter shalbee there gotten and obteyned (if any suche shalbee there founde) and the fiftie parte of all Goulde and Silver founde uppon the Sea Shoare or in Rivers or elsewhere within the boundes and lymitts of the said Province and Premisses and the fiftie parte of the cleere yearly proffitt of Pesle Fisheing And Wee Doe for us our heirs and successors further Graunte unto the said Sir Ferdinando Gorges his heires and assignes forever All Treasure Trove Goodes and Chattells of Felons and of Felons of themselves Waifes Estrayes Pyrats Goodes Deodands Fynes and Amerciaments of all the Inhabitants and others happening groweing or arisinge in the said Province and other the Premisses or any part thereof or in any Voyage or Passage to or from the same aswell for Offences committed against our selfe our heires and successors or thinges concerninge our selfe our heires or successors or our profit as against others or thinges concerninge others or the proffitts of others and all and ail manner of Wrecks of Shippes or Merchandize and all that which to wrecke belongeth by what means soever happening within or uppon the Havens Coasts Creeks or Shoares of the Premisses or any parte thereof And Wee Doe for us our heires and successors create ordeyne and constitute the said Ferdinando Gorges his heires and assignes the true and absolute Lords and Proprietors of all and every the aforesaid Province of Mayne and Premisses aforesaid and all and every the Lymitts and Coasts thereof Saveing always the faith and allegiance and the supream Dominion due to us our heires and successors And for the better governement of such our Subjects and others as att any tyme shall happen to dwell or reside within the said Province and Premisses or passe to or from the same our will and pleasure is that the Religion nowe professed in the Church of England and Ecclesiasticall Governement nowe used in the same shalbee forever hereafter professed and with asmuch convenient speede as may bee settled and established in and throughout the said Province and Premisses and every of them And Wee Doe for us our heires and successors by theise Presents give and graunte unto the said Sir Ferdinando Gorges his heires and assignes power and authority with the assent of the greater parte of the Frecholders of the said Province and Premisses for the tyme being (when there shalbee any) whose are to bee called thereunto from tyme to tyme when and as often as it shalbee requisite to make ordeyne and publish Lawes Ordinances and Constitucons reasonable and not repugnant or contrary but agreeable (as neere as conveniently may bee) to the Lawes of England for the publique good of the said Province and Premisses and of the Inhabitants thereof by imposing of penalties imprisonments or other concecons (or if the offence shall require) by taking away of life or member the said Lawes and Constitucons to extend aswell to such as shalbee passing unto or returning from the said Province and Premisses as unto the Inhabitants and Residents of or within the same and the same to bee put in execucon by the said Sir Ferdinando Gorges his heires or assignes or by his or theire Deputies Lieutenants Judges Officers or Ministers in that behalfe lawfully authorized and the same Lawes Ordinances and Constitucons or any of them to alter change revoke or make voyde and to make new not

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*Appendix.* repugnant nor contrary but agreeable as neere as may bee to the Lawes of England  
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as the said Sir Fardinando Gorges his heires or assignes together with the said Free-  
holders or the greater parte of them for the tyme being shalbee from tyme to tyme  
thought fitt and convenient And Wee Doe further by these Presents for us our  
heires and successors give and graunte unto the said Sir Fardinando Gorges his heires  
and assignes full power and authoritie and that itt shalbee lawfull to and for him the  
said Sir Fardinando Gorges his heires and assignes to erect Courtes of Justice aswell  
ecclesiasticall as civill and temporall whatsoever and to appoynt and constitute from  
tyme to tyme Judges Justices Magistrates and Officers as well of the said Courte and  
Courtes of Justice as otherwise aswell by Sea as by Lande for the hearing and deter-  
mining of all manner of Causes whatsoever within or concerning the said Province  
and Premisses or any of them or the Inhabitants or Residents there and Passeugers to  
or from the same aswell by Lande as by Sea and to order and appoynt what matters  
or things shalbee heard determyned done or ordered in anie of the said Courtes or  
by any of the said Judges Magistrates and Officers with such power and in such  
forme as it shall seeme good to the said Sir Fardinando Gorges his heires and as-  
signes And the said Judges Justices Magistrates and Officers and every or any of  
them from time to time to displace and remove when the said Sir Fardinando Gor-  
ges his heires or assignes shall thinke fitt and to place others in their roomes and  
steed And that the Inhabitants and Residents within the said Province and Premis-  
ses and Passengers to and from the same may within fortie days after sentence given  
in the said Courtes (where appeales in like Courtes within this Kingdome are admit-  
ted) appeale to the said Sir Fardinando Gorges his heires or assignes or his or  
their generall Governour or Chiefe Deputie of the said Province and Premisses for  
the tyme being To whome Wee Doe by these Presents for us our heires and succes-  
sors give full power and authoritie to proceede in such Appeals as in like case of  
Appeales within this our Realme of England And Wee Doe further for us our heires  
and successors give and graunte unto the said Sir Fardinando Gorges his heires and  
assignes full power and authoritie to pardon remitt and release all offences and of-  
fendors within the said Province and Premisses against all and every or any the  
said Lawes Ordynances or Constitucons and to doe all and singular other things unto  
the execution of Justice apperteyning in any Courte of Justice according to the forme  
and manner of proceeding in such Courtes to be used although in these our Letters  
Patents there bee noe particuler mencon of the same But Wee Doe nevertheless  
hereby signifie and declare our will and pleasure to bee the powers and authorities  
hereby given to the said Sir Fardinando Gorges his heires and assignes for and con-  
cerning the Government both Ecclesiasticall and Civill within the said Province and  
Premisses shalbee subordynate and subject to the power and judgement of the Lords  
and other Commissioners here for forraigne Plantacons for a tyme being but for all  
and whatsoever doth shall or maye concerne the proprietie of the said Province Partes  
and Coastes of the same or any of them or any Owner Shipp or Interest in any Landes  
Tenements or other Hereditaments Goodes or Chattells or the nomynating or appoynt-  
ing of any Officer or Officers the same is left whollie to the said Sir Fardinando Gorges  
his heires and assignes according to the tenor intent and true meaning of these Pre-  
sents And because such Assemblies of Freeholders for makinge of Lawes can-  
not alwayes bee soe suddenly called as there may bee occasion to require the same  
Wee Doe therefore for us our heires and successors give and graunte unto the said  
Sir Fardinando Gorges his heires and assignes full power and authoritie that hee the  
said Sir Fardinando Gorges his heires and assignes by him and themselves or by  
his or their Deputies Magistrates or Officers in that behalfe lawfully constituted  
shall or maye from tyme to tyme make and ordeyne fitt and wholesome Ordinances  
within the said Province or Premisses aforesaid to bee kepte and observed as well  
for the keepinge of the peace as for the better government of the people there abide-

ing or passing to or from the same and to publishe the same to all to whome itt maye concerne which Ordinances Wee Doe for us our heires and successors straightly command to bee inviolably observed within the said Province and Premises under the penaltie therein expressed soe as the same Ordinances bee reasonable and not repugnant or contrary but as neere as may bee agreeable to the Lawes and Statutes of our Kingdome of England and soe as the same Ordinances doe not extend to the binding chargeing or takeing away of the right or interest of any person or persons in their lives members Freeholdes Goodes or Chattells whatsoever And because in a Country soe farr distant and seated amongst soe many barbarous nations the Incursions or Invasions aswell of the barbarous people as of Pirates and other enemies maye be justly feared Wee Doe therefore for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignes full power and authoritie that hee the said Sir Fardinando Gorges his heires and assignes aswell by him and themselves as by his and their Deputyes Captaynes or other Officers for the tyme being shall or lawfullye maye muster leavie rayse armes and ymploye all person and persons whatsoever inhabiteing or resideing within the said Province or Premises for the resisting or withstanding of such Enymies or Pyrates both att Lande and att Sea and such Enimies or Pyrates (if occasion shall require) to pursue and prosecute out of the lymitts of the said Province or Premises and then (if itt shall soe please God) to vanquishe apprehende and take and being taken either according to the Lawe of armes to kill or to keepe and preserve them att their pleasure And likewise by force of armes to recover from any person or persons all such Territories Domynions Landes Places Goods Chattells and Wares which hereafter shalbee taken from the said Sir Fardinando Gorges his heires or assignes or from his or their Deputyes Officers or Servants or from any the Plantors Inhabitants or Residents of or within the said Province or Premises or from any other Members Aydors or Assistors of the said Sir Fardinando Gorges his heires or assignes or from any other the subjects of us our heires and successors or others in amitie with us our heires and successors in the said Province and Premises and Coasts or any of them or in their passage to or from the same And Wee Doe further for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignes in case any Rebellion sudden tumult or mutynie shall happen to arise either uppon the said Lande within the said Province and Premises or any of them or Coastes of the same or uppon the mayne Sea in passing thither or returning from thence or in any such expedicon or service as aforesaid itt shall and may be lawfull to and for the said Sir Fardinando Gorges his heires and assignes as well by him and themselves as by his and their deputyes Captaynes or other Officers under his or their seale in that behalfe to bee authorised (to whome wee alsoe for us our heires and successors doe give and graunte full power and authoritie to doe and execute the same) to use and execute martial lawe against such Rebels Traytors Mutyners and Seditious Persons in as ample manner and forme as anie Captayne Generall in the Warres or as any Lieutenante or Lieutenants of any Countie within this our Realme of England by vertue of his or their Office or Place maie or have bene accustomed in tyme of Warre Rebellion or Mutynie to doe and performe And Wee Doe for us our heires and successors further give and graunte unto the said Sir Fardinando Gorges his heires and assignes and to all and every Commander Governour Officer Minister Person and Persons which shall by the said Sir Fardinando Gorges his heires or assignes bee thereunto authorized or appoynted leave lycense and power to erect rayse and bulde from tyme to tyme in the Province Territories and Coastes aforesaid and every or any of them such and soe manie Forts Fortresses Platforms Castles Citties Townes and Villages and all Fortifications whatsoever and the same and everie of them to fortifie and furnishe with men Ordynances Powder Shott Armour and all other Weapons Munition and Habilliments of Warr both for defence and offence whatso-

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*Appendix.* ever as to the said Sir Fardinando Gorges his heirs and assigns and every or any of them shall seeme meete and convenient And likewise to commit from tyme to tyme the Government Custody and defence thereof unto such person and persons as to the said Sir Fardinando Gorges his heirs and assigns shall seeme meete and to the said severall Citties Burroughes and Townes to graunte Letters or Charters of Incorporacons with all Libertyes and thinges belonging to the same and in the said severall Citties Burroughes and Townes to constitute suche and soe manie Marketts Marts and Fayres and to graunte such meete Tolles Customes Dutyes and Priviledges to or with the same as by the said Sir Fardinando Gorges his heirs or assigns shalbee thought fitt And for that Plantacons are subjecte to diverse difficulties and commodities Therefore Wee favouring the present beginning of the said Plantacon and having a provident care that those whoe are greived in one thing may bee relieved in another Doe of our especiall græce certeyne knowledge and meere mocon for us our heirs and successors give and graunte unto the said Sir Fardinando Gorges his heirs and assigns and to all other our subjects the Dwellers or Inhabitants that shall att any tyme hereafter bee the Plantors of or in the said Province or any of the Premises free Licensse and Libertie for the landeing bringeing in and unladeing or otherwise disposing of all the Wares Merchandize Profitts and Comodities of the said Province or any the Premises both by sea and lande either by themselves or their Servants Factors or Assignes in any of the Portes of us our heirs and successors within our Kingdomes of England and Ireland payeing onely such Customes Subsidies and Dutyes as our naturall subjects of this our Realme of England shall or ought to paye and none other and to have and enjoye all such Liberties Freedomes and Privyldges for or concerning the exporting of the same agayne without payement of any more Customes or Dutyes and for having agayne of Imposts in such manner and in the like beneficiall sorte as any of our naturall subjects of this our Realme shall then have and enjoye And Wee Doe alsoe for us our heirs and successors give and graunte unto the said Sir Fardinando Gorges his heirs and assigns full and absolute power and authoritie to make erect and appoynt within the said Province and Premises such and soe many Portes Havens Creekes and other Places for the ladeing and unladeing of Shippes Barques and other Vessells and in such and soe many places and to appoynt such Rights Jurisdicons Priviledges and Libertyes unto the said Portes Havens and Creekes belonging as to him or them shall seeme meete and that all and singular Shippes Boyes Barques and other Vessells to bee laden and unladen in any way of Merchandize shalbee laden or unladen att such Portes Havens and Creekes soe by the aforesaid Sir Fardinando Gorges his heirs or assigns to be erected and appoynted and not elsewhere within the said Province Premises and Coastes and to appoynt what reasonable Tolles shalbee paid for the same and the same Tolles to receive take and enjoye to the said Sir Fardinando Gorges his heirs and assigns to his and their use without accompte to bee therefore made to us our heirs or successors any use custome matter or thinge to the contrary thereof notwithstandinge Saving allways to all our Subjects of this our Kingdome of England Libertie of Fisheing aswell in the sea as in the Creekes of the said Province and Premises aforesaid and the Priviledge of Salteing and dryeing of thoir Fishe and Dryeing their netts uppon the Shoare of the said Province and any the Premises any thinge to the contrary thereof notwithstanding which said Liberties and Priviledges our pleasure is that the said subjects of us our heirs and successors shall enjoye without any notable damage or injurie to bee done to the said Sir Fardinando Gorges his heirs and assigns or the Inhabitants of the said Province or any of the Premises or in any of the said Portes Creekes or Shoares aforesaid but chiefly in the Woodes there groweing And Wee doe further for us our heirs and successors give and graunte unto the said Sir Fardinando Gorges his heirs and assigns full power and authoritie to divide all or any parte of the Territories hereby graunted or menconed to bee graunted as aforesaid

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into Provinces Counties Citties Townes Hundreds and Parishes or such other partes or porcons as hee or they shall thinke fitt and in them every or any of them to appoynt and allot out such porcons of Lande for publique uses Ecclesiasticall and Temporall of what kinde soever and to distribute graunte assigne and sett over such particuler porcons of the said Territories Counties Landes and Premisses unto such our subjects or the subjects of any other State or Prince then in amytie with us our heires or successors for such estates and in such manner and forme as to the said Sir Fardinando Gorges his heires or assignes shall seeme meete and convenient and the said person and persons according to the said Estate and Estates soe assigned and graunted to have and enjoye the same and to make erect and ordeyne in and upon the said Province and Premisses or in and upon any of them or any parte or parcell of them soe many severall and distinet Mannors as to the said Sir Fardinando Gorges his heires and assignes from tyme to tyme shall seeme meete and to the same severall Mannors to assigne lymitt and appoynt soe muche lande distinetly and severally for demesne Landes of the said severall Mannors and every of them as to the said Sir Fardinando Gorges his heires and assignes shall and may seeme necessary and fitt and the said Mannors or any of them to call by such name and names as the said Sir Fardinando Gorges his heires and assignes shall please the said Mannors to bee houlden of the said Sir Fardinando Gorges his heires and assignes by such services and Rents as to him or them shall seeme meete And alsoe that the said Sir Fardinando Gorges his heires and assignes shall and may att their pleasure graunte in freehoulde soemuch of the said demesne Landes Tenements and Hereditaments belonging or to bee belonging to any of the said Mannors to any person or persons their heires or assignes for and under such rentes and services as to the said Sir Fardinando Gorges his heires or assignes shalbee thought fitt to bee houlden of the said Sir Fardinando Gorges his heires and assignes as of the said Mannors or any of them respectively The Acte of Parliament made and enacted in the eighteenth yeare of King Edward the First commonly called (Quia Emptores Terrarum) or any other Statute whatsoever or any other matter or thinge whatsoever to the contrary thereof in any wise notwithstandinge And that hee the said Sir Fardinando Gorges his heires and assignes shall have houlde and keepe within the said severall Mannours soe to bee erected suche and soe many Courtes aswell Courte Lectes as Courtes Barons as to our Lawes and Statutes of England shalbee agreeable And Wee Doe further for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignes for ever all Admirall Rights Benefitts and Jurisdiccions and likewise all Priviledges and Commodities to the said Admirall Jurisdiccions in any wise belonging or apperteyning in and upon the Seas Rivers and Coastes of or belonging to the said Province and Premisses or every or any of them or to the same adjoyncing within twentie leagues of the said Province and Premisses or any of them and in and upon all other Rivers and Creekes thereof And likewise power to heare and determine all manner of Pleas for and concerning the same Saveing allwayes to us our heires and successors and to the Lord High Admirall of England for the tyme being of us our heires and successors all and all manner of Jurisdiccions Rights Powers Benefitts and authorities whatsoever incident or belonging to the said office of Admirall which itt shalbee lawfull from tyme to tyme to us our heires or successors or the Lord High Admirall of England for the tyme being to have use and exercise within the said Province and Premisses and the Seas or Rivers thereof or within twentie leagues of the same as aforesaid when wee shall thinke fitt And Wee Doe for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignes full power and authoritie att any time or times hereafter by him or themselves or by his or their Deputies to administer reasonable oathes to all Judges Justices Magistrates and other officers whatsoever by the said Sir Fardinando Gorges his heires and assignes his or their deputies to be elected att the

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election of them to their severall offices and places or within convenient time after And alsoe that hee the said Sir Fardinando Gorges his heires and assignes shall have full power and authoritie aswell by him and themselves as by his or their deputie or other Chiefe Magistrato or Officer by him or them to bee in that behalfe appointed to givo and administer reasonable oathes to all or any person or persons of what degree or quallitie soever employed or to be employed in or about the said Province Premisses and Territories aforesaid or anie of them or in or about the Coasts of the same And likewise to all or any Inhabitants and others that shalbee or remayne within the said Province and Premisses or any of them for the true and faithfull execution and performance of their severall charges and places or for the exaiacon and cleareing the truth and likewise for the Informacon and better direecon of his and their judgments in any matter or cause whatsoever concerning the said Sir Fardinando Gorges his heires or assignes or any Inhabitant member or Person belonging or repaying unto the said Province and Premisses or any of them or any parte of them And in all causes Aecons Suits and Debates there to bee begun and prosecuted as the nature of the cause shall require And further of our more espeeciall graco certeyne knowledge and meere mocon Wee Doe hereby for us our heires and successors graunte unto the said Sir Fardinando Gorges his heires and assignes that itt shall and may bee lawfull to and for the said Sir Fardinando Gorges his heires and assignes and every of them from tyme to tyme to sett to Sea such and soe many Shippes Pinnaees Barges Boates and other Vessells as shalbee thought fitt by the said Sir Fardinando Gorges his heires and assignes prepared and furnished with Ordinances Artillery Powder Shott Victuals Municon or other Weapons or Abilliments of Warr aswell invasive as defensive in warlike manner or otherwise and with such number of Men Weomen and Children as the said Sir Fardinando Gorges his heires or assignes shall thinke fitt such voyage into the said Islands and Places or any parte thereof aswell for the Plantacon and Fortificacon thereof as otherwise And that these Presents shalbee a sufficient Lycense and Warrant for any person or persons that shalbee by him or them sent and ymployed thither to goe beyonde the Seas and in that manner soe as the persons soe to be shipped sent or transported as aforesaid bee not such as are or for the tyme being shalbee prohibited by Proclamacon of us our heires or successors or by any order or orders of the Lords or others Commissioners for Forraigne Plantacons for the tyme being And Wee Doe for us our heires and successors further graunte to and with the said Sir Fardinando Gorges his heires and assignes that onely hee the said Sir Fardinando Gorges his heires and assignes and his and their Factors Agents and such as shalbee employed sent lycensed or allowed by him or them and noe other person or persons whatsoever excepte before excepted shall repayre or goe into the said Province of Mayne and Premisses aforesaid and the places within the lymitts and coasts thereof or any of them to dwell inhabite or abide there nor have use or enjoye the libertie use and priveledges of trade or traffique unto in or from the said Province and Premisses or any of them or buying selling bartering or exchanging for or with any Wares Goodes or Merchandizes there whatsoever And likewise that itt shall and may bee lawfull to and for the said Sir Fardinando Gorges his heires and assignes and for all and every other person and persons that shalbee lycensed or allowed by the said Sir Fardinando Gorges his heires or assignes from henceforth and at all other tymes and from tyme to tyme after the date of these our Letters Patents according to the orders and constitucions of the said Sir Fardinando Gorges his heires and assignes not being repugnant to our Proclamacons and Orders of the Lords and others our Commissioners as aforesaid to take convey carrie and transport for and towards the Plantacon of the said Province and Premisses or any of them or to bee used there or in the passage thither or returning from thence and thave to leave abide and inhabite all such and soe many of our loving subjects or any other Strangers that will become our subjects



and live under our allegiance as shall willingly transport themselves or be transported thither and that such our subjects or Strangers may together with their persons send carrie or convey thither aswell Shipping Armour Weapons Ordnance Municon Powder Shott and Habilliments of Warr as Victuals Canvas Lynnen Woollen Cloath Tooles Ymplements Furniture Twyne and Pullen Goodes Wares and Merchandizes of all kindes and sortes whatsoever fitt and necessary for the foode lyvelyhood habitacon apparrell or Defence of our subjects which shall there inhabit and hee and all other Wares Merchandizes and Goods whatsoever not prohibited by the Lawes or Statutes of this our Kingdome payeing customes and other duties as other our subjects doe in such cases And of our further Royall favour Wee have graunted And by these Presents for us our heires and successors Wee Doe graunte unto the said Sir Fardinando Gorges his heires and assignes that the aforesaid Province Rivers and Places hereby before menconed to bee graunted or any of them shall not be traded in or unto nor inhabited by any of the subjects of us our heires and successors without the speaciall lycense of the said Sir Fardinando Gorges his heires and assignes And therefore Wee Doe hereby for us our heires and successors charge and comand prohibite and forbid all the subjects of us our heires and successors of what degree qualitie or condicon soever they bee that none of them directlie or indirectlie presume to trade or adventure to traffique into or from nor to inhabite or abide in the said Province of Mayne Island Dominion and Places hereby menconed or intended to bee graunted or any of them other then the said Sir Fardinando Gorges his heires and assignes and his and theire deputies and factors unless itt bee with the license and consent of the said Sir Fardinando Gorges his heires and assignes first had and obteyned in that behalf in writeinge under his and theire handes and seales under payne of our indignacon and alsoe of suche penalties and punishments as by the Lawes and Ordinances of the said Sir Fardinando Gorges his heires and assignes to bee made in that behalfe shalbee appoynted And Wee Doe further for us our heires and successors graunte unto the said Sir Fardinando Gorges his heires and assignes that all and every the persons being the subjects of us our heires and successors which shall goe or inhabite within the said Province and Premises or any of them and all and everie the children and posteritie descending of English Scottish or Irish Parents which shall happen to bee borne within the same or uppon the seas in passing thither or from thence from henceforth ought to bee and shalbee taken and reputed to bee of the allegiance of us our heires and successors and shalbee and soe shalbee forever hereafter esteemed to bee the naturall borne subjects of us our heires and successors and shalbee able to pleade and bee ympleaded and shall have power and bee able to take by discent purchase or otherwise Landes Tenements and Hereditaments and shall have and enjoy all Liberties Franchises and Immunities of or belonging to any the naturall borne subjects of this our Kingdome of England within this our Kingdome and within all or anie other of our Domyinions to all intents and purposes as if they had beene abydeing and borne within this our Kingdome or any other of our Dominions And Wee Doe further for us our heires and successors give full power and authoritie to the said Sir Fardinando Gorges his heires and assignes or any person or persons to bee thereunto nominated by the said Sir Fardinando Gorges his heires or assignes to minister and give Oathes of Allegiance and supremacie according to the formes now established in this our Realme of England to all and every such person and persons as they shall thinke fitt that shall att any tyme or tymes goe or passe into the said Province and Places or any of them or shalbee resident or abydeing there And our further Will and pleasure is and Wee Doe by these Presents for us our heires and successors Covenant promise and graunte to and with the said Sir Fardinando Gorges his heires and assignes that if hee the said Sir Fardinando Gorges his heires or assignes shall att any tyme or tymes hereafter uppon any doubte which hee or they shall conceave concerning the validitie and

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transfer of the Pro-  
vince of Maine.

Grant by Charles  
to Sir Ford.  
Gorges.

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transfer of the Pro-  
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I. to Sir Ferd.  
Gorges.

strength of this our present graunte bee desireous to renewe the same from us our heire or successors with amendment of such ymperfecons and defects as shall appere fitt and necessary to bee reformed and amended by us our heires and successors that then uppon the humble petition of the said Sir Fardinando Gorges his heire and assigns such further and better assurance of all and singuler the Premises hereby graunted or menconed or intended to bee graunted according to the true meaneing of these our Lettera Patents shall from tyme to tyme hy us our heires and successors bee made and graunted unto the said Sir Fardinando Gorges his heires and assigns as by the Attorney Generall of us our heires and successors for the tyme being and the Learned Councill of the said Sir Fardinando Gorges his heires and assigns shall in that behalfe bee reasonably devised or advised And further Wee Doe hereby for us our heires and successors charge and commaunde all and singuler Admiralls Vice-admiralls Generalls Comaunders Captaynes Justices of Peace Maiors Sheriffs Bayliffs Constables Customers Comptrollers Collectors Waiters Searchers and all other the officers and Ministers of us our heires and successors whatsoever aswell nowe as hereafter for the tyme being to bee from tyme to tyme in all things aydeing and assisting unto the said Sir Fardinando Gorges his heires and assigns and to his and theire officers Factors and agents and to every or any of them, uppon request made as they tender our pleasure and will avoyde the contrary att their perills And Wee Doe will and for us our heires and successors Doe declare and ordeyne that the said Province and Premises shalbee ymedietely subject to our Crowne of Englande and dependant upon the same for ever And further Wee Will and hy these Presents for us our heires and successors Doe graunte to the said Sir Fardinando Gorges his heires and assigns that these our Letters Patents or the enrollment of them shalbee in all things and to all intents and purposes firme good effectuall and sufficient in the lawe against us our heires and successors aswell in all Courts as elsewhere within our Kingdome of England or in any other our Kingdomes and Domyinions as in the said Province and Premises aforesaid or in any of them and shalbee construed reputed and taken aswell according to the true meaning and intent as to the wordes of the same most benignely favorably and beneficially to and for the said Sir Fardinando Gorges his heires and assigns (noe interpretacon being made of any worde or sentence Whereby Gods worde true Christian Religion now taught professed and maynteyned the fundamentall Lawes of this Realme or Allegiance to us our heires or successors may suffer prejudice or diminucion) any omission misinformacon want of certaine expresse of the contents lymits and boundes or the certeyne scituacon of the said Province and Premises aforesaid hereby meant or menconed to be graunted or in what height longitude or degrees the same are or any defect in these Presents or any Lawe Statute or other cause or matter to the contrary notwithstanding And although expresse mencon bee not made of the true yearly value or certeyntie of the Premises or any of them and notwithstanding any misnameing and not certeyne or particuler nameing of the said Province Places Landes Territories Hereditaments and Premises whatsoever before by these Presents given graunted confirmed or menconed and intended to bee graunted or confirmed or any parte thereof or the misnameing or not nameing or not rightly nameing of the degrees and Coasts wherein or whereuppon the same or any of them doe lie or any Acte of Parliament Statute Ordinaunce Proclamacon or restraint heretofore made ordeyned or provided or any other thinge cause or matter to the contrary notwithstanding Nevertheless our intent and meaneing is that out of the Premises hereby graunted or menconed to bee graunted there shalbee always saved and reserved to all and every such person and persons as have or hath any lawfull graunte or graunts of Landes or Plantacons lawfully settled in the division and Premises aforesaid the free houlking and enjoyeing of his and theire right with the Liberties thereunto apperteyning bee or they relinquishing and layeing downe all his or theire Jura Regalia (if hee or they have any) to the

said Sir Ferdinando Gorges his heires and assignes whome wee have hereby made Proprietor of the Province or Devision and Premises aforesaid and payeing some small acknowledgement to the said Sir Ferdinando Gorges his heires and assignes for that hee or they are now to houlde their said Landes anew of the said Sir Ferdinando Gorges his heires and assignes. In Wittnes &c Wittnes our selfe att Westminster the third day of Aprill—

*Appendix.*  
No. 11.

Grant, Sale, and  
transfer of the Pro-  
vince of Maine.  
Grant by Charles  
I. to Sir Ferd.  
Gorges.

*P. Bre. Privato Sigillo.*

This is a true Copy from the Original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

### DEED OF FERDINANDO GORGES TO JOHN USHER.

13TH MARCH, 1677.

This Indenture made the thirteenth day of March in the thirtieth year of the Reign of Our Sovereign Lord Charles the Second by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c Annoq Domini 1677 Between Ferdinando Gorges of Clewens in the County of Berks in the Kingdom of England Esqr Son and Heir of John Gorges late of the City of Westminster in the County of Middlesex Esqr Deceased who was Son & Heir of Sir Ferdinando Gorges late of Aston Phillips in the County of Sommersett, Knight, of the one Part, And John Usher, of Boston, in New England in America, Merchant of the other Part: Witnesseth, that the said Ferdinando Gorges for and in consideration of the sum of one thousand two hundred & fifty pounds, of lawful English money to him the said Ferdinando Gorges in hand well and truly paid by the said John Usher at & before the sealing and delivery of these Presents, The Receipt whereof the said Ferdinando Gorges doth hereby acknowledge, & thereof & of every part thereof doth absolutely acquit, discharge & release the said John Usher his heirs, Executors & administrators, and every of them by these Presents, hath granted, bargained & sold, and by these Presents doth grant, bargain & sell unto the said John Usher and his Heirs all that County Palatine, Part, Purparty, or Portion of the Maine Land of New England aforesaid, called or known by the name of the Province or County of Maine, beginning at the entrance of Piscataqua Harbour & so to pass up the same unto the River of Newichewannock and through the same unto the furthest Head thereof, and from thence Northwestward till one hundred and twenty miles be finished; and from Piscataqua Harbour mouth aforesaid, Northeastward along the Sea Coast to Sagadahock, and up the River thereof to Kynybequy River and through the same unto the head thereof, and into the Land Northwestward untill one hundred & twenty miles be ended, being accounted from the mouth of Sagadahock; & from the period of one hundred & twenty miles aforesaid to cross over land to the one hundred & twenty miles End formerly reckoned up into the Land from Piscataqua Harbour through Newichewannock river: And alsoe the north hulf of the Isles of Shoules together with the Isles of Capawock & Nautican, near Cape Cod, as also all the Islands and Islets lying within five Leagues of the Maine all along the aforesaid Coasts between the aforesaid Rivers of Piscatawa & Sagadahock, and all lands, grounds, places, soils, woods, waters, rivers, lakes, ports, havens, creeks and harbors, to the said Province, Limits and Premises or any part thereof belonging, or in any wise appertaining, or accepted, or being part parcell or member thereof, And also all and singular Royalties, Fishings, Royall & other Minerals, Mines of Gold & Silver or other metals or

Deed of Sir Fer-  
dinando Gorges to  
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John Usher.

mineral whatsoever, Waifes, Estrayes, Pyrates goods, Deodands, Fines, Amerciements, Wrecks Treasure Trove Goods & Chattels of Felons and Felous of themselves, Jura Regalia, Powers, Rights, Jurisdiccions, Ecclesiastical, Civil, Admiral & Military Priviledges, Perogatives, Governments, Liberties, Immunities, Franchises, Authorities, Profits, Prehemiunces, & Hereditaments whatsoever, with their and every of their Rights, Members & Appurtenances happening, growing arrising or accruing, or to be exercised, extended or enjoyed within the said Province limits Coasts or other the Premises or any part thereof; and also all other the lands, tenements, Jura Regalia, Powers, Franchises, Jurisdiccions, Royalties, Governments, Priviledges & Hereditaments whatsoever granted or mentioned or intended to be granted unto the said Sir Ferdinando Gorges his heirs & assigns by Letters Patents under the great Seal of England bearing date the third day of April in the fifteenth year of the Reign of our late Sovereign Lord King Charles the first, or by any other Letters Patents, charters Deeds or Conveyances whatsoever: And also all other the lands tenements, Royalties, Jurisdiccions, Governments, Franchises & Hereditaments whatsoever of him the said Ferdinando Gorges, situate, lying and being, or happenin<sup>g</sup> arrising or accruing or to be exercised or enjoyed within New England aforesaid or elsewhere in America aforesaid. And the Reversion & Reversions Remainder & Remainders, Rents issues, Services & Profits, of all and singular the Premises, & every Part & parcell thereof: and all the Estate, title, interest, equity, trust, claim & demand whatsoever, of him the said Ferdinando Georges of in & unto the Premises & every part and parcell thereof, To have and to hold the said County Palatine, Lands, Tenements, Jurisdiccions, Governments, Franchises, Hereditaments & Premises therein before expressed and intended to be hereby granted, bargained, sold & conveyed, and every part and parcell thereof, with their and every of their Rights, Members & Appurtenances unto the said John Usher his heirs and assigns; To the only use and behoof of the said John Usher his heirs and assigns forever, And the said Ferdinando Gorges for himself his heirs, Executors and administrators, and every of them, doth covenant, Promise & grant to and with the said John Usher, his heirs and assigns by these Presents, That he the said Ferdinando Gorges (notwithstanding any act, matter or thing by him the said Ferdinando Gorges or the said John Gorges his late Father deceased, or the said Sir Ferdinando Gorges done, executed or suffered to the contrary) now is and standeth seized of an absolute, perfect & indefeasible Estate of inheritance in fee simple of and in the said County Palatine, Lands tenements, Jurisdiccions Governments, Franchises, Hereditaments and Premises hereby granted & conveyed, and every part & parcell thereof, with their & every of their Rights, Members and appurtenances, without any manner of Conditions, Restraint, Contingency, Limitation or Power of Revocation to alter change, Clog, Evict or Determine the same, and also that the said Ferdinando Gorges for and notwithstanding any act or thing as aforesaid, now hath full power, true title, real interest, and absolute authority to grant and convey the said County Palatine, Lands, Tenements, Jurisdiccions, Governments, Franchises, Hereditaments & Premises, & every part & parcell thereof with their & every their Rights, members & appurtenances unto the said John Usher his Heirs & assigns, as in & by these Presents is mentioned & expressed. And Further, that the said County Palatine, Lands, Tenements, Jurisdiccions, Governments, Franchises, Hereditaments & Premises, hereby conveyed or mentioned & expressed to be hereby conveyed, at the time of the sealing & delivery of these premises are & so at all times hereafter shall, remain, continue & be, to the said John Usher his heirs & assigns free and clear, and freely & clearly acquitted, Discharged and indemnified or otherwise sufficiently & effectually saved harmless of and from all manner of former and other Gifts, Grants, Bargains, Sales, Wills, Entales, Mortgages, Rents, Charges, arrearages of Rents, Fines, Amerciements, Statutes, Recognizances, Judgements, debts & accompts to the King's Majesty, Intrusions, Seizures,

Extents & Executions & of and from all and singular other charges, estates, titles, troubles, incumbrances & demands whatsoever, had, made, committed, procured, occasioned, done, or suffered by the said Ferdinando Gorges, or by the said John Gorges, late Father of the said Ferdinando Gorges, or by the said Sir Ferdinando Gorges, or by any other person or persons whatsoever, claiming by, from, or under him, them, either or any of them except all Leases, Grants & conveyances of any Lands, parcell of the Premises bona fide made by the said John Gorges deceased, or by the said Sir Ferdinando Gorges, in order to the Planting of the same Province, upon which is reserved respectively some acknowledgment, rent, duty or service; And also except one indenture of grant & Conformation made by the said Ferdinando Gorges unto one Nathaniel Phillips of Parcell of the premises, bearing date the sixth day of May in the two & twentieth year of his now Majesty's Reign, & to the Heirs of the said Phillips: and the said Ferdinando Gorges, for himself his heirs, executors & administrators doth Covenant, promise & grant to and with the said John Usher, his heirs & assigns, by these Presents, that he tho said Ferdinando Gorges, his heirs & assigns, and all & every other person & persons lawfully having, claiming or deriving any manner of Estate, Right, Title, Interest, Equity, Trust or Demand whatsoever, of in or to the said County Palatine, Lands, Tenements, Jurisdications, Governments, Franchises, Hereditaments & premises hereby conveyed or mentioned or intended to be hereby conveyed & every part and parcell thereof, with their & every of their rights, members & appurtenances, by from, or under him the said Ferdinando Gorges or John Gorges deceased or by, from or under the said Sir Ferdinando Gorges, either or any of them (except as before excepted) shall and will, from time to time, and at all times, hereafter during the space of seven years next ensuing the date of these Presents, upon the reasonable request, & at the cost & charges in the law of the said John Usher his heirs or assigns, make, suffer, perfect & execute, or cause & procure to be made suffered perfected & executed all and every such further and other lawful & reasonable act & acts, thing & things, device & devices, conveyances and assurances in the Law, whatsoever, for the further, better, more absolute & effectual surety & sure making of the said County Palatine, Lands, tenements, Jurisdications, Governments, Franchises, Hereditaments & premises with their & every of their Rights, members & appurtenances unto the said John Usher his heirs & assigns, according to the true intent & meaning of these presents, be it by fine or fines, with proclamations, recovery or recoveries, deed or deeds enrolled, the enrollment of these presents, release, conformation or otherwise, or by all or as many Ways or Means whatsoever as by the said John Usher his heirs & assigns or his & their Council learned in the Law, shall be reasonably devised, advised or required so as no further or other Warranty or Covenant be therein contained or implied than against such person and persons respectively who shall be so required to make the same, and so as such person & persons be not compelled or compellable to travail further for the Doing thereof than the place of his or their Habitation. In Witness whereof the parties above named in these Indentures have interchangeably set their hands & seals the day and year first above written,

FERDINANDO GORGES

*And a Seal appendant.*

Endorsed, Sealed & delivered with these Words (and also except one Indenture of Grant & Confirmation made by the said Ferdinando Gorges unto one Nathaniel Phillips, of parcell of the Premises, bearing date the sixth day of May in the two & twentieth year of his now Majesty's Reign, and to the heirs of the said Phillips) interlined between the eight & thirtieth & nine & thirtieth Lines of this Indenture,

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Deed of Sir Fer-  
dinando Gorges to  
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*Appendix.* before the insealing & delivery thereof in the presence of us Robert Lee, Richard Penner, John Phillips, Robert Humphries, William Hawkins

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Irrotulatur in Memorand: Saci: Dni: Regis Caroli Sedi: apud Westminster  
(viz:) de Termno: Paschæ: Anno tricesimo Rolle: eg: pte: Remen-  
dator ejusd: Dni: Regis.

CUGGINS

That this is a true Copy compared by myself Mr Cooke & Mr Addington to the best of our understanding, as to the recording it in Court hand, the Deed, Word for Word with its original, the Second of April 1683, as

Attest, EDWARD RAWSON Sec.

COMMONWEALTH OF MASSACHUSETTS,  
SECRETARY'S OFFICE, May 5, 1828.

I hereby certify, that the foregoing paper is a true and exact copy of record, as the same is recorded in this Office, in a volume bearing the Title of "Crown Commission Book," and that a similar copy is on file. I further certify, that the original Instrument, of which the preceding purports to be a Copy, is not, as far as I am able to discover, in the Archives of State of this Commonwealth, nor to my knowledge is it in existence; and that the Copies above-mentioned, are the only Copies on the records or files of this Office.

[L. s.]

In testimony of which, I have hereunto affixed the Seal of the Commonwealth, in my custody and possession.

EDWARD D. BANGS,  
Secretary of the Commonwealth.

#### DEED OF JOHN USHER

TO THE MASSACHUSETTS BAY COMPANY, 1677.

Deed of John  
Usher to the Mas-  
sachusetts Bay  
Company.

THIS INDENTURE made the fifteenth day of March in the thirteenth year of the reign of Our Sovereign Lord Charles the Second by the grace of God of England Scotland France and Ireland King Defender of the Faith &c. Annoq. Domini 1677 between John Usher of Boston in New England in America Merehant, of the one part and the Governour and Company of the Massachusetts Bay in New England of the other part Witnesseth That the said John Usher for and in consideration of the sum of one thousand two hundred and fifty pounds of Lawful English Money to him the said John Usher in hand well and truly paid by the said Governour before the sealing and delivery of these Presents the receipt whereof the said John Usher doth hereby acknowledge and thereof and of every part thereof doth absolutely exonerate, acquit and discharge the said Governour and Company and their Successors, by these presents, hath granted, bargained, sold, released, and confirmed and, by these Presents, doth grant, bargain, sell, release and confirm unto the said Governour and Company, their successors and assigns forever, all that County Palatine, Part, Purpart or portion of the Maine Land of New England aforesaid, called or known by the name of the Province or County of Main, beginning at the entrance of the Piscataqua harbour, and so to pass up the same into the River of Newichewanoche and through

*the same unto the further head thereof; And from thence Northwestward untill one hundred and twenty miles be finished; And from Piscataqua Harbour mouth aforesaid Northeastward along the Sea Coast to Sagadahock and up the River thereof to the Kenebeguy River, and through the same unto the head thereof and into the land Northwestward untill one hundred and twenty miles be ended, being accounted from the mouth of Sagadahoc, and from the Period of one hundred and twenty miles aforesaid, to cross over land to the one hundred and twenty miles end formerly reckoned up into the land, from Piscataqua Harbour through Newichewanoche River, and also the North half of the Isles of Shoales together with the Isles of Capawock and Nautican near Cape Cod as also all the Islands and Islets lying within five leagues of the Moine, all along the aforesaid Coast between the aforesaid rivers of Piscataqua and Sagadahoc and all Lands, Grounds, Places, Soyles, Woods, Waters, Rivers, Lakes, Ports, Havens, Creeks and Harbours to the said Province limits and premises or any part thereof belonging, or in any wise appertaining, or accepted or being part, parcell or member thereof, And also all and singular Royalties, Fishings, Royall and other Minerals, Mines of Gold and Silver, or other Metal or Minerals whatsoever, Waifes, Estrayes, Pirates, Goods, Deodands, Fines, Amerciaments, Wrecks, Treasure, Trove Goods and Chattels of Felons, and Felons of themselves; Jura Regalia, Powers, Rights, Jurisdictions, Exelesiastical, Civil, Admiral and Military Privileges, Prerogatives, Governments, Liberties and Immunities, Franchises, Authorities, Profits, Preheminences, and hereditaments whatsoever, with their and every of their Rights, Members and appurtenances happenning, growing, arising or accruing, or to be exercised, extended or enjoyed within the said Province Limits, coasts, or other the premises, or any part thereof, with all other the Lands, Tenements and Hereditaments, Royalties and Jurisdictions whatsoever, in New England in America, or elsewhere in America aforesaid, of Sir Ferdinando Gorges Knt., deceased, John Gorges, Esq., deceased and Ferdinando Gorges, Esq. or either of them, in as full and ample manner, to all intents, constructions and purposes as the same were granted and conveyed unto the said John Usher, and his Heirs; and reversion and Reversions, Remainder and Remainders, Rents, Issues, Services and Profits of all and singular the premises, and every part and parcell thereof, and all the Estate, Title, Interest, Equity, Trust, Claim and demand whatsoever of him the said John Usher of in and unto the premises and every part and parcell thereof, together with all Letters Patents, Deeds, Evidences and writings concerning the premises only, or only any part thereof: To HAVE AND TO HOLD the said County Palatine, Lands, Tenements, Jurisdictions, Governments, Franchises, Hereditaments and Premises, herein before expressed and intended to be hereby granted, bargained, sold and conveyed, and every part and parcell thereof with their and every of their Rights, Members and appurtenances, unto the said Governour and Company, their successors and assigns, to the only use and behoof of the said Governour and Company, their successors and assigns, forever, together with all Letters Patents Deeds Evidences, and Writings concerning the Premises only or only any part thereof. And the said John Usher for himself, his heirs, executors and administrators, and every of them, doth covenant, promise and grant to and with the said Governour and Company their successors and assigns by these Presents that he the said John Usher (notwithstanding any Act Matter or thing by him the said John Usher or any claiming by from or under him done executed or suffered to the contrary) now is and standeth seized of an absolute, perfect and indefeasible Estate of inheritance in Fee Simple of and in the said County Palatine, Lands Tenements, Jurisdictions, Governments, Franchises Hereditaments and premises hereby granted and conveyed or mentioned or intended to be hereby granted and conveyed and every part and*

*Appendix:*  
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transfer of the  
Province of Maine.

Deed of John  
Usher to the Mas-  
sachusetts Bay  
Company.



*Appendix.*  
No. 11.

Grant, Sale and  
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Province of Maine

COMMONWEALTH OF MASSACHUSETTS,

*Secretary's Office, May 5th, 1828.*

I hereby certify that the foregoing paper is a true and exact copy of record, as the same is recorded in this office, in a volume bearing the title of "Crown Commission Book;" which record immediately succeeds that of the instrument of conveyance from Ferdinando Gorges to John Usher, in the same volume; but was not completed, and remains in the said volume in an unfinished state, as appears by the foregoing copy. I further certify, that the original instrument, of which the preceding appears to be, in part, a copy, is not, as far as I am able to discover, in the Archives of State of this Commonwealth; nor, to my knowledge, is it in existence. And that there is not on the records or files of this office any other copy of the instrument of conveyance from John Usher to the Governor and Company of Massachusetts Bay, than the imperfect one, of which the preceding paper is a transcript.

In testimony of which, I have hereunto affixed the seal of the Common-  
[L. s.] wealth in my custody and possession.

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

**EXTRACT**

FROM THE GENERAL COURT RECORDS UNDER DATE OF OCTOBER 2ND, 1678.

Extracts from  
the Massachusetts  
Records.

"This Court having voted the acceptance of the bargain of our Agents for the Province of Maine, doe order that the Treasurer take effectuall order for the payment thereof, according to their engagement, and for his enabling therein, that the customes be security to himself and such as shall lay downe the money in the country's behalfe, untill they be fully satisfied for both principall, exchange and loane.

"Also, this Court doth desire the Governor and Council to take order for the improvement, government and disposall of the sayd place, by sale or otherwise, for the reimbursing the sayd money into the country's treasury, as to them shall seeme most meet and best."

COMMONWEALTH OF MASSACHUSETTS,

*SECRETARY'S OFFICE, May 7, 1828.*

I hereby certify, that the above is a true copy from the original records of the General Court of the Colony of Massachusetts Bay, under date of the second of October, Anno Domini one thousand six hundred seventy-eight, (Oct. 2, 1678.)

In testimony of which, I have hereunto affixed the seal of the Common-  
[L. s.] wealth in my custody and possession.

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

*At a Generall Court for Elections held at Boston, 23th May, 1679.*

"This Court having, in October sessions last, passed a voto empowering our honored Governor and Council to improvo or dispose of the Province of Mayne, by sale or otherwise, for reimbursing what money was layd out in England for purchase

thereof, on further consideration doe see cause to recall the sayd vote, and declare they judge meete to keepe the sayd Province in the country's hand, according to contract made by our Commissioners, and untill this Court take further order therein."

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Grant, Sale and  
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Province of Maine.

Extracts from  
the Massachusetts  
Records.

*At a Generall Court specially called by the Governor and Assistants, at Boston,  
and held there the 4th of February, 1679.*

"This Court taking into consideration the necessity of a speedy establishing a Government in the Province of Mayne, and the present season requiring a speedy issue of this sessions of Court, the honoured Council of this jurisdiction is requested and hereby empowered to take order for settling the sayd Government, and appointing a President, with Justices of the Peace and other officers, as is directed in Mr. Gorges patent, and to comissionate the same accordingly, under the seale of this Colony; and this to be in force until the next Court of Election here, and untill further order to be taken by this Court therein."

"In Council, June 4, 1717.—A petition of John Usher, Esq., was read, and sent down recommended, as to ye petitioner's service in assisting in ye purchase of ye Province of Mayne."

COMMONWEALTH OF MASSACHUSETTS.  
SECRETARY'S OFFICE.

I hereby certify that the foregoing are true copies from the fifth and tenth volumes of the Records of the General Court of the Massachusetts Bay, remaining in this office, under the respective dates within given.

In testimony of which, I have hereunto affixed the seal of the said Commonwealth, in my custody and possession, this twentieth day of September, [L. s.] in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

APPENDIX, No. XII.

GRANT TO THE DUKE OF YORK,

AND

DOCUMENTS RELATIVE TO SAID GRANT.

VIZ:

Grant to the Duke of York, dated 12th March, 16 Car: II. 1664.  
Confirmation of Ditto. 26, Car: II. 1674.  
Commission to Edmund Andros, 1674.  
Commission to Thomas Dongan, 1682.

GRANT

TO THE DUKE OF YORK DATED 12TH MARCH, 16 CAR: II. 1664.

*Appendix.* Charles the Second by the Grace of God King of England Scotland France and Ireland  
No. 12. Defender of the Faith &c. to all to whom these presents shall come Greet-  
ing

Grant to the Duke  
of York, and Docu-  
ments relative to  
said Grant.

Grant to the Duke  
of York.

Know yee that wee for divers good causes and consideracons us thereunto moving have of our. especiall Grace certaine knowledge and meere motion given granted and by these presents for us our heires and successors do give and grant unto our dearest brother James Duke of Yorke his heires and assigns all that part of the maine land of New England begining at a certaine place called or knowne by the name of *St. Croix*. next adjoyning to New Scotland in America and from thence extending along the sea coast unto a certain place called *Petuaquine* or *Pemaquid* and so up the River thereof to the furthest head of ye same as it tendeth northwards and extending from thence to the River *Kinebequi* and so upwards by the shortest course to the River *Canada* northward and also all that Island or Islands commonly called by the severall name or names of *Matowacks* or *Lond Island* seitate lying and being towards the west of *Cape Codd* and ye narrow *Higansetts* abutting upon the maine land between the two Rivers there called or knowne by the severall names of *Conecticut* and *Hudsons River* together also with the said river called *Hudsons River* and all the land from the west side of *Conecticut* to ye east side of *Delaware Bay* and also all those severall Islands called or knowne by the names of *Martin's Vinyard* and *Nantukes* otherwise *Nantuckett* together with all ye lands islands soyles rivers harbours mines minerals quarryes woods marshes waters lakes fishings hawking hunting and fowling and all other royallties profitts commodities and hereditaments to the said severall islands lands and premisses belonging and appertaining with their and every of their appurtenances and all our estate right title interest benefit advantage claime and demand of in or to the said lands and premisses or any part or parcell thereof and the revercon and revercons remainder and remainders together with

the yearly and other ye rents revenues and profitts of all and singular the said premisses and of every part and parcell thereof to have and to hold all and singular the said lands islands hereditaments and premisses with their and every of their appurtenances hereby given and granted or hereinbefore menconed to be given and granted unto our dearest brother James Duke of Yorke his heires and assigns forever to the only proper use and behoofe of the said James Duke of Yorke his heires and assigns forever to be holden of us our heires and successors as of our mannor of East Greenwich in our county of Kent in free and common soccage and not in capite nor by Knight service yielding and rendring and the said James Duke of Yorke doth for himselfe his heires and assigns covenant and promise to yield and render unto us our heires and successors of and for the same yearly and every yeare forty Beaver skins when they shall be demanded or within ninety days after and wee do further of our speciall grace certaine knowledge and meere mocon for us our heires and successors give and grant unto our said dearest brother James Duke of Yorke his heires deputies agents commissioners and assigns by these presents full and absolute power and authority to correct punish pardon governe and rule all such the subjects of us our heires and successors from time to time adventure themselves into any of the parts or places aforesaid or that shall or doe at any time hereafter inhabite within the same according to such lawes orders ordinances direcons and instruments as by our said dearest brother or his assigns shall be established and in defect thereof in cases of necessity according to the good direcons of his deputies commissioners officers and assigns respectively as well in all causes and matters capital and criminall as civill both marine and others soe alwayes as the said statutes ordinances and proceedings be not contrary to but as neare as conveniently may be agreeable to the lawes statutes and government of this our realme of England and saving and reserving to us our heires and successors ye receiving hearing and determining of the appeal or appeales of all or any person or persons, of in or belonging to ye territoryes or islands aforesaid in or touching any judgment or sentence to be there made or given And further that it shall and may be lawfull to and for our said dearest brother his heires and assigns by these presents from time to time to nominate make constitute ordaine and confirme by such name or names stile or stiles as to him or them shall seeme good and likewise to revoke discharge change and alter as well all and singular Governors officers and Ministers which hereafter shall be by him or them thought fitt and needfull to be made or used within the aforesaid parts and islands and also to make ordaine and establish all manner of orders lawes directions instruecons formes and ceremonyes of government and magistracy fitt and necessary for and concerning the government of the territoryes and islands aforesaid so alwayes as the same be not contrary to the lawes and statutes of this our Realme of England but as neare as may be agreeable thereunto and the same at all times hereafter to put in execucion or abrogate revoke or change only within the precincts of the said territoryes or islands but also upon the seas in going and coming to and from the same as he or they in their good discrecons shall thinke to be fitt for the good of the adventurers and inhabitants there And wee do further of our speciall grace certaine knowledge and meere mocon grant ordaine and declare that such governors officers and ministers as from time to time shall be authorized and appointed in manner and forme aforesaid shall and may have full power and authority to use and exercise martiall law in cases of rebellion insurrecon and mutinie in as large and ample manner as our Lieutenants in our countyes within our Realme of England have or ought to have by force of their commission of Lieutenancy or any law or statute of this our Realme And wee do further by these presents for us our heires and successors grant unto our said dearest brother James Duke of Yorke his heires and assigns that it shall and may be lawfull to and for the said James Duke of Yorke his heires and assigns in his or their discrecons from time to time to admitt such and so many person and persons.

Appendix.  
No. 12.

Grant to the Duke of York, and Documents relative to said Grant.

Grant to the Duke of York.

*Appendix.*  
No. 12.

Grant to the Duke  
of York, and Do-  
cuments relative  
to said Grant.

Grant to the  
Duke of York.

to trade and traffique unto and within the territories and islands aforesaid and into every and any part and parcell thereof and to have possesse and enjoy any lands or hereditaments in yo parts and places aforesaid as they shall thinke fitt according to the lawes orders constitucons and ordinances by our said brother his heires deputies commissioners and assignes from time to time to be made and established by vertue of and according to the true intent and meaning of these presents and under such condicions reservacons and agreements as our said brother his heires or assignes shall set downe order direct and appoint and not otherwise as aforesaid And wee do further of our especiall grace certaine knowledge and meere mocon for us our heires and successors give and grant to our said deare brother his heires and assignes by these presents that it shall and may be lawfull to and for him them or any of them at all and every time and times hereafter out of any of our realmes or dominions whatsoever to take leade carry and transport in and into their voyages and for and towards the plantacons of our said territories and islands all such and so many of our loving subjects or any other strangers being not prohibited or under restraint that will become our loving subjects and live under our alegiance as shall willingly accompany them in the said voyages together with all such cloathing implements furniture and other things usually transported and not prohibited as shall be necessary for the inhabitants of the said islands and territories and for their use and defence thereof and manageing and carrying on the trade with the people there and in passing and returning to and fro yielding and paying to us our heires and successors the customes and duties therefore due and payable according to the lawes and customes of this our Realme And we do also for us our heires and successors grant to our said dearest brother James Duke of Yorke his heires and assignes and to all and every such governor or governors or other officers or ministers as by our said brother his heires or assignes shall be appointed to have power and authority of government and command in or over the inhabitants of the said territories or islands that they and every of them shall and lawfully may from time to time and at all times hereafter forever for their severall defence and safety encounter expulse repell and resist by force of arms as well by sea as by land and all wayes and means whatsoever all such person and persons as without the speciall licence of our said deare brother his heires or assignes shall attempt to inhabit within the severall precincts and limitts of our said territories and islands and also all and every such person and persons whatsoever as shall enterprize or attempt at any time hereafter the destruccion or invasion detriment or annoyance to ye parts places or islands aforesaid or any parte thereof and lastly our will and pleasure is and wee do hereby declare and grant that these our letters patents or the enrollment thereof shall be good and effectuell in the law to all intents and purposes whatsoever notwithstanding the not reciting or menconing of the premises or any part thereof or the meets or bounds thereof or of any former or other presents patents or grants heretofore made or granted of the premises or of any part thereof by us or any of our progenitors unto any other person or persons whatsoever bodies poliique or corporate or any act law or other restraint incertinty or imperfection whatsoever to the contrary in any wise notwithstanding althoughe expresse mencon of the true yearly value or certainty of the premises or any of them or of any other gifts or grants by us or by any of our progenitors or predecessors heretofore made to the said James Duke of Yorke in these presents is not made or any statute act ordinance provision proclamacon or restriction heretofore had made enacted ordained or provided or any other matter cause or thing whatsoever to the contrary thereof in any wise notwithstanding.

In witness whereof wee have caused these our letters to be made patents.—  
Witnessse ourselfe at Westminster the twelveth day of March in the sixteenth year of our raigne.

By the King:

HOWARD.

STATE OF NEW YORK,  
SECRETARY'S OFFICE.

Appendix.  
No. 12.

I certify the preceding to be a true copy of certain Letters Patent as of record in this office, in Book of Patents number one, page 139, &c.

Grant to the Duke of York, and Decemey's relative to said Grant.

In testimony whereof, I have hereunto affixed the seal of this office, at  
[L. s.] the city of Albany, the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and twenty-eight.

A. C. FLAGG,  
Secretary.

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, administering the government of the said State:*

It is hereby certified that Azariah C. Flagg is Secretary of this State, duly commissioned and sworn; that the signature "A. C. Flagg," to the preceding copy of the Grant from Charles the Second to the Duke of York, is the proper hand-writing of the said Secretary, and that full faith and credit may and ought to be given to his official acts.

In testimony whereof, I have caused the great seal of this State to be hereunto affixed.—Witness my hand, at the city of Albany, the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and twenty-eight.

NATHANIEL PITCHER.

Passed the Secretary's Office, the 28th day of March, 1828.

ARCH'D CAMPBELL,  
Dep. Secretary.

**HIS MAJESTIES LETTERS PATENTS**

TO HIS ROYAL HIGHNESSE RECORDED NOVEMBER FOURTH, 1674.

Charles the Second by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c. To all to whom these presents shall come Greeting: Know yee that wee for divers good causes and consideracons have of our especiall grace certaine knowledge and meer motion given and granted and by these presents for us our heirs and successors do give and graunt unto our dearest brother James Duke of Yorke his heires and assigns All that part of the main land of New England, beginning at a certaine place called or known by the name of *St Croix neze* adjoining to New Scotland in America and from thence extending along the seacoast unto a certaine place called *Petuaquine* or *Pemaquid* and so up the river thereof to the furthest head of the same as it windeth northward and extending from the river of *Kinebeque* and so upwards by the shortest course to the river *Canada* northwards: And und all that Island or Islands commonly called by the severall name or names of *Matowacks* or *Long Islands* scitu ate and being towards the west of *Cape Cod* and the narrow *Higansetts* abutting upon the main land between the two rivers there called or known by the severall names of *Connecticut* and *Hudson's River* together also with the said river calle t *Hudson's River* and all the lands from the west side of *Connecticut* river to the east side of *Delaware Bay*: And also all those severall Islands called or known by the names of *Martin Vin Yard* and *Nantukes* otherwise *Nantuckett*: Together with all the lands Islands soiles rivers harbors Mines Mineralls Quarries

Confirmation of said Grant.



*Appendix.* woods marshes waters Lakes fishings Hawking hunting and fowling and all other royal-  
ties profits Commodities and hereditaments to the said severall Islands Lands and pro-

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of York, and Do-  
cuments relative  
to said Grant.

Confirmation of  
said Grant.

mises belonging and appertaining with their and every of their appurtenants: And all our Estate right title and interest benefit and advantage claime and demand of in or to the said lands or premises or any part or parcell thereof and the revercon and revercons remainder and remainders together with the yearly and other rents revenues, and profitts of the premises and of every part and parcell thereof To have and to hold all and singular the said lands and premises with their and every of their appurtenants hereby given and graunted or herein before mentioned to be given and graunted unto our said dearest brother James Duke of Yorke his heirs and assigns forever: To bee holden of us our heirs and successors as of our Manor of East Greenwich, in our county of Kent in free and common soccage and not in capite nor by Knight service yielding and rendering: And the said James Duke of Yorke for himself his hoirs and assigns doth covenant and promise to yield and render unto Us our heirs and successors of and for the same yearly and every year florty Beaver Skins when they shall bee demanded or within ninety days after such demand made and wee do further, of our speciall Grace certaine knowledge and meer motion for Us Our heirs and successors give and graunt unto our said Dearest brother James Duke of Yorke his heirs Deputyes Agents Commissioners and assigns by these presents full and absolute power and authority to correct punish pardon govern and rule all such the subjects of us our heirs and successors or any other person or persons as shall from time to time adventure themselves into any of the parts or places aforesaid or that shall or do at any time hereafter inhabit within the same according to such Lawes orders ordinances directions and instructons as by our said dearest brother or his assigns shall bee established and in defect thereof in cases of necessity according to the good direcons of his Deputyes Commissioners Officers or Agents respectively as well in all cases and matters capitall and criminall as Civill Marine and Others so alwayes as the said Statutes ordinances and proceedings bee not contrary to but as neare as may bee agreeable to the Lawes Statutes and Government of this our realm of England and saving and reserving to Us our heirs and successors thereceiving hearing and determining of the appeal and appeals of al. or any person or persons of in or belonging to the Territoryes or Islands aforesaid or touching any Judgment or sentence to bee there made or given And further that it shall and may bee lawfull to and for our said dearest brother his heirs and assigns by these presents from time to time to nominate make constitute ordaine and confirme such Lawes as aforesaid by such name or names stile or stiles as to him or them shall seem good And likewise to revoke discharge change and alter as well all and singular Governours officers and ministers which hereafter shall be by him or them thought fit and needfull to be made or used within the aforesaid Islands and parts: And also to make ordaine and establish all manner of lawes orders direcons instructions formes and ceremonies of Governement and Magistracy fit and necessary for and concerning the Government of the Territoryes and Islands aforesaid so alwayes as the same bee not contrary to the Lawes and Statutes of this our realme of England, but as neare as may bee agreeable thereunto and the same at all times hereafter to put in execution abrogate revoke or change not onely within the precincts of the said Territoryes or Islands but also upon the seas in going and coming to and from the same as hee or they in their good discretions shall think fittest for the good of the adventurers and inhabitants And wee do further of our Especiall Grace certaine knowledge and meer motion graunt ordaine and declare that such Governours Deputyes Officers and Ministers as from time to time shall bee authorized and appointed in manner and forme aforesaid shall and may have full power and authority within the Territoryes aforesaid to use and exercise Marshall Lawe in cases of rebellion insurrection and Mutiny in as large and ample manner as our Lieutenants in our Countyes



within Our realme of England have or ought to have by force of their Commission of Lieutenantcy or any law or Statute of this our realme: And Wee do further by these presents for us our heirs and successors graunt unto Our said dearest brother James Duke of Yorke his heirs and assigns that it shall and may be lawfull to and for the said James Duke of Yorke his heirs and assigns in his or their discrecion from time to time to admit such and so many person and persons to trade and trafficke into and within ye Territoryes and Islands aforesaid and into every or any of the Territoryes and Islands aforesaid and into every or any part and parcell thereof: And to have possess and enjoy any Lands and hereditaments in the parts and places aforesaid as they shall think fit according to the Lawes orders constitutions and ordinances by our said brother his heirs deputies Commissioners and assigns from time to time to bee made and established by vertue of and according to the true intent and meaning of these presents and under such condicions reservacons and agreements as our said dearest brother his heirs and assigns shall set downe order direct and appoint and not otherwise as aforesaid And we do further of our Especiall Grace certaine knowledge and meer motion for us our heires and successors give and graunt unto our said deare brother his heirs and assigns by these presents that it shall and may be lawfull to and for him them or any of them at all and Every time and times hereafter out of any of our realms or dominions whatsoever to take lead carry and transport in and into their voyages for and towards the Plantacons of our said Territoryes and Islands aforesaid all such and so many of our loving subjects or any other strangers being not prohibited or under restraint that will become our loving subjects and live under our allegiance and shall willingly accompany them in the said voyages together with all such cloathing implements furniture and other things usually transported and not prohibited as shall be necessary for the inhabitants of the said Islands and territoryes and for their use and defence thereof and managing and carrying on the trade with the people there and in passing and returning to and fro Yielding and paying to us our heirs and successors the customes and duties therefore due and payable according to the Lawes and Customes of this our realme And Wee do also for us our heirs and successors graunt to our said dearest brother James Duke of Yorke his heirs and assigns and to all and every such Governor or Governors Deputyes their Officers or Ministers as by our said brother his heirs or assigns shall bee appointed to have power and authority of government or command in or over the inhabitants of the said Territoryes or Islands that they or every of them shall and lawfully may from time to time and at all times forever hereafter for their severall defence and safety encounter repulse and Expell and resist by force of armes (as well by sea as by land) and all wayes and means whatsoever all such person and persons as without the speciall licence of our dearest brother his heirs and assigns shall attempt to inhabit within the severall precincts and limits of our said Territoryes and Islands and also all and every such person and persons whatsoever as shall enterprize and attempt at any time hereafter the destruceon invasion detriment or annoyance to the parts places or Islands aforesaid or any part thereof And lastly our will and pleasure is and We do hereby declare and graunt that these our Letters Patents or the enrolment thereof shall bee good and Effectuell in the Law to all intents and purposes whatsoever notwithstanding the not well and true reciting or menconing of the premises or any part thereof or the limits or bounds thereof or of any former or other Letters Patents or graunts whatsoever made or granted or of any part thereof by us or any of our progenitors unto any person or persons whatsoever bodyes politick or corporate or any law or other restraint incertainty or imperfeccon whatsoever to the contrary in any wise notwithstanding although Expresse mention of the true yearly value or certainty of the premises or of any of them or of any other gifts or graunts by us or by any of our progenitors heretofore made to the said James Duke of Yorke in these presents is not made or any statute act ordinance.

*Appendix.*  
No. 12.

Grant in the Duke of York, and Documents relative to said Grant.

Confirmation of said Grant.

*Appendix.* provision proclamation or restriction heretofore had made enacted or provided or any other matter cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof Wee have caused these our Letters to bee made Patents. Witness Our Selfe at Westm. the 29th day of June in the 26th year of our reigne.

PIGOTT.

No. 12.  
Grant to the Duke of York, and Documents relative to said Grant.

Confirmation of said Grant.

STATE OF NEW YORK,  
Secretary's Office. }

I certify the preceding to be a true copy of certain Letters Patent, as of record in this office, in Book of Deeds, No. 1, page 1, &c.

In testimony whereof, I have hereunto affixed the seal of this office, at the City of Albany, the 30th day of September, 1828.

[L. s.]

ARCHD. CAMPBELL,  
Dep. Secretary.

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that the preceding copy is in duo form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State. Witness my hand, at the City of Albany, the 30th day of September, 1828.

[L. s.]

NATHANIEL PITCHER.

#### COMMISSION TO GOVERNOR EDMUND ANDROS.

*James Duke of Yorke and Albany Earl of Ulster &c.*

Commission to Edmund Andros.

Whereas it hath pleased the King's most excellent Majesty My Sovereign Lord and brother by his Letters Patents to issue and graunte unto mee my heirs and assigns all that part of the Maine Land of New England beginning at a certaine place called or knowne by the name of *St Croix* next adjoining to New Scotland in America and from thence extending along the sea coast unto a certaine place called *Petuaquin* or *Peniaquid* and so up the river thereof to the furthest head of the same as it tendeth northward and extending from thence, to the river of *Kinebequi* and so upwards to the shortest sourse to the river *Canada* northwards And also all that Island or Islands commonly called by the severall names of *Mato-wacks* or *Long Island* scituate lying and being towards the West of *Cape Cod* and the narrow *Higansetts* abutting upon the maine land between the two rivers, there called or known by the severall names of *Connecticut* and *Hudson's river* together also with the said river called *Hudson's river* and all the land from the west side of *Connecticut* river to the east side of *Delaware Bay* And also all those severall Islands called or known by the name of *Martin's Vineyards* and *Nantukes* otherwise *Nantuckett* together with all the lands Islands Soiles rivers harbours Mines Minerals quarreyes woods marshes waters Lakes Fishings Hawking Hunting and flowling and all other royalties and profits commodities and hereditaments to the said severall Islands Lands and premises belonging and appertaining with their end every of their appurtenances to hold the same to my own proper use and behoove with power to correct punish pardon governe and rule the inhabitants thereof by myselfe or such Deputyes Commissioners or Officers as I shall think fitt to appoint as by his Majesties said Letters Patents may more fully appeare And whereas I have conceived a good opinion of the integrity' precedence ability and fitness of

Major Edmund Andros to bee employed as my Lieutenant there I have therefore thought fit to constitute and appoint him the said Major Edmund Andros to be my Lieutenant and Governor within the Lands Islands and places aforesaid to performe and execute all and every the powers which are by the said Letters Patents graunted unto mee to bee executed by mee my Deputy agent or assignes To have and to hold the said place of Lieutenant and Governor unto him the said Edmund Andros Esq but during my will and pleasuro onely hereby willing and requiring all and every the inhabitants of the said Lands, Islands and places to give obedience unto him the said Edmund Andros Esq in all things according to the tenour of his Majesty's Letters Patents and the said Edmund Andros to observe follow and execute such orders and direcons as hee shall from time to time receive from my selfe Given under my hand and Seal at Windsor this 1st day of July 1674

*Appendix.*  
No. 12.

*Grant to the Duke of York, and De-  
monstrator relative  
to said Grant.*

*Commission to  
Edmund Andros.*

By command of His Royall Highnesse  
JO: WERDEN.

JAMES.

STATE OF NEW YORK,  
Secretary's Office.

I certify the preceding to be a true copy of a certain Commission, as of record in this office, in Book of Deeds No. 1, page 4.

In testimony whereof, I have hereunto affixed the seal of this office, at the City  
[L. s.] of Albany, the 30th day of September, 1828.

ARCHD. CAMPBELL,  
Dep. Secretary.

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as  
Governor of the said State:*

It is hereby certified that the preceding copy is attested in duo form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

COMMISSION TO COLONEL THOMAS DONGAN, TO BE GOVERNOR OF NEW YORK.

*James Duke of York and Albany Earl of Ulster, &c.*

Whereas it hath pleased the King's most Excellent Majesty my Sovereign Lord and brother by his Letters Patents to give and graunt unto mee and my heirs and assigns all that part of the maine Land of New England beginning at a Certaine place called or knowne by the name of St Croix next adjoining to New Scotland in America and from thence extending along the Sea Coast unto a certaine place Called Pemaguin or Pemaquid and soe up the river thereof to the furthest head of the same as it tendeth northwards and extending thence to the river of Kinebegui and soe upwards to the Shortest Course to the river Canada northward and also all that Island or Islands commonly called by the severall name or names of Matowacks or Long Island scituate lying and being towards the west

*Commission to  
Thomas Dongan.*

*Appendix. of Cape Codd and the narrow Higansetts abutting upon the maine land between the two rivers there called or knowne by the severall names of Connecticutt and Hudsons River together alsoe with the said river called Hudsons river and all the lands from the west side of Connecticutt river to the east side of Delaware bay and alsoe all those severall Islands called or knowne by the name of Martyn Vinyard and Nantukes Otherwise Nantucketti together with all the lands, Islands*

*Grant to the Duke of York, and Documents relative to said Grant.*

*Commission of Thomas Dongan.*

soiles rivers harbours Mines Mineralls Quarries woods marshes waters Lakes fishings, hawking hunting and Fowling and all other Royalties and Proffitts commodities & hereditaments to the said severall Islands Lands and premises belonging and appurtenant with their and every of their appurtenances: To hold the same to my own proper use and behoofe with power to correct, punish pardon governe and rule the inhabitants thereof by my selfe or such Deputyes, Commissioners or Officers as I shall think fitt to appoint as by His Majestys said Letters Patents may more fully appear, And whereas I have since for divers good causes and Considerations by severall Instruments under my hand and Seale bargained sold released and confirmed unto Sir George Carterett [late our Chamberlaine to His Majestys household] and his heirs and unto Edward Billing and others and their heyres all the tract of land [parcell of the Premises] commonly called or knowne by the names of East and West Jersey scituate on the West side of Hudson's river according to certain boundaries more particularly Expressed in the said Several instruments and under certaine rents and covenants as therein relacon being thereunto had may more fully appeare And whereas I have conceived a good opinion of the integrity prudence ability and fitnessse of Coll Thomas Dongan to be employed as my Lieutenant there, I have therefore thought fitt to constitute and appointe him the said Coll Thomas Dongan to be my Lieutenant and Governour within the lands Islands and places aforesaid [except the said East and West New Jersey] to perform and execute all and every the powers which are by the said Letters pattents granted unto me to be executed by me my deputy agent or assignes To have and to hold the said place of Lieutenant and Governour unto him the said Coll Thomas Dongan but dureing my will and pleasure only hereby willing and requiring all and every the inhabitants of the said Lands Islands and places, (except as before excepted) to give obedience unto him the said Coll Thomas Dongan in all things according to this tenour of his Majesties Letters Patents and the said Coll Thomas Dongan to observe follow and execute such orders and dirrecons as he shall from time to time receive from my selfe

Given under my hand and seale at St James's the thirtieth day of September 1682  
JAMES

By command of His Royall Highness  
Jo WERDEN

STATE OF NEW YORK,  
SECRETARY'S OFFICE.

I certify the preceding to be a true copy of a certain Commission, as of record in this Office, in Book of Records of Commissions, No. 1, page 1.

In testimony whereof, I have hereunto affixed the Seal of this Office, at [L. s.] the City of Albany, the thirtieth day of September, 1828.

ARCHIBALD CAMPBELL,

*Deputy Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of said State:*

It is hereby certified, that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand at the City of Albany, the thirtieth day of September, 1828.

NATHANIEL PITCHER.

APPENDIX, No. XIII.

CHARTER

or

THE PROVINCE OF MASSACHUSETTS BAY.

BY WILLIAM AND MARY, 7TH OCTOBER, 1691.

Septima pars Paten de anno RR et Rne Gulielmi et Marie tertio.

William and Mary by the grace of God &c to all to whome these presents shall come  
greeting

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Whereas his late Majestie King James the First our royall predecessor by his Letters Patents under the great seale of England bearing date at Westminster the third day of November in the eighteenth yeare of his reigne did give and grant unto the Councill established at Plymouth in the County of Devon for the planting ruling ordering and governing of New England in America and to their successors and assignes all that part of America lying and being in breadth from forty degrees of northerly latitude from the equinoctiall line to the fourty-eighth degree of the said northerly latitude inclusively and in length of and within all the breadth aforesaid throughout all the maine lands from sea to sea together alsoe with all the firme lands soiles groundes havens ports rivers waters fishings mines and mineralls as well royall mines of gold and silver as other mines and mineralls precious stones quarries and all and singular other comodities jurisdiceons royalties priviledges franchises and preheminences both within the said tract of land upon the maine and also within the islands and seas adjoyning *Provided alwaies that the said lands iselands or any the premisses by the said Letters Patents intenc'd and meant to be granted were not then actually possessed or inhabited by any other Christian Prince or State or within the bounds limitts or territories of the southerne colony then before granted by the said late King James the First to be planted by divers of his subjects in the south parts* to have and to hold possesse and enjoy all and singular the aforesaid continent lands territories iselands hereditaments and precincts seas waters fishings with all and all manner of their comodities royalties liberties preheminences and profits that should from thenceforth arise from thence with all and singular their appurtenances and every part and parell thereof unto the said Councill and their successors and assignes forever to the sole and proper use and benefit of the said Councill and their successors and assignes forever to be holden of his said late Majestie King James the First his heires and successors as of his mannor of East Greenwich in the county of Kent in free and comon socage and not in capite nor by Knights service Yielding and paying therefore to the said late King his heires and successors the fifth part of the oar of gold and silver which should from time to time and at all times then after happen to be found gotten had and obtained in at or within any of the said lands limitts territories or precincts or in or within any part or parell thereof for or in respect of all and all

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manner of duties demands and services whatsoever to be done made or paid to the said late King James the First his heires and successors (as in and by the said Letters Patents amongst sundry other clauses powers priviledges and grants therein contained more at large appeareth) And whereas the said Councill established at Plymouth in the County of Devon for the planting ruleing ordering and governing of New England in America did by their deed indented under their comon seale bearing date the nineteenth day of March in the third yeare of the reigne of our Royall Grandiather King Charles the First of ever-blessed memory give grant bargain sell infeofe alien and confirme to Sir Henry Roswell Sir John Young Knights Thomas Southcott John Humphreys John Endicott and Simond Whetcomb their heires and assignes and their associates forever all that part of New England in America aforesaid which lyes and extends between a great river there comonly called Monomack als Merrimack and a certaine other river there called Charles River being in a bottom of a certaine bay there comonly called Massachusetts als Mattachusetts Bay and alsoe all and singular those lands and hereditaments whatsoever lying within the space of three English miles on the south part of the said Charles River or of any and every part thereof and alsoe all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southward of the southernmost part of the said bay called the Massachusetts als Mattachusetts als Massatusets Bay and alsoe all those lands and hereditaments whatsoever which lye and be within the space of three English miles to the northward of the said river called Monomack als Merrimack or to the northward of any and every part thereof and all lands and hereditaments whatsoever lying within the limits aforesaid north and south in latitude and in breadth and in length and longitude of and within all the breadth aforesaid throughout the maine lands there from the Atlantick and Western Sea and Ocean on the east part to the South Sea on the west part and all lands and grounds place and places soile woods and wood grounds havens ports rivers fishings and hereditaments whatsoever lying within the said bounds and limitts and every part and parcell thereof and alsoe all iselands lying in America aforesaid in the said seas or either of them on the westerre or easterne coasts or parts of the said tracts of land by the said indenture menconed to be given and granted bargained sould enfeofed aliened and confirmed or any of them and alsoe all mines and mineralls as well royall mines of gold and silver as other mines and mineralls whatsoever in the said lands and premisses or any part thereof and all jurisdiecons rights royalties liberties freedoms imunities priviledges franchises preheminences and comodities whatsoever which they the said Councill established at Plymouth in the County of Devon for the planting ruleing ordering and governing of New England in America then had or might use exercise or enjoy in or within the said lands and premisses by the same indenture menconed to be given granted bargained sold enfeofed and confirmed in or within any part or parcell thereof to have and to hold the said part of New England in America which lyes and extends and is abutted as aforesaid and every part and parcell thereof and all the said iselands rivers ports havens waters fishings mines mineralls jurisdiecons franchises royalties liberties priviledges comodities hereditaments and premisses whatsoever with the appurtenances unto the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simon Whetcombe their heires and assignes and their associates forever to the onely proper and absolute use and behoofe of the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphrey John Endicott and Simond Whetcombe their heires and assignes and their associates forevermore to be holden of our said Royall Grandfather King Charles the First his heires and successors as of his mannor of East Greenwich in the County of Kent in free and comon soccage and not in capite nor by knights service yielding and paying there-



fore unto our said Royall Grandfather his heires and successors the fifth part of the oar of gold and silver which should from time to time and at all times hereafter happen to be found gotten had and obtained in any of the said lands within the said limitts or in or within any part thereof for and in satisfacon of all manner of duties demands and services whatsoever to be done made or paid to our said Royall Grandfather his heires or successors (as in and by the said recited indenture may more at large appeare)

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*And whereas our said Royall Grandfather in and by his Letters Patents under the great seale of England bearing date at Westminster the fourth day of March in the fourth yeare of his reigne for the consideracon therein menconed did grant and confirme unto the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simond Whetcombe and to their associates after-named viz: Sir Ralph Salstentall Knight Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their heires and assignes all the said part of New England in America lying and extending between the bounds and limitts in the said indenture expressed and all lands and grounds place and places soyles woods and wood grounds havens ports rivers waters mines mineralls jurisdictiones rights royalties liberties freedoms imunities priviledges franchises prehemineneces and hereditaments whatsoever bargained sould enfeofed and confirmed or menconed or intended to be given granted bargained sold enfeofed aliened and confirmed to them the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphrey John Endicott and Simond Whetcombe their heires and assignes and to their associates forever by the said recited indenture to have and to hold the said part of New England in America and other the premisses thereby menconed to be granted and confirmed and every part and parcell thereof with the appurtenances to the said Sir Henry Roswell Sir John Young Sir Richard Salstentall Thomas Southcott John Humphrey John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Brown Samuell Brown Thomas Hutchins William Vassall William Pincheon and George Foxcroft their heires and assignes forever to their onely proper and absolute use and helooke forevermore to be holden of our said Royall Grandfather his heires and successors as of his manner of East Greenwich aforesaid in free and comon soccage and not in capite nor by knights service and alsoe yielding and paying therefore to our said Royall Grandfather his heires and successors the fifth part onely of all the oar of gold and silver which from time to time and at all times after should be there gotten had or obtained for all services exactions and demands whatsoever according to the tenour and reservation in the said indenture expressed* *And further our said Royall Grandfather by the said Letters Patents did give and grant unto the said Sir Henry Roswell Sir John Young Sir Richard Salstentall Thomas Southcott John Humphrey John Endicott Symond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddocke George Harwood Encrease Nowell Richard Perry Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Brown Samuell Brown Thomas Hutchins William Vassall William Pincheon and George Foxcroft their heires and assignes all that part of New England in America which lyes and extends between a great River there comonly called Monomack als Merrimaek River and a certaine other River there called Charles River being in the bottome of a certaine Bay there comonly called Massachusetts als Mattachusetts als Massatusetts*



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*Bay and alsoe all and singular those lands and hereditaments whatsoever lying within the space of three English miles on the south part of the said River called Charles River or of any or every part thereof and alsoe all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southward of the southernmost part of the said Bay called Massachusetts als Mattachusetts als Massatusetts Bay and alsoe all those lands and hereditaments whatsoever which lye and be within the space of three English miles to the northward of the said River called Monomack als Merrimack or to the northward of any and every part thereof and all lands and hereditaments whatsoever lying within the limitts aforesaid north and south in latitude and in breadth and in length and longitude of and within all the breadth aforesaid throughout the maine lands there from the Atlantick or Western Sea and Ocean on the east part to the South Sea on the west part and all lands and grounds place places soiles woods and wood lands havens ports rivers waters and hereditaments and whatsoever lying within the said bounds and limitts and every part and parcell thereof and alsoe all islands in America aforesaid in the said seas or either of them on the Western or Eastern Coasts or parts of the said tracts of lands thereby mentioned to be given and granted or any of them and all mines and mineralls as well royall mines of gold and silver as other mines and mineralls whatsoever in the said lands and premisses or any part thereof and free libertie of fishing in or within any of the Rivers or waters within the bounds and limitts aforesaid and the seas thereunto adjoining and all fishes royall fishes whales balene sturgeon and other fishes of what kind or nature soever that should at any time thereafter be taken in or within the said seas or waters or any of them by the said Sir Henry Roswell Sir John Young Sir Richard Saltenstale Thomas Southeott John Humphrey John Endicott Symond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their heires or assignes or by any other person or persons whatsoever there inhabiting by them or any of them to be appointed to fish therein Provided always that if the said Lands Iselands or any the Premises before mentioned and by the said Letters Patents last mentioned intended and meant to be granted were at the time of the granting the said former Letters Patents dated the third day of November in the eighteenth yeare of the reigne of His late Majestie King James the first actually possessed or inhabited by any other Christian Prince or State or were within the Bounds Limitts or Territories of the said Southern Collony then before granted by the said King to be planted by divers of his loving subjects in the south parts of America that then the said Grant of our said Royall Grandfather should not extend to any such parts or parcells thereof soe formerly inhabited or lying within the bounds of the Southerne Plantacon as aforesaid but as to those Parts or Parcells soe possessed or inhabited by any such Christian Prince or State or being within the Boundaries aforesaid should be utterly void To have holde possesse and enjoy the said Parts of New England in America which lye extend and are abutted as aforesaid and every part and parcell thereof And all the Iselands Rivers Ports Havens Waters Fishings Fishes Mines Minerals Jurisdiecons Franchises Royalties Liberties Priviledges Commodities and Premises whatsoever with the appurtenances unto the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southeott John Humphrey John Endicott Symond Whetcomb Isaac Johnson Samuel Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniel Wright Samuel Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Brown Samuell Brown Thomas Hutchins William Vassall William Pincheon and*

George Foxcroft their heires and assigns forever To the onely proper and absolute use and behoofe of the said Sir Henry Roswell Sir John Young Sir Richard Saltentall Thomas Southcott John Humphreys John Endicott Symond Whetcomb Isaac Johnson Samuel Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuel Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuel Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their heires and assigns forevermore To be holden of our said Royall Grandfather his heires and successors as of his Mannor of East Greenwich in the county of Kent within the Realme of England in free and comon Soccage and not in Capite nor by Knights service And alsoe Yeilding and Paying therefore to our said Royall Grandfather his heires and successors the fifth part onely of all the Oar of Gold and Silver which from time to time and at all thereafter should be gotten had or obtained for all services exactions and demands whatsoever Provided alwaies and his Majesties expresse Will and meaning was that onely that one fifth part of all the Gold and Silver Oar above mentioned in the whole and noe more should be answered reserved or payable unto our said Royall Grandfather his heires and successors by colour or virtue of the said last mentioned Letters Patents The double Reservations or Recitals aforesaid or any thing therein conteyned notwithstanding And to the end that the affaires and businesse which from time to time should happen and arise concerning the said Lands and Plantacons of the same might be the better mannged and ordered and for the good government thereof our said Royall Grandfather King Charles the First did by his said Letters Patents create and make the said Sir Henry Roswell Sir John Young Sir Richard Saltentall Thomas Southcott John Humphreys John Endicott Symond Whetcomb Isaac Johnson Samuel Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuel Vassall and Theophilus Eaton Thomas Golfe Thomas Adams John Brown Samuel Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft and all such others as should thereafter be admitted and made free of the Company and Society thereafter mentioned one Body Corporate and Politique in fact and name by the name of the Governor and Company of the Massachusetts Bay in New England and did grant unto them and their successors divers powers liberties and privileges as in and by the said Letters Patents may more fully and at large appeare And Whereas the said Governor and Company of the Massachusetts Bay in New England by vertue of the said Letters Patents did seate a Collony of the English in the said Parts of America and divers good subjects of this Kingdome encouraged and invited by the said Letters Patents did transport themselves and their effects into the same whereby the said Plantacon did become very populous and divers Counties Townes and Places were created created named settforth or designed within the said Parts of America by the said Governor and Company for the time being And Whereas in the Terme of the Holy Trinity in the thirty-sixth yeare of the reigne of our dearest Uncle King Charles the Second a judgement was given in our Court of Chancery then sitting at Westminster upon a Writ of Scire Facias brought and prosecuted in the said Court against the Governor and Company of the Massachusetts Bay in New England and that the said Letters Patents of our said Royall Grandfather King Charles the First bearing date at Westminster the fourth day of March in the fourth yeare of his reigne made and granted to the said Governor and Company of the Massachusetts Bay in New England and the enrollment of the same should be cancelled vacated and annihilated and should be brought into the said Court to be cancelled (as in and by the said judgement remaining upon Record in the said Court doth more att large appeare) And whereas severall persons employed as Agents in behalfe of our said Collony of the Massachusetts Bay in New England have made their humble application unto us that we

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would be gratusly pleased by our Royall Charter to incorporate our subjects in our said Collony and to grant and confirme unto them such powers priviledges and franchises as in our Royall Wisdome should be thought most conducing to our Interest and service and to the welfare and happy state of our subjects in New England And wee being gratusly pleased to gratifie our subjects and alsoe to the end our good subjects within our Colony of New Plymouth in New England aforesaid may be brought under such a forme of government as may put them in a better condicon of defence and considering the granting as well unto them as unto our subjects in the said Colony of the Massachusetts Bay our Royall Charter with reasonable powers and priviledges will much tend not onely to the safety but to the flourishing estate of our subjects in the said parts of New England and alsoo to the advancing of the ends for which the said Plantacons were at first encouraged Of our espetiall grace certaine knowledge and meere mocon Have willed and ordained *And Wee Doe by these Presents for us our heires and successors will and ordaine that the Territories and Colonies comonly called or knowne by the names of The Colony of the Massachusetts Bay and Colony of New Plymouth the Province of Main The Territory called Accadia or Nova Scotia and all that Tract of Land lying between the said Territories of Nova Scotia and the said Province of Main be united erected and incorporated And Wee Doe by these Presents unite erect and incorporate the same into one reall Province by the name of Our Province of the Massachusetts Bay in New England and of our espetiall grace certaine knowledge and meere mocon We have given and granted and by these Presents for us our heires and successors Doe give and grant unto our said subjects the Inhabitants of our said Province or Territory of the Massachusetts Bay and their successors all that part of New England in America lying and extending from the Great River comonly called Monomaek als Merrimack on the north part and from three miles northward of the said River to the Atlantick or Western Sea or Ocean on the south part and all the Lands and Hereditaments whatsoever lying within the limitts aforesaid and extending as farr as the uttermost Points or Promontories of Land called Cape Cod and Cape Malabar North and South and in latitude breadth and in length and longitude of and within all the breadth and compasse aforesaid throughout the Maine Land there from the said Atlantick or Western Sea or Ocean on the east part towards the South Sea or westward as farr as our Colonies of Rhode Island Connecticut and the Narrowgansett Countrey and alsoe all that part and porcon of Main Land beginning at the entrance of Piscataway Harbour and soe to passe up the same into the River of Newickewannocke and through the same into the furthest head thereof and from thence northwestward till one hundred and twenty miles be finished and from Piscataway Harbour mouth aforesaid north eastward along the Sea Coast to Sagadehock and from the period of one hundred and twenty miles aforesaid to crosse over Land to the one hundred and twenty miles before reckoned up into the Land from Piscataway Harbour through Newickawannock River and alsoe the north halfe of the Isles of Shoales together with the Isles of Chappawock and Nantuckett near Cape Cod aforesaid and alsoe the Lands and Hereditaments lying and being in the Country or Territory comonly called Accadia or Nova Scotia and all those Lands and Hereditaments lying and extending betweene the said Country or Territory of Nova Scotia and the said River of Sagadahoc or any part thereof and all Lands Grounds Places Soyles Woods and Woodgrounds Havens Ports Rivers Waters and other Hereditaments and Premises whatsoever lying within the said Bounds and Limitts aforesaid and every part and parcell thereof And alsoe All Iselands and Isletts lying within tenne leagues directly opposite to the Maine Land within the said Bounds and All Mines and Mineralls as well Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and Premises or any part thereof To have and to hold the*

said Territories Tracts Countries Lands Hereditaments and all and singular other the Premises with their and every of their appurtenances to our said subjects the Inhabitants of our said Province of the Massachusetts Bay in New England and their successors To their only proper use and Behoofe for evermore To be holden of us our heires and successors as of our Mannor of East Greenwich in the County of Kent by Fealty only in Free and comon Soccage Yielding and Paying therefore yearly to us our heires and successors the fifth part of all Gold and Silver Ore and Pretious Stones which shall from time to time and at all times hereafter happen to be found gotten had and obtained in any of the said Lands and Premises or within any part thereof Provided neverthelesse And Wee Doe for us our heires and successors grant and ordaine that all and every such Lands Tenements and Hereditaments and other Estates which any person or persons or bodies politiquo or corporate Townes Villages Colledges or Schooles doe hold and enjoy or ought to have hold and enjoy within the bounds aforesaid by or under any Grant or Estate duely made or granted by any Generall Court formerly held or by vertue of the Letters Patents herein before recited or by any other lawfull right or tittle whatsoever shall be by such person and persons Bodies politique and Corporate Townes Villages Colledges or Schooles their respective heires successors and assignes for ever hereafter held and enjoyed according to the purport and intent of such respective Grant under and subject neverthelesse to the Rents and Services thereby reserved or mado payable any matter or thing whatsoever to the contrary notwithstanding And Provided alsoe that nothing herein contained shall extend or be understood or taken to impeach or prejudice any right tittle interest or demand which Samuall Allen of London Merchant claimeing from and under John Mason Esquire deceased or any other person or persons hath or have or claimeith or claime to have hold or enjoy of in to or out of any part or parts of the Premises scituate within the limits above mentioned But that the said Samuall Allen and all and every such person and persons may and shall have hold and enjoy the same in such maner (and noe other than) as if these Presents had not been had or made It being our further will and pleasure that noe Grants or Conveyances of any Lands Tenements or Hereditaments to any Townes Colledges Scholes of Learning or to any private person or persons shall be judged or taken to be avoided or prejudiced for or by reason of any want or defect of forme but that the same stand and remaine of force and be maintained adjudged and have effect in such manner as the same should or ought before the time of the said recited Judgement according to the Laws and Rules then and there usually practised and allowed And Wee Doe further for us our heires and successors will establish and ordaine that from henceforth for ever there shall be One Governor One Lieutenant or Deputy Governor and one Secretary of our said Province or Territory to be from time to time appointed and comissionated by us our heires and successors and eight and twenty Assistants or Councillors to be adviseing and assisting to the Governor of our said Province or Territory for the time being as by these Presents is hereafter directed and appointed which said Councillors or Assistants are to be constituted elected and chosen in such forme and manner as hereafter in these Presents is expressed And for the better execucon of our Royall Pleasure and Grant in this behalfe Wee Doe by these Presents for us our heires and successors nominate ordaine make and constitute our trusty and welbeloved Simon Broadstreet John Richards Nathaniell Saltenstall Wait Winthrop John Philips James Russell Samuall Sewall Samuall Apleton Bartholomew Gedney John Hawthorne Elisha Hutchins Robert Piko Jonathan Curwin John Jolliffe Adam Winthrop Richard Middlecot John Foster Peter Serjeant Joseph Lynd Samuel Heyman Stephen Mason Thomas Hikeley William Bradford John Walley Barnabas Lothrop Job Alcott Samuall Daniell and Silvanus Davies Esquiers the first and present Councillors or Assistants of our said Province to continue in their said respective Offices or Trusts of Councillors or Assistants untill the last Wednesday in May which shall be in the

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Presents is expressed And Wee Doe farther by these Presents constitute and appoint our trusty and welbeloved Isaac Addington Esquire to be our first and present Secretary of our said Province dureing our pleasure and our Will and pleasure is that the Governor of our said Province for the time being shall have authority from time to time at his discrecon to assemble and call together the Councillors or Assistants of our said Province for the time being and that the said Governor with the said Assistants or Councillors or seaven of them at the least shall and may from time to time hold and keepe a Councill for the ordering and directing the affaires of our said Province And further Wee Will and by these Presents for us our heires and successors Doe ordaine and grant that there shall and may be convened held and kept by the Governor for the time being upon every last Wednesday in the month of May every yeare for ever and at all such other times as the Governor of our said Province shall think fitt and appoint a great and generall Court or Assembly shall consist of the Governor and Councill or Assistants for the time being and of such freeholders of our said Province or Territory as shall be from time to time elected or deputed by the major part of the Freeholders and other Inhabitants of the respective Townes or Places who shall be present at such eleccons each of the said Townes and Places being hereby empowered to elect and depute two persons and noe more to serve for and represent them respectively in the said Great and Generall Court or Assembly To which Great and General Court or Assembly to be held as aforesaid Wee Doe hereby for us our heires and successors give and grant full power and authority from time to time to direct appoint and declare what number each County Towne and Place shall elect and depute to serve for and represent them respectively in the said Great and Generall Court or Assembly Provided alwaies that noe Freeholder or other person shall have a vote in the eleccon of Members to serve in any Great and Generall Court or Assembly to be held as aforesaid who at the time of such election shall not have an Estate of Freehold in Land within our said Province or Territory of the value of forty shillings per ann at the least or other Estate to the value of fifty pounds sterling and that every person who shall be soe elected shall before he sitt or act in the said Great and Generall Court or Assembly take the Oathes menconed in an Act of Parliament made in the first yeare of our reigne entituled an Act for the abrogatcing of the Oathes of Allegiance and Supremacy and appointing other Oathes thereby appointed to be taken instead of the Oathes of Allegiance and Supremacy and shall make repeate and subscribe the Declaracon menconed in the said Act before the Governor or Lieutenant or Deputy Governor or any two of the Assistants for the time being who shall be thereunto authorized and appointed by our said Governor and that the Governor for the time being shall have full power and authority from time to time as he shall judge necessary to adjourne proroge and dissolve all Great and Generall Courts or Assemblies mett and convened as aforesaid And our Will and Pleasure is and Wee Doe hereby for us our heires and successors grant establish and ordain that yearly once in every year for ever hereafter the aforesaid number of eight and twenty Councillors or Assistants shall be by the Generall Court or Assembly newly chosen that is to say eighteen at least of the Inhabitants or Proprietors of Lands within the Territorie formerly called The Colony of the Massachusetts Bay and foure at the least of the Inhabitants of or Proprietors of Lauds within the Territory formerly called New Plymouth and three at the least of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main and one at the least of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc and Nova Scotia and that the said Councillors or Assistants or any of them shall or may at any time hereafter be removed and displaced from their respective places or trust of Councillors or Assistants by any greater General Court or Assembly, and



that if any of the said Councillors or Assistants shall happen to dye or be removed as aforesaid before the generall day of election that then and in every such case the Great and Generall Court or Assembly at their first sitting may proceed to a new Election of one or more Councillors or Assistants in the roome or place of such Councillors or Assistants soe dying or removed And Wee Doe further grant and ordaine that it shall and may be lawfull for the said Governor which the advice and consent of the Councill or Assistants from time to time to nominate and appoint Judges Commissioners of Oyer and Terminer Sheriffs Provosts Marshalls Justices of the Peace and other officers to our Councill and Courts of Justice belonging Provided alwaies that noe such nominacon or appointment of officers be made without notice first given or sumons issued out seven dayes before such nominacon or appointment unto such of the said Councillors or Assistants as shall be at that time residing within our said Province And our Will and Pleasure is that the Governor and Lieutenant or Deputy Governor and Councillors or Assistants for the time being and all other officers to be appointed or chosen as aforesaid shall before the undertaking the execution of their Offices and Places respectively take their severall and respective Oathes for the due and faithfull performance of their duties in their severall and respective Offices and Places as alsoe the Oathes appointed by the said Act of Parliament made in the first yeare of our reigne to be taken instead of the Oathes of Allegiance and Supremacy and shall make repeate and subscribe the Declaracon menconed in the said Act before such person or persons as are by these Presents hereinafter appointed (that is to say) The Governor of our said Province or Territory for the time being shall take the said Oathes and make repeate and subscribe the said Declaracon before the Lieutenant or Deputy Governor or in his absence before any two or more of the said Persons hereby nominated and appointed the present Councillors or Assistants of our said Province or Territory to whome Wee Doe by these Presents give full power and authority to give and administer the same to our said Governor accordingly And after our said Governor shall be sworne and shall have subscribed the said Declaracon that then our Lieutenant or Deputy Governor for the time being and the Councillors or Assistants before by these Presents nominated and appointed shall take the said Oathes and make repeate and subscribe the said Declaracon before our said Governor and that every such person or persons as shall (at any time of the annual Elections or otherwise upon death or removal) be appointed to be the new Councillors or Assistants and all other officers to be hereafter chosen from time to time shall take the oathes to their respective Offices and Places belonging and alsoe the said oathes appointed by the said Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy and shall make repeate and subscribe the declaracon menconed in the Act before the Governor or Lieutenant Governor or any two or more Councillors or Assistants or such other person or persons as shall be appointed thereunto by the Governor for the time being to whome Wee Doe therefore by these Presents give full power and authority from time to time to give and administer the same respectively according to our true meaning herein before declared without any comission or further warrant to be had and obtained from us our heires and successors in that behalf And our Will and Pleasure is and Wee Doe hereby require and comand that all and every person and persons hereafter by us our heires and successors nominated and appointed to the respective offices of Governor or Lieutenant or Deputy Governor and Secretary of our said Province or Territory (which said Governor or Lieutenant or Deputy Governor and Secretary of our said Province or Territory for the time being wee doe hereby reserve full power and authority to us our heires and successors to nominate and appoint accordingly) shall before he or they be admitted to the execution of their respective offices take as well the oath for the due and faithfull performance of the said Offices respectively as alsoe the oathes appointed by the said Act of Parliament made in the said first yeare of our reigne to be taken instead of the

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said Oathes of Allegiance and Supremacy and shall also make repeste and subscribe the Declaracon appointed by the said Act in such manner and before such persons as aforesaid And further our will and pleasure is and Wee Doe hereby for us our heires and successors grant establish and ordaine that all and everie of the subjects of us our heires and successors which shall go to and inhabit within our said Province and Territory and every of their children which shall happen to be borne there or on the sea in going thither or returneing from thence shall have and enjoy all Liberties and Immunities of free and naturall subjects within any of the Dominions of us our heires and successors to all intents construccions and purposes whatsoever as if they and every of them were borne within this our Realme of England and for the greater ease and encouragement of our Inveing subjects inhabiting our said Province or Territory of the Massachusetts Bay and of such as shall come to inhabit there Wee Doe by these Presents for us our heires and successors grant establish and ordaine that forever hereafter there shall be a liberty of conscience allowed in the worship of God to all Christians (except Papists) inhabiting or which shall inhabit or be resident within our said Province or Territory And Wee Doe hereby grant and ordaine that the Governor or Lieutenant or Deputy Governor of our said Province or Territory for the time being or either of them or any two or more of the Council or Assistants for the time being as shall be thereunto appointed by the said Governour shall and may at all times and from time to time hereafter have full power and authority to administer and give the Oathes appointed by the said Act of Parliament made in the first year of our reigne to be taken instead of the Oathes of Allegiance and Supremacy to all and every person and persons which are now inhabiting or residing within our said Province or Territory or which shall at any time or times hereafter goe or passe thither And Wee Doe of our further grace certaine knowledge and meere mocon Grant establish and ordaine for us our heires and successors that the Great and Generall Court or Assembly of our said Province or Territory for the time being convened as aforesaid shall for ever have full power and authority to erect and constitute Judicatoria and Courts of Record or other Courts to be held in the name of us our heires and successors for the hearing trying and determining of all and all manner of crimes offences Pleas Processes Plaints Acccons Matters Causes and things whatsoever arising or happening within our said Province or Territory or between persons inhabiting or residing there whether the same be Criminall or Civill and whether the said Crimes be Capitall or not Capitall and whether the said Pleas be reall personall or mixt and for the awarding and makeing out of execucon thereupon To which Courts and Judicatories Wee Doe hereby for us our heires and successors give and grant full power and authority from time to time to administer Oathes for the better discovery of truth in any matter in controversy or depending before them And Wee Doe for us our heires and successors grant establish and ordaine that the Governour of our said Province or Territory for the time being with the Councill or Assistants may doe execute or performe all that is necessary for the Probate of Wills and granting of administraccons for touching or concerning any Interest or Estate which any person or persons shall have within our said Province or Territory And Whereas Wee judge it necessary that all our subjects should have liberty to appeale to us our heires and successors in cases that may deserve the same Wee Doe by these Presents ordaine that in case either Party shall not rest satisfied with the Judgement or Sentence of any Judicatories or Courts within our said Province or Territory in any personall Acccon wherein the matter in difference doth exceed the value of three hundred pounds sterling that then hee or they may appeale to us our heires and successors in our or their Privy Councill provided that such appeale be made within fourteen days after the Sentence or Judgement given And that before such appeale be allowed security be given by the party or parties appealcing in the value of the matter in difference to pay or answer the debt or damages for the which Judgment or Sentence is given with such costs



and damages as shall be awarded by us our heires or successors in case the Judgement or Sentence be affirmed And Provided alsoe that noe execution shall be staid or suspended by reason of such appeale unto us our heires and successors in our or their Privy Council soe as the party suing or taking out execution doe in the like manner give security to the value of the matter in difference to make restitution in case the said judgement or sentence be reversed or annulled upon said appeale And wee doe further for us our heires and successors give and grant to the said Governour and the Great and General Court or Assembly of our said Province or Territory for the time being full power and authority from time to time to make ordaine and establish all manner of wholesome and reasonable Orders Laws Statutes and Ordinances Direccions and Instruccions either with penalties or without (soe as the same be not repugnant or contrary to the Lawes of this our Realme of England as they shall judge to be for the good and welfare of our said Province or Territory and for the Government and ordering thereof and of the people inhabiting or who shall inhabit the same and for the necessary support and defence of the Government thereof And wee doe for us our heires and successors give and grant that the said Generall Court or Assembly shall have full power and authority to name and settle annually all Civill Officers within the said Province such Officers excepted the election and constitucion of whome wee have by these presents reserved to us our heires and successors or to the Governor of our said province for the time being and to sett forth the severall duties powers and limitts of every such Officer to be appointed by the said Generall Court or Assembly and the formes of such oathes not repugnant to the Lawes and Statutes of this our Realme of England as shall be respectively administred unto them for the execution of their severall Offices and Places and also to impose Fines Mulets Imprisonments and other Punishments and to impose and levy proportionable and reasonable Assessments Rates and Taxes upon the Estates and Persons of all and every the Proprietors or Inhabitants of our said Province or Territory to be issued and disposed of by warrant under the hand of the Governor of our said Province for the time being with the advice and consent of the Councill for our service in the necessary defence and support of our Government of our said Province or Territory and the protection and the preservacon of the Inhabitants there according to such Acts as are or shall be in force within our said Province and to dispose of matters and things whereby our subjects Inhabitants of our said Province may be religiously peaceably and civilly governed protected and defended soe as their good life and orderly conversation may win the Indians Natives of the Country to the knowledge and obedience of the onely true God and Saviour of mankind and the Christian faith which his late Majesty our Royall Grandfather King Charles the First in his said Letters Patents declared was his Royall intentions And the adventurers free profession to be the principall end of the said Plantacon and for the better securing and maintaining liberty of Conscience hereby granted to all persons at any time being and residing within our said Province or Territory as aforesaid willing commanding and requirring and by these presents for us our heires and successors ordaining and appointing that all such Orders Laws Statutes and Ordinances Instruccions and Direccions as shall be soe made and published under our Seale of our said Province or Territory shall be carefully and duly observed kept and performed and put in execution according to the true intent and meaning of these presents Provided alwaies And wee doe by these presents for us our heires and successors establish and ordaine that in the frameing and passing of all such Orders Laws Statutes and Ordinances and in all Elections and Acts of Government whatsoever to be passed made or done by the said Generall Court or Assembly or Councill the Governor of our said Province or Territory of the Massachusetts Bay in New England for the time being shall have the negative voice and that without his consent or approbacion signified and declared in writing noe such Orders Laws Statutes Ordinances Elections or other

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acts of Government whatsoever soe to bee made passed or done by the said Generall Assembly or in Councill shall be of any force effect or validity any thing herein conteyned to the contrary in any wise notwithstanding And wee doe for us our heires and successors establish and ordaine that the said Orders Lawes Statutes and Ordinances be by the first opportunity after the making thereof sent or transmitted unto us our heires and successors under the Publick Seale to be appointed by us for our or their approbacon or disallowance and that in case all or any of them shall at any time within the space of three years next after the same shall have been presented to us our heires and successors in our or their Privy Councill be disallowed and rejected and soe signified by us our heires and successors under our or theire signe manuall and signett or by order in our or theire Privy Councill unto the Governor for the time being then such and soe many of them as shall be soe disallowed and rejected shall thenceforth cease and determine and become utterly void and of none effect Provided alwaies that in case wee our heires or successors shall not within the terme of three yeares after the presenting of such Orders Lawes Statutes or Ordinances as aforesaid signifie our or their disallowance of the same then the said Orders Lawes Statutes or Ordinances shall be and continue in full force and effect according to the true intent and meaning of the same untill the expiracon thereof or that the same shall bee repealed by the Generall Assembly of our said Province for the time being *Provided alsoe that it shall and may be lawfull for the said Governor and Generall Assembly to make or passe any Grant of Lands lying within the bounds of the Colonies formerly called the Colonies of the Massachusetts Bay and New Plymouth and Province of Maine in such manner as heretofore they might have done by vertue of any former Charter or Letters Patents which Grants of Lands within the bounds aforesaid Wee Doe hereby will and ordeine to be and continue forever of full force and effect without our further approbacon or consent and soe as neverthesse and it is our Royall will and pleasure that noe Grant or Grants of any Lands lying or extending from the River of Sagadahock to the Gulph of St. Laurence and Canada Rivers and to the Main Sea northward and eastward to be made or past by the Governor and Generall Assembly of our said Province be of any force validity or effect untill wee our heires and successors shall have signified our or their approbacon of the same* And Wee Doe by these presents for us our heires and successors grant establish and ordaine that the Governor of our said Province or Territory for the time being shall have full power by himself or by any Chiefe Comander or other Officer or Officers to be appointed by him from time to time to frame instruct exercise and governe the Militia there and for the spetiall defence and safety of our said Province or Territory to assemble in martiall array and put in warlike posture the Inhabitants of our said Province or Territory and to lead and conduct them and with them to encounter expulse repell resist and pursue by force of armes as well by sea as by land within or without the limitts of our said Province or Territory and alsoe to kill slay destroy and conquer by all fitting wayes enterprises and means whatsoever all and every such person and persons as shall at any tyme hereafter attempt or enterprise the destruccon invasion detriment or annoyance of our said Province or Territory and to use and exercise the Law Martiall in time of actual Warr Invasion or Rebellion as occasion shall necessarily require and alsoe from time to time to erect Forts and to fortifie any place or places within our said Province or Territory and the same to furnish with all necessary amunicon Provisions and Stores of Warr for offence or defence and to comitt from time to time the custody and government of the same to such person or persons as to him shall seeme meet and the said Forts and Fortificacons to demolish at his pleasure and to take and surprise by all waies and meanes whatsoever all and every such person or persons with their Shipps Armes Amunition and other Goods as shall in a hostile manner invade or attempt the invading conquering or annoying of our said

Province or Territory Provided alwaies And Wee Doe by these Presents for us our heires and successors grant establish and ordaine that the said Governour shall not at any time hereafter by vertue of any power hereby granted or hereafter to be granted to him transport any of the Inhabitants of our said Province or Territorie or oblige them to march out of the limitts of the same without their free and voluntary consent or the consent of the Great and Generall Court or Assembly of our said Province or Territory nor grant Comissions for exercising the Law Martiall upon any the Inhabitants of our said Province or Territory without the advice and consent of the Councill or Assistants of the same Provided in like manner and Wee Doe by these Presents for us our heires and successors constitute and ordaine that when and as often as the Governor of our said Province for the time being shall happen to die or be displaced by us our heires or successors or be absent from his Government that then and in any of the cases the Lieutenant or Deputy Governor of our said Province for the time being shall have full power and authority to doe and execute all and every such acts matters and things which our Governor of our said Province for the time being might or could by vertue of these our Letters Patents lawfully doe or execute if he were personally present untill the returne of the Governor soe absent or arrivall or constitution of such other Governor as shall or may be appointed by us our heires or successors in his stead and that when and as often as the Governour and Lieutenant or Deputy Governor of our said Province or Territory for the time being shall happen to die or be displaced by us our heires or successors or be absent from our said Province and that there shall be noe person within the said Province comissionated by us our heires or successors to be Governour within the same then and in every of the said cases the Councill or Assistants of our said Province shall have full power and authority and Wee Doe hereby give and grant unto the said Councill or Assistants of our said Province for the time being or the major part of them full power and authority to doe and execute all and every such acts matters and things which the said Governour or Lieutenant or Deputy Governour of our said Province or Territory for the time being might or could lawfully doe or exercise if they or either of them were personally present untill the returne of the Governour or Lieutenant or Deputy Governour soe absent or arrivall or constitution of such other Governor or Lieutenant or Deputy Governour as shall or may be appointed by us our heires or successors from time to time Provided alwaies and it is hereby declared that nothing herein conteyned shall extend or be taken to erect or grant or allow the exercise of any Admirall Court Jurisdiction Power or authority but that the same shall be and is hereby reserved to us and our successors and shall from time to time be erected granted and exercised by vertue of comissions to be issued under the Great Seale of England or under the Seale of the High Admirall or the Comissioners for executing the Office of High Admirall of England And further our expresse will and pleasure is And Wee Doe by these Presents for us our heires and successors ordaine and appoint that these our Letters Patents shall not in any manner enuro or be taken to abridge bar or hinder any of our loving subjects whatsoever to use and exercise the trade of fishing upon the Coasts of New England but that they and every of them shall have full and free power and libertie to continue and use the said Trade of Fishing upon the said Coasts in any of the Seas thereunto adjoining or any armes of the said Seas or Salt Water Rivers where they have been wont to fish and to build and sett upon the lands within our said Province or Colony lying wast and not then possess by particular Proprietors such Wharves Stages and Workhouses as shall be necessary for the salting drying keeping and packing of their Fish to be taken or gotten upon that Coast and to cutt downe and take such Trees and other matterials there growing or being upon any parts or places lying wast and not then in possession of perticular Proprietors as shall be needfull for that purpose and for all other necessary easements help and advantages concerning the said Trade of Fishing there in such manner and forme as they have been heretofore at

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*Charter of Massachusetts  
granted by William and Mary—  
7th Oct. 1691.*

*Appendix.* any time accustomed to doe without making any wilfull waste or spoile any thing in  
 No. 13. these presents conteyned to the contrary notwithstanding And lastly for the better  
 Charter of Massachusetts by William and Mary.— 7th Oct. 1691. provideing and furnishing of Masts for our Royall Navy Wee Doe hereby reserve to us  
 our heires and successors all trees of the diameter of twenty four inches and upwards  
 of twelve inches from the ground growing upon any soyle or tract of Land Within our  
 said Province or Territory not heretofore granted to any private persons And Wee  
 Doe restraine and forbid all persons whatsoever from felling cutting or destroying any  
 such trees without the Royall Lycence of us our heires and successors first had and  
 obtained upon penalty of forfeiting one hundred pounds sterling unto us our heires  
 and successors for every such tree so felled cutt or destroyed without such lycence  
 had or obtained in that behalfe any thing in these Presents conteined to the contrary  
 in any wise notwithstanding In Witnesse &c Witnesse ourselves at Westminster the  
 seaventh day of October.

*By Writt of Privy Seale.*

This is a true Copy from the original Record remaining in the Chapel of the  
 Rolls, having been examined.

JOHN KIPLING.

APPENDIX No. XIV.

EXTRACT OF A LETTER

FROM THE

LORDS COMMISSIONERS FOR TRADE AND PLANTATIONS

TO THE

EARL OF BELMONT, DATED 30TH OCTOBER, 1700.

The address of the General Assembly of the Massachusetts Bay to his Majesty received with the first of those Letters, shall be laid before his Majesty, with a Representation, which we intend to prepare on the same matters. What has hindered us hitherto from doing it is the want of a Draught of the Charter for Harvard Colledge, and such other informations as we expected to receive from Sir Henry Ashurst, in pursuance of the directions which your Lordship writes you had given him on that subject. We have writ to Sir Henry Ashurst about it some while since, but have yet received no answer.

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Letter from the  
Lords Commis-  
sioners of Trade  
and Plantations,  
to the Earl of  
Belmont.

*As to the Boundaries we have always insisted, and shall insist upon the English Right as far as the River St Croix; but in the mean while, in relation to the Incroachments of the French and their building a Church on Kennebeck River that seems to us a very proper occasion for your Lordships urging the General Assembly of the Massachusetts Bay to rebuild the Fort at Pemaquid, which they ought to have done long ago; and thereby they might have prevented this and many other inconveniences. The alarm they have had from the Indians, is also another argument to make them think seriously of that matter, and they ought to be pressed to it with all possible earnestness.*

The Acts that you have sent us of the Massachusetts Bay, past there the 29th of May last, are not under Seal; but we suppose we shall ere long receive an authentick Copy thereof (as we have done others formerly) from Mr Addington, and then they shall be considered.

The Representations that we were preparing, upon the Acts of the General Assembly of the Massachusetts Bay having been laid before their Excellencies, we send you copies thereof here inclosed; to which we refer ourselves, for the reasons of what we have therein offered and when we receive orders thereupon, they shall also be transmitted to you that they may be observed.

In relation to those Acts, we send you also, herewith, a Copy of some Remarks, that we have made upon divers of them, which we think very proper to be observed by the General Assembly of the Massachusetts Bay, upon all like occasions.

Mr Hillary Renue, a member of the Lustring Company, who has had many occasions to apply to us in behalf of that Company, has lately communicated to us the Copy of a Letter he writ to your Lordship the 6th of March 1698, relating to lustrings and Alamodes unlawfully imported into New England, which letter he says was delivered to your Hands: and he has further desired us to recommend the matter he writes about to your Lordships care.

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Letter from the  
Lords Commis-  
sioners of Trade  
and Plantations,  
to the Earl of  
Bellmont.

Tho<sup>t</sup> we cannot advise your Lordship to those particular methods which he suggests, because the Act upon which he grounds his desire is not in force in New England, as he supposes it to be, yet the Act of the 15th of King Charles the 2nd forbidding That any Commodity of the Growth, Production & manufacture of Europe, be imported into any of his Majesty's Plantations, but what shall be bona fide, and without fraud, shipped in England, Wales or the Town of Berwick, &c. being a sufficient authority for stopping of that indirect trade; we think your Lordship will do very well to discourage it by all legal means, and more especially by charging the Officers of the Customes that they be very vigilant in the discharge of their duty in that particular.

We desire your Lordship to be mindful of his Majesty's Instruction for sending home yearly accounts of the Arms, Amunition and Stores remaining in all his Majesty's Magazines and Garrisons in several Provinces under your Government: and to take care that those Accounts be regularly transmitted, as his Majesty has directed.

We also desire your Lordship (as we shall do the Governours of all his Majesty's other Plantations respectively) that a memorandum be entered upon the Council Books of all your Governments, to caution them, that whenever any of those Governments, by the death, absence or Removal of a Governor or Lieutenant Governor immediately commissioned by his Majesty, comes to devolve upon a President and the Council of any of those Plantations or Governments, such President and Council do forbear to pass any Acts, but such as are immediately necessary for the peace and Welfare of any of the respective Governments, without his Majesty's express order for that purpose.

COMMONWEALTH OF MASSACHUSETTS,  
SECRETARY'S OFFICE.

I hereby certify, that the foregoing is a true Copy of Record as existing in this Office.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this twentieth day of September, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

[L. s.]

EDWARD D. BANGS,  
Secretary of the Commonwealth.



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## COMMISSIONS

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viz:

Richard Philipps, .....	1719	Montague Wilmot, .....	1763.
Ditto, .....	1721.	William Campbell, .....	1765
Edward Cornwallis, .....	1749	Francis Legge, .....	1773.
Henry Ellis, .....	1761.	John Parr, .....	1782.

#### COMMISSION TO RICHARD PHILIPPS, ESQUIRE,

AS GOVERNOR OF PLACENTIA, AND CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF  
OF NOVA SCOTIA, 11TH SEPT: 2 GEO: H. 1719.

#### *First part of Patents in the Second year of King George the Second*

George the Second by the Grace of God &c to our trusty and welbeloved Richard Philipps Esquire greeting *Whereas our late Royal Father of blessed memory did by his Letters Patents under his Great Seal of Great Britain bearing date at Westminster the ninth day of July in the Fifth year of his reign constitute and appoint you the said Richard Philipps Governor of Placentia in Newfoundland and Captain General and Governor in Chief in and over his province of Nova Scotia or Accadie in America* tor and during his said late Majesties will and pleasure as by the said recited Letters Patents relation being thereunto had may more fully and at large appear In which said office by virtue of the statute in such case made and provided he was continued for the space of six months from the time of the demise of his said late Majesty and by virtue of our Royal proclamacon for that purpose issued bearing date the fifth day of July in the first year of our reign he is continued until our pleasure be further known or other provision be made concerning the said office Now know you that wee have revoked and determined and by these presents do revoke and determine the said recited Letters Patents and every clause article and thing therein contained *And further know you that wee* reposing especial trust and confidence in the prudence courage and loyalty of you the said Richard Philipps out of our especial grace certain knowledge and meere mocon *Have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Richard Philipps to be our Governor of Placentia in Newfoundland and our Captain General and Governor in Chief in and over our province of Nova Scotia or Accadie in America* And Wee do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust wee have reposed in you according to the several powers and authorities granted or appointed you by this present comission and the Instructions herewith given you or by such further powers instructions or authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign manual or by our order in our privy Council and according to such reasonable laws and statutes as hereafter shall be made and as-

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No. 15.

Commissions of  
the Governors of  
Nova Scotia.

Richard Philipps,  
11th September,  
1719.



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No. 15.

Commissions of  
the Governors of  
Nova Scotia.

Richard Philipps,  
11th September,  
1719.

sent to by you with the advice and consent of our Council and Assembly of our said Province hereafter to be appointed and for the better administration of Justice and management of the publick affaires of our said province Wee hereby give and grant unto you the said Richard Philipps full power and authority to choose nominate and appoint such fitting and discreet persons as you shall either find there or carry along with you not exceeding the number of Twelve to be of our Council in our said province till our further pleasure be known any five whereof we do hereby appoint to be a quorum which being done you shall your selfe take and also administate unto each of the members of our said Council the oathes menconed in an act passed in the first year of His said late Majesties Reign entituled (an act for the further security of His Majesties person and Government and the succession of crown in the heires of the late Princeas Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) as also to make and subscribe and cause them to make and subscribe the Declaracon menconed in an act of Parliament made in the twenty fifth year of the Reigne of King Charles the Second entituled (An act for preventing dangers which may happen from Popish Recusants) and you and every one of them are to take an oath for the due execution of your and their places and trusts as well with regard to the equal and unequal administration of Justice in all causes that shall come before you as in all other matters and likewise the oath required to be taken by all Governors of Plantations to do their utmost that the laws relating to the plantacons be observed all which oaths Wee do hereby empower any five of our said Council to administer to you and wee do hereby give and grant unto you the said Richard Philipps by your selfe or by your Captains and commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said province of Nova Scotia under your Government and as occasion shall aerve to march from one place to another or to embark them for the resisting and withstanding of all enemies pirates and rebels both at Sea and Land and to transport such Forces to any of our plantations in America if necessity shall require for defence of the same against the Invasion or attempts of any of our enemies and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said province and if it shall so please God them to vanquish apprehend and take and being taken according to Law to put to death or keep and preserve alive at your discretion and to execute martial Law in time of invasion insurrection or other times when by Law it may be executed and to do and execute all and every other thing and things which to our Captain General and Governor in Chief doth or ought of right to belong And wee do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our said province of Nova Scotia for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such Fines and under such moderate quit renta services and acknowledgements to be thereupon reserved unto us as you by and with the advice aforesaid shall think fit which said Grants being entered upon record by such officer as you shall appoint thereunto shall be good and effectual in Law against us our heires and successors And wee do hereby give and grant unto you the said Richard Philipps or to any five or more of the Council full power and authority to administer the aforementioned oathes unto every person in the said province capable by the Laws to take the same And wee do hereby further give full power and authority to you the said Richard Philipps to do execute and performe all and every such further act and acts as shall or may tend or conduce to the security of our said province and the good people thereof and to the honour of our Crown And our further will and pleasure is and wee do hereby require and command all officers and ministers civil and military and all other Inhabitants of our said province of Nova Scotia to be obedient aiding and assisting unto

you the said Richard Philipps in the execucon of this our Comission and of the powers and authorities therein contained And in case of your death or absence out of our said province to be obedient aiding and assisting to such person as is or shall be appointed by us to be our Lieutenant Governor or Commander in Chief for the time being to whom wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said province And wee do hereby declare ordain and appoint that you the said Richard Philipps shall and may hold execute and enjoy the office and place of our Governor of Placentia in Newfoundland and our Captain General and Governor in Chief in and over our said province of Nova Scotia with all its and appurtenances whatsoever together all and singular the powers and authorities hereby granted unto you for and during our will and pleasure In Witness &c Witness our selfe at Westminster the eleventh day of September.

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Commissions of  
the Governors of  
Nova Scotia.

Richard Philipps,  
11th September,  
1719.

*By Writt of Privy Seal*

This is a true Copy from the Original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

# COMMISSION OF RICHARD PHILIPS, ESQUIRE,

AS GOVERNOR OF PLACENTIA AND CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF  
OF NOVA SCOTIA, 9TH JULY, 5 GEO: II.

## *Secunda pars Paten de anno Regni Regis Georgij quinto.*

George by the grace of God &c To our trusty and welbeloved Richard Philips Esquire  
Greeting

Richard Philipps,  
9th July, 1721.

*Know yee that Wee* reposing especial trust and confidence in the prudence courage and loyalty of you the said Richard Philipps out of our especiall grace certain knowledge and meer mocon Have thought fit to constitute and appoint And *by these Presents Do constitute and appoint you the said Richard Philips to be our Governor of Placentia in Newfoundland and our Captain General and Governor in Chief in and over our Province of Nova Scotia or Accadie in America* And wee Do hereby require and comand you to do and execute all things in due manner that shall belong unto your said Command and the trust wee have reposed in you according to the severall powers and directions granted or appointed you by this present Comission and the Instrucons herewith given you or by such further powers instrucons or authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by your Order in our Privy Council and according to such reasonable Laws and Statutes as hereafter shall be made and assented to. by you with the advice and consent of our Council and Assembly of our said Province hereafter to be appointed and for the better administraction of Justice and management of the Publick Affairs of our said province Wee hereby give and grant unto you the said Richard Philips full power and authority to chuse nominate and appoint such fitting and discreet persons as you shall either find there or carry along with you not exceeding the number of twelve to be of our Council in our said Province till our further pleasure be known any five whereof Wee do hereby appoint to be a Quorum which being done you shall your-selfe take care and also administer unto each of the Members of our said Council the Oathes menconed in an Act passed in the first year of our reign entituled An Act for the

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Richard Phillips,  
9th July, 1721.

further security of His Majesties person and government and the succession of the crown in the heires of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors as also to make and subscribe and cause the Members of our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty fifth year of the reign of King Charles the Second entituled An Act for preventing dangers which may happen from Popish Recusants And you and every one of them are to take an Oath for the due execution of your and their places and trusts as well with regard to the equal and impartial administration of Justice in all Causes that shall come before you as in all other matters and likewise the Oath required to be taken by all Governors of Plantations to do their utmost that the laws relating to the Plantations be observed All which Oaths Wee do hereby empower any five of our said Council to administer to you And Wee Do hereby give and grant unto you the said Richard Phillips by yourselfe or by your Captains and Comanders by you authorized full power and authority to levy arm muster command and employ a whatsoever residing within our said Province of Nova Scotia under your Government and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemys pirates and rebels both at sea and at land and to transport such Forces to any of our Plantations in America if necessity shall require for defence of the same against the invasion or attempts of any of our enemys And such enemys pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and if it shall so please God them to vanquish apprehend and take and being taken according to Law to put to death or keep and preserve alive at your discretion and to execute Martial law in time of Invasion Insurrection Warr or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain Generall and Governor in Chief doth or ought of right to belong And Wee Do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our said Province of Nova Scotia for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate Quitt Rents services and acknowledgements to be thereupon reserved unto us by you (by and with the advice aforesaid) shall think fit which said grants being entered upon record by such officers as you shall appoint thereunto shall be good and effectual in Law against us our heires and successors And Wee Do hereby give and grant unto you the said Richard Phillips or to any five or more of the Council full power and authority to administer the afore mentioned oaths unto every person in the said province capable by the laws to take the same And Wee do hereby further give full power and authority to you the said Richard Phillips to do execute and perform all and every such further act and Acts as shall or may tend or conduce to the security of your said province and the good people thereof and to the honor of the crown And our further will and pleasure is and Wee do hereby require and command all officers and ministers civil and military and all other Inhabitants of our said province of Nova Scotia to be obedient aiding and assisting unto you the said Richard Phillips in the execution of this our Commission and of the powers and authorities herein contained And in case of your death or absence out of our said province to be obedient aiding and assisting to such person as is or shall be appointed by us to be our Lieutenant Governor or Comander in Chief for the time being to whom wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said province And wee do hereby declare ordaine and appoint that you the said Richard Phillips shall and may hold execute and enjoy the Office and place of our Governor of Placentia in Newfoundland and our Captain General and Governor in

Chief in and over our said province of Nova Scotia with all and singular the powers *Appendix.*  
and authorities hereby granted unto you for and during our will and pleasure In Wit- No. 15.  
nesse &c. Witness Our selfe at Westminster the ninth day of July.

This is a True Copy from the Original Record remaining in the Chapel of the  
Rolls, having been examined.

By Writt of Privy Seal

Commissions of  
the Governors of  
Nova Scotia.

JOHN KIPLING.

**COMMISSION TO EDWARD CORNWALLIS,**

AS CAPTAIN GENERAL AND GOVERNOR-IN-CHIEF OF NOVA SCOTIA, 6TH MAY,  
22 GEO. II. 1749.

*Second part of Patents in the twenty second year of King George the Second*

GOVERNOR OF NOVA SCOTIA Commission

George the Second by the Grce of God of Great Britain France and Ireland King  
Defender of the Faith &c. To our Trusty and Welbeloved The Honorable Edward  
Cornwallis Esqr. Greeting Whereas we did by our Letters patent under our Great  
Seal of Great Britain bearing date at Westminster the Eleventh day of September in  
the Second year of our Reign Constitute and appoint Richard Philips Esquire our  
Captain General and Governor in Chief in and over our Province of Nova Scotia or  
Accadie in America with all the Rights members and appurtenances whatsoever there-  
unto belonging for and during our will and pleasure as by the said Recited Letters  
patent relation being thereunto had may more fully and at large appear Now  
Know You that We have revoked and determined And by these presents Do revoke  
and determine the said recited Letters Patent and every Clause Article and thing  
therein contained And further *Know you that We* reposing especial Trust and  
Confidence in the prudence Courage and Loyalty of you the said Edward Cornwallis  
of our especial Grace certain knowledge and meer motion Have thought fit to consti-  
tute and appoint And by these presents Do constitute and appoint you the said  
*Edward Cornwallis to be our Captain General and Governor in Chief in and over*  
*our Province of Nova Scotia or Accadie in America with all the rights members*  
*and appurtenances whatsoever thereunto belonging* And We do hereby require  
and command you to do and execute all things in due manner that shall belong unto  
your said Command and the Trust we have reposed in you according to the several  
powers and authorities granted or appointed you by this present commission and the  
Instructions herewith given you or by such further powers Instructions and authorities  
as shall at any time hereafter be granted or appointed you under our Signet and Sign  
Manual or by our Order in our Privy Council and according to such reasonable Laws  
and Statutes as hereafter shall be made or agreed upon by you with the advice and con-  
sent of our Council and the Assembly of our said Province under your Government  
hereafter to be appointed in such manner and form as hereafter expressed And for the  
better administration of Justice and management of the public affairs of our said Pro-  
vince We hereby give and Grant unto you the said Edward Cornwallis full power and  
authority to Chuse Nominate and Appoint such fitting and Discreet persons as you  
shall either find there or carry along with you not exceeding the number of twelve to  
be of our Council in our said Province as also to nominate and appoint by warrant un-  
der your hand and Seal all such other Officers and Ministers as you shall judge proper  
and necessary for our Service and the Good of the people whom We shall settle in our

Edward Cornwallis,  
6th May, 1749.

*Appendix.*  
No. 13.

Commissions of  
the Governor of  
Nova Scotia.

Edward Cornwallis,  
6th May, 1749.

said Province until our further will and pleasure shall be known And our Will and pleasure is that you the said Edward Cornwallis (after the publication of these our Letters patent) do take the Oaths appointed to be taken by an Act passed in the first year of his late Majesty Our Royal Fathers Reign Entituled (An act for the further security of His Majestys person and Government and the Succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret Abettors) as also that you may make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second Entituled (An Act for preventing dangers which may happen from Popish Recusants) and likewise that you take the usual Oath for the due execution of the Office and Trust of our Captain General and Governor in Chief of our said Province for the due and impartial administration of Justice And further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to trade and the plantations be observed All which said Oaths and Declaration our Council in our said province or any five of the members thereof have hereby full power and authority and are required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place all which duly performed you shall administer unto each of the Members of our said Council as also to our Lieutenant Governor if there be any upon the place the said Oaths mentioned in the said Act intituled (An act for the further Security of his Majesty's person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret Abettors) as also to cause them to make and subscribe the aforementioned Declaration and to administer to them the Oath for the due execution of their places and Trusts And We do hereby give and grant unto you full power and authority to suspend any of the Members of our said Council to be appointed by you as aforesaid from sitting voting and assisting therein if you shall find just Cause for so doing And if it shall at any time happen that by the death departure out of our said province suspension of any of our said Councillors or otherwise there shall be a vacancy in our said Council (any five whereof we do hereby appoint to be a Quorum) Our Will and pleasure is that you signify the same unto us by the first opportunity That We may under our signet and sign Manual constitute and appoint others in their stead But that our affairs at that distance may not suffer for want of a due Number of Councillors if ever it shall happen that there be less than nine of them residing in our said Province We do hereby give and grant unto the said Edward Cornwallis full power and authority to chuse as many persons out of the principal freeholders Inhabitants thereof will make up the full Number of our said Council to be nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councillors in Our said Province until either they shall be confirmed by us or that by the nomination of others by us under our Sign Manual and Signet Our said Council shall have Nine or more persons in it And we do hereby give and Grant unto you full power and authority with the advice and consent of our said Council from time to time as need shall require to summon and call General Assemblys of the said Freeholders and planters within your Government according to the usage of the rest of our Colonies and plantations in America And our Will and pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective counties and places and so returned shall before their sitting take the Oaths mentioned in the said Act Entituled (An act for the further Security of His Majesty's person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors) as also make and subscribe the aforementioned Declaration (Which Oaths and declaration you shall comissionate fit persons under our Seal of Nova Scotia to tender and administer unto them and until the same



shall be so taken and subscribed no person shall be capable of sitting tho' Elected) And we do hereby declare that the persons so elected and Qualified shall be called and named the General Assembly of that our Province of Nova Scotia And that you the said Edward Cornwallis with the advice and consent of our said Council and Assembly or the Major part of them respectively shall have full power and authority to make constitute and ordain Laws Statutes and Ordinances for the public peace welfare and good Government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefit of us our Heirs and Successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain Provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three Months or sooner after the making thereof transmitted to us under our Seal of Nova Scotia for our approbation or disallowance of the same as also Duplicates by the next conveyance And in case any or all of the said Laws Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heirs or successors under our or their sign Manual and Signet or by order of Our or Their Privy Council unto you the said Edward Cornwallis or to the Commander in Chief of our said Province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our Heirs and Successors We Will and ordain that you the said Edward Cornwallis shall have and enjoy a Negative Office in the making and passing of all Laws Statutes and Ordinances as aforesaid And you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all General Assemblies as aforesaid And our further Will and pleasure is that you shall and may keep and use the public Seal of our Province of Nova Scotia for sealing all things whatsoever that pass the Great Seal of our said Province under your Government And we do further Give and Grant unto you the said Edward Cornwallis full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the aforesaid Act to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province or shall be resident or abiding there And we do by these presents give and grant unto you the said Edward Cornwallis full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many Courts of Judicature and public Justice within our said Province and Dominion as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to Law and Equity and for awarding of Execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your Government to administer the oaths mentioned in the aforesaid Act Entitled (An act for the further Security of His Majestys person and Government and the Succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret Abettors) as also to tender and administer the aforesaid Declaration unto such persons belong to the said Courts as shall be obliged to take the same And we do hereby authorize and empower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the peace and other necessary Orders and Ministers in our said Province for the better Administration of Justice and putting the Laws in execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performances of Offices and places and for the clearing of truth in Judicial Causes And We do hereby

Appendix.  
No. 13.

Commissions of  
the Governors of  
Nova Scotia.  
Edward Cornwallis,  
May, 1749

*Appendix.* give and Grant unto you full power and authority where you shall see cause or shall  
 No. 15. judge any offender or offenders in Criminal matters or for any fines or Forfeiture due  
 unto us fit objects of Our Mercy to pardon all such offenders and to remit all such of-  
 fences Fines and Forfeitures Treason and wilful Murder only excepted In which case  
 you shall likewise have power upon Extraordinary occasion to grant Reprieves to  
 the offenders until and to the Intent our Royal Pleasure may be known therein we do  
 by these presents authorize and empower you to Collate any person or persons to any  
 Churches Chapels or other Ecclesiastical Benefices within our said Province as often as  
 any of them shall happen to be void And we do hereby give and Grant unto you the  
 said Edward Cornwallis by yourself or by your Captains and commanders by you to  
 be authorized full power and authority to levy arm muster Command and employ all  
 persons whatsoever residing within our said Province and as occasion shall serve to  
 march from one place to another or to embark them for the resisting and withstanding  
 of all Enemies pirates and Rebels both at Land and Sea and to Transport such forces  
 to any of our plantations in America if necessity shall require for the defence of the  
 same against the Invasion or attempts of any of our Enemies and such Enemies pirates  
 and Rebels (if there shall be occasion) to pursue and prosecute in or out of the limits  
 of our said Province and plantations or any of them and (if it shall so please God)  
 to vanquish apprehend and take them and being taken according to Law to put to death  
 or keep and preserve them alive at your discretion and to execute Martial Law in time  
 of Invasion or other times when by Law it may be executed and to do and execute all  
 and every other Thing or Things which to our Captain General and Governor in Chief  
 doth or ought of right to belong And we do hereby give and Grant unto you full power  
 and authority by and with the advice and consent of our said Council of Nova Scotia  
 to Erect Raise and build in our said Province such and so many Forts and platforms  
 Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall  
 judge necessary and the same or any of them to Fortify and furnish with Ordnance  
 Ammunition and all sorts of arms necessary for the security and defence of our said Pro-  
 vince and by the advice aforesaid the same again or any of them to Demolish or Disman-  
 tle as may be most convenient And for as much as divers mutinies and disorders may  
 happen by persons shipped and employed at Sea during the time of War and to the end  
 that such as shall be shipped and employed at Sea during the time of War may be better  
 Governed and Ordered We do hereby give and grant unto you the said Edward Corn-  
 wallis full power and authority to constitute and appoint Captains Lieutenants Masters  
 of Ships and other Commanders and Officers and to grant to such Captains Lieutenants  
 Masters of Ships and other Commanders and Officers Commissions in time of War to  
 execute the Law Martial according to the directions of such Laws as are now in force or  
 shall hereafter be passed in Great Britain for that purpose and to use such proceedings  
 authorities punishments and Executions upon any Offender or Offenders who shall be  
 Mutinous Seditious disorderly or any way unruly either at Sea or during the time of  
 their abode or residence in any of the Ports Harbours or Bays of our said Province as the  
 cause shall be found to require according to Martial Law and the said directions during  
 the time of War as aforesaid Provided that nothing herein contained shall be construed  
 to the Enabling you or any by your authority to hold plea or have any Jurisdiction of  
 any Offence cause matter or thing committed or done upon the High Sea or within any  
 of the Havens Rivers or Creeks of our said province under your Government by any Cap-  
 tain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who  
 shall be in our actual service and pay in or on Board any of our Ships of War or other  
 Vessels acting by immediate Commission or Warrant from our Commissioners for exe-  
 cuting the Office of our High Admiral or from Our High Admiral of Great Britain for  
 the time being under the Seal of our Admiralty but that such Captain Commander Lie-  
 tenant Master Officer Seaman Soldier or other person so offending shall be left to be  
 proceeded against and tried as their Offences shall require either by Commission under

Commissioners of  
the Governors of  
Nova Scotia.

Edward Cornwal-  
lis, 6th May, 1749.



Our Great Seal of Great Britain as the Statute of the twenty eighth of Henry the Eighth directs or by commission from our said Commissioners for executing the Office of Our High Admiral or from our High Admiral of Great Britain for the time being according to the aforementioned Act for the Establishing Articles and Orders for the Regulating and better Government of His Majestys Navys Ships of War and Forces by Sea and not otherwise Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our Ships of War or other vessels acting by immediate Commission or Warrant from our said Commissioners for executing the Office of High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tried and punished according to the Laws of the place where any such Disorders Offences and Misdemeanors called be committed on Shore notwithstanding such Offender be in our actual service and borne in our pay on board any such our Ships of War or other vessel acting by immediate Commission or Warrant from our said Commissioners for executing the Office of High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such Offences committed on shore from any pretence of his being employed in our Service at Sea And our further Will and pleasure is that all public money raised or which shall be raised by any Act hereafter to be made within our said province be issued out by Warrant from you and with the advice and consent of the Council and disposed of by you for the support of the Government and not otherwise And we do likewise Give and Grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our Province for such Lands Tenements and Hereditaments as new are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate Quit Rents Services and acknowledgements to be thereupon reserved unto us as you (by and with the advice aforesaid) shall think fit which said Grants are to pass and be sealed by our Seal of Nova Scotia and being Entered upon Record by such Officer or Officers as shall be appointed thereunto shall be good and effectual in Law against us our heirs and Successors And we do hereby give you the said Edward Cornwallis full power to order and appoint Fairs Marts and Markets as also such and so many Ports Harbours Bays Havens and other places for convenience and Security of Shipping and for the better loading and unloading of Goods and Merchandizes as by you with the advice and consent of the said Council shall be thought fit and necessary And we do hereby require and Command all Officers and Ministers Civil and Military and all other Inhabitants of our said Province to be obedient aiding and assisting unto you the said Edward Cornwallis in the Execution of this our Commission and of the powers and authorities herein contained and in case of your death or absence out of our said Province to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province To whom we do therefore by these presents Give and Grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said Province And if upon your death or absence out of our said Province there be no person upon the place Commissionated or appointed by us to be our Lieutenant Governor or Commander in Chief of the said Province Our Will and pleasure is that the Eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the administration of the Government and execute our said Commission and Instructions and the several powers and authorities therein contained in the same manner and to all Intents and purposes as other Our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And We do hereby declare ordain and appoint that you the said Edward Cornwallis shall and may hold execute and en-

*Appendix.*  
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Commissions of  
the Governors of  
Nova Scotia.  
Edward Cornwallis,  
6th May, 1749.

*Appendix.* joy the Office and place of Our Captain General and Governor in Chief in and over our  
 No. 13. said Province of Nova Scotia with all its rights members and appurtenances whatsoever  
 together with all and singular the powers and authorities hereby granted unto you for  
 and during Our Will and pleasure

Commissions of  
 the Governors of  
 Nova Scotia.

In witness &c Witness &c the sixth day of May in the twenty second year of our  
 Reign

*Ry Writ of Privy Seal*

This is a true Copy from the Original Record remaining in the Chapel of the Rolls,  
 having been examined.

JOHN KIPLING.

**COMMISSION TO HENRY ELLIS, ESQUIRE,**

AS CAPTAIN GENERAL AND GOVERNOR-IN-CHIEF OF NOVA SCOTIA, 24TH SEPTEMBER, 1 GEO. III. 1761.

*Twelfth part of Patents in the first year of King George the Third.*

HENRY ELLIS Esq

*Governor of Nova Scotia*

Henry Ellis, 24th  
 September, 1761.

George the Third by the grace of God of Great Britain France and Ireland King  
 Defender of the Faith &c. To our trusty and welbeloved Henry Ellis Esquire  
 Greeting *Whereas our late Royal Grandfather* of blessed memory *did by his*  
*Letters Patent under his Great Seal of Great Britain bearing date at Westminster*  
*the seventh day of January in the twenty ninth year of His Reign constitute*  
*and appoint Charles Lawrence Esquire Captain General and Governor in Chief*  
*in and over his province or Nova Scotia or Acadia in America with all the rights*  
*members and appurts whatsoever thereunto belonging* for and during his late ma-  
 jesty's will and pleasure as by the said recited Letters Patent relation being thereunto  
 had may more fully and at large appear Now know you that wee have revoked  
 and determined And by these presents do revoke and determine the said recited  
 Letters Patent and every clause article and thing therein contained And further  
*know you that wee* reposing especial trust and confidence in the prudence courage  
 and loyalty of you the said Ellis of our especial grace certain knowledge and meer  
 motion have thought fit to constitute and appoint And by these presents do consti-  
 tute and appoint you the said Henry Ellis to be our Captain General and Gover-  
 nor in Chief in and over our Province of Nova Scotia or Acadia in America with  
 all the rights members and appurts whatsoever thereunto belonging And we do  
 hereby require and command you to do and execute all things in due manner that shall  
 belong unto your command and the trust wee have reposed in you according to the  
 several powers and authorities granted or appointed you by this present commission  
 and the Instructions herewith given you by such further powers Instructions and  
 authorities as shall at any time hereafter be granted or appointed you under our signet  
 and sign manual or by our order in our Privy Council and according to such reason-  
 able Laws and Statutes as hereafter shall be made or agreed upon by you with the ad-  
 vice and consent of our Council and the Assembly of our said Province under your  
 Government hereafter to be appointed in such manner and form as is herein after ex-  
 pressed And our will and pleasure is that you the said Henry Ellis after the publi-  
 cation of these our Letters Patent do take the oaths appointed to be taken by an act  
 passed in the first year of the reign of King George the First of blessed memory en-  
 titled [An Act for the further security of His Majesty's Person and Government and

the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors] as also that you make and subscribe the Declaration mentioned in an act of Parliament made in the fifth year of the Reign of King Charles the Second entitled [An Act for preventing dangers which may happen from Popish recusants] and likewise that you take the usual oath for the due execution of the office and trust of our Captain General and Governor in Chief of our said Province for the due and impartial administration of Justice And further that you take the oath required to be taken by Governors of Plantations to do their utmost that the several laws relating to Trade and the Plantations be observed All which said oaths and declaration our Council in our said Province or any five of the members thereof have hereby full power and authority and are required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place All which being duly performed you shall administer unto each of the members of our said Council as also to our Lieutenant Governor if there be any upon the place the said oaths mentioned in the said act entitled [An Act for the further security of His Majesty's person and Government and the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors] as also to cause them to make and subscribe the afore mentioned declaration and to administer to them the oath for the due execution of their places and trusts And wee do hereby give and grant unto you full power and authority to suspend any of the members of our said Council from sitting voting acting and assisting therein if you shall find just cause for so doing And if it shall at any time happen that by the death departure out of our said Province suspension of any of our said Councillors or otherwise there shall be a vacancy in our said Council (any five whereof wee do hereby appoint to be a quorum) our will and pleasure is that you signify the same unto us by the first opportunity that wee may under our signet and sign manual constitute and appoint others in their stead But that our affairs at that distance may not suffer for want of a due number of Councillors if ever it shall happen that there shall be less than nine of them residing in our said Province wee do hereby give and grant unto you the said Henry Ellis full power and authority to chuse as many persons out of the principal Freeholders Inhabitants thereof as will make up the full number of our said Council to be nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councillors in our said Province until either they shall be confirmed by us or that by the nomination of others by us under our sign manual and signet our said Council shall have nine or more persons And wee do hereby give and grant unto you full power and authority with the advice and consent of our said Council from time to time as need shall require to summon and call General Assemblies of the said Freeholders and Planters within your Government in such manner and form as you in your discretion shall judge most proper according to such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council And our will and pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective counties and places and so returned shall before their sitting take the oaths mentioned in the said Act entitled [An Act for the further security of His Majesty's person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors] and also make and subscribe the afore mentioned declaration (which oaths and declaration you shall commissionate fit persons under our seal of Nova Scotia to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected) And wee do hereby declare that the persons so elected shall be called and deemed the General

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Commissions of  
the Governors of  
Nova Scotia.

Henry Ellis, 24th  
September, 1701.

*Appendix.*  
No. 15.

Commissioners of  
the Governors of  
Nova Scotia.

Henry Ellis, 24th  
September, 1761.

Assembly of that our Province of Nova Scotia and that you the said Henry Ellis with the advice and consent of our said Council and Assembly or the major part of them respectively shall have full power and authority to make constitute and ordain Laws Statutes and Ordinances for the publick peace welfare and good government of our said Province and of the people and inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under our seal of Nova Scotia for our approbation or disallowance of the same as also duplicates thereof by the next conveyance And in case any or all of the said Laws Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heirs or successors under our or their sign manual and signet or by order of our or their Privy Council unto you the said Henry Ellis or to the Commander in Chief of our said Province for the time being then such and so many of the said Laws and Ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our heirs and successors wee will and ordain that you the said Henry Ellis shall have and enjoy a negative voice in the making and passing of all Laws Statutes and Ordinances as aforesaid And you shall and may likewise from time to time as you shall judge necessary adjourn prorogue and dissolve all General Assemblies as aforesaid And our further will and pleasure is that you shall and may keep and use the Publick Seal of our Province of Nova Scotia for sealing all things whatsoever that pass the Great Seal of our said Province under your Government And wee do further give and grant unto you the said Henry Ellis full power and authority from time to time and at any time hereafter by yourself or by any other to be authorised by you in that behalf to administer and give the oath mentioned in the aforesaid Act to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province shall be resident or abiding there And we do by these presents give and grant unto you the said Henry Ellis full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many courts of judicature and publick justice within our said Province and Dominion as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to law and equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto And also to appoint and commissionate fit persons in the several parts of your government to administer the oaths mentioned in the aforesaid Act entituled [An Act for the further security of His Majesty's person and government and succession of the crown in the heirs of the late Princess Sophia being Protestants and extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors] As also to tender and administer the aforesaid declaration unto such persons belonging to the said Courts as shall be obliged to take the same And wee do hereby authorize and empower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary officers and ministers in our said Province for the better administration of justice and putting the laws in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes And wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy

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to pardon all such offenders and to remit all such offences fines and forfeitures treason and wilful murder only excepted In which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our Royal pleasure may be known therein Wee do by these presents authorize and empower you to collate any person or persons to any person or persons to any churches chapels or other ecclesiastical benefices within our said Province as often as any of them shall happen to be void And wee do hereby give and grant unto you the said Henry Ellis by yourself or by your Captains and Commanders by you to be authorized full power and authority to levy arm muster command and employ all persons residing within our said Province and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemies pirates and rebels both at land and sea and transport such forces to any of our plantations in America if necessity shall require for defence of the same against the invasion or attempts of any of our enemies and such enemies pirates and rebels (if there shall be occasion) to pursue and prosecute in or out of the limits of our said Province and Plantations or any of them and (if it shall so please God) to vanquish apprehend and take them and being taken according to law to put to death or to keep and preserve them alive at your discretion and to execute martial law in time of invasion or other times when by law it may be executed and to do and execute all and every other thing or things which to our Captain General and Governor in Chief doth or ought of right to belong And wee do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council of Nova Scotia to erect raise and build in our said Province such and so many Forts and Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance ammunition and all sorts of arms fit and necessary for the security and defence of our said Province And by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And for as much as divers mutinies may happen by persons shipped and employed at sea during the time of war And to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered wee do hereby give and grant unto you the said Henry Ellis full power and authority to constitute and appoint Captains Lieutenants Masters of ships and other commanders and officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers commissions to execute the law martial during the time of war according to the directions of an Act passed in the twenty second year of the reign of our late royal Grandfather entitled [An Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships Vessels and Forces by Sea] and to use such proceedings authorities punishments and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the ports harbours or bays of our said Province as the case shall be found to require according to martial law and the said Directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said Province under your government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in our actual service and pay and in or on board any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require by commission under our Great Seal of Great Britain as the statute of the

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N. 15.

Commissions of  
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Henry Ellis, 24th  
September, 1763.



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Commissions of  
the Governors of  
Nova Scotia.

Henry Ellis, 24th  
September, 1761.

twenty eighth of Henry the Eighth directs or by commission from our said commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being according to the afore mentioned Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majestys Ships Vessels and Forces by sea and not otherwise Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of ships of war or other vessels acting by immediate commission or warrant from our said commissioners for executing the office of High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tried and punished according to the Laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our said Commissioners for executing the office of High Admiral or our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for avoiding of Justice for such offences committed on shore from any pretence of his being employed in our service at sea And our further will and pleasure is that all publick money raised or which shall be raised by any Act hereafter to be made within our said Province be issued out by warrant from you by and with the advice and consent of the Council and disposed of by you for the support of the Government and not otherwise And wee do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our Province for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgements to be thereupon reserved unto us You by and with the advice aforesaid shall think fit which said grants are to pass and be sealed by our Seal of Nova Scotia and being entered upon record by such officer or officers as shall be appointed thereunto shall be good and effectual in Law against us our heirs and successors And wee do hereby give you the said Henry Ellis full power to order and appoint Fairs Marts and Markets as also such and so many Ports Harbours Bays Havens and other places for convenience and security of shipping and for the better loading and unloading of goods and merchandizes as by you with the advice and consent of the said Council shall be thought fit and necessary And wee do hereby require and command all officers and ministers civil and military and all other inhabitants of our said Province to be obedient aiding and assisting unto you the said Henry Ellis in the execution of this our commission and of the powers and authorities herein contained and in case of your death or absence out of our said Province to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province To whom wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said Province And if upon your death or absence out of our said Province there be no person upon the place commissioned or appointed by us to be our Lieutenant Governor or Commander in Chief of the said Province our will and pleasure is that the Eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the Administration of the Government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And wee do hereby declare ordain and appoint that you the said Henry Ellis shall and may hold execute



and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of Nova Scotia with all its rights members and appurtenances whatsoever together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure

In Witness &c Witness ourself at Westminster the twenty-fourth day of September

*By Writ of Privy Seal.*

This is a true copy from the original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

**COMMISSION TO MONTAGUE WILMOT, ESQUIRE,**

AS CAPTAIN GENERAL AND GOVERNOR-IN-CHIEF OF NOVA SCOTIA, 21ST NOVEMBER,  
4 GEO: III. 1763.

*First part of Patents in the fourth year of the reign of King George the Third*

MONTAGU WILMOT Esq

*Governor of Nova Scotia*

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To our Trusty and welbelov'd Montagu Wilmot Esquire Greeting *Whereas we did* by our letters patent under the Great Seal of Great Britain dated at Westminster the third day of November in the first year of our reign constitute and appoint Henry Ellis Esquire Captain General and Governor in Chief in and over our province of Nova Scotia or Acadia in America with all the rights members and appurtenances whatsoever thereunto belonging for and during our will and pleasure as by the said recited Letters patent relation being thereunto had may more fully and at large appear Now know you that we have revoked and determined And by these presents do revoke and determine the said recited Letters patent and every clause Article and thing therein contained *And further know you that We* reposing especial Trust and confidence in the prudence courage and Loyalty of you the said Montagu Wilmot of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint And by these presents *Do constitute and appoint you the said Montagu Wilmot to be our Captain General and Governor in Chief in and over our Province of Nova Scotia and which we have thought proper to restrain and comprise within the following limits vizt To the Northward our said province shall be bounded by the Southern Boudary of our Province of Quebec as far as the western Extremity of the Bay des Chaleurs To the Eastward by the said Bay and the Gulf of St Lawrence to the cape or promontary called Cape Breton in the Island of that nome* including that Island the Island of St Johns and all other Islands within six leagues of the coast to the Southward by the Atlantick Ocean from the said Cape to Cape Sable including the Island of that name and all other Islands within Forty leagues of the coast with all the rights members and appurtenances whatsoever thereunto belonging and to THE WESTWARD although our said province hath anciently extended and doth of right extend as far as the River Pentagonet or Penobscot *It shall be bounded by a Line drawn from Cape Sable across the entrance of the Bay of Fandy to the mouth of the River St Croix by the said river to its*

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No. 15.

Commissions of  
the Governors of  
Nova Scotia.

Montagu Wilmot, 21st November, 1763.

*Appendix.* source and by a Line drawn due North from thence to THE SOUTHERN BOUNDARY  
No. 15.

Commissioners of  
the Governors of  
Nova Scotia.

Montagu Wil-  
mot, 21st Novem-  
ber, 1763.

OF OUR COLONY OF QUEBEC And we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust we have reposed in you according to the several powers and authorities granted or appointed you by the present Commission and the Instructions herewith given you or by such further powers Instruction and authorities as shall at any time hereafter be granted or appointed you under our signet and sign Manual or by our order in our privy council and according to such reasonable Laws and Statutes as are now in force or shall hereafter be made and agreed upon by you with the advice and consent of our Council and the Assembly of our said province under your government in such manner and form as is hereafter expressed And our will and pleasure is that you the said Montagu Wilmot after the publication of these our Letters patent do take the oaths appointed to be taken by an Act passed in the first year of the Reign of King George the First (entitled An act for the further security of His Majesty's person and government and the succession of the crown in the heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret Abettors) as also that you make and subscribe the Declaration mentioned in an act of Parliament made in the Twenty-fifth year of the Reign of King Charles the second Intituled (An act for preventing dangers which may happen from popish Recusants) And likewise that you take the usual Oath for the due execution of the office and Trust of our Captain General and Governor in Chief of our said province for the due and impartial administration of Justice And further that you take the oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the plantations be observed all which said Oaths and Declaration our council in our said province or any five of the Members thereof have hereby full power and Authority and are required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place All which being duly performed you shall administer unto each of the Members of our said Council as also to our Lieutenant Governor if there be any upon the place the said Oath mentioned in the said Act Intituled (An Act for the further security of his Majesty's person and government and the succession of the crown in the heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret abettors) as also to cause them to make and subscribe the aforementioned Declaration and to administer to them the Oath for the due execution of their places and Trusts And we do hereby give and grant unto you full power and authority to suspend any of the Members of our said council from sitting voting and assisting therein if you shall find just cause for so doing And if it shall at any time happen that by the death departure out of our said province suspension of any of our said Councillors or otherwise there shall be a vacancy in our said Council (any five whereof Wee do hereby appoint to be a Quorum) Our Will and Pleasure is that you signify the same unto us by the first opportunity that Wee may under our Signet and Sign Manual constitute and appoint others in their stead but that our affairs at that distance may not suffer for want of a due number of Councillors if ever it shall happen that there be less than three of them residing in our said Province Wee do hereby give and grant unto you the said Montagu Wilmot full power and authority to choose as many persons out of the principal Freeholders Inhabitants thereof as will make up the number of our said Council to be nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councillors in our said Province until either they shall be confirmed by us or by the nomination of others by us under our Sign Manual and Signet our said Council shall have nine or more persons in it And wee do hereby give and grant unto you full power and authority with the advice and

consent of our said Council from time to time as need shall require to summon and call general Assemblies of the said Freeholders and Planters within your government in such manner and form as has been already appointed and used or according to such further Powers Instructions and authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by our Order in our Privy Council And our will and pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places and so returned, shall before their sitting take the oath mentioned in the said Act Intituled (An act for the further security of his Majesty's person and government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) as also make and subscribe the aforementioned declaration which Oaths and Declaration you shall commissionate fit persons under our Seal of Nova Scotia to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected And we do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of that our Province of Nova Scotia And that you the said Montagu Wilmot with the advice and consent of our said Council and Assembly or the major part of them respectively shall have full power and authority to make constitute and ordain Laws Statutes and Ordinances for the publick peace welfare and good government of our said Province and of the people and inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain Provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under our Seal of Nova Scotia for our approbation or disallowance of the same as also Duplicates thereof by the next conveyance and in case any or all of the said Laws Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heirs or successors under our or their Sign Manual and Signet or by order of our or their Privy Council unto you the said Montagu Wilmot or to the Commander in Chief of our said Province for the time being Then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our heirs and successors We will and ordain that you the said Montagu Wilmot shall have and enjoy a negative voice in the making and passing of all Laws Statutes and Ordinances as aforesaid And you shall and may from time to time as you shall judge it necessary adjourn prorogue and dissolve all General Assemblies as aforesaid And our will and pleasure is that you shall and may keep and use the public seal of our Province of Nova Scotia for sealing all things whatsoever that pass under the great seal of our said Province under your government And we do further give and grant unto you the said Montagu Wilmot full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the aforesaid Act to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province or shall be resident or abiding there And we do by these presents give and grant unto you the said Montagu Wilmot full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many Courts of Judicature and Publick Justice within our said Province and dominion as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to Law and Equity and for awarding execution, thereupon with all reasonable and necessary powers authorities fees and privileges.

*Appendix,*  
No. 115.

Commissioners of  
the Governors of  
Nova Scotia.  
Montagu Wilmot,  
1783.

*Appendix.*  
No. 15.

Commissioners of  
the Governors of  
Nova Scotia.

Montagu Wilmot,  
21st November,  
1703.

ges belong thereunto as also to appoint and Commissionate fit persons in the several parts of your government to administer the oaths mentioned in the aforesaid Act Intituled (An Act for the further security of His Majesty's person and government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) as also to tender and administer the aforesaid Declaration unto such persons belonging to the said Courts as shall be obliged to take the same And we do hereby authorize and Impower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary officers and Ministers in our said Province for the better administration of justice and putting the Laws in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences and Forfeitures Treason and wilful murder only excepted In which cases you shall likewise have power upon extraordinary occasions to grant Reprieves to the offenders until and to the intent our Royal Pleasure may be known therein We do by these presents authorize and impower you to collate any person or persons to any Churches Chapels or other ecclesiastical benefices within our said Province as often as any of them shall happen to be void And we do hereby give and grant unto you the said Montagu Wilmot by yourself or by your Captains and Commanders by you to be authorized full power and authority to Levy Arm Muster Command and Employ all persons whatsoever residing within our said Province and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all Enemies Pirates and Rebels both at Land and Sea and to Transport such Forces to any of our plantations in America if necessity shall require for the defence of the same against the Invasion or attempts of any of our Enemies and such Enemies Pirates and Rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and plantations or any of them and if it shall so please God to vanquish apprehend and take them and being taken according to Law to put to death or keep and preserve them alive at your discretion and to execute Martial Law in time of Invasion or other times when by Law it may be executed And to do and execute all and every other thing or things which to our Captain General and Governor in Chief doth or ought of right to belong And we do hereby give and grant you full power and authority by and with the advice and consent of our said Council of Nova Scotia to erect raise and build in our said Province such and so many Forts and Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to Fortify and Furnish with Ordnance Ammunition and all sorts of Arms fit and necessary for the security and defence of our said Province And by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at Sea during the time of War and to the end that such as shall be shipped and employed at Sea during the time of War may be better governed and ordered We do hereby give and grant unto you the said Montagu Wilmot full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers Commissions to execute the Law Martial during the time of War according to the directions of an act passed in the Twenty second year of the Reign of our late Royal Grandfather Intituled (an Act for amending explaining and reducing into one Act of Parliament the Laws relating to the government of His Majesty's Ships.

Vessels and Forces by Sea and to use such proceedings authorities Punishments and Executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their abode or residence in any of the Ports Harbours or Bays of our said Province as the case shall be found to require according to martial Law and the said directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any Jurisdiction of any offence cause matter or thing committed or done upon the High Sea or within any of the Havens Rivers or Creeks of our said Province under your government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in our actual service and pay in or on board any of our Ships of War or other Vessels acting by immediate Commission or Warrant from our Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against and tried as their offences shall require either by Commission under our great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by Commission from our said Commissioners for executing the Office of our High Admiral or from our High Admiral of Great Britain for the time being according to the aforementioned Act Entitled An Act for amending explaining and reducing into one act of Parliament the Laws relating to the government of His Majesty's Ships Vessels and Forces by Sea and not otherwise Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seamen soldier or other person whatsoever belonging to any of our Ships of War or other Vessels acting by immediate Commission or Warrant from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty may be tried and punished according to the Laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual Service and borne in our pay on board any such our Ships of War or other Vessels acting by immediate Commission or Warrant from our said Commissioners for executing the office of High Admiral or our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such offences committed on shore from any pretence of his being employed in our Service at Sea And our further will and pleasure is that all public money raised or which shall be raised by any Act hereafter to be made within our said Province be issued out by Warrant from you by and with the advice and consent of the Council and disposed of by you for the support of the government and not otherwise And we do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our Province for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate Quit Rent Services and acknowledgements to be thereupon reserved unto us as you by and with the advice aforesaid shall think fit which said Grants are to pass and be sealed with our Seal of Nova Scotia and being entered upon Record by such Officer or Officers as shall be appointed thereunto shall be good and effectual in Law against us our heirs and successors Provided the same be made conformable to the Instructions herewith delivered to you or to such other Instructions as may hereafter be sent to you under our Signet and sign Manual or by our Order in our Privy Council which Instructions or any articles contained therein or any such order made in our Privy Council so far as the same shall relate to the Granting of Lands as aforesaid shall from time to time be published in the Province and entered of Record in like manner as the said grants themselves are hereby directed to be entered And Wee do hereby

*Appendix.*  
No. 15.

Commissioners of  
the Governors of  
Nova Scotia.  
Montague Wilmet,  
31<sup>st</sup> November,  
1763.



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No. 15.

Commissioners of  
the Governors of  
Nova Scotia.  
Montagu Wilmot,  
21st November,  
1763.

give you the said Montagu Wilmot full power to order and appoint Fairs Marts and Markets as also such and so many Ports Harbours Bays Havens and other places for convenience and security of Shipping and for the better loading and unloading of Goods and merchandizes as by you with the advice and consent of the said Council shall be thought fit and necessary And Weo do hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of our said Province to be obedient aiding and assisting unto you the said Montagu Wilmot in the execution of this our Commission and of the powers and authorities herein contained And in case of your death or absence out of our said Province to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province to whom wee do therefore by these Presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our Pleasure or until your arrival within our said Province and if upon your death or absence out of our said Province there be no person upon the place commissioned or appointed by us to be our Lieutenant Governor or Commander in Chief of the said Province Our Will and Pleasure is that the Eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the Administration of the Government and execute our said Commission and Instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And we do hereby declare ordain and appoint that you the said Montagu Wilmot shall and may hold execute and enjoy the Office and place of our Captain General and Governor in Chief in and over our said Province of Nova Scotia with all its Rights Members and Appurts whatsoever together with all and singular the Powers and authorities hereby granted unto you for and during Our Will and Pleasure In Witness &c Witness Ourself at Westminster the twenty first day of November

*By Writt of Privy Seal*

This is a true Copy from the Original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

**COMMISSION TO LORD WILLIAM CAMPBELL,**

AS CAPTAIN GENERAL AND GOVERNOR-IN-CHIEF OF NOVA SCOTIA, 11TH AUGT.  
6 GEO: III. 1765.

*Fourth part of Patents in the sixth year of King George the Third*

**LD. CAMPBELL, Governor of Nova Scotia**

William Campbell,  
11th August, 1765.

George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith &c To our Trusty and welbeloved William Campbell Esquire commonly called Lord William Campbell Greeting *Wee* reposing especial Trust and confidence in the prudence courage and Loyalty of you the said Lord William Campbell of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint And by these presents *Do constitute and appoint you the said Lord William Campbell to be our Captain General and Governor in Chief in and over our province of Nova Scotia* bounded on the WESTWARD 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 to the NORTHWARD by the said Boundary as far as the western extremity of the Bay des Chaleurs to the Eastward by the said Bay and the Gulph of Saint Lawrence to the cape or promontory called Cape Breton in the Island of that name including that Island the Island of Saint Johns and all other Islands within six Leagues of the coast and to the southward by the Atlantick Ocean from the said cape to Cape Sable aforesaid including the Island of that name and all other Islands within Forty Leagues of the coast with all the Rights members and appurtenances whatsoever thereunto belonging and we do hereby require and command you to do and exocute all things in due manner that shall belong unto your said command and the trust wee have reposed in you according to the several powers or authorities granted or appointed you by the present commission and the Instructions herewith given you or by such powers instructions and authorities as shall at any time hereafter be granted or appointed you under our Signet and sign manual or by our order in our Privy Council and according to such reasonable Laws and Statutes as are now in force or shall hereafter be made or agreed upon by you with the advice and consent of our council and the assemblies of our said province under your government in such manner and form as is hereafter expressed And our will and pleasure is that you the said Lord William Campbell after the publication of these our Letters Patent do take the oaths appointed to be taken by an act passed in the first year of the Reign of King George the First Intituled an act for the further security of His Majesty's person and government and the succession of the crown in the heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors and by an act passed in the sixth year of our Reign Intituled an act for altering the oath of abjuration and the assurance and for the amending so much of an act of the seventh year of her late Majesty Queen Anne Intituled an act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and copies therein mentioned to persons indicted of High Treason or misprision of Treason as also that you make and subscribe the Declaration mentioned in an act of Parliament made in the Twentyfifth year of the Reign of King Charles the second intituled (An Act for preventing dangers which may happen from Popish Recusants) and likewise that you take the usual oath for the execution of the office and Trust of our Captain General and Governor in Chief of our said Province for the due and impartial administration of Justice and further that you take the oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed All which said Oaths and Declaration our Council in our said Province or any five of the members thereof have hereby full power and authority and are required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place All which being duly performed you shall administer unto each of the members of our said Council as also to our Lieutenant General if there be any upon the place the said oaths mentioned in the said Acts Intituled "An act for the further security of his Majesty's person and government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors An Act for altering the oath of abjuration and the assurance and for amending so much of an act of the seventh year of her late Majesty Queen Anne Intituled An Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and copies therein mentioned to Persons Indicted of High Treason or Misprision of Treason as also cause them to make and subscribe the aforementioned Declaration and administer to them the oath for the due execution of their places and Trusts And we do hereby give and grant unto you full power and authority.*

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No. 15.

*Commissions of the Governors of Nova Scotia.*  
William Campbell,  
11th August, 1705.

*Appendix.*  
No. 13.

Commissioners of  
the Governors of  
Nova Scotia.

William Campbell,  
11th August, 1763.

to suspend any of the members of our said Council from sitting voting and assisting therein if you shall find just cause for so doing And if it shall at any time happen that by the death departure out of our said Province suspension of any of our said Councillors or otherwise there shall be a vacancy in the said Council any five whereof Wee do appoint to be a Quorum Our Will and Pleasure is that you signify the same unto us by the first opportunity that wee may under Our Signet and Sign Manual constitute and appoint others in their stead But that our affairs at that distance may not suffer for want of a due number of Councillors if ever it shall happen that there be less than nine of them residing in our said Province Wee do hereby give and grant unto you the said Lord William Campbell full power and authority to choose as many persons out of the Principal Freeholders Inhabitants thereof as shall make up the full number of our said Council to be nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councillors in our said Province until either they shall be confirmed by us or by the nomination of others by us under our Sign Manual and Signet Our said Council shall have nine or more persons in it And we do hereby give and grant unto you full power and authority with the advice and consent of our said Council from time to time as need shall require to summon and call general Assemblies of the said Freeholders and Planters within your government in such manner and form as has been already appointed and used or according to such further Powers Institutions and authorities as shall at any time hereafter be granted you under our Signet and Sign Manual or by our Order in Our Privy Council And our Will and Pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective counties and places and so returned shall before their sitting take and subscribe the oaths menconed in the said Acts Intitled An Act for the further security of His Majesty's Person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors And an Act for altering the oath of Abjuration and the Assurance and for amending so much of an act of the seventh year of her late Majesty Queen Anne Intitled (An Act for the improvement of the union of the two Kingdoms as after the time therein limited required the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprision of Treason) as also make and subscribe the aforementioned declaration which Oaths and Declaration you shall commissionate fit persons under our seal of Nova Scotia to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected And Wee do hereby declare that the persons so elected shall be called and deemed the General Assembly of that our Province of Nova Scotia And that you the said Lord William Campbell with the advice and consent of our said Council and Assembly or the major part of them respectively shall have full power and authority to make constitute and ordain Laws Statutes and Ordinances for the Public Peace welfare and good government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain Provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under our seal of Nova Scotia for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said Laws Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heirs or successors under our or their Sign Manual or Signet or by order of our or their Privy Council unto you the said Lord William Campbell or to the Commander in Chief of our said Province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from henceforth

cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding and to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our heirs and successors Weo will and ordain that you the said Lord William Campbell shall have and enjoy a Negative Voice in the making and passing of all Laws Statutes and Ordinances as aforesaid and you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all General Assemblys as aforesaid And our further Will and Pleasure is that you shall and may keep and use the public seal of our Province of Nova Scotia for sealing all things whatsoever that may pass the Great Seal of our said Province under your government And we do further give and grant unto you the said Lord William Campbell full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the aforesaid acts to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province or shall be resident or abiding there And Wee do by these Presents give and grant unto you the said Lord William Campbell full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many Courts of Judicature and Public Justice within our said Province as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal and civil according to Law and Equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your government to administer the oaths mentioned in the aforesaid Acts Intituled An Act for the further security of His Majesty's person and government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors and An Act for altering the oath of Abjuration and the Assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne Intituled An Act for the improvement of the Union of the Two Kingdoms as after the time limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason as also to tender and administer the aforesaid declaration unto such persons belonging to the said Courts as shall be obliged to take the same And Wee do hereby authorize and empower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers in our said province for the better administration of Justice and putting the Laws in Execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due Execution and performance of offices and places and for the clearing of truth in Judicial causes And wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or Forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offence fines and forfeitures Treason and Wilful Murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves unto the offenders until our Royal Pleasure may be known therein Wee do by these Presents authorize and empower you to collocate any person or persons to any Churches Chapels or other Ecclesiastical Benefices within our said Province as often as any of them shall happen to be void And wee do hereby give and grant unto you the said Lord William Campbell by yourself or by your Captains and Commanders hy you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said Province and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all Enemies Pirates and Rebels both at Land and sea and to transport such forces to any of our plantations in America if necessity shall

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*Commissions of  
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*William Campbell,  
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the Governors of  
Nova Scotia.

William Campbell,  
11th August, 1763.

require for the defence of the same against the Invasion or attempts of any of our Enemies and such Enemies Pirates and Rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and Plantations or any of them and (If it shall so please God) to vanquish apprehend and take them and being taken according to Law to put to death or keep and preserve them alive at your discretion and to execute Martial Law in time of invasion or other times when by law it may be executed and to do and execute all and every other thing or things which to our Captain General or Governor in Chief doth or ought of right to belong And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council of Nova Scotia to erect raise and build in our said Province such and so many Forts and Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with Ordnance Ammunition and all sorts of Arms fit and necessary for the security and defence of our said Province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And as much as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of War and to the end that such as shall be shipped and employed at sea during the time of War may be better governed and ordered We do hereby give and grant unto you the said Lord William Campbell full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers Commissions to execute the Law Martial during the time of War according to the directions of an Act passed in the twenty-second year of the reign of our late Royal Grandfather Intituled An Act for amending explaining and reducing into one act of Parliament the Laws relating to the government of His Majesty's Ships Vessels and Forces by sea and to use such powers proceedings authorities punishments and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the Ports Harbours or Bays of our said Province as the case shall be found to require according to Martial Law and the said directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any Jurisdiction of any offence cause matter or thing committed or done upon the High Sea or within any of the Havens Rivers or Creeks of our said Province under your government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in our actual service and pay in or on board any of our Ships of War or other Vessels acting by immediate Commission or Warrant from Our Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by Commission under our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by comission from our said Commissioners for executing the office of High Admiral or from our High Admiral of Great Britain for the time being according to the aforementioned Act entitled An Act for amending explaining and reducing into One Act of Parliament the Laws relating to the government of his Majesty's Ships Vessels and forces by sea Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Comander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our Ships of War or other Vessels acting by immediate Commission or Warrant from our said Comissioners for executing the office of Our High Admiral or from our High Admiral of Great Britain for the time being under the seal of Our Admiralty may be tried and punished according to the Laws of the Place where any such disorder

dera offences and misdemeanors shall be committed on Shore notwithstanding such of- *Appendix.*  
 fender be in our actual service and borne in our pay on board any such our Ships of *No. 13.*  
 War or other vessels acting by Immediate Commission or Warrant from our said Com- *Commissioners of*  
 missioners for executing the Office of High Admiral of Great Britain for the time be- *the Governor of*  
 ing as aforesaid so as he shall not receive any protection for the avoiding of Justice for *Nova Scotia.*  
 such offences committed on shore from any pretence of his being employed in our ser- *W<sup>m</sup> Hunt Campbell,*  
 vice at sea and Our further Will and Pleasure is that all Publick Money raised or which *11th August, 1760.*  
 shall be raised by any act hereafter to be made within our said Province be issued out  
 by Warrant from you by and with the advice and consent of the Council and disposed  
 of by you for the support of the government and not otherwise And Wee do likewise  
 give and grant unto you full power and authority by and with the advice and consent  
 of our said Council to settle and agree with the Inhabitants of our Province for such  
 Lands Tenements and Hereditas as now are or shall hereafter be in our power to dispose  
 of and them to grant to any person or persons upon such terms and under such mode-  
 rate Quit Rents Service and acknowledgements to be thereupon reserved unto us as  
 you by and with the advice aforesaid shall think fit which said grants are to pass and  
 be sealed with Our Seal of Nova Scotia and being entered upon Record by such Offi-  
 cer or Officers as shall be appointed thereunto shall be good and effectual in Law  
 against us our heirs and successors And wee do hereby give you the said Lord Wil-  
 liam Campbell full power to order and appoint Fairs Marts and Markets as also such  
 and so many Ports Harbours Bays Havens and other places for convenience and se-  
 curity of shipping and for the loading and unloading of goods and merchandize as by  
 you with the advice and consent of the said Council shall be thought fit and necessary  
 And Wee do hereby require and command all Officers and Ministers Civil and Milit-  
 ary and all other Inhabitants of our said Province to be obedient aiding and assisting  
 unto you the said Lord William Campbell in the execution of this our Commission  
 and of the powers and authorities herein contained and in case of your death or ab-  
 sence out of our said Province to be obedient aiding and assisting unto such person as  
 shall be appointed by us to be our Lieutenant Governor or Commander in Chief of  
 our said Province To whom Wee do therefore by these Presents give and grant all  
 and singular the powers and authorities herein granted to be by him executed and du-  
 ring our pleasure or until your arrival within our said Province And if upon your  
 death or absence out of our said Province there be no person upon the place Comis-  
 sioned or appointed by us to be our Lieutenant Governor or Commander in Chief of  
 our said Province Our will and pleasure is that the Eldest Councillor who shall be at  
 the time of your death or absence residing within our said Province shall take upon  
 him the administration of the government and execute our said Commission and In-  
 structions and the several powers and authorities therein contained in the same man-  
 ner and to all intents and purposes as other our Governor or Commander in Chief  
 should be ought to do in case of your absence until your return or in all cases until our  
 further pleasure be known therein And wee do hereby declare ordain and appoint  
 that you the said Lord William Campbell shall hold execute and enjoy the office or  
 place of our Captain General and Governor in Chief in and over our said Province of  
 Nova Scotia with all its rights members and appurts whatsoever together with all and  
 singular the powers and authorities hereby granted unto you for and during our will  
 and pleasure In Witness &c Witness ourself at Westminster the Eleventh day of  
 August

*By Writt of Privy Seal*

This is a true copy from the original Record remaining in the Chapel of the Rolls,  
 having been examined.

JOHN KIPLING.



*Appendix.*  
No. 15.

Commissions of  
the Governors of  
Nova Scotia.

Francis Legge,  
22d July, 1773.

**COMMISSION TO FRANCIS LEGGE ESQUIRE,**

AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF NOVA SCOTIA, 22D JULY.  
13 GEO: III. 1773.

*Fifth part of Patents in the thirteenth year of King George the Third*

FRANCIS LEGGE Esqr. Governor of Nova Scotia

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To our Trusty and welbeloved Francis Legge Esquire Greeting *Whereas wee did by our Letters Patent under our Great Seal of Great Britain bearing date at Westminster the eleventh day of August in the sixth year of our Reign constitute and appoint William Campbell Esquire commonly called Lord William Campbell Captain General and Governor in Chief in and over our Province of Nova Scotia in America bounded on the Westward by a Line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River Saint 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 to the Northward by the said Boundary as far as the Western extremity of the Bay des Chaleurs to the Eastward by the said Bay and the Gulph of Saint Lawrence to the Cape or Promontory called Cape Breton in the Island of that name including that Island the Island of Saint John and all other Islands within Six Leagues of the Coast and to the Southward by the Atlantick Ocean from the said Cape to Cape Sable aforesaid including the Island of that name and all other Islands within Forty Leagues of the Coast with all the Rights members and appurtenances whatsoever thereunto belonging for and during our Will and Pleasure as by the said recited Letters Patent relation being thereunto had may more fully and at large appear Now know you that we have revoked and determined and by these Presents do revoke and determine the said recited Letters Patent and every clause article and thing therein contained. And further know you that we reposing especial trust and confidence in the Prudence Courage and Loyalty of you the said Francis Legge of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you the said Francis Legge to be our Captain General and Governor in Chief of our said Province of Nova Scotia bounded on the WESTWARD by a Line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River Saint 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 to the NORTHWARD by the said Boundary as far as the Western extremity of the Bay des Chaleurs To the Eastward by the said Bay and the Gulph of Saint Lawrence to the Cape or Promontory called Cape Breton in the Island of that name including that Island and all other Islands within six Leagues of the Coast excepting our said Island of Saint John which Wee have thought fit to erect into a separate Government and to the Southward by the Atlantick Ocean from the said Cape to Cape Sable aforesaid including the Island of that name and all other Islands within forty Leagues of the Coast with all the Rights members and appurtenances thereunto belonging And wee do hereby require and command you to do and execute all things in due manner that shall helong unto your said command and the Trust we have reposed in you according to the several powers and authorities granted or appointed you by the present Commission and the Instructions herewith given you or by such other powers instructions and authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by Our Order in our Privy Council and according to such reasonable Laws and Statutes as are now in force or shall hereafter be made or agreed upon by you with the advice and consent of our Council and the Assembly of our said Province under your*



government in such manner and form as is hereafter expressed And our Will and pleasure is that you the said Francis Legge after the publication of these our Letters Patent do take the Oath appointed to be taken by an Act passed in the first year of the Reign of King George the First intituled "An Act for the further security of his Majesty's person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for the extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors" as altered and explained by an Act passed in the sixth year of our Reign intituled "An Act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprision of Treason" as also that you make and subscribe the declaration mentioned in an Act of Parliament made in the Twenty fifth year of the Reign of King Charles the Second intituled "An Act for preventing dangers which may happen to Popish Recusants" and likewise that you take the usual Oath for the due execution of the Office and Trust of our Captain General and Governor in Chief of our said Province for the due and impartial administration of Justice And further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed All which said Oaths and declaration our Council in our said Province or any five of the members thereof have hereby full power and authority and are required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place All which being duly performed you shall administer unto each of the members of our said Council as also to our said Lieutenant Governor if there be any upon the place the said Oaths mentioned in the said Acts intituled "An Act for the further Security of His Majesty's person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors" as altered and explained by the aforesaid Act "for altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled "An Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprision of Treason" as also cause them to make and subscribe the aforementioned Declaration and administer to them the Oath for the due execution of their Places and Trusts And we do hereby give and grant unto you full power and authority to suspend any of the Members of our said Council from sitting voting and assisting therein if you shall find just cause for so doing And if it shall at any time happen that by the death departure out of our said Province suspension of any of our said Councillors or otherwise there shall be a vacancy in our said Council any five whereof we do hereby appoint to be a Quorum Our Will and pleasure is that you signify the same unto us by the first opportunity that we may tender our Signet and Sign Manual and constitute and appoint others in their stead But that our affairs at that distance may not suffer for want of a due number of Councillors if ever it shall happen that there be less than Nine of them residing in our said Province We do hereby give and grant unto you the said Francis Legge full power and authority to choose as many persons out of the principal Freeholders Inhabitants thereof as shall make up the full number of our said Council to be Nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councillors in Our said Province until either they shall be confirmed by us or by the nomination of others by us under our Sign Manual and Signet Our said Council shall have nine and no more persons in it And we do hereby give and grant unto you full power and authority with the advice and consent of our said Council from time to time as need shall

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Commissions of  
the Governors of  
Nova Scotia.

Francis Legge,  
23d July, 1773.

22D JULY.

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the Governors of  
Nova Scotia.

Francis Legge,  
22d July, 1773.

require to summon and call General Assemblies of the said Freeholders within your Government in such manner and form as has been already appointed and used according to such further Powers Instructions and Authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by Our Order in Our Privy Council. And our Will and Pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places and so returned shall before their sitting take the Oaths mentioned in the said Act Intituled "An Act for the further security of His Majesty's person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors" as altered and explained by the aforesaid Act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled an Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprision of Treason" as also make and subscribe the aforesaid Declaration which Oaths and Declaration you shall commissionate fit persons under Our Seal of Nova Scotia to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected And we do hereby declare that the persons elected and qualified shall be called and deemed the General Assembly of that our Province of Nova Scotia. And that you the said Francis Legge with the advice and consent of our said Council and Assembly or the major part of them respectively shall have full power and authority to make constitute and ordain Laws Statutes and Ordinances for the publick peace welfare and good government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain Provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under our Seal of Nova Scotia for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said Laws Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our Heirs or Successors under our or their Sign Manual and Signet or by order of our or their Privy Council unto you the said Francis Legge or to the Commander in Chief of our said Province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from henceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our Heirs and Successors We will and ordain that you the said Francis Legge shall have and enjoy a negative voice in the making and passing of all Law Statutes and Ordinances as aforesaid And you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all General Assemblies as aforesaid And our further will and pleasure is that you shall and may keep and use the Publick Seal of our Province of Nova Scotia for sealing all things whatsoever that pass the Great Seal of our said Province under your government And We do further give and grant unto you the said Francis Legge full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the Oaths mentioned in the aforesaid Acts to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province or shall be resident or abiding there And we do by these presents give and grant unto you the said Francis Legge full power and authority with the advice and consent of our said Council to erect constitute and

establish such and so many Courts of Judicature and Public Justice within our said Province as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to Law and Equity and for awarding execution thereupon with all reasonable and necessary Powers Authorities Fees and Privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your government to administer the Oaths mentioned in the aforesaid Act intituled "An Act for the further Security of His Majesty's Person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the Pretended Princes of Wales and his open and secret Abettors" as altered and explained by the aforesaid Act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled an Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprision of Treason as also to tender and administer the aforesaid Declaration unto such persons belonging to the said Courts as shall be obliged to take the same And also we do hereby authorize and empower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers in our said Province for the better administration of Justice and putting the Laws in execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of Offices and places and for the clearing of Truth in Judicial causes And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any Offender or Offenders in Criminal matters or for any Fines or forfeitures due unto us fit objects of Our mercy to pardon all such offenders and to remit all such Offences fines and forfeitures Treason and Wilful Murder only excepted In which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the Offenders until and to the intent our Roysl pleasure shall be known therein And whereas it belongeth to us in right of our Royal Prerogative to have the custody of Idiots and their Estates and to take the profits thereof to our own use finding them necessaries and also to provide for the custody of Lunaticks and their Estates without taking the profits thereof to our own use And whereas while such Idiots and Lunaticks and their Estates remain under our immediate care great trouble and charges may arise to such as shall have occasion to resort unto us for directions respecting such Idiots and Lunaticks and their Estates and considering that Writs of Inquiry of Idiots and Lunaticks are to issue out of our several Courts of Chancery as well in our Provinces in America as within this our Kingdom respectively and the Inquisitions thereupon taken are returnable in those Courts We have thought fit to intrust you with the care and commitment of the Custody of the said Idiots and Lunaticks and their Estates And we do by these Presents give and grant unto you full power and authority without expecting any further or special Warrant from us from time to time to give Order and Warrant for the preparing of Grants of the Custodies of such Idiots and Lunaticks and their Estates as are or shall be found by Inquisitions thereof taken or to be taken and returnable in our Court of Chancery and thereupon to make and pass Grants and Commitments under our Great Seal of our Province of Nova Scotia of the custodies of all and every such Idiots and Lunaticks and their Estates to such person or persons suitors in that behalf as according to the Rules of Law and the use and practice in those and the like cases you shall judge meet for that Trust the said Grants and Commitments to be made in such manner and form or as nearly as may be as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain and to contain such apt and convenient Covenants Provisions and Agreements on the part of the Committees and Grantees to be performed and security to be by them given as shall be requisite and needful And wee do by these Presents

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Nova Scotia.

Francis Legge,  
2nd July, 1773.

authorize and empower you to collate any person or persons to any Churches Chapels or other Ecclesiastical Benefices within our said Province as often as any of them shall happen to be void And we do hereby give and grant unto you the said Francis Legge by yourself or by your Captains and Commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said Province as occasion shall serve to march from one place to another or to imbarck them for the resisting and withstanding of all enemies Pirates and Rebels both at Land and Sea and to Transport such forces to any of our Plantation in America if necessity shall require for the defence of the same against the Invasion or attempts of any of our Enemies and such Enemies Pirates and Rebels (if there shall be occasion) to pursue and prosecute in or out of the limits of our said Province and Plantations or any of them (and if it shall so please God) to vanquish apprehend and take them and being taken according to Law to put to death or keep and preserve them alive at your discretion and to execute Martial Law in time of invasion or other times when by law it may be executed and to do and execute all and every other things which to our Captain General and Governor in Chief doth or ought of right to belong And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council of Nova Scotia to erect raise and build in our said Province such and so many Forts Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to Fortify and furnish with Ordnance Ammunition and all sorts of Arms fit and necessary for the security and defence of our said Province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at Sea during the time of War and to end that such as shall be shipped and employed at Sea during the time of War may be better governed and ordered We do hereby give and grant unto you the said Francis Legge full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers Commissions to execute the Law Martial during the time of War according to the directions of an Act passed in the Twenty Second year of the Reign of our late Royal Grandfather Intituled "An Act for amending explaining and reducing into one Act of Parliament the Laws relating to the government of His Majesty's Ships Vessels and Forces by Sea and to use such proceedings authorities punishments executions upon any offender or Officers who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their abode or Residence in any of the Ports Harbours or Bays of our said Province as the case shall be found to require according to Martial Law and the said directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any Jurisdiction of any offence cause matter or thing committed or done upon the High Sea or within any of the Havens Rivers or Creeks of our said Provinces under your Government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in our Actual Service and Pay in or on board any of our Ships of War or other vessels acting by immediate Commission or Warrant from our Commissioners for executing the office of our High Admiral of Great Britain for the time being under the Seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by Commission under our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by Commission from our said Commissioners for executing the Office of our High Admiral or from our High Admiral of Great Britain for

the time being according to the aforementioned Act Intituled "An Act for amending and explaining and reducing into one act of Parliament the Laws relating to the government of His Majesty's Ships Vessels and Forces by Sea and not otherwise Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our Ships of War or other Vessels acting by immediate Commission or Warrant from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty may be tried and punished according to the Laws of the place where any such disorders Offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual Service and borne in our Pay on board any such our Ships of War or other Vessels acting by immediate Commission or Warrant from our said Commissioners for executing the Office of High Admiral or Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such offences committed on shore from any pretence of his being employed in our Service at Sea And our further Will and Pleasure is that all publick money raised or which shall be raised by any act hereafter to be made within our said Province be issued out by Warrant from you by and with the advice and consent of the Council and disposed of by you for the support of the government and not otherwise And wee do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our Province for such Lands Tenements and Hereditaments as now are or hereafter shall be in our Power to dispose of and them to grant to any person or persons upon such terms and under such moderate Quit Rents services and acknowledgments to be thereupon reserved unto us as you by and with the advice aforesaid shall think fit which said grants are to pass and be sealed with our Seal of Nova Scotia and being entered upon Records by such Officer or Officers as shall be appointed thereunto shall be good and effectual in Law against us our heirs and successors And we do hereby give you the said Francis Legge full power to order and appoint Fairs Marts and Markets as also such and so many Ports Harbours Bays Havens and other places for conveniences and security of Shipping and for the better loading and unloading of Goods and merchandizes as you by and with the advice and consent of the said Council shall be thought fit and necessary And we do hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of our said Province to be obedient aiding and assisting unto you the said Francis Legge in the execution of this our Commission and of the powers and authorities herein contained And in case of your death or absence out of our said Province to be obedient aiding and assisting unto such persons as shall be appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province We do therefore by these Presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during Our Pleasure or until your arrival within our said Province and if upon your death or absence out of our said Province there be no person upon the place commissioned or appointed by us to be our Lieutenant Governor or Commander in Chief of the said Province Our Will and pleasure is that the Eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the administration of the government and execute our said Commission and Instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And we do hereby declare ordain and appoint that you the said Francis Legge shall and may hold execute and enjoy the Office and place of our Captain General and Governor in Chief in and over our said Province of Nova

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Nova Scotia.

Francis Legge.  
23d July, 1773.



*Appendix.* Scotia with all its Rights members and appurts whatsoever together with all and singular the powers and authorities hereby granted unto you for and during Our Will and Pleasure In Witness &c Witness ourself at Westminster the twenty second day of July

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Commissions of  
the Governors of  
Nova Scotia.

*By Writt of Privy Seal*

This is a true Copy from the original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

**COMMISSION TO JOHN PARR, ESQUIRE,**  
AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF NOVA SCOTIA, 29TH JULY,  
2 GEO: III. 1782.

*Ninth part of Patents in the twenty-second year of King George the Third*

**JOHN PARR Esquire**

John Parr.  
29th July, 1782.

*Governor of Nova Scotia.*

George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith &c to our trusty and welbeloved John Parr Esquire greeting  
*Whereas wee did by our Letters Patent under our great seal of Great Britain bearing date at Westminster the twenty-second day of July in the thirteenth year of our Reign constitute and appoint Francis Legge Esquire Captain General and Governor in Chief in and over our Province of Nova Scotia in America bounded on the westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River Saint 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 to the northward by the said boundary as far as the western extremity of the Baye des Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Cape or Promontory called Cape Breton in the Island of that name including that Island and all other Islands within six leagues of the coast excepting our Island of Saint John which wee have thought fit to erect into a separate Government and to the southward by the Atlantick Ocean from the said Cape to Cape Sable aforesaid including the Island of that name and all other Islands within forty leagues of the coast with all the rights members and appurtenances whatsoever thereunto belonging for and during our will and pleasure as by the said recited Letters Patent relation being thereunto had may more fully and at large appear Now know you that wee have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause article and thing therein contained And further know you that wee reposing especial trust and confidence in the prudence courage and loyalty of you the said John Parr of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you the said John Parr to be our Captain General and Governor in Chief of our said Province of Nova Scotia bounded on the westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River Saint 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 to the northward by the said boundary as far as the western extremity of the Baye des Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Cape or Promontory*



called Cape Breton in the Island of that name including that Island and all other Islands within six leagues of the coast (excepting our said Island of Saint John) and to the southward by the Atlantic Ocean from the said Cape to Cape Sable aforesaid including the Island of that name and all other Islands within forty leagues of the coast with all the rights members and appurtenances whatsoever thereunto belonging And wee do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust wee have reposed in you according to the several powers and authorities granted or appointed you by the present Commission and Instructions herewith given you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council and according to such reasonable laws and statutes as are now in force or shall hereafter be made or agreed upon by you with the advice and consent of our Council and the Assembly of our said Province under your government in such manner and form as is hereinafter expressed And our will and pleasure is that you the said John Parr after the publication of these our Letters Patent do take the oaths appointed to be taken by an act passed in the first year of the Reign of King George the First intituled (An Act for the better security of His Majesty's person and Government of and the succession of the crown in the heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) as altered and explained by an Act passed in the sixth year of our Reign intituled An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the Improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted for High Treason or Misprision of Treason as also that you make and subscribe the declaration mentioned in an Act of Parliament made in the twenty-fifth year of the Reign of King Charles the Second intituled (An Act for preventing dangers which may happen from Popish Recusants) and likewise that you take the usual oath for the due execution of the office and trust of our Captain General and Governor in Chief of our said Province for the due and impartial administration of justice And further that you take the oath required to be taken by Governors of Plantations to do their utmost that the several laws relating to Trade and the Plantations be observed All which said oaths and declaration our Council in our said Province or any five of the members thereof have hereby full power and authority and are required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place All which being duly performed you shall administer unto each of the members of our said Council as also to our Lieutenant Governor if there be any upon the place the said oaths mentioned in the said first recited Act of Parliament altered as above as also cause them to make and subscribe the aforementioned declaration and administer to them the oath for the due execution of their places and trusts And wee do hereby give and grant unto you full power and authority to suspend any of the members of our said Council from sitting voting and assisting therein if you shall find just cause for so doing And if it shall at any time happen that by the death departure out of our said Province suspension of any of our said Councillors or otherwise there shall be a vacancy in our said Council (any five whereof we do hereby appoint to be a quorum) our will and pleasure is that you signify the same unto us by the first opportunity that wee may under our signet and sign manual constitute and appoint others in their stead But that our affairs at that distance may not suffer for want of a due number of Councillors if ever it shall happen that there be less than nine of them residing in our said Province wee do hereby give and grant unto you the said John Parr full power and authority to choose as many persons out of the principal freeholders inhabitants thereof as shall make up the full number of our said

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John Parr, 20th  
July, 1799.

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John Parr, 29th  
July, Fred.

Council to be nine and no more which persons so chosen and appointed by you shall be confirmed by us by the nomination of others by us under our sign manual and signet our said Council shall have nine or more persons in it And wee do hereby give and grant unto you full power and authority with the advice and counsel from time to time as need shall require to summon and call General Assemblies of the said freeholders and planters within your government in such manner and form as has been already appointed and used or according to such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council And our will and pleasure is that the persons thereupon duly elected by the major part of the freeholders of the respective counties and places and so returned shall before their sitting take the oaths mentioned in the first recited Act of Parliament altered as above as also make and subscribe the aforementioned declaration which oaths and declaration you shall commissionate fit persons under our seal of Nova Scotia to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected And wee do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of that our Province of Nova Scotia And that you the said John Parr with the advice and consent of our said Council and Assembly or the major part of them respectively shall have full power and authority to make constitute orlain laws statutes and ordinances for the public peace welfare and good government of the said Province and of the people and inhabitants thereof and such others as shall resort thereto and for the benefit of us our heires and successors which said laws statutes and ordinances are not to be repugnant but as near as may be agreeable to the laws and statutes of this our Kingdom of Great Britain Provided that all such laws statutes and ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under our seal of Nova Scotia for our approbation or disallowance of the same as also duplicates thereof by the next conveyance And in case any or all of the said laws statutes and ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heires or successors under our or their sign manual and signet or by order of our or their Privy Council unto you the said John Parr or to the Commander In Chief of our said Province for the time being then such and so many of the said laws statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our heires and successors wee will and ordain that you the said John Parr shall have and enjoy a negative voice in making and passing of all laws statutes and ordinances as aforesaid And you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all General Assemblies as aforesaid And our further will and pleasure is that you shall and may keep and use the public seal of our Province of Nova Scotia for sealing all things whatsoever that pass the great seal of our said Province under your government And wee do further give and grant unto you the said John Parr full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the aforesaid Acts to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province as shall be resident or abiding there And wee do by these presents give and grant unto you the said John Parr full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many Courts of Judicature and Public Justice within our said Province as you and they shall think fit and necessary for the hearing and determining of all causes as well

criminal as civil according to law and equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of our Government to administer the oaths mentioned in the first recited Act of Parliament altered as above as also to tender and administer the aforesaid declaration unto such persons belonging to the said Courts as shall be obliged to take the same And wee do hereby authorize and empower you to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers in our said Province for the better administration of justice and putting the laws into execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes And wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures treason and wilful murder only excepted In which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our Royal pleasure may be known therein And whereas it belongeth to us in right of our Royal prerogative to have the custody of Idiots and their estates and to take the profits thereof to our own use finding them necessaries And also to provide for the custody of Lunatics and their estates without taking the profits thereof to our own use And whereas while such Idiots and Lunatics and their effects remain under our immediate care great trouble and charges may arise to such as shall have occasion to resort unto us for directions respecting such Idiots and Lunatics and their estates and considering that writs of inquiry of Idiots and Lunatics are to issue out of our several Courts of Chancery as well in our Provinces in America as within this our Kingdom respectively and the inquisitions thereupon taken are returnable in those Courts wee have thought fit to entrust you with the care and commitment of the custody of the said Idiots and Lunatics and their estates And wee do by these presents give and grant unto you full power and authority without expecting any further special warrant from us from time to time to give order and warrant for the preparing of grants of the custodies of such Idiots and Lunatics and their estates as are or shall be found by inquisition thereof taken or to be taken and returnable into our Court of Chancery and thereupon to make and pass grants and commitments under our great seal of our Province of Nova Scotia of the custodies of all and every such Idiots and Lunatics and their estates to such person or persons suitors in that behalf as according to the rules of law and the use and practice in those and the like cases you shall judge meet for that trust The said grants and commitments to be made in such manner and form or as nearly as may be as hath been heretofore used and accustomed in making the same under the great seal of Great Britain and to contain such apt and convenient covenants provisions and agreements on the part of the Committees and Grantees to be performed and such security to be by them given as shall be requisite and needful Wee do by these presents authorize and empower you to collate any person or persons to any Churches Chapels or other Ecclesiastical Benefices within our said Province as often as any of them shall happen to be void And wee do hereby give and grant unto you the said John Parr by yourself or by your Captains and Commanders by you to be authorized full power and authority to levy arms muster command and employ all persons whatsoever residing within our said Province and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemies pirates and rebels both at land and sea and to transport such forces to any of our Plantations in America if necessity shall require for the defence of the same against the invasion or attempts of any of our enemies and such enemies pirates

*Appendix.*  
No. 15.

Commissioners of  
the Governors of  
Nova Scotia.

John Parr, 20th  
July, 1796.

*Appendix.*  
No. 15.

Commissions of  
the Governors of  
Nova Scotia.

John Parr, 29th  
July, 1792.

and rebels (if there shall be occasion) to pursue and prosecute in or out of the limits of our said Province and Plantations or any of them and (if it shall so please God) to vanquish apprehend and take them and being taken according to law to put to death or keep and preserve them alive at your discretion and to do and execute all of invasion or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain General and Governor in Chief doth or ought of right to belong And wee do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council of Nova Scotia to erect raise and build in our said Province such and so many Forts and Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance ammunition and all sorts of arms fit and necessary for the security and defence of our said Province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered wee do hereby give and grant unto you the said John Parr full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers commissions to execute the law martial during the time of war according to the directions of an Act passed in the twenty-second year of the Reign of our late Royal Grandfather intituled (An Act for amending explaining and reducing into one Act of Parliament the laws relating to the government of His Majesty's ships vessels and forces by sea) as the same is altered by an Act passed in the nineteenth year of our Reign intituled An Act to explain and amend an Act made in the twenty-second year of the Reign of his late Majesty King George the Second intituled (Act for amending explaining and reducing into one Act of Parliament the laws relating to the government of His Majesty's ships vessels and forces by sea) and to use such proceedings authorities punishments and executions upon any offender or offenders who shall be mutinous seditious disorderly or any unruly either at sea or during the time of their abode or residence in any of the ports harbours or bays of our said Province as the case shall be found to require according to martial law and the said directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said Province under your government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in our actual service or pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by commission under our great seal of Great Britain as the statute of the twenty-eighth of Henry the Eighth directs or by commission from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being according to the aforementioned Act intituled (An Act for explaining amending and reducing into one Act of Parliament the laws relating to the government of His Majesty's ships vessels and forces by sea) Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission

or warrant from our said Commissioners for executing the office of our High Admiral of Great Britain for the time being under the seal of Great Britain may be tried and punished according to the laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our said Commissioners for executing the office of our High Admiral or our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our service at sea And our further will and pleasure is that all public money raised or which shall be raised by any Act hereafter to be made within our said Province be issued out by warrant from you by and with the advice and consent of our said Council and disposed of by you for the support of the government or for such other purpose as shall be particularly directed in and by such Act and not otherwise And wee do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the inhabitants of our Province for such lands tenements and hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgments to be thereupon reserved unto us as you (by and with the advice aforesaid) shall think fit which said grants are to pass and be sealed with our seal of Nova Scotia and being entered upon record by such officer or officers as shall be appointed thereunto shall be good and effectual in law against us our heirs and successors And wee do hereby give you the said John Parr full power to order and appoint fairs marts and markets as also such and so many ports harbours bays havens and other places for convenience and security of shipping and for the better loading and unloading of goods and merchandizes as by you with the advice and consent of our said Council shall be thought fit and necessary And wee do hereby require and command all Officers and Ministers civil and military and all other inhabitants of our said Province to be obedient aiding and assisting unto you the said John Parr in the execution of this our commission and of the powers and authorities herein contained and in case of your death or absence out of our said Province to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province To whom wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said Province And if upon your death or absence out of our said Province there be no person upon the place commissioned and appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province our will and pleasure is that the eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the administration of the government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And wee do hereby declare ordain and appoint that you the said John Parr shall and may hold execute and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of Nova Scotia with all its rights members and appurtenances whatsoever together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure In witness &c Witness ourself at Westminster the twenty-ninth day of July

*By Writ of Privy Seal.*

This is a true copy from the original record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.



APPENDIX, No. XVI.

EXTRACT FROM THE OPINION

OF

THE ATTORNEY AND SOLICITOR GENERAL,

TO

THE RIGHT HONORABLE THE LORDS COMMISSIONERS OF TRADE AND PLANTATIONS,  
AUGUST 11TH, 1731.

EXTRACT

FROM THE OPINION OF THE ATTORNEY AND SOLICITOR GENERAL, TO THE RIGHT  
HONORABLE THE LORDS COMMISSIONERS OF TRADE AND PLANTATIONS.

Appendix.  
No. 16.

Opinion of the At-  
torney and Solici-  
tor General, to the  
Lords Commis-  
sioners of Trade  
and Plantations.—  
August 11th, 1731.

Upon this state of the case the questions proposed to us were,

1st. Whether the inhabitants of the Massachusetts Bay (if they ever had any right to the government of the said Tract of Land lying between St. Croix and Kennebeck or Sagadahock,) have not, by their neglect, and even refusal to defend, take care of and improve the same, forfeited their said right to the Government, and what right they had under the Charter, and now have, to the Lands.

2nd. Whether by the said Tract being conquered by the French, and afterwards reconquered by General Nicholson in the late Queen's time, and yielded up by France to Great Britain by the Treaty of Utrecht, that part of the Charter relating thereto became vacated? And whether the Government of that Tract and the Lands thereof, are not absolutely revested in the Crown, and whether the Crown has not thereby a sufficient power to appoint Governours, and assign Lands to such Families as shall be desirous to settle there?

\* \* \* \* \*

Upon considering the said case and questions, and the evidence laid before us, and what was alleged on all sides, it appears to us,

That *all the said Tract of Land lying between the Rivers of Kennebeck and St. Croix, is (among other things) granted by the said Charter to the inhabitants of the said Province:* And that thereby power is given to the Governour and General Assembly of the said Province to make grants of lands within the said Limits, subject to a proviso that no such grants should be of any force until their said late Majesties, their Heirs or Successors, should have signified their approbation of the same. It appears also by the said Charter, That *the rights of Government granted to the said Province, extend over this Tract of Land.*



*It doth not appear to us that the inhabitants of the said Province have been guilty of any such neglect or refusal to defend this part of the country, as can create a forfeiture of that subordinate right of Government of the same, or of such property in the soil, as was granted to them by the said Charter; it being sworn by several of the said affidavits, that a fort was erected there, and for some time defended, at the charge of the Province, and that Magistrates and Courts of Justice have been appointed within this District: And that one of the Council of the Province hath always been chosen for this Division; And though it is certain that this part of the Province hath not been improved equally with other parts thereof, yet, considering the vast extent of Country granted by this Charter, and the great improvements made in several parts of it, we conceive that will not create a forfeiture, because in such a case, it is not to be expected that the whole should be cultivated and improved to the same advantage: And whether there has been such a neglect or non use of any part, as may amount to a forfeiture, must be adjudged of not upon the particular circumstances attending that part only, but upon the circumstances of the whole.*

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torney and Solici-  
tor General, to the  
Lords Commis-  
sioners of Trade  
and Plantations—  
August 11th, 1731.*

*And if the Province had incurred any forfeiture in the present case, no advantage could be taken thereof but by a legal proceeding by Scire facias to Repeal their Charter, or by inquisition finding such forfeiture.*

As to the question stated in the case, upon the effect of the Conquest of this Tract of Country by the French, and the re-conquest thereof by General Nicholson, we conceive, that *the said Tract not having been yielded by the Crown of England to France by any Treaty, the conquest thereof by the French created (according to the Law of Nations) only a suspension of the property of the former owners, and not an extinguishment of it; And that upon the re-conquest of it by General Nicholson, all the ancient rights, both of the Province and of private persons, subjects of the Crown of Great Britain, did revive and were restored jure post limine.* This rule holds the more strongly in the present case, in regard it appears by the affidavits that the Province joined their forces to those which came thither under the command of General Nicholson in this service.

For these reasons, we are of opinion that the said Charter still remains in force, and that the Crown hath not power to appoint a particular Governour over this part of the Province, or to assign lands to persons desirous to settle there: Nor can the Province grant these land to private Proprietors without the approbation of the Crown, according to the Charter.

\* \* \* \* \*

All of which, &c.

P. YORKE,  
C. TALBOTT.

August 11th, 1731.

*To all to whom these Presents shall come, Greeting.*

I certify that the foregoing are true Extracts from a Copy of the Journal of the House of Representatives of the Province of Massachusetts Bay, to which the following attestation is affixed.

“COMMONWEALTH OF MASSACHUSETTS.

“I hereby certify that the foregoing is a true copy from a printed volume in the Secretary's Office of this Commonwealth, being a Journal of the Honorable House of Representatives of His Majesty's Province of Massachusetts Bay, in New England,” and “printed by Thomas Fleet, Printer to the Honorable House of Representatives, 1731,”

[L. s.]

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torney and Solic-  
itor General, to the  
Lord's Commis-  
sioners of Trade  
and Plantations—  
August 11th, 1731.

“and that, after a careful examination of the Records and Files of this  
“Office, no other Copy of the opinion of the Attorney and Solicitor  
“General referred to and copied in the foregoing extract from the said  
“Journal, has been discovered. And I further certify that the original  
“Journal of the House of Representatives, of which the said printed  
“volume purports to be a Copy, is not in the Archives of State of this  
“Commonwealth: And to the best of my knowledge and belief, is not  
“in existence. In testimony of all which, I have caused the Seal of  
“the Commonwealth of Massachusetts, in my custody and possession,  
“to be hereunto affixed, this twenty-eighth day of June, one thousand  
“eight hundred and twenty-eight.

“EDWARD D. BANGS,  
“Secretary of the Commonwealth.”

Which copy is on file in this Department; That Edward D. Bangs, whose name is  
subscribed to said attestation, was, at the time of subscribing the same, Secretary of the  
Commonwealth of Massachusetts, one of the United States of America, duly qualified,  
and that full faith and confidence are due to his acts as such.

In testimony whereof, I, Henry Clay, Secretary of State of the United States,  
[L. s ] have hereunto subscribed my name, and caused the Seal of the Depart-  
ment of State to be affixed.

Done at the City of Washington, the seventeenth day of December,  
A. D. 1828, and of the Independence of the United States of America  
the fifty-third.

H. CLAY.

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## APPENDIX, No. XVII.

### ROYAL PROCLAMATION.

SEVENTH OCTOBER.—3 GEORGE III.—1763.

*Fourteenth part of Patents in the fourth year of King George the Third.*

#### BY THE KING:—A PROCLAMATION.

GEORGE R.

Whereas we have taken into our Royal consideration the extensive and valuable acquisitions in America secured to our Crown by the late definitive Treaty of Peace concluded at Paris the tenth day of February last And being desirous that all our loving subjects as well of our Kingdoms as of our Colonies in America may avail themselves with all convenient speed of the great benefit and advantages which must accrue therefrom to their Commerce Manufactures and Navigation we have thought fit with the advice of our Privy Council to issue this our Royal Proclamation hereby to publish and declare to all our loving subjects that wee have with the advice of our said Privy Council granted our Letters Patent under our Great Seal of Great Britain to erect within the Countries and Islands ceded and confirmed to us by the said Treaty four distant and separate Governments styled and called by the names of Quebec East Florida West Florida and Grenada and limited and bounded as follow viz.

First. The Government of Quebec bounded on the Labrador coast by the river St. John and from thence by a line drawn from the head of that river through the Lake St. John to the South end of the Lake Nipissin from whence the said line crossing the river St. 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 St. Lawrence from those which fall into the Sea and also along the North Coast of the Bay des Chaleurs and the coast of the Gulph of St. Lawrence to Cape Rosieres and from thence crossing the mouth of the river St. Lawrence by the West end of the Island of Anticosti terminates at the aforesaid river of Saint John.

Secondly. The Government of East Florida bounded to the westward by the Gulph of Mexico and the Apalachicola river to the Northward by a line drawn from that part of the said river where the Chatahouchee and Flint rivers meet to the Source of St. Marys river and by the course of the said river to the Atlantick Ocean, and to the eastward and southward by the Atlantick Ocean and the Gulph of Florida including all Islands within six leagues of the Sea Coast.

Thirdly. The Government of West Florida bounded to the southward by the Gulph of Mexico including all Islands within six leagues of the Coast from the river Apalachicola to Lake Pontchartrain to the westward by the said Lake the

Appendix.  
No. 17.

Royal Proclamation.—Oct. 7, 1763.

*Appendix.* Lake Maurepas and the river Mississippi to the northward by a line drawn due east from that part of the river Mississippi which lies in thirty one degrees north latitude to the river Apalachicola or Chatahouchee and to the eastward by the said river.

No. 17  
Royal Proclamation — Oct. 7, 1763.

Fourthly. The Government of Grenada comprehending the Island of that name together with the Grenadines and the Islands of Dominica St. Vincents and Tobago.

And to the end that the open and free Fishery of our Subjects may be extended and carried on upon the coast of Labrador and the adjacent Islands we have thought fit with the advice of our said Privy Council to put all that Coast from the river St. Johns to Hudsons Straights together with the Islands of Anticosti and Madelaine and all other smaller Islands lying upon the said Coast under the care and Inspection of our Governor of Newfoundland we have also with the advice of our Privy Council thought fit to annex the Islands of St. Johns and Cape Breton or Isle Royale with the lesser Islands adjacent thereto to our Government of Nova Scotia.

We have also with the advice of our Privy Council aforesaid annexed to our Province of Georgia all the lands lying between the rivers of Altamaha and St. Marys And whereas it will greatly contribute to the speedy settling our said new Governments that our loving subjects should be informed of our paternal care for the security of the Liberties and properties of those who are and shall become inhabitants thereof We have thought fit to publish and declare by this our proclamation that we have in the Letters Patent under our Great Seal of Great Britain by which the said Governments are constituted given express power and direction to our Governors of our said Colonies respectively that so soon as the state and circumstances of the said Colonies will admit thereof they shall with the advice and consent of the members of our Council summon and call General Assemblies within the said Governments respectively in such manner and form as is used and directed in those Colonies and Provinces in America which are under our immediate Government And we have also given power to the said Governors with the consent of our said Councils and the Representatives of the people so to be summoned as aforesaid to make constitute and ordain Laws Statutes and Ordinances for the publick peace welfare and good Government of our said Colonies and of the people and inhabitants thereof as near as may be agreeable to the Laws of England and under such regulations and restrictions as are used in other Colonies and in the mean time and until such Assemblies can be called as aforesaid all persons inhabiting in or resorting to our said Colonies may confide in our Royal protection for the enjoyment of the Benefit of the laws of our Realm of England for which purpose we have given power under our Great Seal to the Governors of our said Colonies respectively to erect and constitute with the advice of our said Councils respectively Courts of Judicature and Publick Justice within our said Colonies for the hearing and determining all causes as well Criminal as Civil according to law and equity and as near as may be agreeable to the Laws of England with liberty to all persons who may think themselves aggrieved by the sentences of such Courts in all Civil cases to appeal under the usual Limitations and Restrictions to us in our Privy Council.

We have also thought fit with the advice of our Privy Council as aforesaid to give unto the Governors and Councils of our said three new Colonies upon the Continent full power and authority to settle and agree with the inhabitants of our said new Colonies or with any other persons who shall resort thereto for such Lands Tenements and Hereditaments as are now or hereafter shall be in our power to dispose of and them to grant to any such person or persons upon such terms and under such moderate quit Rents services and acknowledgments as have been appointed and settled in our other Colonies and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the Grantees and the improvement and settlement of our said Colonies.

And whereas we are desirous upon all occasions to testify our Royal sense and approbation of the conduct and Bravery of the Officers and Soldiers of our Armies and to reward the same we do hereby command and empower our Governors of our said three new Colonies and all other our Governors of our several Provinces on the Continent of North America to grant without fee or reward to such reduced Officers as have served in North America during the late war and to such private Soldiers as have been or shall be disbanded in America and are actually residing there and shall personally apply for the same The following quantities of Lands subject at the expiration of ten years to the same Quit Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same conditions of cultivation and improvement viz:

To every person having the Rank of a field Officer five thousand acres To every Captain three thousand acres To every Subaltern or Staff Officer two thousand acres To every Non Commissioned Officer two hundred acres To every private man fifty acres. We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North America to grant the like quantities of Land and upon the same conditions to such reduced Officers of our Navy of like Rank as served on board our ships of war in North America at the times of the reduction of Louisbourg and Quebec in the late war and who shall personally apply to our respective Governors for such Grants.

And whereas it is just and reasonable and essential to our interest and the security of our Colonies that the several Nations or Tribes of Indians with whom we are connected and who live under our protection should not be molested or disturbed in the possession of such parts of our Dominions and Territories as not having been ceded to or purchased by us are reserved to them or any of them as their Hunting Grounds we do therefore with the advice of our Privy Council declare it to be our Royal will and pleasure that no Governor or Commander in Chief in any of our Colonies of Quebec East Florida or West Florida do presume upon any pretence whatever to grant warrants of survey or pass any patents for Lands beyond the bounds of their respective Governments as described in the Commissions as also that *no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume* for the present and until our further pleasure be known to grant warrants of survey or pass patents for any Lands beyond the heads of any of the Rivers which fall into the ATLANTICK OCEAN from the west and north west or upon any Lands whatever which not having been ceded to or purchased by us as aforesaid are reserved to the said Indians or any of them.

And we do further declare it to be our Royal will and pleasure for the present as aforesaid to reserve under our Sovereignty protection and Dominion for the use of the said Indians all the Lands and Territories not included within the limits of our said three new Governments or within the limits of the Territory granted to the Hudsons Bay Company as also all the Lands and Territories lying to the westward of the sources of the rivers which fall into the SEA from the west and north west AS AFORESAID And we do hereby strictly forbid on pain of our Displeasure all our loving subjects from making any purchases or Settlements whatever or taking possession of any of the Lands above reserved without our especial Leave and Licence for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described or upon any other lands which not having been ceded to or purchased by us are still reserved to the said Indians as aforesaid forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing Lands of the Indians to the great prejudice of our Interests and to the great dissatisfaction of

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Royal Proclamation — Oct 7, 1761.

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No. 17.

Royal Proclamation—Oct. 7, 1763.

the said Indians In order therefore to prevent such irregularities for the future and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable cause of Discontent we do with the advice of our Privy Council strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our Colonies where we have thought proper to allow settlement but that if at any time any of the said Indians should be inclined to dispose of the said Lands the same shall be purchased only for us in our name at some public Meeting or Assembly of the said Indians to be held for that purpose by the Governor or Commander in Chief of our Colonies respectively within which they shall lie within the limits of any proprietary Government they shall be purchased only for the use and in the name of such proprietaries conformable to such Directions and Instructions as we or they shall think proper to give for that purpose *and we do by the advice of our Privy Council declare and enjoin that the Trade with the said Indians shall be free and open to all our Subjects whatever Provided that every person who may incline to Trade with the said Indians do take out a licence for carrying on said trade from the Governor or Commander in Chief of any of our Colonies respectively where such persons shall reside* and also give security to observe such Regulations as we shall at any time think fit by ourselves or by our Commissioners to be appointed for this purpose to direct and appoint for the benefit of the said Trade and we do hereby authorize enjoin and require the Governors and Commanders in Chief of all our Colonies respectively as well those under our immediate Government as those under the Government and direction of proprietaries to grant such Licences without fee or Reward taking especial care to insert therein a condition that such Licence shall be void and the security forfeited in case the person to whom the same is granted shall refuse or neglect to observe such Regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all Officers whatever as well Military as those employed in the management and direction of Indian Affairs within the Territories reserved as aforesaid for the use of the said Indians to seize and apprehend all persons whatever who standing charged with Treasons Misprision of Treason Murder or other Felonies or Misdemeanors shall fly from Justice and take refuge in the said Territory and to send them under a proper guard to the Colony where the crime was committed of which they stand accused in order to take their Tryal for the same. Given at our Court at St. James's the seventh day of October one thousand seven hundred and sixty-three in the third year of our Reign.

*God save the King.*

This is a true copy from the original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING,



APPENDIX, No. XVIII.

ACT OF BRITISH PARLIAMENT

ENTITLED

*"An Act for making more effectual provision for the Government of the Province of Quebec, in North America."*

14 GEO. III. Cap. 83. 1774.

AN ACT

FOR MAKING MORE EFFECTUAL PROVISION FOR THE GOVERNMENT OF THE PROVINCE OF QUEBEC, IN NORTH AMERICA.

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That 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 highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Sea, to a point in forty five degrees of northern latitude, on the eastern bank of the river Connecticut,* keeping the same latitude directly west, through the lake Champlain, until, in the same latitude, it meets the river St. 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, following 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 strike the Ohio; but in case the said bank of the said lake shall not be found to be so intersected, 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 Pennsylvania; 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 strike 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, trading 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.

2. *Provided always, that nothing herein contained relative to the boundary of the Province of Quebec, shall in any wise affect the boundaries of any other colony.*

Appendix.  
No. 18.

British Act making additional provision for the Government of Quebec.—1774.

APPENDIX, No. XIX.

LETTER

TO

FRANCIS BERNARD, Esq. GOVERNOR OF THE MASSACHUSETTS BAY.

MARCH 11, 1763.

WHITEHALL, March 11, 1763.

*Appendix.*  
No 19.

Letter from the  
Board of Trade to  
F. Bernard—11th  
March, 1763.

We have taken into our consideration your Letter to our Secretary dated the first of December, and the several Papers which you have addressed to the Board, relative to the Grant of the Island of Mount Desart, which the General Court of Massachusetts is represented to have made to you in July 1762.

We can have no objection to your acceptance of this Grant as a testimony of the approbation and favor of that Province in whose service, and in the conduct of whose affairs, you have manifested so much zeal and capacity, nor should we have delayed our representation upon to the Crown, if the deed itself had been before us. You are sensible there are some circumstances peculiar to the situation of this Tract of Country, which make it necessary to consider both the case itself, and the manner of carrying such a Grant into execution. When we shall be actually in possession of the Grant, we will bring the matter to issue with all possible dispatch, and endeavour to decide whatever questions arise upon it, in a manner which shall be agreeable and upon grounds which shall be just to all parties concerned.

*It may be proper to observe to you that the doubt conceived upon the claim of the Province of Massachusetts, is not found upon the allegation that the lands to the East of Penobscot were not in the possession of the Crown, at the time of granting the Charter, but upon the operation which the Treatys of Rishwick and Breda (by which Treaties this Tract of Country was ceded to France) should be admitted to have had upon the Charter itself.*

*We cannot take upon us at Present to say how far all future consideration of this question is precluded by the order of Council grounded upon the opinion of the Attorney and Solicitor General in 1731; this is a delicate point, which should be reserved till the deed shall come regularly before us, and in the mean time we cannot think it expedient to advise any conditional Grant whatever of this Island.*

We are your most obedient humble servants,

C. TOWNSHEND,  
SOAME JENYNS,  
ED. BACON,  
ORWELL.

FRANCIS BERNARD, Esq. Governor of the Massachusetts Bay.

COMMONWEALTH OF MASSACHUSETTS, *Appendix.*  
*Secretary's Office.* No. 19.

I hereby Certify, that the foregoing is a true Copy of Record as existing in this Office:

*Letter from the  
 Board of Trade to  
 P. Bernard.—11th  
 March, 1763.*

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth in my custody and possession this twentieth day of September, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

[L. s.]

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

TTS BAY.

1, 1763.

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APPENDIX, No. XX.

COPY OF A LETTER

FROM THE

AGENT OF THE PROVINCE OF MASSACHUSETTS BAY

TO

THE SECRETARY OF SAID PROVINCE.

LONDON, 9TH JUNE, 1764.

LONDON, 9th June, 1764.

SIR:

Appendix.  
No. 20.

Letter from Jasper  
Mauduit to the Sec-  
retary of the Pro-  
vince of Massa-  
chusetts Bay.—9th  
June, 1764.

It is with pleasure that I now write to inform the General Court, that their several Grants of Lands to the East of Penobscot are in a fair way of being confirmed. Mr. Jackson and I have sought all opportunities of bringing this business forward: but the Board of Trade has been so much engaged that they could not before attend to it. In the course of the affair the chief things insisted on were: that *the Lords, notwithstanding the opinion formerly given, are still disposed to think the right of the Province doubtful as to lands between Penobscot and St Croix* because the case was misstated to the Attorney and Solicitor General, and that, whatever be the determination on this head, yet *the Lords think, that the Province can claim no right to the Lands on the River St. Lawrence:* because the bounds of the Charter are from Nova Scotia to the River Sagadahock; so that this right cannot extend above the head of that River. That however if the Province will pass an act empowering their Agent to cede to the Crown all pretence of right or title, they may claim under their Charter, to the lands on the River St. Lawrence, destined by the Royal Proclamation to form part of the Government of Quebec; the Crown will then waive all further dispute concerning the lands as far as St. Croix, and from the Sea Coast of the Bay of Fundy, to the bounds of the Province of Quebec: reserving only to itself the right of approbation, as before. Mr Jackson and I were both of us of opinion that THE NARROW TRACT OF LAND, which lies beyond the sources of all your Rivers, and is WATERED BY THOSE WHICH RUN INTO THE RIVER OF ST LAWRENCE, could not be an object of any great consequence to you, though it is absolutely necessary to the Crown, to preserve the continuity of the Government of Quebec, and that therefore it could not be for your interest to have the confirmation of those grants retarded upon that account. It was therefore previously agreed between us; and accordingly upon my next attendance at the Board, when Lord Hillsborough asked me if I had any authority from the Province relative to the lands upon the south of the River St. Lawrence, I answered that I had no instructions relative to that particular part; but that as I was very desirous of having the Provincies Grants confirmed, I was ready to engage myself thus far for the Province: that if the Grants might be confirmed, such confirmation should not be pleaded in prejudice of the King's rights to the Country contiguous to the River St. Lawrence, which by the Royal Proclamation makes a part of the Canadian Government.

I hope that the General Court will not think that I have herein departed from or mistaken their interest. It appeared to me, that though the Duke of York's original patent extended to the River of Canada northward, yet that that was mentioned rather to preserve the National claim, than as intended by the Crown to be of force against it; that a country which lies so remote, and whose rivers run still farther from you into that of St. Lawrence, could neither be settled nor retained by you: that the obtaining a confirmation of the lands you claim, upon a consideration given, renders the Crown's acknowledgment of your title so much the more solemn and irrevocable, and that the Province hereby gained a merit with the Crown at no real expense of its own. In this whole affair Mr. Jackson and I have acted in concert. But as the Grants were sent to him, he will write to you more particularly upon the subject.

I am with the highest respect,

Sir, your most obedient humble servant,

JASPER MAUDUIT.

To the GREAT AND GENERAL COURT.

COMMONWEALTH OF MASSACHUSETTS,  
Secretary's Office.

I hereby certify that the foregoing is a true copy of a letter, on file in this Office, from the Agent of the Province of Massachusetts Bay to the Secretary of said Province, and which is also recorded at length in the Records of this Department.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth in my custody and possession, this twenty-sixth day of September, in the year of our Lord one thousand eight hundred and twenty-eight and of the Independence of the United States of America the fifty-third.

EDWARD D. BANGS,  
Secretary of the Commonwealth.

Appendix.  
No. 20.

Letter from Jasper Mauduit to the Secretary of the Province of Massachusetts Bay.—  
9th June, 1764.

# APPENDIX No. XXI.

## COMMISSIONS

OF THE

## GOVERNORS AND OTHER PERSONS

ADMINISTERING

THE GOVERNMENT OF THE PROVINCE OF QUEBEC,

VIZ:

James Murray, Esquire.....	1763.
Guy Carleton, Esquire.....	1767.
Guy Carleton, Esquire.....	1774.
Frederick Haldimand, Esquire.....	1777.
Sir Guy Carleton, K. B.....	1786.

### COMMISSION TO JAMES MURRAY, ESQUIRE,

AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF QUEBEC, 21ST NOVEMBER,  
4 GEO: III. 1763.

#### *First Part of Patents in the fourth year of King George the Third*

JAMES MURRAY Esq. Governor of Quebec

Appendix.  
No. 21.

Commissions of  
the Governors, &c.  
of the Province of  
Quebec.

Jas. Murray, Esq.  
21st Nov., 1763.

George the Third by the Grace of God of Great Britain France and Ireland King defender of the faith &c to our trusty and welbeloved James Murray Esquire greeting wee reposing especial trust and confidence in the prudence courage and loyalty of you the said James Murray of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said James Murray to be our captain general and Governor in chief in and over our province in America bounded on the Labrador coast by the river St John and from thence by a line drawn from the head of that river through the Lake St John to the Southend of lake Nipissin from whence the said line crossing the river St Lawrence and the Lake Champlain in forty five degrees of Northern latitude passes along the high lands which divide the rivers that empty themselves into the said river St Lawrence from those which fall into the Sea and also along the North coast of the Bay des Chaleurs and the coast of the Gulph of St Lawrence to Cape Rosieres and from thence crossing the mouth of the river St Lawrence by the West end of the Island of Anticosti Terminates at the aforesaid river of St Johns together with all the rights members and appurtenances whatsoever thereunto belonging and we do hereby require and command you to do and execute all things in due manner that shall belong to your said command and the trust we have reposed



in you according to the several powers and directions granted or appointed you by this present commission and the instructions and authorities herewith given unto you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign Manual or by our order in our privy council and according to such reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and consent of the council and Assembly of our said province under your government in such manner and form as is hereinafter expressed and our will and pleasure is that you the said James Murray do after the publication of these our letters patent and after the appointment of our council for our said province in such manner and form as is prescribed in the instructions which you will herewith receive in the first place take the Oaths appointed to be taken by an Act passed in the first year of the Reign of King George the first intituled (an Act for the further security of his Majesty's person and Government and the succession of the crown in the Heirs of the late princess Sophia being Protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret Abettors) as also that you make and subscribe the declaration mentioned in an Act of parliament made in the twenty fifth year of the Reign of King Charles the second intituled [an act for preventing dangers which may happen from popish Recusants] and likewise that you take the Oath usually taken by Governors in Other Colonies for the due execution of the Office and trust of our Captain General and Governor in chief in and over our said Province and for the due and impartial administration of Justice And further that you take the Oath required to be taken by Governors of the plantations to do their utmost that the several laws relating to trade and the plantations be duly observed which said Oaths and declaration our council of Our said Province or any three of the members thereof have hereby full power and authority and are required to tender and administer to you all which being duly performed you shall yourself administer to each of the members of our said council and to the lieutenant Governors of Montreal and Trois Rivières the said Oaths mentioned in the said Act intituled [an Act for the further security of his Majestys person and government and the succession of the Crown in the Heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret Abettors] as also cause them to make and subscribe the aforementioned declaration and to administer unto them the usual Oaths for the due execution of their places and trusts And wee do further give and grant unto you the said James Murray full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in this behalf to administer and give the Oaths mentioned in the said Act for the further security of his Majestys Person and government and the succession of the crown in the Heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors to all and every such person and persons as you shall think fit who shall at any time pass into our said province or shall be resident or abiding there and we do hereby authorize and empower you to keep and use the public Seal which will herewith be delivered to you or shall be hereafter sent to you for sealing all things whatsoever that shall pass the great Seal of our said province And wee do hereby give and grant unto you the said James Murray full power and authority with the advice and consent of our said council to be appointed as aforesaid so soon as the situation and circumstances of Our province under your government will admit thereof and when and as need shall require to summon and call general Assemblies of the freeholders and planters within your government in such manner as you in your discretion shall judge most proper or according to such further powers instructions and authorities as shall be at any time hereafter granted or appointed you under our Signet and sign Manual or by our Order in Our privy council And Our will and pleasure is that the persons

Appendix.  
No. 21.

Commissioners of  
the Governors, &c.  
of the Province of  
Quebec.

James Murray, Esq.  
21st Nov. 1763.

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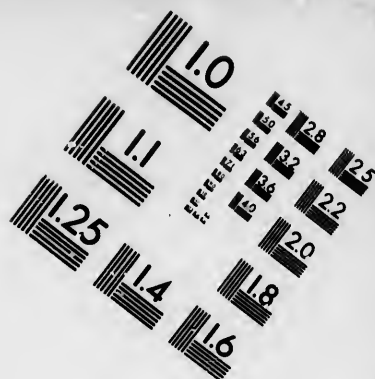
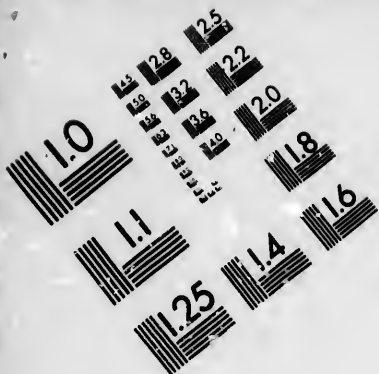
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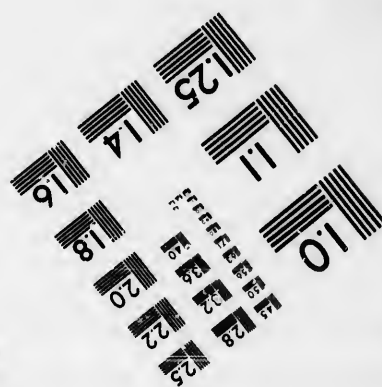
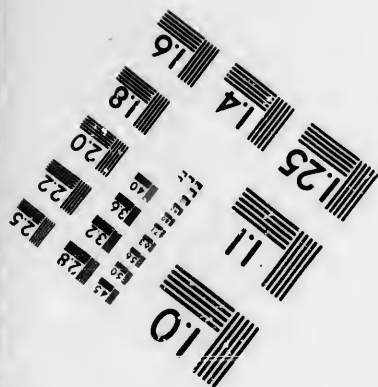
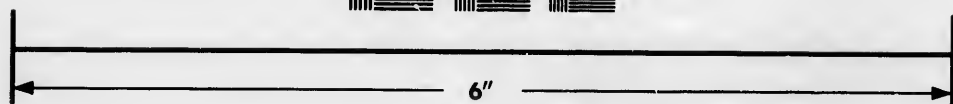
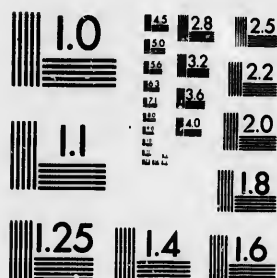
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*Appendix.*  
No. 21.

Commissioners of  
the Governor, &c.  
of the Province of  
Quebec.

Jon. Murray, Esq.  
Sist Nov. 1763.

thereupon duly elected by the Major part of the freeholders of the respective parishes or precincts and so returned shall before their sitting take the Oaths mentioned in the said Act intituled (an Act for the further security of his Majesty's person and government and the succession of the crown in the Heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret Abettors) as also make and subscribe the forementioned declaration which Oaths and declaration you shall commissionate fit persons under the public Seal of that our province to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected and we do hereby declare that the persons so elected and qualified shall be called and deemed the assembly of that our province of Quebec and that you the said James Murray by and with the advice and consent of our said council and assembly or the Major part of them shall have full power and authority to make constitute and Ordain Laws Statutes and Ordinances for the public peace welfare and good government of our said province and of the people and inhabitants thereof and such others as shall resort thereunto and for the benefit of us our Heirs and successors which said laws statutes and ordinances are not to be repugnant but as near as may be agreeable to the laws and statutes of this our kingdom of great Britain provided that all such Laws statutes and ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted to us under Our Seal of our said province for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said Laws statutes and ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our Heirs and successors under our or their Signet and sign manual or by Order of our or their privy council unto you the said James Murray or to the commander in chief of our said province for the time being then such and so many of the said laws statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of no effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said council or assembly to the prejudice of us our Heirs and successors we will and ordain that you the said James Murray shall have and enjoy a negative voice in the making and passing of all laws statutes and ordinances as aforesaid and that you shall and may likewise from time to time as you shall Judge necessary adjourn prorogue or dissolve all general assemblies as aforesaid And we do by these presents give and grant unto you the said James Murray full power and authority with the advice and consent of our said council to erect constitute and establish such and so many Courts of Judicature and public Justice within our said province under your government as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to law and equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your government to administer the Oaths mentioned in the aforesaid Act intituled (an act for the further security of his Majestys person and government and the succession of the crown in the Heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret Abettors) as also to tender and administer the aforesaid declaration to such persons belonging to the said courts as shall be obliged to take the same And we do hereby grant unto you full power and authority to constitute and appoint Judges and in cases requisite commissioners of oyer and terminer justices of the peace sheriffs and other necessary officers and ministers in our said province for the better administration of justice and putting the laws in execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution

and performance of offices and places and for the clearing of truth in judicial causes and we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any Offender or Offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and remit all such offences fines and forfeitures (treason and wilful murder only excepted) in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offender until and to the intent our royal pleasure may be known therein And we do by these presents give and grant unto you full power and authority to collate any person or persons to any churches chapels or other Ecclesiastical benefices within our said province as often as any of them shall happen to be void and we do hereby give and grant unto you the said James Murray by yourself or by your captains and commanders by you to be authorized full power and authority to levy arm muster Command and employ all persons whatsoever residing within our said province and as occasion shall serve them to march embark or transport from one place to another for the resisting and withstanding of all enemies pirates and rebels both at land and Sea and to transport such forces to any of our plantations in America if necessity shall require for defence of the same against the invasion or attempts of any of our enemies and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said province and if it shall so please God them to vanquish apprehend and take and being taken according to law to put to death or keep and preserve alive at your discretion and to execute martial law in time of invasion war or other times when by law it may be executed and to do and execute all and every other thing and things which to our captain general and Governor in chief doth or of right ought to belong and we do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect raise and build in our said province such and so many Forts platforms castles cities boroughs Towns and fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance ammunition and all sorts of arms fit and necessary for the security and defence of our said province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient and forasmuch as divers mutinies and disorders may happen from persons shipped and employed at Sea during the time of war and to the end that such as shall be shipped and employed at Sea during the time of war may be better governed and ordered we do hereby give and grant unto you the said James Murray full power and authority to constitute and appoint captains lieutenants masters of Ships and other commanders and officers and to grant to such captains lieutenants masters of ships and other commanders and officers commissions to execute the law Martial during the time of war according to the directions of an act passed in the twenty-second year of the reign of our late Royal Grandfather entitled [an Act for amending explaining and reducing into one act of Parliament the laws relating to the Government of his Majestys Ships vessels and forces by Sea and to use such proceedings authorities punishment corrections and executions upon any offender or Offenders who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their abode or residence in any of the Ports Harbours or Bays in our said province as the case shall be found to require according to Martial Law and the said directions during the time of war as aforesaid provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the high Sea or within any of the havens rivers or creeks of our said province under your government by any captain commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in actual service and pay in or on board any of our ships of war or Other vessels acting by immediate commission or warrant from our commissioners for executing the

*Appendix.*  
No. 21.

Commissioners of  
the Governor, &c.  
of the Province of  
Quebec.

—  
Jas. Murray, Esq.  
21st Nov. 1763.



*Appendix.* Office of our high Admiral of Great Britain or from our high Admiral of great Britain for the time being under the Seal of our Admiralty but that such captain commander Lieutenant Master Officer Seaman soldier or Other person so offending shall be

No. 21.  
Commissioners of  
the Governor &c.  
of the Province of  
Quebec.

James Murray, Esq.  
31st Nov. 1763.

under Our great Seal of this Kingdom as the statute of the twenty eighth of Henry the Eighth directs or by commission from our said Commissioners for executing the Office of high admiral of great Britain or from our high admiral of great Britain for the time being according to the afore mentioned Act intituled [an Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of his Majestys Ships vessels and Forces by Sea] and not Otherwise provided nevertheless that all disorders and misdemeanors committed on shore by any captain commander lieutenant Master Officer Seaman Soldier or Other person whatsoever belonging to any of our Ships of war or Other vessels acting by immediate commission or warrant from Our commissioners for executing the Office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tried and punished according to the laws of the place when any such disorders Offences and misdemeanors shall be committed on shore notwithstanding such Offender be in Our actual service and borne in our pay on board any such Our ships of war or Other Vessels acting by immediate commission or warrant from Our commissioners for executing the Office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such Offences committed on Shore from any pretence of his being employed in our service at Sea And our further will and pleasure is that all public monies raised or which shall be raised by any Act hereafter to be made within our said province be issued out by Warrant from you by and with the advice and consent of our council as aforesaid for the support of the government and not Otherwise and we likewise give and grant unto you full power and authority by and with the advice and consent of our said council to settle and agree with the inhabitants of our said province for such lands tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgments to be thereupon reserved unto us as you with the advice aforesaid shall think fit which said grants are to pass and be sealed by our public Seal of our said province and being entered upon record by such Officer or Officers as shall be appointed thereunto shall be good and effectual in law against us our Heirs and successors provided that the same be made conformable to the instructions herewith delivered to you or to such Other instructions as may hereafter be sent to you under our signet and sign Manual or by our Order in Our privy council which instructions or any articles contained therein or any such Order made in Our privy council so far as the same shall relate to the granting of lands as aforesaid shall from time to time be published in the province and entered of record in like manner as the said grants themselves are hereby directed to be entered and we do hereby give you the said James Murray full power and authority to Order and Appoint fairs Marts and Markets as also such and so many ports Harbours Bays Havens and Other places for the conveniency and security of Shipping and for the better loading and unloading of goods and merchandizes in such and so many places as by and with the advice and consent of our said council shall be thought fit and necessary and we do hereby require and command all Officers and Ministers civil and Military and all Other inhabitants of Our said province to be Obedient aiding and assisting unto you the said James Murray in the execution of this Our commission and of the powers and authorities therein contained and in case of your death or absence from our said province and government to be Obedient aiding and assisting as aforesaid to the commander in chief for the time being to whom we do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and en-

joyed during our pleasure or until your arrival within Our said province and in case of your death or absence from Our said Province our will and pleasure is that our Lieutenant Governor of Montreal or Trois Rivières according to the priority of their commissions of Lieutenant governors do execute our said commission with all the powers and authorities therein mentioned as aforesaid And in case of the death or absence of our Lieutenant Governors of Montreal and Trois Rivières from our said province and there be no person within our said Province appointed by us to be Lieutenant governor or commander in chief of our said province Our will and pleasure is that the eldest councillor who shall be at the time of your death or absence residing within our said province shall take upon him the administration of the government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our governor or commander in chief should or ought to do in case of your absence or until your return or in all cases until our further pleasure be known therein and we do hereby declare ordain and appoint that you the said James Murray shall and may hold execute and enjoy the Office and place of our captain general and governor in chief in and over our said province of Quebec and all the territories dependant thereon with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure in witness &c witness ourself at Westminster the twenty first day of November

*Appendix.*  
No. 21.

Commissions of  
the Governors &c.  
of the Province of  
Quebec.  
Jas. Murray, Esq.  
18th Nov. 1763.

*By Writ of Privy Seal*

This is a true Copy from the Original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

# COMMISSION TO GUY CARLETON, ESQUIRE,

AS

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF QUEBEC, 12TH APRIL, 8 GEO. III. 1767.

## *Third part of Patents in the eighth year of King George the Third*

GUY CARLETON Esquire Governor of Quebec

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To our trusty and well beloved Guy Carleton Esquire greeting *whereas we did* by our letters patent under Our Great Seal of Great Britain bearing date at Westminster the twenty-first day of November in the fourth year of our Reign constitute and appoint James Murray Esquire to be our Captain General and Governor in Chief in and over our Province of Quebec in America 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 of St. John to the South end of Lake Nipissin from whence the said line crossing the river Saint Lawrence and the Lake Champlain in forty-five degrees of northern 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 Gulph of Saint Lawrence to Cape Rozieures 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 of St. John together with all the Rights Members and appurts whatsoever thereunto belonging for and during our will and pleasure as by the said recited Letters patent Relation being thereunto had may more fully and at large appear Now know you that we have revoked and determined And by these presents Do revoke and determine the said Letters patent and

Guy Carleton, Esq.  
12th April, 1767.

*Appendix.* every clause article and thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and Loyalty of you the

No. 21.

Commissions of the Governors, &c. of the Province of Quebec.

Guy Carleton, Esq. 12th April, 1767.

said Guy Carleton of our especial Grace certain knowledge and meer motion have thought fit to constitute and appoint And by these presents Do constitute and appoint you the said Guy Carleton to be our Captain General and Governor in Chief in and over our Province of Quebec in America bounded on the Labrador coast by the River St. John and from thence by a line drawn through the head of that river through the Lake Saint John to the south end of Lake Nipissin from whence the said line crossing the river St. Lawrence and the Lake Champlain in forty-five degrees of northern latitude passes along the High Lands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the coast of the Gulph of St. Lawrence to Cape Rosières and from thence crossing the mouth of the river St. Lawrence by the west end of the Island of Anticosti terminates at the aforesaid river of St. John together with the rights members and appurts whatsoever thereunto belonging And wee do hereby require and command you to do and execute all things in due manner that shall belong to your said Command and the trust wee have reposed in you according to the several powers and directions granted or appointed you by this present Commission and the instructions and authorities herewith given unto you or by such further powers Instructions and authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Mannal or by our order in our privy council and according to such reasonable Laws and Statutes as shall hereafter be made and agreed upon by you with the advice and consent of the Council and Assembly of our said Province under your Government in such manner and form as is hereafter expressed And Our will and pleasure is that you the said Guy Carleton do after the publication of these Our Letters patent in such manner and form as is prescribed in the Instructions which you will herewith receive in the first place take the Oaths appointed to be taken by an Act passed in the first year of the Reign of King George the First Intitled An act for the further Security of His Majestys person and Government and the Succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors And by an Act passed in the sixth year of our reign Intitled an act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Ann. Intitled an act for the improvement of the union of the two kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason or Misprision of Treason and also that you make and subscribe the Declaration mentioned in an act of parliament made in the twenty-fifth year of the Reign of King Charles the second Intitled an act for preventing Dangers which may happen from Popish Recusants and likewise that you take the Oath usually taken by Governors in other colonies for the due execution of the office and trust of our Captain General and Governor in Chief in and over our said province and for the due and impartial Administration of justice And further that you take the oath required to be taken by Governors of plantations to do their utmost that the several Laws relating to Trade and the plantations be duly observed which said Oaths and Declaration our Council of our said province or any three of the members thereof have hereby full power and authority and are hereby required to tender and administer to you all which being duly performed you shall yourself administer to each of the Members of our said Council the said Oaths mentioned in the said Acts Intitled an Act for the further security of His Majestys person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors and An Act for Altering the Oath of Abjuration and the Assurance and for amending so

much of an act of the seventh year of her late Majesty Queen Ann Intituled (An act for the improvement of the unions of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason and misprision of Treason as also cause them to make and subscribe the afore-mentioned Declaration and to administer unto them the usual oaths for the due execution of their places and Trusts And wee do further give and grant unto you the said Guy Carleton full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in this behalf to administer and give the oaths mentioned in the Acts Intituled (An act for the further security of His Majestys person and Government and the succession of the Crown in the Heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors and an act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne Intituled (An act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason or Misprision of Treason to all and every such person and persons as you shall think fit who shall at any time or times pass into our said Province as shall be resident or abiding there And we do hereby authorize and empower you to keep and use the public Seal of our Province of Quebec for sealing all things whatsoever that shall pass the Great seal of our said province And wee do hereby give and grant unto you the said Guy Carleton full power and authority with the advice and consent of our said Council as soon as the situation and circumstances of our province under your Government will admit thereof and when and so often as need shall require to summon and call general assemblies of the Freeholders and planters within your Government as you in your discretion shall judge most proper or according to such further powers instructions and authorities as shall be at any time hereafter granted or appointed you under our signet and sign manual or by our order in our privy council And our will and pleasure is that the persons thereupon duly elected by the Major part of the Freeholders of the respective parishes or precincts and so returned shall before their sitting take the oaths mentioned in the said Acts Intituled An act for the further security of His Majestys person and Government and the Succession of the Crown in the late princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors And an act for altering the oath of abjuration and the assurance and for amending so much of an act of the seventh year of her late Majesty Queen Anne Intituled an act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason or Misprision of Treason as also make and subscribe the aforementioned Declaration which Oaths and Declaration you shall commissionate fit persons under the publick Seal of that our province to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting though elected And wee do hereby declare that the persons so elected and qualified shall be called and deemed the Assembly of that our province of Quebec and that you the said Guy Carleton by and with the advice and consent of our said Council and Assembly or the Major part of them shall have full power and authority to make constitute and ordain Laws Statutes and ordinances for the publick peace welfare and Good Government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereunto and for the benefit of us our Heirs and Successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three months or soon-

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Commissions of  
the Governors of  
the Provinces of  
Quebec.

Guy Carleton, Esq.  
14th April, 1767.

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Commissioners of  
the Governors of  
the Province of  
Quebec.

Guy Carleton, Esq.  
19th April, 1767.

er after the making thereof transmitted to us under our Seal of our said province for our approbation or disallowance of the same as also Duplicates thereof by the next conveyance and in case any or all of the said Laws Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by our Heirs and Successors under our or their signet and Sign Manual or by order of our or their Privy Council unto you the said Guy Carleton or to the Commander in chief of the said province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of no effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us our Heirs and Successors we will and ordain that you the said Guy Carleton shall have and enjoy a Negative voice in the making and passing of all Laws Statutes and Ordinances as aforesaid and that you shall and may likewise from time to time as you shall judge necessary adjourn prorogue and dissolve all general Assemblies as aforesaid And we do by these presents Give and Grant unto you the said Guy Carleton full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many Courts of Judicature and public justice within our said province under your Government as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to Law and Equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your Government to administer the oaths mentioned in the aforesaid Acts Intituled An act for the further security of His Majestys person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors And an act for altering the Oath of Abjuration and the assurance and for amending so much of an act of the seventh year of her late Majesty Queen Anne Intituled An Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason or Misprision of Treason as also to tender and administer the aforesaid declaration to such persons belonging to the said Courts as shall be obliged to take the same And we do hereby grant unto you full power and authority to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace Sheriffs and other necessary officers and Ministers in our said Province for the better administration of justice and putting the Laws in execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in Judicial causes And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and remit all such offences fines and forfeitures Treason and wilful murder only excepted in which case you shall likewise have power upon extraordinary occasions to grant Reprieves to the offenders untill and to the intent our Royal pleasure may be known therein And we do by these presents give and grant unto you full power and authority to collate any person or persons to any churches chapels or other Ecclesiastical Benefices within our said Province as often as any of them shall happen to be void And we do hereby give and grant unto you the said Guy Carleton by yourself or by your Captains and Commanders by you to be authorized full power and authority to Levy arm Muster Command and employ all persons whatsoever residing within our said Province and as occasion shall serve them to march embark or transport from one place to another for the resisting and withstanding of all enemies



pirates and Rebels both at Land and Sea and to transport such Forces to any of our plantations in America if necessity shall require for defence of the same against the Invasion or attempts of any of our enemies and such enemies pirates and Rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and if it shall please God them to vanquish apprehend and take and being taken according to Law to put to death or keep and preserve alive at your discretion and to execute martial law in time of Invasion war or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain General and Governor in Chief doth or of right ought to belong And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council to erect raise and build in our said Province such and so many forts platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance Ammunition and all sorts of Arms fit and necessary for the security and defence of our said Province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And for as much as divers mutinies or disorders may happen by persons shipped and employed at Sea during the time of war And to the end that such as shall be shipped and employed at Sea during the time of war may be better governed and ordered And we do hereby give and grant unto you the said Guy Carleton full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers Commissions to execute the Law Martial during the time of war according to the directions of an Act passed in the twenty-second year of the Reign of our late Royal Grandfather Intituled an act for amending explaining and reducing into one act of Parliament the Laws relating to the Government of His Majestys Ships Vessels and Forces by Sea and to use such proceedings authorities punishments corrections and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their abode or residence in any of the ports Harbours or Bays in our said Province as the case shall be found to require according to Martial Law and the said directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the High Sea or within any of the Havens Rivers or Creeks of our said Province under your Government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in actual service and pay in or on board any of our Ships of War or other vessels acting by immediate Commission or warrant from Our Commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty but that such Captain Commander Lieutenant Master Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by Commission under our great Seal of this Kingdom as the Statute of the Twenty Eighth of Henry the Eighth or by Commission from our said Commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being according to the afore-mentioned Act Intituled An Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majestys Ships Vessels and Forces by Sea and not otherwise provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our ships of war or other vessels acting by immediate Commission or Warrant from our Commissioners for executing the office of High Admiral of Great Britain or

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Commissioners of  
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Quebec.  
Guy Carleton, Esq.  
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from our High Admiral of Great Britain for the time being under the Seal of our Admiralty may be tried and punished according to the Laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and born in our pay on board any such our ships of war or other vessel acting by immediate Commission or warrant from our Commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our service at sea And our further will and pleasure is that all publick moneys raised or which shall be raised hereafter by any Act to be made within our said Province be issued out by warrant from you hy and with the advice and consent of our Council as aforesaid for the support of the Government and not otherwise and wee likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the Inhabitants of our said Province for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such Terms and under such moderate Quit Rents Services and acknowledgements to be thereupon reserved unto us as you with the advice aforesaid shall think fit which said Grants are to pass and be sealed by our publick seal of our said Province and being entered upon Record by such officers as shall be appointed thereunto shall be good and effectual in Law against us our heirs and successors And wee do hereby give you the said Guy Carleton full power and authority to order and appoint Fairs Markets and Marts as also such and so many Ports Harbours Bays Havens and other places for the conveniency and Security of Shipping and for the better loading and unloading of Goods and Merchandizes in such and so many places as by you with the advice and Consent of our said Council shall be thought fit and necessary And wee do hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of our said Province to be obedient aiding and assisting unto you the said Guy Carleton in the execution of this our Commission and of the Powers and authorities therein contained And in case of your death or absence from our said Province and Government to be obedient aiding and assisting as aforesaid to the Lieutenant Governor or Commander in Chief for the time being to whom wee do by these Presents give and grant all and singular the powers & authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said Province and if upon your death or absence out of our said Province there be no person upon the place Commissioned or appointed by us to be Lieutenant Governor or Commander in Chief of our said Province Our will and pleasure is that the Eldest Councillor who shall be at the time of your death or absence residing within our said Province shall take upon him the Administration of the Government and execute our said Commission and Instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein And wee do hereby declare ordain and appoint that you the said Guy Carleton shall and may hold exercise and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of Quebec and all the Territories Dependent thereon with all and singular the powers and authorities hereby granted unto you for and during Our will and Pleasure In Witness &c Witness our self at Westminster the twelfth day of April

*By Writt of Privy Seal*

This is a true Copy from the Original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

**COMMISSION TO GUY CARLETON, ESQUIRE,**  
AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF QUEBEC.—27TH DECEMBER,  
15 Geo. III. 1774.

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Commissioners of  
the Governor of  
the Province of  
Quebec.

Guy Carleton, Esq.  
27th Dec. 1774.

*Second Part of Patents in the Fifteenth Year of King George the Third*

GUY CARLETON, ESQUIRE, Governor of Quebec.

George the Third by the Grace of God of Great Britain France and Ireland King, Defender of the Faith &c. to our trusty and well beloved Guy Carleton Esq. Greeting Whereas we did by our letters patent under our great seal of Great Britain bearing date at Westminster the 19th day of April in the eight year of our Reign constitute and appoint you to be our Captain General and Governor in Chief in and over our province of Quebec in America, bounded on the Labrador Coast by the river St John and from thence by a line drawn from the head of that river through the Lake St. John to the South East of Lake Nipissin from whence the said line crossing the river St. Lawrence and Lake Champlain in forty five degrees of Northern Latitude passes along the HIGHLANDS WHICH DIVIDE THE RIVERS THAT EMPTY THEMSELVES INTO THE SAID RIVER ST. 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 ST. LAWRENCE to Cape Rozieres and from thence crossing the mouth of the RIVER ST. LAWRENCE by the West end of the Island of Anticosti terminates at the aforesaid river St. John together with all the rights members and appurtenances whatsoever thereunto belonging for and during our will and pleasure as by the said recited letters patent relation being thereunto had may more fully and at large appear. And Whereas we did also by our letters patent under our Great Seal of Great Britain bearing date at Westminster the 16th day of March in the twelfth year of our Reign constitute and appoint Molineux Shuldham Esq. to be our Governor and Commander in Chief in and over our Island of Newfoundland and all the coast of Labrador from the entrance of HUDSON'S STREIGHTS to the RIVER ST. JOHN which DISCHARGES ITSELF INTO THE SEA nearly opposite the West end of the Island of Anticosti including that island with any other small Islands on the said coast of Labrador and also the Islands of Madelaine in the Gulf of St. Lawrence as also of all our forts and Garrisons erected and established in our said Islands of Newfoundland Anticosti and Madelaine or on the Coast of Labrador with the limits aforesaid for and during our will and pleasure as by the said letters patent (Relation being thereunto had) may more fully and at large appear Now Know you that We have revoked and determined And do by these presents revoke and determine the said recited letters patent granted to you the said Guy Carleton as aforesaid and every clause article and thing therein contained And we have also revoked and determined and do by these presents revoke and determine so much and such part of the said recited letters patent Granted to Molineux Shuldham Esq. as aforesaid as relates to the coast of Labrador including the Island of Anticosti with any other the said small Islands on the said coast of Labrador and every clause article and thing therein contained so far as the same relates to the said coast of Labrador and the Island herein before recited And further Know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Guy Carleton of our especial grace certain knowledge and mere motion have thought fit to constitute and appoint you the said Guy Carleton to be our Captain General and Commander in Chief in and over our

*Appendix. Province of Quebec in America* comprehending all our territories Islands and countries in North America bounded on the South by a line from the Bay of Chaleurs

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ALONG THE HIGH LANDS WHICH DIVIDE THE RIVERS THAT EMPTY THEMSELVES INTO THE RIVER ST. LAWRENCE FROM THOSE WHICH FALL INTO THE SEA to a point in Forty five degrees of Northern Latitude on the Eastern bank of the river Connecticut keeping the same latitude directly west through the Lake Champlain until in the same latitude it meets with the river St. 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 following the said bank until the same shall be intersected by the Northern boundary Granted by the Charter of the Province of Pennsylvania in case 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 intersected 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 Pennsylvania and thence by a right line to the 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 along the Eastern bank of the said river to the Southern boundary of the territory granted to the Merchants adventurers of England and trading to Hudsons 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 as aforesaid together with all the rights members and appurtenances whatsoever thereunto belonging And we do hereby require and command you to do and execute all things in due manner that shall belong to your said command and the Trust that we have reposed in you according to the several powers and directions granted or appointed you by this present commission and the Instructions and authorities herewith given unto you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council and according to such ordinances as shall hereafter be made and agreed upon by you with the advice and consent of the Council of our said Province under your government in such manner and form as is hereinafter expressed And our will and pleasure is that you the said Guy Carleton do after the publication of these our letters patent in such manner and form as been heretofore accustomed to be used on like occasions in the first place to take the oath appointed to be taken by an act passed in the first year of the reign of King George the first intituled (An act for the further security of his Majestys person and Government and for the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) And by an Act passed in the sixth year of our reign intituled (An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to Persons indicted of High Treason or Misprision of Treason As also that you make and subscribe the declaration mentioned in act of Parliament made in the twenty fifth year of the reign of King Charles the second intituled (An Act for preventing dangers which may happen from Popish Recusants) And likewise that you take the oath usually taken by Governors in the Plantations for the due execution of the office and trust of our Captain General and Governor in and over our said Province and for the due and impartial administration

of Justice And further that you take the oath required to be taken by Governors of the Plantations to do their utmost that the several laws relating to Trade and the Plantations be duly observed which said oaths and declaration our Council of our said Province or any three of the members thereof have hereby full power and authority and are required to tender and administer to you All which being duly performed you shall yourself administer to each of the members of our said Council (except as hereinafter excepted) the said oaths mentioned in the said Acts Intituled (An Act for the further security of his Majestys person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) And an Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne Intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons Indicted of High Treason or Misprision of Treason as also cause them to make and subscribe the aforementioned declaration and to administer unto them an oath or oaths for the due execution of their places and Trusts And Whereas wee may find it expedient for our service that our Council of our said Province should be in part composed of such of our Canadian subjects or their descendants as remain within the same under the faith of the Treaty of Paris and who may profess the religion of the Church of Rome It is therefore our will and pleasure that in all cases where such persons shall or may be admitted either into our said Council or into any other offices they shall be exempted from all tests and from taking any other oath than that prescribed in and by an Act of Parliament passed in the fourteenth year of our reign Intituled: (An Act for making more effectual provision for the Government of the Province of Quebec in North America) and also the usual oath for the due execution of their places and trusts respectively which last mentioned oath wee do hereby authorize and require you to administer to such officers and persons accordingly And we do further give and grant unto you the said Guy Carleton full power and authority from time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the said Acts Intituled (An Act for the better security of his Majestys person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) And (An Act for altering the oath of abjuration and the assurance and for amending so much of an act of the seventh year of her late Majesty Queen Anne Intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason) or the said oaths mentioned in the said act passed in the fourteenth year of our reign Intituled (An Act for making more effectual provision for the Government of the Province of Quebec in North America) to all and every such person and persons respectively as you shall think fit who shall at any time or times pass into our said province or shall be resident or abiding And wee do hereby authorize and empower you to keep and use the publick seal of our Province of Quebec for sealing all things whatsoever that shall pass the Great Seal of our said Province And wee do hereby give and grant unto you the said Guy Carleton full power and authority with the advice and consent of our said Council to make ordinances for the peace welfare and good Government of the said Province and of the people and inhabitants thereof and such others as shall resort thereunto and for the benefit of us our heirs and successors Provided always that nothing herein contained shall extend or be construed to extend to the authorizing and empowering the passing any ordinance or ordinances for laying any taxes or duties within the said

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Commissioners of  
the Governor of  
the Province of  
Quebec.

Guy Carleton, Esq.  
27th Dec. 1774.

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No. 2k.

Commissioners of  
the Governor of  
the Province of  
Quebec.

Guy Carleton, Esq.  
27th Dec. 1774.

Province such rates and Taxes only excepted as the Inhabitants of any Town or District within our said Province may be authorized by any ordinance passed by you with the advice and consent of the said Council to assess lay and apply within the said Town or District for the purpose of making roads erecting and repairing public buildings or for any other purpose respecting the local convenience and economy of such Town or District. Provided also that every ordinance so to be made by you by and with the advice and consent of the said Council shall be within six months from the passing thereof transmitted to us under our seal of our said Province for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said ordinances shall at any time be disallowed and not approved and so signified by us our Heirs and Successors by order in their or our privy council unto you the said Guy Carleton or to the commander in chief of our said province for the time being then such and so many of the said ordinances as shall be so disallowed and not approved shall from the promulgation of the said order in Council within the said Province cease and determine and become utterly void and of no effect Provided also that no ordinance touching Religion or by which any punishment may be inflicted greater than fine or imprisonment for three months shall be of any force or effect until the same shall have been allowed and confirmed by us our heirs and Successors and such allowance or confirmation signified to you or to the commander in chief of our said province for the time being by their or our order in their or our privy council Provided also that no ordinance shall be passed at any meeting of the council where less than a majority of the whole council is present or at any time except between the first day of January and the first day of May unless upon some urgent occasion in which case every member thereof resident at the Town of Quebec or within fifty miles thereof shall be personally summoned to attend the same And to the end that nothing may be passed or done by our said council to the prejudice of us our heirs and successors we will and ordain that you the said Guy Carleton shall have and enjoy a negative voice in the making and passing of all ordinances as aforesaid And we do by these presents give and Grant unto you the said Guy Carleton full power and authority with the advice and consent of our said council to erect constitute and establish such and so many courts of Judicature and public Justice within our said province under your government as you and they shall think fit and necessary for the hearing of all causes as well criminal as civil and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your government to administer the oaths mentioned in the aforesaid acts Intituled (An act for the further security of his Majestys person and government and the succession of the crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) And (an act for altering the oath of abjuration and the assurance and for amending so much of an act of the seventh year of her late Majesty Queen Anne Intituled as: Act for improving the union of the two kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason) and the oaths mentioned in the said Act made and passed in the fourteenth year of our reign Intituled (An Act for making more effectual provision for the government of the Province of Quebec in North America) as also to tender and administer the aforesaid declaration to such persons belonging to the said courts as shall respectively be obliged to take the same And we do hereby grant unto you full power and authority to constitute and appoint Judges and other necessary officers and ministers in our said Province for the better administration of Justice and putting the laws in execution and to administer or cause to be administered unto them an oath or oaths for the due execution and performance



of their offices and places respectively And wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders condemned in criminal matters or in any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and remit all such offences fines and forfeitures Treason and wilful murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders untill and to the intent our royal pleasure may be known therein And wee do by these presents give and grant unto you full power and authority to collate any person or persons to any Churches Chapels or other Ecclesiastical benefices with our said Province as often as any of them shall happen to be void And wee do hereby give and grant unto you Guy Carleton by yourself or by your Captains and Commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said province and as occasion shall serve them to march embark or transport from one place to another for the resisting and withstanding of all Enemies Pirates and rebels both at Land and Sea and to transport such forces to any of our plantations in America if necessity shall require for defence of the same against the invasion or attempts of any of our Enemies Pirates or Rebels and such Enemies Pirates and Rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Provinces and if it shall so please God them to vanquish apprehend and take and being taken according to law to putt to death or keep or preserve alive at your discretion and to execute martial law in time of invasion war or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain General and Governor in chief doth or of right ought to belong And wee do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect raise and build in our said Province such and so many Forts Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance Ammunition and all sorts of arms fit and necessary for the security and defence of our said Province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And for as much as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war And to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered Wee do hereby give and grant unto you the said Guy Carleton full power and authority to constitute and appoint Captains Lieutenants masters of ships and other commanders and officers and to grant to such Captains Lieutenants Masters of ships and other commanders and officers Commissions to execute the law martial during the time of war according to the directions of an act passed in the twenty second year of the reign of our late royal Grandfather Intituled (An act for amending explaining and reducing into one Act of Parliament the laws relating to the Government of his Majestys ships vessels and forces by sea) and to use such proceedings authorities punishments corrections and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the Ports harbours or Bays in our said Province as the case shall be found to require according to martial law and the said directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said province under your government by any Captain commander Lieutenant master officer seaman soldier or Person whatsoever who shall be in actual service and Pay in or on board any of our ships of war or other vessel acting by immediate commission or warrant from our

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Commissions of  
the Governors of  
the Province of  
Quebec.

Guy Carleton, Esq.  
25th Dec. 1764.



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Commissioners of  
the Governors of  
the Province of  
Quebec.

Guy Carleton, Esq.  
7th Dec. 1774.

commissions for executing the Office of our high Admiral of Great Britain or from our high Admiral of Great Britain for the time being under the seal of our admiralty but that such Captain commander Lieutenant master officer seaman soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by commission under our great seal of this Kingdom as the statute of the Twenty eighth of Henry the eighth directs or by commission from our said commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being according to the aforementioned act intituled (An act for amending explaining and reducing into one act of Parliament the the laws relating to the government of his majestys ships vessels and Forces by sea) and not otherwise Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain commander Lieutenant Master Officer Seaman soldier or other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tryed and punished according to the law of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our service at sea And our further will and pleasure is that all publick monies granted and raised for the publick uses of our said province be issued out by warrant from you by and with the advice and consent of our council as aforesaid for the support of the Government and not otherwise And wee likewise give and grant unto you full power and authority by and with the advice and consent of our said council to settle and agree with the inhabitants of our said Province for such lands tenements and hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgments to be thereupon reserved unto us as you with the advice aforesaid shall think fit which said grants are to pass and be sealed by our publick seal of our said province and being entered upon record by such officer or officers as shall be appointed thereunto shall be good and effectual in Law against Us our Heirs and Successors And wee do hereby give you the said Guy Carleton full power and authority to order and appoint Fairs Marts and Marketa as also such and so many ports Harbours Bays Havens and other places for the conveniency and security of shipping and for the better loading and unloading of goods and merchandizes in such and so many places as by you with the advice and consent of our said council shall be thought fit and necessary And wee do hereby require and command all officers and Ministers civil and military and all other inhabitants of our said Province to be obedient aiding and assisting unto you the said Guy Carleton in the execution of this our commission and of the powers and authorities therein contained and in case of your death or absence from our said Province and Government to be obedient aiding and assisting as aforesaid to the Lieutenant Governor or Commander in Chief for the time being to whom wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our Pleasure or until your arrival within our said Province And if upon your death or absence out of our said province there be no person upon the place commissioned or appointed by us to be Lieutenant Governor or commander in chief of our said Province Our will and Pleasure is that the eldest Councillor being a natural born subject of Great Britain Ireland or the Plantations

and professing the Protestant religion who shall be at the time of your death or absence residing within our said shall take upon him the administration of the Government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander in chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known And we do hereby declare ordain and appoint that you the said Guy Carleton shall and may hold execute and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of Quebec and all the territories dependant thereunto with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure In Witness &c Witness Ourselves at Westminster the twenty seventh day of December in the Fifteenth year of our reign

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Commissions of the Governors of the Province of Quebec.

Guy Carleton, Esq.  
27th Dec. 1774.

*By Writ of Privy Seal*

This is a true copy from the original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

**COMMISSION TO FREDERICK HALDIMAND, ESQUIRE,**

AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF QUEBEC, 18TH SEPTEMBER,  
17 GEO: III. 1777.

*Fifth part of Patents in the seventeenth year of King George the Third*

FREDERICK HALDIMAND Esquire  
Governor of Quebec

George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith to our trusty and welbeloved Frederick Haldimand Esquire greeting Whereas we did by our Letters Patent under our great seal of Great Britain bearing date at Westminster the twenty-seventh day of December in the fifteenth year of our Reign constitute and appoint Guy Carleton Esquire (now Sir Guy Carleton Knight of the Bath) to be our Captain General and Governor in Chief in and over our Province of Quebec in America comprehending all our territories islands and countries in North America bounded on the south by a line from the Bay of Chaleurs ALONG THE HIGHLANDS WHICH DIVIDE THE RIVERS THAT EMPTY THEMSELVES INTO THE RIVER ST. LAWRENCE FROM THOSE WHICH FALL INTO THE SEA TO A point in forty-five degrees 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 latitude it meets with 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 following 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 intersected then following the said bank until it shall arrive at the point of the said bank which shall be nearest to the north-western angle of the said Province of Pennsylvania 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 Ohio and along the bank

Frederick Haldimand, Esq.  
18th Sept. 1777.

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Commissioners of  
the Governors of  
the Province of  
Quebec.

Frederick Haldimand, Esq.  
13th Sept. 1777.

of the said River westward to the banks of the Mississippi and northward along the eastern bank of the said River to the southern boundary of the Territory granted to the merchants adventurers of England trading to Hudsons 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 together with all the rights members and appurtenances whatsoever thereunto belonging Now know you that we have revoked and determined and do by these presents revoke and determine the said recited Letters Patent and every clause article and thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Frederick Haldimand of our especial grace certain knowledge and meer motion have thought fit to *constitute and appoint you the said Frederick Haldimand to be our Captain General and Governor in Chief in and over our Province of Quebec in America* comprehending all our Territories Islands and Countries in North America bounded on the south by a line from the Bay of Chaleurs ALONG THE HIGHLANDS WHICH DIVIDE THE RIVERS THAT EMPTY THEMSELVES INTO THE RIVER ST. LAWRENCE FROM THOSE WHICH FALL INTO THE SEA to a point in forty-five degrees of northern latitude on the eastern bank of the River Connecticut keeping the same latitude directly west through the Lake Champlain until in the same latitude it meets with the River St. Lawrence from thence up to 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 following 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 intersected 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 Pennsylvania 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 Mississippi and northward along the eastern bank of the said River to the southern boundary of the Territory granted to the merchants adventurers of England trading to Hudsons 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 together with the rights members and appurtenances whatsoever thereunto belonging and we do hereby require and command you to do and execute all things in due manner that shall belong to your said command and the trust we have reposed in you according to the several powers and directions granted or appointed you by this present commission and the instructions and authorities herewith given unto you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council And according to such ordinances as shall hereafter be made and agreed upon by you with the advice and consent of the Council of our said Province under your Government in such manner and form as is hereinafter expressed And our will and pleasure is that you the said Frederick Haldimand do after the publication of these our Letters Patent in such manner and form as has been accustomed to be used on like occasions in the first place take the oaths appointed to be taken by an Act passed in the first year of the Reign of King George the First intituled (An Act for the further security of his Majestys person and Government and the succession of the crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretend-

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ed Prince of Wales and his open and secret abettors) And by an Act passed in the sixth year of our Reign intituled (An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason) as also that you make and subscribe the declaration mentioned in an Act of Parliament made in the twenty-fifth year of the Reign of King Charles the Second intituled (An Act for preventing dangers which may happen from Popish Recusants) And likewise that you take the oath usually taken by Governors in the Plantations for the due execution of the Office and Trust of our Captain General and Governor in and over our said Province and for the due and impartial administration of Justice And further that you take the oath required to be taken by Governors of the Plantations to do their utmost that the several laws relating to Trade and the Plantations be duly observed which said oaths and declaration our Council of our said Province or any three of the members thereof have hereby full power and authority and are required to tender and administer to you All which being duly performed you shall yourself administer to each of the members of our said Council (except as is hereinafter excepted) the said oaths mentioned in the said Act entitled (An Act for the further security of his Majestys person and Government and the succession of the crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) And (An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason) as also cause them to make and subscribe the aforementioned declaration and to administer to them the usual oaths for the due execution of their places and trusts And whereas we may find it expedient for our service that our Council of our said Province should be in part composed of such of our Canadian subjects or their descendants as remain with the same under the faith of the Treaty of Paris and who may profess the religion of the Church of Rome It is therefore our will and pleasure that in all cases where such persons shall or may be admitted either into our said Council or into any other offices they shall be exempted from all tests and from taking any other oath than that prescribed in and by an Act of Parliament passed in the fourteenth year of our Reign intituled (An Act for making more effectual provision for the Government of the Province of Quebec in North America) And also the usual oath for the due execution of their places and trusts respectively And we do further give and grant unto you the said Frederick Haldimand full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the said Acts intituled (An Act for the further security of his Majestys person and Government and the succession of the crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) and (An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her Majesty Queen Anne intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason) to all and every such person and persons as you shall think fit who shall at any time or times pass into our said Province or shall be resident or abiding there And we do hereby authorize and empower you to keep and use the public seal of our Province of Quebec for sealing all things whatsoever that shall pass the great seal of our said

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Commissioners of  
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the Province of  
Quebec.

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Frederick Haldimand, Esq.  
18th Sept. 1777.

Province And we do hereby give and grant unto you the said Frederick Haldimand full power and authority with the advice and consent of our said Council to make ordinances for the peace welfare and good government of the said Province and inhabitants thereof and such others as shall resort thereunto and for the benefit of our heirs and successors Provided always that nothing contained shall extend or be construed to extend to the authorizing and empowering the passing any ordinance or ordinances for laying any taxes or duties within the said Province such rates and taxes only excepted as the inhabitants of any Town or District within our said Province may be authorized by any ordinance passed by you with the consent of our said Council to assess levy and apply within the said Town or District for the purpose of making roads erecting and repairing public buildings or for any other purpose respecting the local convenience and economy of such Town or District Provided also that every ordinance so be made by you by and with the advice and consent of the said Council shall be within six months from the passing thereof transmitted to us under our seal of our said Province for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said ordinances shall at any time be disallowed and not approved and so signified by us our heirs and successors by order in their or our Privy Council unto you the said Frederick Haldimand or to the Commander in Chief of our said Province for the time being then such and so many of the said ordinances as shall be so disallowed and not approved shall from the promulgation of the said order in Council within the said Province cease determine and become utterly void and of no effect Provided also that no ordinance touching religion or by which any punishment may be inflicted greater than fine or imprisonment for three months shall be of any force or effect until the same shall have been allowed and confirmed by us our heirs and successors and such allowance or confirmation signified to you or to the Commander in Chief of our said Province for the time being by their or our order in their or our Privy Council Provided also that no ordinance shall be passed at any meeting of the Council where less than the majority of the whole Council is present or at any time except between the first day of January and the first day of May unless upon some urgent occasion in which case every member thereof resident at the Town of Quebec or within fifty miles thereof shall be personally summoned to attend the same and to the end that nothing may be passed or done by our said Council to the prejudice of us our heirs and successors we will and ordain that you the said Frederick Haldimand shall have and enjoy a negative voice in the making and passing of all ordinances as aforesaid And we do by these presents give and grant unto you the said Frederick Haldimand full power and authority with the advice and consent of our said Council to erect constitute and establish such and so many Courts of Judicature and publick justice within our said Province under your government as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your Government to administer the oaths mentioned in the aforesaid Acts intituled (An Act for the further security of his Majesty's person and Government and the succession of the crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) and (An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason) as also to tender and administer the aforesaid declaration to such persons belonging to the said Courts as shall be obliged to take the same And we do hereby grant unto you full power and authority to constitute and appoint Judges and in cases



requisite Commissioners of Oyer and Terminer Justices of the Peace Sheriffs and other necessary officers and ministers in our said Province for the better administration of justice and putting the laws in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and remit all such offences fines and forfeitures treason and wilful murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our Royal pleasure may be known therein And we do by these presents give and grant unto you full power and authority to collate any person or persons to any Churches Chapels or other Ecclesiastical Benefices within our said Province as often as any of them shall happen to be void And we do hereby give and grant unto you the said Frederick Haldimand by yourself or by your Captains and Commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said Province and as occasion shall serve them to march embark or transport them from one place to another for the resisting and withstanding of all enemies pirates and rebels both at land and sea And to transport such forces to any of our Plantations in America if necessity shall require for defence of the same against the invasion or attempts of any of our enemies and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Province And if it shall so please God them to vanquish apprehend and take and being taken according to law to put to Death or keep and preserve them alive at your discretion and to execute Martial Law in time of invasion war or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain General and Governor in Chief doth or of right ought to belong And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council to erect raise and build in our Province such and so many Forts Platforms Castles Cities Boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance ammunition and all sorts of arms fit and necessary for the security and defence of our said Province And by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And for as much as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war and to the end that such as shall be so shipped and employed at Sea during the time of war may be better governed and ordered we do hereby give and grant unto you the said Frederick Haldimand full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers commissions to execute the Law Martial during the time of war according to the directions of an Act passed in the twenty-second year of the Reign of our late Royal Grandfather intituled (An Act for amending explaining and reducing into one Act of Parliament the laws relating to the government of His Majestys Ships Vessels and Forces by Sea) And to use such proceedings authorities punishments corrections and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the Ports Harbours or Bays in our said Province as the case shall be found to require according to Martial Law and the said directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your command to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the High Sea or within any

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Commissioners of  
the Governors of  
the Province of  
Quebec.

Frederick Haldimand, Esq.  
18th Sept. 1777.



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Commissioners of  
the Province of  
Quebec.  
Frederick Haldimand,  
Lieut. Genl.  
18th Sept. 1777.

of the Havens Rivers or Creeks of our said Province under your government by any Captain Commander Lieutenant Master Officer Seaman Soldier or person whatsoever who shall be in our actual service and pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the seal of our Admiralty but that such offending shall be left to be proceeded against and tried as their offences shall require either by commission under our Great Seal of this Kingdom as the statute of the twenty-eighth of Henry the Eighth directs or by commission from our said Commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being according to the before mentioned Act intituled (An Act for amending explaining and reducing into one Act of Parliament the laws relating to the government of His Majestys Ships Vessels and Forces by Sea) and not otherwise Provided nevertheless that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tried and punished according to the laws of the place where such disorders offences and misdemeanors shall be committed on shore Notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our service at sea And our further will and pleasure is that all public monies granted and raised for the public uses of our said Province be issued out by warrant from you by and with the advice and consent of our Council as aforesaid for the support of the Government and not otherwise And we do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the inhabitants of our said Province for such lands tenements and hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgements to be thereupon reserved unto us as you with the advice aforesaid shall think fit which said grants are to pass and be sealed by our public seal of our said Province and being entered upon record by such officer or officers as shall be appointed thereunto shall be good and effectual in law against us our heirs and successors And we do hereby give you the said Frederick Haldimand full power and authority to order and appoint fairs marts and markets as also such and so many ports harbours bays havens and other places for the conveniency and security of shipping and for the better loading and unloading of goods and merchandizes in such and so many places as by you with the advice and consent of our said Council shall be thought fit and necessary And we do hereby require and command all officers and ministers civil and military and all other inhabitants of our said Province to be obedient aiding and assisting unto you the said Frederick Haldimand in the execution of this our commission and of the powers and authorities therein contained And in case of your death or absence from our said Province and Government to be obedient aiding and assisting as aforesaid to the Lieutenant Governor or Commander in Chief for the time being to whom we do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said Province And if upon your death or absence out of our said Province

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there be no person upon the place commissioned or appointed by us to be Lieutenant Governor or Commander in Chief of our said Province our will and pleasure is that the eldest Councillor being a natural born subject of Great Britain Ireland or the Plantations and professing the Protestant religion who shall be at the time of your death or absence residing within our said Province shall take upon him the administration of the Government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as either our Governor or Commander in Chief should or ought to do in case of your absence until your return Or in all cases until our further pleasure be known herein And we do hereby declare ordain and appoint that you the said Frederick Haldimand shall and may hold execute and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of Quebec and all the Territories dependant thereupon and all and singular the powers and authorities hereby granted unto you for and during our will and pleasure In witness &c Witness ourself at Westminster this eighteenth day of September

*Frederick Haldimand*  
No. 21.

Commissioners of  
the Government of  
the Province of  
Quebec.

Frederick Haldimand, Esq.  
18th Sept. 1777.

*By Writt of Privy Seal*

This is a true copy from the original record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

#### COMMISSION TO SIR GUY CARLETON, K. B.

AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF QUEBEC, 22D APRIL,  
26 GEO: III. 1786.

*Fifth part of patents in the twenty Sixth year of King George the Third*

SIR GUY CARLETON K. B.  
*Governor of Quebec*

George the Third by the grace of God of Great Britain France and Ireland King defender of the faith and so forth to our trusty and welbeloved Sir Guy Carleton knight of the most honorable order of the Bath greeting whereas wee did by our letters patent under our great Seal of Great Britain bearing date at Westminster the eighteenth day of September in the seventeenth year of our Reign constitute and appoint Frederick Haldimand Esquire now Sir Frederick Haldimand Knight of the most honorable of the Bath to be our captain general and governor in chief in and over our province of Quebec in America then bounded as in our said recited letters patent was mentioned and expressed now know ye that wee have revoked and determined and by these presents do revoke and determine the said recited letters patent and every clause article and thing therein contained and further know ye that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir Guy Carleton of our especial grace certain knowledge and mere motion have thought fit to appoint you the said Sir Guy Carleton to be our captain general and governor in chief in and over our province of Quebec in America comprehending all our territories Islands and countries in North America 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 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 from thence by a line due west on said latitude until it strikes the river Iroquois or

Sir Guy Carleton,  
22d April, 1786.

*Appendix. Cataraguay thence along the middle of said river into the lake Ontario through the middle of Said Lake until it strikes the communication by water between that*

*Commissioners of  
the Governor of  
the Province of  
Quebec.*

*Sir Guy Carleton,  
28th April, 1796.*

*Lake and Lake Erie through the middle of said lake until it arrives at the water communication between that lake and lake Huron thence along the middle of said water communication into the lake Huron thence through the middle of said lake to the water communication between that Lake and Lake Superiour thence through lake Superiour Northward of the Isles Royal and Phillipeaux to the Long Lake thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods thence through the said lake to the most north western point thereof and from thence on a due west course to the river Mississippi and Northward to the Southern boundary of the Territory granted to the Merchants adventurers of England trading to Hudsons 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 together with all the rights members and appurtenances whatsoever thereunto belonging and we do hereby require and command you to do and execute all things in due manner that shall belong to your said command and the trust we have reposed in you according to the several powers and directions granted or appointed you by this present commission and the instructions and authorities herewith given unto you or by such further instructions and authorities as shall at any time hereafter be granted or appointed you under our Signet or sign manual or by our order in our privy council and according to such ordinances as shall hereafter be made and agreed upon by you with the advice and consent of the council of our said province under your government in such manner and form as is herein after expressed and our will and pleasure is that you the said Sir Guy Carleton do after the publication of these our letters patent in such manner and form as has been accustomed to be used on like occasions in the first place take the Oaths appointed to be taken by an act passed in the first year of King George the first intituled (an act for the further security of his Majestys person and Government and the succession of the crown in the Heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret abettors) and by an act passed in the sixth year of our reign intituled (an act for altering the Oath of abjuration and the assurance and for amending so much of an act of the seventh year of her late Majesty Queen Ann intituled (an act for the improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprision of treason) as also that you make and subscribe the declaration mentioned in an act of parliament made in the twenty fifth year of the reign of King Charles the Second intituled (an act for preventing dangers which may happen from popish recusants) and likewise that you take the Oath usually taken by Governors in the plantations for the due execution of the office and trust of our Captain general and Governor in chief in and over our said province and for the due and impartial administration of Justice and further that you take the Oath required to be taken by Governors of the plantations to do their utmost that the several laws relating to trade and the plantations be duly observed which said Oaths and declaration our council of our said province or any three of the members thereof have hereby full power and authority and are required to tender and administer to you all which being duly performed you shall yourself administer to each of the members of our said council (except as is hereinafter excepted) the said Oaths mentioned in the said acts intituled (an act for the further security of his Majestys person and government and the succession of the crown in the Heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret abettors) and (an act for altering the Oath of abjuration and the as-*

insurance and for amending so much of an act of the seventh year of her late Majesty Queen Ann intituled an act for the Improvement of the union of the two Kingdoms as after the time therein limited required the delivery of certain lists and copies therein mentioned to persons indicted of high Treason or misprision of treason) as also cause them to make and subscribe the aforementioned declaration and to administer unto them the usual Oaths for the due execution of their places and trusts and whereas we may find it expedient for our service that our council of our said province should be in part composed of such of our Canadian subjects or their descendants as remain within the same under the faith of the treaty of Paris and who may profess the religion of the church of Rome it is therefore our will and pleasure that in all cases where such persons shall or may be admitted either in our said council or into any other offices they shall be exempted from all tests and from taking any other oath than that prescribed in and by an act of parliament passed in the fourteenth year of our reign intituled (an act for making more effectual provision for the government of the province of Quebec in North America) and also the usual oath for the due execution of their places and trusts respectively and we do further give and grant unto you the said Sir Guy Carleton full power and authority from time to time and at all times hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the aforesaid acts to all and every such person and persons as you shall think fit who shall at any time or times pass into our said province or shall be resident or abiding there and we do hereby authorize and empower you to keep and use the public Seal of our province of Quebec for Sealing all things whatsoever that shall pass the great Seal of our said province and we do hereby give and grant unto you the said Sir Guy Carleton full power and authority with the advice and consent of our said council to make ordinances for the peace welfare and good government of the said province and of the people and inhabitants thereof and such others as shall resort thereunto and for the benefit of us our Heirs and successors provided always that nothing herein contained shall extend or be construed to extend to the authorizing and empowering the passing of any ordinance or ordinances for laying any taxes or duties within the said province such rates and taxes only excepted as the inhabitants of any Town or district within our said province may be authorized by any ordinance passed by you with the advice and consent of the said council to assess Levy and apply within the said Town or district within our said province Roads creating and repairing public buildings or for any other purpose respecting the local convenience and economy of such Town or district provided also that every ordinance so to be made by you by and with the advice and consent of the said council shall be within six months from the passing thereof transmitted to us under the Seal of our said province for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said ordinances shall at any time be disallowed and not approved and so signified by us our Heirs and successors by order in their or our or their privy council unto you the said Sir Guy Carleton or to the commander in chief of our said province for the time being then such and so many of the said ordinances as shall be so disallowed and not approved shall from the promulgation of the said order in council within the said province cease determine and become utterly void and of none effect provided also that no ordinance touching religion or by which any punishment may be inflicted greater than fine or imprisonment for three months shall be of any force or effect until the same shall have been allowed and confirmed by us our Heirs and Successors and such allowance or confirmation signified to you or to the commander in chief of our said province for the time being by their or our order in their or our privy council provided also that no ordinance shall be passed at any meeting of the council where less than a majority of the whole council is present or at any time except between the first day of January and the first day of May unless upon some urgent occasion in which case every member thereof resident at the

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Commissioners of  
the Governor of  
the Province of  
Quebec.

Sir Guy Carleton,  
2nd April, 1798.

*Appendix*  
No. 21.

Commissioners of  
the Governor of  
the Province of  
Quebec.

Sir Guy Carleton,  
Mid Apsal, & Co.

Town of Quebec or within fifty miles thereof shall be personally summoned to attend the same and to the end that nothing may be passed or done by our said council to the prejudice of us our Heirs and Successors we will and ordain that you the said Sir Guy Carleton shall have and enjoy a negative voice in making and passing all ordinances as aforesaid and we do by these presents give and grant unto you the said Sir Guy Carleton full power and authority with the advice and consent of our said council to erect constitute and establish such and so many courts of Judicature and public justice within our said province under your government as you and they shall think fit and necessary for the hearing and determining all causes as well criminal as civil and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons to the several parts of your government to administer the oaths mentioned in the above recited acts as also to tender and administer the aforesaid declaration to such persons belonging to the said courts as shall be obliged to take the same and we do hereby grant unto you full power and authority to constitute and appoint Judges and in cases requisite commissioners of oyer and terminer justices of the peace sheriffs and other necessary officers and ministers in our said province for the better administration of Justice and putting the laws in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes and we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and remit all such Offences Fines and Forfeitures treason and wilful murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our royal pleasure may be known therein and we do by these presents give and grant unto you full power and authority to collate any person or persons to any churches chapels or other Ecclesiastical benefices within our said province as often as any of them shall happen to be void and we do hereby give and grant unto you the said Sir Guy Carleton by yourself or by your captains and commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said province and as occasion shall serve them to march embark or transport from one place to another for the resisting and withstanding of all enemies pirates and rebels both at land and Sea and to transport such forces to any of our plantations in America if necessity shall require for the defence of the same against the invasion or attempts of any of our enemies and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said province and (if it shall so please God) them to vanquish apprehend and take and being taken according to law put to death or keep and preserve alive at your discretion and to execute martial Law in time of invasion war or at other times when by law it may be executed and to do and execute all and every other thing and things which to our captain general and Governor in chief doth or of right ought to belong and we do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect raise and build in our said province such and so many Forts platforms castles cities boroughs Towns and Fortifications as you by the advice aforesaid shall judge necessary and the same or any part of them to fortify and furnish with ordnance ammunition and all sorts of arms fit and necessary for the security and defence of our said province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient and for as much as divers mutinies and disorders may happen by persons shipped and employed at Sea during the time of war and to the end that such as shall be shipped and employed at Sea during the time of war may be better governed and ordered we do hereby give and grant unto you the said Sir Guy Carleton to constitute and



appoint captains Lieutenants Masters of ships and other commanders and officers and to grant to such captains lieutenants masters of ships and other commanders and officers commissions to execute the law martial during the time of war according to the directions of an act passed in the twenty second year of the reign of our late royal grandfather intituled (an act for amending explaining and reducing into one act of parliament the laws relating to the government of his Majestys ships vessels and forces by Sea) and to use such proceedings authorities punishments corrections and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly at Sea or during the time of their abode or residence in any of the ports Harbours or Bays in our said province as the case shall be found to require according to law martial and the said directions during the time of war as aforesaid provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any Jurisdiction of any offence cause matter or thing committed or done upon the high Seas or within any of the Havens rivers or creeks of our said province under your government by any Captain commander Lieutenant Master officer Seaman Soldier or person whatsoever who shall be in actual service and pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from our commissioners for executing the office of our high admiral of Great Britain or from our High Admiral of Great Britain for the time being under the Seal of our admiralty but that such captain commander Lieutenant master officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by commission under our great Seal of this kingdom as by the statute of the twenty eighth of Henry the eighth directs or by commission from our said commissioners for executing the office of high admiral of Great Britain or from our High Admiral of Great Britain for the time being according to the afore mentioned act intituled (act for amending explaining and reducing into one act of parliament the laws relating to the government of his Majestys ships vessels and forces by Sea) and not otherwise provided nevertheless that all disorders and misdemeanors committed on shore by any captain commander Lieutenant Master officer Seaman Soldier or other person whatsoever belonging to any of our Ships of war or other vessels acting by immediate commission or warrant from our commissioners for executing the Office of high admiral of Great Britain for the time being under the Seal of our admiralty may be tried and punished according to the laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our commissioners for executing the office of High Admiral of Great Britain or from our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such offences committed on shore from any pretence of his being employed in our service at Sea and our further will and pleasure is that all public monies granted and raised for the public uses of our said province be issued out by warrant from you and with the advice and consent of our council as aforesaid for the support of the government and not otherwise and we likewise give and grant unto you full power and authority by and with the advice and consent of our said council to settle and agree with the inhabitants of the said province for such lands tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate Quit rents services and acknowledgements to be thereupon reserved unto us as you with the advice aforesaid shall think fit and as you shall be directed by our instructions in that respect which said grants are to pass and be sealed with our public Seal of our Said province and being entered upon record by such officer or officers as shall be appointed thereunto shall be good and effectual in law against us our Heirs and successors provided nevertheless that no grants or leases of any of the trading posts in our

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No. 21.

Commission of  
the Governor of  
the Province of  
Quebec.  
—  
Sir Guy Carleton,  
2nd April, 1768.



*Appendix.* said province shall under colour of this authority be made to any person or persons whatsoever until our pleasure therein shall be signified to you and we do hereby give you the said Sir Guy Carleton full power and authority to order and appoint Fairs and Markets as also such and so many ports Harbours Bays Havens and other places for the conveniency and security of shipping and for the better loading and unloading of goods and Merchandize in such and so many ports Harbours Bays Havens and other places for shall be thought fit and necessary and we do hereby require and command all officers civil and Military and all other inhabitants of our said province to be obedient aiding and assisting unto you the said Sir Guy Carleton in the execution of this our commission and of the powers and authorities therein and in case of your death or absence from our said province and government to be obedient aiding and assisting as aforesaid to the Lieutenant governor or commander in chief for the time being to whom we do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said province and if upon your death or absence out of our said province there be no person upon the place commissioned or appointed by us to be Lieutenant governor or commander in chief of our said province our will and pleasure is that the eldest councillor being a natural born subject of great Britain Ireland or our colonies and plantations and professing the protestant religion who shall be at the time of your death or absence residing within our said province shall take upon him the administration of the government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as either our governor or commander in chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein nevertheless as it may happen in case of the death or absence or removal of our Lieutenant governor that the succession of the eldest councillor to the administration of the government may not be for the good of our service and the welfare of our said province we do hereby authorize and empower you in case of such death absence or removal if it shall appear to you that it would not be expedient for the eldest councillor in succession to administer the government to nominate and appoint by a commission under the great Seal of our province of Quebec you being yourself at the time of such appointment personally resident in the said province any member of our council for our said province whom you shall judge the most proper and fitting to be our Lieutenant governor thereof until our pleasure thereupon shall be known and you are to transmit to us by the first opportunity through one of our principal secretaries of State your reasons for such appointment and we do hereby declare ordain and appoint that you the said Sir Guy Carleton shall and may hold execute and enjoy the office and place of our captain general and governor in chief in and over our said province of Quebec and all the territories dependant thereupon with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure In witness &c. Witness ourself at Westminster the twenty second day of April in the twenty sixth year of our Reign

*By Writ of privy Seal*

This is a true copy from the Original Record remaining in the Chapel of the Rolls, having been examined.

JOHN KIPLING.

Commissioners of  
the Governors of  
the Province of  
Quebec.

Sir Guy Carleton,  
22d April, 1786.

APPENDIX, No. XXII.

EXTRACT FROM COUNCIL MINUTES

OF APRIL 10, 1765,

WITH THE KING'S ORDER IN COUNCIL, JULY 20, 1764.

*At a Council held at Fort George, in the City of New York, on Wednesday, the tenth day of April, 1765,*

Present

The Hon Cadwallar Colden Esq Lieutenant Governor &c

Mr Horsmanden

Mr De Lancey

Mr Watts

Mr Reade

Mr Walton

Mr Morris

His Honour the Lieutenant Governor laid before the board His Majesty's Order in Council dated the 20th July 1764 fixing the River Connecticut as the boundary line between this Province and the Province of New Hampshire which was read and ordered to be entered on the minutes and is as follows

*At the Court at St James's the 20th day of July 1764*

Present

The King's Most Excellent Majesty

Lord Stewart

Earl of Hillsborough

Earl of Sandwich

Mr Vice Chamberlain

Earl of Halifax

Gilbert Elliot Esq

Earl of Powis

James Oswald Esq

Earl of Harcourt

Whereas there was this day read at the board a Report made by the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 17th of this instant upon considering a representation from the Lords Commissioners for trade and plantations relative to the disputes that have some years subsisted between the Provinces of New Hampshire and New York concerning the boundary line between those Provinces *His Majesty taking the same into consideration was pleased with the advice of his Privy Council to approve of what is therein proposed and doth accordingly hereby order and declare the Western Banks of the River Connecticut from where it enters the Province of the Massachusetts Bay as far North as the forty fifth degree of Northern Latitude to be the boundary line between the said two Provinces of New Hampshire and New York—Whereof the respective Governors and Commanders in Chief of His Majesty's said Provinces of New Hampshire and New York for the time being and all others whom it may concern are to take notice of His Majesty's pleasure hereby signified and govern themselves accordingly.*

WM. BLAIR.

It is ordered by his Honour the Lieutenant Governor with the advice of the Council that a Proclamation issue publishing His Majesty's said Order in Council to the end that all His Majesty's Subjects within this Province may conform thereto and govern themselves accordingly.

*Appendix.*  
No. 22.

Order in Council  
of 20th July, 1794.

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true Extract from the Council Minutes of the late Colony of New York.

In testimony whereof, I have hereunto affixed the Seal of this Office, at the  
[L. s.] City of Albany, the 30th day of September, 1828.

ARCH'D CAMPBELL,  
*Dep. Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting  
as Governor of the said State:*

It is hereby certified that the preceding Copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER,

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## APPENDIX, No. XXIII.

### DEPOSITIONS

OF

JOHN ADAMS AND JOHN JAY,

AND

DR. FRANKLIN'S AND JOHN ADAMS' LETTERS.

From General Appendix to the Proceedings under the Fifth Article of the Treaty of Ghent.

#### JOHN ADAMS' DEPOSITION.

"*Mitchell's map was the only map or plan which was used by the Commissioners at their public conferences, though other maps were occasionally consulted by the American Commissioners at their lodgings; the British Commissioners at first claimed to Piscataqua river, then to Kennebeck, then to Penobscot, and at length agreed to St. Croix, as marked on Mitchell's map. One of the American Ministers at first proposed the river St. Johns, as marked on Mitchell's map, but his colleagues observing that as St. Croix was the river mentioned in the charter of Massachusetts Bay, they could not justify insisting on St. Johns; as an ultimatum he agreed with them to adhere to the charter of Massachusetts Bay, but whether it was understood, intended, or agreed, between the British and American Commissioners, that the river St. Croix, as marked on Mitchell's map, should so be the boundary as to preclude all inquiry respecting any error or mistake in the said map in designating the river Saint Croix, or whether there was any, and if so, what understanding, intent, or agreement between the Commissioners, relative to the case of error or mistake in this respect in the said map, that the case of such supposed error or mistake was not suggested, and consequently there was no understanding, intent, or agreement expressed respecting it.*"

Appendix.  
No. 23.

Depositions of  
John Adams and  
John Jay, and Dr.  
Franklin's & John  
Adams' Letters,  
respecting Mitch-  
ell's Map.

John Adams' De-  
position.

#### JOHN JAY'S DEPOSITION.

"In the course of the negotiations, difficulties arose respecting the Eastern boundary of the United States. Mitchell's map was before them, and frequently consulted for geographical information. In settling the boundary line (described in the treaty) and of which the river St. Croix forms a part, it became a question which of the rivers in those parts was the true river St. Croix, it being said that several of them had that name. They did finally agree that the river St. Croix laid down in Mitchell's map was the river St. Croix which ought to form a part of the said boundary line,

John Jay's Depo-  
sition.

*Appendix.* but whether that river was so decidedly and permanently adopted and agreed upon by the parties as conclusively to bind the two nations to that limit, even in case it should afterwards appear that Mitchell had been mistaken, and that the true river St. Croix was a different one from that which is delineated by that name in his map, is a question or case which he does not recollect nor believe was then put or talked of. For his own part he was of opinion that the easterly boundaries of the United States, ought, on principles of right and justice, to be the same with the easterly boundaries of the late Colony or Province of Massachusetts."

No 23.  
Depositions of  
John Adams and  
John Jay, and Dr.  
Franklin's & John  
Adams' Letters re-  
specting Mitchell's  
Map.  
John Jay's Depo-  
sition.

#### DR. FRANKLIN'S LETTER.

Dr. Franklin's  
Letter.

"I received your letter of the 31st past, relating to the encroachments made on the eastern limits of the United States by settlers under the British Government, pretending that it is the Western and not the Eastern river of the Bay of Passamaquoddy, which was designated by the name of St. Croix in the Treaty of Peace with that nation, and requesting me to communicate any facts which my memory or papers may enable me to recollect, and which may indicate the true river the Commissioners had in view to establish as the boundary between the two nations. I can assure you that I am perfectly clear in the remembrance that the map we used in tracing the boundary between the two nations was brought in the Treaty by the Commissioners from England, and that it was the same that was published by Mitchell above twenty years before. That the map we used was Mitchell's map, Congress was acquainted at the time, by a letter to their Secretary for Foreign Affairs, which I suppose may be found upon their files."

*Extract of a letter from John Adams to Lieutenant Governor Cushing, dated Auteuil, near Paris, 25th October, 1784.*

COMMONWEALTH OF MASSACHUSETTS,  
Secretary's Office.

I hereby Certify, that it appears by the Records remaining in this Office, that John Avery, Jun., whose signature is borne on the paper to this Certificate annexed, was Secretary of the Commonwealth of Massachusetts from October 27, 1780, until his decease in June, 1806.

In testimony of which I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this eleventh day of September, Anno Domini one thousand eight hundred and twenty-eight.

EDWARD D. BANGS,  
Secretary of the Commonwealth.

John Adams' Let-  
ter.

An extract of a Letter from his Excellency John Adams, Esq., to his Honour Lieut. Governor Cushing, dated Auteuil, near Paris, October 25th, 1784.

In writing upon the subject of the Line between Massachusetts and Nova Scotia, he observes as follows:

"We had before us, through the whole Negotiation, a variety of Maps; but it was Mitchell's Map upon which was marked out the whole of the Boundary Lines of the United States, and the River St. Croix, which we fixed on, was, upon that Map, the nearest River to St. John's, so that in all Equity, good Conscience, and Honour, the River next to St. John's should be the Boundary. I am glad the General Court are taking early measures and hope they will pursue them steadily, until the point is settled, which it may be now, amicably; if neglected long it may be more difficult."

Attest,

JOHN AVERY, Jun.,  
Secretary.

APPENDIX, No. XXIV.

ADDITIONAL INSTRUCTIONS

TO

JONATHAN BELCHER, CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF

OF THE

PROVINCE OF MASSACHUSETTS BAY,

WHITEHALL, 5TH AUGUST, 1740,

*With copy of the King's Order in Council of the same date.*

*John Bell Governor of the State of New Hampshire,*

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

Know ye, that Richard Bartlett, whose Certificate is borne on the Pa-  
per hereunto annexed, is Secretary of the said State, duly constituted  
and sworn; and that to his Acts and Attestations as such, full faith and  
credit are and ought to be given, in and out of Court, within and out  
of the State.

*Appendix.*  
No. 24.

Additional In-  
structions to Gov.  
Belcher.

[L. S.] JOHN BELL.

In testimony whereof, I have caused the Seal of the State to be  
hereunto affixed.

Given under my hand at Concord, this twenty-sixth day of Sep-  
tember, in the year of our Lord one thousand eight hundred and  
twenty eight, and in the fifty-third year of the Independence of the  
United States of America.

*By the Lords Justices*

JO. CANT,  
HARDWICKE, C.  
WILMINGTON, P.

HERVEY, C. P. S.  
GRAFTON,  
MONTAGUE.

Additional Instruction to Jonathan Belcher, Esq. Captain General and  
Governor in Chief in and over His Majesty's Province of the Massa-  
chusetts Bay in New England in America, or to the Commander in  
[Loc. SIGILLI] Chief of His Majesty's said Province for the time being. Given at  
Whitehall the fifth day of August 1740 in the fourteenth year of His  
Majesty's Reign.

Whereas Disputes and Controversies have for many years subsisted between His  
Majesty's loving subjects of the Province of the Massachusetts Bay and New Hamp-  
shire in New England in regard to the boundaries between the said Provinces and  
whereas His Majesty was pleased by his Order in Council dated the 22nd January



*Appendix.* 1735 to direct that Commissioners should be appointed to mark out the dividing line  
No 24. between the said Provinces and also by his Majesty's order in Council of the 9th

Additional In-  
structions to Gov.  
Brichler.

February 1736 to direct that a commission should be prepared and pass'd under the Great Seal (which said commission was accordingly issued out) for authorising such Commissioners to meet within a limited time to mark out the dividing line between the said Provinces with liberty to either party who shall think themselves aggrieved by the determination of the said Commissioners to appeal therefrom to His Majesty in Council which said Commissioners did make their Report in the following words—

In pursuance of His Majesty's aforesaid Commission the Court took under consideration the Evidencies, Pleas and allegations offer'd and made by each party referring to the controversy depending between them, and upon mature advisement on the whole a doubt arose in point of Law and thereupon the Court came to the following Resolution (vizt)

"That if the Charter of King William and Queen Mary dated October the 7th in the third year of their Reign grants to the Province of the Massachusetts Bay all the lands which were granted by the Charter of King Charles the first dated March the fourth in the fourth year of His reign, to the late Colony of the Massachusetts Bay lying to the northward of Merrinack River, then the Court adjudge and determine that a line shall run parallel with the said river at the distance of three English miles North from the mouth of the said River beginning at the southerly side of the Black Rocks so called at low water mark, and from thence to run to the Crotch or parting of the said river, where the rivers of Pemigewasset and Winnepiseokee meet and from thence due North three English miles and from thence due West towards the South Sea, until it meets with His Majesty's other Governments which shall be the boundary or dividing line between the said Provinces of the Massachusetts Bay and New Hampshire on that side; But if otherwise then the Court adjudge and determine that a line on the Southerly side of New Hampshire beginning at the distance of three English miles North from the Southerly side of the Black Rocks aforesaid at low water mark and from thence running due west up into the main land towards the South Sea, until it meets with His Majesty's other Government shall be the boundary line between the said Provinces on the side aforesaid, Which point in doubt with the Court as aforesaid they humbly submit to the wise consideration of His Most Saered Majesty in His Privy Council, to be determined according to his Royal Will and Pleasure therein.

"And as to the Northern boundary between the said Provinces the Court resolve and determine that the dividing line shall pass up through the mouth of Piscataqua Harbour and up the middle of the River into the River of Newichwannock part of which is now called Salmon Falls and through the middle of the same to the furthest head thereof and from thence North two degrees Westerly until one hundred and twenty miles be finished from the mouth of Piscataqua Harbour aforesaid or until it meets with His Majesty's other Governments. And that the dividing line shall part the Isles of Shoales and run through the middle of the Harbour between the Islands to the Sea, on the Southerly side and that the south westerly part of the said Islands shall lye in and be accounted part of the Province of New Hampshire, and that the North Easterly part thereof shall lye in and be accounted part of the Province of the Massachusetts Bay and be held and enjoyed by the said Provinces respectively in the same manner as they now do and have heretofore held and enjoyed the same—

"And the Court do further adjudge that the Cost and charge arising by taking out the Commission as also of the Commissioners and their Officers (vizt) the two Clerks Surveyor and Waiter for their travelling expences and attendance in the execution of the same be equally borne by the said Provinces. And whereas appeals from the determination of the said Commissioners have been laid before His Majesty by the Agents for the re-

spective Provinces of the Massachusetts Bay and New Hampshire which said Appeals have been heard before the Committee of Council for hearing appeals from the Plantations, who after having considered the whole matter and heard all Parties concerned therein did report unto his Majesty as their opinion, That the Northern Boundaries of the said Province of the Massachusetts Bay are and be a similar curve line pursuing the course of Merrimack River at three miles distance on the North side thereof beginning at the Atlantick Ocean and ending at a point due north of a place in the plan returned by the said Commissioners called Pautucket Falls and a strait line drawn from thence due West cross the said River till it meets with His Majesty's other Governments and that the rest of the Commissioners said Report or determination be affirmed by His Majesty which said Report of the said Committee of Council, His Majesty hath been pleased with the advice of His Privy Council to approve and to declare adjudge and order that the Northern Boundaries of the said Province of the Massachusetts Bay are and be a similar curve line pursuing the course of Merrimack River at three miles distance on the North side thereof beginning at the Atlantick Ocean and ending at a point due north of a place in the Plan returned by the said Commissioners called Pautucket Falls and a strait line drawn from thence due West cross the said River till it meets with His Majesty's other Governments. And to affirm the rest of the Commissioners said Report or Determination whereof the Governor or Commander in Chief of His Majesty's said Provinces for the time being as also His Majesty's respective Councils & assemblies thereof and all others whom it may concern are to take notice :"

It is therefore His Majesty's Will & Pleasure and you are hereby required and enjoined under pain of his Majesty's highest displeasure and of being removed from your Government to take especial care that His Majesty's commands in this behalf be executed in the most effectual and expeditious manner to the end that His Majesty's good intentions for promoting the peace and quiet of the said Provinces may not be frustrated or delayed. And you are likewise hereby directed to communicate this Instruction to the Council and Assembly of His Majesty's said Province of New Hampshire and to cause the same to be entered in the Council Books thereof.

And for your further Information herein an authentick Copy of the Plan returned by the said Commissioners is hereunto annexed.

September 26, 1828. — I Certify that the foregoing, except the first fifteen Lines, is a true Copy from the Council Records, and that said fifteen lines are copied from a Copy of the Original Instruction "examined Feb. 1740," per

RICHARD WALDRON, *Secretary.*

RICHARD BARTLETT, *Secretary of State.*

## APPENDIX, No. XXV.

VATTEL'S LAW OF NATIONS.—(See printed copy of the Work.)

53\*

Appendix:  
No. 24.

Additional In-  
structions to Gov.  
Becher.

No. 25.

Vattel's Law of  
Nations.

## APPENDIX, No. XXVI.

### PROCEEDINGS.

RELATIVE

TO SURVEYING, MARKING, AND ESTABLISHING THE PARALLEL OF 45 DEGREES,

THE BOUNDARY BETWEEN

### THE PROVINCES OF NEW YORK AND QUEBEC,

viz :

Extract from an Act of the General Assembly of New-York .....	13 January, 1768.
Do. from Council Minutes, with King's Order in Council ....	12 August, 1768.
Letter from Governor Tryon to the Surveyor General .....	30 December, 1771.
Do. same to same .....	7 January, 1772.
Do. same to same .....	30 January, 1772.
Do. from Thomas Valentine .....	3 February, 1772.
Do. from same .....	16 August, 1772.
Do. from John Collins to Surveyor General .....	1 October, 1772.
Do. Thomas Valentine to Do. ....	22 October, 1772.
Extract from Council Minutes of New-York .....	26 June, 1773.
Deputation to C. I. Sauthier, as Surveyor .....	2 July, 1773.
Extract from Journal of General Assembly of New-York .....	17 February, 1774.
Do. from an Act of Do. ....	19 March, 1774.
Do. Journal Do. ....	28 March, 1775.
Do. an Act Do. ....	1 April, 1775.

### EXTRACT

FROM AN ACT PASSED JANUARY 13TH, 1768.

*Appendix. An Act for the payment of the Salaries of the several Officers of the Government and of other services and for the better securing the public funds of the Colony.*

No. 26.  
Boundary between  
New-York and  
Quebec.

Extract from an  
Act, passed 13th  
January, 1768.

Be it enacted by His Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same that the Treasurer of this Colony shall be and hereby is directed and required out of the monies arisen or which may arise by virtue of the following Act Viz "An Act for Granting unto His Majesty the several duties and impositions on Goods Wares and Merchandizes imported into this Colony therein mentioned" to pay

Unto his Excellency the Governor for administering the Government of this Colony from the first day of September one thousand seven hundred and sixty-seven to the first day of September one thousand seven hundred and sixty-eight after the rate of two thousand pounds per annum.

Unto his said excellency the Governor for monies by him expended on his Journey to settle the line of jurisdiction between this Colony and the Province of Quebec the sum of three hundred and seventy-nine pounds eleven shillings and seven pence.

Assembly Chamber City of New-York Die Martis the 5th of January 1768 In *Appendix*.  
the eighth year of his Majesty's reign. General Assembly for the Colony of New No. 26.  
York. This Bill having been read three times Resolved that the Bill do pass By  
order of the General Assembly

W. NICOLL,  
*Speaker.*

Boundary be-  
tween New York  
and Quebec.

Extract from an  
Act, passed 13th  
January, 1768.

Assembly Chamber Die Martis the 5th of January 1778.

Ordered that Col. Seaman and Major Lispenard do carry this bill to the Council  
and desire their concurrence thereto. By order of the General Assembly.

AB'M LOTT  
*Clerk.*

Council Chamber City of New York 5th January 1768.

This Bill was then read the first time and ordered a second reading: 6th January,  
Read the second time, committed and reported without amendment and ordered a  
third reading:

January 8th, Read the third time and passed.

GEO. BANYAR,  
*D. Clk. Con.*

New York 13th January 1768. I assent to this Bill Enacting the same and order  
it to be Enrolled.

H. MOORE.

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be true Extracts from an original law on file in this office.

In testimony whereof, I have hereunto affixed the Seal of this Office, at the  
[L. s.] City of Albany, the 3d day of October, 1828.

ARCH'D CAMPBELL,  
*Dep. Secretary.*

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as  
Governor of the said State:

It is hereby certified, that the above attestation is in due form, and by the proper  
officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.

[L. s.] Witness my hand, at the City of Albany, the third day of October, 1828.

NATHANIEL PITCHER.

### EXTRACT

FROM THE COUNCIL MINUTES OF OCTOBER 21, 1768, INCLUDING THE KING'S ORDER  
IN COUNCIL, DATED AUGUST 12, 1768, CONFIRMING THE PROCEEDINGS RELATING  
TO THE LINE BETWEEN NEW YORK AND QUEBEC.

At a Council held at Fort George in the City of New York on Friday the 21st day  
of October 1768

### Present

His Excellency Sir Henry Moore, Baronet, Captain General &c

Mr Watts

Mr Morris

Mr Reade

Mr Cruger

His Excellency communicated to the board a Letter to him of the 13th August 1st  
from the Earl of Hillsborough his Majesty's principal Secretary of State for the Colo-

45 DEGREES,

QUEBEC,

3 January, 1768.  
12 August, 1768.  
December, 1771.  
7 January, 1772.  
30 January, 1772.  
February, 1772.  
16 August, 1772.  
1 October, 1772.  
2 October, 1772.  
...26 June, 1773.  
...2 July, 1773.  
February, 1774.  
19 March, 1774.  
28 March, 1775.  
...1 April, 1775.

Government  
the Colony.  
General As-  
Treasurer of  
onies arisen or  
Granting unto  
Merchandizes

nt of this Co-  
sixty-seven to  
after the rate

h his Journey  
of Quebec the  
seven pence.

*Appendix.* nies with sundry papers inclosed and referred to therein all which being read were  
No. 26. ordered to be entered on the minutes and are as follows

Boundary be-  
tween New York  
and Quebec.

Order of Council,  
18th August, 1768.

SIR :

WHITEHALL 13th August 1768.

On the 18th July I received your Letter to me No 11 acquainting me with your intention of setting out the next day after the date of it for the Mohawk Country and I shall be happy to hear that your Journey has proved as agreeable to yourself as I dare say it will have been beneficial to the public.

I have only in command from his Majesty to send you the inclosed order of His Majesty in Council confirming the boundary line between New York and Quebec as agreed upon and fixed by yourself and Governor Carleton for the due Execution of which order under the several limitations and restrictions contained in it His Majesty has the fullest reliance on your zeal for and attention to his service.

Some doubts having occurred to the Lords of trade whether the two last acts passed in New York for making provision for quartering His Majesty's Troops were such a Compliance with the British act of Parliament as to give validity to the subsequent acts and proceedings of the Legislature there under the restrictions of the act of Parliament of the 7th of the King, their Lordships thought fit to make a report to His Majesty thereupon.

This report has since been referred to his Majesty's Attorney and Solicitor General for their opinion upon the question agitated by the board of trade and they having reported that they are of opinion the act of Assembly passed in New York in June 1767 is such a Compliance with the act of Parliament of the 7th year of His Majesty's Reign as leaves the validity of the acts and proceedings of the Legislature of the Colony subsequent to the 1st of October 1767 subject to no objection on that account I herewith inclose to you a Copy of His Majesty's order in Council thereupon directing the Lords Commissioners for trade and plantations to proceed in the Consideration of the other laws passed in that Province and make their representations thereupon to His Majesty in Council in the usual and accustomed manner.

I am Sir your most Obedient Humble servant.

HILLSBOROUGH.

*At a Court at St. James' the 13th day of August 1768.*

Present

The King's most Excellent Majesty

Duke of Grafton	Viscount Falmouth
Duke of Rutland	Viscount Barrington
Duke of Queensbury	Viscount Villiers
Marquis of Granby	Lord North
Earl of Litchfield	James Stuart Mackenzie Esqr.
Earl of Hillsborough	Thomas Harley Esqr.
Earl of Shelburne	Sir Edward Hawke
Viscount Weymouth	

Whereas there was this day read at the board a report from the right Honorable the Lords of the Committee of Council for plantation affairs dated the 9th of this instant upon considering a report made by the Lords Commissioners for trade and plantations upon an Extract of a letter from Sir Henry Moore Governor of New York to the Earl of Shelburne dated the 16th of January last relative to the settling the boundary line between that Province and Quebec; By which report it appears that it having been mutually agreed upon between Sir Henry Moore and the Commander in Chief of the Province of Quebec at a meeting for that purpose appointed that the line of division between these Provinces should be fixed at the forty-fifth degree of North latitude

conformable to the limits laid down in his Majesty's proclamation of October 1763 and it having been ascertained and determined by proper observations where the said line would pass it is therefore proposed that these proceedings above stated should be confirmed by His Majesty His Majesty taking the said report into consideration was pleased with the advice of his privy Council to approve thereof and doth hereby confirm the said proceedings above stated and order that the said line of Division be run out and continued as far as each Province respectively extends Provided that nothing herein before contained shall extend to affect the properties of His Majesty's new subjects having possessions under proper titles on those parts of the lands on the South side of this line the dominion of which was not disputed on the part of the Crown of Great Britain and Provided also that this determination shall not operate wholly to deprive his Majesty's new subjects of such concessions on the South side of the said line on which they may have made actual settlement and improvement although the Lands may have been disputed by the Crown of Great Britain but that such possessors shall be entitled to so much of the said concessions as shall be proportioned to their improvements at the rate of fifty acres for every three acres of improvement Provided they take out grants for the same under the Seal of the Province of New York subject to the usual quit rents and Provided also that the grant to no one person shall exceed twenty thousand acres and the Governors or Commanders in Chief of His Majesty's said Provinces of New York and Quebec for the time being and all others whom it may concern are to take notice of His Majesty's pleasure hereby signified and govern themselves accordingly.

*Appendix.*  
No. 26.

Boundary between New York and Quebec.  
Order in Council, 28th August, 1782.

STEPHEN COTTRELL.

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true Extract from the Council Minutes of the Colony of New York, deposited in this office.

In testimony whereof I have herunto affixed the Seal of this Office, at  
[L. s.] the City of Albany, the 30th day of September, 1828.

ARCHD. CAMPBELL,  
*Dep. Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that the preceding attestation is in due form, and by the proper officer.

In testimony whereof, I have herunto affixed the Great Seal of this  
[L. s.] State. Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

#### COPY OF A LETTER

FROM GOVERNOR TRYON TO THE SURVEYOR GENERAL.—DECEMBER 30, 1771.

FORT GEORGE, NEW YORK,  
30th December, 1771.

Sir: The Commissioners formerly appointed for running the Partition Line between this Government and the Province of Canada having proceeded only twenty

Letter from Gov. Tryon to the Surveyor General. 30th Dec. 1771.



*Appendix.* miles of the distance, and it being necessary that some other person should be appointed in the room of Mr. Bonzell that the same may be fully extended between the two Governments, the nature of your office as Surveyor General of the Province points you out to me as the properest person to be nominated on the part of this Government, to perform that essential and important service. I am therefore to desire you to attend at Col. Christy's, on the River Cole, on the first day of March next, with such assistants and attendants only as will be necessary for extending the divisional Line to the Western Banks of Connecticut River, in conjunction with the Commissioner named by the Government of Canada, who has directions to meet you at Col. Christy's house with provisions and other necessaries for proceeding without delay on the survey agreeable to His Majesty's pleasure concerning the limits of the two Governments.

No. 26.  
Boundary between New York and Quebec.

Letter from Gov. Tryon to the Surveyor General.  
30th Dec. 1771.

I am, Sir,

Your most obedient servant,  
WILLIAM TRYON.

ALEXANDER COLDEN, Esquire, Surveyor General.

STATE OF NEW YORK,  
Secretary's Office.

I certify the preceding to be a true copy of an original letter on file in this office.

In testimony whereof, I have hereunto affixed the seal of this Office, at  
[L. s.] the City of Albany, the 30th day September, 1828.

ARCHIBALD CAMPBELL,  
Deputy Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

#### COPY OF A LETTER

FROM GOVERNOR TRYON TO A. COLDEN, SURVEYOR GENERAL—JANUARY 7, 1772.

FORT GEORGE, NEW YORK,  
7th January, 1772.

Letter from Gov. Tryon to the Surveyor General.  
January 7, 1772.

SIR: It was from the sense I had of the duty of your office, as well as the favourable opinion I entertain of you, that occasioned me to desire you to attend in person the running of the partition line between this Government and the Province of Canada.

However, as you inform me by your letter of yesterday, that your precarious state of health obliges you to request of me to excuse your going on that business, I am to direct you to order some sufficient deputy to carry on that important service agreeable to the tenor of His Majesty's instructions, and the directions contained in my letter

to you of the 30th of December last. Punctuality in your Deputy in meeting the Commissioner from Canada, on the first of March next, at the rendezvous appointed, is indispensably necessary.

I am, Sir,

Your very obedient servant,  
WILLIAM TRYON.

A. COLDEN, Esquire, Surveyor General.

Boundary between New York and Quebec.

Letter from Gov. Tryon to the Surveyor General.  
7th January, 1772.

STATE OF NEW YORK,  
Secretary's Office.

I certify the preceding to be a true copy of an original letter on file in this office.

In testimony whereof, I have hereunto affixed the seal of this office, at  
[L. s.] the City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
Deputy Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:

It is hereby certified that the preceding copy is authenticated in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

#### COPY OF A LETTER

FROM GOV. TRYON TO ALEXANDER COLDEN, SURVEYOR GENERAL—JAN. 30, 1772.

FORT GEORGE, NEW YORK,  
30th January, 1772.

Sir: In consequence of the Commission you have received from me for running the Partition line between this Government and the Province of Quebec, You will please to observe that you are required by yourself or your sufficient Deputy to repair by the first day of March next to the house of Collonel Christy on the River Cole about two leagues to the northward of Point Moore, taking with you such assistants and attendants as will be requisite for extending the said line in conjunction with the Surveyor (or Commissioner) and his attendants appointed by the Government of Quebec who will meet you there, with provisions and necessaries for proceeding without delay to the place where the Surveyors (or Commissioners) stopped the last fall. From whence you are to continue the same line until you arrive at the Western Banks of the main branch of Connecticut River that crosses the Forty-Fifth degrees of Northern Latitude, but if such main branch shall be found not to extend Northward so far as the Latitude of Forty-Five then to run a perpendicular from the northernmost part of the said Branch to the line aforesaid; and in running the said Line care must be taken to blaze the trees on the East and West sides as you pass along, cutting down only such Trees as stand directly in the sight of the compass, and at the distance of every three miles laying together a large heap of stones and cutting a few notches on the trees

Letter from Gov. Tryon to the Surveyor General.  
30th January, 1772.

*Appendix.*  
No. 26.

Boundary between New York and Quebec.

Letter from Gov. Tryon to the Surveyor General. January 30, 1772.

highest each pile of stones. It is of the utmost consequence that you should not stop at any water course short of the aforementioned main branch of Connecticut river and it is only by adhering to these Instructions that you can answer the just expectations of the public from whom you are to receive your reward for performing this important service. You are to return to me a Map with a Field book of the survey, in which book you are to take notice of all remarkable waters you cross, minuting also the courses and distances of the marked trees near the monuments of stones you shall erect, with such other observations as shall appear worthy of notice, to the intent such Map and Field book may be lodged in the Office of the Secretary of the Province.

I am Sir, Your most Obedient Servant,

WM. TYRON.

ALEXANDER COLDEN, *Esquire, Surveyor General.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true copy of a certain Original instrument in writing on file in this office.

In testimony whereof, I have hereunto affixed the seal of this office, at the City of Albany, the 30th day of September, 1828.

[L. s.]

ARCHD. CAMPBELL,  
*Dep. Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that the preceding copy is authenticated in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State. Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

#### COPY OF A LETTER

FROM THOMAS VALENTINE—FEBRUARY 3, 1772.

Letter from Thomas Valentine, 3d February, 1772.

SIR: As Canada is bounded on the South by "a line drawn from the South end of Lake Nipissim crossing the River St. Lawrence and Lake Champlain in forty five degrees of Northern Latitude and thence passing along the Highlands which divides the rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea," I am apprehensive that the Highlands aforesaid have a different bearing from the course of the Line to be run for the northern bounds of this Province, and that the Surveyor on the part of Quebec Government, will not proceed farther than where he meets the highlands or comes to the heads of the rivers above described. I therefore request that when my Instructions are making out for the running of the said line that you may direct how I shall act in that case. Also whether the said line shall be continued West from Point Moore to the River St. Lawrence as 'tis highly that the Government of Quebec want to have the Southern bounds of that part of their Province ascertained.

I am Sir, Your most Obed't humble Servant,

THO: VALENTINE.

NEW YORK, *February 3d, 1772.*

STATE OF NEW YORK,  
Secretary's Office.

Appendix.  
No. 26.

I certify the preceding to be a true copy of an original letter on file in this office.  
In testimony whereof, I have hereunto affixed the seal of this office, at the City  
[L. s.] of Albany, the 30th day of September, 1828.

Boundary be-  
tween New York  
and Quebec.

ARCHD. CAMPBELL,  
Dep. Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as  
Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

### COPY OF A LETTER

FROM THOMAS VALENTINE—AUGUST 16, 1772.

Sir: Having occasion to send a man to Montreal, I take that opportunity of informing you that we have continued the Line to the Eastward of Lake Mamraahagact, and are now about fifty-six miles from Lake Champlain. The part of the country that the line passes over is very mountainous, indeed it is the very height of the land, and the weather for sometime past, has been uncommonly windy and wet, which together with the difficulty of getting the provisions forward, has retarded us a great deal. But let what difficulties or hardships soever attend it, I, on my part, am determined, (though I have never been able to recover from a violent cold I took on my first passing Lake Champlain) not to leave the woods till the survey is completed. I request you may please to inform the Governor what I have wrote you, as we have not as much paper fit to use, as would contain a few lines to His Excellency.

Letter from Thomas Valentine,  
16th August, 1772.

I am, Sir,

With the most unfeigned respect,

Your most obedient humble servant,

THOMAS VALENTINE.

August 16, 1772.

STATE OF NEW YORK,  
Secretary's Office.

I certify the preceding to be a true copy of an original letter on file in this office.

In testimony whereof, I have hereunto affixed the seal of this office, at  
[L. s.] the City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
Deputy Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting  
as Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand, at the City of Albany, the 30th day of September,  
1828.

NATHANIEL PITCHER.

*Appendix.*  
No. 26.

Boundary between New York and Quebec.

Letter from John Collins to the Surveyor General October 1, 1772.

**COPY OF A LETTER**

FROM JOHN COLLINS TO THE SURVEYOR GENERAL—OCTOBER 1, 1772.

BOUNDARY ON CONNECTICUT RIVER,  
October 1st, 1772.

DEAR SIR: I have the pleasure to acquaint you that the Division Line between your Province and that of Quebec, terminates two miles and five eighths of a mile upon a direct line above the mouth of Hulls Brook, distance ninety mile and one fourth of a mile from the Boundary fixed on Lake Champlain. Time will not permit me to say more, but that

I am, with great esteem, dear Sir,

Your most faithful and most obedient humble servant,

JOHN COLLINS.

To ALEX. COULDING, Esquire.

STATE OF NEW YORK,  
Secretary's Office.

I certify the preceding to be a true copy of an original letter on file in this office.

In testimony whereof, I have hereunto affixed the seal of this office, at

[L. s.] the City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
Deputy Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.

[L. s.] Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

**COPY OF A LETTER**

FROM THOMAS VALENTINE TO ALEXANDER COLDEN—OCTOBER 22, 1772.

SIR,

Letter from Thomas Valentine October 22, 1772.

I take the earliest opportunity of informing you that we reached the main Branch of Connecticut River on the last day of September; the whole distance from where the survey began is ninety and a quarter miles. On the west bank of the river we put up a squared Post and laid a quantity of stones about it, and had all the Trees and Bushes for some distance around it cleared away to render it more conspicuous; we returned by the river St. Francois and arrived here on Sunday last. All possible expedition shall be used to prepare a Map, copy our Field book, and settle the accounts. And I hope to be ready to return before the severe weather sets in. The Abenaku Savages are much displeased with the Course of the Line, say their Hunting

Grounds are encroached on, and pulled down a Post that we erected on the East Bank of the Lake Mamraabogak; the offenders remain undiscovered or I would have them punished, and will use my utmost industry to find them out as it may have bad consequences if suffered to pass unnoticed.

I am, Sir,

Your most obedient humble servant,

THO. VALENTINE.

Quebec, 22 Octr. 1772.

ALEX. COLDEN, Esq.

No. 26.

Boundary between New York and Quebec.

Letter from Thomas Valentine, October 22, 1772.

STATE OF NEW-YORK,

Secretary's Office.

I certify the preceding to be a true copy of an original letter on file in this office. In testimony whereof I have hereunto affixed the Seal of this office, at the [L. s.] City of Albany, the 30th day of September, 1828.

ARCH'D CAMPBELL,

Dep. Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New-York, acting as Governor of the said State:

It is hereby certified, that the preceding copy is attested in due form, and by the proper Officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State. [L. s.] Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

# EXTRACT

FROM THE COUNCIL MINUTES, DATED JUNE 26, 1773.

At a Council held at Fort George in the City of New-York on Saturday the twenty-sixth day of June 1773

Present,

His Excellency William Tryon Esquire Captain General &c

Mr Watts

Mr Smith

Mr De Lancey

Mr Wallace

Mr Cruger

Mr White

His Excellency laid before the Board Lieutenant Governor Cramahe's Letter of the 5th instant with Lieutenant Hope's Certificate shewing that Mr Valentine's Indisposition will probably prevent the running of the Line between this and the Province of Quebec on the Westerly side of Lake Champlain and required the opinion of the Council as to the steps proper to prevent a Disappointment in this service and all unnecessary Expence. And thereupon the Council advised his Excellency to certify the Surveyor General of Mr. Valentine's Indisposition that he may make immediate provision for the supply of Mr. Valentine's place either by his own attendance or by some able Deputy to be approved of by His Excellency and were also further of opinion that his Excellency write to Mr. Cramahe earnestly urging the finishing of this Work without further delay by Mr Collins and such surveyor as may attend on

Extract from the Council Minutes of New York, June 26, 1773.



*Appendix.* the Part of this Province or by any other person to be appointed in Mr Collin's stead if his other Engagements prevent his assisting in the Work and the rather because it may be doubted if it is unfinished this year whether the Assembly of this Province can be persuaded to make any farther Provision for a service which has already been so expensive.

No. 26.  
Boundary between New York and Quebec.

STATE OF NEW YORK,  
Secretary's Office.

I certify the preceding to be a true Extract from the Council Minutes of the Colony of New-York.

In Testimony whereof I have hereunto affixed the Seal of this Office, at the  
[L. s.] City of Albany, the 30th day of September, 1828.

ARCH'D CAMPBELL,  
Dep. Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New-York, acting as Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.

[L. s.] Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

#### DEPUTATION

TO CLAUDE JOSEPH SAUTHIER, AS SURVEYOR—JULY 2, 1773.

Deputation to C.J.  
Sauthier.  
24 July, 1773.

Whereas by virtue of the power granted me in a commission under the Great Seal of the Province of New York bearing date the twenty-third day of January, 1772, I deputed Mr. Thomas Valentine, to act as Surveyor on the part of the Province of New York in conjunction with the Surveyor that was or should be appointed on the part of the Province of Quebec for running, marking, ascertaining and distinguishing the Division line between the said Provinces. His Excellency Governor Tryon on the 26th day of last month, laid before his Majesty's Council for the Province of New York a letter from Lieut. Governor Cramahe, and a certificate from Lieut. Hope, Surgeon of the 52d regiment, shewing that the said Thomas Valentine's indisposition would probably prevent the running of the line between this and the Province of Quebec on the westerly side of Lake Champlain. That Honorable Board to prevent a disappointment in this service and all unnecessary expence advise his Excellency to certify to me Mr. Valentine's indisposition that I might make immediate provision for the supply of Mr. Valentine's place either by my own attendance or by some able Deputy to be approved of by his Excellency. I have therefore with the approbation of his Excellency constituted and appointed, and by these presents do constitute and appoint Mr. Claude Joseph Sauthier my deputy in the stead and in place of the said Thomas Valentine to act as Surveyor on the part of the Province of New York in conjunction with the Surveyor that is or shall be appointed on the part of the Province of Quebec to run, mark out, ascertain and distinguish the said division line on the westerly side of Lake Champlain pursuant to such instructions as

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he my said Deputy Mr. Claude Joseph Sauthier shall receive from his Excellency *Appendix*  
Gov. Tryon, or from the Governor or Commander in Chief of the Province of New No. 26.  
York for the time being. Given under my hand and seal at New York this second  
day of July, 1773.

ALEX: COLDEN,  
*Surveyor General.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true copy of a certain original instrument in writing  
on file in this Office.

In testimony whereof, I have hereunto affixed the Seal of this Office, at  
[L. s.] the City of Albany, the thirtieth day of September, 1828.

ARCHIBALD CAMPBELL,  
*Deputy Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as  
Governor of the said State:*

It is hereby certified, that the preceding copy is authenticated in due form, and by the  
proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State,  
[L. s.] at the City of Albany, the thirtieth day of September, 1828.

NATHANIEL PITCHER.

### EXTRACT

FROM THE JOURNAL OF THE GENERAL ASSEMBLY—FEBRUARY 17, 1774.

*Extract from the Journal of the Votes and Proceedings of the General Assembly  
of the Colony of New York.*

Die Jovis 10 ho: A. M. the 17th February, 1774.

A Message from his Excellency the Governor, by Colonel EDMUND FANNING, his  
private Secretary:

*Gentlemen:* Since my last message to you I have received a letter from Mr. Collins the  
Surveyor on the part of Quebec, for running the partition line between that Province and  
New York, with copies of the accounts of that service as settled by the Government  
of Quebec, whereby it appears that he has made a claim against this Province for only  
ten pounds eighteen shillings and six pence Halifax money. You will perceive how-  
ever that Mr. Collins has credited this Government with a larger sum by Mr. Sauthier  
than what was actually advanced by him; consequently there must be an error in that  
article of Mr. Collins account. The overture made by Mr. Collins to complete the  
extension of the boundary line to Lake St. Francois as the surveyor for both Provin-  
ces for the sum of one hundred pounds sterling, is thought a reasonable proposition by  
the Government of Quebec, and I esteem it worthy of your consideration. Mr. Col-  
lins being in my opinion a gentleman in the integrity of whose conduct in the faithful  
performance of that service an entire confidence may be placed. The accomplishment  
of it would effectually prevent all further trouble or controversy about the boundary  
between the two governments.

NEW YORK, 17th February, 1774.

WM. TRYON.

*Appendix.*  
No. 26.

Boundary between New York and Quebec.

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true extract from the Journal aforesaid, deposited in this office.

In testimony whereof I have hereunto affixed the seal of this office, at the  
[L. s.] City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
*Deputy Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Seal of this office. Wit-  
[L. s.] ness my hand, at the city of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

### EXTRACT.

FROM AN ACT OF MARCH 19, 1774.

*An Act for the payment of the Salaries of the several Officers of this Colony and other purposes therein mentioned.*

Extract of an Act  
of March 19, 1774.

Be it enacted by his Excellency the Governor (the Council) and the General Assembly and it is hereby enacted by the Authority of the same That the Treasurer of this Colony shall and hereby is directed and required to pay,

Unto his Excellency William Tryon Esquire or the Commander in Chief for the time being for firewood and candles for his Majesty's Fort George in the City of New York from the first day of September one thousand seven hundred and seventy three to the first day of September one thousand seven hundred and seventy four after the rate of four hundred pounds per annum.

Unto his said Excellency for purchasing Gunpowder for the use of Fort George and the Battery in the City of New York the sum of one hundred pounds.

Unto his said Excellency for monies paid by him to the surveyors which have been employed on the part of this Colony to run out and mark the partition Line between this Colony and the Colony of Quebec as per account the sum of three hundred and thirty one pounds three shillings and nine pence.

Unto Mary Valentine relict and executrix of Thomas Valentine Surveyor deceased in full for his services and expenses in running in part the partition line between this Colony and the Colony of Quebec the sum of three hundred pounds.

Unto Claude J. Sauthier Surveyor for the balance of his account of days wages and expenses in running and marking part of the line of partition between this Colony and the Colony of Quebec the sum of seventy seven pounds seven shillings.

Unto John Collins of Quebec Surveyor a balance due to him as per his account of expenses accrued in running the Quebec line the sum of seven pounds thirteen shillings and six pence.

City of New York the 17th day of March 1774 in the fourteenth year of his Majesty's reign. General Assembly for the Colony of New York, This Bill having been read three times Resolved that the Bill do pass. By order of the General Assembly.

JOHN CRUGER, *Speaker.*

Assembly Chamber City of New York Die Jovis the 17th March 1774—This Bill being passed ordered that Col Seaman and Mr Boerum do carry the Bill to the Council and desire their Concurrence therein. By Order of the General Assembly.

EDM'D. SEAMAN, *Clerk.*

*Appendix.*  
No. 26.  
Boundary between New York and Quebec.

Extract of an Act of March 19, 1774.

Council Chamber City of New York 17th March 1774. This Bill was then read the first time and ordered a second reading. March 17th P. M. Read the second time and committed. March 18th Reported without amendment and Read the third time and passed.

GEO: BANYAR, *D. Cl. Con.*

City of New York 19th day of March 1774. I assent to this Bill enacting the same and order it to be Enrolled.

WM. TRYON.

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be true Extracts from an original Law on file in this Office.

In testimony whereof, I have hereunto affixed the Seal of this Office at the [L. s.] City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
*Deputy Secretary.*

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:

It is hereby certified, that the preceding Copy is attested in due form, and by the proper Officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.

[L. s.] Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

# EXTRACT

FROM THE JOURNAL OF THE GENERAL ASSEMBLY—MARCH 28, 1775.

*Extracts from the Journal of the votes and proceedings of the General Assembly of the Colony of New York: Die Martis, 10 ho. A. M. the 28th March, 1775.*

A Message from his Honor the Lieutenant Governor by Mr. Bayard Deputy Secretary and the same being read, is in the words following viz.

*Gentlemen:*

By desire of Governor Tryon, I last Spring sent Mr. Collins the Deputy Surveyor General of the Province of Quebec a Copy of the resolve of your house that you would make provision for paying fifty pounds sterling for completing the line between this province and the Province of Quebec Mr Collins by his letter of the 24th of November last informed me that he had completed the work; that the distance being greater than was expected had occasioned a greater expense than was foreseen and that of con-

Extract from the Journal of the General Assembly of New York, March 28, 1775.

*Appendix.*  
No. 26.

Boundary between New York and Quebec.

Extract from the Journal of the General Assembly of New York, March 28, 1775.

sequence he was liable to be a considerable loser by the service which he had undertaken for the Government unless some further allowance was made for his disbursements. With his letter of the 23th of February Mr Collins has sent me an account of his disbursements and has drawn upon me for the fifty pounds sterling which cannot be paid till an act is passed for the purpose. I send to you the letters and accounts that you may make the necessary provision.

CADWALLADER COLDEN.

*New York, 28th March, 1775.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true Extract from the Journal aforesaid, deposited in this Office.

In testimony whereof, I have hereunto affixed the Seal of this Office, at the  
[L. s.] City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
*Deputy Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State.*

It is hereby certified, that the preceding Copy is attested in due form, and by the proper Officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

# EXTRACT

FROM AN ACT DATED APRIL 1, 1775.

*An act for the payment of the Salaries of the several officers of this Colony and other purposes therein mentioned.*

Extract from an Act of first April 1775.

Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly and it is hereby Enacted by the authority of the same That the Treasurer of this Colony shall and hereby is directed and required to pay,

Unto his Honor the Lieutenant Governor or the Commander in Chief for the time being for administering the government of this Colony from the seventh day of April last to the first day of September one thousand seven hundred and seventy-five after the rate of two thousand pounds per annum.

Unto John Collins for completing the Extension of the boundary line between this Colony and the Province of Quebec to Lake St. Francois agreeable to a resolution of this House the sixteenth of March last the sum of eighty-five pounds.

City of New York the 30th day of March 1775 in the fifteenth year of his Majesty's Reign. General Assembly for the Colony of New York. This Bill having been read three times Resolved that the Bill do pass. By order of the General Assembly.

JOHN CRUGER, *Speaker.*

Assembly Chamber City of New York Die Jovis the 30th March 1775. This Bill being passed, Ordered that Mr. Wilkins and Mr. Billopp do carry the Bill to the Council and desire their concurrence thereto. By order of the General Assembly.  
EDMD: SEAMAN, *Cik.*

Appendix.  
No. 26.

Boundary between New York and Quebec.

Extract from an Act of first April, 1775.

Council Chamber City of New York 30th March 1775. This Bill was then read the first time and ordered a second reading. March 31st Read the second time and ordered to be committed. Reported without amendment and ordered a third reading. April 1st Read the third time and passed.

SAMUEL BAYARD, Junr. *D. C. Con.*

City of New York 1st day of April 1775. I assent to this Bill Enacting the same and order it to be enrolled.

CADWALLADER COLDEN.

STATE OF NEW YORK,  
*Secretary's Office.*

I Certify the preceding to be a true Extract from an original law on file in this office.

In testimony whereof I have hereunto affixed the Seal of this Office, at

[L. s.] the City of Albany, the 30th day of September, 1828.

ARCHD. CAMPBELL,  
*Dep. Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby Certified that the preceding Copy is authenticated in due form, and by the proper Officer.

In testimony whereof I have hereunto affixed the Great Seal of this State. Witness my hand at the City of Albany, the 30th day of September, 1828.

[L. s.]

NATHANIEL PITCHER.



APPENDIX, No. XXVII.

EXTRACTS

FROM

THE COUNCIL MINUTES OF NEW YORK,

OF

21st August, 1771, 22d January, 1772, 29th July, 1772, 21st August, 1772, 16th December, 1772,  
5th April, 1773, 1st December, 1773.

*Appendix.*  
No. 27.

At a Council held at Fort George in the City of New York, on Wednesday the 21st day of August, 1771,

Extracts from the  
Council Minutes  
of New York.

21st August, 1771.

*Present,*

His Excellency William Tryon, Esquire, Captain General, &c.

Mr. Watts,

Mr. Cruger,

Mr. De Lancey,

Mr. Wallace,

Mr. Morris,

Mr. White,

Mr. Smith,

Mr. Axtell.

His Excellency communicated to the Council the letter to the Commander in Chief of Quebec, in which he intended to inclose printed copies of the proclamation issued pursuant to their advice on the 14th instant relative to the grants of Land made by the French on Lake Champlain, desiring he would be pleased to order the said proclamation to be dispersed and made known in his Government, and give him such information whereby His Excellency may be enabled to judge of the validity of such grants: which letter was read and approved of.

A letter of the 30th July last was read from Adolphus Bauzell, Esquire, acquainting His Excellency that himself and Mr. Collins, Deputy Surveyor General of Quebec, had appointed the 10th or 12th of this month to begin running the line of partition between the two Provinces.

Ordered, That the Clerk of this Board acknowledge the receipt of the above letter; and acquaint Mr. Bauzell by letter that his Excellency recommends the marking and distinguishing the Line so as that it may be easily discovered and traced on future occasions: and that he accompany his return to His Excellency with a copy of his field book, enriched with such remarks as he shall think worthy of observation.

*January 22, 1772.*

22d Jan. 1772.

His Excellency William Tryon, Esquire, Captain General, &c. &c.

Mr. Horsmanden,

Mr. Smith,

Mr. Watts,

Mr. Cruger,

Mr. De Lancey,

Mr. Wallace,

Mr. Apthorp,

Mr. White,

Mr. Morris,

Mr. Axtell.

His Excellency laid before the Board the draft of a commission authorizing Alexander Colden, Esquire, Surveyor General of this Province, by himself or his sufficient

Deputy, in conjunction with the Surveyor General already or which shall hereafter be appointed on the part of the Colony of Quebec, to run, mark, ascertain, and distinguish the partition line between the said two Provinces, as far as each respective Province extends. And the draft being read, and a clause added thereto, enjoining the Surveyor General or his Deputy to observe and perform such instructions as shall be given by the Governor or Commander in Chief for the time being,

The same was approved of, and Ordered that the same pass the Great Seal accordingly.

*Appendix.*  
No. 27.  
Extracts from the  
Council Minutes  
of New York.  
23d January, 1772.

At a Council held at Johnson's Hall, in the county of Tryon, on Wednesday the twenty-ninth day of July, 1772,

29th July, 1772.

*Present,*

His Excellency William Tryon, Captain General, &c. &c.

The Honorable Sir William Johnson, Baronet,

Mr. De Lancey,

Mr. White.

His Excellency next laid before the Board a letter he had received from Thomas Valentine, dated the River Le Cole, 11th July, 1772, in the following words:

*May it please your Excellency:*

We set out from Quebec the 20th of June, took the stores we wanted from Three Rivers, called at St. Francois in our way with intent to send part of our provisions up that River, but received information that we could as easily transport them up Missiskoi river, which we rather chose, as it is not safe to intrust them in the hands of savages.

We depart hence immediately and hope to be able to complete in two months if no accident happens: And if your Excellency proposes to have the Line continued to the river Saint Lawrence, it can be done this fall at a much less expense than if postponed to another season. I expect your instructions by the time we return,

And am your Excellency's

Most obedient humble servant,

THOS. VALENTINE.

And desired the opinion of the Council whether they thought it advisable to give instructions to the said Valentine, in conjunction with the Surveyor from Quebec, after having run the line eastward to Connecticut river, to return to Point Moore, the place of beginning, and extend the division Line between the two Governments until it should intersect the river Saint Lawrence in the forty-fifth degree of Northern Latitude; His Excellency at the same time observing to the Board that he considered the running of the division line to the westward, as a very necessary and essential service to Government; and that he was willing to advance the money on the faith of the public for carrying the same into execution. Whereupon the Council humbly advised the running of the partition line to the river Saint Lawrence as a measure highly proper and necessary for ascertaining and establishing the Boundaries between this Government and that of Quebec.

At a Council held at Fort George, in the City of New York, on Friday the twenty-first day of August, 1772,

His Excellency William Tryon, Esquire, Captain General, &c.

Mr. Horsemanden,

Mr. Smith,

Mr. Watts,

Mr. Cruger,

Mr. De Lancey,

Mr. White,

Mr. Apthorp,

Mr. Axtell.

*Appendix.*  
No. 27.

Extracts from the  
Council Minutes  
of New York.

31st August, 1773.

The Minutes of the Council held by His Excellency at Johnson Hall in the county of Tryon, on the 29th of July last, being read,

The Board concurs in opinion that it will be a proper measure as soon as the line of partition between this Province and Quebec shall be run from Lake Champlain to Connecticut river, for His Excellency to direct the Surveyors on the part of both Provinces to return to Point Moore, the station fixed on the East side of Lake Champlain, and to extend the division line between the two Governments, until it shall intersect the river St. Lawrence in the forty-fifth degree of Northern Latitude.

December 16, 1773.

16th Dec. 1773.

His Excellency communicated to the Board a letter of the 12th November last, from Mr. Thomas Vallentine, employed as a Surveyor on the part of this Province for running the partition line between this Colony and Quebec, from Lake Champlain to Connecticut river, informing His Excellency that the Surveyors of the two Provinces finished the survey on the 30th of September; that they found the distance from Lake Champlain to the place where the line terminates on Connecticut river, to be about ninety miles and a quarter; that he arrived at Quebec the 18th of October, and that as he is of opinion the continuing the line westward will be effected with far less expense during the winter or early in the Spring, than in the summer season, he intends not to risk the passage on the Lake but to remain at Quebec for his Excellency's farther directions.

Whereupon the Board humbly advised His Excellency to signify to Governor Cramah, the opinion of this Government, that it will be for the mutual interest of both Provinces to complete their boundary Line as soon as the season will permit, by extending the Line already run, from Lake Champlain westward, until it shall intersect the river St. Lawrence in the forty-fifth degree of Northern Latitude. That if this proposal meets with his approbation, it is conceived the service will be best performed by the same Surveyors; but that if any thing should prevent Mr. Collins from attending, Mr. Vallentine has instructions to proceed in conjunction with such other Surveyor as shall be appointed on the part of Quebec. And that this Province will cheerfully defray its proportionable part of this necessary expense.

His Excellency also communicated to the Board a letter from John Collins, Esquire, Deputy Surveyor of the Province of Quebec, dated on Connecticut River the first of October last, acquainting his Excellency that they had on that day fixed the boundary of the division Line between this Province and that of Quebec, on the west bank of Connecticut river, two miles and fifty chains on a direct line above the mouth of a small river falling in on the west side of Connecticut river, known by the name of Hall's Brook, and called by the Indians Konebimosikek, at the distance of ninety miles and twenty chains from the eastern bank of Lake Champlain; and signifying that His Excellency may depend the greatest accuracy and care had been observed through the course of this survey.

April 5, 1773.

5th April, 1773.

His Excellency also communicated a letter of the 10th March last, from Lieutenant Governor Cramah, of Quebec, acquainting His Excellency that His Majesty's Council of that Government were unanimously of opinion that the Boundary Line between the two Governments should be run and distinguished from Lake Champlain to the river Saint Lawrence, as had been proposed by this Province, and that the Surveyors were accordingly to proceed on that work the beginning of June.

At a Council held at Fort George, in the City of New York, on Wednesday the first day of December, 1773, *Appendix.*

No. 37.

*Present,*

His Excellency William Tryon, Esquire, Captain General, &c.  
Mr. Watts, Mr. White,  
Mr. Do Lancey, Mr. Cruger.  
Mr. Smith,

Extracts from the  
Council Minutes  
of New York.  
1st Dec. 1773.

His Excellency laid before the Board a Journal of the proceedings of John Collins, Esquire, Surveyor on the part of the Province of Quebec, and Claude Joseph Southier, Esquire, Surveyor appointed on the part of this Province, for running the Line between the Government of New York and Quebec westward from Lake Champlain in the Latitude of forty-five North to the River St. Lawrence, with a chart or map of the said Line as far as the same is run. As also a Letter from Mr. Collins dated at Montreal the 22d October last, acquainting His Excellency that the wet season, which continued many days, prevented their completing the survey: That they had advanced fifty miles west of Lake Champlain, when they found themselves in want of provisions, and the means they made use of to obtain fresh supplies disappointed, and that he is of opinion the distance left unsurveyed, does not exceed ten miles.

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be true extracts from the Minutes of the Council of the late Colony of New York, remaining in this office.

J. V. N. YATES,  
*Secretary.*

APPENDIX, No. XXVIII.

COPY OF A PATENT

TO

EDMUND FANNING AND OTHERS,

DATED FEBRUARY 16, 1775.

*Appendix.*  
No. 28.

*Grant to Edmund  
Fanning and others—16th February,  
1775.*

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To all to whom these Presents shall come Greeting Whereas our loving subject David Mathews in Behalf of himself and nineteen other Persons his Associates whose names were mentioned in the Schedule to their Petition subjoined to wit Johnston Fairholme, Peter Middleton, John Grumly, John Reid, Samuel Stephens, William Bruce, Robert Rogers, Andrew Elliot, James Duane, William Bayard, Edmund Fanning, Benjamin J. Johnson, John Hooges, Moses Marden, Joshua Littlewood, Malcolm McIsaac, Christopher Blundell, Isaac Willet Junior and James Rivington by his humble Petition presented unto our trusty and well beloved William Tryon Esquire our Captain General and Governor in Chief of our Province of New York and Read in our Council for our said Province on the nineteenth Day of May which was in the year of our Lord one thousand seven hundred and seventy two did set forth That the Petitioner had discovered a certain Tract of Land which was vacant and vested in us situate lying and being on the Northwestern side of Connecticut River in the County of Gloucester Beginning on the northwesterly Bank of the said River at the northeasterly Corner of the most Northernmost Tract of Land pretended to be granted by our Government of New Hampshire Westward of the said River Connecticut commonly called and known by the name of Limington and extending up the said River on a streight Line about three or four hundred chains; Thence into the Woods Westerly or Northwesterly about six hundred and forty chains, Thence Southerly and Easterly so far as would include twenty thousand Acres of Land and the usual allowance for Highways, And that the said Tract of Land had never been granted by our Province of New Hampshire or Located by any prior Petition and therefore the Petitioner in behalf of himself and his Associates did humbly pray that our said Captain General and Governor in Chief would be favourably pleased to grant unto the Petitioner and his Associates the Tract of Land afore described and that the same might be erected into a Township by the name of Thirming and vested with the usual Privileges granted to other Townships within our said Province Which Petition having been then referred to a Committee of our Council for our said Province our said Council did afterwards on the Fifteenth day of June then following in Pursuance of the Report of the said Committee humbly advise and consent that our said Captain General and Governor in Chief should by our Letters Patent grant to the said Petitioner and his Associates and their Heirs the Lands prayed for and described in the said Petition so as not to interfere with any prior Location or Petition of any Grant under our Government of New Hampshire And Whereas the said Edmund Fanning and Moses Marden two of the Associates

named in the afore recited Petition of the said David Mathews by their humble Petition presented unto our trusty and well beloved Cadwallader Colden Esquire our Lieutenant Governor and Commander in Chief of our said Province of New York and the Territories depending thereon in America and read in our Council for our said Province on the Eighth Day of this Instant Month of February did set forth, That upon a former Application the Petitioners obtained an Order of our said Council for granting to them Twenty thousand acres of vacant Land within our said Province for which the Petitioners had procured a Survey and Return that several of the Persons who were the Petitioners former Associates are either dead or removed out of the said Province to wit Benjamin J. Johnson, John Hodges, Joshua Littlewood, Malcom McIsaac, and John Grumly And did therefore most humbly pray that instead of the names of the Persons who are so dead or removed, the names of Samuel Avery, John Peters, James Cobham, William Kennedy and Samuel Boyer might be inserted in our Letters Patent for the Lands so advised to be granted and surveyed as aforesaid Which Petition having been read as aforesaid On due Consideration thereof our Council for our said Province did humbly Advise our said Lieutenant Governor and Commander in Chief that the names of the said Samuel Avery, John Peters, James Cobham, William Kennedy and Samuel Boyer be inserted in our Letters Patent for the said Tract of Land in the Room and stead of the names of the Persons who are so dead or removed out of our said Province In Pursuance whereof and in obedience to our Royal Instructions our Commissioners appointed for the setting out all Lands to be granted within our said Province have set out for the said Edmund Fanning and Moses Marden and their Associates to wit David Mathews, Johnston Fairholme, Peter Middleton, John Reid, Samuel Stephens, William Bruce, Robert Rodgers, Andrew Elliot, James Duane, William Bayard, Christopher Blundell, Isaac Willet Junior, James Rivington, Samuel Avery, John Peters, James Cobham, William Kennedy and Samuel Boyer *All that certain Tract or Parcel of Land situate lying and being on the west side of Connecticut River in the County of Gloucester Beginning at a certain Place on the West Bank of the said River reputed to be the North-east Corner of a Tract of Land granted by our late Governor of our Province of New Hampshire and called Lemington which Place is Five hundred and nine chains on a straight line below a certain Cedar Post set up on the West Bank of the said River in the Year one thousand seven hundred and seventy-two by John Collins and Thomas Valentine at the Place where the Line run by them from the Point of Forty-five Degrees of Northern Latitude on Lake Champlain intersects the said River and this Tract runs from the said place of beginning up along the said River as it winds and turns to the Cedar Post aforesaid and thence along the said Line run by John Collins and Thomas Valentine North Eighty-one Degrees West seven hundred and nine Chains; thence South nine Degrees West Four hundred and Thirty-three Chains, and thence South Eighty-one Degrees East Four hundred and forty Chains to the Place where this Tract first began Containing Twenty thousand Acres of Land* and the usual allowance for Highways And in setting out the said Tract or Parcel of Land our said Commissioners have had regard to the profitable and unprofitable acres and have taken care that the Length thereof doth not extend along the Banks of any River otherwise than is conformable to our said Royal Instructions As by a Certificate thereof under their Hands bearing date the Thirteenth Day of this Instant Month of February and entered on Record in our Secretary's Office for our said Province of New York may more fully appear. Which said Tract of Land set out as aforesaid according to our said Royal Instructions We being willing to grant to the said Edmund Fanning and Moses Marden and their Associates their Heirs and Assigns forever with the several Privileges and Powers hereinafter mentioned Know Ye, That of our especial Grace certain Knowledge and

*Appendix.*  
No. 28.

*Grant to Edmund Fanning and others.—10th February, 1775.*



*Appendix.*  
No. 28.

Grant to Edmund  
Fanning and others,  
—16th February,  
1773.

meer motion We have given granted ratified and confirmed And do by these Presents for Us our Heirs and Successors give grant ratify and confirm unto them the said Edmund Fanning, Moses Marden, David Mathews, Johnston Fairholme, Peter Middleton, John Reid, Samuel Stevens, William Bruce, Robert Rogers, Andrew Elliot, James Duane, William Bayard, Christopher Blundell, Isaac Willet Junior, James Rivington, Samuel Avery, John Peters, James Cobham, William Kennedy and Samuel Boyer their Heirs and Assigns forever All that the Tract or Parcel of Land aforesaid set out abutted bounded and described in manner and Form as above mentioned, Together with all and singular the Tenements, Hereditaments, Emoluments and Appurtenances thereunto belonging or appertaining And also all our Estate, Right, Title, Interest, Possession, Claim and Demand whatsoever of in and to the same Lands and Premises and every part and Parcel thereof and the Reversion and Reversions, Remainder and Remainders, Rents, Issues and Profits thereof and of every Part and Parcel thereof Except and always reserved of this our present Grant unto Us, our Heirs and Successors forever all Mines of Gold and Silver And also all White or other Sorts of Pine Trees fit for Masts of the Growth of Twenty-four Inches Diameter and upwards of Twelve Inches from the Earth for Masts for the Royal Navy of Us, our Heirs and Successors To have and to hold one full and equal Twentieth Part (the whole into Twenty equal parts to be divided) of the said Tract or Parcel of Land, Tenements, Hereditaments and Premises by these Presents granted ratified and confirmed and every Part and Parcel thereof with their and every of their appurtenances (except as is herein before excepted) unto each of them our Grantees above mentioned their Heirs and Assigns respectively, To their only proper and separate Use and Behoof respectively for ever as Tenants in Common and not as Joint Tenants To be holden of us our Heirs and Successors in free and common socage as of our Manor of East Greenwich in our County of Kent within our Kingdom of Great Britain Yielding rendering and paying therefore Yearly and every Year for ever unto Us, our Heirs and successors at our Custom House in our City of New York unto our or their Collector or Receiver General there for the Time being on the Feast of the Annunciation of the Blessed Virgin Mary commonly called Lady Day the Yearly Rent of Two Shillings and Six Pence Sterling for each and every Hundred Acres of the above granted Lands and so in proportion for any lesser Quantity thereof saving and except for such Part of the said Lands allowed for Highways as above mentioned in Lieu and Stead of all other Rents, Services, Dues, Duties, and Demands whatsoever for the hereby granted Lands and Premises or any Part thereof And We do of our especial Grace certain Knowledge and meer Motion create, erect and constitute the Tract or Parcel of Land herein granted and every Part and Parcel thereof a Township for ever hereafter to be continue and remain and by the name of Thirring for ever hereafter to be called and known And for the better and more easily carrying on and managing the Public Affairs and Business of the said Township Our Royal Will and Pleasure is And We do hereby for Us, our Heirs and Successors give and grant to the Inhabitants of the said Township all the Powers, Authorities, Privileges and Advantages heretofore given and granted to or legally enjoyed by all any or either our other Townships within our said Province of New York And We also Ordain and Establish That there shall be forever hereafter in the said Township Two Assessors, one Treasurer, Two Overseers of the Highways, Two Overseers of the Poor, one Collector and Four Constables elected and chosen out of the Inhabitants of the said Township Yearly and every Year on the third Tuesday in May at the most Public Place in the said Township by the Majority of the Freeholders thereof then and there met and assembled for that Purpose Hereby declaring, That wheresoever the first Election in the said Township shall be held the future Elections shall for

ever thereafter be held in the same Place as near as may be, and giving and granting to the said Officers so chosen Power and Authority to exercise their said several and respective offices during one whole Year from such Election and until others are legally chosen and elected in their Room and Stead as fully and amply as any the like officers have or legally may use or Exercise their Officers in our said Province of New York And in case any or either of the said Officers of the said Township should die or remove from the said Township before the Time of their Annual Service shall be expired or refuse to Act in the offices for which they shall respectively be chosen, Then our Royal Will and Pleasure further is And We do hereby Direct, Ordain, and Require the Freeholders of the said Township to meet at the Place where the Annual Election shall be held for the said Township and choose other or others of the said Inhabitants of the said Township in the Place and Stead of him or them so dying, removing or refusing to Act within Forty Days next after such contingency And to prevent any undue Election in this Case We do hereby Ordain and Require That upon every Vacancy in the Office of Assessors, the Treasurer, and in either of the other Offices the Assessors of the said Township shall within Ten Days next after any such Vacancy first happens appoint the Day for such Election and give public Notice thereof in Writing under his or their Hands by affixing such Notice on the Church Door or other most public Place in the said Township at the least Ten Days before the Day appointed for such Election And in Default thereof We do hereby require the Officer or Officers of the said Township or the Survivor of them who in the Order they are herein before mentioned shall next succeed him or them so making Default within Ten Days next after such Default to appoint the Day for such Election and give public Notice thereof as aforesaid ; Hereby giving and granting that such person or Persons as shall be so chosen by the Majority of such of the Freeholders of the said Township as shall meet in manner hereby directed shall have hold exercise and enjoy the Office or Offices to which he or they shall be so elected and chosen from the Time of such Election until the third Tuesday in May then next following and until other or others be chosen in his or their Place and Stead as fully as the Person or Persons in whose Place he or they shall be chosen might or could have done by Virtue of these Presents. And We do hereby Will and Direct, That this method shall for ever hereafter be used for the filling up all Vacancies that shall happen in any or either of the said Offices between the Annual Elections above directed. Provided always and upon Condition nevertheless That if our said Grantees their Heirs or Assigns or some or one of them shall not within three Years next after the date of this our Present Grant settle on the said Tract of Land hereby granted so many Families as shall amount to one Family for every thousand acres of the same Tract ; Or if they our said Grantees or one of them their or one of their Heirs or Assigns shall not also within three Years to be computed as aforesaid plant and effectually cultivate at the least three Acres for every Fifty Acres of such of the hereby granted Lands as are capable of Cultivation ; Or if they our said Grantees or any of them their or any of their Heirs or Assigns or any other person or persons by their or any of their privy consent or procurement shall fell cut down or otherwise destroy any of the piue trees by these presents reserved to us our heirs and successors or hereby intended so to be without the Royal Licence of us our heirs or successors for so doing first had and obtained that then and in any of these cases this our present Grant and every thing therein contained shall cease and be absolutely void and the lands and premises hereby granted shall revert to and vest in us our heirs and successors as if this our present grant had not been made any thing herein before contained to the contrary in any wise notwithstanding. Provided further and upon condition also nevertheless and we do hereby for us our

*Appendix.*  
No. 28.

Grant to Edmund  
Fanning and others—16th February,  
1778.

*Appendix.*  
No. 28.

Grant to Edmund  
Fanning and oth-  
ers—16th Februa-  
ry, 1775.

heirs and successors direct and appoint that this our present grant shall be registered and entered on record within Six Months from the date thereof in our Secretary's Office in our City of New York in our said Province of New York in one of the books of patents there remaining and that a docket thereof shall be also Entered in our Auditor's Office in and for our said Province of New York and that in default thereof this our present Grant shall be void and of none effect any thing before in these presents contained to the contrary thereof in any wise notwithstanding And We do moreover of our Especial grace certain knowledge and meer motion consent and agree that this our present grant being registered recorded and a Docket thereof made as before directed and appointed shall be good and effectual in the law to all intents constructions and purposes whatsoever against us our heirs and successors notwithstanding any misreciting misbouding misnaming or other imperfection or omission of in or in any wise concerning the above granted or hereby mentioned or intended to be granted lands tenements hereditaments and premises or any part thereof. In Testimony whereof We have caused these our Letters to be made patent and the Great Seal of our said Province of New York to be hereunto affixed. Witness our said trusty and well beloved Cadwallader Colden Esquire our said Lieutenant Governor and Commander in Chief of our said Province of New York and the territories depending thereon in America at our fort in our City of New York the sixteenth day of February in the year of our Lord one thousand seven hundred and seventy-five and of our reign the fifteenth.

CLARKE.

STATE OF NEW-YORK,  
Secretary's Office.

I certify the preceding to be a true copy of Certain Letters patent of record in this office, in Book of Patents, No. 16, page 526, &c.

In testimony whereof, I have hereunto affixed the Seal of this Office, at the  
[L. s.] City of Albany, the 30th day of September, 1828.

ARCH'D CAMPBELL,  
Dep. Secretary.

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as  
Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State.  
[L. s.] Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

## APPENDIX, No. XXIX.

### GRANTS OF LAND

#### THE STATE OF NEW YORK,

viz:

Grant by Letters Patent of the State of New York, to J. Deane and others, ..... 1785.  
 Grant by Letters Patent of the State of New York, to F. Turcot, 18th January, ..... 1790.  
 Grant by Letters Patent of the State of New York, to C. Gosline, 18th January, ..... 1790.  
 Certificate relative to grants of land along the Canada Line.

#### COPY

OF LETTERS PATENT TO JAMES DEANE AND OTHERS, 1785.

THE People of the State of New York By the Grace of God Free and Independent, To all to whom these Presents shall come Greeting. Whereas Mark Greaves, Levi Smith, Ichabod Tubbs, Horace Shepherd, George Houseman, David Doolittle, George Inglis Peter Welsh, David Perry, Eliphalet Kellog, Jesse Pardy, James Degolier, Gotlep Peter, Christian Fulmer, Elnathan Rogers, Oliver Deake, Mason Deake Samuel Ashman, Robert Ayres, Asa Hamlin, Abraham Knap, Daniel Bedwell, Levi Stoughton, Pliny Moor, and James Deane have in pursuance of the Second Section of an act entitled "An Act for granting certain Lands promised to be given as Bounty Lands by Laws of this State and for other purposes therein mentioned" passed the 11th day of May 1784 obtained from Simeon Delbitt Esquire our Surveyor General a certificate that they are entitled to a certain Tract of Land therein mentioned and described and which certificate is in the words and figures following—Surveyor Generals Office Albany 8th July, 1785. I do hereby certify That Mark Greaves Levi Smith, Ichabod Tubbs, Horace Shepherd, George Houseman David Doolittle, George Inglis, Peter Welsh, David Perry, Eliphalet Kellog, Jesse Pardy James Degolier, Gotlep Peter, Christian Fulmer, Elnathan Rogers, Oliver Deake, Mason Deake, Samuel Ashman, Robert Ayres, Asa Hamlin Abraham Knap Daniel Bedwell Levi Stoughton, Pliny Moor and James Dean by virtue of the Act entitled "An Act for raising two Regiments for the defence of this State on Bounties of unappropriated Lands passed March the 20th 1781, and An Act entitled An Act for raising Troops to complete the Line of this in the Service of the United States and the two Regiments to be raised on Bounties of unappropriated Lands and for the further defence of the frontiers of this State passed March the 23d 1782 and in consequence of a Location made agreeable to the said Acts and Certificates lodged in this office properly authenticated are entitled to a tract of Land on the West Side of Lake Champlain, Beginning at a Beach tree marked 3 M 16 March 1785 Standing on the parallel of forty five degrees of North Latitude at the distance of three miles measured on a course North Eighty two degrees West by the Needle from the monument Stone on the West bank of Lake

Appendix.  
No. 29.

Grants by the  
State of N. York.  
To James Deane  
and others, 1785.

*Appendix. Champlain on the Side parallel of forty five degrees North Latitude* and running from the said place of Beginning South eight degrees West three hundred and forty chains and sixty links into the waters of the Great River Chazy to a point bearing

No. 29.  
Grants by the  
State of N York  
To James Drane  
and others, 1785.

South fourteen degrees West Sixty one links from a black Ash tree standing on the east bank of said river marked 340 chains 60 links 17th March 1785 thence North eighty two degrees West three hundred and forty chains and Sixty links to a black ash Stake in a Cedar Swamp marked 340. 60. 20th March 1785 thence North eight degrees east three hundred and forty chains and sixty links to a bass-wood tree standing on the said parallel of forty five degrees North Latitude thirty five chains from the north bank of the said River Chazy marked 340. 60. 21 March 1785 and thence South eighty two degrees east along said parallel three hundred and forty chains and Sixty links to the place of Beginning Containing eleven thousand six hundred acres And I do further Certify that the said Tract of Land is laid out in a square that the same is not to the best of my helief and information granted to or located by any person prior to the Location above mentioned by virtue of any of the before recited Acts that it was not occupied or improved by any person on or before the 25th day of July in the year one thousand seven hundred and eighty two and that it is no part of the land reserved to the use of the People of this State Simeon De Witt Surveyor Genl. as by the said Certificate directed to his Excellency Governor Clinton and the Honorable the Commissioners of the Land Office and filed in our Secretary's Office reference being thereunto had will appear. And whereas a Caveat has been entered by Udney Hay before our Commissioners of our Land Office in behalf of the Canadian and Nova Scotia Refugees against granting the said lands in the above recited Certificate described to the said Mark Greaves and the other persons therein named and the day appointed for hearing the Parties on the said Caveat having elapsed with the said Udney Hay or any other person appearing to support the said Caveat and our said Commissioners of our said Land Office having thereupon determined that the said Mark Greaves and the other persons in the said above recited Certificate named are entitled to a grant of the land therein described. Now therefore Know Ye that we have given, granted and confirmed and by these presents do give grant and confirm unto the said Mark Greaves, Levi Smith, Ichabod Tubbs, Horace Shepherd, George Houseman, David Doolittle, George Inglis, Peter Welsh, David Perry, Eliphalet Kellog, Jesse Pardy, James Degolier, Gotlep Peter, Christian Fulmer, Elnathan Rogers, Oliver Deake, Mason Deake, Samuel Ashman Robert Ayres, Asa Hamlin, Abraham Knap Daniel Bedwell, Levi Stoughton, Pliny Moor and James Dean their Heirs and Assigns all and Singular the aforesaid Tract of Land in the said Certificate of our said Surveyor General mentioned and described as is herein before particularly recited and set forth with all the appurtenances and privileges to the same belonging, or in any wise appertaining (Excepting and reserving to ourselves all Gold and Silver mines and Salt mines and Salt Springs within the Same. To Have and to hold the above granted premises as a good and indefeasible Estate in fee simple forever On Condition nevertheless that the said Mark Greaves Levi Smith Ichabod Tubbs Horace Shepherd, George Houseman, David Doolittle, George Inglis, Peter Welsh, David Perry, Eliphalet Kellog, Jesse Pardy, James Degolier, Gotlep Peter, Christian Fulmer Elnathan Rogers, Oliver Deake, Mason Deake, Samuel Ashman Robert Ayres, Asa Hamlin, Abraham Knap, Daniel Bedwell, Levi Stoughton, Pliny Moor and James Dean their Heirs or Assigns do settle or cause to be settled as many settlers on the said Land in three years from the date of these presents as there are six hundred acres within the same. In Testimony whereof we have made these our Letters Patent and caused the Great Seal of our State to be affixed. Witness our Trusty and Well-beloved George Clinton Esquire Governor of our said State. Done at our City of New York the fifth day of November in the Year of our Lord one thousand seven hundred and eighty five and in the tenth year of our Independence.

GEO: CLINTON.



The preceding was recorded at the request of the within named Pliny Moor; and between the eleventh and twelfth lines of this Patent, in page 140, the words and figures, and between the second and third lines of this page the words *Salt mines and*, being respectively interlined, the same agrees with the original—Examined and compared therewith by me

*Appendix:*  
No. 29.

Grants by the  
State of N. York.  
To James Deane  
and others, 1785.

ROBT. HARPUR,  
*Deputy Secretary.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true Copy of certain Letters patent as of record in this office, in Book of Patents No 17, page 140, &c.

In Testimony whereof I have hereunto affixed the Seal of this Office, at  
[L. s.] the City of Albany, the 28th day of September, 1828.

ARCH'D. CAMPBELL,  
*Deputy Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In Testimony whereof I have hereunto affixed the Great Seal of this  
[L. s.] State. Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

# COPY

OF LETTERS PATENT TO F. TURCOT, DATED JANUARY 18, 1790.

The People of the State of New York, by the Grace of God Free and Independent,

*To all to whom these Presents shall come, Greeting:*

Know ye, that We have given, granted, and confirmed, and by these Presents Do give, grant and confirm unto Francis Turcot, all those two certain tracts of land (being parts of a larger tract situate in the County of Clinton set apart by laws of this State for the Canadian and Nova Scotia Refugees,) known and distinguished in a Map and return of the said larger tract, filed by our Surveyor General in our Secretary's Office, by lots numbered one hundred and eighty-five and *ninety seven*: Which said lot numbered one hundred and eighty-five begins at the south-east corner of lot number one hundred and eighty-four, and runs thence north eighty-two degrees west sixty four chains and eighty links, then south eight degrees west sixty-four chains and eighty links, then south eighty two degrees east sixty-four chains and eighty links, and then north eighty degrees east sixty-four chains and eighty links to the place of beginning; containing four hundred and twenty acres: And *which said lot number Ninety-Seven begins at the north-west corner of Lot number sixty-seven, on the Latitude line of forty-five degrees north, and runs thence North eighty-two degrees West seventy-eight chains and fifty links, to a Patent of Land granted to James Dean and others, then south eight degrees west ten chains and twenty links, then South eighty-two degrees East seventy-five chains and forty links, to the West bounds of Lot number Sixty-Eight, then along the West and North Bounds of Lot Number sixty-eight and the West Bounds of Lot Number Sixty-Seven to the place of Begin-*



*Appendix.*  
No. 29.

Grants by the  
State of N. York.  
To F. Turcot, 1790.

ning, containing eighty Acres: The said two Tracts together containing five hundred Acres, together with all and Singular the Rights, Hereditaments and Appurtenances to the same belonging or in any wise appertaining, Excepting and Reserving to ourselves all Gold and Silver mines, and five acres of every hundred Acres of the said Tract of Land for Highways: To Have and To Hold the above described and granted premises unto the said Francis Turcot, his Heirs and Assigns, as a good and indefeasible Estate of Inheritance forever: On Condition Nevertheless that, within the term of seven years, to be computed from the first day of January next ensuing the date hereof, there shall be one actual settlement made on the said Tract of Land hereby granted, otherwise these our Letters Patent, and the Estate hereby granted, shall cease, determine, and become void.

In Testimony whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said State to be hereunto affixed. Witness our Trusty and Well Beloved George Clinton, Esquire, Governor of our said State, General and Commander in Chief of all the Militia, and Admiral of the Navy of the Same, at our City of New York, this eighteenth day of January, in the Year of our Lord one thousand seven hundred and ninety, and in the Fourteenth year of our Independence. Approved of by the Commissioners of the Land Office and passed the Secretary's Office the 18th day of January, 1790.

GEO: CLINTON.

ROB'T HARPUR,  
*Dep. Secretary.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true copy of certain Letters Patent, as of record in this office, in Book of Patents No 22, page 42.

In testimony whereof, I have hereunto affixed the Seal of the Office, at  
[L. s.] the City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
*Dep. Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that the preceding copy is attested in duo form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State. Witness my hand, at the City of Albany, the 30th day of September, 1828.  
[L. s.] NATHANIEL PITCHER.

# COPY

OF LETTERS PATENT TO CLEMENT GOSLINE, DATED JANUARY 18, 1790.

The People of the State of New York, by the Grace of God Free and Independent,  
*To all to whom these Presents shall come, Greeting:*

To Clement Gosline, 1790.

Know ye, that we have given, granted and confirmed, and by these Presents Do Give, Grant, and Confirm unto Captain Clement Gosline, all those two certain Tracts of Land (being parts of a larger tract situate in the County of Clinton, set apart by laws

of this State for the Canadian and Nova Scotia refugees) known and distinguished in a Map and return of the said larger tract filed, by our Surveyor General in our Secretary's Office, by Lots numbered *Sixteen* and twenty-seven. The said lot number *Sixteen Beginning in the Latitude forty-five, in the South Bounds of the Province of Quebec, at the North-West corner of a Tract* of eleven thousand six hundred acres, granted to James Dean and others, and runs thence along the said bounds of the Province of Quebec, North eighty two degrees west sixty-four chains and eighty links, then south eight degrees west sixty four chains and eighty links, then south eighty-two degrees east sixty-four chains and eighty links, and then north eight degrees east sixty-four chains and eighty links, to the place of beginning; containing four hundred and twenty acres; and the said Lot number twenty seven, beginning at the north-east corner of Lot number twenty-six, and runs thence west seventy-nine chains and eighty links, then North ten chains, then east eighty chains and twenty links to the Lake, then southerly along the lake to the place of beginning, containing eighty acres; the said two tracts together containing five hundred acres of land, together with all and singular the Rights, Hereditaments, and Appurtenances to the same belonging or in any wise appertaining: Excepting and reserving to ourselves all gold and silver mines, and five acres of every hundred acres of the said Tract of Land for Highways: To have and to hold the above described and granted premises unto the said Captain Clement Gosline, his heirs and assigns, as a good and indefeasible estate of Inheritance forever: On Condition Nevertheless that within the term of seven years, to be computed from the first day of January next ensuing the date hereof, there shall be one actual settlement made on the said tract of land hereby granted, otherwise these Letters Patent and the estate hereby granted, shall cease, determine, and become void.

In Testimony Whereof, We have caused these our Letters to be made Patent and the Great Seal of our said State to be hereunto affixed. Witness our Trusty and Well Beloved George Clinton, Esquire, Governor of our said State, General and Commander in Chief of all the Militia, and Admiral of the Navy of the same, at our City of New York, this eighteenth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of our Independence. Approved of by the Commissioners of the Land Office, and passed the Secretary's Office the 18th day of January, 1790.

GEO: CLINTON.

ROBT HARPUR, *Dep. Secretary.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true copy of certain Letters Patent as of record in this office, in Book of Patents No. 22, page 21.

In testimony whereof, I have hereunto affixed the Seal of this office,  
[L. s.] at the City of Albany, the 30th day of September, 1828.

ARCHIBALD CAMPBELL,  
*Dep. Secretary.*

By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:

It is hereby certified that the preceding copy is attested in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State. Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

*Appendix.*  
No. 29.

Grants by the  
State of N. York.  
To Clement Gos-  
line, 1790.

*Appendix.*  
No. 29.

Grants by the  
State of N. York.  
Certificate relative  
to grants of land  
along the Canada  
Line.

**CERTIFICATE**

**RELATIVE TO GRANTS OF LAND ALONG THE CANADA LINE.**

STATE OF NEW YORK,  
*Secretary's Office.*

I Certify that it appears by the records in this office that all the Lands from Lake Champlain to the River St. Lawrence adjacent to the Northern Boundary of the State, along the forty-fifth parallel of North Latitude, viz: the boundary between the provinces of New York and Quebec, as the same was actually surveyed and established before the year one thousand seven hundred and seventy-five, by order of the two provinces and in conformity with the agreement between them, confirmed and ratified by the King's Order in Council of the twelfth day of August, in the year one thousand seven hundred and sixty-eight, have been granted by the State, with the exception only of a Reservation for the St. Regis Indians, extending about four miles East from the river St. Lawrence along the said Northern Boundary, and of another tract extending Ninety chains along the said Boundary line, which tract is not yet finally granted, but is, in pursuance of a law of this State, appropriated to make up certain deficiencies in other adjacent grants.

[L. s.]

In testimony whereof, I have hereunto affixed the seal of this office, at the City of Albany, the thirtieth day of September, in the year one thousand eight hundred and twenty-eight.

ARCH'D CAMPBELL,  
*Dep. Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified that Archibald Campbell, whose name is subscribed to the preceding certificate, is Deputy Secretary of this State, duly commissioned and sworn, and that full faith and credit may and ought to be given to his official acts.

[L. s.]

In Testimony whereof I have hereunto affixed the Great Seal of this State. Witness my hand, at the City of Albany, the 30th day of September, 1828.

NATHANIEL PITCHER.

APPENDIX, No. XXX.

CERTIFICATES

FROM THE

SECRETARY OF STATE OF VERMONT,

RELATIVE TO THE

BOUNDARIES OF THE TOWNS OF DERBY AND ALBURGH, AND OF THE GOVERNOR  
OF SAID STATE RELATIVE TO GRANTS OF LAND ALONG THE CANADA LINE.

BOUNDARIES

OF THE TOWN OF DERBY IN THE STATE OF VERMONT, AS FIXED BY A CHARTER  
DATED 29TH OCTOBER, 1779.

STATE OF VERMONT,

Secretary of State's Office, Oct. 29, 1828.

Appendix.  
No. 30.

Certificates from  
the Secretary of  
State of Vermont.  
Boundaries of the  
town of Derby.

I hereby certify, that on the twenty-ninth day of October, in the year of  
our Lord one thousand seven hundred and seventy-nine, the Charter of  
[L. s.] the town of Derby was granted by the Legislature of the State of Ver-  
mont, as appears by the Records in this Office, and that the boundaries  
of said Town of Derby, are described in said Charter, as follows, viz:

"Beginning at a post on the east side of Lake Mumphremagog, where the South  
line of the Province of Quebec strikes the East shore of said Lake, and running  
South, eighty two degrees and twenty minutes east, seven miles and a half to a  
stake, twenty five links, 175° East from a beech tree, standing in the Province  
line marked No. 1. No. 4. October 19, 1785, then South 17° West, five miles and  
seven chains to a fir tree marked No. 1. No. 2. No. 3. No. 4. then North 82° and 20  
minutes west Six miles and fifty chains, to a hemlock, near the east shore of the  
South bay of Lake Mumphremagog marked No 1 No 2 then northerly by the lake  
shore to the bounds begun at, containing twenty three thousand and forty acres."

In testimony whereof, I hereunto subscribe my name, and have to these Presents  
affixed my Seal of Office.

Dated at Montpelier, this twenty-ninth day of October, in the year of our Lord one  
thousand eight hundred and twenty-eight.

NORMAN WILLIAMS,  
Secretary of State.

*Appendix.*  
No 30.

Certificates from  
the Secretary of  
State of Vermont.  
Boundaries of the  
town of Derby.

*State of Vermont.*

I, Samuel C. Crafts, Governor in and over said State, hereby certify, that Norman Williams, whose name is subscribed to the foregoing Certificate, is Secretary of State for said State of Vermont, and that full faith and credit are to be given to his attestations as such. And I further certify, that the Signature of the said Norman Williams to said Certificate, is his own proper hand writing. In testimony whereof,

[L. s.]

I have caused the Seal of said State to be hereunto affixed.  
Dated at Montpelier, in said State, this thirtieth day of October, in the year of our Lord one thousand eight hundred and twenty-eight.

SAMUEL C. CRAFTS.

GEO. B. SHAW, *Secretary.*

**BOUNDARIES**

OF THE TOWN OF ALBURGH, IN THE STATE OF VERMONT, AS FIXED BY A CHARTER  
DATED 43D FEBRUARY, 1781.

STATE OF VERMONT,

*Secretary of State's Office, Oct. 29, 1828.*

Boundaries of the  
town of Alburgh.

I hereby certify, that on the twenty-third day of February, in the year of our Lord one thousand seven hundred and eighty-one, the Charter of the Town of Alburgh was granted by the Legislature of the State of Vermont, as appears by the Records in this Office, and that the boundaries of said Town of Alburgh are described in said Charter as follows, viz:

[L. s.]

"Beginning in the forty fifth degree of North Latitude, being the south line of the Province of Quebec and north line of Vermont, at a monument in said line, on the west side of Missisque bay; then Southerly by the lake shore to the South end of the tract of land commonly called the tongue; then northerly by the lake shore, to a monument in the South line of the Province of Quebec and north line of Vermont aforesaid; then east in said line to the bound begun at; then east in said line across Missisque bay and on to the land so far that to turn South, to the northerly line of Highgate, then westerly in the line of Highgate to lake Champlain, then northerly by said lake to the Province line aforesaid, will contain in the two tracts of land including by these lines the contents of twenty three thousand and forty acres of land."

In testimony whereof, I hereunto subscribe my name, and have to these Present affixed my Seal of Office.

Dated at Montpelier, this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and twenty-eight.

NORMAN WILLIAMS,  
*Secretary of State.*

*State of Vermont.*

I, Samuel C. Crafts, Governor in and over said State, hereby certify, that Norman Williams, whose name is subscribed to the foregoing Certificate, is Secretary of State of said State of Vermont, and that full faith and credit are to be given to his attestations as such. And I further certify, that the Signature of the said Norman Williams to said Certificate, is his own proper hand writing. In testimony whereof, I have caused the Seal of said State to be hereunto affixed.

[L. s.]

Dated at Montpelier, in said State, this thirtieth day of October, in the year of our Lord one thousand eight hundred and twenty-eight.

SAMUEL C. CRAFTS.

GEO. B. SHAW, *Secretary*.

*Appendix.*  
No. 30.

Grants of land  
along the Canada  
Line.

### CERTIFICATE

OF THE GOVERNOR OF VERMONT, RELATIVE TO THE LANDS FROM CONNECTICUT RIVER TO LAKE CHAMPLAIN, ADJACENT TO THE NORTHERN BOUNDARY OF THE STATE OF VERMONT, 30TH OCTOBER, 1828.

*Samuel C. Crafts, Governor of the State of Vermont.*

TO ALL PERSONS WHO SHALL SEE THESE PRESENTS, GREETING:

Know ye, that it appears from the records of this State, that the towns of Canaan, Norton, Holland, Derby, Newport, (formerly Duncansborough) Troy, Jay, Richford, Berkshire, Franklin, (formerly Huntsburgh) Highgate and Alburgh, comprising all the lands from Connecticut River to Lake Champlain, adjacent to the Northern boundary of the State of Vermont, along the forty-fifth parallel of North latitude, (viz: that boundary between the former Provinces of New York and Quebec, as the same had been actually surveyed and established before the year 1775, under the authority of the two Provinces, and in conformity with the agreement between them, and ratified by the King's Order in Council of August 1768,) have been granted and held by virtue either of the Hampshire grants, issued by the former Province of New Hampshire, or by grants by the State of Vermont, subsequent to the year 1776—And that all the said towns have been divided into severally, and have, with two exceptions, been settled and inhabited for more than twenty years last past.

*Certificate from  
the Governor of  
Vermont.*

In testimony whereof, I have caused the seal of said State to be hereunto affixed.

Dated at Montpelier, in said State, this thirtieth day of October, in the year of our Lord, one thousand eight hundred and twenty-eight.

SAMUEL C. CRAFTS.

GEO. B. SHAW, *Secretary*.



# APPENDIX, No. XXXI.

## MR. BARBOUR'S LIST

WITH

## THE EARL OF ABERDEEN'S MARGINAL NOTES.

### ACTS,

*As "Acts of a Public Nature," demanded by the American Government from that of Great Britain, under the third article of the Convention of the 29th of September, 1827, according to the list sent in by the Envoy of the United States to the Earl of Aberdeen, on the 22d September, 1828.*

#### Appendix. No. 31.

Mr. Barbour's List of American Evidence, with marginal notes by the Earl of Aberdeen.

No order in Council—See Commissions of Government 1794.

Declined as not being "an act of a public nature," according to the terms of the Convention. See Earl of Aberdeen's note to Mr. Barbour, dated 31st October, 1828.

Declined, as above

To be sent from New Brunswick to Washington.

1. Grant of Nova Scotia to Sir William Alexander, by James I. presumed to be dated 10th Sept. 1621. Transmitted herewith.
2. The Act of confirmation of said grant by Charles I. presumed to be dated 12th July, 1625. Do.
3. Grant of the Province or County of Maine by Charles 1st to Sir Fernando Gorges (or Georges) presumed to be dated 3d April, 1639. Do.
4. Charter of the Province of Massachusetts Bay in New England, by William and Mary, presumed to be dated October 7th, 1691. Do.
5. Order in Council or other Act of the Crown, by which Nova Scotia, which had been part of Massachusetts' Bay, was not long after the Treaty of Utrecht, separated from Massachusetts, and erected into a separate Government.
6. Report of the Law Officers of the Crown to the Board of Trade on two questions referred to them, being in substance, whether the Charter of Massachusetts had not become vacated, so far as related to the territory between the Rivers St. Croix and Kennebeck and the Government thereof, and the right to grant lands therein, had not reverted to the Crown. The Report is dated about the year 1730, 31, or 32.
7. The Decision of the Board of Trade or Council on the said Report.
8. The Proclamation of His Britannic Majesty of the 7th of October 1763, erecting in North America the Governments of Quebec, East and West Florida, and for other purposes. Do.
9. Grant by Lord William Campbell, Governor of Nova Scotia, unto William Owen and others, of an Island at Passamaquoddy, called Passamaquoddy Outer Island, containing about 4000 acres, presumed to be dated 30 Sept. 1767, and

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To be sent from  
N. Brunswick to  
Washington.

Grant by Montague Wilmot, Governor of Nova Scotia, to Francis Bernard, Thomas Pownall and others; of a tract of land, containing by estimation about one hundred thousand acres, extending from the head of the Western Branch of the River Cobscook, there called River St. Croix, to the Western Branch of the River Schoodic, bounded by the said Rivers and by the East Bay, and including Moose Island and St. Croix Island, there so called, presumed to be dated 31st of October, 1765.

Appendix.  
No. 31.

Mr. Barbour's  
List of American  
Evidence with  
marginal notes by  
the Earl of Aberdeen.

Do. 10. Order for surveying the last mentioned tract of land for the said Governor or Francis Bernard and others.

11. Commission of Richard Phillips as Governor of Nova Scotia in 1719. Transmitted herewith.

Commission of Edward Cornwallis as Governor of Nova Scotia in 1749. Do.

Commission of Henry Ellis as Governor of Nova Scotia in 1761. Do.

Commission of Montague Wilmot as Governor of Nova Scotia in 1763. Do.

Commission of Lord William Campbell, appointed Governor of Nova Scotia in August, 1765. Do.

Commission of Francis Legge as Governor of Nova Scotia, appointed 2 June, 1773. Do.

Of Sir Andrew Snape Hammond, supposed to bear date anterior to 1783, and the Commissions of the persons who were Governors of Nova Scotia in 1776 and in 1782. Do.

No order in Council.—See commission of Governor Thomas Carleton.

12. Order in Council or other act of the Crown, by which the Province of New Brunswick was erected into a separate Government, about the year 1783, 84, or 85.

13. Commissions of the several Governors and Lieutenant Governors of New Brunswick, viz.

Thomas Carleton, Governor of New Brunswick, presumed to be dated August 16, 1784. Do.

Sir Guy Carleton, Governor of Canada, Nova Scotia and New Brunswick, presumed to be dated April 11, 1786, or May 20, 1786. Do.

Thomas Carleton, Lieut. Governor of New Brunswick, presumed to be dated May 20, 1786. Do.

Major General George Stacy Smyth, Lieut. Governor of New Brunswick, presumed to be dated Feb. 1817.

Sir Howard Douglas, Lieut. Governor of New Brunswick, presumed to be dated in August, 1824, and the Commissions of the following persons, who have administered the Government of the Province, as President of the Council (or as President and Commander) during the absence of the Lieut. Governor, or during vacancies, viz:

Gabriel G. Ludlow, from about October 1803 to February 1808.

Edward Winslow, from February to May 1808.

Major General Martin Hunter, from May 1808 to December 1808, from April 1809 to September 1811, from November 1811 to June 1812.

Lieutenant Colonel George Johnstone and Major General William Balfour, respectively, during the two periods of absence of Major General M. Hunter.

Do. Major General George Stacy Smyth, (as President and Commander in Chief) from April 9, 1812, to Feb. 28, 1817, when he was appointed Lieutenant Governor.

Do. Major General Sir Thomas Saumarez, from August 1813 to August 1814.

Do. Lieut. Colonel Harris William Hailes, from June 1816 to July 1817.

See G. Ludlow.  
(Supra.)

Ward Chipman, Esq. from March 1823 to Feb. 1824.

*Appendix.*  
No. 31.

Mr. Barbour's  
List of American  
Evidence with  
marginal notes by  
the Earl of Aber-  
deen.  
See G. G. Ludlow.  
(Supra.)

No Order in Coun-  
cil. See commis-  
sions of Governors  
at that period.

No Order in Coun-  
cil. See commis-  
sions of Governors.

17 to 39 inclusive,  
to be sent from  
New Brunswick to  
Washington.

John Merry Bliss, from Feb. till August 1824; and also the Commissions of all other persons, who have been at the head of the administration of New Brunswick, as Governors, Lieutenant Governors, Presidents, Commanders in Chief, or by whatever title they may have been distinguished, from the period that New Brunswick was erected into a Distinct Province to the year 1828.

14. Any Order in Council, or other act of the Crown that may have defined or altered the boundaries of the Province of New Brunswick, from the period of its erection into a separate Government to the year 1828.

15. Order in Council or other act of the Crown, by which the Province of Quebec was divided into the two separate Provinces or Governments of Upper and Lower Canada.

Transmitted here-  
with.

16. Any Order in Council or other act of the Crown, that may have defined or altered the Southern boundary of Lower Canada, from the period of its erection into a separate Province to the present time.

17. The King's Letters Patent, or other act either of the Crown, or of the Government of Nova Scotia, (prior to New Brunswick being made a distinct Province) establishing or erecting the County of Sunbury, in Nova Scotia.

18. The King's Letters Patent, or act, under the Great Seal of the Province of New Brunswick, witness Thomas Carleton, Captain General and Governor in Chief of the said Province, dated 10th June, 1785, erecting into a separate County a district of Land in the same Province, by the name of the County of Northumberland.

19. The King's Letters Patent or Act (under same seal and attested in same manner) erecting the County of York, in the said Province of New Brunswick, dated 25 July, 1785.

The following acts of the General Assembly of the Province of New Brunswick, viz:

20. An Act passed at the session begun and holden on the 3d day of January, 1786, and intituled "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes." 26 Geo. 3. c. 1.

21. An Act of 16 March, 1803, in addition to the last mentioned act, (20) 43 Geo. 3. c. 4.

22. An Act of 7th March, 1814, in further addition to the said Act, (20) 54 Geo. 3. c. 17.

23. An Act of 16th March, 1803, intituled "An Act for erecting the upper part of the County of York into a distinct Town and Parish." 43 Geo. 3. c. 5.

24. An Act of 20th March, 1821, intituled "An Act to erect the upper part of the County of York into a Town or Parish." 2 Geo. 4. c. 22.

25. An Act of 7 March, 1826, intituled "An Act for the division of the county of Northumberland into three Counties, and to provide for the Government and representation of the two new Counties." 7 Geo. 4. c. 31.

26. An Act of 8th Feb. 1799, intituled An Act for regulating the fisheries in the County of Northumberland. 39 Geo. 3. c. 5.

27. An Act of 5th March, 1805, intituled An Act to continue sundry Acts of the General Assembly that are near expiring 45 Geo. 3. c. 19.

28. An Act of 14 March, 1810, intituled "An Act to continue for a limited time an Act passed in the 39th year of H. M's Reign, intituled An Act for regulating the fisheries in the County of Northumberland. 50 Geo. 3. c. 4.

29. An Act of 20 March, 1820, intituled An Act to continue several Acts of the General Assembly that are near expiring. 60 Geo. 3. c. 4. *Appendix. No. 31.*

30. An Act of 27th March, 1823, intituled An Act in further amendment of the Laws for regulating the fisheries in the County of Northumberland. 4 Geo. 4. c. 23. *Mr. Barbour's List of American Evidence with marginal notes by the Earl of Aberdeen.*

31. An Act of 11th March, 1816, intituled "An Act for the establishment, regulation and improvement of the great roads of communication through the Province." (56 Geo. 3. c. 22.)

32. An Act of 22d March, 1817, intituled An Act to appropriate a part of the public revenue for the services therein mentioned. 57 Geo. 3. c. 11.

33. An Act of 25th March, 1820, intituled An Act to provide for opening and repairing roads and erecting bridges throughout the province, and improving the navigation of certain Rivers therein. 60 Geo. 3. c. 16.

34. An Act of 21 March, 1822, intituled "An Act to repeal all the Laws now in force relating to the Establishment, regulation and improvement of the great roads of Communication thro' the Province, and to make more effectual provision for the same." 3 Geo. 4. c. 31.

35. An Act of 19 March, 1827, intituled "An Act to provide for opening and repairing roads and erecting bridges throughout the Province." 8 Geo. 4. c. 28.

The following grants of Land in the Province of New Brunswick, all apparently held immediately from the Crown, but issued under the seal of the Province and by the Governor, Lieutenant Governor, President, or person administering the Government of the said Province, viz:

36. Grant of a Tract of Land lying at the mouth of Salmon River, where the same empties itself into the River St. John.

37. Grant to Edward J. Man, Jonathan Hoar and Daniel Babbitt, in severalty, of three tracts of land with an Island, containing in the whole about one Thousand and Fifty acres, lying on the south shore of Restigouche River, within the Parish of Alnwick, in the County of Northumberland, dated 20 Feb. 1828.

38. Grant to Alexander Stewart of a Tract of Land containing about 300 acres, lying in the Parish of Kent and County of York, on the West side of and along the River St. John, and adjacent to the upper boundary of the reserve for the use of the garrison at the Great Falls, dated 19th January, 1824.

39. Grant to Simon Hebert of a tract of Land, containing about 250 acres, lying on the North East side of and along the River St. John, a short distance from the mouth of the Madawaska River, and described as situated in the Parish of Kent and County of York, in the Province of New Brunswick, dated 16th May, 1825.

40. The indictment, conviction, judgment or sentence, and other proceedings against John Baker, in the Supreme Court of Judicature of New Brunswick, at the May Term of said Court, held at Fredericton, A. D. 1828, for an alleged misdemeanour, at or near the Madawaska settlement. *Transmitted here-with.*

41. The Commissions of the several Governors, Lieutenant Governors, or other persons administering the Government of the Province of Quebec, from the year 1763, to the time when it was erected into the two Governments or Provinces of Upper and Lower Canada; and among which may be enumerated those of

The Honourable James Murray, Esquire, supposed to have been appointed Governor Oct. 8, 1763. *Do.*

- Appendix.* Major General James Johnston, Governor, presumed to have been ap- No such Governor.  
No 31. pointed Nov. 26th, 1774.
- Mr. Barbour's  
List of American  
Evidence with  
marginal notes by  
the Earl of Aber-  
deen.
- Guy Carleton, Esquire, Captain General and Governor in Chief, Dec. 29, Transmitted here-  
1774. with.
- Ferdick Haldimand, Esq. Captain General and Governor in Chief, Sep- Do.  
tember 1st, 1777.
- Sir Guy Carleton Governor of Quebec, Nova Scotia and New Bruns- Do.  
wick, April 11, 1786.
42. The Commissions of the several Governors, Lieutenant Governors, or  
persons administering the Governments of the Provinces of Upper and  
Lower Canada, or either of them, from the period that the said separate  
Governments were established to the present time, and among which may  
be particularly mentioned those of
- Francis Gore, Esq. as Lieut. Governor of Upper Canada appointed Do.  
March 1, 1806.
- Lieut. General Sir James Henry Craig, as Captain General and Go- Do.  
vernor in Chief of the Provinces of Upper and Lower Canada, Nova Scotia,  
New Brunswick and the islands of Prince Edward and Cape Breton,  
August 29, 1807.
- Honorable Francis Burton, Lieutenant Governor of Lower Canada, No- Do.  
vember 29, 1808.
- Lieut. General George Prevost, Bart. Captain General, Governor in Do.  
Chief, &c. Commander of the Forces in Upper and Lower Canada, &c. ap-  
pointed in August, 1811.
- Not yet received  
from the Rolle  
Chapel.
- Lieut. General Sir Coape Sherbrooke, Governor of the Provinces of  
Upper and Lower Canada, New Brunswick, Nova Scotia and the Islands  
of Prince Edward and Cape Breton, appointed in January, 1816.
- Sir Peregrine Maitland, as Lieut. Governor of Upper Canada, January, Do.  
1818.
- Do. The Duke of Richmond, as Captain General and Governor in Chief of  
the Provinces of Lower and Upper Canada, Nova Scotia, New Brunswick  
and the Islands of Prince Edward and Cape Breton, in March, 1818.
- Do. Lieut. General the Earl of Dalhousie, as Captain General and Governor  
in Chief of the Provinces of Lower and Upper Canada, Nova Scotia, New  
Brunswick and the Islands of Prince Edward and Cape Breton, appointed  
October, 1819.
- Of Sir John Coleborne supposed to have been appointed in 1823, as Do.  
Lieutenant Governor of Upper Canada.

To such Governor.

Transmitted herewith.

Do.

Do.

Do.

Do.

Do.

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Do.

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## APPENDIX

TO

### *Second Statement.*

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## APPENDIX, No. VIII.

### EXTRACTS

FROM THE

### SECRET JOURNALS OF CONGRESS.

August 14, 1779.

Congress proceeded in the consideration of the instructions to the Minister to be appointed for negotiating a peace ; and unanimously agreed to the following draft of instructions to the Commissioner to be appointed to negotiate a Treaty of Peace with Great Britain.

*Appendix.*  
No. 8.

Extracts from the  
Secret Journals of  
Congress.  
Vol. 2—page 224.

3. The boundaries of these States are as follows, viz. 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 which empty themselves into the River St. Lawrence, from those which fall into the Atlantick 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 due West in the latitude forty-five degrees north from the equator to the north-westernmost side of the River St. Lawrence or Cadaquai ; thence straight to the South end of Nepissing ; and thence straight to the source of the River Mississippi : West, by a line to be drawn along the middle of the River Mississippi from its source to where the said line shall intersect the thirty-first degree of north latitude : South, by a line to be drawn due east from the termination of the line last mentioned in the latitude of thirty-one degrees north from the equator to the middle of the River Appalachicola, or Catahouchi ; thence along the middle thereof to its junction with the Flint River ; thence straight to the head of St. Mary's River ; and thence down along the middle of St. Mary's River to the Atlantick Ocean : and 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 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 part, shall respectively touch the Bay of Fundy and Atlantick Ocean. You are, therefore, strongly to contend that the whole of the said countries and islands lying within the boundaries aforesaid, and every citadel, fort, post, place, harbour and road to them belonging, be absolutely evacuated by the land and sea forces of his Britannick Majesty, and yielded to the powers of the States to which they respectively belong, in such situation as they may be at the termination of the war. But, notwithstanding the clear right of these States, and the importance of the object, yet they are so much influenced by the dictates of religion and humanity, and so desirous of complying with the earnest request of their allies, that if the line to be drawn from the mouth of the Lake Nepissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose,

Page 225.

*Appendix.*  
No. 8.

Extracts from the  
Secret Journals of  
Congress.

Vol. 2—page 225.

you are hereby empowered to agree to some other line between that point and the River Mississippi; provided the same shall in no part thereof be to the southward of latitude forty-five degrees north. And in like manner, if the eastern boundary above described cannot be obtained, you are hereby empowered to agree that the same shall be afterwards adjusted by Commissioners to be duly appointed for that purpose, according to such line as shall be by them settled and agreed on, as the boundary between that part of the State of Massachusetts Bay, formerly called the Province of Maine, and the Colony of Nova Scotia, agreeably to their respective rights. And you may also consent, that the enemy shall destroy such fortifications as they may have erected.

Vol. 2—page 445.

*Instructions to The Honourable John Adams, Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, Ministers Plenipotentiary on Behalf of the United States of America to negotiate a Treaty of Peace.*

You are hereby authorized and instructed to concur, in behalf of these United States, with his Most Christian Majesty, in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany.

You are to accede to no Treaty of Peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen States, according to the form and effect of the Treaties subsisting between the said States and his Most Christian Majesty; and, 2d, in which the said Treaties shall not be left in their full force and validity.

As to disputed boundaries and other particulars, we refer you to the instructions formerly given to Mr. Adams, dated 14th August, 1779, and 18th October, 1780, from which you will easily perceive the desires and expectations of Congress; but we think it unsafe, at this distance, to tie you up by absolute and peremptory directions upon any other subject than the two essential articles abovementioned. You are therefore at liberty to secure the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require. For this purpose, you are to make the most candid and confidential communications upon all subjects to the Ministers of our generous ally, the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion, endeavouring in your whole conduct to make them sensible how much we rely on his Majesty's influence for effectual support in every thing that may be necessary to the present security, or future prosperity of the United States of America.

If a difficulty should arise in the course of the negotiation for peace, from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the Thirteen United States.

[Signed]

SAMUEL HUNTINGTON,  
President.

CH. THOMSON,  
Secretary.

Vol. 3—page 161.

On the 22d of January, 1782, the foregoing report was referred to another committee, consisting of Mr. Carroll, Mr. Randolph and Mr. Montgomery, who on the 16th day of August, 1782, reported, that they have collected facts and observations as follows, which they recommend to be referred to the Secretary for Foreign Affairs, to be by him digested, completed and transmitted to the ministers plenipotentiary for negotiating a peace, for their information and use.

*Facts and Observations in support of the several Claims of the United States not included in their Ultimatum of the 15th of June, 1781.* Appendix.  
No. 8.

Extracts from the  
Secret Journals of  
Congress.

Vol. 3—page 170.

First Objection. Even upon the supposition that the Charter of Massachusetts is valid, so as to cover the vacant lands, still it does not follow, that St. John's River is part of its Eastern boundary. For that river is contended to be in Nova Scotia, under the expression in the new charter of Massachusetts, in 1691, which conveys the Country between the Province of Maine and Nova Scotia. *The South-west boundary of Nova Scotia, therefore will regulate this claim.* But it is well known that in the altercation between France and Great Britain upon this very subject, in 1751, Acadia, or Nova Scotia, was asserted by the latter to be bounded by Pentagoet or Penobscot River.

Answer. It is to be observed, that when the boundaries of the United States were declared to be an ultimatum, it was not thought advisable to continue the war merely to obtain territory as far as St. John's River; but that the dividing line of Massachusetts and Nova Scotia was to be consigned to future settlement. *It must be confessed also that this country, which is said in the new charter to border on Nova Scotia and the Province of Maine, on opposite sides, and which goes under the name of Sagadahock, cannot be proved to extend to the River St. John, as clearly as to that of St. Croix.* But there is some reason, notwithstanding, to believe that Nova Scotia was never supposed by the British King, in any grant to his subjects, to come to the South of St. John's River, although he might have exacted from France a relinquishment of the lands to the River Penobscot, or even Kennebeck, as a part of Nova Scotia.

The first notice taken of Nova Scotia by the King of Great Britain was in a grant which he made of that country to Sir William Alexander, on the 10th September, 1621. According to this grant, it was to begin at Cape Sable, to extend towards St. Mary's Bay, to cross the great bay between the Etchemins and Sourigois to the mouth of the River St. Croix, to run up to the source of that river, and from thence by a straight line drawn northwardly to the Great River of Canada. On the 12th July, 1625, a patent issued to the same Sir William Alexander confirming to him the same.

These grants could not reach to the west of St. Croix, "because" (say the English Commissaries in their memorial of the 11th January, 1751, s. 42,) "all the country to the westward of the River St. Croix had, in the year 1620, before the date of the first of them, been granted by King James to certain of his subjects, by the name of the Council of Plymouth, of which grantees Sir William Alexander was one, and who, by virtue of an agreement among the said grantees, possessed the country lying between the River St. Croix and Pemaquid, a little to the westward of Pentagoet."

Popple's map, which was undertaken, as the author relates, with the approbation of the Lords Commissioners of Trade and Plantations, makes St. Croix the western boundary of Nova Scotia. Champlain expressly bounds Acadia by St. Croix to the westward. We may add, as being further corroborative of this western limit of Nova Scotia, that the English Commissaries themselves, in their reply of the 4th October, 1751, commend the map in the fourth volume of Purchas's Pilgrim as the first ancient map of Nova Scotia and New England deserving notice; the latter of which they assert to be bounded northwardly, as is delineated in the map, by the River St. Croix. The same Commissaries afterwards remark, that it is clear from history that the Country between the rivers Sagadahock and St. Croix had been settled many years earlier than the date of the new Charter of Massachusetts; and that Great Britain considered it as a part of her American Colonies. It could not have been included within Nova Scotia, since it is expressly contradistinguished from it. Sagadahock too is

*Appendix.* granted to the Duke of York under the description of "all that part of the main land of New England beginning at a certain place called or known by the name of St. Croix, adjoining to New Scotland in America."

No. 8.  
Extracts from the  
Secret Journals of  
Congress.

Vol. 3—page 170. Should it be argued, that it was manifestly the opinion in England at the time of granting the new charter that the lands between the Rivers Sagadahock and St. Croix were not included within the limits of Massachusetts, since grants of them were not valid until confirmed by the Crown; an answer arises from two considerations. First, this charter incorporates these lands into the Province of Massachusetts in unequivocal terms; and, Secondly, one at least of the Counsellors directed to be chosen yearly for the Province at large, was to be from the inhabitants or proprietors of lands within this territory. The Board of Trade and Plantations on the 29th April, 1700, declared in a solemn act, that New England ought of right to extend to St. Croix. See the Act.

It does not appear then, that Nova Scotia hath ever been carried to the West of the River St. Croix in any British grant, or any British document relative to New England. We own that in the memorials of the Court of Great Britain to the French Court, after the peace of Aix la Chapelle, relative to the boundaries of Nova Scotia, Penobscot River is sometimes asserted to be one of its boundaries, and Kennebeck, at others. But nothing is proved from thence, but a desire in the British King to procure an absolute release from France of all her pretensions, however distant. For a general discussion on this subject, see the British and French memorials on the occasion, and the treaties of St. Germain, on the 29th of March, 1632, of Westminster, 3d November, 1655, and of Breda, 31st July, 1667.

As to the territory of Sagadahock, which is synonymous with the lands between the Province of Maine and Nova Scotia, conveyed by the new charter, we can only observe upon the expression already cited from the grant thereof to the Duke of York, that the "place called St. Croix adjoining to New Scotland," must mean the territory which went by that name. Had the river only been designed, it alone would have been mentioned. It seems to have been the practice of those times to denominate a Country from a river which bounded it. The River Sagadahock accordingly, at first, gave its own appellation to the whole country as far as the River St. Croix, and afterwards, to the country from thence to St. John's, which had before been called St. Croix. The *place*, therefore, called St. Croix, adjoining to New Scotland, was most likely intended to describe the lands between the Rivers St. Croix and St. John's. History does not inform us that any particular spot of them was known as St. Croix. But as the first course of the grant to the Duke of York plainly runs from Nova Scotia to Massachusetts along the sea coast, it is probable that it was to begin at the first point in the country of St. Croix on the coast. This must have been on St. John's River. And as the last line of the grant is not closed, it is more agreeable to the usage of those days to adopt a natural boundary. For this purpose, St. John's River was obvious as far as its head, and afterwards a line to the great river of Canada. See grant to the Duke of York for Sagadahock, 12th March, 1663-4.

We are obliged to urge probabilities, because in the early possession of a rough unreclaimed country accuracy of lines cannot be much attended to. But we wish that the north-eastern boundary of Massachusetts may be left to future discussion, *when other evidences may be obtained which the war has removed from us.*

Vol. 3—page 180. The prohibition announced to the governors of all the Colonies, except those of Quebec, East Florida and West Florida, to grant warrants of survey, or pass patents

"for the present and until his (the British King's) farther pleasure should be known," for any lands beyond the heads or sources of the Rivers which fall into the Atlantick Ocean from the west and north-west, strongly intimates an opinion, that there were lands beyond the heads of those rivers within the jurisdiction of those Governours. Otherwise the prohibition would have been unnecessary. Again, by the injunction "not to grant warrants of survey, or to pass patents for any lands whatever which, not having been ceded to or purchased by the British King, were reserved to the Indians, or any of them," a restriction of territory could not have been designed by a King, who granted charters to his Colonies, knowing that they would interfere with the rights of the Indians, who has always considered a cession or purchase from them as a milder mean of anticipating their hostility rather than a source of title, who since the date of the proclamation has granted, through the prohibited Governours themselves, large quantities of lands beyond the heads of those rivers, and whose own geographer, Eman'l Bowen, in a map delineating the British, Spanish, and French dominions in America, according to the Treaty of Paris and this very proclamation, has carried Georgia, South Carolina, North Carolina, and Virginia as far as the Mississippi. The single object of these parts of the proclamation was to suspend the business of the land offices, not to curtail limits; to keep the Indians in peace, not to annihilate the territorial rights of the Colonies.

*Appendix*  
No. 8.

Excerpt from the  
Secret Journals of  
Congress.  
Vol. 2—page 180.

*August 20, 1782.*

The report being under debate for referring the foregoing facts and observations to the Secretary for Foreign Affairs, to be by him digested, completed and transmitted to the ministers plenipotentiary of the United States, for negotiating a treaty of peace,

Page 301.

A motion was made by Mr. Witherspoon, seconded by Mr. Montgomery, that the report be committed: and on the question for commitment, the yeas and nays being required by Mr. Bland—

Page 302.

So it was resolved in the affirmative.



APPENDIX, No. IX. (a)

EXTRACTS

FROM

FRANKLIN'S PRINTED PRIVATE CORRESPONDENCE.

*Paper No. 1, entire. [See Appendix, page 69.]*

*Appendix.*  
No. 9. (a)

Extracts from Dr.  
Franklin's Private  
Correspondence.

Proposed Articles.  
(Appendix, p. 69.)

Articles agreed upon by and between Richard Oswald, Esq. the Commissioner of His Britannic Majesty for treating of peace with the Commissioners of the United States of America, on the behalf of his said Majesty, on the one part, and Benjamin Franklin and John Jay, two of the Commissioners of the said States for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part.

Whereas, *reciprocal advantages* and mutual convenience are found, by experience, to form the only permanent foundation of peace and friendship between States, it is agreed to *frame the articles* of the proposed treaty on such principles of *liberal equality* and *reciprocity*, as that partial advantages (those seeds of discord,) being excluded, such a *beneficial and satisfactory intercourse* between the two countries *may be established*, as to promise and secure to both the blessings of perpetual peace and harmony.

1st. His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be *free, sovereign, and independent States*: That *he treats with them as such*; and for himself, his heirs and successors, relinquishes all claims to the government, proprietary, and territorial rights of the same, and every part thereof; and that *all disputes which might arise*, in future, *on the subject of the boundaries* of the said United States, *may be prevented*, it is hereby agreed and declared, that the following are, and shall remain to be, their boundaries, viz:

The said States are bounded, *North, by a line to be drawn from the north-west angle of Nova Scotia, along the high lands which divide those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northernmost head of Connecticut River*; thence, down along the middle of that river to the 45th degree of north latitude, and thence due west, in the latitude forty-five degrees north from the equator, to the north-westernmost side of the River St. Lawrence, or Cadaraqui; *thence straight to the south end of the Lake Nipissing, and thence straight to the source of the River Mississippi*: West, by a line to be drawn along the middle of the River Mississippi, from its source to where the said line shall intersect the thirty-first degree of north latitude: South, by a line to be drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Apalachicola, or Catahouchee; thence along the middle thereof, to its junction with the Flint River:

thence, straight to the head of St. Mary's River; thence, down along the middle of St. Mary's River to the Atlantic Ocean: and 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 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.

2d. From and immediately after the conclusion of the proposed treaty, there shall be a firm and perpetual peace between His Britannic Majesty and the United States, and between the subjects of the one and the citizens of the other: wherefore, all hostilities, both by sea and land, shall then immediately cease; all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall, forthwith, and without causing any distinction, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbor within the same, leaving in all fortifications the American artillery that may be therein: and shall also order and cause all archives, records, deeds, and papers, belonging to either of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper States and persons to whom they belong.

3d. That the subjects of his Britannic Majesty, and the people of the said United States, shall continue to enjoy, unmolested, the right to take fish of every kind on the banks of Newfoundland, and other places where the inhabitants of both countries used formerly, to wit: before the last war between France and Britain, to fish; and, also, to dry and cure the same at the accustomed places, whether belonging to his said Majesty, or to the United States; and his Britannic Majesty and the said United States will extend equal privileges and hospitality to each other's fishermen as to their own.

4th. That the navigation of the River Mississippi, from its source to the Ocean, shall forever remain free and open; and that both there, and in all rivers, harbors, lakes, ports, and places, belonging to his Britannic Majesty, or to the United States, or in any part of the world, the merchants and merchants' ships, of the one and the other, shall be received, treated and protected, like the merchant and merchants' ships of the sovereign of the country: that is to say, the British merchants and merchant ships, on the one hand, shall enjoy in the United States, and in all places belonging to them, the said protection and commercial privileges, and be liable only to the same charges and duties as their own merchants and merchant ships; and, on the other hand, the merchants and merchant ships of the United States, shall enjoy in all places belonging to his Britannic Majesty, the same protection and commercial privileges, and be liable only to the same charges and duties of British Merchants and merchant ships, saving always, to the chartered trading companies of Great Britain, such exclusive use and trade, and their respective posts and establishments, as neither the subjects of Great Britain, nor any of the more favored nations, participate in.

PARIS, 8th October, 1782. A true copy of which has been agreed on between the American Commissioners and me, to be submitted to his Majesty's consideration.

[Signed] RICHARD OSWALD.

Alteration to be made in the treaty respecting the boundaries of Nova Scotia, viz:  
East—The TRUE line between which and the United States shall be settled by Commissioners, as soon as conveniently may be after the war.

Appendix.  
No. 9 (a)

Extracts from Dr.  
Franklin's Private  
Correspondence.

Proposed Articles.  
(Appendix, p. 60)

*Appendix.*  
No. 9. (c)

*Extract of a Letter to the Hon. Robert R. Livingston.*

Extracts from Dr.  
Franklin's Private  
Correspondence.

Sd Extract

Dr. Franklin to R.  
R. Livingston.

PASSY, September 26, 1782.

"The negotiations for peace have hitherto amounted to little more than mutual professions of sincere desires, &c., being obstructed by the want of due form in the English commissions appointing their plenipotentiaries. The objections made to those for treating with France, Spain, and Holland, were first removed; and by the enclosed,\* it seems that our objections to that for treating with us, will now be removed also; so that we expect to begin in a few days our negotiations. But there are so many interests to be considered and settled in a peace between five different nations, that it will be well not to flatter ourselves with a very speedy conclusion."

\* The Commission here following:

Commission to  
Richard Oswald.

*Commission under the Great Seal of Great Britain, empowering Richard Oswald, Esq. to treat with the Commissioners of the Thirteen United States of America.*

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To our trusty and well beloved Richard Oswald, of our City of London, Esq. Greeting: Whereas, by virtue of an act passed in the last session of Parliament, intituled an Act to enable his Majesty to conclude a peace or truce with certain Colonies in North America therein mentioned, it is recited, that it is essential to the interests, welfare, and prosperity of Great Britain and the Colonies or Plantations of New Hampshire, Massachusetts' Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, that peace, intercourse, trade, and commerce should be restored between them; therefore, and for a full manifestation of our earnest wish and desire, and of that of our parliament, to put an end to the calamities of war, it is enacted, that it should and might be lawful for us to treat, consult of, agree, and conclude with any Commissioner or Commissioners, named or to be named by the said colonies or plantations, or any of them respectively, or with any body or bodies corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or a truce with the said colonies or plantations, or any of them, or any part or parts thereof, any law, act or acts of parliament, matter or thing to the contrary in any wise notwithstanding; Now know ye, that we, reposing especial trust in your wisdom, loyalty, diligence, and circumspection, in the management of the affairs to be hereby committed to your charge, have nominated and appointed, constituted and assigned, and by these presents do nominate and appoint, constitute and assign you, the said Richard Oswald, to be our Commissioner in that behalf, to use and exercise all and every the powers and authorities hereby entrusted and committed to you, the said Richard Oswald, and to do, perform, and execute all other matters and things hereby enjoined and committed to your care, during our will and no longer, according to the tenor of these our letters patent; And it is our royal will and pleasure, and we do hereby authorize, empower, and require you, the said Richard Oswald, to treat, consult of, and conclude, with any Commissioners or persons vested with equal powers, by and on the part of the thirteen United States of America, viz: New Hampshire, Massachusetts' Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in North America, a peace or a truce with the said thirteen United States, any law, act or acts of parliament, mat-

ter or thing to the contrary in any wise notwithstanding. And it is our further will and pleasure, that every regulation, provision, matter, or thing, which shall have been agreed upon between you, the said Richard Oswald, and such Commissioners or persons as aforesaid, with whom you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by your hand and seal on one side, and by the hands and seals of such Commissioners or persons on the other, and such instrument so authenticated, shall be by you transmitted to us through one of our principal Secretaries of State. And it is our further will and pleasure, that you, the said Richard Oswald, shall promise and engage for us, and in our royal name and word, that every regulation, provision, matter or thing, which may be agreed to and concluded by you our said Commissioner, shall be ratified and confirmed by us, in the fullest manner and extent; and that we will not suffer them to be violated or counteracted, either in whole or in part, by any person whatsoever. And we do hereby require and command all our officers, civil and military, and all others our loving subjects whatsoever, to be aiding and assisting unto you, the said Richard Oswald, in the execution of this our Commission, and of the powers and authorities herein contained. Provided always, and we do hereby declare and ordain, that the several offices, powers, and authorities hereby granted, shall cease, determine, and become utterly null and void, on the first day of July, which shall be in the year of our Lord one thousand seven hundred and eighty-three, although we shall not otherwise, in the mean time, have revoked and determined the same. And whereas in and by your commission and letters patent, under our Great Seal of Great Britain, bearing date the seventh day of August last, we nominated and appointed, constituted and assigned you, the said Richard Oswald, to be our Commissioner, to treat, consult of, agree, and conclude with any Commissioner or Commissioners named or to be named by certain Colonies or plantations therein specified, a peace or truce with the said Colonies or Plantations: Now know ye, that we have revoked and determined, and by these presents do revoke and determine, our said Commission and letters patent, and all and every power, article, and thing therein contained.

In witness whereof, we have caused these our letters to be made patent.

Witness our self at Westminster, the twenty-first day of September, and the twenty-second year of our reign.

By the King himself.

[Signed]

YORK

PARIS, October 1, 1782.

I certify, that the adjoining is a true copy of the Commission, of which it purports to be a Copy, and which has been shown to Dr. Franklin and Mr. Jay.

[Signed]

RICHARD OSWALD,

*The Commissioner therein named.*

*Copy of the 1st and 22d Articles of the Preliminary Treaty between France and Great Britain.*

ARTICLE XXII.

Pour prévenir tous les sujets de plainte et de contestation qui pourroient naître à l'occasion des prises qui pourroient être faites en mer depuis la signature de ces articles préliminaires, on est convenu réciproquement que les vaisseaux et effets qui pourroient être pris dans la Manche, et dans les Mers du Nord, après l'espace de douze jours à compter depuis la ratification des présents articles préliminaires, seront de part et d'autre restitués. Que le terme sera d'un mois depuis la Manche et les Mers du

*Appendix.*  
No. 9. (a)

Extracts from Dr. Franklin's Private Correspondence.

2d Extract.

Commission to Richard Oswald.

3d Extract.

23d Article of the Preliminary Treaty.

*Appendix.* Nord, jusqu'aux Isles Canaries inclusivement, soit dans l'Océan, soit dans la Méditerranée; de deux mois depuis lesdites Isles Canaries jusqu'à la ligne équinoxiale ou l'Équateur; et enfin de cinq mois dans tous les autres endroits du monde sans aucune exception ni autre distinction plus particulière de tems et de lieux.

Extracts from Dr.  
Franklin's Private  
Correspondence.

*Extract from a Proclamation of George III, declaring a cessation of Arms. 14th February, 1783.*

4th Extract.  
From a Proclamation  
for a cessation  
of arms.

"That such vessels and effects as should be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the said preliminary articles, should be restored on all sides. That the term should be one month from the Channel and the North Seas, as far as the Canary Islands inclusively, whether in the Ocean or in the Mediterranean; two months from the said Canary Islands, as far as the equinoctial line or equator; and lastly, five months in all other parts of the world, without any exception, or any other more particular description of time or places:

"We have thought fit, by and with the advice of our privy council, to notify the same to all our loving subjects; and we do declare, that our royal will and pleasure is, and we do hereby strictly charge and command all our officers, both at sea and land, and all other our subjects whatsoever, to forbear all acts of hostility, either by sea or land, against his most Christian Majesty, the King of Spain, the States' General of the United Provinces, and the United States of America, their vessels or subjects, from and after the respective times above-mentioned, and under the penalty of incurring our highest displeasure.

"Given at our Court at St. James's, the fourteenth day of February, in the twenty-third year of our reign, and in the year of our Lord one thousand seven hundred and eighty-three.

"God save the King."

*Extract of a Letter from the American Commissioners to R. R. Livingston, Esq. July, 1783.*

6th Extract.  
Letter from the  
American Com-  
missioners to R. R.  
Livingston.

"Mr. Oswald was desirous to cover as much of the eastern shores of the Mississippi with British claims as possible, and for this purpose we were told a great deal about the ancient bounds of Canada and Louisiana, &c. &c. &c. The British Court, who had probably not yet adopted the idea of relinquishing the Floridas, seemed desirous of annexing as much territory to them as possible, even up to the mouth of the Ohio. Mr. Oswald adhered strongly to that object, as well to render the British Countries there of sufficient extent to be (as he expressed it) worth keeping and protecting, as to afford a convenient retreat to the Tories, for whom it would be difficult otherwise to provide. And among other arguments, he finally urged his being willing to yield to our demands to the east, north and west, as a further reason for our gratifying him on the point in question. He also produced the commission of Governor Johnson, extending the bounds of his government of West Florida up to the river Yassous, and contended for that extent as a matter of right upon various principles; which however we did not admit; the King not being authorized in our opinion to extend or contract the bounds of the colonies at pleasure."

"There are, no doubt, certain ambiguities in our articles; but it is not to be wondered at, when it is considered how exceedingly averse Britain was to expressions

*which explicitly wounded the Tories, and how disinclined we were to use any that should amount to absolute stipulations in their favor.*

"The words, for restoring the property of *real British subjects*, were well understood and explained between us, not to mean or comprehend American refugees. Mr. Oswald and Mr. Fitzherbert know this to have been the case, and will readily confess and admit it. This mode of expression was preferred by them as a more delicate mode of excluding those refugees, and of making a proper distinction between them and the subjects of Britain, whose only *particular* interest in America consisted in holding lands or property there.

"The 6th Article, viz. where it declares that no *future confiscations* shall be made, &c. ought to have fixed the time with greater accuracy. We think the most fair and true construction is, that it relates to the date of the cessation of hostilities: that is the time when peace in fact took place, in consequence of prior informal, though binding, contracts to terminate the War. We consider the definitive Treaties as only giving the dress of form to those contracts, and not as constituting the obligation of them. Had the cessation of hostilities been the effect of a truce, and consequently not more than a temporary suspension of war, another construction would have been the true one."

[Signed]

"J. ADAMS,  
"B. FRANKLIN,  
"J. JAY,  
"H. LAURENS."

Extracts from Dr.  
Franklin's Private  
Correspondence.

5th Extract.

Letter from the A-  
merican Commis-  
sioners to R. R.  
Livingston



APPENDIX, No. XXXII.

COMMISSIONS

TO

JOHN ELIOT AND PETER CHESTER.

1767—1770.

*Commission to John Eliot, as Governor of the Province of West Florida.*

*Appendix.*  
No 32.

Commissions of J.  
Eliot and P. Ches-  
ter, as Governors  
of West Florida.  
John Eliot—1767.

“George the Third, by the grace of God, of Great Britain, France and Ireland, King, defender of the faith, and so forth, to our trusty and well beloved John Eliot, Esq<sup>r</sup>.

*Greeting:*

“Whereas, we did by our letters patent under our great seal of Great Britain, bearing date at Westminster, the twenty-first day of November, in the fourth year of our reign, constitute and appoint *George Johnstone, Esquire*, captain general and governor in chief, in and over our Province of West Florida, in America, bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast, from the river *Apalachicola* to lake Ponchartrain; to the westward by the said lake, the lake *Maurepas* and the river *Mississippi*; to the northward by a line drawn due east from that part of the river *Mississippi* which lies in 31 degrees north latitude, to the river *Apalachicola* or *Chatahouchee* and to the eastward by the said river. And, whereas, by other our letters patent under our great seal of Great Britain, dated at Westminster, the sixth day of June, in the fourth year of our reign, we thought fit to revoke such part and so much of the said letters patent, and every clause article and thing therein contained, which doth any way relate to or concern the limits and bounds of our said province as above described, and did constitute and appoint the said *George Johnstone*, to be our captain general and governor in chief, in and over our province of West Florida, in America, bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast, from the river *Apalachicola* to lake Ponchartrain; to the westward by the said lake, the lake *Maurepas* and the river *Mississippi*; to the northward by a line drawn from the mouth of the river *Yasous* where it unites with the *Mississippi*; due east to the river *Apalachicola*, during our will and pleasure. Now know ye That we have revoked and determined, and by these presents do revoke and determine, both the said recited letters patent and every clause, article and thing therein contained And further know you That we reposing especial trust and confidence in the prudence courage and loyalty of you the said *John Eliot*, of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you, the said *John Eliot*, to be our captain general and governor in chief of our said province of West Florida, comprehended within the limits and bounds above described, in our said last recited letters patent.

“Witness ourself at Westminster, the fifteenth day of May, in the seventh year of our reign.

[Signed]

“YORKE.

YORKE.”

*Commission to Peter Chester, as Governor of the Province of West Florida.*

*Appendix.*  
No. 32.

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, and so forth, to our trusty and well beloved Peter Chester, Esquire, *Greeting:*

Commissions of J.  
Elliott and P. Chester,  
as Governors  
of West Florida.

P. Chester—1770

"We reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Peter Chester, of our especial grace, certain knowledge and meer motion, have thought fit to constitute and appoint you, the said *Peter Chester* to be our captain general and *governor in chief, in and over our province of West Florida*, in America, bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast, *from the River Apalachicola* to lake Ponchartrain; to the westward by the said lake, and the lake Maurepas and the river Mississippi; to the northward by a line drawn from the mouth of the river *Yasous*, where it united with the Mississippi, due east to the river *Apalachicola*, and to the eastward by the said river.

"Witness ourself at Westminster, the twenty-fifth day of January in the tenth year of our reign.

[Signed]

"YORKE."

Florida.

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liot, Esq'r.

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## APPENDIX, No. XXXII.

### PRELIMINARY ARTICLES

### THE TREATY OF PEACE OF 1783.

*Appendix.*  
No. 33.  
Preliminary Articles of Peace, 1783.

Articles agreed upon by and between Richard Oswald, Esquire, the Commissioner of his Britannic Majesty for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty, on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part: to be inserted in, and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain, and the said United States, but which treaty is not to be concluded until terms of a Peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly.

Whereas *reciprocal advantages* and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the *articles of the proposed treaty* on such principles of *liberal equity and reciprocity*, as that partial advantages (those seeds of discord) being excluded, such a *beneficial and satisfactory intercourse* between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

#### ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States: that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof; and that *all disputes which might arise* in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz:

#### ARTICLE II.

*From the north-west angle of Nova Scotia*, viz: that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the North West-most Head of Connecticut 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 Iroquois or Cataraguy; thence along the middle of said river into Lake Ontario, through the Middle of said Lake until it strikes the communication by water between that Lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said Lake to the water communication between that Lake and Lake Superior; thence through Lake Superior, Northward of the Isles Royal and Phelipeaux to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most north western point thereof; and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the Northernmost part of the 31st degree of North Latitude. South, by a line to be drawn due East from the Determination of the line last mentioned, in the Latitude of 31 Degrees North of the Equator, to the Middle of the River Apalachicola or Catahouche; thence along the Middle thereof to its junction with the Flint River; thence straight to the Head of St Mary's River; and thence down along the Middle of St Mary's River to the Atlantic Ocean. *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 St. Lawrence;* comprehending 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.

Appendix.  
No. 33.

Preliminary Article of Peace, 1763.

#### ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take Fish of every kind on *the Grand Bank*, and on all *the other Banks* of Newfoundland; also *in the Gulf of St Lawrence, and at all other places in the Sea*, where the inhabitants of both countries used at any time heretofore to Fish, and also that the inhabitants of the United States shall have liberty to take Fish of every kind on such part of the coast of Newfoundland as British Fishermen shall use, (but not to dry or cure the same on that Island) and also on the coasts, Bays, and Creeks of all other of his Britannic Majesty's Dominions in America; and that the American Fishermen shall have liberty to dry and cure fish in any of the unsettled Bays, Harbours and Creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure Fish at such settlement, without a previous agreement, for that purpose, with the inhabitants, proprietors or possessors of the ground.

#### ARTICLE IV.

It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

#### ARTICLE V.

It is agreed, that the Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all Estates, Rights, and Properties

*Appendix.* which have been confiscated, belonging to real British Subjects, and also of the Estates, Rights, and Properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, Rights and properties as may have been confiscated: and that Congress also shall earnestly recommend to the several States, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with Justice and Equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said Lands, Rights, and Properties, since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

#### ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present War, and that no person shall on that account suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

#### ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the Subjects of the one and the Citizens of the other, wherefore all hostilities both by Sea and Land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any Negroes, or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and Harbour within the same, leaving in all Fortifications the American Artillery, that may be therein: and shall also order and cause all archives, records, deeds and papers belonging to any of the said States, or their Citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

#### ARTICLE VIII.

The Navigation of the River Mississippi, from its source to the Ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

#### ARTICLE IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States, should be conquered by the arms of either, from the other, before the arrival of these Articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris the thirtieth day of November in the year one thousand seven hundred eighty-two. *Appendix.*  
No. 33.

[L. s.]	RICHARD OSWALD.
[L. s.]	JOHN ADAMS.
[L. s.]	B. FRANKLIN.
[L. s.]	JOHN JAY.
[L. s.]	HENRY LAURENS.

Preliminary Articles of Peace, 1783.

*Witness,*

CALEB WHITEFOORD,  
*Secretary to the British Commission.*

W. T. FRANKLIN,  
*Secretary to the American Commission.*

#### SEPARATE ARTICLE.

It is hereby understood and agreed that *in case* Great Britain, at the conclusion of the present War, shall recover or be put in possession of *West Florida*, the line of North boundary between the said Province and the United States shall be a line drawn from the mouth of the River Yassous, where it unites with the Mississippi, due East to the river Apalachicola.

Done at Paris the 30th day of November, in the year one thousand seven hundred and eighty-two.

[L. s.]	RICHARD OSWALD.
[L. s.]	JOHN ADAMS.
[L. s.]	B. FRANKLIN.
[L. s.]	JOHN JAY.
[L. s.]	HENRY LAURENS.

*Attest;*

CALEB WHITEFOORD,  
*Secretary to the British Commission.*

W. T. FRANKLIN,  
*Secretary to the American Commission.*

A true copy examined and compared with the original by

[L. s.]

B. FRANKLIN.

Passy, Dec. 4, 1782.



APPENDIX, No. XXXIV.

GRANTS

THE PROVINCE OF NOVA SCOTIA

TO  
WILLIAM OWEN AND OTHERS, AND TO FRANCIS BERNARD AND OTHERS.

NOVA SCOTIA, ss.

*Appendix.*  
No. 34.

Grants by the  
Province of Nova  
Scotia.

Grant of Lord  
Campbell to W.  
Owen and others.  
30th Sept. 1767.

*To all to whom these presents shall come greeting:*

Know ye that I, Lord William Campbell Captain General and Governor in Chief in and over His Majesty's Province of Nova Scotia or Acadie and its Dependencies Vice Admiral of the same, &c. &c. &c. By virtue of the power and authority to me given by his present Majesty King George the Third under the Great Seal of Great Britain have given granted and confirmed and Do by these presents by and with the advice and consent of His Majesty's Council for the said Province *give grant* and confirm unto *William Owen, Arthur Davis Owen, David Owen, and William Owen, jr.* their heirs and assigns *a tract of Land* situate, lying and being *an Island at Passamaquoddy called Passamaquoddy Outer Island*, and is bounded on the south east by the Bay of Fundy on the north west by Passamaquoddy Harbour and the south west by Passamaquoddy western Harbour on the north east by *Passamaquoddy Bay* containing in the whole by estimation Four thousand Acres.

In Witness whereof I have signed these presents and caused the seal of the Province to be thereunto affixed at Halifax this thirtieth day of September in the seventh year of the reign of our Sovereign Lord George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord one thousand seven hundred and sixty-seven.

By His Excellency's Command with the advice and consent of His Majesty's Council.

RICH'D BULKELEY,  
*Secretary.*

NOVA SCOTIA, ss.

Grant to Francis  
Bernard & others.  
31st October, 1763.

*To all to whom these presents shall come Greeting,* Know ye that I Montagu Wilmot Esquire Captain General and Governor in Chief in and over His Majesty's Province of Nova Scotia or Acadie and its dependencies Vice Admiral of the same &c. &c. &c. by virtue of the power and authority to me Given by his present Majesty King George the Third under the Great Seal of Great Britain *have given granted* and confirmed and *Do by these presents give grant* and confirm unto *Francis Bernard, Thomas Pownall, John Michel, Thomas Thoroton and Richard*

Jackson Esquires their heirs and assigns in severalty a tract of Land situate lying *Appendix*,  
 and being beginning at the head of the Western Branch of the River Copscook No. 34.  
 called the River St. Croix two Leagues above the Falls or Fall Rapids and to run  
 from thence North on the Meridian line or North fourteen degrees east by the  
 Needle Seventeen Miles, thence South sixty-six degrees East till it meets with the  
 Western Branch of the River Stoodick and is thence bounded by said River Stoodick  
 to the East Bay and by the said Bay round into Copscook River through the  
 Falls and up the Western Branch to the first mentioned Boundary together with the  
 Island called Moose Island and the Island called St. Croix Island containing in the  
 whole by Estimation One Hundred Thousand Acres more or less with allowance for  
 roads &c.

Grants by the Pro-  
 vince of Nova Sco-  
 tia.

Grant to Francis  
 Bernard & others  
 31st October, 1765.

In Witness whereof I have signed these Presents and caused the Seal of the Pro-  
 vince to be thereunto affixed at Halifax this Thirty-first day of October in the sixth  
 year of the Reign of our Sovereign Lord George the Third by the Grace of God  
 of Great Britain France and Ireland King Defender of the Faith and so forth and in  
 the year of our Lord one thousand seven Hundred and Sixty-five.

By His Excellency's Command.

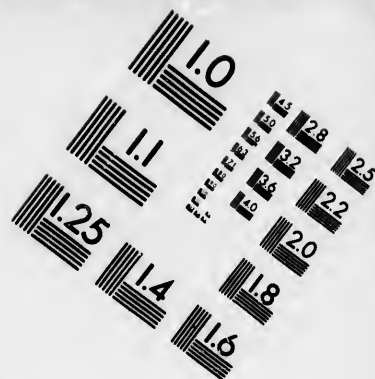
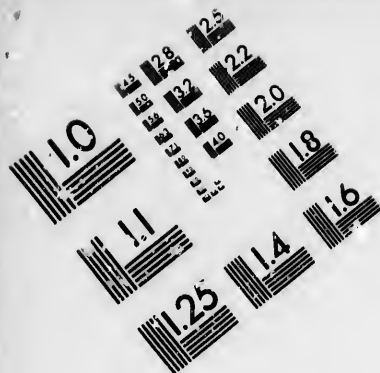
[L. s.]

[Signed]

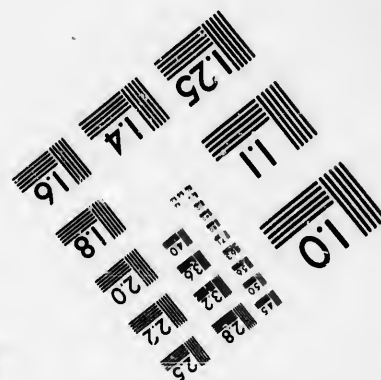
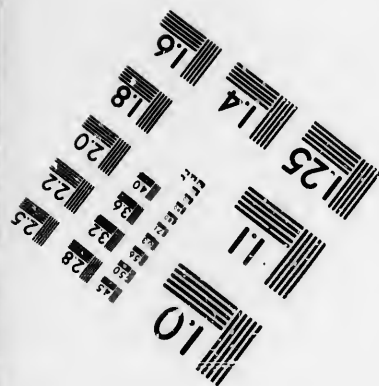
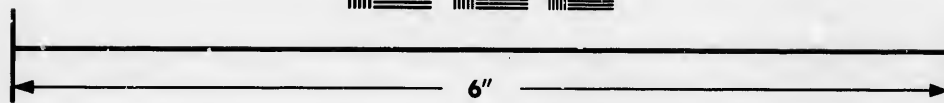
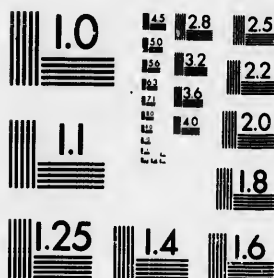
RICHD. BULKELEY,

Secretary.





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APPENDIX, No. XXXV.

EXTRACTS

FROM

THE ARGUMENTS OF THE BRITISH AGENT,

BEFORE THE

COMMISSIONERS UNDER THE 5TH ARTICLE OF THE TREATY OF 1794.

1797.

*Appendix. No. 35. Extracts from the Arguments of the British Agent, addressed, in the year 1797; to the Commissioners appointed pursuant to the 5th article of the Treaty of 1794, between the U. States and Great Britain.*

Extracts from the Arguments of the British Agent under the Treaty of 1794.

1st Extract.

"The limits of the Province of Nova Scotia, at the time of the Treaty of peace, were the same that were established when the province was anciently and originally erected and named, in every respect, excepting the said Island of St. John and the Northern Boundary line, which, by the erection of the province of Quebec, after the peace of 1763, was altered from the southern bank of the river St. Lawrence to the highlands described in the article of the Treaty of peace, now under consideration; and further, that with these exceptions there never was but one and the same tract of country and Islands that formed the province of Nova Scotia."

2d Extract.

"If it can be shewn that the River Scoudiac, so called by the Indians, is this River St. Croix, and that a line along the middle of it to its source, together with a line due north from its source, formed a part of the western boundaries of the province of Nova Scotia, and that the highlands formed the northern boundary line of this province, at the time the Treaty of peace was made, so as to form the north-west Angle of Nova Scotia by these western and northern boundaries, the intention of the Treaty of Peace is at once ascertained in the great point in controversy."

3d Extract.

"We are now come to the charter of King William and Queen Mary to the province of Massachusetts Bay, dated the 7th October, 1691. By this charter the former Colony of Massachusetts Bay, the Colony of New Plymouth, the province of Maine, the Territory called Acadia, or Nova Scotia, and all that tract of land lying between the said Territory of Nova Scotia and the Province of Maine, are erected into one province, by the name of Massachusetts Bay, in New England.

"The colonies of Massachusetts Bay and New Plymouth were held, by the respective proprietors and inhabitants, under grants from the grand Council of Plymouth. The former was afterwards confirmed by a grant or charter from King Charles 1st. "The province of Maine" was the same territory of which the Grant has been already recited to Sir Ferdinando Gorges, and which had, previous to the charter of William and Mary, been conveyed by the heir of the said Gorges to the said Colony of Massachusetts Bay.



"The Territory of Acadia, or Nova Scotia, was the same territory which was granted to Sir William Alexander, in 1621, bounded westerly by the river St. Croix, as will presently appear; and the Tract of land lying between this Territory of Nova Scotia and the said "province of Maine" was the Territory granted to the Duke of York, which had reverted to the Crown by his subsequent accession to the Throne, and by his abdication was vested in his Successor. This Territory, as we have seen, was bounded easterly upon the same river St. Croix, and was afterwards commonly called by the name of the Territory of Sagadahock."

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Extracts from the  
Arguments of the  
British Agent under  
the Treaty of 1764.

3d Extract.

"All the French possessions upon the continent of North America being by that treaty ceded to Great Britain, the province of Quebec was created and established by the Royal proclamation of the 7th October, in that year, and *bounded on the South by the Highlands which divide the rivers that empty themselves into the River Saint Lawrence from those which fall into the Sea or ATLANTIC OCEAN*, thereby altering the North boundary of the province of Nova Scotia from the southern shore of the river St. Lawrence to those Highlands."

4th Extract.

"(b) The Act is entitled "an Act to restrain the trade and commerce of the province of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island and Providence Plantations, in North America, to Great Britain, Ireland, and the British Islands, in the West Indies; and to prohibit such provinces and Colonies from carrying on any Fishery on the Banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations." In the 12th Section of the Act it is provided and enacted "that the river which emptieth itself in Passamacadie or Passamaquoddy Bay, on the western side, and is commonly called and known by the name of St. Croix river, be held and deemed, for all the purposes in this Act contained, to be the boundary line between the provinces of Massachusetts Bay and Nova Scotia."

5th Extract.

"This Act creates no new boundary; it merely recognises, confirms and establishes that river St. Croix as a boundary between the provinces of Nova Scotia, in the Patent to Sir William Alexander, in 1621, which was agreed upon, settled, known, and acknowledged, as *the boundary between the province of Nova Scotia and the territory of New England*, granted to the council of Plymouth, in the year 1620, which, after the surrender of their grand Charter, *was the boundary between Nova Scotia and the Territory granted to the Duke of York* in 1664, which was recognised as the western boundary of Nova Scotia by the Charter of William and Mary to the province of Massachusetts Bay, in 1691; and which, *from the Treaty of Utrecht*, in 1713, *was the boundary between the provinces of Massachusetts Bay and Nova Scotia, received and established by the crown*, and known, acknowledged and acquiesced in by the government of the province of Massachusetts Bay. That, from the time of the passing of this Act of Parliament in 1774, the boundaries of the Province of Nova Scotia remained unaltered to the treaty of peace in 1783, will not it is presumed be denied. And it will not be difficult now to shew that the river Scoudiac, under the name of the river St. Croix, formed a part of the boundary described in that Treaty."

"It is sufficient here to observe, that at the time the treaty of peace was made in 1783, *the provinces of Quebec and Nova Scotia belonged to and were in the possession of the crown of Great Britain*; and that his Britannic Majesty, at that time, had an undoubted right to cede to the United States of America such part of these Territories as he might think fit; and that in making the cession of the territory comprised within the boundaries of the United States, as described in the second article of the treaty of peace, *his Majesty must be supposed to have used the terms describing these boundaries in the sense in which they had been uniformly understood in the British na-*

*Appendix. tion, and recognised in public documents and acts of government. In this sense, and in no other, could they have been then understood, or can they now be claimed or insisted upon by the United States. In this sense, and in no other, is his Majesty bound to give the possession.*

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5th Extract.

"Whatever river was at that time known and recognised by his Majesty and the British Government as the river St. Croix, forming a boundary between the province of Massachusetts Bay and Nova Scotia, that river, and no other, can now be claimed as a part of the Eastern of the United States. It is sufficient that in this Act of Parliament the river Saint Croix is described by a particular location and boundaries, which cannot be mistaken, known to both parties at the time, and assented to on the part of the United States by their accepting the Act, and not giving any local designation of the river which they now claim, or of any other river than that thus ascertained by precise description, and known by them to have been established, and at the time contemplated by Great Britain as the boundary between these provinces. If this principle were once departed from, there would be no check to contention on the subject; though it would be fortunate to his Majesty's interests if he were not thus bound, as it might be clearly shewn, in that case, that the river Penobscot, once, indiscriminately with the other rivers upon this Coast, (a) called the St. Croix, was the true boundary by which Nova Scotia or Acadia was ceded to his Majesty by the Treaty of Utrecht, and ought, in such case, by the principles of the Laws of Nations, (b) to be established as the Eastern boundary of the United States."

6th Extract.

"But to apply these facts to the point more immediately under consideration—whether a line due north from the source of the western or main branch of the river Scoudiac or Saint Croix, will leave to each of the parties to the treaty the sources of those rivers that empty themselves or whose mouths are within its Territories upon the sea coast respectively.

"The effect, so far as regards the United States, is completely secured by the treaty in all events; and thence we have further reason to suppose it was intended to be reciprocal in this respect, if a just interpretation will warrant it. A line due north from a source of the western or main branch of the Scoudiac or Saint Croix, will fully secure this effect to the United States in every instance, and also to Great Britain in all instances except in that of the river St. John, wherein it becomes impossible, by reason that the source of this river is to the westward, not only of the western boundary line of Nova Scotia, but of the sources of the Penobscot, and even of the Kennebeck, so that this north line must of necessity cross the river St. John; but it will cross it in a part of it almost at the foot of the highlands, and where it ceases to be navigable. But if a north line is traced from the source of the Cheputnatecook, it will not only cross the river St. John within about fifty miles from Fredericton, the Metropolis of New Brunswick, but will cut off the sources of the rivers which fall into the Bay of Chaleurs, if not of many others, probably the Mirramichi among them, which fall into the gulph of St. Lawrence, and thereby be productive of inconvenient consequences to the two powers, if not of contention between them, instead of terminating their differences in such a manner as may be best calculated to produce mutual satisfaction and good understanding, which is one of the principal and avowed objects of the treaty.

"Had the Treaty intended that this North line should intersect a number of rivers which empty their waters through a British province into the Sea, a right of navigation or passage down those rivers would doubtless have been secured to the United

(a) Vide Mr. Sullivan's Arguments, part 3. sect. 15. 4 Purchas' Pilgrim, page 16, 35. Sullivan's History of Maine, page 59. Morse's Geography, 3d Edition, 1796, p. 379. Pownall's Topographical Description of North America, page 20.

(b) Vattel—62. 6. 17. sect. 308. Vide Post, page 184.

States by the Treaty; that this was not the intention of the Treaty, not only appears from the facts and reasoning that have been already adduced, but from a further consideration that in most, if not all, the Maps of the interior country, published before the year 1763, although the courses of the river Saint Croix are very inaccurately laid down, still it is very uniformly made to terminate in a lake near the Eastern branch of the river Penobscot; and a line drawn north from that termination upon those maps will not intersect any of the rivers which empty themselves into the sea, to the Eastward of the mouth of the river St. Croix, except the river St. John. (a) This furnishes an unanswerable argument, so far as any fair conclusions can be drawn from those Maps, in proof not only that the river Scoudiac is the true ancient river St. Croix, and consequently intended by the Treaty of Peace under the name of St. Croix, but that its true source is upon the Western branch, in a lake near to an Eastern branch, of the river Penobscot."

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the Treaty of  
1764.

6th Extract.

"The province of Nova Scotia at the time of the treaty in 1783, was, as has, already appeared, bounded to the Northward by the southern boundary of the province of Quebec; which boundary was established by the Royal proclamation of the 7th October, 1763, and confirmed by the act of the 14 Geo. 3. c. 83, passed in the same year with the Act of Parliament already cited, by which it is enacted, "that 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 highlands 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, &c. be annexed to, and made a part and parcel of, the province of Quebec. (b)

7th Extract.

"As then, at the Treaty of Peace in 1783, the Northern limit of the province of Nova Scotia was "a line along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Sea," it unquestionably follows that the North-west, angle of Nova Scotia at the time of the treaty of peace in 1783 was that angle which was formed by a line drawn due North from the source of the river St. Croix to those Highlands. If we now compare this Angle with the North west Angle of Nova Scotia described in the Treaty of Peace, viz: that Angle which is formed by a line drawn due North from the source of St. Croix river to the same highlands, can it be said, with any degree of propriety, that (c) "the limits and boundaries of the Province of Nova Scotia were unknown at the time of the Treaty of Peace in 1783, and that it therefore became necessary to give it western boundary by the Treaty itself, in these words, to wit—that Angle which is formed by a line due North from the Source of the river St. Croix to the Highlands?

"Can it be believed, or for a moment imagined, that, in the course of human events, so exact a coincidence could have happened between the actual, real boundaries of the Province of Nova Scotia, and the boundaries of it described in this Treaty, if the latter had not been dictated and regulated by the former?

(a) There seems to have been a strong reliance placed upon the validity of this argument by the author of "The History of the District of Maine," as, in the Map annexed to that work, a line due north from the source of the river Magaquadavie is made to cross no other river but the river Saint John, and to pass to the westward of the sources of all the rivers that empty themselves into the Bay of Chaleurs or Gulph of St. Lawrence, when, in fact, a line due North from the Magaquadavie will intersect them all. Vide Map No. 16.

(b) Vide Memorial of Claim by his Majesty's Agent.

(c) Vide Mr. Sullivan's Argument, page 1. sect. 53.

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Extracts from the  
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7th Extract.

"Can any man hesitate to say, he is convinced that the Commissioners at Paris, in 1763, in forming the 2d article of the Treaty of Peace, in which they have so exactly described this North-west Angle, had reference and were governed by the boundaries of Nova Scotia, as described in the grant to Sir William Alexander, and the subsequent alteration in the Northern Boundary by the erection of the Province of Quebec?"

"Will not this conviction become irresistible when he adverts to the reservation made to his Majesty, in this Article of the Treaty, 'of such Islands as then were or theretofore had been, within the limits of the said Province of Nova Scotia?' which clearly alludes to the ancient limits of the Province of Nova Scotia, and to the islands included and comprehended within those limits, as described in the grant to Sir William Alexander, some of which might have belonged to the United States, as lying within the limits of those States, but for the exception of them in the Treaty."

8th Extract.

"As there had been, before the Treaty of Peace in 1763, an ancient Western boundary of Nova Scotia, established by Charter in the year 1621, at the river *St. Croix*, and in consequence of the French encroachments, there had been a reputed western boundary of Nova Scotia at the time of the Treaty of Utrecht, in 1713, at the River *Penobscot*, it therefore became necessary, in order to prevent all future controversy on the subject, to specify in the Treaty of 1763 which of these boundaries were intended; and accordingly the former, the ancient, real and established boundary, is expressly adopted."

9th Extract.

"The agent of the United States cannot establish his claim to the river *Magaquada* merely upon the strength of an Indian tradition, brought to light since the year 1763, that this river is the river *St. Croix*, which is the only proof, or semblance of proof, yet exhibited of this fact, instead of meeting the reasoning of the underwritten agent in its own way, by authentic and full proofs, and conclusive arguments in support of his claim. The argument of the Agent of the United States would certainly apply with much greater force in proving the *Penobscot* to be the River agreed to; as this river, besides being once known indiscriminately with the other rivers by the name of *St. Croix*, has been the reputed boundary of Nova Scotia, and was contended for as such by the British Commissaries at Paris, in the year 1750, in their memorials concerning the limits of *Acadia* or *Nova Scotia*."

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APPENDIX, No. XXXVI.

REPORT

MADE TO

THE PRESIDENT OF THE UNITED STATES,

BY

EGBERT BENSON,

ONE OF THE COMMISSIONERS UNDER THE 5TH ARTICLE OF THE TREATY OF 19TH  
NOVEMBER, 1794, RESPECTING THE TRUE RIVER ST. CROIX.

REPORT

*Made to the President of the United States of America, by Egbert Benson, Esquire, one of the Commissioners appointed pursuant to the fifth Article of the treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the said States, respecting the Proceedings of the said Commissioners.*

On the Question between his Britannic Majesty and the United States of America, "what River was truly intended under the name of the River *Saint Croix*," mentioned in the Treaty of Peace of the 3d November, 1783, and forming a part of the boundary therein described, referred to the final decision of Commissioners by the fifth Article of the Treaty of Amity, Commerce and Navigation, of the 19th November, 1794, "The *Seudiac* was claimed on the part of his Majesty, and the *Magaguadavie* on the part of the United States. Boundaries of the United States described in the treaty of peace, "from the North-west angle of Nova Scotia, vizt. that angle which is formed by a line drawn due North from the source of Saint Croix River to the Highland, along the said Highlands which divide those rivers that empty themselves into the River Saint Lawrence from those which fall into the Atlantic Ocean," then follow the northern, western, and southern boundaries, and then "east by a line to be drawn along the middle of the River Saint 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."

*Boundaries* in the Grant for *Nova Scotia*, by King James to Sir William Alexander, of the 10th September, 1621, translated from the Latin—"All and singular, the lands, continents, and Islands, situate and lying in America, within the head land or promontory called *Cape Sable*, lying near the Latitude of forty three degrees, or thereabout, from the Equinoctial line towards the North, from which promontory stretching towards the shore of the sea to the west, to a bay commonly called *St. Mary's Bay*, and then towards the North by a direct line, passing the entrance or mouth of that Great Bay, which runs into the eastern quarter between the territories of the *Souriquois* and *Elechemises*, to a River commonly called by the name of St. Croix, and to the most remote spring or fountain thereof from the western quarter which first min-

Report by Egbert Benson, one of the Commissioners under the 5th article of the treaty of 1794.

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gles itself with the aforesaid River, thence by an imaginary direct line, which may be conceived to go through the land, or run towards the north to the nearest Bay, river or spring, discharging itself in the Great River of Canada, &c. &c. which certain lands shall in all future times enjoy the name of Nova Scotia in America."

It is here to be noted, that on the conquest of Canada, and the final cession of that country to the Crown of Great Britain in 1763, the Highlands abovementioned and referred to, were established as a Southern boundary of the Colony of Quebec; that Nova Scotia hath accordingly from that time hitherto been described in the Commissions to the Governors, "As bounded on the Westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River *Saint Croix*, by the said River to its source, and by a line drawn due North from thence to the Southern Boundary of the Colony of Quebec; to the Northward, by the said boundary," &c. &c. &c.—That from the description in the Commissions it appears a construction had been given to an evident ambiguity in the Grant for Nova Scotia, in respect to the source of the River *Saint Croix*, and the course of the line from it; and hence it is, that at the time of the treaty of Peace, the Highlands, instead of the River *Saint Lawrence*, formed the north side, and a line *directly* to, or *due* north, the west side of the *North-west* angle of Nova Scotia, and that the source of the River *Saint Croix*, from which the line was to run, or be drawn, was the source *generally*, or that source which should be found to be eminently or *emphatically* so regardless of the position of it, or the place or *quarter* where it might be, or the distance, when compared with any other source before the waters from it mingled themselves with the River.

A River being *expressed* in the Treaty, the *Instrument* and it not being expressed, as it is either by *mistake* or *fraud*, the River so *expressed* must be adjudged to be the River *intended*. This is assumed as unquestionable; the River is expressed to be "That River, a line drawn due north from the source of which forms the west side of the north-west angle of Nova Scotia." The identity of the River *Saint Croix* expressed in the Treaty, and the River *Saint Croix* expressed in the Grant for Nova Scotia, is assumed as also unquestionable; so that the River to be sought for, is the River intended in the Grant. The two following propositions, are therefore stated, and the proofs subjoined—1st. That the River intended under the name of the River *Saint Croix*, in the Grant for Nova Scotia, is the River which was so named by the *Sieur De Monts*, 1604. And 2ndly. That the *Seudiac* is the River which was then so named." Extracts from a publication by Sir William Alexander, in London, 1624, under the title of *encouragement* to Colonies. "Monsieur De Monts, procuring a patent from King Henry the Fourth, of Canada from the 40th degree Eastward, comprehending all the bounds that now is between New England, and New Scotland (after that Queen Elizabeth had formerly given one thereof, as belonging to this Crown by Chabot's discovery,) did set forth with a hundred persons fitted for a plantation, carried in two Ships." After a brief relation of the voyage from France to Port Royal, he proceeds, "After this, having seen Port Royal, they went to the River called by them *Sante Croix*, but more fit now to be called *Tweede*, because it divides New England and New Scotland, bounding the one of them upon the East and the other upon the West side thereof; here they made choice of an isle that is within the middle of the same, where to winter, building houses sufficient to lodge their number." He concludes his relation by mentioning—"That in the end, finding that a little Isle was but a large prison, they resolved to return unto Port Royal." Speaking of the limits of his Patent, he says—"leaving the limits to be appointed by his Majesty's pleasure, which are expressed in the Patent granted unto me under his great Seal of his Kingdom of Scotland, marching upon the west towards the River of St. Croix, now *Tweede*, (where the Frenchmen did design their first habitation) with New England, and on all other parts it is compassed by the Ocean and the Great River of Canada."



To this publication a Map is annexed, in which a River is laid down under the name of Tweede, as a boundary between New England and New Scotland, and doubtless intended to represent the Saint Croix. The voyage of De Monts above referred to by Sir William Alexander, was in the spring of 1604, and has been written by two different cotemporary persons, Champlain, who was with him, and L'Escarbot, who came out to *L'Acadie* in 1606, with *Poitrin-court*, the successor of De Monts in the attempt to settle, and was himself the next year at *St. Croix*.

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Report by Egbert Benson, one of the Commissioners under the 6th article of the treaty of 1794.

The British Commissaries, in the Memorials between them and the French Commissaries, concerning the limits of Nova Scotia or Acadia, printed in London in 1753, say,—“The most ancient Chart extant, of this country, is that which Escarbot published with his History in 1609.” And a book published in London that year by *P. Erondelle*, under the title of *Nova Francia*, &c. translated out of the French into English, is evidently a translation of this first Edition of *L'Escarbot*. Champlain published in 1613. From these writers, therefore, Sir William Alexander obtained his information of the voyage of De Monts, and of the country. They relate that De Monts, after visiting several places on the Eastern shore of the Bay of Fundy, and among them the Bay of Saint Mary and Port Royal, came, on the 24th June, to the River Saint John; and the following Extracts from them, contain the voyage thence, and other subsequent transactions material in the present enquiry.

Champlain, Edit. 1613. “From the River Saint John we were at four Islands, on one of which we were ashore; and there found a great abundance of Birds called Margoes, of which we took a number of young ones, as good as young pigeons. The Sieur Poitrin-court was near losing himself there, but finally returned to our Bark, as we were going to search for him round the Island, which is three leagues distant from the main land.

“Further to the west, there are other Islands, one containing six leagues, called by the savages *Manthane*, to the South of which there are, among the Islands, many good ports for vessels. From the Isles of *Margos* we were at a River in the main land, which is called the River of the *Etchemins*, a nation of savages so named in their own country; and we passed by a great number of Islands, more than we could count, pleasant enough, containing some two leagues, others three, others more or less. All these islands are in a bay which contains, in my judgment, more than fifteen leagues in circumference, in which there are a number of convenient places to put as great a number of vessels as one pleases, which in their season abound with fish, such as Cod, Salmon, Bass, Herrings, *Haitais*, and other fish in great numbers. Making west north west through these Islands, we entered into a large River which is almost half a league broad at its entrance, where having made a league or two, we found two Islands, the one very small, near the shore on the west, the other in the middle, which may have eight or nine hundred paces in circumference: The Banks of which are rocky, and three or four toises high, except a small place, a point of sand and clay which may serve to make bricks and other necessary things. There is another sheltered place to put vessels, from eighty to one hundred tons, but it is dry at low water. The island is filled with firs, birches, maples and oaks,—of itself, it is in a good situation, and there is only one side where it slopes about forty paces, which is easy to be fortified; the shores of the Main land, being distant on each side about nine hundred or a thousand paces. Vessels cannot pass on the river but at the mercy of the cannon on the Island, which is the place we judged best, as well for the situation, the goodness of the country, as for the communication we proposed to have with the Savages of the Coasts, and the interior country, being in the midst of them. This place is named by the name of the Island *St. Croix*. Passing higher up, one sees a great Bay, in which there are two Islands, one high, the other low; and three rivers, two of a middling size, one going off towards the East, and the other to the North,

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and the third is *large*, which goes to the West. This is that of the *Etchemins*, of which we have spoken above; going into it two leagues there is a *fall* of water, where the savages carry their canoes by land, about five hundred paces, afterwards re-entering it, from which afterwards, crossing over a small space of land, one goes into the river *Norembeque* and of St. John.

"In this place of the fall, which the vessels cannot pass, because there is nothing but rocks, and that there is not more than four or five feet water in May and June, they take as great abundance of *Bass* and *Herring*, as they can lade in their vessels. The soil is very fine, and there are about fifteen or twenty acres of land cleared, where the *Sieur de Monts* sowed some grain, which came up very well. The savages stay here sometimes five or six weeks during the fishing season. All the rest of the country is a very thick forest.

"If the land was cleared, grain would grow there very well. This place is in forty five degrees and one third of Latitude, and the variation of the Magnetic needle is seventeen degrees and thirty two minutes.

"Not having found a place more fit than this island, we began to make a Barricade on a small island, a little separated from this Island, which served as a platform for our cannon.

"Every one employed himself so faithfully, that in a little time it was rendered a defence; then the *Sieur de Monts* began to employ the workmen to build the houses for our abode. After the *Sieur de Monts* had taken the place for the Magazine, which was nine toises long and three broad, and twelve feet high, he fixed on the plan of his own lodging, which was immediately built by good workmen. He then assigned to each his place."—"We then made some gardens as well on the main land as on the island."—"The *Sieur de Monts* determined on a change of place, and to make another habitation to avoid the cold, and evils which we had in the Island *St. Croix*. Not having found any port which was proper for us then, and the little time we had to lodge ourselves, and to build houses for that purpose, we caused two barks to be equipped, on which was laden the carpenters' work of the Houses of Saint Croix, to be carried to Port Royal, twenty five leagues from thence, where we judged an abode would be more mild and temperate."

In his Edition of 1632, after the above passage, where he mentions the Latitude and variation of the needle, he adds,

"In this place was the habitation made in 1604."—And then immediately commences another chapter as follows—

"From the said *River St. Croix*, continuing along the coast, making twenty-five leagues," we passed by a great number of Islands, &c.

L'Escarbot Edition, of 1618.—"Leaving the River Saint John, they came following the coast, at twenty leagues from thence, in a great River (which is properly Sea) where they encamped in a small island, in the middle of it, which being found strong by nature and of easy defence, besides that the season had began to pass, and therefore it became them to think how they were to be lodged without going further, they resolved to stay there."—"The company staid there in the middle of a large River, where the wind from the North and North west blows at pleasure, and because at two leagues above there are some streams, which coming *crosswise* do discharge themselves into this large arm of the sea. This Island, the retreat of these French, was called *Sainte Croix*, twenty-five leagues more distant than Port Royal."

"Before we speak of the return of the ships to France, it becomes us to say that the Island of Saint Croix is very difficult to be found by one who has never been there: For there are so many islands and great Bays to pass before one comes there, that I am astonished how any one had the patience to penetrate so far to go to find it. There are *three or four mountains* high above the others on the coasts, but on the

north part from where the River comes down, there is a *pointed one* more than two leagues distant. The woods of the Main land are handsome and high to admiration, and so is the herbage; there are streams of fresh water very agreeable, where many of the people of the *Sieur de Monts* did their work and huddled there. As to the nature of the soil, it is very good, and happily fruitful; for the *Sieur de Monts*, having caused a piece of land to be cultivated and sown with Rye, (I have not seen any wheat there) he had not the means to attend to its maturity to gather it, the grain which fell, had notwithstanding grown and shot up again wonderfully, so that two years after we gathered of it as fair, large and heavy as any in France, and which this soil has produced without culture, and at present it continues to increase every year; the said Island is about half a French league in circuit, and at the end towards the sea there is a Hillock, and as it were a separate small island where the said *Sieur de Monts* placed his cannon; and there is also a small chapel built in the fashion of the savages, at the foot of which there are so many muscels as to be wonderful, which may be gathered at low water; but they are small.

"During the said voyage, the *Sieur de Monts* worked at his fort, which he had seated at the end of the island opposite the place where we have said he lodged his cannon, which was prudently considered, to the end to command the River up and down; but there was one inconvenience that the said Fort was on the side to the North without any shelter except the trees which were on the Bank of the island, all of which thereabout he had forbid to be cut down. Without the fort the Swiss had their Barracks, which were large and ample, and some small ones making an appearance like a suburb; some had their huts on the main land, near the stream, but within the fort; were the lodgings of the said *Sieur de Monts*, made of fair and skillful carpentry with the banner of France on the top.

"In another part was the Magazine, where was deposited the safety and life of all; also of good carpentry and covered with shingles, and opposite to the Magazine were the lodgings, and houses of the *Sieur De Orville Champlain, Champdore*, and other persons of distinction; opposite to the lodgings of the said *Sieur de Monts* was a covered gallery, to exercise for amusement, or for the workmen when it rained; and between the said fort and the platform of the cannon, all was filled with gardens.

"The severe season being passed, the *Sieur de Monts*, tired of his sorrowful abode of *Sainte Croix*, determined to search for another port in a country more warm and more to the south. Having seen the coast of *Mallabarre*, and with much labour, without finding what he desired, he determined to go to *Port Royal*, to make his stay there, and wait until he should have the means to make a more ample discovery: So every one was employed to bind up his pack, and they demolished what they had built with infinity of labour, except the Magazine, which was too large to be transported."

Subsequent to the view of the mouths of the Rivers in question, and the adjacent objects, by the Commissioners, at the instance of the Agents, in the fall of 1796, the Edition of *Champlain*, of 1613, was procured from Europe, containing a Map of the isle *Sainte Croix*, a copy of which is hereunto annexed, and a search having been then made by digging into the soil on the island called *Bone, or Docias*, Island, bricks, charcoal, spikes, and other artificial articles have been found, and evident foundations of buildings have been traced. Whoever will compare these proofs with the Bay of *Passamaquoddy*, including the islands and river in it, will perceive that they result in demonstration that the Island *St. Croix*, and the River *St. Croix*, intended by them, are respectively *Bone Island*, and the River *Scudiac*, comprehending in the latter the arm of the Bay, or as it is expressed by *L'Escarbot, Sea*, between where the mouth of the River has been decided to be, at *Joe's Point*, and where it turns to the westward at the *Devil's Head*, as being at the time when the name of *Saint Croix* was originally given to the *Scudiac*, then actually, however improperly, conceived to be a portion

Appendix.  
No. 36.

Report by Robert  
Benjamin, one of the  
Commissioners  
under the 5th ar-  
ticle of the treaty  
of 1796.

*Appendix.* of it, and accordingly denominated River; and here it would seem there would have been an end of the Question. But the Agent on the part of the United States stated

No 36. "that Mitchell's Map published, in 1755, was before the Commissioners who negotiated and concluded the provisional treaty of peace at Paris in 1782; from that they took their ideas of the country, upon that they marked the dividing line between the two nations, and by the line marked upon it their intention is well explained, that the River intended by the name of the Saint Croix, in the Treaty, was the Easteru river which empties its waters into the Bay of Passamaquoddy."

Report by Egbert Benson, one of the Commissioners under the 5th article of the treaty of 1794.

And he thereupon offered in evidence the testimony of the Three American Commissioners, as contained in the following depositions of two of them, and Letter from the other, to Mr. Secretary Jefferson, of the 8th of April, 1790, and also a Map of Mitchell, as the identical copy which the Commissioners had before them at Paris, having been found deposited in the Office of Secretary of State for the United States, and having the eastern boundary of the United States, traced on it with a pen or pencil, through the middle of the river Saint Croix, as laid down on the Map, to its source, and continued thence North, as far as to where most probably it was supposed by whoever it was done.—The Highlands mentioned in the Treaty, are:

#### PRESIDENT ADAMS' DEPOSITION.

"Mitchell's Map was the only Map or plan which was used by the Commissioners at their public conferences, though other Maps were occasionally consulted by the American Commissioners, at their lodgings. The British Commissioners at first claimed to Piscataqua river, then to Kennebec, then to Penobscot, and at length agreed to St. Croix, as marked on Mitchell's map. One of the American Ministers at first proposed the River Saint Johns, as marked on Mitchell's map; but his colleagues observing that as *St. Croix* was the River mentioned in the charter of Massachusetts Bay they could not justify insisting on St. Johns, as an ultimatum, he agreed with them to adhere to the charter of Massachusetts Bay; but whether it was understood, intended, or agreed between the British and American Commissioners, that the River *St. Croix*, as marked on Mitchell's map, should so be the boundary as to preclude all inquiry respecting any error or mistake in the said Map, in designating the River Saint Croix, or whether there was any, and if so, what understanding, intent, or agreement between the Commissioners relative to the case of error or mistake in this respect, in the said Map, that the case of such supposed error, or mistake, was not suggested, and consequently there was no understanding, intent or agreement expressed respecting it."

#### GOVERNOR JAY'S DEPOSITION.

"In the course of the negotiations, difficulties arose respecting the eastern boundary of the United States. Mitchell's map was before them, and frequently consulted for Geographical information. In settling the boundary line (described in the Treaty) and of which the River Saint Croix forms a part, it became a question, which of the rivers in those parts was the true River St. Croix, it being said that several of them had that name. They did finally agree that the River St. Croix laid down in Mitchell's Map, was the River Saint Croix which ought to form a part of the said boundary line; but whether that river was so decidedly and permanently adopted and agreed upon by the parties as conclusively to bind the two nations to that limit, even in case it should afterwards appear that Mitchell had been mistaken, and that the true River Saint Croix was a different one from that which is delineated by that name in his Map, is a question or a case which he does not recollect, nor believe, was then put or talked of. For his own part, he was of opinion that the Easterly boundaries of the United States, ought, on principles of right and justice, to be the same with the Easterly boundaries of the late Colony or Province of Massachusetts."

## DR. FRANKLIN'S LETTER:

Appendix.  
No. 36.Report by Egbert  
Benson, one of the  
Commissioners u-  
der the 3th article  
of the Treaty of  
1794.

"I received your letter of the 31st past, relating to the encroachments made on the Eastern limits of the United States, by settlers under the British Government, pretending that it is the Western and not the Eastern river, of the Bay of Passamaquoddy, which was designated by the name of Saint Croix in the Treaty of Peace with that nation, and requesting me to communicate any facts which my memory or papers may enable me to recollect, and which may indicate the true River the Commissioners had in view to establish as the boundary between the two nations. I can assure you that I am perfectly clear in the remembrance that the Map we used in tracing the boundary between the two nations, was brought to the Treaty, by the Commissioners from England; and that it was the same that was published by Mitchell, above twenty years before. That the Map we used was Mitchell's Map, Congress was acquainted at the time by a letter to their Secretary for Foreign Affairs, which I suppose may be found upon their files." The Agent on the part of His Majesty having excepted to these proofs, on the ground that the matter to be proved by them was not admissible in evidence, they were received, subject to the eventual opinion of the Board on the Question, whether they were to be retained or rejected? A boundary line which Mitchell has on his Map, is the only indication of the river he intended by the Saint Croix; his intent or *mind* in this respect cannot be discovered from the relative situation of the River, or of the lake, laid down as its source, or from the course or length of the River, or the form or magnitude of the lake, or indeed from the supposed representations of any natural or sensible objects; that part of the Map which contains the Bay of Passamaquoddy, and the rivers issuing into it, being, as to such objects, erroneous or imperfect in the extreme:—The boundary line alluded to, is drawn along the western side of the River Saint Croix to the Lake as its source, and thence round along the Southerly and Westerly sides, and so far along the northerly side of the lake, until it comes to the most northern part of it, and thence it is *direct towards the North*, "to the river St. Barnabas, being the nearest river discharging itself into the Great River of Canada." This line was certainly intended to represent, what was esteemed at the time to be the boundary of Nova Scotia, from the mouth of the St. Croix to the River of St. Lawrence.

The Map and the other proofs connected with it, therefore, instead of being of any avail to the party exhibiting them, they are in confirmation of the very principle of the claim of the opposite party, that the River intended in the Treaty, is the River intended in the Grant for Nova Scotia; the reasoning from them being briefly that the immediate Agents who made the Treaty, intended the River which was intended by Mitchell, and that he intended the river which was intended in the Grant for Nova Scotia; so that, as doubtless will be perceived, any further consideration of these proofs, or a decision of the question respecting them, reserved for the opinion of the Board, became unnecessary.

With respect to the *source* of the river, the difficulties which occurred in determining it may easily be imagined.

In all cases it would be difficult to determine the source of a river, when it is to be ascertained to a precise *spot*, to a *point* from which a *line* is to be drawn.

If it is to be ascertained, or as it may be phrased, *found*, as a previously assumed *station*, in a boundary, evidence of where *strangers reputed* it to be, or where parties intended it should be deemed to be, might be proper, and under the circumstances of the case, to be adopted as that which ought to be preferred, and as competently decisive.

No such evidence, however, existed in the present instance; the several branches and head waters of the river have remained unexplored, and the adjacent country unsettled, and almost unfrequented; so that the only knowledge of the river, from the Falls



*Appendix.* in it upwards was scarcely more than what was primitively communicated to the first voyagers there, by the aboriginal savages; namely, that from the head waters to the

Rep. by Egbert Benson, one of the Commissioners under the 5th article of the treaty of 1774.

west, there was a portage to the Norembeque, now Penobscot; and from those to the north, there was one to the St. John; let it suffice therefore to intimate, that the reference, as it respected the *source* of the River, being as it were an appeal to mere judgment or opinion, is in that view analogous to cases of assessment of damages not capable of being liquidated by *calculation*, or definite rule, and therefore to be assessed according to *discernment*, or discretion; a latitude of arbitrament is in such cases supposed to be permitted to the Jurors, but as they must at the same time agree in a *precise* sum, accommodation of sentiment among them to a degree is necessary, and consequently justifiable. There is still a question concerning the boundary between the two nations, in that quarter, and originating also in the Treaty of Peace; but partaking of the nature of an *omitted case*, can be settled only by negotiation, and compact.

The Treaty supposes the St. Croix to issue *immediately* into the Bay of Fundy, and of course, that there would be an entire sea board boundary, if it may be so expressed, between the termination of the Southern, and the commencement of the eastern boundary of the United States; and it also intended, that where the eastern boundary passed through waters which were navigable, that both nations should equally participate in the navigation. The Question then is, How is the boundary in the intermediate space between where the mouth of the St. Croix hath been decided to be, and the Bay of Fundy, to be established, most consistent with the Treaty? In answer to which it may be suggested, that the boundary should be a line, passing through one of the passages between the Bay of Fundy and the Bay of Passamaquoddy; that the west passage being unfit for the purpose, having a Bar across it, which is dry at low water, the next to it must be taken, and the line may be described—Beginning in the middle of the channel of the river St. Croix, at its mouth; thence direct to the middle of the channel between Point Pleasant, and Deer Island; thence through the middle of the channel between Deer Island on the East and North, and Moose Island and Campo Bello Island, on the West and South, and round the eastern point of Campo Bello Island, to the Bay of Fundy.

October 25th, 1799. The Commissioners decided the *Scudiac*, and the northern branch of it, to be the river intended in the Treaty under the name of St. Croix, and that its mouth was at Joe's Point.

Filed with the four Annexed Maps and Charts at Boston, 11th June, 1817.

ANTH: BARCLAY,  
Secretary 4th Art. Tr. Ghent.

A true copy.

Attest,

ANTH: BARCLAY,  
Secretary.



APPENDIX, No. XXXVII.

EXTRACTS.

FROM THE

COMMISSIONS OF GOVERNORS OF NEW BRUNSWICK.

GUY CARLETON, 1786.

*Fifth part of Patents in the twenty-sixth year of King George the Third.*

SIR GUY CARLETON, K. B.

*Governor of New Brunswick.*

George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To our trusty and welbeloved Sir Guy Carleton Knight of the Most Honorable Order of the Bath Greeting Whereas wee did by our Letters Patent under our Great Seal of Great Britain bearing date at Westminster the sixteenth day of August in the twenty-fourth year of our Reign constitute and appoint Thomas Carleton Esquire to be our Capia in General and Governor in Chief in and over our Province of New Brunswick in America bounded as in our said recited Letters Patent was mentioned and expressed Now know ye that wee have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause matter and thing therein contained And further know ye that wee reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir Guy Carleton of our special grace certain knowledge and mere motion have thought fit to appoint you the said Sir Guy Carleton to be our Captain General and Governor in Chief in and over our Province of New Brunswick in America bounded on the westward by the mouth of River Saint Croix by the said River to its source and by a line drawn due north from thence to the southern boundary of our Province of Quebec to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Bay called Bay Verte to the south by a line in the centre of the Bay of Fundy from the River Saint Croix aforesaid to the mouth of the Musquat River by the said River to its source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all Islands within six leagues of the Coast with all the rights members and appurtenances whatsoever thereunto belonging.

Appendix.  
No. 37.

Extracts from the  
Commissions of  
the Governors of  
New Brunswick.  
Guy Carleton, 1786.

Witness ourself at Westminster the twenty-seventh day of April in the twenty-sixth year of our Reign.

*By Writ of Privy Seal.*

Appendix.  
No. 27.

Extracts from the  
Commissions of  
the Governors of  
New Brunswick.  
James H. Craig,  
1807.

**JAMES HENRY CRAIG, NEW BRUNSWICK, 1807.**

*Twelfth part of Patents in the forty-seventh year of King George the Third*

**SIR JAMES HENRY CRAIG K. B.**

*Governor of New Brunswick.*

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our trusty and welbeloved Sir James Henry Craig Knight of the Most Honorable Order of the Bath Lieutenant General of our Forces Greeting Whereas we did by our Letters Patent under our Great Seal of Great Britain bearing date *the twenty-eighth day of February in the thirty-seventh year of our Reign constitute and appoint* our trusty and welbeloved *Robert Prescott Esquire* Governor General of our Forces to be our Captain General and Governor in Chief in and over our Province of *New Brunswick* in America bounded on the westward by the mouth of the River Saint Croix by the said River to its source and by a line drawn due north from thence to the southern boundary of our Province of *Quebec* to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Bay called the Bay Verte to the south by a line in the centre of the Bay of Fundy from the River St. Croix aforesaid to the mouth of the Musquat River by the said River to its source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all Islands within six leagues of the Coast with all the rights members and appurtenances whatsoever thereunto belonging Now know you and wee have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause article and thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir James Henry Craig of our especial grace certain knowledge and meer motion have thought fit to *appoint you the said Sir James Henry Craig* to be our Captain General and Governor in Chief in and over our said Province of *New Brunswick* bounded as hereinbefore described.

In Witness &c. Witness &c. the twenty-ninth day of August.

*By Writ of Privy Seal.*

**SIR GEO. PREVOST, NEW BRUNSWICK, 1811.**

*First part of Patents in the fifty-first year of King George the Third.*

**SIR GEORGE PREVOST Bart.**

*Governor of New Brunswick.*

Sir Geo. Prevost,  
1811.

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our trusty and welbeloved Sir George Prevost Baronet Lieutenant General of our Forces Greeting Whereas we did by our Letters Patent under our Great Seal of our United Kingdom of Great Britain and Ireland bearing date the twenty-ninth day of August one thousand eight hundred and seven in the forty-seventh year of our Reign constitute and appoint our trusty and welbeloved *Sir James Henry Craig* Knight of the Most Honorable order of the Bath Lieutenant General of our Forces to be our Captain General and Governor in Chief in and over our Province of *New Brunswick* in America bounded on the westward by the mouth of the River Saint Croix by the said River to its source

and by a line drawn due north from thence to the southern boundary of our Province of Quebec to the northward by the said boundary as far as the western extremity of the Bay de Chaleurs to the eastward by the said Bay and the Gulph of St. Lawrence to the Bay called Bay Verte to the south by a line in the centre of the Bay of Fundy from the River St. Croix aforesaid to the mouth of the Musquat River by the said River to its source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all Islands within six leagues of the Coast with all the rights members and appurtenances whatsoever thereunto belonging Now know you that we have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause article and thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir George Prevost of our especial grace certain knowledge and meer motion have thought fit to appoint you the said *Sir George Prevost* to be our Captain General and Governor in Chief in and over our said Province of New Brunswick bounded as hereinbefore described.

Appendix.  
No. 37.

Extracts from the  
Commissions of the  
Governors of New  
Brunswick.

Sir Geo. Prevost,  
1811.

In witness &c. Witness &c. the twenty-first day of October.

By Writ of Privy Seal.

#### J. C. SHERBROOKE, NEW BRUNSWICK, 1816.

*Seventh part Patents of the fifty-sixth year of King George the Third.*

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our trusty and welbeloved Sir John Coape Sherbrooke Knight Grand Cross of the Most Honorable Military Order of the Bath Lieutenant General of our Forces Greeting We reposing especial trust and confidence in the prudence, courage and loyalty of you the said Sir John Coape Sherbrooke of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you the said *Sir John Coape Sherbrooke* to be our Captain General and Governor in Chief in and over our Province of New Brunswick in America bounded on the westward by the mouth of the River St. Croix by the said River to its source and by a line drawn due north from thence to the southern boundary of our Province of Quebec to the northward by the said boundary as far as the western extremity of the Bay de Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Bay called Bay Verte to the south by a line in the centre of the Bay of Fundy from the River St. Croix aforesaid to the mouth of the Musquat River by the said River to its source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all Islands within six leagues of the Coast with all the rights members and appurtenances whatsoever thereunto belonging.

J. C. Sherbrooke,  
1816.

In witness &c. Witness &c. the tenth day of April.

By Writ of Privy Seal.

#### DUKE OF RICHMOND, NEW BRUNSWICK, 1818.

*Eighth part Patents of the fifty-eighth year of King George the Third.*

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our right trusty and right entirely beloved Cousin and Councillor Charles Duke of Richmond Knight of the Most Noble Order

Duke of Richmond  
1818.

*Appendix.*  
No. 37.

Extracts from the  
Commissions of the  
Governors of New  
Brunswick.  
Duke of Richmond  
1818.

of the Garter General of our Forces Greeting Whereas we by our Letters Patent under our Great Seal of our United Kingdom of Great Britain and Ireland bearing date the tenth day of April one thousand eight hundred and sixteen in the fifty-sixth year of our Reign constitute and appoint our trusty and welbeloved *Sir John Coape Sherbrooke* Knight Grand Cross of the Most Military Order of the Bath Lieutenant General of our Forces to be our Captain General and Governor in Chief in and over our Province of New Brunswick in America bounded on the westward by the mouth of the River St. Croix by the said River to its source and by a line drawn due north from thence to the southern boundary of our Province of Quebec to the northward by the said boundary as far as the western extremity of the Bay de Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Bay called Bay Verte to the south by a line in the centre of the Bay of Fundy from the River Saint Croix aforesaid to the mouth of the Musquat River by the said River to the source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all Islands within six leagues of the Coast with all the rights members and appurtenances whatsoever thereunto belonging Now know you that we have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause article and thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Charles Duke of Richmond of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you the said Charles Duke of Richmond to be our Captain General and Governor in Chief in and over our said Province of New Brunswick bounded as hereinbefore described.

In witness &c. Witness &c. the eighth day of May.

*By Writ of Privy Seal.*

#### **EARL OF DALHOUSIE, NEW BRUNSWICK, 1819.**

*Second part Patents of the first year of King George the Fourth.*

Earl of Dalhousie,  
1819.

George the Fourth by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our right trusty and right welbeloved Cousin and Councillor George Earl of Dalhousie of that part of our United Kingdom called Scotland Knight Grand Cross of the Most Honorable Military Order of the Bath Lieutenant General of our Forces Greeting Know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said *George Earl of Dalhousie* of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you to be our Captain General and Commander in Chief in and over our Province of New Brunswick in America bounded on the westward by the mouth of the River Saint Croix by the said River to its source and by a line drawn due north from thence to the southern boundary of our Province of Quebec to the northward by the said boundary as far as the western extremity of the Bay de Chaleurs to the eastward by the said Bay and the Gulph of Saint Lawrence to the Bay called Bay Verte to the south by a line in the centre of the Bay of Fundy from the River Saint Croix aforesaid to the mouth of the Musquat River by the said River to its source and from thence by a due east line across the Isthmus into the Bay Verte to join the eastern line above described including all Islands within six leagues of the Coast with all the rights members and appurtenances whatsoever thereunto belonging.

In witness &c. Witness &c. the twelfth day of April.

*By Writ of Privy Seal.*

APPENDIX, No. XXXVIII.

EXTRACTS

FROM

THE COMMISSIONS OF GOVERNORS, &c.

OF THE

PROVINCES OF UPPER AND LOWER CANADA.

SIR JAMES HENRY CRAIG, K. B. UPPER AND LOWER CANADA, 1807.

*Twelfth Part of Patents in the Forty seventh year of King George the Third.*

SIR JAMES HENRY CRAIG K. B.

*Governor of Upper and Lower Canada.*

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our Trusty and welbeloved Sir James Henry Craig Knight of the most Honorable Order of the Bath Lieutenant General of our Forces Greeting Whereas we did by our Letters Patent under our Great Seal of Great Britain bearing date *the fifteenth day of December one thousand seven hundred and ninety-six* in the thirty-seventh year of our reign constitute and *appoint our trusty and welbeloved Robert Prescott Esquire* Lieutenant General of our Forces to be our Captain General and *Governor in Chief* of our province of Upper Canada and of our province of *Lower Canada* respectively *bounded by a line to commence at a stone boundary on the north bank of the Lake Saint Francis* at the Cove west of point au Baudet in the limit between the township of Lancaster and the Seigneurie of New Longueuil running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil thence along the north western Boundary of the Seigneurie of Vaudreuil running north twenty five degrees east until it strikes the Ottawas River to ascend the said river into the Lake Tomies Canning and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudson's Bay The province of Upper Canada to comprehend all such Lands Territories and Islands lying to the westward of the said line of Division as were part of our said province of Quebec and the province of *Lower Canada* to comprehend all such Lands Territories and Islands lying to the eastward of the said line of Division as were part of our said province of Quebec Now know you that we have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause matter and thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir James Henry Craig of our especial grace certain knowledge and meer motion have thought fit to constitute and *appoint you the said Sir James Henry Craig* to be our Captain General and *Governor in Chief* of our said province of Upper Canada and of our said province of *Lower Canada* respectively bounded as *hereinbefore mentioned*.

In Witness &c. Witness &c. the twenty ninth day of August.

*By Writ of Privy Seal.*

*Appendix.*  
No. 38.

Extracts from the  
Commissions of the  
Governors of Upper  
and Lower Canada.

Sir James Henry  
Craig, K. B. 1807.

Appendix.  
No. 38.

**SIR GEORGE PREVOST, UPPER AND LOWER CANADA, 1811.**

*Ninth Part of Patents in the fifty-first year of King George the Third.*

Extracts from the  
Commissions of the  
Governors of Up-  
per and Lower Ca-  
nada.

Sir Geo. Prevost,  
1811.

**SIR GEORGE PREVOST BART.**

*Governor of Canada.*

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our trusty and welbeloved Sir George Prevost Baronet Lieutenant General of our Forces Greeting Whereas we did by our Letters patent under our Great Seal of our United Kingdom of Great Britain and Ireland bearing date the 29th day of August one thousand eight hundred and seven in the forty seventh year of our reign constitute and appoint our trusty and well beloved Sir James Henry Craig Knight of the most Honorable order of the Bath Lieutenant General of our Forces to be our Captain General and Governor in Chief of our Province of Upper Canada and of our Province of Lower Canada respectively bounded by a line to commence at a stone boundary on the north bank of the Lake St. Francis at the Cove west of Point au Baudet in the limit between the township of Lancaster and the Seigneurie of New Longueuil running along the said limit in the direction of north thirty four degrees west of the westernmost angle of the said Seigneurie of New Longueuil thence along the north western boundary on the Seigneurie of Vaudreuil running north twenty-five degrees east until it strikes the Ottawa river to ascend the said river into the Lake Tomis Canning and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudson's Bay the province of Upper Canada to comprehend all such lands Territories and Islands lying to the westward of the said line of division as were part of our said province of Quebec and the Province of Lower Canada to comprehend all such lands Territories and Islands lying to the eastward of the said line of division as were part of our said Province of Quebec—Now know you that we have revoked and determined and by these presents do revoke and determine the said recited Letters patent and every clause article or thing therein contained And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir George Prevost of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you the said Sir George Prevost to be our Captain General and Governor in Chief of our said province of Upper Canada and of our said province of Lower Canada respectively bounded as herein before described.

In Witness &c. Witness &c. the twenty-first day of October.

*By Writ of Privy Seal.*

**J. C. SHERBROOKE, UPPER AND LOWER CANADA, 1816.**

*Sixth Part Patents of the Fifty-sixth year of King George the Third.*

J. C. Sherbrooke,  
1816

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our trusty and welbeloved Sir John Coape Sherbrooke Knt Grand Cross of the most Honorable Military order of the Bath Greeting Whereas we did by our Letters patent under our Great Seal of our United Kingdom of Great Britain and Ireland bearing date the twenty eighth day of December one thousand eight hundred and fourteen in the fifty fifth year of our reign appoint our trusty and welbeloved Gordon Drummond Esqr. Lieutenant General of our Forces to administer the Government of our province of Upper Canada and of our province of Lower Canada respectively bounded by a line to commence at a



*stone boundary on the north bank of the Lake St. Francis at the Cove west of Point au Baudet in the limit between the township of Lancaster and the Seigneurie of New Longueuil running along the said limit in the direction of north thirty four degrees west to the westernmost angle of the said Seigneurie of New Longueuil thence along the north western boundary of the Seigneurie of Vaudreuil running north twenty five degrees east until it strikes the Ottawa river to ascend the said river into the Lake Tomis Canning and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudson's Bay—The Province of Upper Canada to comprehend all such lands territories and islands lying westward of the said line of division as were part of our province of Quebec and the province of Lower Canada to comprehend all such Lands Tenements and Islands lying to the eastward of the said Line of division as were part of our said province of Quebec* Now know Ye that we have revoked and determined and by these presents do revoke and determine the said recited Letters patent and every clause article or thing therein contained. And further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir John Coape Sherbrooke of our especial grace certain knowledge and mere motion have thought fit to constitute and appoint you the said Sir John Coape Sherbrooke to be our Captain General and Governor in Chief of our said province of Upper Canada and of our said province of Lower Canada respectively bounded as hereinbefore described.

Appendix.  
No. 38.Extracts from the  
Commission of the  
Governors of Up-  
per and Lower Ca-  
nada.J. C. Sherbrooke,  
1816.

In Witness, &amp;c. Witness &amp;c. the twenty fifth day of March.

By Writ of Privy Seal.

**DUKE OF RICHMOND, UPPER AND LOWER CANADA, 1816.***Eighth Part Patents of the Fifty-eighth year of King George the Third.*

George the Third by the grace of God of the United Kingdom of Great Britain Duke of Richmond and Ireland King Defender of the Faith To our Right Trusty and Right entirely beloved Cousin and Councillor Charles Duke of Richmond Knight of the most Noble order of the Garter General of our Forces Greeting Whereas we did by our Letters patent under our Great Seal of our United Kingdom of Great Britain and Ireland bearing date the twenty-fifth day of March in the fifty-sixth year of our reign constitute and appoint our trusty and welbeloved Sir John Coape Sherbrooke Knight Grand Cross of the most Honorable Military order of the Bath Lieutenant General of our Forces to be our Captain General and Governor in Chief in and over our province of Upper Canada and our province of Lower Canada respectively bounded by a line to commence at a stone Boundary on the north Bank of the Lake St. Francis at the Cove west of Port au Baudet in the limit between the township of Lancaster and the Seigneurie of New Longueuil running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil thence along the north-western boundary of the Seigneurie of Vaudreuil running north twenty five degrees East until it strikes the Ottawa river to ascend the said river into the Lake Tomis Canning and from the head of the said Lake by a line drawn due north until it strikes the boundary Line of Hudson's Bay The Province of Upper Canada to comprehend all such lands territories and Islands lying to the westward of the said line of Division as were part of our Province of Quebec and the Province of Lower Canada to comprehend all such Lands Territories and Islands lying to the eastward of the said line of Division as were part of our said province of Quebec Now know you that we have revoked and determined and by these presents do revoke and determine the said re-

*Appendix.* cited Letters patent and every clause article or thing therein contained And further  
 No. 38. know you that we reposing especial trust and confidence in the prudence courage and  
 loyalty of you the said Charles Duke of Richmond of our especial grace certain know-  
 ledge and meer motion have thought fit to constitute and *appoint you the said Charles*  
*Duke of Richmond* to be our Captain General and Governor in Chief of our said  
 province of Upper Canada and of our said province of Lower Canada respectively  
 bounded as hereinbefore described."

Extracts from the  
 Commission of the  
 Governor of Up-  
 per and Lower Ca-  
 nada.

Duke of Richmond  
 1818.

In Witness &c. Witness &c. the eighth day of May.

*By Writ of Privy Seal.*

# **EARL OF DALEHOUSE, UPPER AND LOWER CANADA, 1819.**

## *Second Part Patents of the first year of King George the Fourth.*

Earl of Dalhousie,  
 1819.

George the Fourth by the grace of God of the United Kingdom of Great Britain  
 and Ireland King Defender of the Faith To our trusty and right welbeloved Cousin  
 and Councillor George Earl of Dalhousie of that part of our United Kingdom called  
 Scotland Knight Grand Cross of the most Honorable Military Order of the Bath Lieu-  
 tenant General of our Forces Greeting Know you that we reposing especial trust and  
 confidence in the prudence courage and Loyalty of you the said *George Earl of Dal-*  
*housie* of our especial grace certain knowledge and mere motion have thought fit to  
 constitute and *appoint you to be our Captain General and Governor in Chief* in  
 and over our province of Upper Canada and in and over our province of Lower Cana-  
 da respectively *bounded by a line to commence at a stone boundary on the north*  
*bank of the Lake St. Francis* at the Cove west of the Point au Baudet in the limit  
 between the township of Lancaster and the Seigneurie of New Longueuil running  
 along the said limit in the direction of north thirty-four degrees west to the western-  
 most angle of the said Seigneurie of New Longueuil thence along the north western  
 boundary of the Seigneurie of Vaudreuil running north twenty-five degrees east until  
 it strike the Ottawas River to ascend the said river into the Lake Tomis Canning and  
 from the head of the said Lake by a line drawn due north until it strikes the bounda-  
 ry line of Hudson's Bay The Province of Upper Canada to comprehend all such lands  
 Territories and Islands lying to the westward of the said line of division as were part  
 of our Province of Quebec and *the province of Lower Canada to comprehend all*  
*such lands Territories and Islands lying to the eastward of the said line of Di-*  
*vision as were part of our said province of Quebec.*

In Witness &c. Witness &c. the twelfth day of April.

*By Writ of Privy Seal.*

APPENDIX, No. XXXIX.

EXTRACTS

FROM

PINKERTON'S MODERN GEOGRAPHY, REES' CYCLOPÆDIA,

AND

SUPPLEMENT TO ENCYCLOPÆDIA BRITANNICA.

MODERN GEOGRAPHY, BY JOHN PINKERTON.

"SCOTLAND.—CHAPTER IV.

"Face of the country.—The face of the country is in general mountainous, to the extent, perhaps, of two thirds; whence the population is of necessity slender, in comparison with the admeasurement. But the name of Highlands is more strictly confined to Argyleshire, the coast of Perthshire, and of Inverness; and the entire counties of Ross, Sutherland, and Caithness."

*Appendix.*  
No. 39.

Extract from Pinkerton's Geography.

EXTRACT

FROM GUTHRIE'S GEOGRAPHICAL GRAMMAR.—SCOTLAND.

"Boundaries.—Scotland is bounded on the South by England; and on the North, East, and West, by the Deucaledonian, German, and Irish seas, or more properly, the Atlantic Ocean."

Extract from Guthrie's Geographical Grammar.

THE CYCLOPEDIA.

BY ABRAHAM REES.

"Highlands, a natural division of Scotland, formed by the Grampian Mountains, and including the northern and mountainous Provinces, and applied to this part of the country in contradistinction to the "Lowlands," which comprehend the southern districts. The appellation of Highlands is more strictly confined to Argyleshire, the coast of Perthshire, and of Inverness, and the entire counties of Ross, Sutherland, and Caithness, extending also to the Hebrides or Western Isles. The whole of this district is wild, rugged, and mountainous, separated by vales, from which the direct rays of the sun are for some months intercepted by the elevated mountain, and into which the rivers flowing from them are precipitated."

Extract from Rees' Cyclopædia.

*Appendix.*  
No. 39.

Extracts from Supplement to Encyclopædia Britannica.

Page 570.

**EXTRACT**

FROM THE SECOND VOLUME OF THE SUPPLEMENT TO THE ENCYCLOPÆDIA  
BRITANNICA.—ARTICLE "CALEDONIAN CANAL."

"So early as the year 1773, *Mr. James Watt, of Soho*, to whom mankind and the arts are so much indebted for his improvements in the steam engine, was appointed by the Trustees or Commissioners for certain forfeited estates in Scotland, to make a survey of the central Highlands. Mr. Watt, in his report to that public body, recommended, amongst other improvements for the Highlands, the formation of the Crinan Canal, which has, long since, been executed, and also the Caledonian Canal, from Inverness to Fort William, now in progress, and which we are immediately to describe."

The Lords of the Treasury, in 1802, directed Mr. Telford, Civic Engineer, to make a survey of the coasts and central Highlands of Scotland. The Report which he in consequence drew up, involves a variety of considerations connected with the improvement of the Highlands, and the employment of the population of these districts; but the part of it which we are more particularly to consider, is that which refers to the proposition of an inland navigation from Loch Beaulieu and the German Ocean on the Eastern Coast, to Loch Eil and the Atlantic Ocean on the Western Coast."

Page 577.

"The extent of the navigation comprehended in the middle district is about twelve miles. The whole height from the Beaulieu Firth or the East Sea to Loch Oich, the summit level of the canal, is stated at about 94 feet; and as 53 feet of this has been overcome in rising to Loch Ness, it appears that about 41 feet will form the rise of the lockage of the middle district, while the fall on the western side to Loch Eil is only 90 feet."

APPENDIX, No. XL.

EXTRACTS.

FROM

POWNALL'S TOPOGRAPHICAL DESCRIPTION

OF

PART OF THE MIDDLE BRITISH COLONIES IN AMERICA.

"In like Manner the Courses and the Currents of the great Rivers, with their attendant Streams and Rivulets, by the line of their course, and by the Nature of the current with which they flow, mark the *Height of the Land*, the Declination of its sides, and its abrupt Descents or level Plains."

*Appendix.*  
No. 40.

Extract from Pownall's Topographical Description of Canada.

"When we proceed to a more exact detail of this Country, so as to examine it in its parts, we must observe, that as the Country in General is divided into different Stages, so the general Face of it contained in this map is divided into Two distinct and very different Tracts of Country, viz: Into that Part which lies W. and S. W. of Hudson's River, and that which is E. and N. E. of Hudson's River and Lake Champlain. This specific Difference will be marked in the descriptions which I shall give of each part. It will be sufficient here to say, that the mountains of the Western Division, beginning from an immense high Tract of land lying in the Angle formed by the Mohawks and Hudson's Rivers, go off in an Angle from Hudson's River in one general Trending in parallel and uniform Ranges of Ridges South Westerly to West Florida and Louisiana. The mountains of the other division on the east side of the River run in like uniform Ranges, but in a Direction almost due North and South parallel to the River, and end in steep ridges and bluff Heads at or near the Coast on Long Island Sound: And in the Latitude 45 or thereabouts, *turning Eastward run away to the Gulf of St. Lawrence.*"

Page 9.

"The Hudson's River arises from Two main Sources derived by Two Branches which meet about Ten miles above Albany, the one called the Mohawks' River (rising in a *flat level Tract* of Country, at the very *Top or Height of the Land* to Westward) comes away E. and S. E. at the foot, on the North Sides of the Mountains, which the Indians call by a Name signifying the Endless Mountains."

Page 10.

"From the junction of these Branches, under the name of Hudson's River, it runs nearly South, and passing what is called the Narrows, between Long Island and Staten Island, runs out to Sea by Sandy Hook; in its course it passes by the City of Albany, and then under the Eastern Foot of the Kaats'-kill Mountains and the Highlands of 'Sopos; but the extraordinary and very singular Passage which it has, is through a Range of very high and mountainous Lands, about 12 miles across, called the Highlands, running directly athwart its course; for as though a Chasm had been split in this Range of Mountains to make way for it, it passes in a deep still channel near a mile

Page 11.

*Appendix.* broad, with one zigzag only, through these Mountains piled up almost perpendicular  
*No. 40.* to a most astonishing height on each side of it."

Extracts from  
 Powell's Topo-  
 graphical Descrip-  
 tion of Canada.

Page 13.

"Between the northern Part of the Hudson's River and the Southern Parts of the Lakes and Drowned Land, is *the Height of the Land* of about 12 or 14 Miles Breadth, whence the waters run different ways, Part to the South, Part to the North; over this Portage to Lake George is a Waggon Road.

"The Country between the Drowned Lands and Lake George, as the journals of the European Scouts both French and English describe it, also according to the information which the Indians give of it, is a very impracticable Country."

Page 14.

"This vale is bordered on the West by a range of the *Chicabé Mountains*, these terminate a little below East Hadham, and the face of the Country spreads in like manner into hilly Land, (which also form the East Boundary of the vale of Connecticut,) and on the East by one of the ranges of the *Oulitchuset Mountain* continuing South to Stonington. Going from the same line in *Lat. 45, of the greatest Height of this Range* of Mountains, and following them to the *East northerly*: They all seem to range as united until again divided by the *Bay of Chaleurs*, an arm of the Gulf of St. Lawrence.

"All the Rivers which have their Sources amidst the *Northern Ridges* of this great Range, fall into *Canada or St. Lawrence River*, as the *St. Francis*, *Chaudiere*, and many others. All which have their sources amidst the *Southern Ridges*, fall into the *Bay of Fundé* or into the *main Ocean*; their rise are almost universally from Lakes and Ponds, great Part of their first courses lie in the valleys amidst the mountainous Ridges in the forms of drowned Swampy lands, or a succession of Ponds; and while they do so their courses are generally, I might say universally, from *West to East*: Whenever through Gaps or intersections they can get *away Southward*, they do so, tumbling over almost continued Falls across the Ranges. If they happen to find a course along the side of any Spur or Branch which runs South, it is otherwise, and their courses are free. But the other circumstance being that which forms in general their characteristic Nature; these Rivers in general are very little capable of Marine Navigation to any length of Course within the Country; *St. John's River* in Nova Scotia *excepted*.

"Connecticut River. This River rises in North Latitude  $45^{\circ} 10'$ , at the Height of the Land in Longitude 4, East of the Meridian of Philadelphia. It hath its Birth in a Swampy Cove at the Height of the Land; after having slept for Eight or Ten Miles in this state of Infancy, it leaves the place of its Birth by tumbling over Four separate Falls; it then turns to the West, and keeps close under the Hills which form the northern Boundary of the Vale in which it runs. and in Ten Miles further Course runs under the Little *Monadnæg Mountains* for about Four miles, at the End it turns round a high Sharp Point, and for about a Mile runs North West, till coming under a high Hill it turns again to the South West; at Two Miles and a Half Distance from hence, a little River called *Leak's Stream* falls into it, coming down a Valley from the North West. This Stream interlocks with some of the Heads of *St. Francis's Waters*, and has been formerly an Indian Road. From hence, running under the Hills of the Western Boundary of the Vale, it comes in Six or Seven Miles Course to the Grand *Monadnæg Mountains* on the West; as it runs Eight or Ten Miles further Course, it approaches the Mountains on the East side of the Vale, and runs under rocky Mountains on the East. Almost opposite to this, in a flat Swampy Interval on the West Shore, there is a Mineral Spring. About Eight Miles below this is the beginning of a new Settlement, the First in the Course of this River; about Four Miles lower, opposite to the *Leak's River*, which falls into it from the East, are two more Settlements."



"The Eastern Range begins by an humble lowly Birth about Hopkington, Helliston, or Medford; the eastern Ridge of this keeps a Course North by Concord, and runs across the River Merrimac at Pantookaëg Falls, it begins to grow more considerable in the Province New Hampshire, and runs up into a high Ridge called Tower Hill; it is depressed again, and again rises into rather a higher Ridge called Saddleback Mountain: It subsides, but soon again rises in what is called Packer's Hill, it then ranges along the East of Winipisloeket Pond, and at the North East Bay of that runs up into very high Mountains called Ossipee Hills; it continues then the same Northern Course, and in Latitude 44, rises into the highest Mountains of this whole eastern Division called the White Hills, the Peak or Top of which being bare rocks of a White Grit and Talk, and bleached by the eternal Beating of the weather, has a very uncommon appearance: These Hills, although more than 70 Miles within Land, are seen many Leagues off at Sea, and always appear like an exceeding bright cloud in the Horizon. A Ridge of the same range, the next to the Westward, running on the West side Winipisloeket Pond, runs up at the North West Bay into a high Mountain of red shelly Land, and is called the Red Hill or Mountain; this Range falls also in with the White Hills. A Range running hence crosses the East Boundary Line of New-Hampshire in Latitude 44, and trending North East forms the height of the Land between Kenebaëg and Chaudiere Rivers: *of the Nature and Course of this high Land in these Parts I am totally uninformed*; and the Map in these Parts is so engraved as not to assume any great authority.

"All the Rivers in the eastern Parts of New England, arising amidst the South and South Eastern Ridges of this high Range, generally spring from Lakes, great Ponds, or boggy Swamps in the Vales: While they run or rather creep along the Course of these Vales, their Beds are broad and seem rather like a succession of Ponds than the Channels of Rivers; but as the Southern Ridges are much lower than the Northern ones, these Rivers get away South through the first Gap or Interlocking, or along the first Spur which sets off, and tumble across the several strata in broken currents over rifts and Cataracts almost to their mouths. They are from this circumstance capable of admitting Marine Navigation but a very little way within Land. It is generally stopt at about 20 or 30 Miles by Falls. The Projection of the Rivers in this Part of the Map may be depended upon, being laid down from actual surveys. Of each of these Rivers and of the Coast I shall speak separately.

"All the Rivers which arise amidst the Northern Ridges fall into St. Lawrence River, the Heads of these Two Sets of Waters interlock with each other, and in the travelling this Country in its natural Wilderness State, which is conducted by means of and along these Waters, very short Portages over Land form the communication."

"Between this high mountainous Tract and the Ocean, both in its northern and in its eastern Range, there is a Piedmont of irregularly broken hilly Land. Of that in the eastern Parts of New England, especially East of Penobscëg, I can say nothing with accuracy, and will therefore say nothing at all. I have struck out of my Map most of the Hills which I found drawn in the Surveys whence I had the Rivers copied, as I suspected they were laid down too much ad libitum. I will not in these parts vouch for even those which remain, except within the line of my Scouting Parties from Penobscet to Kenebaëg, and on the back of the settlements of the Counties of York and Cumberland."

"The River Pasam-Aquâda, or Possam-Accâda, which runs into a Bay so called, is the supposed eastern Boundary of New England; to the East of this begins Aquâda or Nova Scotia; an incertain River St. Croix is the nominal Boundary. But as the French, according to their mode of taking possession, always fixed a cross in every

Appendix.  
No. 40.

Extracts from Pownall's Topographical Description of Canada.

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*Appendix.*  
No. 40.

Extracts from Powell's Topographical Description of Canada.

Page 30.

River they came to, almost every River on this Coast of Sagadahoc has in its turn been deemed by them *La Riviere de St. Croix*. Under Equivocation of this general Appellative they have amused our Negotiators on every occasion.

"The source of *Pasam-Aquada* River is formed by a succession of Lakes and Swamps running East 42 Miles; it then takes the form of a River and runs East North East eight Miles and an half; then South and by East 12 Miles, then makes a Bend of about 10 Miles Course, running round by South, till it returns to the same Parallel at the distance of five miles and an half East; it turns then to the South, and here are the great Falls where Marine Navigation ends; hence it runs South East six miles, and then South and by East six more to its mouth."

"From the North East Point of *Madombédeig* the Shore trends North East and by North, about 15 miles to *Pasadumkéig* (or Pumpking) Point, which forms the West Point of the Mouth of *Penobskéig* River, as *Pegouit* or *Cape Razier* does the Eastern. The River at this entrance is about point blank shot over."

Page 31

"For Nine Miles above the Falls the River puts on the Appearance of a Lake Two Miles wide, lying North and South, and being full of Islands: The old *Penobsket* Indian Town stood at the bottom of this, at the Head of the Falls. Here, and below on the western Banks of the River, were old worn-out clear Fields, extending four or five Miles. Six Miles higher up North, where *Pasadamkéig* River comes in from the East, is *Pasadamkéig* Indian Town, to which scite the *Penobskéigs* were removed. About Two Miles and an half above this one meets another fork of two Branches, one comes South East about 11 miles from *Sebaig* Pond, the main one from the North two Miles. East North East six miles higher is *Ma-áda-uamkéig* Indian Town, the River comes to this place South East about 16 Miles from some ponds whence it takes its Source."

Page 32.

"As the River *Kennebaeg* has been now rendered famous as a pass, by a March of some spirit and enterprize made by the Americans, following its course; across the land to *St. Lawrence* or *Canada* River, I shall here give a more particular and detailed description of it than I should otherwise have entered into.

"This River, in the year 1754 and 1755, was talked of as a Route by which an Army might pass, the best and shortest way to attack *Canada* and *Quebec*. The route was supposed to be by an Indian path and carrying-place, which going off from *Kennebaeg* about eight or ten miles above *Noridgewaig*, in a North West course of six or seven Miles, came to a pond which issued into the River *Chaudiere*. Some such information had been given to government; it was of the utmost importance that Government should not be misled. In the year 1756, I had an opportunity of inquiring into this matter by scrutinizing a Journal given to me, and signed by Captain *Hobbs* and Lieutenant *Kennedy*, and by examining the journalists themselves as to the authority of the particulars. I found enough to be convinced that this supposed pass was mere conjecture, taken upon trust of *Bartholemon* an Indian, who was found to be false and a spy, and was in 1755 shot by our own people as he was attempting to desert. Government therefore was early cautioned against this misinformation. When I was Governor of the Province of *Massachusetts' Bay*, I had this route particularly investigated, by Ensign *Howard* a Country Surveyor, under the direction of Captain *Nicholls* who commanded at *Fort Frederick*. Instead of a short pass of some eight or ten miles of easy Portage, this Indian path turned out to be a route, on a line as the bird flies, of near 50 miles over land, impracticable to an Army that hath a train of Artillery and heavy baggage. It appeared however that (although a difficult and very laborious route) it was practicable to any body of Men who should go light armed, as a scouting party, either to reconnoitre or to break up settlements. The sort of march

which Arnold and his people experienced, has confirmed this account, given 17 or 18 years ago. After taking possession of the Penobskaëg Country, I had all the eastern branches of this river traced to their Sources, and the Communications between them and the waters of Penobskaëg scrutinized by constant scouting parties. A general Map which I had plotted down from these routes and journals, together with Surveys of the Rivers, is the authority to this Map in these parts.

"This River Kenebaëg to begin from its principal Branch, may be described as rising on the Height of the Land in North Latitude  $45^{\circ} 20'$ , and in east Longitude, from Philadelphia,  $5^{\circ} 10'$  or thereabouts; its source is from a little pond, and the first courses of its Birth a succession of Ponds or drowned Lands, Swamps, and Falls. Its first general course is 30 miles South East; it then makes a great Bow whose string (lying East and by South and West and by North) is 12 miles. It then runs North-easterly nine miles and an half, and then tumbling over Fall's North East 10 miles, joins the North Branch. The North Branch is said (I speak not here from the same degree of authority) to arise in and issue from a little pond about 16 miles North of this Crotch, from whence (it is likewise said) there is a carrying-place of 13 or 14 miles to an eastern Branch of the Chaudiere River. This was represented to me as the shortest route to Canada, but I do not find in my journals that I have set this down as confirmed or sufficiently authenticated."

"There is a communication between Penobscaëg and Kenebek Rivers, with very short portages from Fort Pownall to Fort Halifax, by a succession of Ponds and by Sebastocoog River. There is a like communication of a still shorter course between the Branches of these Rivers at their Heads. There is likewise a very easy communication between the East Branches of Penobscaëg and the Sources of Passamaquada Rivers

"At the Back of York Township is a very high Peak called Agamantiecos, from hence the Ridges of the Hills of these parts range North East under various local Names.

"The Ranges in York and Cumberland Counties trend to the Northward of North East, those in the County of Lincoln, East of Kenebaëg next the Coast do so likewise, but within land they trend more and more to the East of North East. All the Heads of Kenebaëg, Penobskaëg, and Passam-aqudda River are on the Height of the Land running East North East."

"The South Mountain is not in Ridges like the Endless Mountains, but in small, broken, steep, stony Hills; nor does it run with so much regularity. In some places it gradually degenerates to nothing, not to appear again for some miles, and in others spreads several miles in breadth. It runs in more regular Ridges through Virginia under the name of the Blue Ridge Pignut and South Mountain; after it has passed the Maryland, it spreads in more regular Hills, the North Ridges of which trending North for about 13 miles approach near to the Kittatinny Ridge; but resuming again the main course the Hills of this Mountain range along between Yellow Breeches and Conaweggy Creeks to the River Susquehanna opposite to the mouth of Swatara creek, and continue North East, under the names of the Flying and Oley Hills, through Pennsylvania to the Delaware: Its Southern Ridge runs off East North East by Hanover to Susquehanna, where Pequa Creek falls into it, and thence to Trenton. In New Jersey, the Northern Hills narrow and rise again into the form of a Ridge, and it is called Mescapeteung; and in New York the Highlands."

"We know from observation how much higher the Atlantic Ocean is than the Pacific, and how it is piled up against the American Coast on the western shore of the Gulf of Mexico, driven thither by the Trade Winds and attraction of the Moon and Sun."

Appendix.  
No. 40.

Extracts from Pownall's Topographical Description of Canada.

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APPENDIX, No. XLI.

EXTRACTS

FROM

McKENZIE'S GENERAL HISTORY OF THE FUR TRADE

FROM

CANADA TO THE NORTH-WEST.

From the first volume of his *Voyages* through the Continent of North America, in the years 1789 and 1793.  
LONDON, 1802.

Appendix.  
No. 41.

Extracts from Mc-  
Kenzie's History  
of the Fur Trade.

1st Extract, p. 40.

"The place where the goods alone are carried, is called a *Décharge*, and that where goods and canoes are both transported overland, is denominated a *Portage*."

2d Extract, p. 28.

"It will not be superfluous in this place to explain the general mode of carrying on the fur trade. . . .

p. 32.

. . . . . We shall now proceed to consider the number of men employed in the concern; viz. fifty clerks, seventy-one interpreters and clerks, one thousand one hundred and twenty canoe men, and thirty-five guides. Of these, five clerks, eighteen guides, and three hundred and fifty canoe men were employed for the summer season, in going from Montreal to the Grand Portage in canoes. . . .

p. 35.

. . . . . The necessary number of canoes being purchased, . . . . . they are then dispatched from La Chine, eight miles from Montreal, with eight or ten men in each canoe. . . . . Leaving La Chine, they proceed to St. Ann's, within two miles of the Western extremity of the Island of Montreal, the lake of the two mountains being in sight, which may be termed the commencement of the Utawas River."

3d Extract, p. 42.

. . . . . "From whence, including the rapids of Matawoen, where there is no carrying place, it is about thirty-six miles to the forks of the same name, in latitude  $46\frac{1}{2}$  North, and longitude  $78\frac{1}{2}$  West, and is at the computed distance of four hundred miles from Montreal. At this place the Petite Riviere falls into the Utawas. . . . The Petite Riviere takes a South-West direction, is full of rapids and cataracts to its source, and is not more than fifteen leagues in length, in the course of which are the following interruptions:" . . . . .

4th Extract, p. 43.

"The last in this River is the Turtle Portage, eighty-three paces, on entering the lake of that name, where indeed the River may be said to take its source. From the first vase to the great river the country has the appearance of having been overrun by fire, and consists in general of huge, rocky hills. The distance of this Portage, which is the height of land between the waters of the St. Lawrence and the Utawas, is one thousand five hundred and thirteen paces to a small canal, in a plain, that is just sufficient to carry the loaded canoe, about one mile to the next vase, which is seven hun-

dred and twenty-five paces. It would be twice this distance, but the narrow creek is dammed in the beaver fashion to float the canoes to this barrier, through which they pass, when the river is just sufficient to bear them through a swamp of two miles to the last vase, of one thousand and twenty-four paces in length. Though the river is increased in this part, some care is necessary to avoid rocks and stumps of trees. In about six miles is the lake Nepisingui, which is computed to be twelve leagues long, though the route of the canoe is something more; it is about fifteen miles wide in the widest part, and bounded with rocks. Its inhabitants consist of the remainder of a numerous converted tribe called Nepisinguis of the Algonquin nation. Out of it flows the Riviere des Frangois over rocks of a considerable height."

Appendix.  
No. 41.

Extracts from Mr.  
Knox's History  
of the Fur Trade.  
4th Extract, p. 45.

"The distance to Lake Huron is estimated at twenty-five leagues, which this river enters in the latitude 45. 53 North; that is at the point of land three or four miles within the lake. There is hardly a foot of soil to be seen from one end of the French River to the other, its banks consisting of hills of entire rock. The coast of the lake is the same, but lower, backed at some distance by high lands. The course runs through numerous islands to the North of West, to the river Tessalon, computed to be about fifty leagues from the French river, and which I found to be in latitude 46. 12. 21 North, and from thence . . . the route changes to the south of West ten leagues to the Detour. . . . From the Detour to the Island of Michilimackinae, at the confluence of the Lakes Huron and Michigan, in latitude 45. 54 North, is about forty miles. To keep the direct course to Lake Superior, the north shore from the river Tessalon should be followed; crossing to the North-West end of St. Joseph, and passing between it and the adjacent islands, which makes a distance of fifty miles to the fall of St. Mary, at the foot of which, upon the South shore, there is a village, formerly a place of great resort for the inhabitants of Lake Superior, and consequently of considerable trade. . . . This being therefore the depot for transports, the Montreal canoes on their arrival were forwarded over Lake Superior. . . . At length they all arrive at the Grand Portage, which is one hundred and sixty leagues from St. Mary's coast ways, and situated on a pleasant Bay on the North side of the lake, in latitude 48 North, and longitude 90 West from Greenwich. . . . This lake may be denominated the grand reservoir of the River St. Lawrence, as no considerable rivers discharge themselves into it. The principal ones are, the St. Louis, the Nipigon, the Pic, and the Michipicoten. Indeed the extent of country from which any of them flow, or take their course in any direction, cannot admit of it, in consequence of the ridge of land that separates them from the rivers that empty themselves into Hudson's-Bay, the gulph of Mexico, and the waters that fall in Lake Michigan, which afterwards become a part of the St. Lawrence."

5th Extract, p. 45.

p. 47.

p. 49.

p. 50.

6th Extract, p. 55

p. 56.

p. 59.

p. 62.

"I shall now leave these geographical notices to give some further account of the people from Montreal.—When they are arrived at the Grand Portage which is near nine miles over, each of them has to carry eight packages of such goods and provisions as are necessary for the interior country. . . . The trade from the Grand Portage is in some particulars carried on in a different manner with that from Montreal. The canoes used in the latter transport, are now too large for the former, and some of about half the size are procured from the natives. . . . In these canoes thus loaded, they embark at the north side of the Portage, on the river Au Tourt, which is very inconsiderable. . . . Over against this is a very high, rocky ridge, on the south side, called Marten Portage, which is but twenty paces long, and separated from the

*Appendix.*  
No. 41.

Extracts from Mc  
Kenzie's History  
of the Fur Trade.  
8th Extract, p. 62.

Pêche Portage, which is four hundred and eighty paces, by a mud-pond covered with white lilies. From hence the course is on the lake of the same name, West-South-West, three miles to the height of land where the waters of the Dove, or Pigeon River terminate, and which is one of the sources of the Great St. Lawrence in this direction. Having carried the canoe and lading over it, six hundred and seventy-nine paces, they embark on the Lake of Hauteur de Terre, which is in the shape of an horse-shoe. It is entered near the curve, and left at the extremity of the western limb, through a very shallow channel, where the canoe passes half loaded, for thirty paces with the current, which conducts these waters through the succeeding lakes and rivers, till they discharge themselves by the River Nelson into Hudson's Bay."

7th Extract, p. 76.

"Lake Winipic is the great reservoir of several large rivers, and discharges itself by the River Nelson into Hudson's Bay. The first in rotation next to that I have just described is the Assiniboin, or Red River, which at the distance of forty miles coastwise, disembogues on the South-West side of the Lake Winipic."

p. 80.

"The next River of magnitude is the River Dauphin, which empties itself at the head of St. Martin's Bay on the West side of the Lake Winipic."

p. 81.

"There is no other considerable River except the Saskatchewan, which I shall mention presently, that empties itself into the Lake Winipic."

"Those on the North side are inconsiderable, owing to the comparative vicinity of the high land, that separates the waters coming this way, from those discharging into Hudson's Bay."

8th Extract, p. 93.

"The interruptions in this distance are frequent, but depend much on the state of the waters. Having passed them, it is necessary to cross the Portage de Traite, or, as it is called by the Indians, Athiquisipichigan Ouinigem, or the Portage of the Stretched Frog-skin, to the Missinipi. The waters already described discharge themselves into Lake Winipic, and augment those of the river Nelson. These which we are now entering, are called the Missinipi, or Great Churchill River."

9th Extract, p. 104.

"The River La Loche which in the fall of the year is very shallow, and navigated with difficulty even by half-laden canoes; its water is not sufficient to form strong rapids, though from its rocky bottom the canoes are frequently in considerable danger. Including its meanders the course of this river may be computed at twenty-four miles, and receives its first waters from the Lake of the same name, which is about twenty miles long and six wide; into which a small river flows, sufficient to bear loaded canoes for about a mile and a half, where the navigation ceases; and the canoes with the lading are carried over the Portage la Loche for thirteen miles. This portage is the ridge that divides the waters which discharge themselves into Hudson's Bay from those that flow into the Northern Ocean, and is in the latitude of 56. 20, and longitude 109. 15 West. It runs South-west until it loses its local height between the Saskatchewan and Elk rivers; close on the bank of the former, in latitude 53. 36 North, and longitude 113. 45 West, it may be traced in an Easterly direction toward latitude 58. 12 North, and longitude 103 1/2 West, when it appears to take its course due North, and may probably reach the Frozen Seas."



## APPENDIX, No. XLII.

### EXTRACTS

FROM

### TRAVELS AND ADVENTURES,

IN

### CANADA AND THE INDIAN TERRITORIES,

BETWEEN

THE YEARS 1760 AND 1776.—BY ALEXANDER HENRY, Esq.—NEW YORK, 1809.

*Appendix.*  
No. 42.

Extracts from Henry's Travels in Canada.

Page 37.

“Here, the river called by the French *Petite Rivière*, and by the Indians *Matawa Sipi*, falls into the *Outaouais*. We now left the latter of these rivers, and proceeded to ascend the *Matawa*.”

“Our course in ascending the *Outaouais* had been West-North-West; but on entering the *Matawa*, our faces were turned to the South-West. This latter river is computed to be fourteen leagues in length. In the widest parts it is a hundred yards broad, and in others not more than fifty. In ascending it there are fourteen carrying-places and discharges, of which some are extremely difficult. Its banks are almost two continuous rocks, with scarcely earth enough for the burial of a dead body. I saw Indian graves, if graves they might be called, where the corpse was laid upon the bare rock, and covered with stones. In the side of a hill on the north side of the river there is a curious cave, concerning which marvellous tales are told by the *voyageurs*. Mosquitoes, and a minute species of black fly, abound on this river, the latter of which are still more troublesome than the former. To obtain a respite from their vexations, we were obliged at the carrying places to make fires, and stand in the smoke.

Page 38.

“On the 26th of August, we reached the *Portages à la Vase*, three in number, and each two miles in length. Their name describes the boggy ground of which they consist. In passing one of them we saw many beaver-houses and dams; and by breaking one of the dams, we let off water enough to float our canoes down a small stream, which would not otherwise have been navigable. These carrying places and the intermediate navigation, brought us at length to the head of a small river which falls into *Lake Nipissingue*. We had now passed the country of which the streams fall North-eastward, into the *Outaouais*, and entered that from which they flow in a contrary direction towards *Lake Huron*. On one side of the *height of land*, which is the reciprocal boundary of these regions, we had left *Lake aux Tourtres*, and the *River Matawa*; and before us on the other was *Lake Nipissingue*.”

“Pending this enterprise, I had still pursued the Indian trade; and on its failure I applied myself to that employment with more assiduity than ever, and resolved on visiting the countries to the north-west of lake Superior.”

Page 336.

*Appendix.*  
No. 43.

Extracts from Henry's Travels in Canada.

Page 337.

"In the evening we encamped at the mouth of the Pijitic, a river as large as that of Michipicoten, and which in like manner takes its rise in the high lands lying between Lake Superior and Hudson's Bay. From Michipicoten to the Pijitic, the coast of the Lake is mountainous; the mountains are covered with pine, and the valleys with spruce-fir.

"It was by the River Pijitic,\* that the French ascended in 1750, when they plundered one of the factories in Hudson's Bay, and carried off the two small pieces of brass cannon which fell again into the hands of the English at Michilimackinac."

Page 340.

"Next day at the Portage aux Outardes we left the Groseilles, and carrying our canoes and merchandise for three miles over a mountain, came at length to a small lake. This was the beginning of a chain of lakes, extending for fifteen leagues, and separated by carrying places of from half a mile to three miles in length. At the end of this chain we reached the heads of small streams which flow to the north-westward. The region of the lakes is called the *Hauteur de Terre*, or *Land's Height*. It is an elevated tract of country, not inclining in any direction, and diversified on its surface with small hills. The wood is abundant; but consists principally in birch, pine, spruce-fir and a small quantity of maple."

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\* According to Carver, it was by the Michipicoten. If he is correct, it must have been from Moose Fort, in James's Bay, and not from Fort Churchill, that they took the cannon."

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APPENDIX, No. XLIII.

EXTRACTS

FROM

BOUCHETTE'S TOPOGRAPHICAL DESCRIPTION

OF

THE PROVINCE OF LOWER CANADA,

WITH

REMARKS UPON CANADA, AND THE RELATIVE CONNECTION OF BOTH PROVINCES  
WITH THE UNITED STATES OF AMERICA.—LONDON, 1815.

"At the time this Country fell under the English Government, the feudal system universally prevailed in the tenure of lands, and which, as before mentioned, still continues with respect to such as were then granted; but the townships and tracts disposed of by the British Administration have been granted in free and common soccage; only two or three instances to the contrary being known.

"By the ancient custom of Canada, lands were held immediately from the King *en fief*, or *en roture*, on condition of rendering fealty and homage on accession to the seignorial property; and in the event of a transfer thereof, by sale or otherwise, except in hereditary succession, it was subject to the payment of a *quint*, or the fifth part of the whole purchase money, and which, if paid by the purchaser immediately, entitled him to the *rabat*, or a reduction of two-thirds of the *quint*. This custom still prevails."

Appendix.  
No. 43.

Extracts from Bouchette's Topographical Description of Canada.

Page 10.

"Beyond this range, at about fifty miles distance, is the ridge, generally denominated the Land's Height, dividing the waters that fall into the St. Lawrence from those taking a direction towards the Atlantic Ocean, and along whose summit is supposed to run the boundary line between the territories of Great Britain and the United States of America. This chain commences upon the Eastern branch of the Connecticut river, takes a north-easterly course, and terminates near Cape Rosier, in the Gulf of St. Lawrence."

Page 25.

"On the north side of the ridge just described lies the remaining part of Lower Canada yet unnoticed, and which is contained within the Ottawa river, the 81 degree of west longitude, and the 52 parallel of north latitude, intersected laterally by another and higher range of mountains that forms the Land's Height, and divides the waters that empty into the St. Lawrence from those that descend into Hudson's Bay."

Page 28.

"The river St. Lawrence (which, from its first discovery in 1535, has been called by the inhabitants of the Country, to mark its pre-eminence, the Great River,) re-

Page 32.

*Appendix.*  
No. 43.

Extracts from Bou-  
chette's Topogra-  
phical Description  
of Canada.

Page 32.

ceives nearly all the rivers that have their sources in the extensive range of mountains to the northwards, called the Land's Height, that separates the waters falling into Hud-son's Bay still further to the north, from those that descend into the Atlantic, and all those that rise in the ridge which commences on its southern bank, and runs nearly south-westerly until it falls upon Lake Champlain. Of these, the principal ones are the Ottawa, Masquinonge, Saint Maurice, Saint Anne, Jacques Cartier, Saguenay, Betsiamites, and Manicouagan on the north; and the Salmon river, Chateaugay, Chambly or Richelieu, Yamaska, St. Francis, Becancour, Du Chene, Chaudiere, and du Loup on the South."

Page 33

"In the distant range of mountains that form the Land's Height beyond its northern and western shores, several considerable rivers, and numerous small ones, have their rise, which being increased in their course by many small lakes, finally discharge themselves into Lake Superior."

Page 36.

"At the western angle of Lake Huron is Lake Michigan, which, although distinguished by a separate name, can only be considered as a part of the former, deepening into a Bay of two hundred and sixty-two miles in length, by fifty-five in breadth, and whose entire circumference is 731 miles. Between it and Lake Huron there is a peninsula that, at the widest part, is one hundred and fifty miles, along which, and round the bottom of Michigan, runs part of the chain forming the Land's Height to the southward; from whence descend many large and numerous inferior streams that discharge into it. On the north side of Lake Huron many rivers of considerable size run from the Land's Height down to it. One of them, called French river, communicates with Lake Nipissing, from whence a succession of smaller ones, connected by short portages, opens an intercourse with the Ottawa river that joins the St. Lawrence near Montreal."

Page 535.

"**RIVIERE DU LOUP** (the Seigniorship of,) in the county of Cornwallis, fronts the St. Lawrence, joining Granville and Lachenaye on the south-west, and the seigniorship of Isle Verte on the north-east: in the rear it is bounded by waste crown lands. It has nearly five leagues in breadth by two in depth; granted April 5th, 1689, to the Sieurs Villeraie and Lachenaye: Alexander Fraser, Esq. is the proprietor. The general appearance of this seigniorship is uneven and mountainous, but it contains some extensive patches of good arable and very fine meadow land; these are divided into several ranges of concessions; bearing the names of St. André Riviere du Loup, St. Patrick Riviere du Loup, Fraserville, Nouvelle Ecosse, St. George, or Cacona, St. Anthony, St. Andrew, and St. Jacques: the first, a great part of the second, and a little of the third, are in a very good state of cultivation and well inhabited. The whole seigniorship is abundantly timbered with beech, maple, birch, and large quantities of pine. It is watered by several streams, but the principal one is Riviere du Loup, which rises in the High Lands, and flows in nearly a northerly course into the St. Lawrence; on both sides of it the banks are high, until approaching within about three-quarters of a mile of its discharge, where they become low and flat: vessels of twenty-five tons may ascend it as high as the bridge, a little more than half a mile from its mouth. Fraser Lodge, the residence of the owner of the Seigniorship, is situated on the north side of the entrance of the river."

Page 261.

"From the Connecticut River, the height of land on which the boundary is supposed to pass runs to the north-east, and divides the waters that fall into the Saint Lawrence from those flowing into the Atlantic; and which height, after running some dis-

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tance upon that course, sends off a branch to the eastward, that separates the heads of the streams falling into Lake Timiscouata and river St. John, and by that channel into the Bay of Fundy, from those that descend in a more direct course to the Atlantic. The main ridge, continuing its north-easterly direction, is intersected by an imaginary line, prolonged in a course astronomically due north, from the head of the river St. Croix, and which ridge is supposed to be the boundary between Lower Canada and the United States; at least such appears to be the way in which the Treaty of 1783 is construed by the American Government: but which ought, more fairly, to be understood as follows, viz: That the astronomical line running north from the St. Croix should extend only to the first or easterly ridge, and thence run westerly, along the crest of the said ridge, to the Connecticut; thereby equitably dividing the waters flowing into the St. Lawrence from those that empty into the Atlantic *within the limits of the United States*, and those that have their estuaries within the British province of New Brunswick. It is important, and must always have been had in contemplation, that an uninterrupted communication and connection should exist between all his Majesty's North American possessions; but by the manner in which the treaty is insisted upon by the opposite party, a space of more than eighty-five miles would be placed within the American limits, and by which the British provinces would be completely severed; it would also produce the inconvenience of having the mail from England to Quebec carried over that distance of American Territory; and which may either be deemed a matter of indulgence, or complained of as an encroachment, according to the temper of the times. Within this tract also is the Madawaska Settlement, consisting of nearly 200 families, all holding their grants from the British Government. England, at all times high minded and generous, never shrinks from the strict fulfilment of her engagements; even though from oversight, or want of political acuteness in the persons employed, they may have been framed in a way prejudicial to her true interests. But at the same time she has a right to require that the interpretation of them should not be overstrained or twisted from their obvious meaning and intent by a grasping cupidity after a few miles of territory: which if acquired could be but of little available advantage to the other party. To her, however, this tract is of more value, as securing a free access to all the British provinces, without being obliged to the forbearance of any neighboring State for that enjoyment. If, in the final fulfilment of the fourth and fifth articles of the Treaty of 1815, it should be awarded that the claim of the American Government to have the boundary pass along the north-easterly ridge of land is just, and ought to be acceded to, it is very desirable, and even important to his Majesty's Colonies, that one of the instructions to the British Negotiator should be, to secure the communication of this tract of Country, either by exchange or other equivalent means, that the communication from Nova Scotia and New Brunswick with Lower Canada may be henceforth secured from the chance of interruption."

"FOUCAULT (the Seigniory of) in the County of Bedford, is bounded on the north by the Seigniory of Noyan, on the south by the State of Vermont, on the east by Missiqui Bay, and on the west by the Richelieu; it was granted, May 1st, 1743, to Sieur Foucault; two leagues in front by two and a half in depth, and is now possessed by General Burton. The line of boundary between Lower Canada and the United States runs through this Seigniory, whereby a great part of it is placed within the State of Vermont."

#### "DIVISIONS OF LOWER CANADA.

"The Province of Lower Canada is divided into the Districts of Montreal, Three Rivers, Quebec, and Gaspé, which, by proclamation of the Government, dated May 7,

Appendix.  
No. 43.

Extracts from Bon-  
che's "Topogra-  
phical Description  
of Canada."  
Page 91.

*Appendix.* 1792, were subdivided into the following twenty-one Counties, viz: Bedford, Buckingham, Cornwallis, Devon, Dorchester, Edlingham, Gaspé, Hampshire, Hertford, Huntingdon, Kent, Leinster, Montreal, St. Maurice, Northumberland, Orleans, Quebec, Richelieu, Surrey, Warwick, and York. The minor divisions are, 1st. The Seigniories, or the original grants of the French Government under the feudal system; these are again partitioned out into parishes, whose extents were exactly defined by a regulation made in September, 1721, by Messrs. De Vaudreuil and Bigon, assisted by the Bishop of Quebec, and confirmed by an 'Arret du Conseil Superieur,' of the 3d of May, 1722."

No. 43.  
Extrait from Bon-  
chotte's Topogra-  
phical Description  
of Canada.  
Page 86.

#### "THE DISTRICT OF THREE RIVERS

Page 265.

"Lies between those of Montreal and Quebec, is bounded on the south by part of the line of 45 degrees of north latitude; and the ridge of mountains stretching to the north-east; northward its limit is indefinite; or it may be presumed to have only the province boundary for its limit in that direction."

#### "THE DISTRICT OF QUEBEC

Page 371.

"Extends from the Seignior of Grondines, whose western boundary joins the District of Three Rivers, down the St. Lawrence on the north side as far as the River St. John, on the Coast of Labrador; and on the south side from the Seignior of Deschailons as far down as Cape Chat, where it is met by the District of Gaspé; to the southward it is bounded by the ridge of mountains already designated as the north-easterly chain, and on the northward by the 52d degree of north latitude. It contains the Counties of Cornwallis, Devon, Hertford, Dorchester, Hampshire, Quebec, Orleans, and Northumberland; eighty-seven Seigniories, fourteen whole Townships, four that are partly within the District of Three Rivers, eighteen projected Townships, and forty-two parishes. The quantity of land granted in *fief et seigneurie* amounts to 4,352,500 acres, or 5,109,319 French arpents: in free and common socage, 561,234 acres. Of the old tenures, one third part, or perhaps a little less, is under cultivation: in the Townships the proportion under tillage is yet but small."

Page 396.

"DESMAURE, or ST. AUGUSTIN (the Seignior of,) in the County of Hants, fronting the St. Lawrence, is bounded on the north-east by Gaudarville; on the south-west by Pointe aux Trembles, and in the rear by Guillaume Bonhomme and Fausseubault. No official record has been found relative to this grant; consequently its original date and precise dimensions are not known. *Les Dames Religieuses* of the General Hospital of Quebec, to whom the property belongs, in performing fealty and homage on the 19th March, 1781, produced as their title an act of adjudication, dated September 22, 1733; but which was still indecisive of its dimensions, no notice whatever being taken of the extent."

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## APPENDIX.

*Extrait des Titres de Concessions de Terres octroyées en Fiefs dans la Province  
du Bas-Canada.*

ANCE DE L'ETANG.  
ANTAYA.  
ARGENTEUIL.  
AUBERT GALLION.  
BAIE ST. ANTOINE OU LEFEVRE.  
BATISCAN.  
VILLECHAUVE OU BEAUMARNOIS.  
BEAUFORT.  
BEAUJEU OU LACOLLE.  
BEAUMONT.  
AUGMENTATION DE BEAUMONT.  
BECANCOUR.  
BELAIR OU LES ECUREUILS.  
AUGMENTATION DES ECUREUILS.  
BELGIL.  
AUGMENTATION A BELGIL.  
BELLEVUE.  
BERTHIER.  
BERTHIER.  
*Derrière Antaya, Randin, Berthier  
et Chicot.* AUGMENTATION DE BER-  
THIER.  
LE BIC.  
BLEURY.  
BONAVANTURE.  
GUILLAUME BONHOMME.  
BONSECOURS.  
BONSECOURS.  
BONSECOURS.  
BOURCHEMIN.  
BOUCHERVILLE.  
BOURGLOUIS.  
BOURG MARIE, DE L'EST.  
BOURG MARIE DE L'OUEST.  
CAP DE LA MAGDELAINE.  
CAP ST. MICHEL OU LA TRINITE.  
CARUFEL.  
CHAMPLAIN.  
AUGMENTATION DE CHAMPLAIN.  
CHAMBLY.  
CHATEAUGAY.  
CHICOT.  
CLORDON.

CONTRECOEUR.  
COTE DE BEAUFRE.  
COURNOYER.  
COURNOYER.  
COURVAL.  
DERRIERE LA CONCESSION DU SIEUR  
NEVEU AU SUD-OUEST.  
PARTIE EST DE DAUTRE.  
PARTIE OUEST DE DAUTRE.  
D'AUTEUIL.  
DEGUIR.  
DE LERY.  
DE L'ISLE.  
DERRIERE DAUTRE ET LANAURAIE.  
DERRIERE LA CONCESSION DU SIEUR  
NEVEU, AU NORD-EST.  
DEMAURE OU ST. AUGUSTIN.  
DE PEIRAS.  
DE RAMZAY.  
DES CHAMBAULT.  
PARTIE NORD-EST DE DESPLAINES.  
PARTIE SUD-OUEST DE DESPLAINES.  
DU MONTIER.  
DU SABLE.  
DUTORT.  
LES EBOULEMENS.  
BELAIR OU LES ECUREUILS.  
AUGMENTATION DES ECUREUILS.  
L'EPINAY.  
FAUSEMBAULT.  
FOUCAULT.  
FOURNIER.  
GASPE.  
GATINEAU.  
AUGMENTATION A GATINEAU.  
GAUDARVILLE.  
GENTILLY.  
GODEFROL.  
LE GOUFFRE.  
GRAND PABOS.  
GRANDPRE.  
GRANDE RIVIERE.  
GRANDVILLE.

Appendix.  
No. 43.

Extracts from Bon-  
chelle's Topog-  
raphical Description  
of Canada.

GRANDVILLE ET LACHENAIE.

GRANDE VALLÉE DES MONTS.

PARTIE OUEST DES GRONDINES.

PARTIE EST DES GRONDINES.

AUGMENTATION A LA PARTIE EST DE  
GRONDINES.

GUILLAUDIERE.

HUBERT.

ISLET ST. JEAN.

ISLET DU PORTAGE.

ISLE VERTE.

ISLE PERROT, AUDESSUS DE MON-  
TREAL.

ISLE BIZARD, AUDESSUS MONTREAL.

ISLE ST. PAUL, AUDESSUS DE MON-  
TREAL.

ISLE DE MONTREAL.

ISLE JESUS.

ISLE BOUCHARD VIS-A-VIS BOUCHER-  
VILLE.

ISLE ST. THERESE, AU BOUT D'ENBAS  
DE L'ISLE DE MONTREAL.

ISLE BOURDON.

ISLES BEAUREGARD.

ISLES ET ISLETS DANS LE LAC ST.  
PIERRE.

ISLE MORAN, A L'EMBOUCHURE DE LA  
RIVIERE NICOLET.

ISLE DU LARGE.

ISLE D'ORLEANS.

ISLE AUX REAUX.

ISLE STE. MARGUERITE.

ISLE AUX COUDRES.

ISLE D'ANTICOSTI.

ISLES ET ISLETS DE MINGAN.

JACQUES CARTIER.

JOLLIET.

KAMOURASKA.

LABADIE.

LAC DES DEUX MONTAGNES.

AUTRE AUGMENTATION AU LAC DES  
DEUX MONTAGNES.

LA CHENAYE.

CHEVROTIERE.

LAC MATAPEDIACH.

LAC MITIS.

LA DURANTAIE.

AUGMENTATION DE LA DURANTAIE.

LA FRESNAY.

LA MARTINIERE.

LANAUDIERE.

LA NORAYE.

LA PRAIRIE DE LA MAGDELAINE.

LA SALLE.

LA TESSERIE.

LA VALTRIE.

AUGMENTATION A LAVALTRIE.

LAUZON.

LESSARD.

LESSARD.

LEVRARD OU ST. PIERRE LES BEC-  
QUETS.

LIVAUDIERE.

BARONIE DE LONGUEIL.

LOTBINIERE, PREMIERE PARTIE.

LOTBINIERE, SECONDE PARTIE.

LOTBINIERE, TROISIEME PARTIE.

LOTBINIERE, QUATRIEME PARTIE, OU  
AUGMENTATION.

LOUIS GAGNIER, DIT BELLEVANCE.

LOUIS LE PAGE ET GABRIEL TI-  
BIERGE.

AUGMENTATION A LA CONCESSION  
PRECEDENTE.

LUSSAUDIERE.

LUSSON.

GROSHOIS OU MACHICHE.

MAGDELAINE.

FIEF MARANDA, PARTIE NORD-EST.

FIEF MARANDA PARTIE SUD-OUEST.

PARTIE NORD-EST DE MASQUINONGE.

PARTIE SUD-OUEST DE MASQUINONGE.

MATANE.

MILLE-ISLES.

AUGMENTATION DES MILLE-ISLES.

MILLE VACHES.

TERRA FIRMA DE MINGAN.

MONNOIR.

AUGMENTATION A MONNOIR.

MONT-A-PEINE.

AUGMENTATION DE MONT-A-PEINE.

MONTARVILLE.

MOUNT MURRAY.

MURRAY-BAY OR MALBAY.

NEUVILLE OU LA POINTE AUX TREM-  
BLES.

DERRIERE DUTRE ET LA NORAYE.

NICOLET.

L'ISLE DE LA FOURCHE, ET AUG-  
MENTATION A NICOLET.

NOTRE DAME DES ANGES.

NOUVELLE LONGUEIL.

NOYAN.

D'ORSAINVILLE.

PACHOT.

PASPERIAC.

PERTHUIS.

PETITE NATRON.

PIERREVILLE.

TONNANCOUR OU POINTE DU LAC.

PORT DANIEL.

BARRONIE

DERRIERE

NEVEU,

RANDIN.

AUGMENTA

REAUME.

RIGAUD.

RIMOUSKY.

RIVIERE D

TION.

RIVIERE D

RIVIERE D

AUX GRU

LA RIVIERE

AUGMENTA

OUELLE.

ROQUETAIL

ROUVILLE.

SABREVOIS.

SAINT AN

AUGMENTA

AUTRE AU

ANNE.

TROISIEME

ANNE.

STE. ANNE.

STE. ANNE.

TILLY OU S

ST. ARMAN

ST. BARNAB

ST. BLAIN.

ST. CHARLE

ST. CHARLE

STE. CLAIR

STE. CROIX.

ST. DENIS.

ST. DENIS.

ST. ETIENNE

ST. FRANÇO

ST. GARRIE

ST. HYACIN

FIEF ST. IG

FIEF ST. JE

BARRONIE DE PORTNEUF.  
 DERRIERE LA CONCESSION DU SIEUR  
 NEVEU, AU NORD-EST.  
 RANDIN.  
 AUGMENTATION DE RANDIN.  
 REAUME.  
 RIGAUD.  
 RIMOUSKY.  
 RIVIERE DU LOUP, AVEC AUGMENTA-  
 TION.  
 RIVIERE DU LOUP ET L'ISLE VERTE.  
 RIVIERE DU SUD, AVEC LES ISLES  
 AUX GRUES ET AUX OIES.  
 LA RIVIERE OUELLE.  
 AUGMENTATION DE LA RIVIERE  
 OUELLE.  
 ROQUETAILLAGE.  
 ROUVILLE.  
 SARRVOIS.  
 SAINTE ANNE.  
 AUGMENTATION DE STE. ANNE.  
 AUTRE AUGMENTATION DE STE.  
 ANNE.  
 TROISIEME AUGMENTATION DE STE.  
 ANNE.  
 STE. ANNE.  
 STE. ANNE OU LA POCADIERE.  
 TILLY OU ST. ANTOINE.  
 ST. ARMAND.  
 ST. BARNABE.  
 ST. BLAIN.  
 ST. CHARLES.  
 ST. CHARLES.  
 STE. CLAIRE.  
 STE. CROIX.  
 ST. DENIS.  
 ST. DENIS.  
 ST. ETIENNE.  
 ST. FRANÇOIS.  
 ST. GABRIEL.  
 ST. HYACINTHE.  
 FIEF ST. IGNACE.  
 FIEF ST. JEAN.

AUGMENTATION DE FIEF ST. JEAN.  
 ST. JEAN DESCHAILLONS.  
 AUGMENTATION DE ST. JEAN DES-  
 CHAILLONS.  
 ST. JEAN PORT JOLI.  
 ST. JOSEPH.  
 ST. JOSEPH OU L'EPINAY.  
 STE. MARGUERITE.  
 STE. MARIE.  
 SAINTE MARIE.  
 SAINT MAURICE.  
 ST. GERVAIS AJOUTE AUX SEIGNEU-  
 RIES DE ST. MICHEL ET DE LIVAU-  
 DIERE.  
 ST. OURS.  
 ST. PAUL.  
 ST. ROG.  
 SAINT SULPICE.  
 SAULT ST. LOUIS.  
 SHOOLBRED.  
 SILLERY.  
 SOREL.  
 DERRIERE SOREL.  
 SOULANGE.  
 TERREBOIS OU DEVERBOIS.  
 TERREBONNE.  
 AUGMENTATION DE TERREBONNE.  
 AUTRE AUGMENTATION DE TERRE-  
 BONNE.  
 TREMBLAY ET VARENNES.  
 TROIS PISTOLES.  
 PARTIE DES TROIS PISTOLES.  
 TROIS-RIVIERES.  
 VAUDREUIL.  
 VAUDREUIL.  
 VERCHERES AVEC AUGMENTATION.  
 VIEUPONT.  
 VILLERAY OU DARTIGNY.  
 VINCELOT.  
 AUGMENTATION DE VINCELOT.  
 VINCENNES.  
 YAMASKA.

*Appendix.*  
 No. 43.

Extracts from Bon-  
 chette's Topogra-  
 phical Description  
 of Canada.

*Appendix.*  
No. 43.  
Extracts from Bou-  
chette's Topogra-  
phical Description  
of Canada.

**GENERAL STATEMENT of the Lands granted in free and common Socage in the Province of Lower Canada, within the undermentioned Townships, which have been laid out and subdivided since the year 1796, shewing also the proportional Reservations for Crown and Clergy.**

NO. OF GRANTS.	TOWNSHIP.	BY WHOM GRANTED.	LEADERS OF TOWNSHIPS.	DATE OF THE PATENT.	NO. OF ACRES GRANTED.	RESERVATIONS FOR THE CROWN.	RESERVATIONS FOR THE CLERGY.
1	Dunham	Lord Dorchester	Thomas Dunn, Esq.	Feb. 2, 1796	40,895	8,400	8,400
2	Brome	General Prescott	Asa Porter, Esq.	Aug. 18, 1797	46,200	9,030	9,030
3	Bolton	Do.	Nicholas Austin	Do.	62,631	12,190	12,400
4	Potter	Do.	Lauchlan McLean	October 31	6,000	1,260	1,260
5	Farnham	Do.	Samuel Gale, &c.	Oct. 22, 1798	23,000	4,830	4,830
6	Hinchinbrook	Do.	Gilbert Miller	Jan. 3, 1799	5,200	1,040	1,040
7	Hemmingford	Do.	Robert Gordon	March 18	20,800	4,160	4,160
8	Clifton	Do.	David Steward	June 13	12,600	2,520	2,520
9	Armagh	Do.	Thompson and Blais	July 13	2,400	410	630
10	Rawdon	Do.	James Sawyer	Do.	1,900	400	400
11	Chatham	Do.	P. L. Panet and William Fortune	Do.	2,300	410	410
12	Buckingham	Sir R. S. Milnes	Captain Robertson	November 27	2,000	420	420
13	Dorset	Do.	John Black	December 30	53,000	10,710	10,710
14	Hunterstown	Do.	John Jones	April 29, 1800	24,620	4,600	4,600
15	Stoneham	Do.	Kennel Chandler	May 14	24,000	3,428	3,428
16	Tewkesbury	Do.	Captain Wolf	September 18	2,000	400	400
17	Stanbridge	Do.	Hugh Finlay, Esq.	September 1	41,790	8,610	8,610
18	Granham	Do.	William Grant	May 14	27,000	5,250	5,250
19	Upton	Do.	David Alexander Grant	May 21	25,200	5,000	5,000
20	Tewkesbury	Do.	Denis Letourneau	May 14	24,000	4,610	4,620
21	Stanstead	Do.	Isaac Ogden	September 27	27,720	5,250	5,040
22	Broughton	Do.	H. Jenkin and William Hall	October 20	23,100	5,340	5,340
23	Stukely	Do.	Samuel Willard	November 3	23,625	4,200	4,650
24	Hereford	Do.	James Rankin	November 6	23,100	4,200	4,410
25	Eaton	Do.	Josia Sawyer	December 4	25,620	5,250	4,630
26	Shefford	Do.	John Savage	Feb. 10, 1801	35,490	7,098	7,098
27	Barnston	Do.	Lester and Morrogh	April 11	23,100	4,735	4,693
28	Orford	Do.	Luke Knoulton	May 5	14,280	2,899	2,487

24	Hereford	Do.	James Rankin	November 6	23,100	4,410
25	Eaton	Do.	Josia Saver	December 4	25,620	5,250
26	Sheffield	Do.	John Savage	Feb. 10, 1801	35,490	7,098
27	Barnston	Do.	Lester and Morrogh	April 11	23,100	4,693
28	Orford	Do.	Lake Knoulton	May 5	14,280	2,899

29	Newport	Do.	Edmund Heard	July 4	11,550	2,310
30	Stoke	Do.	James Cowan	Feb. 13, 1802	43,620	8,912
31	Barford	Do.	J. W. Clarke, Esq.	April 15	27,720	5,880
32	Windsor	Do.	Officers and Privates Canadian Militia	July 14	50,900	10,641
33	Chester	Do.	Simon McTavish, Esq.	July 17	11,550	2,310
34	Simpson	Do.	Officers and Privates Canadian Militia	Do.	42,135	9,326
35	Halifax	Do.	Benjamin Jobert	August 7	11,550	2,310
36	Inverness	Do.	William McGillivray	August 9	11,550	2,310
37	Wolfe	Do.	Nicholas Montour	August 14	11,550	2,310
38	Leeds	Do.	Isaac Todd	Do.	11,760	2,420
39	Stoke	Do.	Minor Children of William Boutellier	August 28	1,890	378
40	Ireland	Do.	Joseph Frobisher	August 20	11,550	2,310
41	Durham	Do.	Thomas Scott	August 30	21,991	4,410
42	Sutton	Do.	Sundry persons	August 31	39,900	8,400
43	Compton	Do.	Jesse Pennoyer	Do.	26,460	5,250
44	Wickham	Do.	William Lindsay	Do.	23,753	5,364
45	Arthabaska	Do.	John Gregory	September 30	11,550	2,310
46	Thetford	Do.	John Mervin Nooth	November 10	23,100	4,620
47	Ely	Do.	Amos Lay, Jun.	November 13	11,550	2,310
48	Roxton	Do.	Sundry persons	Jan. 8, 1803	24,784	4,620
49	Ixworth	Do.	Mathew O'Mara	Nov. 22, 1802	1,260	210
50	Buckingham	Do.	Fortune and Hawley	Jan. 22, 1803	14,910	3,570
51	Granby	Do.	Officers and Privates British Militia	Jan. 8, 1803	36,152	7,908
52	Milton	Do.	Ditto	January 29	24,518	6,273
53	Clifton	Do.	Sundry persons	March 5	23,546	5,064
54	Bury	Do.	Calvin May	March 15	11,550	2,310
55	Ascot	Do.	Henry Cull	March 25	23,493	4,890
56	Hayley	Do.	Gilbert Hyatt	April 21	20,188	4,200
57	Ditton	Do.	M. H. Yeomans	May 13	11,550	2,310
58	Clinton	Do.	J. F. Holland	May 24	11,550	2,310
59	Bulstrode	Do.	Patrick Langan	May 27	24,463	4,894
60	Kingsey	Do.	George Longmore	June 7	11,478	2,448
61	Hemmingford	Do.	Sundry persons	June 17	8,536	1,707
62	Kildare	Do.	P. M. De La Valrie	June 24	11,486	1,990
63	Clifton	Do.	Mary Barnett	July 23	7,035	1,594

*Appendix.*  
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Extracts from Beuchette's Topographical Description of Canada.

Appendix.  
No. 43.

Extrait from  
Bouchette's Topo-  
graphical Description  
of Canada.

GENERAL STATEMENT—Continued.

NO. OF GRANTS.	TOWNSHIPS.	BY WHOM GRANTED.	LEADERS OF TOWNSHIPS.	DATE OF THE PATENT.	NO. OF ACRES GRANTED.	RESERVATIONS FOR THE CROWN.	RESERVATIONS FOR THE CROWN.
64	Potter	Sir R. S. Milnes	Henry Ruiter	July 27, 1803	27,580	5,516	5,516
65	Newport	Do.	N. Taylor	August 4	12,600	2,400	2,400
66	Brompton	Do.	William Barnard	November 27	40,753	7,800	8,000
67	Shipton	Do.	Elmer Cushing	December 4	58,692	11,725	11,739
68	Stanstead	Do.	Richard Adams	December 6	1,276	210	173
69	Tingwick	Do.	Sundry persons	Jan. 23, 1804	23,730	5,040	4,620
70	Warwick	Do.	Ditto	Do.	23,940	4,830	4,830
71	Eaton	Do.	Isaac Ogden	March 1	6,300	1,680	1,890
72	Westbury	Do.	Henry Caldwell	March 13	12,262	2,701	2,462
73	Hemmingford	Do.	Daniel McNaught	March 27	430	84	84
74	Nelson	Do.	Officers and Privates of Canadian Militia	April 21	38,396	7,561	7,743
75	Somerset	Do.	Ditto	Do.	38,790	7,483	7,619
76	Windor	Do.	Mary Charlotte de Castelle	May 17	430	84	84
77	Tring	Do.	Sundry persons	July 20	22,985	4,400	4,400
78	Hemmingford	Do.	Mathew Scott	December 24	2,520	504	504
79	Barnston	Do.	Sundry persons	Jan. 7, 1805	2,310	152	152
80	Rawdon	Do.	R. Henry Bruere and Selby	January 14	3,150	630	420
81	Kingsey	Do.	Major Holland's family, &c.	January 28	11,198	2,132	1,998
82	Hatley	Do.	Moses Holt's family	February 21	2,304	374	384
83	Newton	Do.	C. De Lotbiniere	March 6	12,961	2,331	2,526
84	Onslow	Do.	Forsyth and Richardson	March 9	1,073	210	210
85	Melborne	Do.	Henry Caldwell	April 3	26,153	5,932	6,184
86	Chester	Do.	Sundry persons	April 11	11,707	2,320	2,320
87	Dudswell	Do.	John Bishop	May 13	11,632	2,247	2,483
88	Wendover	Do.	Sundry persons	June 24	12,558	2,739	2,266
89	Halifax	Do.	Mathew Scott	June 25	11,243	2,310	2,580
90	Durham	Do.	St. François Indians	June 26	8,150	1,620	1,365
91	Stanstead	Do.	Sundry persons	August 2	3,578	511	511
92	Farnham	Hon. J. Dun, President	Jane Cuyler, &c.	September 9	5,040	600	802

93	Hall	Do.	Philemon Wright	Jan. 3, 1806	13,701	2,482	2,243
94	Aston	Do.	Sundry persons	February 17	27,127	5,454	4,847
96	Aukland	Do.	Foleury Deschambault and others	April 3	23,100	4,400	4,400



*Appendix.*  
No. 43.

Extracts from Bou-  
chette's Topogra-  
phical Description  
of Canada.

89	Halifax	Do.	Do.	St. François Indians	Jan. 3, 1806	13,701	2,482	2,243
90	Durham	Do.	Do.	Sundry persons	February 17	27,127	5,454	4,847
91	Stanstead	Do.	Do.	Jane Cuyler, &c.	April 3	23,100	4,400	4,400
92	Farnham	Hon. J. Dun, President	Do.	John Nelson	June 27	1,160	2,212	2,200
				P. E. Desbarat, &c. &c.	July 10	11,569		
				Jn. Margaret and Isabella Simpson	July 3	420		
				Gother Man, &c. &c.	July 22	22,859		
				Sundry persons	August 22	5,250		
				Ditto	November 26	12,182		
				Col. Daniel Robertson and Dr. S. Fraser	December 31	5,250		
				Sundry grantees	March 7, 1807	13,650		
				Archibald McMillan, &c.	March 26	13,261		
				Ditto	Do.	8,949		
				Ditto	Jan. 28, 1808	1,260	211	400
				Partial grant	February 6	1,260	200	200
				Jenkin Williams, &c.	July 8, 1807	26,810		
				G. W. Allsopp	Dec. 24, 1808	6,005		
				Sundry persons	December 1	6,033		
				George Waters Allsopp	July 22, 1806	24,004		
				Sundry persons	July 29	2,520		
				Robert Randall	Sept. 21, 1807	630		
				Sundry grantees	Sept. 9, 1808	12,380		
				Benjamin and Alexander Hart	September 26	200		
				Roswell Minor, &c. &c.	November 12	12,667 3		
				Sundry persons	December 27	3,780		
				John Allsopp, &c. &c.	Feb. 11, 1809	10,176		
				Francis Baby and others	February 22	19,278		
				Lewis Schmidt and family	May 27	678		
				Susan and Margaret Finlay	May 29	8,395		
				Jane de Montmoulin, &c.	June 3	12,390		

*Appendix.*  
No. 43.

Extracts from  
Hosmer's Topographi-  
cal Description  
of Canada.

GENERAL STATEMENT—Continued.

NO. OF GRANTS	TOWNSHIPS.	BY WHOM GRANTED.	LEADERS OF TOWNSHIPS.	DATE OF THE PATENT.	NO. OF ACRES GRANTED.	RESERVATIONS FOR THE CROWN.	RESERVATIONS FOR THE CLERGY.
123	Templeton	Sir J. H. Craig	Sundry grantees	Nov. 29, 1809	8,620		
124	Stanstead	Do.	Sir R. S. Milnes	March 12, 1810	21,406		
125	Compton	Do.	Ditto	Do.	13,110		
126	Barnston	Do.	Do.	Do.	13,546		
127	Shenly	Do.	James Glenn	May 1	10,298		
128	Shipton	Do.	James Barnard	July 10	210		
129	Potton	Do.	Thomas Shepherd	July 18	210		
130	Granville	Do.	Archibald Campbell	December 12	616		
131	Ely	Do.	Deccas Higgins	Jan. 21, 1811	630		
132	Newton	Do.	Savause de Beaujeu, &c.	April 25	1,137		
133	Godmanchester	Do.	Robert Ellice, &c. &c.	May 10	25,592		
134	Barnston	Do.	William Somerville	June 18	3,200		
135	Inverness	Do.	Robert Skinner	Do.	600		
136	Kingsey	Do.	Edward Baynes	Do.	600		
137	Hemmingford	Thomas Dunn, Gent.	Stephen Sevell	September 18	3,200		
138	Hinchinbrook	Sir George Prevost	Lieut. Col. R. Ellis, &c.	December 30	3,719		
139	Ham	Do.	Martha Mitchell	December 31	1,200		
140	Chatham	Do.	Sundry persons	Jan. 10, 1812	13,319		
141	Leeds	Do.	George Hamilton	December 17	8,002		
142	Eaton	Do.	Joseph Cummings	December 30	200		
143	Sherrington	Do.	Hon. J. Young	December 30			
144	Godmanchester	Do.	John McKindlay and others	Jan. 4, 1814			
145	Kingsey	Do.	Donald McLean and family	January 11			
146	Durham	Do.	Ditto	Do.			
147	Leeds	Do.	John Palmer and Richard Sheppard	March 3			
148	Hemmingford	Do.	John Graves and others	March 16	17,000		
149	Lingwick	Do.	Hon. John Young	March 21	200		
150	Ascot	Do.	James Bangs	March 26			
			Total	Total	2,203,709½	444,660	439,705

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140	Commitment				
149	Lingwick	Do.	Hon. John Young	March 21	47,000
150	Ascot	Do.	James Bangs	March 26	200
				Total	2,203,709½
					439,705

## APPENDIX, No. XLIV.

FROM

THE JOURNAL OF THE GENERAL ASSEMBLY OF NEW YORK,

THE REPORT OF THE CANAL COMMISSIONERS ON THE CHAMPLAIN CANAL.

STATE OF NEW YORK,  
*In Assembly, March 19, 1817.*

Report of the New  
York Canal Com-  
missioners.

A communication from the board of Canal Commissioners, being their report on the Northern or Champlain Canal, was read, and is in the words following, to wit : The advantages which will result from the connection of Lake Erie with the navigable waters of the Hudson, by means of a Canal, have been so frequently elucidated, and are indeed so obvious to every one who possesses a correct geographical knowledge of the West, that it has been deemed unnecessary to enumerate them. But presuming that the benefits to be derived from a similar communication with Lake Champlain, are not fully understood, or duly appreciated, the Commissioners ask the indulgence or briefly pointing out a few of the most prominent of these benefits. That part of this State which is contiguous to Lakes George and Champlain abounds in wood, timber, masts, spars, and lumber of all kinds, which, transported by the Northern Canal, would find a profitable sale along the Hudson, and in the City of New York, instead of being driven, as much of those articles have heretofore been, to a precarious market, by a long and hazardous navigation to Quebec. Some idea may be formed of the immense quantity of lumber which would be conveyed on the contemplated Canal, from the following statement, made on the best authority, and which embraces only that small section of the Northern part of this State from whence the transportation is carried on to the City of New York, or to intermediate markets. Within that tract of country, embracing the borders of Lake George and the timber land north and west of the great falls in Luzerne, there are annually made, and transported to the South, two millions of boards and planks : one million feet of square timber, consisting of oak white and yellow pine, besides dock logs, scantling, and other timber, to a great amount. A considerable portion of the northern part of this State is rough and mountainous, and in a great measure unfit for agricultural improvements. These broken tracts are covered with native forests, which, by the contemplated Canal, would furnish vast supplies of wood and lumber for many years ; and thus the great and increasing population which occupies the margin of the Hudson, would be supplied with boards, plank, timber, fencing materials, and even fuel, with less expense than from any other quarter : while at the same time the lands to the north, considerable tracts of which belong to the people of this State, would be greatly increased in value. The mountains in the vicinity of Lakes George and Champlain, produce a variety of minerals, among which are found, in inexhaustible quantities, the richest of iron ores. Several

*Appendix.*  
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Report of the New  
York Canal Com-  
missioners.

forges are in operation in the Counties of Washington, Warren, Essex, and Clinton, the number of which may be indefinitely increased : and the iron which they produce is very little, if at all, inferior in quality to the best iron manufactured in the United States : nor can it be doubted that, after the completion of the contemplated Canals, the middle and western parts of this State would be furnished with this necessary article on more advantageous terms than it can at present be procured. The inhabitants of a large tract of country on both sides of Lake Champlain, embracing a considerable portion of the State of Vermont, would find, by the Northern Canal, a permanent market in the City of New York, or at intermediate places, for their pot and pearl ashes, and also for all their surplus agricultural productions; from whence they would also be cheaply supplied with all the necessary articles of foreign growth. The iron of the northern part of this State, which at present is sawed in the mine, and the fine marble of Vermont, which now lies useless in the quarry, would be converted into useful and ornamental purposes in the west, in exchange for salt and gypsum; and thus the large sums which are annually sent abroad, for the purchase of iron, of salt, and of gypsum, would be retained among our citizens, and added to the permanent wealth of this State. In short, the connection of Lake Champlain with the Hudson, by means of a Canal, would greatly enhance the value of the northern lands : it would save vast sums in the price of transportation : it would open new and increasing sources of wealth : it would divert from the Province of Lower Canada, and turn to the South, the profits of the trade of Lake Champlain ; and by imparting activity and enterprise to agricultural, commercial, and mechanical pursuits, it would add to our industry and resources, and thereby augment the substantial wealth and prosperity of the State. The examination and levels for this Canal have been made under the direction of the Commissioners, by Col. Lewis Garin, and the line for the same has been marked out upon the maps herewith presented. There are two places of departure from the Hudson, in order to connect that river with Lake Champlain, each of which affords a very favourable route, in point of soil to be excavated, and of materials, for the artificial works; one of these routes, by commencing at the mouth of Fort Edward Creek, and pursuing the valley of that creek to the summit level, and then following the ravine of Wood Creek, will reach Whitehall in the distance of twenty-two miles. This route was formerly deemed most eligible by a board of Commissioners composed of General Schuyler and others. It is, however, supposed by the engineer that the other route may be preferable, which commences about six miles further down the river, near the mouth of Moses' Kill, and which, by the natural channel of this Kill and of Dead Creek, joined to a short length of artificial canal, forms the summit level, from whence it proceeds partly by the natural channel of Wood Creek, and partly by artificial cuts, which greatly shorten the distance, to Whitehall. The length of this route is twenty-eight miles, and it passes over a soil which is, in general, remarkably favourable, consisting principally of vegetable mould, loam and clay; at the northern termination of the Canal a few yards of lime stone excavation will be necessary : this however is not deemed an unfavourable circumstance, as the Stone are of such a quality as will be useful in the construction of locks; and it may be remarked that the materials for the construction of the locks, between Lake Champlain and the Hudson, can be procured with little difficulty. Between the Hudson and Lake Champlain, nine locks will be necessary, viz. three at the Hudson, of 7,779 feet lift each, by which the summit level will be attained, and by a deep cutting, the greatest depth of which will be 12,465 feet, and the length of which is about two miles, the summit level will be extended fifteen miles ; and will terminate about one mile south of Fort Ann. At this place two locks will be necessary, of 6,217 feet lift each. Between this point and Whitehall, two locks, the first of 8,223 feet lift, and the next of 9,243 feet lift, are to be made. At Whitehall the Canal is to be connected with Lake Champlain by two locks,

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of 8,550 feet lift each. About fifteen miles of this route will need no excavation, as the Canal for that distance will occupy the natural channels of Moses' Kill, Dead Creek, and Wood Creek. In order to turn as much as possible the superfluous waters of freshets, and to insure at all times a sufficiency of water on the summit level, it is proposed to erect a dam across Half-way Brook, of eighteen feet in height, half a mile above the mouth of said brook, and by a natural ravine, leading to the south, to direct so much of the water of said brook to the summit level, and from thence, by several waste-weirs, into the Hudson, as may be necessary for the convenience of the Canal. The water in the Canal is not to be less than thirty feet wide at the surface, twenty feet at the bottom, and three feet deep, and the locks to be seventy-five feet long, and ten feet wide in the clear. By the mode of calculation heretofore adopted by the Commissioners, the whole expense between Lake Champlain and the Hudson at the mouth of Moses' Kill, will not exceed two hundred and fifty thousand dollars. From the mouth of Moses' Kill it is proposed to improve the channel of the Hudson, for the purposes of navigation, as far south as the Village of Stillwater, at the head of Stillwater Falls. This may be effected in the following manner. By erecting a dam three feet in height across the Hudson, at the head of Fort Miller Falls, the river above, as far as Fort Edward would at all times afford a sufficiency of water for boats drawing three feet. To overcome the descent of Fort Miller Falls, a side cut or artificial Canal, of about one mile in length, and with two locks, of 10,321 feet lift each, will be necessary. These works, including the dam, locks, excavation, towing path, and all other expenses, may be estimated at fifty thousand dollars. Two and a half miles below the south end of this Canal, at the head of Saratoga Falls, a dam three feet in height is to be made across the river, and a side cut round the falls, similar to the above, of about one mile in length, with two locks of 6,198 feet lift each. It is believed that all the artificial works at this place may be constructed for thirty-five thousand dollars. Thirteen miles below this place, at the head of Stillwater Falls, another dam of three feet in height will in like manner insure a good boat navigation up to the Saratoga Falls. The cost of this dam, the construction of a towing path, with several bridges, the purchase of Schuyler's Mill, which it is supposed will be necessary, together with all the other expenses of this section, are estimated at fifty thousand dollars. From the village of Stillwater, at a point above the dam last mentioned, it is proposed to cut an artificial Canal to the village of Waterford, where it is to be connected with the Hudson. This Canal will be supplied with water from the river at its upper end. Its length will be nearly twelve miles, and the whole descent is 76,464 feet; which will require eight locks. The excavation of this Canal, for some distance near the upper end, will be considerably expensive, as it passes through a slate rock; the middle and lower parts, however, are very favourable. The expenses, from Stillwater to Waterford, may be estimated as follows:

76 feet lockage, at \$1,000 per foot	-	-	-	-	\$76,000
12 miles of Excavation and Towing path, with bridges, culverts, and other necessary works, at an average of \$30,000 per mile	-	-	-	-	360,000
<i>Recapitulation of Expenses.</i>					
From Whitehall to the Hudson	-	-	-	-	250,000
Dam, side cut, and other works at Fort Miller Falls	-	-	-	-	50,000
Ditto at Saratoga Falls	-	-	-	-	35,000
To Stillwater, including dam, &c.	-	-	-	-	50,000
From Stillwater to Waterford, including lockage	-	-	-	-	436,000
Add for contingencies, Engineers, and Superintendence	-	-	-	-	50,000

Total \$871,000

Whether the Canal from Lake Champlain enters the Hudson at Fort Edward Creek, or at Moses' Kill, is not very material in the estimate of expense: and the Commis-

*Appendix.*  
No. 44.

Report of the New  
York Canal Com-  
missioners.

sioners wish to be explicitly understood, that they consider this question as still open, and as one which will require mature deliberation. It is ascertained that both routes are equally practicable. The termination of the Northern Canal in the Hudson, at Waterford, will afford the cities of Albany and Troy, and the villages of Lansingburgh and Waterford, a full participation of its benefits; and its approximation to the great Western Canal will open the most beneficial channels of communication between every great section of the country, and furnish every facility for promoting the activity, and enlarging the sphere, of inland trade, which constitutes one of the principal elements of national opulence, prosperity, and greatness. And before the lapse of half a century, those who succeed us will witness, in the consolidation of these cities and villages into one great city, a union of interests and sympathies which will totally dissipate the apprehensions and jealousies that may now exist.

All which is respectfully submitted.

DE WITT CLINTON.  
S. VAN RENSSELAER.  
MYRON HOLLEY.  
SAMUEL YOUNG.

*Albany, 18th March, 1817.*

STATE OF NEW YORK,  
*Secretary's Office.*

I certify the preceding to be a true extract from the Journal of the Assembly of this State, of the year 1817, deposited in this office.

In testimony whereof, I have hereunto affixed the Seal of this Office, at  
[L. s.] the City of Albany, the 4th day of October, 1828.

ARCHIBALD CAMPBELL,  
*Deputy Secretary.*

*By Nathaniel Pitcher, Lieutenant Governor of the State of New York, acting as Governor of the said State:*

It is hereby certified, that the preceding attestation is in due form, and by the proper officer.

In testimony whereof, I have hereunto affixed the Great Seal of this State,  
[L. s.] at the City of Albany, the 4th day of October, 1828.

NATHANIEL PITCHER.



APPENDIX, No. XLV.

ESTIMATE

OF THE

HEIGHT OF THE WHITE HILLS, IN NEW HAMPSHIRE,

BY N. BOWDITCH:

FROM THE MEMOIRS OF THE AMERICAN ACADEMY OF ARTS AND SCIENCES.

*Memoirs of the American Academy of Arts and Sciences, Vol. III. Part II.—*  
CAMBRIDGE, printed by HILLIARD & METCALF, 1815.

ESTIMATE OF THE HEIGHT OF THE WHITE HILLS, IN NEW HAMPSHIRE, BY  
NATHANIEL BOWDITCH.

The White Hills in New Hampshire, which are the highest mountains in New England, have been estimated by Dr. Belknap, in his History of New Hampshire, to be above 10,000 feet above the level of the sea: but from some barometrical observations, made in July, 1804, by several gentlemen who ascended the mountains, it appears that his computation is by far too great, and that the real height does not much exceed 7000 feet. This will evidently appear by comparing the observations given in the following table. Those on the top of Mount Washington, the highest of the White Hills, were made by Doctor Cutler and Professor Peck: those at Mr. Messervey's, in the town of Adams, (not far from the foot of the mountain,) were made by a person who observed the state of the barometer and thermometer, at intervals of thirty minutes, the whole day the company were on the mountain. The observations at Salem were made by Dr. Holyoke; and those at Boston, by the late Rev. Mr. Emerson. All these observations were made in the shade. The barometer varied but very little on the sea coast for several days before and after the 28th of July. The range from the 25th to the 30th of July, at Salem, was from 30.00 to 30.11; and at Boston, from 29.9 to 30.1. The smallness of these variations is, in general, conducive to the accuracy of the result of the calculation by barometrical observations.

*Appendix.*  
No. 45.

Extract from the  
Memoirs of the A-  
merican Academy  
of Arts & Sciences.

Appendix.  
No. 45.

## MR. BOWDITCH'S ESTIMATE OF THE HEIGHT OF WHITE HILLS.

Extract from the  
Memoirs of the A-  
cademy of Arts & Sciences.

PLACE OF OBSERVATION.	TIMES.			BAROMETER.	THERMOMETER.
At the summit of Mount Washington, At Messervey's, in Adams,	d.	h.	h.		
	July 28,	1	to 3	23.39	54
	July 27,	7 a. m.		28.99	62
	July 28,	6 to 30		29.04	57
		7		.07	60
		7	30	.07	65
		8	0	.07	68
		8	30	.08	70
		9	0	.08	74
		9	30	.11	76
		10	0	.11	75
		10	30	.11	79
		11	0	.11	79
		11	30	.13	80
		noon.		.13	82
		0	30	.13	82
		1	0	.13	82
		1	30	.13	83
		2	0	.13	86
		2	30	.13	86
		3	0	.13	87
		3	30	.12	77
		4	0	.12	75
		4	30	.12	76
		5	0	.12	77
		5	30	.13	79
		6	0	.13	81
		6	30	.13	75
At Salem, Dr. Holyoke,		7	0	.13	72
	July 27,	8 a. m.		30.02	68
		2 p. m.		-	82
		7 p. m.		-	72
		10 p. m.		30.09	65
	July 28,	8 a. m.		30.12	74
		2 p. m.		-	82
		7 p. m.		-	73
		10 p. m.		30.11	69
At Boston, by Rev. Mr. Emerson,	July 27,	8 a. m.		30.00	66
		2 p. m.		.00	78
		7 p. m.		.00	74
		10 p. m.		.00	68
	July 28,	8 a. m.		.10	69
		2 p. m.		.10	78
		7 p. m.		.10	76
		10 p. m.		.10	73

The mean of the twenty-six observations made at Adams, on the 28th of July, gives barometer 29.11 inches, thermometer 76.3. The mean of Dr. Holyoke's observations in the same day is, barometer 30.115 inches, thermometer 76.3. The observations of Mr. Emerson, who was probably situated a little higher above the level of the sea than Dr. Holyoke, did not differ sensibly from these. Computing from these observations the elevation of Adams above Salem, (by the rule given in Dr. Maskelyne's Introduction to Taylor's Logarithms,) it becomes 980 feet. The observation of July 27, calculated in the same way, gave 965 feet. As there were twenty-six observations on the 28th of July, and but one on the 27th July, the mean of all will be nearly 979

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feet. To this add 34 feet, the height of Dr. Holyoke's barometer above the level of the sea, the sum 1,013 feet is the elevation of Mr. Messervey's house in Adams above the level of the sea. Dr. Belknap estimates this height to be nearly 3000 feet, which is about three times its real value.

By comparing the observations made at the top of Mount Washington, viz: barometer 23.39 inches, and thermometer 54 degrees, with the mean of the observations at Adams, at the same time—barometer 29.13, thermometer 84.8—the result is 6,149 feet, for the difference of elevation of these two places. To this add 1,013 feet, the height of Adams above the level of the sea, and we have the height of Mount Washington above the level 7,162 feet. This estimate may also be made by comparing the observations at Mount Washington with those made at Salem, at the same time, viz: barometer 30.115 inches, and thermometer 82 degrees, which give 7,021 feet; to which add 34 feet, (the elevation of Dr. Holyoke's barometer,) and we have 7,055 feet for the height of the mountain. The mean of this and the former estimate is 7,108 feet; which may be assumed as the elevation of the summit of Mount Washington above the level of the sea.

*Appendix.*  
No. 45.

Extract from the  
Memoirs of the A-  
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APPENDIX, No. XLVI.

EXTRACTS

FROM

THE PROTOCOLS AND CORRESPONDENCE

OF

THE GHENT COMMISSIONERS.—1814.

*Extracts from Protocol of Conference between the American and British Commissioners at Ghent, dated August 8, 1814.*

*Appendix.*  
No. 46.

*Extracts from the  
Protocols and Cor-  
respondence of the  
Ghent Commis-  
sioners.*

"The British Commissioners stated the following subjects, as those upon which, it appeared to them, that the discussions between themselves and the American Commissioners would be likely to turn."

"A revision of the boundary line between the British and American territories, with a view to prevent future uncertainty and dispute."

"The American Commissioners at this meeting stated, that, upon the first and third points proposed by the British Commissioners, they were provided with instructions from their Government; and that the second and fourth of these points were not provided for in their instructions."

*Extract of a Note from the British to the American Commissioners, dated at  
GHENT, August 8, 1814.*

"As the undersigned are desirous of stating every point, in connection with the subject, which may reasonably influence the decision of the American Plenipotentiaries in the exercise of their discretion, they avail themselves of this opportunity to repeat, what they have already stated, that Great Britain desires the revision of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory as such, but for the purpose of securing her possessions, and preventing future disputes.

"The British Government consider the Lakes, from Lake Ontario to Lake Superior, both inclusive, to be the natural military frontier of the British possessions in North America. As the weaker power, on the North American Continent, the least capable of acting offensively, and the most exposed to sudden invasion, Great Britain considers the military occupation of these Lakes as necessary to the security of her dominions. A boundary line equally dividing these waters, with a right in each nation to arm, both upon the Lakes and upon their shores, is calculated to create a contest for naval ascendancy in peace as well as in war.

"The power which occupies these Lakes should, as a necessary result, have the military occupation of both shores. In furtherance of this object, the British Government is

prepared to propose a boundary. But as this might be misconstrued as an intention to extend their possessions to the southward of the Lakes, (which is by no means the object they have in view,) they are disposed to leave the territorial limits undisturbed; and, as incident to them, the free commercial navigation of the Lakes: Provided, that the American Government will stipulate not to maintain or construct any fortifications upon, or within a limited distance of, the shores, or maintain or construct any armed vessel upon the Lakes in question, or in the rivers which empty themselves into the same.

"If this can be adjusted, there will then remain for discussion the arrangement of the north-western boundary between Lake Superior and the Mississippi; the free navigation of that river, and such a variation of the line of frontier as may secure a direct communication between Quebec and Halifax."

*Appendix.*  
No. 46.

*Extracts from the  
Protocols and Cor-  
respondence of the  
Ghent Commis-  
sioners.*

*Extract of a Note from the American to the British Commissioners, dated at  
Ghent, August 24, 1814.*

"The undersigned further perceive, that under the alleged purpose of opening a direct communication between two of the British Provinces in America, the British Government require a cession of territory, forming a part of one of the States of the American Union, and that they propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States, whether the object of the British Government, in demanding the dismemberment of the United States is to acquire territory, as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself, or for the Indians, a cession of territory more extensive than the whole Island of Great Britain, the duty marked out for the Undersigned is the same: They have no authority to cede any part of the territory of the United States; and to no stipulation to that effect will they subscribe."

*Extract of a Note from the British to the American Commissioners, dated at  
Ghent, September 4, 1814.*

"With respect to the boundary of the District of Maine, and that of the north-western frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American Plenipotentiaries, 'that they were instructed to treat for the revision of their boundary lines,' with the statement which they have subsequently made, that they have no authority to cede any part, however insignificant, of the territories of the United States, although the proposal left it open to them to demand an equivalent for such cession either in frontier or otherwise.

"The American Plenipotentiaries must be aware that the boundary of the District of Maine has never been correctly ascertained; that the one asserted, at present, by the American Government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British Plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied.

"The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question."

*Appendix. Extract of a Note from the American to the British Commissioners, dated at*  
No. 46.

GHENT, September 9, 1814.

Extracts from the  
Protocols and Cor-  
respondence of the  
Ghent Commis-  
sioners.

"With regard to the cession of a part of the District of Maine, as to which the British Plenipotentiaries are unable to reconcile the objections made by the undersigned with their previous declaration, they have the honor to observe, that at the conference of the 8th ult. the British Plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute; and that it was on the point, thus stated, that the undersigned declared that they were provided with instructions from their Government, a declaration which did not imply that they were instructed to make any cession of territory, in any quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the District of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British Plenipotentiaries, who signed that treaty, had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertained, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it; and they can have no authority to cede any part of the State of Massachusetts, even for what the British Government might consider a fair equivalent."

*Extract of a Note from the British to the American Commissioners, dated at*

GHENT, September 19, 1814.

"With respect to the boundary of the District of Maine, the undersigned observe, with regret, that although the American Plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute; yet, by assuming an exclusive right at once to decide what is or is not a subject of uncertainty and dispute, they have rendered their powers nugatory, or inadmissibly partial in their operation."

*Extract of a Note from the American to the British Commissioners, dated at*

GHENT, September 26, 1814.

"The undersigned are far from assuming the exclusive right to decide what is, or is not, a subject of uncertainty and dispute, with regard to the boundary of the District of Maine. But until the British Plenipotentiaries shall have shewn in what respect the part of that boundary, which would be affected by their proposal, is such a subject, the undersigned may be permitted to assert that it is not.

"The treaty of 1783 described the boundary as '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 highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Lawrence; and thence along the said highlands to the north-westernmost head of Connecticut river.' Doubts having arisen as to the St. Croix, designated in the treaty of 1783, a provision was made by that of 1794, for ascertaining it; and it may be fairly inferred from the limi-



tation of the article to that sole object, that, even in the judgment of Great Britain, *Appendix.*  
no other subject of controversy existed in relation to the extension of the boundary *No. 46.*  
line from the source of that river. That river and its source having been accordingly *Extracts from the*  
ascertained, the undersigned are prepared to propose the appointment of Commissioners *Protocols and Cor-*  
by the two Governments to extend the line to the highlands, conformably to the *respondence of the*  
treaty of 1783. The proposal, however, of the British Plenipotentiaries was not to *Ghent Commis-*  
ascertain, but to vary those lines in such manner as to secure a direct communica- *sioners.*  
tion between Quebec and Halifax; an alteration which could not be effected without a  
cession, by the United States to Great Britain, of all that portion of the State of Mas-  
sachusetts intervening between the Province of New Brunswick and Quebec, although,  
unquestionably, included within the boundary lines fixed by that treaty. Whether it  
was contemplated, on the part of Great Britain, to obtain the cession with or without  
an equivalent in frontier, or otherwise, the undersigned, in stating that they were not  
instructed or authorized to treat on the subject of cession, have not declined to discuss  
any matter of uncertainty or dispute, which the British Plenipotentiaries may point  
out to exist, respecting the boundaries in that, or in any other quarter; and are, there-  
fore, not liable to the imputation of having rendered their powers on the subject nu-  
gatory, or inadmissibly partial in their operation."

*Extract of a Note from the British to the American Commissioners, dated*

GHEENT, October 8, 1814.

"The British Government never required that all that portion of the State of Mas-  
sachusetts intervening between the Province of New Brunswick and Quebec, should  
be ceded to Great Britain; but only that small portion of unsettled country which  
interrupts the communication between Quebec and Halifax, there being much doubt  
whether it does not already belong to Great Britain."

*Extract of a Note from the British to the American Commissioners, dated*

GHEENT, October 21, 1814.

"On the question of the boundary between the dominions of his Majesty and those  
of the United States, the undersigned are led to expect, from the discussion which  
this subject has already undergone, that the north-western boundary, from the Lake  
of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted  
without objection.

"In regard to other boundaries, the American Plenipotentiaries, in their note, of  
August 24, appeared, in some measure, to object to the propositions then made by the  
undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing  
to treat on that basis, subject to such modifications as mutual convenience may be found  
to require; and they trust that the American Plenipotentiaries will shew by their  
ready acceptance of this basis, that they duly appreciate the moderation of his Majes-  
ty's Government, in so far consulting the honor and fair pretensions of the United  
States, as, in the relative situation of the two countries, to authorize such a propo-  
sition."

*Extract of a Note from the American to the British Commissioners, dated at*

GHEENT, October 24, 1814.

"The undersigned can now only repeat those declarations, and decline treating upon  
the basis of *uti possidetis*, or upon any other principle involving a cession of any

*Appendix.* part of the territory of the United States. As they have uniformly stated, they can treat only upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede; and the undersigned, after the repeated declarations of the British Plenipotentiaries, that Great Britain had no view to the acquisition of territory in this negotiation, deem it necessary to add, that the utility of its continuance depends on their adherence to this principle."

Extracts from the  
Protocol and Cor-  
respondence of the  
Ghent Commis-  
sioners.

*Extract from American Note, No. 6, in answer to British Note, No. 6, dated at*

*GHEENT, November 10, 1814.*

"In respect to the intended review of the other boundaries between the British and American territories, with the view to prevent future uncertainty and dispute, the undersigned propose the reference of the whole subject to Commissioners; and they present, accordingly, five articles, drawn on the principles formerly adopted by the two powers for settling the question respecting the river St. Croix."

The undersigned have had the honour to receive the note and project of a treaty of peace presented by the American Plenipotentiaries on the 10th instant.

The undersigned are of opinion that the most convenient course for them to adopt will be to return this project with their marginal alterations and suggestions on the several articles of which it is composed.

GAMBIER,  
HENRY GOULDBURN,  
WILLIAM ADAMS.

*GHEENT, Nov. 26, 1814.*

*Project of a Treaty, as returned by the British to the American  
Plenipotentiaries 26th Nov. 1814.*

Treaty of Peace and Amity, between his Britannic Majesty, and the United States of America.

The following marginal remarks and alterations were made and proposed by the British Plenipotentiaries:

NOTE.—It is proposed to omit altogether the words that are underlined.

Article 2.

(6) Shall have been exchanged,

(7) Exchange of the ratifications

Article 2d. Immediately after the respective ratifications of this treaty, (6) orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities: and to prevent all causes of complaint, which might arise on account of the prizes which may be taken at sea after the (7) signing of this treaty, it is reciprocally agreed, that the vessels and effects which may be taken in the Channel, and in the North,

(8) The period of the exchange of the ratifications

(9) The same term of ——— for all parts of the Mediterranean:

Seas, after the space of ——— from *Appendix* No. 46.

(8) *that of the signature* hereof, shall be restored on each side; that the terms shall be ——— from the Channel and the North Seas to the Canary Islands inclusively, (9) *whether in the Ocean or the Mediterranean:* of ——— from the said Canary Islands to the equinoctial line or equator, and of ——— in all other parts of the world without exception.

*Extracts from the Protocols and Correspondence of the Ghent Commission.*

#### Article 4.

Article 4. 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 Cataraguy, has not yet been surveyed: It is agreed that, for these several purposes *three* (1) Commissioners shall be appointed, sworn, (*mutatis mutandis*) and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article. (2) The said Commissioners shall meet at ———, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners, *or a majority of them*, shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace, (3) and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois, or Cataraguy, to be sur-

(1) Two

(2) Unless otherwise specified in the present article.

(3) Of 1783

*Appendix.*  
No. 46.

Extracts from the  
Protocols and Cor-  
respondence of the  
Joint Commissioners.

(4) And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them; and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the third article is contained, and in as full a manner as if the same was herein repeated.

vayed and marked according to the said provisions.

The said Commissioners, *or a majority of them*, shall make a map of the said boundary, and annex to it a declaration, under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the north-westernmost head of Connecticut River, and of such other points of the said boundary as they may deem proper; and both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. (4)

*Protocol of a Conference, held the 1st December, 1814, at Ghent.*

At a conference held this day, the American Plenipotentiaries proposed the following alterations in their project, as amended by the British Plenipotentiaries.

3. Article 2d. The term to be fifteen days in the Channel, in the North Seas, in all parts of the Atlantic Ocean to the equinoctial line or equator, and in all parts of the Mediterranean. Two months in the Atlantic Ocean, to the latitude of the Cape of Good Hope, and three months in all other parts of the world.

In lieu of this alteration, the British Plenipotentiaries proposed the following, viz: "That all vessels and effects which may be taken after the space of twelve days from the period of the exchange of the said ratifications, upon all parts of the coasts of North America, from the latitude of 23 degrees north, to the latitude of 47 degrees north, and as far eastward in the Atlantic Ocean as the 65th degree of west longitude from the meridian of Greenwich, shall be restored on each side. That the term shall be thirty days in all other parts of the Atlantic Ocean, as far eastward as the entrance of the British Channel, and southward as far as the equinoctial line or equator, and the same time for the Gulf of Mexico and all parts of the West Indies. Forty days for the British Channel and the North Seas. The same time for all parts of the Mediterranean, and one hundred and fifty days for all other parts of the world, without exception," which was reserved by the American Plenipotentiaries for consideration.

APPENDIX, No. XLVII.

EXTRACTS

FROM

GRANTS OF LAND

OF

THE PROVINCE OF NEW BRUNSWICK.

GRANT

TO SIMON HEBERT OF A TRACT OF LAND IN THE PARISH OF KENT AND COUNTY OF YORK.

Appendix.  
No. 47.

Extracts from  
Grants of land by  
the province of N.  
Brunswick.

To Simon Hebert.

NEW-BRUNSWICK.

George the Fourth by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c.

To all to whom these presents shall come, Greeting :

Know Ye that we of our special grace certain knowledge and mere motion have given and granted and we do by these presents for us our heirs and successors give and grant unto Simon Hebert his heirs and assigns all that lot or tract of land situate in the parish of Kent and county of York in our Province of New Brunswick, and bounded as follows to wit : Beginning at a marked stake on the north-east shore of the River Saint John a few chains distant from the mouth of Madawaska River, thence running by the magnet north forty-five degrees east one hundred and twenty-five chains of four poles each ; thence north forty-five degrees west twenty-five chains ; thence south forty-five degrees west ninety chains to a Road reserved (four poles wide) along the eastern shore of Madawaska River ; thence bounded by the said Reserved Road and by a reserved Landing as represented on the annexed plan to the shore of the River St. John ; thence along the same shore to the place of beginning ; containing two hundred and fifty acres more or less with an allowance of ten per cent. for roads.

Given under the great seal of our Province of New Brunswick. Witness our trusty and well-beloved Sir Howard Douglas Baronet our Lieutenant Governor and Commander in Chief of our said Province at Fredericton the sixteenth day of May in the year of our Lord one thousand eight hundred and twenty-five and in the sixth year of our reign.

By command of His Excellency in Council.

WM. F. ODELL.

*Appendix.*  
No. 47.

Extracts from  
Grants of land by  
the province of N.  
Brunswick

To Edw'd J. Mann  
and others.

## GRANT

TO EDWARD J. MANN AND OTHERS OF THREE TRACTS OF LAND, &c. IN THE  
PARISH OF ALNWICK AND COUNTY OF NORTHUMBERLAND.

## NEW-BRUNSWICK.

George the Third by the Grace of God of the United Kingdom of  
ED. WINSLOW. Great Britain and Ireland King, Defender of the faith, &c.

To all to whom these presents shall come Greeting : Whereas Edward J. Mann Esquire, Jonathan Hoar, and Daniel Babbit, Junior, have manifested their desire to settle on certain Lands hereinafter described, and make proof of their ability to cultivate and improve the same according to the conditions hereinafter specified as well as of their loyalty to us and attachment to our Government: Know ye therefore that we of our special grace certain knowledge and mere motion have given and granted and we do by these presents for us our Heirs and Successors give and grant unto the said Edward J. Mann, Jonathan Hoar and Daniel Babbit in severalty that is each of them and unto each and every of their several and respective heirs and assigns in and by the several divisions quantities lots pieces and parcels herein after mentioned Three certain Tracts or lots of Land together with an Island containing in the whole one thousand and fifty acres more or less with the usual allowance of ten per cent for Roads and waste, that is to say unto the said Edward J. Mann the *first Tract together with the Island herein after described.* Unto the said Jonathan Hoar the second Tract. And unto the said Daniel Babbit the third Tract: the said three Tracts situate lying and being on the South Shore of Restigouche River, within the Parish of Alnwick in the County of Northumberland and abutted and bounded as follows, to wit: The first Tract Beginning at a marked Birch tree standing on or near the Southerly Bank or shore of the said River about three miles and twenty chains, measured along the said Shore above or Westerly from Old Church Point.

*The Island included in this Grant is situated in the said Restigouche River in front of the Tract above described along the said Southerly shore about eight chains therefrom being bounded by the waters of the said River and is commonly called Man's Island containing in the whole thereof twenty-seven acres more or less.*

Given under the Great Seal of our Province of New-Brunswick. Witness our trusty and well-beloved Edward Winslow Esquire President of our Council and Commander in Chief of our said Province at Fredericton, the twentieth day of February, in the year of our Lord one thousand eight hundred and eight, and in the forty-eight year of our Reign.

By command of the President in Council.

JON'N ODELL.

## GRANT

TO JOHN KING, OF A TRACT OF LAND LYING AT THE MOUTH OF SALMON RIVER,  
WHERE THE SAME EMPTIES ITSELF INTO THE RIVER ST. JOHN.

## NEW-BRUNSWICK.

To John King.

George the Third, by the Grace of God, of the United Kingdom of  
THOMAS SAUMAREZ. of Great Britain and Ireland King, Defender of the Faith, &c.

To all to whom these presents shall come, Greeting : Know  
Ye that we, of our special grace certain knowledge and mere motion, have given and



granted and we do by these presents, for us our Heirs and Successors, give and grant unto John King his heirs and assigns a *Tract of Land situate lying and being at the entrance of Salmon River which discharges into the River Saint John on its Easterly side about six miles below the Great Falls*, within the County of York, and abutted and bounded as follows, to wit :

*Appendix.*  
No. 47.

Excerpt from  
Grants of land by  
the province of N.  
Brunswick.

To John King.

Given under the Great Seal of our Province of New-Brunswick.

Witness our trusty and well-beloved Sir Thomas Saumarez, President and Commander in Chief of our said Province, at Fredericton, the twenty-seventh day of October, in the year of our Lord one thousand eight hundred and thirteen, and in the fifty-fourth year of our Reign.

By command of the President in Council.

JON'N ODELL.

### GRANT

TO ALEXANDER STEWART OF A TRACT OF LAND IN THE PARISH OF KENT, AND COUNTY OF YORK.

#### NEW-BRUNSWICK.

George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c.

WARD CHIPMAN.

To Alex. Stewart.

To all to whom these presents shall come, Greeting :

Know Ye that we, of our special grace, certain knowledge, and mere motion, have given and granted, and we do by these presents, for us our heirs and successors, give and grant unto Alexander Stewart his heirs and assigns, all that lot or tract of Land, situate in the Parish of Kent and County of York in our Province of New-Brunswick, and bounded as follows, to wit : *Beginning at an Elm tree on the West side of the River Saint John, being the upper boundary of a reserve for the use of the Garrison at the Great Falls, and thence running along the northerly line of the said reserve by the magnet west one hundred and ten chains of four poles each ; thence north thirty-four degrees west thirty-seven chains ; thence east to the said river (a marked Spruce tree standing on the bank thereof in the said line) ; and thence along the said river to the place of beginning: containing three hundred acres.*

Given under the Great Seal of our Province of New-Brunswick. Witness our trusty and well-beloved Ward Chipman, Esquire, our President and Commander in Chief of our said Province, at Fredericton, the nineteenth day of January, in the year of our Lord one thousand eight hundred and twenty-four, and in the fourth year of our Reign.

By command of the President in Council.

WM. F. ODELL.

APPENDIX, No. XLVIII.

EXTRACTS

FROM

THE ACTS OF THE GENERAL ASSEMBLY

OF

THE PROVINCE OF NEW BRUNSWICK.

ACTS

Appendix.  
No. 48.

Acts of New  
Brunswick.

Boundaries of  
Counties, Parishes  
and Towns.

ESTABLISHING COUNTIES, PARISHES, AND TOWNS ON THE CANADA LINE, BAYE  
DES CHALEURS, AND RISTIGOUCHE AND ST. JOHN RIVERS.

CAP. I.

26 Geo. III.

*An Act for the better ascertaining and confirming the boundaries of the several  
counties within this province, and for subdividing them into Towns or Parishes.*  
26 Geo. III. 1786.

Whereas his most gracious Majesty, by his Royal Letters Patent under the great  
Seal of this Province, bearing date the eighteenth day of May, one thousand seven  
hundred and eighty-five, was pleased to erect and constitute into one distinct and sepa-  
rate county, all that tract or district of land, &c. &c.

Northumberland.

And whereas by like letters patent since passed, another tract or district of land ly-  
ing within this province, bounded southerly by the county of Westmoreland, easterly  
by the Gulf of St. Lawrence, and the *Baie des Chaleurs*, northerly by the said Bay  
and the *Southern Boundary of the Province of Quebec*, and westerly by a continu-  
ation of the Western boundary line of the said county of Westmoreland, was also  
erected into one distinct and separate county, to be called and known by the name  
of the county of Northumberland.

York.

And whereas by like Letters Patent, in like manner since passed, another tract or  
district of land, lying within this Province on both sides the River St John, bounded  
on the south-west by Charlotte county, on the north-east by the county of Northum-  
berland, on the north-west by the Province of Quebec, and on the south-east by the  
North boundary line of the township of Maugerville, and by the said line continued  
to the North-east till it meets the western bounds of Northumberland county, and  
south-west to the Eastern bounds of the county of Charlotte, was also erected into one  
distinct and separate county, to be called and known by the name of the County of  
York.

IX. The said county of Northumberland shall be divided into two towns or Parishes, viz: The first Town or Parish to be called, known and distinguished by the name of New Castle, &c. &c.

Acts of New Brunswick.  
Boundaries of Counties, Parishes and towns.  
York.

The second Town or Parish to be called, known and distinguished by the name of Alnwick, bounded Southerly by the North line of said Town of New Castle, &c. &c.

## CAP. IV.

*An act in addition to an act intituled "an act for the better ascertaining and confirming the boundaries of the several counties within this Province, and for subdividing them into Towns and Parishes." Passed 16th March, 1803.*

43 Geo. III.

Be it enacted by the Lieut. Governor, Council, and Assembly, That a direct line from the North-west corner of the county of Westmoreland, until it meets the South-west branch of Miramichi river; where the portage leading from the river Nashwaack now joins the same, thence by a line running north twenty two degrees thirty minutes west by the true meridian from the junction of the said Portage, with the said South-west branch of the Miramichi, as aforesaid, to the Southern boundary of the Province of Lower Canada, shall be deemed the boundary line of the county of Northumberland, and the dividing line between that and the adjoining counties.

## CAP. V.

*An act for erecting the Upper Part of the County of York, into a distinct Town and Parish. Passed 16th March, 1803.*

43 Geo. III.

Be it enacted, &c. That all that tract of country in the county of York, laying and being above the Towns of Woodstock and Northampton, and extending to the White March, three miles above the garrison at Presque Isle inclusive, and from the said upper boundary extending a line parallel to the upper boundary of the said Parishes of Woodstock and Northampton, be and the same is hereby erected and made a distinct Town and Parish by the name of the town and parish of Wakefield.

## CAP. XVII.

*An act in further addition to an act intituled "an act for the better ascertaining and confirming the boundaries of the several counties within this Province, and for subdividing them into Towns or Parishes." Passed 7th March, 1814.*

54 Geo. III.

Whereas the Towns or Parishes of New-Castle and Alnwick, in the county of Northumberland, &c. &c. . . . . And whereas it has become necessary by the means of the increase of population of the said county of Northumberland, to constitute other Towns or Parishes within the said county,

Parishes of New Castle & Alnwick.

II. Be it therefore further enacted, That there be erected and constituted in the said county, and there are hereby enacted and constituted within the same, nine other Towns or Parishes, to be bounded, described and named as follows, to wit:

The first town or parish, &c. &c. . . . . The

*Appendix.* seventh town or parish to be called, known, and distinguished by the name of Saumarez; to be bounded on the North by the South line of lot number one, in the grant to Simon Arsenau and associates, near the Little Nipissiquid, on the Bay of Chaleur, &c. . . . . The eighth Town or Parish to be called, known, and distinguished by the name of Beresford; to be bounded southerly by the Parish of Saumarez and the continuation of the north line thereof, until it meets the county line; easterly, northerly, and north-westerly, by the Bay of Chaleur, and the River Restigouche, including Heron Islands, and the Islands in the said Restigouche River; and South-westerly by the said county line.

CAP. XXII.

2 Geo. IV. *An act to erect the upper part of the county of York into a Town or Parish.*  
Passed 20th March, 1821.

*Upper part of the county of York.* Be it enacted by the Lieutenant Governor, Council, and Assembly, That all that part of the county of York lying above the Parish of Wakefield, on both sides of the River St. John, be, and the same is hereby erected into a town or parish, and to be distinguished by the name of the Town or Parish of Kent.

CAP. XXXI.

7 Geo. IV. *An act for the division of the county of Northumberland into three counties, and to provide for the government and representation of the two new counties.*—  
Passed 7th March, 1826.

*Subdivision of Northumberland.* Whereas from the great extent of the present county of Northumberland, it is necessary and expedient that the same be divided into three counties,

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That, &c. &c. and that all that other part of the said county of Northumberland which now forms the parishes of Saumarez and Beresford, be, and the same is hereby erected into another county, separate and distinct from the said county of Northumberland, to be called and known by the name of the County of Gloucester.

IV. And be it further enacted, That the said two new counties shall be, and the same are hereby respectively subdivided into towns or parishes as follows, to wit: &c. &c.

The said county of Gloucester shall be divided into five towns or parishes as follows, to wit: &c. &c.—The third Town or parish to retain the name of Beresford, to be formed of that part of the present Parish of Beresford which lies to the eastward of a line drawn through the middle of Benjamin River. The fourth Town or Parish to be called and known by the name of Addington, and to be formed of that part of the present parish of Beresford, lying between Benjamin River, and a line drawn through the middle of the River Upsalquitch, including Heron Island, and the other Islands in front. And the fifth Town or Parish to be called and known by the name of Eldon, and to comprehend the residue of the said present parish of Beresford.

V. And be it further enacted, That the Town now forming on the Southern side of the entrance of the River Restigouche within the said county of Gloucester shall be called and known by the name of Dalhousie.

## ACTS

## REGULATING THE FISHERIES IN THE RESTIGOUCHE AND ITS BRANCHES.

Appendix.  
No. 48.Acts regulating  
the Fisheries.

## CAP. V.

30 Geo. III.

*An act for regulating the Fisheries in the county of Northumberland.—Passed  
8th February, 1799.*In Northumber-  
land.

Whereas the laws now in force for regulating the *Fisheries in the county of Northumberland* have been found inadequate to the purposes intended; for remedy whereof

I. Be it enacted, &c. &c.

VIII. And be it further enacted, That *no Salmon shall be taken or killed* in any manner whatever in the *River Miramichi, or in the River Restigouche, or in any of the branches of the said rivers*, from the thirtieth day August, to the first day of April in every year; nor shall any person purchase any fish so killed or taken, *under the penalty of five shillings* for each fish, so killed, taken or purchased, to be recovered before any of His Majesty's Justices of the Peace, for the county of Northumberland.

## CAP. XIX.

45 Geo. III.

*An act to continue sundry acts of the General Assembly that are near expiring.  
Passed 5th March, 1805.*In Northumber-  
land.

Be it enacted by the President, Council, and Assembly, That an act passed in the thirty-ninth year of his Majesty's reign, intituled, "an act for regulating the Fisheries in the county of Northumberland," &c. &c. be further continued; and the said acts and every clause matter and thing therein contained, are hereby continued and declared to be in full force, until the first day of March, which will be in the year of our Lord, one thousand eight hundred and ten.

## CAP. IV.

50, Geo. III.

*An act to continue for a limited time an act passed in the thirty-ninth year of His Majesty's Reign, intituled "an act for regulating the Fisheries in the county of Northumberland." Passed 14th March, 1810.*In Northumber-  
land.

Be it enacted by the President, Council and Assembly, That an act made and passed in the thirty-ninth year of His Majesty's Reign, intituled "an act for regulating the Fisheries in the county of Northumberland," be continued, and the said act and every clause, matter and thing therein contained, is hereby continued and declared to be in full force for ten years, and from thence to the end of the then next session of the general assembly and no longer.

## CAP. IV.

60 Geo. III.

*An act to make perpetual several acts of the General Assembly that are near expiring. Passed 20th March, 1820.*

Be it enacted by the Lieutenant Governor, Council and Assembly, That an act made and passed in the thirty-ninth year of His Majesty's Reign, intituled "an act for regulating the fisheries in the county of Northumberland," &c. &c. . . . .  
. . . . . be, and the same acts are hereby declared to be continued and in full force for three years, and thence to the end of the then next session of the General Assembly.

Appendix.  
No. 48.

Act regulating  
the Fisheries.  
4 Geo. IV.

CAP. XXIII.

*An act in further amendment of the Laws for regulating the Fisheries in the county of Northumberland. Passed 27th March, 1823.*

Whereas the provisions and penalties in an act made and passed in the thirty-ninth year of the Reign of His late Majesty King George the third, intituled "an act for regulating the Fisheries in the county of Northumberland," have been found ineffectual,

I. Be it therefore enacted, &c. [making some alterations not touching the 8th Section, nor the river Restigouche or its branches.]

III. And be it further enacted, That *the said herein before recited acts*, excepting wherein the same are hereby altered and amended, together with this act, *shall continue and be in force five years*, and thence to the end of the next session of the General Assembly.

### ACTS

#### ESTABLISHING ROADS OF COMMUNICATION THROUGH THE PROVINCE.

CAP. XXII.

56 Geo. III. *An act for the establishment, regulation, and improvement of the great Roads of communication through the province. Passed 11th March, 1816.*

Whereas it is expedient that a more effectual system should be established for the regulation and improvement of the Great Roads leading through the province,

I. Be it therefore enacted by the President, Council and Assembly, That the Roads as herein described, be, and they are hereby appointed and established to be the Great Roads of communication through the province, that is to say, &c. &c.

That the Road leading from Fredericton to the Canada line be by the following line or route; that is to say,

From Fredericton upon the west side of the River St. John to John Kelly's, thence to cross the River to Michael McNelly's, thence to Joseph Wolverson's in the parish of Northampton, thence across the River Saint John to Mr. Frazer's lower Farm in Woodstock, thence to the Garrison at Presque Isle, thence across the larger Presque Isle Creek near the mouth of the River Roostock, thence across the said river near the mouth, thence to the Grand Falls, and from thence to the Canada line through the Madawaska settlement.

VI. And be it further enacted, That there be allowed and paid out of the Province Treasury the following sums of Money, that is to say, &c. &c.

To the said George D. Berton, Thomas C. Lee and Daniel Morehouse, the sum of three thousand pounds, towards improving and repairing the public Road leading from Fredericton to the Canada line, and for building and repairing bridges upon the same.

CAP. XI.

57 Geo. III. *An act to appropriate a part of the public Revenue for the services therein mentioned. Passed 22d March, 1817.*

Be it enacted by the President, Council and Assembly, That there be allowed and paid out of the Treasury of the province, unto the several persons hereafter mentioned, the following sums, to wit: &c. &c.



To His Honor the President the sum of eleven hundred and fifty pounds for the further improving that part of the Great Road of communication leading from Fredericton to the Canada line.

*Appendix.*  
No. 48.

Acts of New Brunswick.

CAP. XVI.

*An act to provide for opening und repairing Roads and erecting Bridges throughout the Province, and improving the navigation of certain Rivers therein. Passed 23th March, 1820.*

60 Geo. III.

Be it enacted by the Lieutenant Governor, Council and Assembly, That there be allowed and paid out of the Treasury of this Province, to such person or persons as His Excellency the Lieutenant Governor or Commander in Chief for the time being shall appoint, in addition to the sums already granted by law, and remaining unexpended, the following sums for the purposes hereafter mentioned, that is to say, &c. &c.

The sum of one hundred and seventy five pounds, to explore, lay out, and open a road from the river Nepisigwit to the River Restigouche, &c. &c.

The sum of fifty pounds, for making a towing path and removing rocks between Presque Isle and the Restook river.

The sum of one hundred and fifty pounds for removing rocks and making towing paths from Restook river to the Grand Falls.

CAP. XXXI.

*An act to repeal all the laws now in force relating to the establishment, regulation, and improvement of the Great Roads of communication through the Province, and to make more effectual provision for the same. Passed 21st March, 1822.*

3 Geo. IV.

II. And be it further enacted, &c. &c. That the roads as herein described, be, and they are hereby appointed and established to be the great roads of communication through the province, that is to say, &c. &c.—That the road leading from Fredericton to the Canada line, be by the following line or route, that is to say; From the Market house in Fredericton, &c. &c. &c.—to Mr. Fraser's lower farm, in Woodstock, thence to the garrison at Presque Isle, thence across the larger Presque Isle Creek, near the mouth, to the river Roostock, thence across the said river near its mouth, thence to the Grand Falls, and from thence to the Canada line.

That the road leading from Fredericton to Restigouche in Northumberland, be by the following line or route, that is to say; From Fredericton across the ferry, &c. &c. &c. to the Court House in New Castle, thence to the River Nipisigwit, thence along the settlements on the coast of Chaleur Bay to the River Restigouche, &c. &c.

III. And be it further enacted, That all the before mentioned public roads shall be laid out four rods wide, and be opened and worked of such width as the supervisors in their respective districts shall in their discretion deem necessary.

CAP. XXXII.

*An act to appropriate a part of the public Revenue for the services therein mentioned. Passed 27th March, 1823.*

4 Geo. IV.

Be it enacted by the Lieutenant Governor, Council and Assembly, That there be allowed and paid out of the Treasury of this Province, the following sums, to wit, &c. &c.

*Appendix.* To Daniel Morehouse late Supervisor, for the great road of communication from  
 No. 48. Fredericton to Canada line, the sum of one pound five shillings and ten pence, a bal-  
 ance due him.  
 Acts of New Brunswick.

## CAP. XXVIII.

*An act to provide for opening and repairing Roads and erecting Bridges throughout the province. Passed 19th March, 1827.*

Be it enacted by the Lieutenant Governor, Council and Assembly, That there be allowed and paid out of the Treasury of this Province to such person or persons as His Excellency the Lieutenant Governor, or Commander in Chief for the time being, shall appoint, in addition to sums already granted, the following sums for the purposes hereinafter mentioned, that is to say,

The sum of six hundred and fifty pounds, for the Great Road from Fredericton to the Canada line, &c.

The sum of seven hundred and fifty pounds for the Great Road from Fredericton to Restigouche.

APPENDIX, No. XLIX.

DEPOSITIONS

OF

CERTAIN INHABITANTS OF MADAWASKA,

CONCERNING

THE BOUNDARY OF CANADA;

AND OF

JOHN G. DEANE, CONCERNING THE SAID BOUNDARY, AND THE TENURE OF CERTAIN  
LANDS ON TEMISCOUATA LAKE.

ENOCH LINCOLN,  
*Governor of the State of Maine.*

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

[L. S.]

ENOCH LINCOLN.

Know ye, that John G. Deane, Esq. of Ellsworth, in our County of Hancock, whose name is borne on the papers hereunto annexed, is a Notary Public, duly nominated and appointed, commissioned and qualified; and that to his Acts and Attestations as such, full faith and credit are and ought to be given in and out of Court.

In testimony whereof, I have caused the Seal of the State to be hereunto affixed. Given under my hand at Portland, this sixth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

By the Governor:

A. NICHOLS, *Secretary of State.*

*Appendix.*  
No. 49.

Depositions concerning the boundary of Canada and certain lands on lake Temiscouata.

Depositions of certain inhabitants of Madawaska.

*State of Maine:*

Be it remembered, that on this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me John G. Deane, Esq. Notary Public, by lawful authority duly authorized, commissioned, and sworn, personally appeared *Captain Fearner Thibideau, of Madawaska*, who, after being first duly cautioned and sworn upon the Holy Evangelists to testify the truth, the whole truth, and nothing but the truth, testifies, declares and says; that *he is aged fifty-nine years and upwards; was born in the Province of New Brunswick, and when he was nineteen years old his father moved with his family to Madawaska, where the deponent has lived ever since.*

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Depositions concerning the boundary of Canada and certain lands on lake Temiscouata.

Depositions of certain inhabitants of Madawaska.

He is well acquainted with the Grand Portage, and has crossed it several times to Canada, and has always understood that St. Francis' Mountain, or some place upon it, was considered the line of Canada, and that fugitives from justice from either side were considered safe from arrest when they had crossed it. He has understood the line to be at a post which was on St. Francis' Mountain, about half way across the portage. Some years ago his neighbours, as he understood, were employed by the government of New Brunswick to work on the Grand Portage.

He is now a Captain of Militia, and holds his Commission under the Government of New Brunswick.

In testimony of the truth of his aforesaid declarations, he now hereunto sets his hand and makes his cross.

his  
FEARMER × THIBIDEAU.  
cross.

In testimony whereof, I the said Notary, have hereunto subscribed my  
[L. s.] name and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

*State of Maine:*

Be it remembered, that on this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me John G. Deane, Esq. Notary Public, by lawful authority duly authorized, commissioned and sworn, personally appeared *Jeremiah Dubie, of Madawaska*, who, after being duly cautioned and sworn upon the holy Evangelists to testify the truth, the whole truth, and nothing but the truth, testifies, declares and says; that he is sixty years of age and upwards; was born in Camarouska in Canada, and moved to Madawaska thirty-four years ago.

Between twenty-five and thirty years ago, he, with thirteen or fourteen others from Madawaska, worked on the Grand Portage, repairing the road from Temiscouata Lake, to beyond the Grand Fourche, where they met the party from Canada; they erected a post and marked it, but the marks he does not recollect. Mr. Francis Martin superintended the work, and they were employed, supplied, and paid by the Province of New Brunswick. Mr. Martin is dead: four of his sons, some by the name of Herbert, Mr. Foursin and others, worked on the road.

He has always understood, that the St. Francis, or some place upon the mountain, was the line of Canada; and that such as fled for debt from either Province were free from arrest as soon as they passed it.

In testimony of the truth of his aforesaid declarations, he now hereunto affixes his hand and makes his cross.

his  
JEREMIAH × DUBIE.  
cross.

In testimony whereof, I the said Notary have hereunto subscribed my  
[L. s.] name and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

*State of Maine:*

Be it remembered, that on this twelfth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me John G. Deane, Esquire, Notary Public, by lawful authority duly authorized, commissioned and sworn, personally appeared *Fearmer Herbert, of Madawaska*, who, after being first duly cautioned and sworn

upon the Holy Evangelists to testify and declare the whole truth, and nothing but the truth, testifies, declares and says; that *he is now aged forty-six years and upwards, and went to Madawaska when he was eight years old (thirty eight years ago) with his father and family, where he has resided ever since. He has been to Canada several times across the Grand Portage, and has always heard, ever since he has been old enough to remember any thing, that St. Francis' Mountain, or some place on it, was the line of Canada, and that those who fled from the one government to the other, were always considered safe from arrest when they had passed it.*

Appendix.  
No. 49.

Depositions concerning the boundary of Canada and certain lands on lake Temiscouata.

Depositions of certain inhabitants of Madawaska.

Between twenty-five and thirty years ago, as near as he can recollect, fourteen or fifteen men went from Madawaska to work on the Grand Portage, of whom the deponent was one: They worked on the Portage two or three weeks; and worked from Lake Temiscouta until they met the party from Canada; where they *met the party from Canada, a post had been erected; it was about six feet high. The party from Canada worked to the post first, and were stopping there* when the party from the Lake arrived. The parties *separated at the post*, and returned. The party from Madawaska were headed and superintended by Francis Martin, of Madawaska, who is now dead; and they *received their supplies from, and were paid by the Province of New Brunswick.* Michael Martin, Francis Martin, Mr. Dubie, Mr. Fournie, and many others, most of whom are dead, worked on the Grand Portage with him.

In testimony of the truth of his aforesaid declaration, he now hereunto sets his hand and makes his cross.

his  
FEARMER X HEBERT.

CROSS.

In testimony whereof, I the said Notary have hereunto subscribed my name and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

#### State of Maine:

Be it remembered, that on this twelfth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me, John G. Deane, Esquire, Notary Public, by lawful authority duly commissioned, authorized and sworn, personally appeared *Michael Martin, of Madawaska*, who after being first duly cautioned and sworn upon the Holy Evangelists, to testify and declare the truth, the whole truth, and nothing but the truth, testifies, declares and says; that *he is aged forty-seven years and upwards; was born at St. Ann's now Fredericton, and thirty six or thirty-seven years ago his father, Francis Martin, moved to Madawaska with his family, where he lived until his death. He has heard his father and others in Madawaska say the line of Canada was at Mount St. Francis.*

About twenty seven or twenty-eight years ago, as near as he can recollect, his father and others were employed by the Government, or some person acting under the Government of New Brunswick, to work on the Grand Portage, from the Lake Temiscouta to Canada. He, the deponent, worked on the Portage with his father and fourteen or fifteen others. They worked on the Portage from Temiscouta Lake towards Canada, across the Grand Fourche stream, where *they set up a post; the party at work on the Portage met them here from Canada; they fired their guns when the post was set up, and afterwards separated; one party returned to Canada and the other to Madawaska.*

His father *superintended the work for the Province of New Brunswick, and was paid by the Province.* The provisions which they had were brought from the Grand Falls below, on the river St. John.

Appendix.  
No. 49.

His father has been dead ten years.

Depositions concerning the boundary of Canada and certain lands on lake Temiscouata.

Depositions of certain inhabitants of Madawaska.

In testimony of the truth of his aforesaid declarations, he now hereunto affixes his hand by making his cross.

his  
MICHAEL X MARTIN.  
cross.

In testimony whereof, I the said Notary have hereunto subscribed my  
[L. s.] name, and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

*State of Maine:*

Be it remembered, that on this twelfth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me, John G. Deane, Esquire, Notary Public, by lawful authority duly commissioned, authorized and sworn, personally appeared *Simon Baulier, of Madawaska*, who after being first duly cautioned and sworn upon the Holy Evangelists, to testify and declare the truth, the whole truth, and nothing but the truth, testifies, declares and says; that he is *aged forty-six years and upwards; was born within six miles of the Grand Portage on the St. Lawrence, and when he was aged eight or ten years came to Madawaska, and lived with Captain Du Pierce, one of the first settlers at Madawaska, and has resided in Madawaska ever since. He is well acquainted with the Grand Portage, and has passed and repassed it a great many times, and has always heard and understood that Mount St. Francis, between the Grand Fourche stream and the St. Francis River, or some place on the mountain, was the line of Canada. There was a post standing on Mount St. Francis, between the Grand Fourche stream and St. Francis River, to which part the people from Canada repaired the road on the one side, and the people of New Brunswick on the other, as he has understood; if it has not always been so, it has sometimes been so.*

In testimony of the truth of his aforesaid declarations, he now hereunto affixes his hand by making his cross.

his  
SIMON X BAULIER.  
cross.

In testimony whereof, I the said Notary have hereunto set my hand, and  
[L. s.] affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

*State of Maine:*

Be it remembered, that on this twelfth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me, John G. Deane, Esquire, Notary Public, by lawful authority duly commissioned and sworn, personally appeared *Joseph Cire, of Madawaska*, who after being first duly cautioned and sworn to testify and declare the truth, the whole truth, and nothing but the truth, upon the Holy Evangelists, testifies, declares and says; he is *aged twenty-eight years; was born in and has always resided in Madawaska, and that he has crossed and recrossed the Grand Portage many times, and was present on the fourth and fifth days of November, in the year of our Lord one thousand eight hundred and twenty-eight, when Michael Cire shewed John G. Deane, Esquire, the place where a post formerly stood. The place is on the St. Francis' Mountain between the Grand Fourche and St. Francis river, on a ridge or highland twenty or thirty rods south-easterly of a stream called*



Dirty Brook, which runs south-westerly. There is also, near the place, a large rock which is remarkable, on the Grand Portage, differing in size and appearance very much from any other one there.

In testimony of the truth of his aforesaid declarations, he does hereunto put his hand and subscribes the same with his cross.

his

JOSEPH X CIRE.

cross.

In testimony whereof, I the said Notary have hereunto subscribed my  
[L. s.] name, and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

Appendix.  
No. 49.

Depositions con-  
cerning the bound-  
ary of Canada  
and certain lands  
on Lake Temiscou-  
tia.

Depositions of cer-  
tain inhabitants of  
Madawaska.

#### State of Maine:

Be it remembered, that on this eleventh day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me, John G. Deane, Esquire, Notary Public, by lawful authority duly commissioned, authorized and sworn, personally appeared *Michael Cire, of Madawaska*, who, being first duly sworn upon the Holy Evangelists, to testify the truth, the whole truth, and nothing but the truth, testifies, declares and says; that *he is sixty-two years of age and upwards*; was born on Sugar Island near Fredericton, and removed with his father before he was twenty-one years of age to the place where he now dwells; since residing in Madawaska he has crossed the Grand Portage from Lake Temiscouta to Canada nearly every year, and some years several times, and has always understood, and it has always been so understood at Madawaska, that Mount St. Francis, or some place on that Mountain, was the line of Canada. The Mount lies between the Grand Fourche and St. Francis rivers, and divides their waters.

Upon the ascent of the mount from the Grand Fourche, and only one or two hundred feet lower than the summit, there is a stream flowing south-westerly called Dirty Brook, on account of the bad quality of the water, within twenty or thirty rods of which on the highland south-easterly of it, and also near a remarkable rock, one differing much in size and appearance from any rock on the road, which he shewed John G. Deane, aforesaid, the place where a post formerly stood, but which has decayed or has been otherwise destroyed, as he has not seen it for a few years last past. There were marks on the post, but did not know what they meant.

In testimony of the truth of his aforesaid declarations, he hereunto affixes his hand by his cross.

his

MICHAEL X CIRE.

cross.

In testimony whereof, I the said Notary have hereunto subscribed my  
[L. s.] name, and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

#### State of Maine:

Be it remembered, that on this tenth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me John G. Deane, Esquire, Notary Public, by lawful authority duly commissioned, authorized and sworn, personally appeared *Paulite Marchee, of Madawaska*, who, after being duly cautioned and sworn upon the Holy Evangelists, to testify the truth, the whole truth, and nothing but the truth, testifies, declares and says; that he is now aged seventy years and upwards; was born in St. Andre in Canada, near where the Grand Portage com-

*Appendix. mences on the St. Lawrence, and moved to Madawaska, the place where he now dwells, twenty years ago. He crossed the Grand Portage thirty-six years ago, and has since that time crossed and recrossed it thirty times and upwards. He has not crossed the Portage the last seven years. The Mount St. Francis, or some place on or about it, has always been considered and understood to be the line of Canada.*

Depositions concerning the boundary of Canada and certain lands on lake Temiscouata.

Depositions of certain inhabitants of Madawaska.

It lies and runs north-easterly and south-westerly between the Grand Fourche and St. Francis River. On the south-eastern side of Mount St. Francis, after you ascend some distance from the Grand Fourche stream, there is a stream called Dirty Brook, which flows into one of the Lakes of the St. Francis River. On the south-westerly side of the Portage road, and twenty or thirty rods south-easterly of the brook, there was a post which was always called the half-way post on the Portage. From the land on which this post stands, the waters flow on the one hand into the Grand Fourche, and Trois Pistoles, and into the river St. Lawrence; and on the other hand into the River St. Francis, and through it into the river St. John. The land thus dividing the waters of the St. Lawrence from the waters of the St. John, was always understood by us to be the line of Canada. Such has always been the understanding so long as he can remember.

In testimony of the truth of his declarations above written, he has hereunto made his cross, and requested the said Notary to write his name.

his  
PAULITE X MARCHEE.  
mark.

In testimony whereof, I the said Notary have hereunto subscribed my

[L. s.] name, and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

#### *State of Maine:*

Be it remembered, that on this tenth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me John G. Deane, Esquire, Notary Public, by lawful authority duly commissioned and sworn, personally appeared *Jean Baptiste Long*, now resident in the *Madawaska* settlement, near the Catholic Chapel in the Parish of St. Emillie, and being first duly cautioned and sworn upon the Holy Evangelists, to testify and declare the truth, the whole truth, and nothing but the truth, testifies, declares and says; that *he is now thirty-one years of age and upwards*; was born at the river De Loup which crosses the Grand Portage, and twenty years ago his father brought him with the residue of his family to the Lake Temiscouta, and settled at the place where the Grand Portage commences. He resided at that place nineteen years, and in the autumn of the year one thousand eight hundred and twenty-seven, moved to the place where he now resides.

Ever since he was old enough to cross the Grand Portage, he has crossed it from one to six times a year, and perfectly recollects the cedar post, which he was always told was the line of Canada; it was six feet high or thereabouts, hewed on the four sides; the side next to the Portage road, and side next to Canada, were marked or written over, from top to bottom; the other sides were not marked; he did not understand the marks; the post stood on the south-westerly side of the Portage road, between the Grand Fourche stream and the peak or top of Mount St. Francis; on high and elevated land, within a few rods of the post, and on the north-westerly side of it, there is a stream or large brook which flows into the St. Francis River, which he has descended to that river, and the Grand Fourche flows into the Trois Pistoles. On the side of the Portage, and nearly opposite to the place where the post stood,

is a large rock, larger than any other one on the Portage; its appearance is also different from any other he ever saw in those parts. *The elevated land on which the post stood divides waters which flow either way, one into the Grand Fourche, and the other into the St. Francis river.*

He further testifies, declares and says; that *four years ago last August*, when going from the Lake Temiscouta to Canada, about the middle of the afternoon, he saw that the aforesaid post was cut down, and was put on a fire which was then burning; the post on the fire contained the marks which he has before mentioned, and they were not then entirely consumed; he saw some of them; he took it from the fire, and extinguished the fire upon it, and set it by the side of the road. He passed again in about one month, and the post he had saved from the fire was gone, and what became of it he does not know. He does not know who cut down the post, but supposes it was cut down by persons who were crossing the Portage.

In testimony of the truth of his declarations above written, he now hereunto sets his hand by his cross, being unable to write his name, and requests the said Notary to write his name at length.

JEAN BAPTISTE + LONG.  
his mark.

In testimony whereof, I the said Notary have hereunto subscribed my name, and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

#### State of Maine:

Be it remembered, that on this eighth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, before me, John G. Deane, Esquire, Notary Public, by lawful authority duly authorized, commissioned and sworn, personally appeared *Raphael Michaud*, of the Parish of St. Emilie, being the upper parish in the Madawaska settlement; and first being duly cautioned and sworn upon the Holy Evangelists, to testify and declare the truth, the whole truth, and nothing but the truth, testifies, declares and says; that *he is twenty-seven years of age and upwards*; and that twelve years ago, or thereabouts, he travelled over the Grand Portage from Temiscouta Lake to Canada. While travelling from the river St. Francis to the River Verde or Green River, he saw fourteen or fifteen men from Canada at work on the Grand Portage, repairing the road, and was told by them that a cedar post, squared, and standing on the westerly, or south-westerly side, of the road, about half way between the peak or top of Mount St. Francis and St. Francis river, something more than one-sixth of a league south-easterly from said river, was the line of Canada. The post had many marks upon it, which he did not understand, nor does he remember. Since that time he has passed the Grand Portage nearly every year. The last time he saw the post, was five years since; and although he has since passed and repassed the Portage twice, has not seen the post, and supposes the post has been destroyed by accident or design.

He has also always understood from the inhabitants of Madawaska, that the aforesaid post was the line of Canada. He has passed the Portage with others from Madawaska, much older than himself, who have shewed him the same for the line of Canada, and as the place where it was generally understood to be.

In testimony of the truth of his declarations above written, he now hereunto subscribes his name.

RAPHAEL MICHAUD.

In testimony whereof, I the said Notary have hereunto subscribed my name, and affixed my Notarial Seal.

JOHN G. DEANE,  
Notary Public.

*Appendix.*  
No. 49.

Depositions concerning the boundary of Canada and certain lands on Lake Temiscouate.

Deposition of John G. Deane, touching the boundary of Canada.

## DEPOSITION

OF JOHN G. DEANE, TOUCHING THE BOUNDARY OF CANADA.

ENOCH LINCOLN,  
*Governor of the State of Maine.*

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

[L. s.]  
ENOCH LINCOLN.

Know ye, that the Honorable Prentiss Mellen, of Portland, in our Cumberland, whose name is borne on the paper hereunto annexed, is Chief Justice of our Supreme Judicial Court for the said State of Maine; duly nominated and appointed, commissioned and qualified; and that to his acts and attestations, as such, full faith and credit are and ought to be given, in and out of Court.

In testimony whereof, I have caused the Seal of the State to be hereunto affixed. Given under my hand at Portland, this sixth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

By the Governor:

A. NICHOLS,  
*Secretary of State.*

I, *John G. Deane*, of the State of Maine, depose and say; that pursuant to instructions from the Hon. William P. Preble, one of the Agents of the United States for settling the north-eastern boundary of the United States, *I proceeded to Madawaska*, where I arrived on the thirty-first day of October last; and that on that and many of the following days, *I held conversations with many of the oldest and principal inhabitants of that settlement*; and to my inquiries "*Where has the boundary of Canada been always considered to be?*" have been uniformly answered "*St. Francis*;" and to my explanatory question to ascertain whether they meant *St. Francis River* or *Mountain*, the explanation has been "*the Mountain*," or some place upon it, at the head of the streams. And to my explanatory question to ascertain the mountain they meant by *St. Francis*, I have been answered that they meant the mountain between the Grand Fourche and *St. Francis River*: and to my question—"Where do these Rivers empty themselves?" the answers have been "*The Grand Fourche runs into the Trois Pistoles, and the St. Francis into the River St. John*." Some went much further, and were more definite in their answers, and pointed out the exact spot upon the *St. Francis Mountain* where a post formerly stood on the portage, which they understood to be the boundary of Canada. This spot I visited in company with Michael Cire and Joseph Cire. The place where the post stood is exactly upon the ridge or highland which separates the waters which flow into the Grand Fourche and the waters which flow into the *St. Francis*; and, as near as I could judge from walking over the ground, the waters of the respective streams are not more than half a mile asunder. At the place where the post was described to have stood, there is a rock, peculiar for its size and appearance, differing very much from any other I saw elsewhere on the Grand Portage. Most of the persons further stated voluntarily, without the question being proposed by me, that fugitives from Canada were considered free from arrest, when they had passed the *St. Francis*.

JOHN G. DEANE.

Be it remembered, that on this sixth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, the above named John G. Deane personally appeared before me, the subscriber, Chief Justice of the Supreme Judicial Court of

the State of Maine, and made solemn oath according to the laws of this State, that the facts stated in the foregoing deposition by him subscribed, are true; which deposition I have taken at the request of Hon. William P. Preble, one of the Agents of the United States for settling the north-eastern boundary of the United States.

[L. s.]

PRENTISS MELLEN.

*Appendix:*  
No. 49.  
Deposition con-  
cerning the bound-  
ary of Canada  
and certain lands  
on lake Temiscou-  
ata.

Deposition of John  
G. Deane, touching  
the tenure of lands  
on lake Temiscou-  
ata.

## DEPOSITION

OF JOHN G. DEANE, TOUCHING THE TENURE OF CERTAIN LANDS NEAR THE  
GRAND PORTAGE, ON TEMISCOUATA LAKE.

ENOCH LINCOLN,

*Governor of the State of Maine.*

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

Know ye, that Joshua W. Hathaway, Esq., of Ellsworth, in our County of Hancock, whose signature is borne on the paper hereunto annexed, is a Justice of the Peace within and for our County of Hancock, aforesaid, in the said State of Maine, duly nominated and appointed, commissioned and qualified; and that to his acts and attestations, as such, full faith and credit are and ought to be given, in and out of Court.

[L. s.]

ENOCH LINCOLN.

In testimony whereof, I have caused the Seal of the State to be hereunto affixed. Given under my hand at Portland, this thirtieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

By the Governor:

A. NICHOLS,

*Secretary of State.*

I, John G. Deane, Esq., of lawful age, do depose, having first been duly cautioned and sworn on the Holy Evangelists of Almighty God to tell the truth, the whole truth, and nothing but the truth, do testify and say; that being at the Grand Portage leading from Temiscouata Lake to the River St. Lawrence, in the month of November last, under the authority of the United States, for the purpose of ascertaining certain facts, I there had a conversation with Col. Alexander Frazier, who resides at the Grand Portage on Temiscouata Lake, and claims to be the owner of a Seigneurie there. He informed me that his title deeds were at Quebec; that his seigneurie embraced a territory six miles all around the Lake; that his title was derived through sundry conveyances from the French Government, before the cession of Canada; that while possessed by the French grantee, homage had been done three times at the Castle of St. Louis, according to the terms of the grant; that Dansville, a French officer, whether the original grantee or not he could not say, but the owner of it at the time of the conquest, sold this, with all his seignories in Canada, to Governor Murray, the first English Governor of Quebec; Governor Murray sold them to Calwell, and Calwell bargained them to his father; and he, the present occupant, finally became the purchaser of this and some seignories on the River Du Loup

JOHN G. DEANE.

*Appendix. State of Maine:*

No. 49.

HANCOCK, ss.

Deposition con-  
cerning the bound-  
ary of Canada  
and certain lands  
on Lake Temiscou-  
atic.

Deposition of John  
G. Deane, touching  
the tenure of lands  
on Lake Temiscou-  
atic.

Be it remembered, that on this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, the above named John G. Deane, Esq. personally appeared before me, the subscriber, a Justice of the Peace within and for the County of Hancock, duly authorized by law to administer oaths and take affidavits, and made solemn oath, according to the laws of this State, that the facts stated in the foregoing deposition by him subscribed are true; which deposition I have taken at the request of the Agents of the United States for settling the north-eastern boundary of said States

JOSHUA W. HATHAWAY,

*Justice of the Peace.*



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G. Deane,  
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the Peace.

# APPENDIX, No. L.

## EXTRACT

FROM THE

## CENSUS OF THE UNITED STATES,

FOR THE

DISTRICT OF MAINE, IN 1820.

*Extract from the Census of A. D. 1820.*

The number of Persons within my Division, consisting of 1,256, appears in a Schedule hereto annexed, subscribed by me, this second day of October, in the year one thousand eight hundred and twenty.

*Appendix.  
No. 50.*

TRUE BRADBURY,  
*Assistant to the Marshal.*

Extract from the  
Census of the U.  
States of 1820.

### SCHEDULE

Of the whole number of Persons within the Division allotted to True Bradbury.

Name of the County, Parish, Township, Town, or City, where the Family resides.	Names of Heads of Families.	Free White Males.										Free White Females.									
		Foreigners not naturalized.																			
Holton Plantation.		Free White Males under ten years.										Free White Females under ten years of age.									
		Free White Males of ten and under sixteen.										Free White Females of ten and under sixteen.									
		Free White Males between sixteen and eighteen.										Free White Females of sixteen and under twenty.									
		Free White Males of sixteen and under twenty-six, including heads of families.										Free White Females of twenty and under twenty-five, including heads of families.									
		Free White Males of twenty-six and under forty-five, including heads of families.										Free White Females of twenty-five and upwards, including heads of families.									
		Free White Males of forty-five and upwards, including heads of families.										Free White Females under ten years of age.									
		Free White Females of ten and under sixteen.										Free White Females of sixteen and under twenty.									
		Free White Females of sixteen and under twenty-five, including heads of families.										Free White Females of twenty-five and upwards, including heads of families.									
		Free White Females of twenty-five and upwards, including heads of families.										Free White Females of twenty-five and upwards, including heads of families.									
			to 10	10 to 16	16 to 18	18 to 20	20 to 25	25 to 30	30 to 35	35 to 40	40 to 45	45 &c.	to 10	10 to 16	16 to 20	20 to 25	25 to 30	30 to 35	35 to 40	40 to 45	45 &c.
	Samuel Kook . .	2	2								1	1									
	William Williams . .	4			1	1	1	1	2			2	2								
	Joseph Holton . .				2	1	1	1			1			1							
	James Holton . .	3			1	1	1	1				1	1							1	
	Samuel Holton . .					1	1	1				1		1							
	Samuel Kendall . .				1	1	1		2												
	Eleazer Pickard . .	2			4	1	1					3		2							
	Ebenezer Warner . .	2				1	1							2				1			
	Micajah Morrell . .			1	1	1	1											1			
	James Taylor . .	2			1	1	1											1			
	Amos Putnam . .	1			1	1	1								1						
	Jacob Harrow . .				1	1	1								1						
	Edmund Core . .				1	1	1											1			
	Thomas Osbon . .					1	1														
	Ephraim McCondar . .					1	1														
	William Averel . .							1													
	Joshua Putnam . .	2	2		2				1	1		1	1		3	1					

## SCHEDULE—continued.

Appendix.  
No. 50.Extract from the  
Census of the U.  
States of 1890.

Name of the County, Parish, Township, Town, or City, where the family resides.	Names of Heads of Families.	Foreigners not naturalized.	Free White Males.						Free White Females.					
			Free White Males under ten years.			Free White Males between sixteen and eighteen.			Free White Females under ten years of age.			Free White Females of ten and under sixteen.		
			10 to 14	15 to 17	18 to 19	16 to 18	19 to 21	22 to 24	5 to 9	10 to 14	15 to 17	16 to 18	19 to 21	22 to 24
Holton Plantation.	Amos Peirce . .					1		1						
	Abraham Pierce . .		1	1		1		1	3				1	
	Eleazer Packard . .		1	1		1		1						
	Aaron Putnam . .													
	Lewis Wright . .	1	1			1		1	3				1	
	Joshua G. Kendall													1
	Georgo Hart . .	1				1			2			2		
	Total . .	2	21	6	2	20	14	7	19	7	9	9	3	
New-Limerick Plantation.	Samuel Morrison .		1			1		1		1				1
	Joseph Goodenouf		1					1			1			
	Stephen Morrison					1								
	Samuel Morrison, Jr.	2						1	2		1			
	Isaiah Morrison .	2						1	3	1	1			
	Edmund Webber .					1					1			
	Moses K. Wells .					1		1						
	Samuel Drew . .													
	Total . .	6		1	4	4	1	5	2	4			1	
French Settlement.	Francis Violet . .	1	2	2				1	1	2			1	
	Alevey Tibedore .		3	2		1			1				1	
	Joseph Markure .	1						1						
	Henry Turdey . .	1	3					1	2				1	
	Lewis Willet . .	1		3		3	3	1	1	2			1	
	Joseph Somphisaw	1	2					1	2				1	
	Susan Tibedore .	1	2	3	1	1	1	1	1	1			1	
	Jeremiah Dubey .	1	1	2	2			1	2	2	1			
	Loron Scar . .	1	1		2	2		1	3	1	1		1	
	Isaac Violet . .							1	2		1			1
	John Violet . .		3	1				1	2	1			1	
	Alexander Violet .	1	2		1	1		1	1				1	
	John Miresheir .	1	2	1		1		1	1	3	4		1	
	Peter Peltihey .			1				1	2	2			1	
	Charles Martin .							1	2				1	
	John B. Martin .	2	2					1	3	1			1	
	Bartholeneburgoin	1						1	4					
	Andrew Martin .		4					1	1				1	
	Belon Martin . .		1					1	1				1	
Matwasech Parish.	Bartis Morris . .		1	1				1	2	1			1	
	Charles Bolio . .		2					1	3				1	
	Peter McCure . .		3					1	1				1	
	Jereman Morio .		2	1				1	4				1	
	Bazell Martin . .		1					1	2				1	
	David Crook . .		4					1	4				1	
	Larison Violet .		1					2						
	Lewis Sumpheysaw	1	1					1	4				1	

## SCHEDULE—continued.

Appendix.  
No. 50.Extract from the  
Census of the  
State of 1890.

Name of the County, Parish, Township, Town, or City, where the family resides.	Names of Heads of Families	Free White Males.										Free White Females.			
		Foreigners not naturalized.													
		Free White Males under ten years.	Free White Males of ten and under sixteen.	Free White Males between sixteen and eighteen.	Free White Males of sixteen and under twenty-six, including heads of families.	Free White Males of twenty-six and under forty-five, including heads of families.	Free White Males of forty-five and upwards, including heads of families.	Free White Females under ten years of age.	Free White Females of ten and under sixteen.	Free White Females of sixteen and under twenty-six, including heads of families.	Free White Females of twenty-six and under forty-five, including heads of families.	Free White Females of forty-five and upwards, including heads of families.			
		to 10	to 16	16 to 18	16 to 20	to 45	45, &c.	to 10	to 16	16 to 20	to 45	45, &c.			
Malawacali Parish.	Francis Carney . . .	4	3			1		3	1						
	Frederic Tareo . . .	1	2			1		2	1						
	Simon Tareo . . .	3	2			1		3	1						
	Peter Camio . . .	1	2			1		3	2						
	Alexander Carnio . . .	1				1	1	3							
	Oliver Tibedore . . .	1	2		2	1	1	3							
	Augustus Violet . . .	1	4	2		1	1			1	1		1		
	Francis Violet . . .	1	3			1	1						1		
	John B. Parser . . .	1	1			1		1					1		
	Greguire Tibedore . . .	1	1	1	1	1	1	3	4		1	1	1		
	Paulet Tibedore . . .	3	1			1		2		2	1	1			
	John B. Gavah . . .				1	1		1		1					
	Augustus Gavah . . .			1	1					1					
	Phinney Stephedo . . .		1	1	1	1		3		1		1			
	Benjamin Versier . . .		1				1	1				1			
	Joseph Tarrio . . .	1	2		1	1						1			
	Lawrance Tarrio . . .	2	1			1		2				1			
	Phermah Dusett . . .	1	3	1		1		3	2	1					
	John B. Tibedore, Jr. . .	2				1		2		1					
	George Tibedore . . .		2			1		2		1					
	Betis Tibedore . . .		2			1		4	2	1					
	Joseph Tibedore . . .		2		3	3	1			1		1			
	John B. Tibedore . . .	1		1	1		1	2		1		1			
	Lario Bellfey . . .	1			1				2			1			
	Nicholas Pelchey . . .	1			1			4		1					
	John Betuke . . .	2			1			1		1					
	Alexander Crook . . .	1			1			1		1					
	John B. Tibedore, 3d . . .	2	1		1			3		1					
	Lewis Stephed . . .	1			1					1					
	Henry Versier . . .				1					1					
	David Tibedore . . .	2			1			1		1					
	Michael Tibadore . . .	2			1			1		1					
	Peter Crook . . .	1	2		1		1	1		1					
	John Betis Tibedore . . .	1					1	1		1			1		
	Betis Lewsure . . .	1				1				1					
	Joseph Lewsure . . .	1	1			1		2		1					
	Francis Tibbedo . . .	1			1	1	1	1		1			1		
	Jeremiah Crook . . .	1	1		1	1	1						1		
	Harris Laushiere . . .	1		1	1								1		
	David Cyer . . .	1	1			1				1					
	Charles Advet . . .		3			1		2					1		
	Peter Duperre . . .	1	1			1			2				1		
	Peter Lezert . . .	1	1		1	2	1	1		2			1		
	John Betisiero . . .	1	2	1	1	1	1	3		2			1		
	Christopher Cyer . . .	1	1	2	1	3	1	1		1			1		
	Joseph Cyer . . .	1	1			2	1			1			1		

## SCHEDULE—continued.

Appendix.  
No. 50.Extract from the  
Census of the U.  
States of 1920.

Name of the County, Parish, Township, Town, or City, where the family resides.	Names of Heads of Families.	Free White Males.							Free White Females.						
		Foreigners not naturalized.	Free White Males under ten years.		Free White Males of ten and under sixteen.		Free White Males between sixteen and eighteen.		Free White Males of sixteen and under twenty-six, including heads of families.		Free White Males of twenty-six and under forty-five, including heads of families.		Free White males of forty-five and upwards, including heads of families.		Free White Females under ten years of age.
			to 10	to 16	to 16	to 18	to 18	to 24	to 45	to 45	to 45	to 45	to 45	to 45	
Matwasaah Parish.	John Betis Dogle .	1		2	1	1	1	1	1		1	1	1	1	1
	Chrisost Cyer . .	1	2	1	1	3	1	1	1		1	3	1	1	1
	Joseph Adyet . .	1	1	1	1	1	1	1	1		1	2	1	1	
	Yasrie Cyr . . .	1	1	2	1	1	2	1	1		1	2	2	3	1
	Joseph Daggie . .	1		3	1			1	1		1	1	1	2	1
	Demeque Daggie .	1	1			1	1		1		1	1	1		
	Michael Babtert .			1	1	1	1				1	1	1	1	
	Chrystatine Marton	1		1	1	1	1	1	1			1	1	1	
	Michael Man . .		1	2	1	1	1	1				2	1	1	
	Vincent Albert .		2			1					1		1		
	Germanis Sawuire	1	2		2	2	1		1		2	1	1	1	
	Chemant Sausiere .		2	1	1	3	1	1	1		2	1	1		
	Joseph Michand .		2	1	1	1	1				2		1		
	Isaac Violet, 3d .	1	2	1	1	2	1	1	1		1	1		1	
	Firmen Nadard .	1	2	1	1	1	1				2	1	1	1	
	Gumain Debe . .	1	2	1	1	1	1	1	1		1	1	1	1	
	Nathan Baker . .		1		1	1	1		1			2	1	1	
	Colemarkee Chrint		1	2	2	2	1				2	1	1		
	Joseph Mashaw .	1	3	2	2	2	2	1	1		2	1	3	2	1
	Jeremy Jermer .	1	2	1	1	2		1	1		1	2	1	1	
	Paul Markee . .	1	2	2	2	2	1	1	1			3		1	
	Joseph Albare . .		2				1				2		1	1	
	Levy Clare . . .		2	1	1	1		1	1		1		1		
	Joseph Nedow . .		2			1							1		
	Mermeit Dogle .	1	2	1	1	1	1		1		1	1	1		
	Joseph Pelkey . .	1	2	3				1	1		1			1	1
	Ran Pelkey . . .	1	2	1	1	2	1	1	1		1	1	1	1	1
	Jarom Morio . .	1	2	1		1	1		1		2	1	1	1	
	Vasion Bare . .	1	1	2	1	1	1				1	1	1	1	
	Barnum Bushiere .		2		1	1					2		1		
	Jeremir Joshia .		2	1		1	1				2	1	1	1	
	Betis Joshia . .	1	2	1	1	3		1	1		3	1	1	1	
	Ely Neehoson . .	1	2	1	1	1	1				3			1	
	Clemo Shimon . .	1	2		1	1			1		2	1	1		1
	Joseph Mashaw .	1	3	1	1	2	1				2	1	1	1	
	John Harford . .		2			1					2		1		
	John Hitchambow	1	2	1		1		1	1			1	1		1
	Lewis Leehore .		2	1		1			1				1		
	Paul Marquis . .			2			1							1	
	Gruino Chasse . .		3				1							1	
	Joseph Michael .		3	1	1	2			1		1	1			
	Abert Albert, Jr. .	1	2	1			1	1	1		2		1	1	1
	Alare Ann L. Clare		1			1							1		
	Joseph Martin . .	1	2	1		1			1		3		1	1	
	Simon Martin . .		3	2		1	1				1			1	
	Joseph Albert . .		2	2	1	2	1							1	

## SCHEDULE—continued.

Name of the County, Parish, Township, Town, or City, where the family resides.	Names of Heads of Families	SCHEDULE—continued.																			
		Free White Males.																			
		Free White Females.																			
Foreigners not naturalized.																					
Free White Males under ten years.		Free White Males of ten and under sixteen.		Free White Males between sixteen and eighteen.		Free White Males of sixteen and under twenty-six, including heads of families.		Free White Males of twenty-six and under forty-five, including heads of families.		Free White Males of forty-five and upwards, including heads of families.		Free White Females under ten years of age.		Free White Females of ten and under sixteen.		Free White Females of sixteen and under twenty-six, including heads of families.		Free White Females of twenty-six and under forty-five, including heads of families.		Free White Females of forty-five and upwards, including heads of families.	
to 10	10 to 16	16 to 18	18 to 20	20 to 24	24 to 28	28 to 32	32 to 36	36 to 40	40 to 45, &c.	to 10	10 to 16	16 to 20	20 to 24	24 to 28	28 to 32, &c.	to 10	10 to 16	16 to 20	20 to 24	24 to 28, &c.	
Mississippi Parish.	Elecia Cyr . . .	1	2	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Joseph Cyr . . .	1	2	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Benjamin Nedar . . .	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Lewis Belflour . . .	1	2	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Michael Mecure . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Lewis Mecure . . .	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Francis Martin, Jr. . .	1	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Michael Martin 3d . . .	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Michael Serene . . .	1	4	1	1	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Lewis Belflour, Jr. . .	1	2	1	1	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Anthony Gange . . .	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Nicholas Peltiere . . .	1	2	3	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Augustine Peltiere . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Nicholas Peltiere, Jr. . .	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Leon Belflour . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	John Thibodore . . .	1	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	John B. Thibodore . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Jean Sier . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Michael Thibodore . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	David Thibodore . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Joseph Thibadore . . .	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	George Thibodore . . .	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Lewis Thibodore . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	John B. O. Thibodore . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Francis Dorsett . . .	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Lorent Jenian . . .	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Joseph Jenian . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Benjamin Lerassaus . . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	Honerd Lerassaus . . .	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Total . . .		72	222	134	57	116	105	45	193	102	85	88	24								

Appendix.  
No. 50.Extract from the  
Census of the U.  
States of 1880.UNITED STATES OF AMERICA,  
Maine District, ss.

I, John Mussey, Clerk of the United States' District Court for Maine District, do hereby certify whom it may concern, that the foregoing is a true and correct copy from the original document, the same being one of the several returns of enumeration of the Inhabitants of Maine District, as returned by the Marshal and his Assistants, and which, in conformity to the Act providing for the enumeration of the inhabitants of the United States, were laid before the Grand Jury of said District, for their inspection, at a District Court holden at Wiscasset, on the second Tuesday, being the eleventh of September, in the year of our Lord one thousand eight hundred and twenty-one,

*Appendix.* and by them returned into Court, and subsequently filed in this office agreeably to the provisions of said Act.

Extract from the  
Genius of the U.  
States of 1820.

In testimony whereof I have hereunto set my hand and the Seal of said District Court this sixteenth day of October, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of said United States the fifty-third.

JOHN MUSSEY.

UNITED STATES OF AMERICA,  
*Maine District, ss.*

Be it known to all whom it may concern, that I, Ashur Ware, Judge of the United States for Maine District, do hereby certify, that John Mussey is Clerk of the United States' District Court for said District; and that the foregoing signature is the signature of the said Mussey, and that full faith and credit are due to his official attestations.

In testimony whereof I have hereunto set my hand and caused the Seal of said District Court to be affixed, this twentieth day of October, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States the fifty-third.

ASHUR WARE.



APPENDIX No. LI.

GRANTS OF LAND

21.

THE COMMONWEALTH OF MASSACHUSETTS.

*Commonwealth of Massachusetts.*

By His Excellency Levi Lincoln, Esquire, Governor and Commander-in-Chief in and over said Commonwealth. To all whom it may concern: *Appendix No. 51.*

Know ye that George W. Coffin, Esquire, of Boston, is Land Agent of the Commonwealth of Massachusetts, in the said Commonwealth, duly constituted and commissioned, and that to his act and attestations, as such, full faith and credit are and ought to be given in and out of Court. *Grants of land: by the Commonwealth of Massachusetts.*

[L. s.]  
LEVI LINCOLN.

In testimony whereof, I have caused the Public Seal of the Commonwealth to be hereunto affixed, this sixteenth day of August, A. D. 1828, and in the fifty-third year of the Independence of the United States of America:

By His Excellency the Governor.

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

ARTICLES OF AGREEMENT.

FOR THE SALE, TO H. JACKSON AND ROYAL FLINT, OF CERTAIN LANDS IN THE EASTERN PART OF MASSACHUSETTS. 18 APRIL, 1772.

*Commonwealth of Massachusetts.*

Articles of Agreement made and entered into this eighteenth day of April, one thousand seven hundred and ninety-two, between Samuel Phillips, Leonard Jarvis, and John Read, a major part of the Committee for the sale of unappropriated Lands in the Eastern parts of this Commonwealth on the first part, and Henry Jackson and Royal Flint for themselves and associates of the second part, witness as follows, viz: *Articles of Agreement for the sale of certain lands to H. Jackson and A. Flint.*

ARTICLE I.

It is hereby mutually covenanted and agreed by and between the said committee and the said Jackson and Flint, that they the said Committee shall sell, and they do hereby, in behalf of the said Commonwealth, contract to sell to the said Jackson and Flint, all the lands belonging to this Commonwealth within the following bounds: *South* by lands which were sold to said Jackson and Flint by contract dated the first day of July last; *Westerly* by a line on the east side of the great Eastern branch of Penobscot river, at the distance of six miles therefrom; *Easterly* by the river Schoodick,

*Appendix.*  
No. 51.

Grants of land  
by the Common-  
wealth of Mass-  
achusetts.

Articles of Agree-  
ment for the sale  
of certain lands to  
H. Jackson and A.  
Flint.

and a line extending northerly from the source thereof to the Highlands, and North-  
erly by the Highlands, or by the line described in the Treaty of Peace between the  
United States and His Britannic Majesty; excepting and reserving therefrom, four lots,  
of three hundred and twenty acres each, to every township or tract of land of six miles  
square, to be appointed to the following purposes, viz: One for the first settled minis-  
ter, one for the use of the ministry, one for the use of schools, and one for the future  
appropriation of the General Court. The said lots to average in goodness and situa-  
tion with the other lots in the respective townships; and also excepting and reserving  
a tract or tracts (not exceeding five) equal in the whole to one tract of six miles by  
thirty, to be reserved for the use of the Commonwealth, in such part or parts as the  
said Committee shall judge best adapted for furnishing masts, in case such tract or tracts  
shall be found, as, in the opinion of the said Committee, shall be suitable for this pur-  
pose, and not otherwise. The said Tract or Tracts not to be laid out within six miles  
of the Eastern or Western boundary lines, and to be located within two years from this  
date.

#### ARTICLE II.

It is hereby further covenanted and agreed that the said Jackson and Flint shall,  
and they do hereby contract to purchase of the said committee, all the lands specified  
in the foregoing Article, and to pay to the Treasurer of the said Commonwealth, at  
the rate of twenty-one cents for every acre of the land and water, that may be convey-  
ed to them, conformably to the first article, and to allow an interest of six per centum  
per annum, after twelve months from the date hereof, till paid; the payments to be  
made at the periods, and in the proportions specified in the third article.

#### ARTICLE III.

It is further covenanted and agreed by the said Jackson and Flint, that calculating  
the amount of all the land and water specified in the first article at the rate of twenty-  
one cents per acre, and interest thereon after one year from the date of this contract, at  
the rate of six per centum per annum, and allowing the interest to become principal at  
the end of each year, on which interest is to be thenceforward calculated, they will pay  
the amount of the whole principal and interest so calculated in the following manner;  
that is to say, five thousand dollars in thirty days from the date hereof, and forty thou-  
sand dollars annually, until the whole of said principal and interest, calculated as afore-  
said, is discharged; the first annual payment to be made on the eighteenth day of April,  
one thousand seven hundred and ninety-three, and all the payments to be made in  
specie.

#### ARTICLE IV.

In order to secure the fulfilment of the two preceding articles, the said Jackson and  
Flint do hereby covenant and agree to procure personal security, such as the said com-  
mittee shall approve of, to the amount of one-fourth part of all the lands, with the in-  
terest thereon, calculated as in the preceding article; said securities to be divided into  
as many parts as is stipulated in the foregoing article the same shall be paid in, and  
such personal security shall be given for one-fourth part of the payments to be made  
in each year, said obligations to be considered as security for part of the sum so stipu-  
lated in said article to be annually paid.

#### ARTICLE V.

The said Committee do further covenant and agree, that the said Commonwealth  
shall and will execute good and sufficient deeds of the lands aforementioned, to the said  
Jackson and Flint, or their legal representatives, as often and whenever they shall have  
paid for any quantity not less than one hundred and twenty-five thousand acres, at the

price stipulated in this contract, subject however to the conditions expressed in the following articles. *Appendix.*

No. 51.

#### ARTICLE VI.

It is hereby mutually covenanted and agreed by the parties, that should the said Jackson and Flint choose to make payment of any or all the sums specified in the several instalments, prior to the respective periods when the same shall become due, they may have a right so to do, and on the anticipation of such a payment, such a discount shall be made therefrom, as shall leave a sum to be received by the treasurer of the said Commonwealth, which, with an interest of six per centum per annum, paid annually, would have completed the payment so anticipated at the period it would have become due.

Grants of land by the Commonwealth of Massachusetts.

Articles of Agreement for the sale of certain lands to H. Jackson and A. Flint.

#### ARTICLE VII.

The said Jackson and Flint further covenant and agree to lay out the lands they have stipulated to purchase into Townships of six miles square, or as nearly as circumstances will admit, and to place thereon four hundred inhabitants in five years, and two hundred inhabitants annually afterwards, on one million acres, and in that proportion on a larger or smaller quantity; and in such manner as that forty inhabitants shall be settled on each township, in twelve years from the date of this covenant.

#### ARTICLE VIII.

It being an important object with the said Commonwealth to secure the settlement of the lands in the manner expressed in the seventh article, it is hereby covenanted and agreed by the said Jackson and Flint, that the said Commonwealth shall be held to give deeds only for one half of the lands that may be paid for, till the terms of settlement, as before expressed, are complied with, or until the stipulations in the ninth article shall be fulfilled.

#### ARTICLE IX.

The said Jackson and Flint having a right to anticipate the payments stipulated in the third article, it is hereby understood and agreed by the said Committee, that the said Jackson and Flint shall, notwithstanding what is expressed in the eighth article, be entitled to receive clear and complete deeds of the whole quantity of land paid for: provided, that at the time of requiring such deeds, they shall have deposited in the Treasury of the said Commonwealth, thirty dollars of the six per cent. stock of the United States for each and every inhabitant deficient of the number stipulated to be placed on the land; but it is understood that the number of inhabitants for which a deposit is to be made for the purpose of obtaining a deed of land which shall have been paid for, is to bear the same proportion to the quantity of lands for which deeds are demanded, as forty inhabitants bears to one township of six miles square.

#### ARTICLE X.

It is hereby further mutually covenanted and agreed, that the six per cent. stock which may be deposited by the said Jackson and Flint in the Treasury of the Commonwealth of Massachusetts, to secure the settlement expressed in the seventh article, shall be restored to the said Jackson and Flint, in proportion as they shall put the number of inhabitants on the land, at the several periods specified, and thirty dollars of the aforesaid stock shall be forfeited to the said Commonwealth for each and every inhabitant which shall be deficient of the number stipulated at the respective periods. The interest accruing on the unforfeited six per cent. stock, while in the Treasury as aforesaid, to be for the benefit of the said Jackson and Flint.

*Appendix.*  
No. 51.

Grants of land  
by the Common-  
wealth of Massa-  
chusetts.

Article of Agree-  
ment for the sale  
of certain lands to  
H. Jackson and R.  
Flint.

## ARTICLE XI.

It is agreed by both the contracting parties, that within sixty days after the surveyors shall have returned a plan of the tract of land hereby contracted to be sold, either the said Jackson or Flint being notified thereof, they, the said Jackson and Flint, will make to the Treasurer of the Commonwealth other bonds for such sums as, with the bonds stipulated to be given by the fourth article shall complete the instalments mentioned in the third article, and payable at the same periods respectively as the bonds last mentioned, and in the whole be equal to the amount of the lands purchased, and interest thereon conformable to the said third article; and that the said Commonwealth shall and will make and execute to the said Jackson and Flint, their heirs and assigns forever, good and sufficient deeds with warranty, bearing even date with the bonds abovementioned, each of the said deeds to convey such proportion of the tract or tracts herein contracted to be sold, as fifteen thousand dollars are to the amount of all the bonds aforesaid, beginning at the Southerly and progressing to the Northerly part of the said land; all the deeds aforesaid to be deposited in the hands of three persons, such as both the contracting parties shall agree on, and to be by them delivered to the Grantees in the following manner, viz: one of the said deeds on the payment of the bonds which conformably to this and the fourth article shall become due on the eighteenth day of April, seventeen hundred and ninety-three, and one other of the said deeds on the payment of the bonds which shall become due at the expiration of each of the next succeeding years, and one other of the said deeds to be delivered as aforesaid, on the performance of such proportion of the settling duty stipulated in the seventh and ninth articles, as thirty thousand dollars are to the amount of all the bonds aforesaid. Provided, that no deed shall be delivered till the bonds which shall have become due, previous to the bonds given for the lands described in the deed applied for, shall have been cancelled.

## ARTICLE XII.

It is hereby agreed by the said Committee, that the lands contracted for in this agreement shall be surveyed by Surveyors, under oath, to be by them appointed and within twelve months of this date, or as soon after as may be, at the expense of the Commonwealth, and shall be exempted from State Taxes for the space of ten years, to be calculated from the date hereof, and a plan of the land so surveyed shall be delivered to the said Jackson and Flint, within two months after the surveys are completed.

In witness whereof both the contracting parties before named, have hereunto interchangeably set their hands and seals, the day and year herein first mentioned. Signed, sealed, and delivered in presence of us,

DAVID COBB,  
THOMAS WALCOTT,  
ROYAL FLINT, *in presence of*  
DAVID COBB,  
JOSEPH WOODWARD,

HENRY JACKSON, [L. s.]  
ROYAL FLINT, [L. s.]  
SAML. PHILLIPS, [L. s.]  
LEO. JARVIS, [L. s.]  
JOHN READ. [L. s.]

*Commonwealth of Massachusetts.*

LAND OFFICE, Boston, 16th August, 1828.

This certifies that the foregoing instrument is a true copy of the articles of agreement to sell certain lands to Messrs. Jackson and Flint by the Committee for the sale of Eastern lands, now on the files of this office.

*Attest:*

GEO. W. COFFIN,  
*Land Agent*

*Commonwealth of Massachusetts.*

*By His Excellency Levi Lincoln, Esquire, Governor and Commander-in-Chief  
in and over said Commonwealth.*

*Appendix.  
No. 51.*

Grants of land  
by the Common-  
wealth of Massa-  
chusetts.

Grants to West-  
field and Deerfield  
Academies.

*To all whom it may concern:*

[L. s.]  
LEVI LINCOLN.

Know ye, That George W. Coffin, Esquire, is Land Agent of the Commonwealth of Massachusetts, in the said Commonwealth, duly constituted and commissioned, and that to his acts and attestations, as such, full faith and credit are and out to be given in and out of Court.

In testimony whereof, I have caused the Public Seal of the Commonwealth to be hereunto affixed, this twenty-second day of September, A. D. 1828, and in the fifty-third year of the Independence of the United States of America.

*By His Excellency the Governor.*

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

### GRANTS OF LAND

TO THE WESTFIELD AND DEERFIELD ACADEMIES.

*Commonwealth of Massachusetts.*

*Resolved*, That in pursuance of a report of a joint Committee, which has been accepted by both branches of the Legislature; there be, and hereby is, granted to the Trustees of Westfield Academy, and to their Successors, one half Township of Land, of six miles square, for said Academy, to be laid out or assigned by the Committee for the sale of Eastern lands, in some of the unappropriated lands in the District of Maine, belonging to this Commonwealth, excepting all lands within six miles of *Penobscot* river, with the reservations and conditions of settlement which have usually been made in cases of similar grants. Which said tract of land the said Trustees are hereby empowered to use, improve, sell, or dispose of, as they may think most for the benefit of said Institution.

Resolve respecting  
a grant to the Trust-  
ees of Westfield  
Academy.

IN SENATE, June 9th, 1797.

Sent down for concurrence. Read and accepted.

SAML. PHILLIPS, *Prest*

IN THE HOUSE OF REPRESENTATIVES, June 10, 1797

Read and concurred.

EDWD. H. ROBBINS, *Speaker.*

Approved.

INCREASE SUMNER.

June 12, 1797.

*Commonwealth of Massachusetts.*

SECRETARY'S OFFICE.

I hereby certify, that the foregoing is a true copy of the original Resolve.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this twenty-second day of [L. s.] September, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

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*Appendix.*  
No. 51.

*Commonwealth of Massachusetts.*

Grants of land  
by the Common-  
wealth of Mass-  
achusetts.

Grants to West-  
field and Deerfield  
Academies.

Resolves respecting  
a grant to the Trust-  
ees of Deerfield  
Academy.

*Resolved*, That in pursuance of a report of a joint Committee which has been accepted by both branches of the Legislature; there be, and hereby is, granted to the Trustees of Deerfield Academy, and to their successors forever, one half of a Township of six miles square, for and to the use of said Academy, to be laid out or assigned by the Committee for the sale of Eastern lands, in some of the unappropriated lands in the District of Maine belonging to this Commonwealth, excepting all lands within six miles of Penobscot river, with the reservations and conditions of settlement which have been usually made in cases of similar grants; which said tract of land the said trustees are hereby empowered and authorized to use, improve, sell or dispose of, as they may think most for the advantage of said institution.

*IN SENATE, June 14th, 1797.*

Read and accepted. Sent down for concurrence.

SAML. PHILLIPS, *Pres.*

*IN THE HOUSE OF REPRESENTATIVES, June 17, 1797.*

Read and concurred.

EDWD. H. ROBBINS, *Speaker.*

*June 19, 1797.*

Approved.

INCREASE SUMNER.

*Commonwealth of Massachusetts.*

SECRETARY'S OFFICE.

I hereby certify that the foregoing is a true copy of the original Resolve.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this twenty-second day of [L. s.] September, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

EDWARD D. BANGS,

*Secretary of the Commonwealth.*

Grant to the Trust-  
ees of Westfield  
Academy.

To all people to whom these presents shall come, Greeting: Whereas the Legislature of the Commonwealth of Massachusetts did grant to the Trustees of Westfield Academy, half a Township of land, by a resolve, bearing date the twelfth day of June, seventeen hundred and ninety-seven; Now therefore know ye, that we, whose names are undersigned, and seals affixed, appointed Agents by a resolve of the General Court, passed the fifteenth day of March, eighteen hundred and five, to make and execute conveyances, and by virtue of other powers vested in us by the same resolve, do, by these presents, in behalf of said Commonwealth, assign, relinquish and quit claim, unto the Trustees of Westfield Academy, and their successors, to be by them holden in their corporate capacity, for the use of said Academy, half a Township of Land, lying in the County of Washington, or equal to the contents of six miles by three as the same was surveyed by Hoyt and Shepherd, in the year eighteen hundred and five, bounded as follows, viz: Beginning at the South-west angle of the Soldiers' Township (so called) in which angle stands a Cedar tree, marked on the East side S. W. and S. T. and on the West side, S. E. 1805 [mark]; thence running due West six miles to a Spruce tree, marked on the East side S. W. S. W. E. H. 1805 [mark]; on the north side are the same marks; thence north three miles to a small Fir marked 3 M.; thence East six miles to the West line of said Soldiers' Township; thence South, three miles on said Soldier Township to the Cedar first described: Conditioned however, that the said grantees, or



their assigns, shall lay out and convey to each settler, who settled on said tract before the first day of January, seventeen hundred and eighty-four, one hundred acres, to be laid out so as best to include his improvements, and be least injurious to the adjoining lands; and that they shall settle on said tract, ten families in six years, including those now settled thereon, and that they shall lay out three lots of one hundred and sixty acres each, for the following uses, viz: One lot for the use of the ministry, one lot for the first settled minister, his heirs and assigns, and one lot for the use of schools in said tract. To have and to hold the same to the said Trustees, successors and assigns, on the conditions aforesaid forever.

*Appendix:  
No. 51.  
Grants of land  
by the Common-  
wealth of Massa-  
chusetts.  
Grants to Westfield  
and Deerfield Aca-  
demies.  
Grant to the Trust-  
ees of Westfield  
Academy.*

And we the said Agents do covenant, that the said Commonwealth shall warrant and defend the premises, against the lawful claims and demands of all persons.

In testimony whereof, we have hereunto set our hands and seals, this twentieth day of September, eighteen hundred and six.

JOHN READ, [L. s.]

WM. SMITH, [L. s.]

Signed, sealed, and delivered in presence of

MARK PICKARD,

GEORGE W. COFFIN.

SUFFOLK, ss. Boston 20th September, 1806

Acknowledged before

JOS. MAY, Jus. Peace:

Commonwealth of Massachusetts.

LAND OFFICE, Boston, 20th September, 1828.

This certifies that the foregoing instrument is a true copy of the record in this office, volume No. 3, page 129.

Attest:

GEORGE W. COFFIN,  
Land Agent.

To all people to whom these presents shall come, Greeting: Whereas the Legislature of the Commonwealth of Massachusetts did grant to the Trustees of Deerfield Academy half a Township of Land, by a resolve, bearing date the nineteenth day of June, seventeen hundred and ninety-seven: Now therefore know ye, that we whose names are undersigned and seals affixed, appointed Agents by a resolve of the General Court of the Commonwealth aforesaid, passed the fifteenth day of March, eighteen hundred and five, to make and execute conveyances, and by virtue of other powers vested in us by the same resolve, do by these presents, in behalf of said Commonwealth, assign, relinquish and quit claim unto the Trustees of Deerfield Academy, and their successors, to be by them holden in their corporate capacity, for the use of said Academy, half a Township of Land, lying in the County of Washington, or equal to the contents of six miles by three, as the same was surveyed by Hoyt and Shepherd, in the year eighteen hundred and five, bounded as follows, viz: Beginning at the North-west angle of the Soldiers' Township, which is a Birch tree marked *N. W. C. S. T. 108* [mark] on south-east side, on the north side marked 115, on the south side 148 and 9 spots, thence due West six miles to a Fir tree, marked *N. W. W. S. E. II. 1805*, [mark] on the south side, same on the east side, and the word *corner* on the S. E. side; thence south three miles to the North-west corner of the half Township, laid out for Westfield Academy; thence East six miles on said Westfield Academy land, to the Soldier Township; thence on said Soldier Township, north to the Birch first described; conditioned however, that the said grantees or their assigns, shall lay out and convey to each settler, who settled on said tract before the first day of January, seventeen hundred and eighty-four, one hundred acres, to be laid out so as best to include his improvements, and be least injurious to the adjoining lands; and that they shall settle in said tract ten families in six years, inclu-

*Grant to the Trust-  
ees of Deerfield  
Academy.*

*Appendix.* ding those now settled thereon; and that they shall lay out three lots of one hundred and sixty acres each, for the following uses, viz: one lot for the use of the ministry,

No. 51.  
Grant of land by the Commonwealth of Massachusetts.

Grants to Westfield and Deerfield Academies.

Grant to the Trustees of Deerfield Academy.

One lot for the first settled minister, his heirs and assigns, and one lot for the use of schools in said tract. To have and to hold the same to the Trustees aforesaid, their successors and assigns, on the conditions aforesaid, forever. And we the said Agents do covenant, that the said Commonwealth shall warrant and defend the premises against the lawful claims and demands of all persons. In testimony whereof, we have hereunto set our hands and seals, this twentieth day of September, eighteen hundred and six.

JOHN READ, [L. s.]  
WM. SMITH, [L. s.]

Signed, sealed and delivered in presence of

MARK PICKARD,  
GEO. W. COFFIN.

SUFFOLK, ss. Boston, 20th September, 1806.

Acknowledged before

JOS. MAY, *Jus. Peace.*

*Commonwealth of Massachusetts.*

LAND OFFICE, Boston, 20th September, 1828.

This certifies that the foregoing Deed is a true copy of the record in this office, volume No. 3, page 127.

*Attest:*

GEO. W. COFFIN,  
*Land Agent.*

*Commonwealth of Massachusetts.*

*His Excellency Levi Lincoln, Esquire, Governor and Commander-in-Chief in and over said Commonwealth.*

*To all whom it may concern:*

Know ye, that George W. Coffin, Esquire, is Land Agent for the Commonwealth of Massachusetts in the said Commonwealth, duly constituted and commissioned, and that to his act and attestations, as such, full faith and credit are and ought to be given in and out of Court.

[L. s.]

LEVI LINCOLN.

In testimony whereof, I have caused the Public Seal of the Commonwealth to be hereunto affixed, this 22d day of September, A. D. 1828, and in the fifty-third year of the Independence of the United States of America.

*By His Excellency the Governor.*

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

#### GRANTS

TO THE INHABITANTS OF THE TOWN OF PLYMOUTH.

*Commonwealth of Massachusetts.*

Grant to the Inhabitants of the town of Plymouth.

On the petition of the inhabitants of the town of Plymouth, praying for legislative aid, for the security and preservation of their harbour, by repairing the beach mentioned in said petition,

*Resolved*, for reasons set forth in said petition, that there is hereby granted to the said Town of Plymouth, (for the purpose aforesaid) a Township of Land six miles square, to be laid out and assigned to them by the Agents for the sale of Eastern lands, out of any unappropriated lands in the District of Maine, with the usual reservations and restrictions, excepting the ten townships of land on Penobscot river, purchased of the Indians: Provided however, that the said town of Plymouth shall, within two years from the passing of this resolve, raise and appropriate *five thousand dollars*, in addition to the above grant; the whole to be applied and laid out under the direction of an Agent or Agents to be appointed by his Excellency the Governor: Provided also, that the said town of Plymouth shall cause the said Township to be surveyed and located, and a plan thereof returned into the Land Office, within the term of three years.

February 24th, 1806.

In Senate, read and accepted.

H. G. OTIS,  
President.

In the House of Representatives, March 4, 1806.

Read and concurred.

TIMOTHY BIGELOW,  
Speaker.

March 4, 1806, approved.

CALEB STRONG.

COMMONWEALTH OF MASSACHUSETTS,  
Secretary's Office.

I hereby certify that the foregoing is a true copy of the original resolve.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this twenty-second day of September, in the year of our Lord one thousand, eight hundred and twenty-eight, and of the Independence of the United States of America, the fifty-third.

[L. S.]

EDWARD D. BANGS,  
Secretary of the Commonwealth.

*To all people to whom these presents shall come, Greeting:*

Whereas the Legislature of the Commonwealth of Massachusetts did grant to the Town of Plymouth, a township of Land, by a resolve bearing date the fourth day of March, eighteen hundred and six,

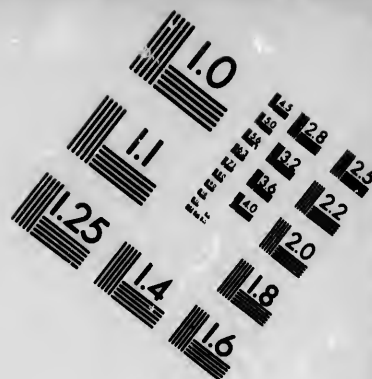
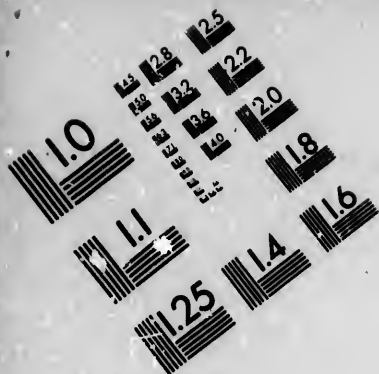
Now therefore Know ye, that we whose names are undersigned and seals affixed, appointed agents by the General Court of the Commonwealth aforesaid, by a resolve passed the fifteenth day of March, eighteen hundred and five, to make and execute conveyances, and by virtue of other powers vested in us by the same and other resolves, Do, by these presents, in behalf of said Commonwealth, assign, relinquish and quit claim unto the Town of Plymouth, to be by them holden in their corporate capacity, for the use of said Town, all the right, title, and interest of said Commonwealth, in and unto a tract of land lying in the County of Washington, equal to the contents of six miles square, as the same was surveyed by Charles Turner, Junior, Esquire, in the year eighteen hundred and seven, bounded as follows, viz: Beginning at a Beech tree marked S. E. C. P. standing on the Eastern boundary line of the District of Maine, fifty-five miles north of the source of the Schoodic waters, and running north thirteen degrees East, six miles, to a Fir tree, marked sixty one miles; thence running West thirteen degrees North, six miles to a stake; thence running South thir-

Appendix.  
No. 51.

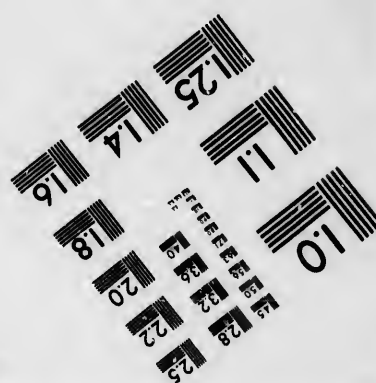
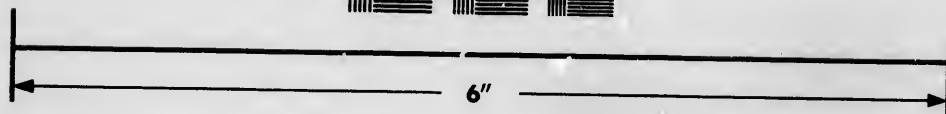
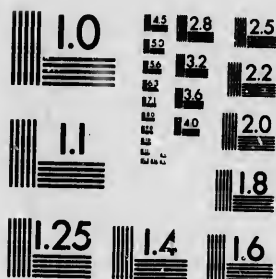
Grants of land  
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Grant to the inha-  
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Grants of land  
by the Common-  
wealth of Mass-  
achusetts.

Grant to the inhab-  
itants of the town  
of Plymouth.

teen degrees West, six miles, to a Maple tree, marked S. W. C. P. thence running East thirteen degrees South, six miles, to the Beech tree first mentioned; together with all the Islands in those parts of the Aroostook river, which are included within the aforesaid bounds, together with all the privileges and appurtenances thereto belonging, excepting and reserving for the use of the Commonwealth, and as a common highway forever, the main channel of the said river Aroostook, in its course through the said Township; the said Township containing twenty three thousand and forty acres, including the river Aroostook running through the same, as will more fully appear on a plan of said Township, now lodged in the office of the aforesaid Agents.

To have and to hold the aforegranted premises, to the said Town of Plymouth or their assigns forever, on condition however, that the said grantees or their assigns, shall lay out and convey to each settler, who settled on said tract before the first day of January, seventeen hundred and eighty four, one hundred acres of land, (in case of the settler's decease without assignment, then to his heirs, and in case of assignment then to the assigns) to be so laid out as best to include the improvements of the settler, and be least injurious to the adjoining land; and that they shall settle in said tract twenty families within six years, including those now settled thereon; and that they shall lay out in said Township three lots of three hundred and twenty acres each, for the following uses, viz: One lot for the use of the Ministry, one lot for the first settled Minister, his heirs and assigns, and one lot for the use of schools in said tract; the said lots to average in situation and quality with the other lands in said Township.

To have and to hold the aforegranted premises, to the said Town of Plymouth or their assigns, on the conditions and reservations aforesaid, forever.

In Testimony whereof, we have hereunto set our hands and Seals, this nineteenth day of December, eighteen hundred and seven.

JOHN READ, [L. s.]  
WM. SMITH, [L. s.]

Signed, sealed, and delivered in presence of

GEORGE W. COFFIN,

MOSES GREENLEAF.

SUFFOLK, ss. Boston, 19th December, 1807.

Acknowledged before

JOS. MAY, Jus. Peace.

*Commonwealth of Massachusetts.*

LAND OFFICE, Boston, 20th September, 1828.

This certifies that the foregoing deed is a true copy of the Record, in this office. Volume No. 3, page 273.

Attest

GEO. W. COFFIN,  
Land Agent.

### RESOLVES

OF THE COMMONWEALTH OF MASSACHUSETTS, RESPECTING GRANTS OF LAND TO CERTAIN SOLDIERS.

*Commonwealth of Massachusetts.*

Whereas, in a rising republic, it is highly important to cherish that patriotism which conquers a love of ease, of pleasure, and of wealth; which prompts individuals to a love of their Country, and induces them to embrace every opportunity to advance its prosperity and happiness, as well by ameliorating the fate of those citizens whom the

fortune of war has thrown into captivity, as by cheerfully contributing to its support and defence: And whereas the love of enterprise, when guided by a just sense of propriety and benevolence, may become the parent of many virtues, and a State is sometimes indebted for its safety, to the virtues and undaunted courage of a single man:

And whereas the Senate and House of Representatives of this Commonwealth, are desirous to perpetuate a remembrance of the heroic enterprise of Wm. Eaton, Esq. while engaged in the service of the United States, whose undaunted courage and brilliant services so eminently contributed to release a large number of his fellow citizens, late prisoners in Tripoli, from the chains of slavery, and to restore them to freedom, their country, and their friends; Therefore Resolved, that the Committee for the sale of eastern lands be, and they are hereby, authorized and directed to convey to Wm. Eaton, Esq. a citizen of this Commonwealth, and to his heirs and assigns, a tract of land, to contain ten thousand acres, of any of the unappropriated land of this Commonwealth, in the District of *Maine*, (excepting the ten Townships on Penobscot river.) And be it further Resolved, That His Excellency the Governor be requested, as soon as conveniently may be, to cause to be transmitted to the said Wm. Eaton, Esq. an authentic copy of this resolution.

*Appendix.*  
No. 51.

Grants of land by the Commonwealth of Massachusetts.

Resolves by the Commonwealth of Massachusetts respecting grants of land to certain soldiers.

IN SENATE, February 25, 1806.

Sent down for concurrence.

H. G. OTIS, *Prest.*

IN THE HOUSE OF REPRESENTATIVES, March 3, 1806.

Read and concurred.

TIMOTHY BIGELOW, *Speaker.*

March 4, 1806. Approved.

CALEB STRONG.

*Commonwealth of Massachusetts.*

SECRETARY'S OFFICE.

I hereby certify that the foregoing is a true copy of the original resolve.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this twenty-second day of September, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

[L. s.]

EDWARD D. BANGS,  
*Secretary of the Commonwealth*

To all people to whom these presents shall come, Greeting: Whereas the Legislature of the Commonwealth of Massachusetts, did grant to William Eaton, Esquire, ten thousand acres of land, by a resolve bearing date the fourth day of March, eighteen hundred and six:

Grant to William Eaton.

Now therefore know ye, that we whose names are undersigned and seals affixed, appointed Agents by the General Court of the Commonwealth aforesaid, by a resolve passed the fifteenth day of March, eighteen hundred and five, to make and execute conveyances, and by virtue of other resolves, Do, by these presents, in behalf of said Commonwealth, assign, relinquish, and quit claim unto William Eaton, of the town of Brimfield, in the county of Hampden, and Commonwealth aforesaid, Esquire, his heirs and assigns, all the right, title, and interest of said Commonwealth, in and unto a tract of land lying in the County of Washington, containing ten thousand acres, as the same was surveyed by Charles Turner, Junior, Esquire, in the year eighteen hundred and seven; bounded as follows, viz: Beginning at a Maple tree marked S. E.

*Appendix.* C. E. and S. W. E. P. being the South-west corner of Plymouth grant; Thence

No. 51.

Grants of land by the Commonwealth of Massachusetts.

Resolves by the Commonwealth of Massachusetts respecting grants of land to certain soldiers.

Grant to William Esq.

West thirteen degrees North, two miles one hundred and ninety-four rods, to a stake being the South-west corner; thence North thirteen degrees East, six miles; thence East thirteen degrees South, two miles one hundred and ninety-four rods, to the North-west corner of a Township of land granted to the Town of Plymouth; thence South thirteen degrees West, six miles, on the line of said Plymouth Township, to the first mentioned bounds, together with all the Islands in those parts of the Aroostook river, which are included within the aforesaid bounds, together with all the privileges and appurtenances thereto belonging; excepting and reserving for the use of the Commonwealth, and as a common highway forever, the main channel of the said river Aroostook, in its course through the said tract of land; the said tract containing ten thousand acres of land, including the river Aroostook running through the same, as will more fully appear on a plan of said tract, now lodged in the office of the aforesaid Agents: To have and to hold the aforegranted premises to him the said William Eaton, his heirs and assigns forever. And we the said Agents do covenant, that the said Commonwealth shall warrant and defend the premises, against the lawful claims of all persons.

In testimony whereof, we have hereunto set our hands and seals, this twenty-eighth day of January, eighteen hundred and eight.

JOHN READ, [L. s.]

WM. SMITH. [L. s.]

Signed, sealed, and delivered in presence of

CHAS. DAVIS,

JOHN S. WILLIAMS.

SUFFOLK, ss. Boston, 29th January, 1808.

Acknowledged before

CHAS. DAVIS,

Jus. Pacis.

Commonwealth of Massachusetts.

LAND OFFICE, Boston, 20th September, 1828.

This certifies that the foregoing Deed is a true copy of the record in this office, volume No. 3, page 289.

Attest:

GEO. W. COFFIN,

Land Agent.

Commonwealth of Massachusetts.

By His Excellency Levi Lincoln, Esquire, Governor and Commander-in-Chief in and over said Commonwealth.

To all whom it may concern:

Know ye, that George W. Coffin, Esquire, is Land Agent of the Commonwealth of Massachusetts, in the said Commonwealth,

[L. s.]

LEVI LINCOLN. duly constituted and commissioned, and that to his acts and attestations, as such, full faith and credit are and ought to be given in and out of Court.

In testimony whereof, I have caused the Public Seal of the Commonwealth to be hereunto affixed, this twenty-second day of September, A. D. 1828, and in the fifty-third year of the Independence of the United States of America.

By His Excellency the Governor.

EDWARD D. BANGS,

Secretary of the Commonwealth.

*Commonwealth of Massachusetts.**Appendix.  
No. 51.*

Whereas application has been made to this Court by a number of persons who served in the late American army during the war with Great Britain, praying for a grant of some of the unappropriated lands in this Commonwealth, and as such a grant will promote the settlement of such land, as well as be some reward to those Citizens whose meritorious services in the field so essentially contributed to establish our independence: Therefore, Resolved that there be, and hereby is, granted to each non-commissioned Officer and Soldier who enlisted into the late American Army to serve during the war with Great Britain, and who was returned as a part of this State's quota of said army, and who did actually serve in said army the full term of three years, and who were honorably discharged, and unto the children if any there be, if not to the widow of such non-commissioned Officer and Soldier, and to them only who enlisted as aforesaid and died in said service, two hundred acres, to be laid out at the expense of the Commonwealth, as soon as there shall appear a number sufficient to take up a quantity of land that shall be equal to one Township of six miles square, to be divided and appropriated under such regulations as the General Court shall hereafter prescribe, within the following limits, viz: beginning at the North-east corner of the land now appropriated by the Committee for the sale of Eastern lands, on the Eastern line of this Commonwealth; thence running west six miles; thence Northerly in a line parallel with the said Eastern boundary line, until a tract shall be completed sufficient for each non-commissioned Officer and private Soldier, their children or widows as aforesaid; to have the aforesaid quantity of two hundred acres, or twenty dollars as an equivalent for the aforesaid two hundred acres, to be paid out of the Treasury to the Selectmen of the Town where any such non-commissioned Officer or Soldier, their children or widows as aforesaid, resides, for his or their use and benefit.

And it is further resolved that where any such non-commissioned Officer or Soldier has deceased, or shall de cease before he shall get possession of the land hereby granted to him, his children or widow, as aforesaid, shall be entitled to the same, and in order to secure to the said non-commissioned Officers and privates, and their children and widows, as aforesaid, the benefits of this grant:

It is further resolved, that all deeds, mortgages or conveyances of, or bonds or contracts of every description, concerning any of said lands which may be made by any such non-commissioned Officer or private, or his children or widow, before the same shall be laid out and have a settlement made thereon, and five acres thereof shall have been brought under improvement, shall be null and void; provided always, that no such non-commissioned Officer or Soldier, his children or widow, shall have any benefit from this resolve, who shall not make application therefor within three years from the time of passing this resolve, and who shall not make the aforesaid settlement and cultivation within the term of six years. And the Secretary is directed to publish this resolve in such of the news papers printed in this Commonwealth as his Excellency the Governor may direct, six weeks successively, directly after passing the same.

IN SENATE, *March 4th, 1801.*

Read and accepted as taken into a New Draft. Sent down for concurrence.

SAML. PHILLIPS, *Prest.*IN THE HOUSE OF REPRESENTATIVES, *March 4th, 1801.*

Read and concurred.

EDWARD H. ROBBINS, *Speaker.*  
*March 5th, 1801.* Approved.

CALEB STRONG.

Grantee of land  
by the Common-  
wealth of Massa-  
chusetts.

Resolve by the  
Commonwealth of  
Massachusetts re-  
specting grants of  
land to certain sol-  
diers.

*Appendix.*  
No. 51.

Grants of land  
by the Common-  
wealth of Massa-  
chusetts.

Resolve of the  
Commonwealth of  
Massachusetts re-  
specting grants of  
land to certain sol-  
diers.

*Commonwealth of Massachusetts.*

SECRETARY'S OFFICE.

I hereby certify that the foregoing is a true copy of the original Resolve.

In testimony of which, I have hereunto affixed the Seal of the said Commonwealth, in my custody and possession, this twenty-second day of September, in the year of our Lord, one thousand eight hundred and twenty-eight, and of the Independence of the United States of America the fifty-third.

EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

Grant to B. Fessenden.

Know all Men by these presents, that I, the undersigned, whose seal is hereunto affixed, by virtue of powers vested in me by a resolve of the General Court of the Commonwealth of Massachusetts, passed the twenty-seventh day of February, eighteen hundred and thirteen, and pursuant to a resolve of said Court, passed the nineteenth day of February, eighteen hundred and thirteen, Do, by these presents, in behalf of said Commonwealth, assign, relinquish, and quit claim unto Benjamin Fessenden, of Boston, in the county of Suffolk, and Commonwealth aforesaid, his heirs and assigns, all the right, title and interest of the said Commonwealth, in and unto a lot of land situated and lying in a Township called Mar's Hill, or Soldier's township, in the county of Washington, being numbered twenty-one, bounded as follows, viz: North on lot number twenty-two, East on lot number nine, South on lot number twenty, and West on lot number thirty-three, as the same was surveyed by Charles Turner, Jr. in the month of September, eighteen hundred and four, as will more fully appear on reference being had to the plan of said Township, now lodged in the Land Office; containing two hundred acres. To have and to hold the aforegranted premises to the said Benjamin Fessenden, his heirs and assigns forever. In testimony whereof, I have hereunto set my hand and Seal, this second day of March, eighteen hundred and thirteen.

WILLIAM SMITH. [L. s.]

Signed, sealed and delivered in presence of us,

TITUS WELLES,

WILLIAM STEVENSON.

SUFFOLK, ss. Boston, 2d March, 1813.

Acknowledged before

WM. STEVENSON, *Jus. Peace.*

*Commonwealth of Massachusetts.*

LAND OFFICE, Boston, 22d September, 1828.

This certifies that the foregoing instrument is a true copy of the record in this office, as recorded in volume No. 4, page 9; and that the resolve referred to in said instrument, dated 19th February, 1813, transfers the making of deeds from the Secretary of the Commonwealth to the Land Agents.

Attest:

GEO. W. COFFIN,  
*Land Agent.*

*Commonwealth of Massachusetts.*

Boston, June 6th, 1805.

Certificate respect-  
ing a grant to G.  
Aldrich.

This certifies that Gustavus Aldrich, of Mendon, in the county of Worcester, a soldier in the late American army, who was returned as a part of this State's quota of said army, enlisted for during the war with Great Britain, served three years after having so enlisted, and was honorably discharged, hath drawn lot No. 35 in a Township of Land, called Mar's Hill, located and lotted in the Eastern part of this

Commonwealth, agreeably to a resolve of the General Court, passed March 9, 1804, and that the said lot contains two hundred acres, bounded Easterly by lot No. 23, South-  
 erly by lot No. 34, Westerly by lot No. 47, and Northerly by lot No. 36, according  
 to a plan of the survey of said Township, called *Mar's Hill*, taken by Charles Turner,  
 Jun. Esq. September, 1804, and lodged in the Secretary's office; and that on return  
 of this *certificate* into the said Secretary's office, with satisfactory evidence that the  
 duties required by a Resolve of the fifth of March, 1801, have been performed, within  
 four years from the ninth of March, 1804, the said Gustavus Aldrich shall be entitled  
 to a deed of the said Lot of Land in fee simple, to be given by the Secretary in behalf  
 of the Commonwealth.

*Appendix.*  
 No. 51.

Grant of land  
 by the Common-  
 wealth of Massa-  
 chusetts.

Certificate respect-  
 ing a grant to G.  
 Aldrich

JOHN AVERY, *Secretary.*

*Commonwealth of Massachusetts.*

LAND OFFICE, Boston, 20th September, 1828.

This certifies that the within certificate is a true copy of the original record in this  
 office.

*Attest:*

GEO. W. COFFIN;  
*Land Agent.*



APPENDIX, No. LII.

VOTE.

OF

THE HOUSE OF REPRESENTATIVES

OF

THE STATE OF NEW HAMPSHIRE,

IN

RELATION TO THE LINES BETWEEN THAT STATE AND THE COMMONWEALTH OF MASSACHUSETTS, AND THE PROVINCE OF MAINE.—7th FEBRUARY, 1789.

*John Bell, Governor of the State of New Hampshire, to all who shall see these presents—Greeting;*

Know Ye, That Richard Bartlett, whose official certificate is borne on the paper hereunto annexed, is Secretary of the said State, duly constituted and sworn, and that to his Acts and Attestations, as such, full Faith and Credit are, and ought to be, given, in and out of Court, within and out of the State.

*Appendix.*  
No. 52.

Vote of N Hamp-  
shire respecting  
the line between  
that State, Mass-  
achusetts, & Maine.

In testimony whereof, I have caused the Seal of the State to be hereunto affixed. Given under my hand, at Concord, this twenty-sixth day of September, in the year of our Lord, one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

[L. s.]

JOHN BELL.

STATE OF NEW HAMPSHIRE.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 7TH, 1789.

*Voted*, That the Honorable John Sullivan, Ebenezer Smith, Nathan Hoit, Joseph Cram, and Jeremiah Eames, Esquires, be, and they hereby are, appointed a Committee to ascertain the unlocated lands within this State, by running the line between this State and that part of the Commonwealth of Massachusetts formerly called the Province of Maine, and the line between the northerly part of this State and the Province of Canada, and return a descriptive plan thereof.

Sent up for concurrence.

THOS. BARTLETT,

*Speaker.*

In Senate, same day, read and concurred.

J. PEARSON,

*Secretary.*

A true copy of the original; examined September 26, 1828.

RICHARD BARTLETT,

*Secretary of State.*

## APPENDIX, No. LIII.

### EXTRACTS

FROM

### THE REPORT OF THE BRITISH COMMISSIONER.

UNDER THE 5TH ARTICLE OF THE TREATY OF GHENT.

Whereas the following boundary has been claimed on the part of his Britannic Majesty, before the said Commissioners, as the boundary of the United States truly intended in the second article of the said treaty of Peace of 1783, and referred to in the fifth article of the said treaty of Ghent, namely, "that the north-west angle of Nova Scotia should be ascertained and determined to be situate at or near Mars Hill, and to be formed by the intersection of a line drawn due north from the source of the River St. Croix with a line running from the north-westernmost head of Connecticut River along the highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the River St. Lawrence; that is to say, along the highlands which divide the rivers Chaudiere and De Loup, falling into the River St. Lawrence, from the rivers Androscoggin, Kennebec, and Penobscot, falling into the Atlantic Ocean; such line being continued along the highlands in that quarter, in such manner as to leave all the sources of all the branches of the said rivers Androscoggin, Kennebec, and Penobscot, south of such line, and within the territories of the United States, until it meets the said line drawn due north from the source of the River St. Croix at or near Mars Hill, as aforesaid: And that the north-westernmost head of Connecticut River should be ascertained and determined to be at the source of the north-westernmost stream falling into the uppermost or third lake delineated on the said map of the said River, laid down from the exploring survey thereof, as herein before mentioned; the said river being the only river ever known or called by the name of Connecticut, along the middle of which the boundary line is to run, from its said north-westernmost head to the point where the forty-fifth degree of north latitude, as lately ascertained by the astronomers as aforesaid, strikes the said River Connecticut, and thence due west on the line of the said latitude to the point whence the said line of latitude has also been lately ascertained, by the said Astronomers as aforesaid, to strike the River Iroquois or Cataraguy." That part of the same boundary, thus claimed on the part of His Majesty, which extends from the north-west angle of Nova Scotia to the north-westernmost head of Connecticut river, being marked on the said map M, with a red line.

Appendix.  
No. 53.

Extracts from the  
Report of the British  
Commissioner  
under the Fifth  
Art. of the Treaty  
of Ghent.

First Extract.

Therefore, the said Thomas Barclay, the said Commissioner on the part of His Britannic Majesty, in conformity with the provisions in that behalf of the said fifth article of the treaty of Ghent, now proceeds to make the following Report, as well to the Government of His Britannic Majesty, as to that of the United States of America:

Second Extract.

The question which has been first considered in point of order throughout these discussions, is that relating to the north-west angle of Nova Scotia, designated and described in the treaty of 1783 as the commencing point of the boundaries of the United States.

*Appendix.*  
No. 53.

Extracts from the  
Report of the British  
Commissioner  
under the 5th Article  
of the Treaty  
of Ghent.

Second Extract.

In the discussion of this question, the Agent of the United States produced in evidence the proclamation of His late Majesty, King George the Third, dated on the 2d day of October, 1763, establishing, among other things, the boundaries of the Province of Quebec, and adverted more than once to this proclamation, as confirmatory of the claim exhibited by him on this occasion on the part of the United States; inferring therefrom, that there existed, anterior to the treaty of 1783, a known north-west angle of Nova Scotia, similar in locality to the one now claimed on the part of the United States. The undersigned Commissioner therefore thinks it proper to state, in the outset, that although by the proclamation of 1763 certain highlands were described as forming the Southern boundary of the Province of Quebec, to which boundary the then Provinces of Nova Scotia and of Maine extended in a northern direction, yet that the existence and situation of these highlands were altogether uncertain, and this boundary remained altogether undefined and unsettled at the time of the treaty of 1783. The north-west angle of Nova Scotia is therefore not referred to in the treaty, as a well known and fixed limit, as is the River St. Croix, a part of the Eastern boundary of the United States therein described; but, in order to prevent future disputes, the mode of forming this angle is expressly pointed out in the treaty itself. Doubts having arisen with regard to the River St. Croix truly intended in the treaty of 1783, these doubts have since been settled by Commissioners appointed by the two Governments under the fifth article of the treaty of 1794, who formed their decision upon evidence adduced before them of the river anciently designated and uniformly known by that name.

But with regard to the present question, the undersigned Commissioner fully concurs in the correctness of the sentiments of the Agent of the United States, under the above mentioned article of the treaty of 1794, the late Mr. Sullivan, who, in passages of his arguments on that occasion, quoted by His Majesty's Agent in the course of these discussions, expresses himself as follows:

"The highlands had in the year 1763 been made the boundary of Quebec, or the Lower Canada boundary, but where the boundaries or highlands are, is yet resting on 'the wing of imagination,' and 'the point of the locality of the north-west angle is 'to be the investigation of the next century.'"

The undersigned Commissioner is thus entirely of opinion that the point designated, in the treaty of 1783, as the north-west angle of Nova Scotia, is to be ascertained and determined solely by a reference and attention to the provisions of that treaty, and to the declared views and intentions of the framers of it.

Third Extract.

From the arguments of the Agents of both nations, and the evidence produced in support of them, copious extracts of which have place in this report, and in the appendix which accompanies it, the undersigned Commissioner considers the following results to be evident:

1st. That the north-west angle of Nova Scotia, agreeably to the fair construction of the treaty of Peace of 1783, and of the treaty of Ghent in 1814, is situate at Mars Hill, the first highland which the due north line from the source of the River St. Croix encounters, distant about 40 miles from the source of the said river St. Croix; and that the line extending thence along the highlands, in a westerly direction, described by the red line on the general map made by his Majesty's principal Surveyor, does divide, as directed in and by both those treaties, the rivers which empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean; thus in every particular satisfying the words of the above named treaties, and corresponding with the obvious intentions of the Framers of them. In proof of this, the undersigned Commissioner begs leave to refer to the reports, (contained in the appendix to this report,) of William F. Odell, His Majesty's principal Surveyor, and of Mr. Campbell, Mr. Carlile, and Mr. Loss, Deputy Surveyors, and of Doctor Tiarks, His Majesty's Astronomer, which he considers full and satisfactory; and the more so, as no evidence

has been offered on the part of the United States, to rebut, or deny, the truth of these reports.

2dly. That it was not contemplated nor intended by the Framers of the Treaty of 1783, that the due north line from the source of the river St. Croix should extend beyond the River St. John, but that the north-west angle would be found, and was to be established, as will appear in the sequel of these remarks, at some point of highland between the river St. Croix and the river St. John.

3dly. That the extension of the due north line from the source of the river St. Croix to Beaver Stream, claimed on the part of the United States as the north-west angle of Nova Scotia, does not agree with the description contained in either of the said Treaties. That it is unsupported by any evidence, and manifestly contrary, not only to the intentions of the Framers of the Treaties, but to the repeated instructions of the American Congress to its Ministers, on the subject of the Treaty they were directed to conclude between His Britannic Majesty and the United States of America. These two last propositions will now be considered under the same head.

The extension of the due north line beyond the river St. John, does not agree with the words of either of the said treaties, which direct, that the due north line from the source of the River St. Croix shall extend to the highlands, evidently meaning the *first* highlands, corresponding with the subsequent description, at which that line should arrive; for if the Framers of the treaty had other highlands in contemplation, further north, they would have excluded the first highlands by an express exception of them.

Both these treaties designate the particular rivers which are to be divided by the highlands, (or the west line) from the north-west angle of Nova Scotia to the Connecticut River; namely, those that empty into the River St. Lawrence, and those which fall into the Atlantic Ocean; and the whole of these rivers, from their sources, are to be thus divided. No mention is made, that this due north line from the source of the river St. Croix to the Highlands, shall or will, or possibly may, intersect any river, and by such intersection so divide such river as to allot one part of it, and the circumjacent territory, to the United States, and leave the remainder within His Majesty's Territories. By extending the due north line, as suggested on the part of the United States, to Beaver Stream, the river St. John, which falls into the Bay of Fundy, and the River Restigouche, which falls into the Gulph of St. Lawrence, are intersected, and by this means all the lands south-west of this intersection fall within the limits of the United States, which certainly was not in the contemplation of the Framers of the Treaty, nor of Congress itself, as the undersigned Commissioner believes will appear in a subsequent part of these remarks.

The Agent of the United States, in order to establish his position, that the north-west angle of Nova Scotia is at Beaver Stream, commences his argument with a geographical description of Continents and Ocean, designating Rivers, Bays, and Gulfs, the first of which he includes within the limits of a Continent, and the two latter he states to be part of the Ocean; and he adds that the Framers of the said Treaties intended to include the rivers St. John and Restigouche in the number of rivers which fall into the Ocean: upon the principle that the Bay of Fundy and Gulf of St. Lawrence are parts and parcels of the Atlantic Ocean.

The undersigned Commissioner admits that the above definition of the American Agent, taken in its most extensive signification is correct; still he is satisfied that this definition is controlled, (as definitions frequently are,) by distinctions and exceptions which take it out of the common rule. Bays and Gulfs are arms of the Sea; specific names are given to such Bays and Gulfs, when of magnitude, to distinguish them from the great body of water of which they form a part. Throughout the Treaty of 1783, the distinction is kept up between the Atlantic Ocean and the Bay of Fundy. As the

Appendix.  
No. 53.

Extracts from the  
Report of the British  
Commissioner  
under the 5th Article  
of the Treaty  
of Ghent.

Third Essay.

*Appendix.* various instances of this distinction are particularly noticed in the argument of His Majesty's Agent, the undersigned Commissioner will not repeat them.

No. 53.  
Extracts from the  
Reports of the Brit-  
ish Agent, Commissioner  
under the 3d Arti-  
cle of the Treaty of  
1783.

Third Extract.

He begs leave, however, to state one, which has escaped the attention of the British Agent. The following is the last sentence in the 2d article of the Treaty of 1783.

"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 which fall into the Atlantic Ocean from those which fall into the River St. Lawrence, comprehending 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 of 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."

Now, if the words *Bay of Fundy* were not intended to be used in contradistinction to those of *Atlantic Ocean*, why were they adopted in this part of the article?

The Agent of the United States attempts, by anticipation, to answer the question, by saying "that as the River St. Mary's did not empty into a Bay or Gulf, but directly into the Atlantic Ocean, and as the River St. Croix did fall into the Bay of Fundy" (a part as he insists upon it, of the Atlantic Ocean) "it became necessary, in establishing these boundaries with regard to Islands within twenty leagues of the shores of the United States, to use the words *Bay of Fundy* and *Atlantic Ocean*."

The undersigned Commissioner is of opinion, that the words *Bay of Fundy*, in this last sentence of the 2d article of the Treaty of 1783, are superfluous, admitting the argument of the American Agent to be correct; because if under the words *Atlantic Ocean*, the *Bay of Fundy* is intended to be included, the intent would be equally evident, and certainly more correctly expressed, by omitting the words *Bay of Fundy*.

The following contrast will evince the truth of this observation.

The words of the treaty of 1783: "comprehending 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."

The words of the Treaty of 1783, omitting the words "Bay of Fundy;" "comprehending 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 Atlantic Ocean."

In the extract from the 2d article of the Treaty of 1783, immediately before recited, the words *Bay of Fundy* are used, and were evidently intended, to be placed in contrast to the words *Atlantic Ocean*. The Framers of the Treaty invariably kept up the distinction, and in no one instance is there an expression in the Treaty which can justify the construction, contended for on the part of the United States, that in and by the words *Atlantic Ocean*, the Rivers which empty into the Bay of Fundy and Gulf of St. Lawrence were intended to be included. Had the River St. John and the River Restigouche been intended to be included in the description of Rivers which fall into the Atlantic Ocean, is it not more than probable, that those rivers would have been particularly described and named, as having their mouths in the Bay of Fundy and Gulf of St. Lawrence, but ultimately emptying into the Atlantic Ocean. The River St. John in particular, about which so much had been said by the different Ministers who framed the Treaty, and which river had been proposed as a part of the Boundary which was to limit the United States to the North-East.

Had the words *Bay of Fundy* and Gulf of St. Lawrence not been used in the Treaty, there might have been some grounds for the American Agent to rest his ar-

gument upon, that this Gulf and that Bay were meant to be included in the more comprehensive words *Atlantic Ocean*, but this is not the case. His reasoning on this is in point, however, with respect to the Bays of Penobscot and Sagadahock, of which no mention is made in the treaty, nor are even the Rivers Penobscot and Kennebec named therein; hence it is evident that these unnamed rivers were those intended to be described by the words "those which fall into the Atlantic Ocean."

It is obvious that the words "Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean," used in the said 2d article of the treaty of 1783, were taken from the proclamation of His Majesty of the 7th of October, 1763, in which the boundaries of the Government of Quebec, in that quarter which relates to the present subject, are described as commencing at the 45th degree of north latitude, on Lake Champlain, and "passing" (in a North-Easterly direction) "along the highlands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea;" but in the treaty of 1783 the Boundary of the United States of America commences, "from the north-west angle of Nova Scotia, to wit: that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands, along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean." This change of order in describing the Boundaries, while it cannot alter their courses or distances, materially affects the descriptive part of them, and might mislead a person not fully master of the subject.

This will appear evident by an examination of the general map exhibited on the part of His Majesty, and even on the general map on the part of the United States, objected to for incorrectness in other parts of it. Both these maps represent the highlands mentioned in the Proclamation of 1763, and in the Treaty of 1783. If the description in the Proclamation is taken, it will be seen that the Highlands named therein divide the Rivers therein mentioned, almost at the very commencement of those Highlands, on the East side of Connecticut River, and that the sources of those rivers, so to be divided, lay within a very narrow space of each other, to wit: the Rivers Chaudiere and Du Loup, and the Rivers Androscoggin, Penobscot, and Kennebec.

The contiguity of the sources of these rivers each to the other, and their taking such opposite direction, to unite with the Ocean, and their being thus divided, or separated, by conspicuous Highlands, render the description used in the proclamation and in the treaty, particularly applicable. There is this difference, however, between the description in the Proclamation and in the Treaty; that what was first described and first in situation, in the Proclamation, is last in the Treaty. The highlands which divide the Rivers, so described to be divided, are near the Connecticut River, and distant from the due north line from the source of the River St. Croix: but Mars Hill is the highland which the due north line first meets, from which Hill there is a continuation of Highlands, among which those Highlands spoken of in the Proclamation are to be found, and which form a part of those Highlands named in the Treaty.

It is obvious that the order of description in the Treaty of 1783, was reversed from the Proclamation, its prototype, and hence arises the error of the Agent on the part of the United States, who contends that the due north line from the source of the River St. Croix, is to be extended until it arrives at Highlands which divide the Rivers, &c. &c. &c.

But this is not the fact; the words of the Treaty are, "due north from the source of the St. Croix River to the Highlands, along the said Highlands which divide those Rivers," &c. &c. &c.

Now what does the word *along* in its ordinary signification import? Certainly a continuation of those Highlands, in which continuation will be found Highlands which divide the Rivers, &c. &c. &c.

Appendix.  
No. 33.

Extracts from the  
Report of the Brit-  
ish Commissioner  
under the 5th Arti-  
cle of the Treaty  
of Ghent.

Third Extract.



*Appendix*  
No. 53.

Extracts from the  
Report of the British  
Commissioner  
under the 5th Article  
of the Treaty  
of Ghent.

Third Extract.

Indeed the word *along*, used in the Treaty of 1783, is, in this instance synonymous with the word passing in the Proclamation.

Had the Highlands to be met with on the due north line been intended to be those which divide the Rivers, the words of the Treaty would have been; "due north from the source of the St. Croix River to the *Highlands* which divide those Rivers which empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean."

The reverse is the case; the due north line is to stop at the Highlands, and from thence a second line is to commence, (which two lines form the north-west angle of Nova Scotia,) and proceed in a westerly direction *along* or *passing* those Highlands which divide the Rivers, &c. &c. &c.

It is apparent on the face of the general map, that the line claimed on the part of his Majesty, the red line, from Mars Hill to the north-westernmost head of Connecticut River, is nearly straight; while the line, a blue line, claimed on the part of the United States, winds and changes its course in a variety of directions, and from its being extended so far north, in order to embrace the River St. John and Restigouche, it becomes eventually necessary to change its course South, and in a part of it even to the Eastward of South; and this for no other purpose, as it regards the extension of the due north line, than to include within it these two last named Rivers; for the American Agent has expressly acknowledged in his argument, that unless the Rivers St. John and Restigouche are decided to be part of the rivers which fall into the Atlantic Ocean, the American claim falls to the ground.

Again it is pre-requisite to have it proved that the members who composed the American Congress, from the year 1779 to the year 1782, and not only the American Ministers Plenipotentiary, but also those of His Majesty, were deficient in common sense, and devoid of forethought and reflection, before we can admit that they, or any of them, contemplated that the due north line from the source of the River St. Croix, was to be extended over, and beyond, the River St. John; nay that it was to, or might be extended upwards of sixty miles north of that River, before it arrived at the Highlands forming the north-west angle of Nova Scotia.

The undersigned Commissioner finds this remark on the following reasons, and the evidence in support of them. Had such an extent of the due north line, from the source of the River St. Croix, been intended by Congress, or by the American Plenipotentiaries, neither of them would have proposed that "the middle of the River St. John, from its source to its mouth in the Bay of Fundy," should be the boundary which was to divide that part of the United States, from the remaining part appertaining to His Majesty; thereby accepting, nay voluntarily offering, "in limine," to accept a lesser extent of Country for a greater. In like manner, had His Majesty's Plenipotentiaries conceived by the words proposed to be used in the 2d Article of the Treaty of 1783, that the due north line would, or by any possibility might, extend sixty or seventy miles north of the River St. John before it arrived at the Highlands, they most assuredly would have acceded to the first proposal of the American Plenipotentiaries to make the River St. John the dividing boundary in that quarter, thereby preserving to His Majesty all the territory North and East of that River. In confirmation of this, the undersigned Commissioner has had the general map, which accompanies this report, carefully examined by Dr. Tiarks, His Majesty's Astronomer, who has reported as follows: "There are contained, from the intersection of the River St. John, by the due north line to its mouth, along the coast to the River St. Croix, and from the mouth of the River St. Croix to its source, thence along the north line to its intersection with the said River St. John, - - - square miles 4406  
"From the British line from Mars Hill, in a westerly direction, to  
"its junction with the American line, thence to the source of the  
"River St. John and down the River to its intersection with the  
"north line, thence along this line to Mars Hill, about - - - square miles 5592

"From the River St. John from its intersection with the north line to its source, thence to the junction of the two Lines, as respectively claimed by each nation, along the American Boundary line to Beaver Stream, and thence along the north line to its intersection with the River St. John, about - - - square miles 5513

*Appendix.*  
No. 53.

Extracts from the Report of the British Commissioner under the 5th Article of the Treaty of Ghent.

Third Extract.

"Territory in dispute, - - - square miles 10705  
"Territory which the United States would have gained, if the River St. John from its source to its mouth had been the boundary line of the two nations, - - - square miles 4406  
"Territory which the United States now claim beyond the River St. John, - - - square miles 5113  
"Territory which the United States will gain by their present claim, beyond the Territory which would have accrued to them by the River St. John being made the Boundary, as originally proposed by Congress, - - - square miles 707

Any remark upon this statement of His Majesty's Astronomer is unnecessary.

The American Plenipotentiaries were instructed by Congress to endeavour to obtain the River St. John, from its mouth in the Bay of Fundy to its source, as the eastern line which was to divide the United States from Nova Scotia and Canada. Mr. Adams, one of the American Plenipotentiaries, in his deposition, states, "that one of the American Ministers proposed the River St. John to be the line abovementioned, but his colleagues observing that as St. Croix was the River mentioned in the Charter of Massachusetts Bay, they could not justify insisting on St. John, as an ultimatum, he agreed with them to adhere to the Charter of Massachusetts Bay." From this testimony it is evident, that the American Ministers agreed to relinquish all claim to the middle of the River St. John, and to accept a more southern boundary, to wit: the River St. Croix at or near its source. Now if the claim of the United States to the middle of the River St. John, from its mouth to its source, *could not be justified*; and we are bound to believe this, as the evidence is derived from the American Minister "a fortiori;" a claim extending over, and sixty-six miles beyond, that River, *cannot be justified*. From the current of Mr. Adams' testimony it is apparent, that the American Plenipotentiaries accepted a more contracted limit, than the River St. John, for the north-eastern boundary of the United States.

Had Congress, or the American Ministers who framed the Treaty of 1783, considered it possible, that the due north line from the source of the River St. Croix, in its course to the Highlands, might extend to Beaver Stream, or even so far north as only to cross the River St. John and Restigouche, whereby, as has before been remarked, a large portion of territory to the south-west of this due north line would fall within the limits of the United States, is it to be believed that, under such an impression, Congress would not have instructed its Ministers, or that those Ministers would not have had the precaution, to have a clause inserted in the treaty, that, in such an event, the citizens of the United States should be allowed to navigate such parts of the Rivers St. John and Restigouche as lay within His Majesty's Territory, to wit: from the line of intersection of those Rivers, to their mouths in the Bay of Fundy and *Gulf of St. Lawrence*? Can the right to take Fish in the Gulf of St. Lawrence bear any comparison with the free use of the waters of the Rivers St. John and Restigouche? Unquestionably not. Still, with regard to this right to take Fish in the Gulf of St. Lawrence is, we perceive the prudence and good sense of the American Ministers led them to secure it, by express words in the Treaty of 1783, while not a word is said with regard to the rights of the citizens of the United States to the use of such parts of the abovementioned Rivers, as were comprehended within His Majesty's Territories.

Upon a view of the whole matter, the undersigned Commissioner on the part of His Britannic Majesty, after a full consideration of, and deliberation upon, the arguments

*Appendix.* of the Agents of the respective Governments, upon the subject of "that point of the  
No. 53. "highlands laying 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," being the first point to be ascertained by the present Commissioners under  
the fifth article of the Treaty of Ghent, is of opinion, that, consistently with a due re-  
gard to the obvious meaning of the plain and intelligible words made use of by the  
framers of the said former treaty of peace, between the two powers, to express their in-  
tentions on this point, and consistently with the geographical distinctions so carefully  
made by them between the different places alluded to, in their designation of the bound-  
aries of the United States, neither the waters of the River Restigouche, nor the waters  
of the River St. John, can be considered, within the meaning of the treaty, as falling  
into the Atlantic Ocean, and that the 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, is that point which intersects  
the Highlands at or near the mountain or hill called Mars Hill; and is distant about  
forty miles, on a line due north, from the source of the River St. Croix.

And the undersigned Commissioner on the part of his Britannic Majesty is further  
of opinion, that if any doubt could remain upon this subject, it must be entirely remov-  
ed by the full, complete, and satisfactory evidence, arising out of the testimony of Mr.  
Adams, one of the Ministers on the part of the United States that negotiated the said  
former treaty of Peace, and out of the journals of the Congress of the United States, in  
their instructions to the negotiators of the treaty on their part, and out of the expres-  
sions of the treaty itself.

Fourth Extract.

The undersigned Commissioner has thus stated, in detail, the grounds upon which the  
Agents of the two Governments have endeavoured to support their claims to the points  
respectively claimed by them, as the North-westernmost head of Connecticut River,  
respecting which he has declared it to be his opinion that this point is situate at the  
head of the north-westernmost brook or stream which empties into the third lake of  
Connecticut River, north of the forty-fifth degree of north latitude. The Commission-  
er on the part of the United States having declared it to be his opinion that the North-  
westernmost head of Connecticut River ought to be established at the head of the west  
branch of Indian Stream; but not having stated any particular principle upon which  
this opinion has been formed, which will probably be done in the report to be made  
by him to the two Governments agreeably to the provisions of the treaty in this re-  
gard, the undersigned Commissioner feels it to be his duty, in this place, briefly to  
revert to the principles upon which, among other considerations so strongly enforced  
by his Majesty's Agent, his own opinion upon this point has been formed, which are  
the following, viz:

I. The north-western brook falling into the third lake is the only head which can be  
truly said to be the *north-westernmost head* of that River, which, in its whole extent,  
is called Connecticut River.

II. This head is the only one from which a line can be drawn down along the middle  
of Connecticut River, to the forty-fifth degree of north latitude, in conformity with  
the provisions of the treaty of Peace of one thousand seven hundred and eighty-three.

III. There being two branches east of this main branch, and numerous heads, its de-  
signation as the *north-westernmost* is thus perfectly and naturally accounted for.

IV. Although it is admitted that this head is not the north-westernmost water tribu-  
tary to Connecticut River, above the forty-fifth degree of north latitude, nevertheless  
there is no evidence before the Commissioners, which is such north-westernmost wa-  
ter, whether Leach's Stream, Hall's Stream, or Indian Stream, or some one of the  
branches of one of these streams; although the probability is, if any reliance at all can  
be placed upon the reports and plans of the exploring surveys in this regard, that such  
north-westernmost water is Hall's Stream, or one of its branches.

V. Neither Hall's Stream nor any of its branches can be the river the north-westernmost head of which can be called the north-westernmost head of Connecticut River, intended by the treaty of peace of 1783.

Appendix.  
No. 33.

Extracts from the  
Report of the British  
Commissioner  
under the 5th Article  
of the Treaty  
of Ghent.

Fourth Extract.

1. Because a line down along the middle of that stream, or of either of its branches, would not be a line down along the middle of Connecticut River, and therefore would not be in conformity with the provisions of the treaty of 1783.

2. Because Hall's Stream has always been distinguished from Connecticut River, having always had a different name, by which it has been known before and from the time of the survey, in 1772.

3. The circumstance that the line of the 45th degree of north latitude was, by the Framers of the Treaty of 1783, *supposed* to cross Hall's Stream, shewed clearly by their intution in this regard, this *supposed* line crossed Hall's Stream at some distance before it struck Connecticut River: as the line along the highlands was to extend to the north-westernmost head of Connecticut River, and thence down along the middle of that river to the forty-fifth degree of north latitude, it is evident that a head of a river called, at the point of its intersection with the forty-fifth degree of north latitude Connecticut river, was contemplated, which could not be the case with Hall's Stream, this being known exclusively by this name.

4. Neither Indian Stream nor any of its branches can be the river the north-westernmost head of which can be called the north-westernmost head of Connecticut River, intended by the treaty of Peace of 1783.

1. Because a line drawn along the middle of that stream, or of either of its branches, would not be a line drawn along the middle of Connecticut River; and therefore would not be in conformity with the provisions of the treaty of 1783.

2. Because Indian Stream never has been known by the name of Connecticut River, but on the contrary has always been distinguished therefrom by a particular well known name.

3. It is much narrower and has much less water than Connecticut River, with which it mingles its waters, and the appellation of stream, so invariably given to it, is indicative of this inferiority in size; the other having been always called a river, and eminently the *Connecticut River*.

4. If it should be considered a matter of any moment, there is so far from being any evidence that this stream, or either of its branches, is the north-westernmost water tributary to the Connecticut above the forty-fifth degree of north latitude, that there is a violent presumption that this is not the case.

5. There is no reason whatever, to be derived from the situation, size, or any other quality of this stream, why the single circumstance of its being more north-west than the real Connecticut River, should be considered as any evidence that this is the River Connecticut designated in the treaty; on the contrary, being neither the north-westernmost water tributary to that river, nor the north-westernmost head of that river, it has none of the characteristics required by the provisions of the treaty of Peace of 1783.

The undersigned Commissioner on the part of His Britannic Majesty, comes now to the consideration of the only remaining part of the boundary included in the present commission, namely, a line "down along the middle of Connecticut River to the "forty-fifth degree of north latitude, from thence by a line *due west on said latitude* "until it strikes the river Iroquois or Cataraqui," respecting which the fifth article of the Treaty of Ghent, under which this commission is instituted, having declared that "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 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

Fifth Extract

*Appendix. "due west on said latitude to the River Iroquois or Cataraguy, has not yet been surveyed,"* proceeds to declare that it is agreed, that for the several purposes mentioned in the preceding part of the article, "two Commissioners shall be appointed, sworn, and authorized to act, exactly in the manner directed with respect to those mentioned in the next preceding article of the treaty, unless otherwise specified in the said fifth article." It is then provided in the same article, "that the said Commissioners shall cause the boundary aforesaid, from the source of the River St. Croix to the River Iroquois or Cataraguy, to be surveyed and marked according to the provisions of the said treaty of Peace of one thousand seven hundred and eighty-three."

Extracts from the Report of the British Commissioner under the 5th Article of the Treaty of Ghent.

Fifth Extract.

Fifth Extract.

The undersigned Commissioner of His Britannic Majesty, conceiving this part of the boundary of the United States, to be, of all others, so clearly designated in the treaty of Peace of 1783, that the Commissioners were not authorized to exercise any discretion respecting it, but merely to cause the same to be surveyed and marked, agreeably to the peremptory direction in that behalf in the fifth article of the treaty of Ghent, in conformity with the provisions of the said treaty of Peace, had not anticipated that there could be any difference in opinion between the Commissioners respecting it, nor that it could have been necessary to do more than express that opinion in the very words of the Treaty; but from the manner in which this part of the boundary has been claimed and discussed by the Agent of the United States, by which the conduct and proceedings of the Commissioners and of the Astronomers of both nations, as well as of His Majesty's Agent, have been, as the undersigned conceives, placed in an improper point of view: And the Undersigned having received a further communication from the Commissioner on the part of the United States, intimating that it would not be necessary for him, the same Commissioner, to report any opinion on the questions which have been made relative to the boundary line from Connecticut river to the River Iroquois; (a) the undersigned Commissioner conceives it to be his duty to report as well to the Government of His Britannic Majesty, as to that of the United States, his opinion upon this last mentioned part of the boundary, as well for the reasons before stated, as upon the ground of the uncertainty of what the opinion of the Commissioner on the part of the United States may be in this regard; and at the same time to state in detail the grounds upon which his opinion has been formed respecting this as well as the other parts of the Boundaries of the United States, upon which the difference in opinion of the respective Commissioners on the part of the two Governments has been expressed; the opinion of the Undersigned being, that the point ascertained by Dr. J. L. Tiarks, His Majesty's Astronomer, on geographical principles, to be the forty-fifth degree of north latitude on Connecticut River, is the point which ought to be established as the said forty-fifth degree of north latitude on the said River; and that the line due west on said latitude to the River Iroquois or Cataraguy should be surveyed, and marked upon ordinary geographical principles, the several points or stations near the said line, of which the latitude has been ascertained by the Astronomers under the present Commission, as herein before detailed, being made the foundation or basis of such survey of the said line due west on the said degree of latitude.

THO. BARCLAY,

*His Britannic Majesty's Commissioner—5th Article Treaty of Ghent.*

UNITED STATES OF AMERICA,  
New York, 13th April, 1822:

(a) The following is a copy of this communication.

"The Honorable THOMAS BARCLAY.

"DEAR SIR: Yours of the 22d of October has been duly received: I have concluded that it will not be necessary for me to report any opinion on the questions which have been made relative to the boundary line from Connecticut River to the River Iroquois. I intended to have made this communication sooner, but have been unavoidably prevented doing this before.

"I am, very respectfully, your obedient servant, [Signed.] "C. P. VAN NESS."

## APPENDIX, No. LIV.

### EXTRACTS

FROM THE

### REPORT OF C. P. VAN NESS,

ONE OF THE COMMISSIONERS APPOINTED UNDER THE FIFTH ARTICLE OF THE  
TREATY OF GHENT.

The questions in controversy have been discussed by the respective Agents at great length, and with extraordinary ability. But it will not be necessary for me to notice the arguments in detail, nor to enter into a particular examination of the evidence which has been produced. It will be considered sufficient briefly to assign some of the reasons upon which my opinion is founded, and which appear to me to be beyond the control of any questionable or contradictory testimony that may have appeared in the case.

*Appendix.  
No. 54.*

Extracts from the  
Report of the A-  
merican Commis-  
sioner under the  
5th article of the  
Treaty of Ghent.

First Extract.

First, I will consider the question as to the north-west angle of Nova Scotia. The Agent of the United States contends for the establishment of that point, at a place about one hundred and forty-four miles north of the source of the River St. Croix, and about sixty-six miles north of the River St. John; which place is in the tract of country dividing the waters that run into the River St. Lawrence from those which flow in opposite directions and fall into the sea. On the other hand, the Agent of His Britannic Majesty insists that it ought to be fixed at *Mars Hill*, which is about forty miles north of the source of the St. Croix, and about thirty-eight miles south of the River St. John, and of course about one hundred and four miles south of the place contended for on the part of the United States; and is between waters emptying into the River St. John.

The treaty having described the angle in question as formed at the Highlands therein mentioned, and it having been questioned what particular Highlands were intended, it becomes important here to ascertain that point. The description in the treaty says, "that angle which is formed by a line drawn due north from the source of the St. Croix River to the Highlands," without saying what Highlands; but it immediately proceeds, "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;" thus clearly designating the Highlands along which the line is to continue, and calling them the *said* Highlands; so that by a direct reference, the same designation is attached to the Highlands first named. And in the latter part of the description, the line from the source of the St. Croix to the Highlands at which the angle must be formed, is again mentioned as follows: "East by a line 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 St. Lawrence."



*Appendix.*  
No. 54.

Extracts from the  
Report of the A-  
merican Comma-  
nder under the  
treaty of Ghent.

First Extract.

It appears evident to my mind, both from the plain sense and the strict letter of the treaty, that the framers of that instrument intended that the line commencing at the source of the St. Croix should proceed due north, until it should reach those Highlands which divide the Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean. There is no foundation, therefore, in my opinion, on any reasonable construction that can be applied to the treaty, for the argument which has been pressed before the Board, that the Highlands to which the line is to extend from the source of the St. Croix, and at which the point in question is to be fixed, are to be the first Highlands, of whatever description, at which the line will arrive in its due north course, or that they can be any other than those which divide the waters falling into the River St. Lawrence from those which fall into the Atlantic Ocean.

But it is contended by His Majesty's Agent, that giving this construction to the treaty it is incapable of execution. This argument is attempted to be supported on the ground that the Bay of Fundy is not a part of the Atlantic Ocean; consequently that the Rivers St. John and St. Croix, which have their mouths in that Bay, do not fall into the Atlantic Ocean, and that therefore there can be no Highlands due north from the source of the St. Croix, which, at that point, divide waters running into the River St. Lawrence from others falling into the Atlantic Ocean; there being no waters of the latter description in that direction to be divided. Before I enter into an examination of this argument I will, for a moment, inquire what will be the result, admitting the premises assumed in this regard to be correct.

His Majesty's Agent fully agrees with the Agent of the United States, that the Highlands which divide the Rivers Chaudiere and De Loup, emptying themselves into the River St. Lawrence, from the Rivers Kennebec and Penobscot, falling into the Atlantic Ocean, as far as they form that division, answer the description in the treaty, and are the Highlands truly intended. And in order to form the angle on his plan, he declares that the words of the treaty are evidently to be understood as intending that the north line should terminate whenever it reached the Highlands which in any part of their extent divided the waters mentioned in the treaty. Thus acknowledging that the same Highlands which divide the Chaudiere and De Loup from the Kennebec and Penobscot, are in their extension eastwardly to be intersected by the line due north from the source of the St. Croix, but denying to them the same description at the point of intersection. We are brought then by His Majesty's Agent, on his own principles, to the simple question whether these Highlands, so extended, are situated above or below the sources of the St. John, or in other words, on the north or the south side of that River.

It is insisted that the north line must stop at *Mars Hill*, because, it is said that hill "appears to be connected by broken ridges with the mountains near the sources of the Penobscot." Such a boundary, it is declared, will actually comport with the terms of the treaty, and will at the same time leave to His Majesty the whole of the River St. John and its sources, which, it is asserted, must have been the object of the framers of the treaty.

The Highlands to be extended, we have seen, divide waters running into the River St. Lawrence from waters running in an opposite direction, and falling into the Atlantic Ocean. And as it appears that in proceeding eastwardly in the direction of these Highlands, even to the sea coast, the waters continue to divide in the same way, on the one side running into the River St. Lawrence, and on the other side into the sea, or according to the distinctions insisted on, into the Atlantic Ocean, the Bay of Fundy, and the Gulph of St. Lawrence, does it not clearly follow that the extension or continuation of such Highlands is to be found between the sources of the waters thus continuing to flow in the same opposite direction? Can it be reasonable that *Mars Hill*, because it may "appear to be connected by broken ridges with the mountains

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near the sources of the Penobscot," is rather to be considered such extension, so as to be eminently called the same Highlands, when these "broken ridges," if they actually exist, divide waters not running different ways, but flowing in the same direction? To establish the position that the Highlands which are fully recognised as dividing the Chaudiere and De Loup from the Kennebec and Penobscot, after having formed that division, proceed south of the St. John to *Mars Hill*, we are driven to the singular necessity of deciding that there are no Highlands which divide the numerous Rivers to the eastward of the Chaudiere and Penobscot; and which continue to flow in the same manner, viz: the Rivers Ouelle, Kamouraska, Verte, Trois Pistoles, Rimousky and Metis, falling on the one side into the River St. Lawrence, and the Rivers St. Croix, St. John, Miramichi, and Restigouche, falling on the other side into the sea. For if there are any Highlands of the latter description, they must, of necessity, be the proper extension or continuation of the former.

That there is a chain of Highlands extending from near the sources of Connecticut River, in a north-easterly direction to the sea coast, between the sources of the waters running as before mentioned, into the River St. Lawrence, and into the sea, can need no other proof than the fact that there are such waters. There is, therefore, no doubt in my mind, that even under this view of the case, the line going due north from the source of the St. Croix, must cross the St. John, and extend to or near the place designated for that purpose, by the Agent of the United States.

Before I proceed any farther, it may be proper to remark, that by *Highlands* I do not mean lands of any particular or peculiar elevation. I consider all lands that for any distance lay between the sources of waters running in contrary directions, as *Highlands*, with reference to such waters, and the general face of the country each way through which they have their courses. And this appears to be precisely the sense in which the term is used in the treaty. With these impressions, I consider all the evidence produced on both sides, as also the arguments in support of it, to shew where the most elevated lands or the highest mountains are situated, as of no importance whatever to the decision of the present question. Nor do I deem it in any wise material whether the sources of streams are found to exist both north and south of the precise point where the angle is formed, if they are found both eastwardly and westwardly of it, in such a manner as to indicate plainly the direction of the dividing Highlands; which appears to be the case in the present instance. Any argument therefore to be derived from a supposed slight variation of the line, already protracted due north from the source of the St. Croix, may be entirely laid out of the case.

On this subject, I view the following remarks of the Agent of the United States as unanswerable, and containing all that can be said: "If we leave the sources of the waters connected with the St. Lawrence, and proceed south of the sources of streams which fall into the Atlantic Ocean—Where shall we stop? Lands high or low in that direction may be said to divide the St. Lawrence from the Atlantic, and this holds true quite to the Atlantic coast; but they no longer divide the rivers that fall into the Atlantic from any other waters, since they are both encompassed and penetrated by the last mentioned Rivers. Nor can any portion of such lands be entitled to the distinction of forming the boundary more than another, since if we depart from the rule of discrimination afforded by the different sources, no new rule can be devised which does not apply equally to every elevation of land, until we arrive at the source of the St. Croix."

"The Highlands which divide the waters emptying into the Atlantic from those connected with the St. Lawrence, are those which, by separating them, leave the Atlantic streams on the one side, and the St. Lawrence streams on the other. This can hold true only of the lands lying between the streams whose contrary direction has already been described; and to depart from these lands, without a just necessity, would be as contrary to sound sense as to a fair construction of the instrument we

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That the lands to which we are now alluding are sufficiently elevated to be worthy the appellation of Highlands, is demonstrated, not only by the great length of the Rivers which run from them into the sea, but, if other demonstrations were wanting, by the evidence furnished by the Surveyors, before the Board. But it is particularly due north of the St. Croix that we are to look for the Highlands mentioned in the treaty, since here they are necessary to form the important angle in question. And here the evidence is most satisfactory. The River Metis is divided from the River Restigouche by lands more elevated than any other which exist between the Metis and St. Croix; so that it is not only the Highlands, but emphatically the highest land which divides the Rivers. If it were otherwise—if the lands between the Restigouche and Metis were not characterized by peculiar elevations compared with peaks or mountains which might exist in any other direction, still the argument in favor of their adoption as the true Highlands must remain unchanged. The word Highlands is not used merely to denote a single mountain, or even a continued unbroken range of mountains running in one direction, but generally to describe an elevated or mountainous region, of which the surface must necessarily be very unequal; such is commonly to be found in all sections of country in which numerous Rivers take their rise; and since the very principle of gravity demonstrates that the general elevation of the country is greater at the source of a River than at its outlet, the lands which separate Rivers running in contrary directions would naturally be considered as the Highlands which lay between, or divided them. Particularly as relating to a country the topography of which was not fully ascertained, a more definite description of such Highlands was hardly possible to be given. This is true not only of the lands between the Rivers at the point where the specified angle is formed, but also of all the lands lying between the Rivers running in contrary directions, throughout the whole line. Whenever these Rivers present themselves, we have to seek the lands placed directly between their waters, and these lands, whatever variety of elevation may exist among them as compared with each other, we may rest assured are, in relation to the general fall or average elevation of the country or the level of the sea, the elevated or Highlands dividing those waters; and since it is not consistent with reason to suppose that there should be sources of Rivers at every point throughout a long line, the protraction of such a line as shall intersect all lines drawn from the nearest sources of opposite rivers to each other, must be considered a line along the Highlands which divide them."

I will now enter upon the consideration of the main point relating to this part of the case. That is, whether the Bay of Fundy is a part of the Atlantic Ocean.

The following extracts from the memorials of His Majesty's Agent, will fully shew the foundation upon which his claim, in this respect, is predicated, and the substance of his arguments in support of it.

He says—"The first question that arises upon this part of the Boundary, is, what Rivers are to be thus divided? The answer is, that by the express terms of the treaty they are to be, first, the Rivers emptying themselves on one side into the River St. Lawrence to the westward of the meridian of the source of the River St. Croix; secondly, the Rivers falling on the other side into the Atlantic Ocean to the westward of the mouth of the same River St. Croix, in the Bay of Fundy; for as the boundary line was to proceed from its commencement at the River St. Croix westward, no Rivers falling into the Bay of Fundy eastward of the River St. Croix, could have come into the contemplation of the framers of the treaty; and it was evidently the true intent and meaning of the treaty to secure to the respective powers the sources of the Rivers emptying themselves or falling into their respective territories, the sources of these Rivers being the points at which, by the boundary line along the Highlands, they were to be divided, and the terms made use of in this regard in the treaty being so precise, viz: "*From the north-west angle of Nova Scotia along the Highlands*

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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." The Rivers here contemplated are evidently those Rivers, and those Rivers only, which empty themselves between these two points; which are the points, and the only points to be ascertained and determined by the present commission; and the line along the Highlands is evidently contemplated as dividing these Rivers, and securing to the United States the sources of those of them that fall into the Atlantic Ocean, and to His Majesty the sources of those of them that empty themselves into the River St. Lawrence.

Again, he says—"We come now to a particular consideration of the River St. John. This River at its mouth where it empties itself into the Bay of Fundy, is sixty miles east of the mouth of the River St. Croix in the same Bay, which mouth of the River St. Croix is, as before observed, the easternmost boundary of the United States; and this being a fact well known at the time to the framers of the treaty, this River cannot be considered as one of the Rivers to be divided by the line along the Highlands, not only because evidently excluded, as not between the points above mentioned, limiting the extent within which the mouths of these Rivers were to be found, but because it empties itself, not into the Atlantic Ocean, as required by the terms of the treaty in this regard, but into the Bay of Fundy, which as has been observed already, is expressly named, and thereby separated and distinguished from the Atlantic Ocean, which distinction is again recognised between the Atlantic Ocean and the Bay of Fundy in the fourth article of the Treaty of Ghent, in which the Bay of Passamaquoddy is declared to be a part of the Bay of Fundy, and the Island of Grand Menan to be in the said Bay of Fundy, without any intimation that this Bay can be considered as a part of the Atlantic Ocean, within the meaning of either of the treaties between His Britannic Majesty and the United States. And from these considerations it is obviously, if not necessarily, to be inferred, that it is the true intention of the treaty to secure to His Majesty the source of this River, also as this as well as every other treaty ought to receive a liberal and equitable construction; and it must be therefore presumed that the intention was, in all instances, to give to the respective Governments the sources of the several Rivers, the mouths of which were clearly within their own territory; for no other way could this treaty have an equitable operation."

I am constrained to declare, that I have searched the treaty in vain for some expression to justify these assertions, or this reasoning. In what part of that instrument are to be found "the express terms" which declare that the Rivers to be divided are to empty themselves on the one side into the River St. Lawrence "to the westward of the meridian of the source of the River St. Croix;" and on the other side to fall into the Atlantic Ocean "to the westward of the same River St. Croix in the Bay of Fundy?" And where is it said, that "the boundary line was to proceed from its commencement at the River St. Croix westward?" The line from the source of the St. Croix to the Highlands, it is expressly declared, is to be a due north line, and it then proceeds along the same Highlands, and, of course, divides the Rivers falling each way, which have their sources along any part of its extent, without reference to the situation of the mouths of any such Rivers. It is merely, too, by way of description of the Highlands that any Rivers are mentioned in the treaty.

It is obvious that in arranging the boundaries of a country, it is often necessary to adopt straight and direct lines, without regard to the manner in which they may divide Rivers and Lakes; and the line from the St. Croix to the Highlands is not the only one of that sort in the boundaries of the United States. We know that the latitude line from Connecticut River to the River Iroquois or Cataraguy, crosses Lake Memphremagog, Lake Champlain, Chatauguy River, and Salmon River. But admitting that the parties to the treaty, in fixing on that portion of the boundary now under consideration, had in view the division of the Rivers entire, which are mentioned, it

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is not denied that the object is, in the main, accomplished, on the principles contended for by the Agent of the United States. And because that may not be the case in *every* instance, it cannot lay the foundation for an utter disregard of the plainest rules of common sense. If the Highlands north of the St. John, which are designated by the Agent of the United States, are not the Highlands which divide the Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, that settles the point, that the due north line is not to extend to them. But if they are truly those Highlands, then the north line must reach them, no matter how many and what streams of water may be intersected by it, and regardless of the consideration whether the Rivers divided by the line along such Highlands will, in all cases, empty themselves within the territories of the same power, within whose dominions they may have their sources. All the assertions, therefore, of His Majesty's Agent, which have been so repeatedly made, that it was the intention of the treaty to secure to the respective powers the sources of the Rivers emptying themselves into their respective territories, are entirely foreign to the case, and can only be attributed to his zeal in a cause which it has been his duty to advocate.

If the Commissioners who formed the treaty did not consider the Bay of Fundy, in which the Rivers St. Croix and St. John both have their mouths, as a part of the Atlantic Ocean, but intended to separate and distinguish them, it is not a little extraordinary that they should have fixed on a line to run from the source of the St. Croix due north to the Highlands, which, by that very principle, could not exist in that direction. It is certainly reasonable to suppose, that with such views, they would have described the Highlands as dividing Rivers emptying themselves into the River St. Lawrence, from those falling into the *Bay of Fundy*, and not into the *Atlantic Ocean*. But, on the ground contended for, the case would be plainly this. The Commissioners who made the treaty perfectly understood that the Bay of Fundy was not a part of the Atlantic Ocean; they used the terms in the treaty entirely separate and distinct from each other, and intended to be so understood. They knew that the Rivers St. Croix and St. John had their mouths in the *Bay of Fundy*, and not in the *Atlantic Ocean*, and consequently, that there could be no Highlands directly north of the sources of those Rivers, that divided waters falling into the River St. Lawrence from others falling into the Atlantic Ocean. And yet with this perfect understanding, and all this knowledge, they actually described such Highlands as being due north from the source of the St. Croix, one of the very Rivers thus known to fall into the *Bay of Fundy*, and not into the *Atlantic Ocean*.

But I apprehend that an impartial examination of the treaty cannot fail to lead to the conclusion that it was not intended to speak of the Bay of Fundy and the Atlantic Ocean as separate and distinct from each other, any farther than to designate different parts of the Ocean, when speaking of the Ocean only, and to describe with more particularity the situation of the River St. Croix, which was to form an important part of the boundary between the two nations, and about the identity of which there was, even then, a question. But when alluding to the division of Rivers falling into the Atlantic Ocean from those which fall into the River St. Lawrence, at a point north of the sources of the Rivers having their mouths in the Bay of Fundy, it would seem to be almost self-evident that that Bay was considered a part of the Atlantic Ocean. And the idea suggested by His Majesty's Agent appears to me wholly unfounded, that they are distinguished on Mitchell's Map, (the one used by the Commissioners who made the treaty,) or on any other map, except in the way that Bays of any bodies of water are generally designated. Mitchell's Map, as well as the other maps that I have met with, has designated Penobscot Bay, and also Sagadahoc Bay, in which the Rivers Penobscot and Kennebec respectively empty themselves; and yet it is fully admitted that those two Rivers fall into the Atlantic Ocean. The two latter Bays are, to be sure, not so large as the Bay of Fundy; but it is conceived they are not, for that



reason alone, to be considered on grounds entirely different; especially as the particular extent which confers upon a Bay the dignity of being considered a separate and distinct body of water, has not been pointed out.

These being some of the reasons by which my mind is irresistibly drawn to the conclusion that the Bay of Fundy is a part of the Atlantic Ocean, and that it is not regarded in any other light in the treaty, I will turn my attention to another and somewhat different view of the case.

Thus far I have considered the angle as originally created by the treaty: and whether that is the case or not, it can hardly be doubted that the treaty is, at all events, to govern the decision of the question. But, at the same time, if it should appear that the angle had a previous existence, and that its location was the same as that which I have endeavored to show is pointed out by the treaty, it will serve essentially to confirm the construction I have given to that instrument.

The boundaries of Nova Scotia, as defined in the Charter of that Province by King James First to Sir William Alexander, dated the 10th September, 1621, are as follows:

"All and singular the lands of the Continent and the Islands in America, within Capo Sable, lying in forty-three degrees north latitude or thereabouts, thence along the Coast to St. Mary's Bay, and thence passing northward by a right line across the Gulf or Bay now called Fundy to the River St. Croix, and to the remotest western spring-head of the same, whence, by an imaginary line conceived to run through the land northward to the next road of ships, river, or spring, discharging itself into the great River of Canada, and proceeding thence eastward along the shores of the sea of the said River of Canada to the road, haven, or shore, commonly called Gaspich; and thence south-eastward to the Islands called Baccalaus or Cape Breton, leaving the said Island on the right, and the Gulph of said great River of Canada, and the lands of Newfoundland, with the Islands to those lands pertaining, on the left, and thence to the promontory of Cape Breton aforesaid, lying near or about the latitude of forty-five degrees, and from the said promontory of Cape Breton, towards the south and west, to the aforesaid Cape Sable, where the perambulation began."

The Proclamation of His Britannic Majesty of the 7th of October, 1763, on the cession of Canada from France to Great Britain, gives to the Province of Quebec the following boundaries:

"Bounded on the Labrador Coast by the River St. John, and from thence by a line drawn from the head of that River through the Lake St. John to the south end of the Lake Nipissing from whence the said line crossing the River St. Lawrence and the Lake Champlain, in forty-five degrees of north latitude, passes along the Highlands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the sea, and also along the north coast of the Baye de Chaleurs and the coast of the Gulph of St. Lawrence to Capo Rosiera, and from thence crossing the mouth of the River St. Lawrence, by the west end of the Island of Anticosti, terminates at the aforesaid River St. John."

The Act of the British Parliament, of the fourteenth year of George Third, (1774,) relating to the Province of Quebec, provides as follows:

"That 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 Highlands which divide the Rivers which empty themselves into the River St. Lawrence from those which fall into the sea, to a point in the forty-fifth degree of north latitude, on the eastern bank of the River Connecticut, keeping the same latitude directly west through Lake Champlain, until in the same latitude it meets the River St. Lawrence, from thence up the eastern bank of said River to 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; following the

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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 north and west boundary of the said Province until the said western boundary strike the Ohio; but in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-west angle of the said Province of Pennsylvania; and thence by a right line to the said north-west angle of said Province, and thence along the western boundary of said Province until it strikes the Ohio, and along the bank of said River westward to the bank of the Mississippi, and north to the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay; and also all such territories, Islands and countries, which have since the tenth day of February, 1763, been made part of the Government of Newfoundland, be and they are hereby, during his Majesty's pleasure, annexed to and made a part of the Province of Quebec, as created and established by the said Royal Proclamation of the 7th of October, 1763."

It will be seen that the western boundary of Nova Scotia, by the Charter of that Province, was a line from the remotest western spring-head of the River St. Croix, to run through the land northward to the next road of ships, river, or spring, discharging itself into the great River of Canada, (St. Lawrence.) Whether this line was, in any event, to extend to the St. Lawrence itself, which has been made a question, is wholly unimportant in the present discussion, as it would, in any event, pass over all the Highlands between the St. Croix and the waters connected with the St. Lawrence in the direction of such line.

By the proclamation above mentioned, it appears the southern boundary of Quebec was to be "a line along the Highlands which divide the Rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay de Chaleurs," &c. This line would cross the western line of Nova Scotia, running from the St. Croix northward, on the Highlands just described; and this point of intersection then became the *north-west angle of Nova Scotia*.

The Act of Parliament of 1774 made some alterations in the boundaries of the Province of Quebec, but its southern limit was again declared to be "a line along the Highlands which divide the Rivers that empty themselves into the River St. Lawrence from those which fall into the sea."

It is presumed no doubt can arise, and certainly none has been suggested, that the Highlands which are described, both in the King's Proclamation and the Act of Parliament, lay north of the River St. John; as that is one of the principal Rivers falling into the sea, whether that part of the sea where its mouth is situated, is called the *Bay of Fundy*, or the *Atlantic Ocean*.

Returning again to the treaty, it will be perceived that the boundaries of the United States are to commence "from the north-west angle of Nova Scotia." Now, if there was at that time no north-west angle of Nova Scotia, it is very singular that it should have been expressly referred to as such, and adopted as the commencement of the boundary. And if there was then such an angle, I have already shewn that it was north of the River St. John, and on the same Highlands to which the claim of the United States extends. But it is said that the treaty, after providing that the boundaries shall commence at the north-west angle of Nova Scotia, goes on and describes the angle thus, viz: "that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands, along the said Highlands which divide," &c. This is true; but the question still arises whether this by itself makes an angle for Nova Scotia. For if the treaty line, "drawn due north from the source of St. Croix River to the Highlands," stops short of the line which, by the Proclamation and the Act of Parliament before mentioned, passes "along the Highlands which divide

the Rivers that empty themselves into the River St. Lawrence from those which fall into the sea," it would, to be sure, at its termination with the line running from thence westward towards Connecticut River, form the north-east angle of the United States; but how it could form the north-west angle of Nova Scotia, without the aid of the line between that Province and Quebec, to run from its termination eastwardly, it is difficult to imagine. On the other hand, if the due north line of the treaty should be extended to the line along the Highlands above mentioned, forming the southern boundary of Quebec, the north-east angle of the United States and the north-west angle of Nova Scotia would be at the same place, and the description in the treaty would be both consistent in itself, and in conformity with the previous state of things. It is true that by the treaty the north line begins at the *source* of the River St. Croix, when by the Charter of Nova Scotia it was to run from the *remotest western spring-head* of that River. It is possible that these two starting points might not be precisely the same; but that would make no essential difference, as it would not prevent the angle from being on the same Highlands, or formed in the same manner; it could only have the effect of placing it a little more east or west, as the case might be. At the same time, it was not only conclusively settled by the Commissioners appointed under the treaty of 1794, to determine the true River St. Croix intended by the treaty of 1783, that the St. Croix of the grant to Sir William Alexander, and the St. Croix of the treaty were the same, but on examination of the River, they actually considered, and were about to decide, that the *remotest western spring-head* was the *source* thereof, had not the Agents of the two Governments, for reasons which will appear in another part of this report, agreed upon, and jointly requested the Commissioners to establish a different source.

But there are still further grounds to believe, that the same Highlands which constituted the southern boundary of Quebec, were intended to be described in the treaty as those to which the due north line should extend. The only variation in the description is, that in the one case they are to divide "the Rivers that empty themselves into the River St. Lawrence from those which fall into the sea," and in the other, they are to divide "the Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean." And this substitution in the treaty of the *Atlantic Ocean* for the *sea*, it is admitted would have no effect, except to the eastward of the territory which divides the Rivers Chaudiere and Penobscot. At the same time, too, we must bear in mind that the very design of the makers of the treaty to describe different Highlands from those contained in the Proclamation and the Act of Parliament, necessarily presupposes an understanding that the Highlands they were describing could not be situated where they located them. Can this difference of expression, then, afford any evidence of an intention to alter the southern boundary of Quebec, or to create a different one between that Province and Massachusetts, from the one previously established, so as to comport with the claim now set up on the part of His Majesty? Is it not much more reasonable to suppose that the makers of the treaty had it in view to adopt the line along the Highlands, and the north-west angle of Nova Scotia, which had been previously established, than to charge them with the gross absurdity of beginning the boundary at a place called by them the north-west angle of Nova Scotia which by their own description of it could not be such an angle, and the still grosser one, of describing certain Highlands as lying due north of the source of the St. Croix, when they were fully aware that there could be no such Highlands in that direction?

In either case then, whether we take the Highlands described in the treaty as those to which the line due north from the source of the River St. Croix is to extend, or whether we take the north-west angle of Nova Scotia as previously existing, if my views be correct, it follows that the angle now to be ascertained ought to be established

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But this is not all. It appears that the opinion I have expressed has been entertained both by the American and British Governments, since the formation of the treaty, on every occasion which has led to an expression on the subject.

The present respectable and learned Agent of His Majesty, when representing his Government before the Board of Commissioners appointed under the treaty of 1794, to ascertain the true River St. Croix, had no doubt on this question. While contending for one place in preference to another, as the source of the St. Croix intended by the treaty, and insisting on the same principles as now, that each power ought to possess the sources of the Rivers that empty within its territory, if it could be accomplished consistently with the intention of the treaty, he makes the following remarks: "The effect, so far as regards the United States, is completely secured by the treaty in all events; and thence we have further reasons to suppose it was intended to be reciprocal in this respect, if a just interpretation will warrant it. A line due north from the source of the western or main branch of the Schodiac or St. Croix will fully secure this effect to the United States in every instance, and also to Great Britain in all instances except in that of the River St. John, where it becomes *impossible* by reason that the source of this River is to the westward not only of the western boundary line of Nova Scotia, but of the sources of the Penobscot and even of the Kennebec, so that this north line must of necessity cross the River St. John, but it will cross it on a part of it almost at the foot of the Highlands, and where it ceases to be navigable. But if a north line is traced from the source of the Cheputnacook, it will not only cross the River St. John within about fifty miles from Fredericton, the metropolis of New Brunswick, but will cut off the sources of the Rivers which fall into the Bay of Chaleurs, if not of many others, probably the Miramiche among them, which fall into the Gulf of St. Lawrence, and thereby be productive of inconvenient consequences to the two powers, if not of contention between them, instead of terminating their differences in such a manner as may be best calculated to produce mutual satisfaction and good understanding, which is one of the principal and avowed objects of the treaty."

The Commissioners, it appears, were about to decide in favor of the outlet of the Schodiac Lakes, when the Agent of the United States proposed an arrangement by which the Cheputnacook should be adopted. This was done because the State of Massachusetts had made grants of lands between the two places, the latter being further north, but at the same time further west than the former. The Agent of His Majesty, before he would consent to the proposal, consulted the Minister of His Britannic Majesty then in the United States, and received from him the following letter, by which Mr. Liston appears to have considered that the due north line would of course cross the St. John, but thought it advantageous to His Majesty to carry it as far west as practicable, so as to allow a greater extent of navigation on that River.

"(Private.)"

"PROVIDENCE, 23d October, 1798."

"SIR: I have considered with attention your letter of this day, and it appears to me evident that the adoption of the River Cheputnacook as a part of the boundary between His Majesty's American dominions and those of the United States, in preference to a line drawn from the easternmost point of the Schodiac Lakes, would be attended with considerable advantage.

"It would give an addition of territory to the Province of New Brunswick, together with a greater extent of navigation on the St. John's River, and above all, a longer stretch of natural frontier, calculated to prevent future difficulties and discussions between the two countries. If, therefore, by assenting to the proposal of the American Agent, you can bring about the unanimous concurrence of the Commission-

ers in this measure, I am of opinion that you will promote His Majesty's real interest; and I will take the earliest opportunity, with a view to your justification, of expressing these my sentiments on this subject to His Majesty's Secretary of State.

"I have the honor to be,

"With great truth and regard, Sir,

"Your most obedient humble servant,

"WARD CHIPMAN, Esq."

[Signed.]

"ROB. LISTON.

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The same Agent of His Majesty had also the honor of representing his Government before the Commissioners acting under the fourth article of the treaty by which this Board is established; and on that occasion, in the month of September, 1817, even after the instructions had been issued to the Surveyors in this case, we find him contending "that the north-west angle of Nova Scotia, mentioned in the treaty as the commencing point of the boundary of the United States, is the north-west angle of the said Province of Nova Scotia designated in the said grant to Sir William Alexander, in 1621, subject only to such alterations as was occasioned by the erection of the Province of Quebec, in 1763." This is an unequivocal admission, that the angle now in question is formed by the intersection of the western line of Nova Scotia with the southern line of Quebec.

Even the British Commissioners who signed the Treaty of Ghent, in 1814, appear to have been aware of the validity of the claim of the United States, in regard to the north-west angle of Nova Scotia. On the 19th day of August, 1814, they propose to the Commissioners of the United States, the discussion of "such a *variation* of the line of frontier as may secure a direct communication between Quebec and Halifax." On the twenty-sixth of September, the American Commissioners, while on this subject, say, "The proposal, however, of the British Plenipotentiaries was not to *ascertain* but to *vary* those lines, in such a manner as to secure a direct communication between Quebec and Halifax; an *alteration* which could not be effected without a cession by the United States to Great Britain of all that portion of the State of Massachusetts intervening between the Province of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty." On the eighth day of October the British Commissioners reply, that "the British Government never required that all that portion of the State of Massachusetts intervening between the Province of New Brunswick and Quebec should be ceded to Great Britain, but only that small portion of unsettled country which intercepts the communication between Halifax and Quebec; *there being much doubt whether it does not already belong to Great Britain.*"

Here was first a proposition to *alter an existing boundary*. This was at once rejected, on the ground that the *alteration* could not be effected *without a cession of a considerable territory*, which was by the treaty of 1783 unquestionably included within the boundaries of the United States. It is then *admitted that a cession of territory is required*, though of less extent than had been stated. And to this admission is added the faint denial of the unequivocal declaration that all the territory spoken of unquestionably belonged to the United States; *that there was much doubt whether the territory thus required to be ceded did not already belong to Great Britain.*

The Agent of His Majesty, in his closing argument, delivered on the 27th day of September last, appears to place great reliance upon a supposed discovery in favor of the claim set up by him, in the "Secret Journals of the Congress of the Confederation," which had been published since the previous session of the Board, in the month of August last. Those parts of the proceedings of the Old Congress to which the most importance is given in this respect, are contained in the instructions agreed to be given to the Minister to be appointed for negotiating a Peace, on the 14th of August,

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referred to the Secretary for Foreign Affairs, to be by him digested, completed, and transmitted to the Minister for negotiating a Peace. The material part of the instructions referred to is as follows: "The boundaries of these States are as follows, viz: 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 which 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 due west in the latitude forty-five degrees north from the equator to the north-westernmost side of the River St. Lawrence or Catarqui; thence straight to the south end of Nipissing, and thence straight to the source of the River Mississippi: west by a line to be drawn along the middle of the River Mississippi, from its source to where the said line shall intersect the thirty-first degree of north latitude: south by a line to be drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north from the equator, to the middle of the River Appalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean: and 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 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 part, shall respectively touch the Bay of Fundy and Atlantic Ocean. You are therefore strongly to contend, that the whole of the said countries and islands lying within the boundaries aforesaid, and every citadel, fort, post, place, harbour and road, to them belonging, be absolutely evacuated by the land and sea forces of His Britannic Majesty, and yielded to the powers of the United States to which they respectively belong, in such situation as they may be at the termination of the war. But notwithstanding the clear right of these States, and the importance of the object, yet they are so much influenced by the dictates of religion and humanity, and so desirous of complying with the earnest request of their allies, that if the line to be drawn from the mouth of the Lake Nipissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line between that point and the River Mississippi; provided the same shall in no part thereof be to the southward of latitude forty-five degrees north. And in like manner, if the western boundary above described cannot be obtained, you are hereby empowered to agree that the same shall be afterwards adjusted by Commissioners to be duly appointed for that purpose, according to such line as shall be by them settled and agreed on as the boundary between that part of the State of Massachusetts Bay formerly called Province of Maine, and the Colony of Nova Scotia, agreeably to their respective rights. And you may also consent that the enemy shall destroy such fortifications as they may have erected."

The Committee referred to, in their report, say—"It is therefore incumbent on us to shew, first, that the territorial rights of the thirteen United States, while in the character of British Colonies, were the same with those defined in the instructions given to Mr. J. Adams, on the 14th of August, 1779; and, secondly, that the United States, considered as independent sovereignties, have succeeded to those rights." They contended, throughout their report, that the boundary between Massachusetts and Nova Scotia should remain the same as it had been; but they endeavored to shew that the River St. John constituted that boundary, and ought to be agreed upon as such; at the same time, they admitted that the eastern boundary of Massachusetts could not be proved to extend to the River St. John, as clearly as to that of St. Croix,

and that it was not advisable to continue the war merely to obtain territory as far as the St. John.

It appears also, by the testimony of President Adams, that at the conferences which led to the treaty of 1783, one of the American Ministers at first proposed the River St. John, as marked on Mitchell's Map. But his colleagues observing to him that as St. Croix was the River mentioned in the Charter of Massachusetts Bay, they could not justify insisting on St. John as an ultimatum, he agreed with them to adhere to the Charter of Massachusetts Bay.

From these proceedings, the Agent of His Majesty declares the following inferences, among others, to be "obvious and incontrovertible," viz: "that the north-west angle of Nova Scotia was therein contemplated to be at the source of the River St. John;" and "that the Highlands therein contemplated as dividing the Rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, were the Highlands extending from the said source of the River St. John to the north-westernmost head of Connecticut River; and, consequently, that the Rivers therein contemplated to be divided were the Rivers Chaudiere and De Loup only, as emptying themselves into the River St. Lawrence, and the Rivers Androscoggin, Kennebec and Penobscot only, as falling into the Atlantic Ocean;" and also, "that as the St. John, from its source to its mouth in the Bay of Fundy, and a line from its source along the Highlands in that behalf designated to the north-westernmost head of Connecticut River, were the utmost boundaries in that quarter, either north or east, if the same could be obtained from Great Britain, that were ever claimed, proposed, or contemplated on the part of the United States as a part of their boundaries in the same quarter, either by Congress or by the Ministers who on their part negotiated the Treaty of Peace of 1783, it incontestably follows, that no part of the territory north or east of the said Highlands and of the said River St. John, from its source to its mouth, in the Bay of Fundy, can now be claimed as a part of the United States designated in the second article of the said treaty of peace of 1783."

Now it is very plain, that any person who supposes there is any thing in these proceedings of the Old Congress, which has a tendency to weaken the claim now made on the part of the United States, entirely misunderstands them. The Congress claimed nothing more or less than the previously existing boundary between Massachusetts and Nova Scotia on the east, and that between Massachusetts and the Province of Quebec on the north, by the intersection of which two lines, the angle in question was originally formed. This appears throughout all the proceedings on this subject. In the second volume of the Journals, page 133, it is declared, in the report of a Committee, that the United States are bounded "northerly by the ancient limits of Canada, as contended for by Great Britain, running from Nova Scotia south-westerly," &c. and "easterly by the boundary settled between Massachusetts and Nova Scotia." In the proceedings extracted by His Majesty's Agent, the north-west angle of Nova Scotia is spoken of, without any other description, as an *existing* angle, and *not one to be created*. Its actual position was the only point to be ascertained. If it could have been made to appear that the River St. John was the eastern boundary of Massachusetts, the United States would have gained an extent of sixty miles on the sea coast beyond the River St. Croix. It is true that the principal source of the St. John is situated in longitude to the west of that of the St. Croix, but this would have been of trifling consequence compared with the valuable difference on the coast in favor of the former. The claim to the St. John, however, was abandoned by the American Ministers, and the St. Croix was agreed upon. The angle, indeed, by being placed at the principal source of the St. John, would have been farther to the west; but it would, notwithstanding, have been fixed on the same Highlands for which the United States now contend, as His Majesty's Agent admits that the source of the St. John, which is marked on Mitchell's Map as extending, "is found, in fact, by the

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surveys made under the present commission, to extend, to the Highlands in which the Rivers Chaudiere and De Loup, falling into the River St. Lawrence, and the Rivers Kennebec and Penobscot, falling into the Atlantic Ocean, have their sources."

The proposition, then, to take the St. John as the eastern boundary of the United States, instead of being at variance, was in perfect accordance with the idea, that the boundary between Massachusetts and Quebec, and which must of necessity be one of the lines of the angle passed along the Highlands situated on the north side of that River, as by the extension of its source to those Highlands, or in other words, to that boundary, the contemplated angle would be formed. To suppose it to have been understood that the Highlands constituting the southern line of the Province of Quebec, were situated south of the St. John, would involve the supposition, that by going up that River the intention was to pass beyond that line, and then return to it from the north to form the angle; for it must be borne in mind, that the same line which, on any construction, would divide Massachusetts from Quebec, would continue eastwardly as the dividing line between Nova Scotia and Quebec. The fallacy of such an argument surely need not be pointed out.

In the case of the St. Croix, as that River did not extend far enough to the north to form one of the lines of the angle complete, a line from its source was protracted in a direction due north to the same Highlands that were reached by the said source of the St. John in a more western longitude. It is certainly correct, as has been stated, that if the angle had been fixed at the source of the St. John before mentioned, there could have been no Highlands in question, except those extending from that place to the north-westernmost head of Connecticut River, and no Rivers to be divided by them except the Chaudiere and De Loup on the one side, and the Kennebec and Penobscot on the other, because there are no others between those points. But it does not therefore follow, that such Highlands in their extension eastwardly would go south of the St. John, or that in establishing another boundary, no other or greater extent of Highlands were thought of; or that if the angle was placed in any other position, a line from it to the north-westernmost head of Connecticut River, would divide no other Rivers than those just mentioned. The parties have made a different agreement; which is to be construed according to just and established rules, without reference to any previous claims, or rejected offers, made on the one side or the other. The argument that the United States, because they were willing to take the St. John, from its mouth to its source, are now precluded from claiming at any point beyond the boundary which they would in that case have obtained, is so inapplicable to the present case, and so destitute even of plausibility, that it would be improper to spend any further time upon it.

Having thus concisely stated the principal grounds upon which my opinion has been formed, I do decide and report, that the north-west angle of Nova Scotia, according to the true construction of the Treaty of Peace of 1783 between the two Powers, is at a point on a line due north from the source of the St. Croix, and about one hundred and forty-four miles from the source of that River, on the lands which lie between the waters of the River Restigouche, and the waters which fall into the River St. Lawrence.

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The north-westernmost head of Connecticut River is the remaining point to be ascertained and determined by the present commission. And on this question the Agents of the two Governments are also at variance. The British Agent contends, that a small brook running into a small lake, being the third and upper one in the main branch of Connecticut River, is the north-westernmost head of that River; and the American Agent has endeavored to prove, that the middle branch of *Hall's Stream*,

so called, is the true north-westernmost head of Connecticut River contemplated in the treaty. *Appendix.*  
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I cannot decide in favor of either of these claims. The west branch of *Indian Stream*, lying between the two places designated by the Agents, appears to me to be the north-westernmost head of Connecticut River intended by the treaty.

Extracts from the Report of the American Commissioner under the 5th article of the Treaty of Ghent.

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It is to be remarked, in the first place, that the treaty evidently contemplates there being several different heads or branches of Connecticut River, and that it must have been intended to throw them all into the United States, except the north-westernmost head, which was adopted as the boundary. On the Map of Mitchell, which was particularly referred to by the framers of the treaty, several heads of that River are distinctly marked. The very term *north-westernmost*, implies that there might even be other north-western heads. If the existence of but one head of Connecticut River was contemplated, why not say to the head of the River, instead of the *north-westernmost* head? If such had been the case, it can hardly be doubted that this would have been done. And it is equally plain, that supposing more heads than one to exist, it could not have been intended to give any preference to the *main* stream or head of the Connecticut, unless it was, at the same time, the *north-westernmost* head. Because if that had been the object, the expression shewn to be proper in case but one head of the River was supposed to exist, would either have been used as applicable to the *main* head alone, or an express designation made of the *main* head.

The following extracts from the arguments of His Majesty's Agent, will shew the grounds upon which he rests his pretensions; and, at the same time, serve other purposes in the investigation.

"The next point, then, to be ascertained with regard to that part of the boundary which lies in this quarter, will be the point which forms the north-westernmost head of Connecticut River; and this involves the necessity, and depends upon the result of the previous question—What River is Connecticut River? And to this question one, and one answer only, can be given, viz: that River, and that River only, which, from its mouth to its source, has always been and still is exclusively called and known by that name; that River, and that River only, which, from its mouth to its source, has been laid down in all the maps of this part of the country under that name; that River, and that River only, which, from its mouth to its source, was exclusively known and called by that name at the time of the Treaty of Peace of 1783; and lastly, that River, and that River only, which, in the plans of the several and respective Surveyors, made under the authority of this honorable Board, is laid down exclusively under that name. The River answering to those descriptions is, therefore, claimed and insisted upon on the part of His Majesty, as the Connecticut River truly intended under that name in the second article of the Treaty of Peace of 1783, and is particularly designated in the particular report and plan of the survey made thereof, under the authority and direction of this honorable Board, during the last year, and in the general map of all these surveys now upon the table. It is true that there are several, comparatively with this River, small streams, whose waters are tributary to this River; sketches of which streams appear in the several plans of the surveys of this River, made under the authority of this commission. The most westernly of these tributary streams is called and known by the name of Leach's Stream; the next of these tributary streams is called and known by the name of Hall's Stream; the next of these tributary streams by the name of Indian Stream; the next and last of these tributary streams falling into this River westwardly of the source, is called and known by the name of Perry's Stream. The only complete and correct description of Connecticut River, and of its tributary streams, will be found in the report and plan thereof, above referred to, made by Dr. J. L. Tiarks, Astronomer and Surveyor on the part of His Britannic Majesty, under the present commission; which report and plan are, in all the essential parts thereof, confirmed by the reports and plans of the

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Again: "But if a shadow of doubt could remain, with regard to the exclusive identity of Connecticut River contemplated and truly intended in the second article of the Treaty of Peace of 1783, an attention to the immediately subsequent words in the treaty would instantly dispel every shadow of such doubt. The words are—  
"thence down along the middle of that River to the forty-fifth degree of north latitude." What River? There being but one River known by that name, this only River, thus eminently called and known by that name, must of necessity be the River here intended. Will it—can it be contended that Perry's Stream is the Connecticut River, eminently so called? or that Indian Stream is the Connecticut River eminently so called? or that Hall's Stream is the Connecticut River eminently so called? or that Leach's Stream is the Connecticut River eminently so called? Neither of these questions can ever be answered in the affirmative. But the moment you depart from the true and only Connecticut River, eminently so called, either of these streams, or either of the branches of either of these streams, or any other river or stream tributary to the great Connecticut, must have equal right and pretension, one with the other, to be dignified exclusively with the eminent title of the Connecticut River."

The report of Mr. Tiarks, His Majesty's Surveyor, upon which so much reliance has been placed, has the following passages: "The stream into which Indian Stream discharges itself comes from the eastward, and is commonly called Connecticut River; or sometimes the Main Connecticut River, to distinguish it from the other small streams that successively unite with the larger stream, and have all particular well-known names."

Again: "It follows from this, that Connecticut River has more than double the quantity of water than Indian Stream has, and is fully entitled to be called, which is indeed allowed on all hands, the *main stream* of Connecticut." And after stating that the third lake in the *main stream* of this river is "little more than a mile in its greatest dimensions," and "is formed by the confluence of *small brooks*," he gives a description of the surrounding country, and then says—"We returned to the head of the north-western brook running into the lake, which is the north-westernmost head of the river which we had traced up, and marked that spot by blazing a number of trees around it."

There was indeed no necessity of proving "what river is Connecticut River;" there having been no question about the identity of that River, or of its main head. It is entirely immaterial, however, what head is "dignified exclusively with the eminent title of Connecticut River." The point to be attended to is, *which is the north-westernmost head of that River?*

His Majesty's Agent has himself shewn, "that there are several, comparatively with this river, small streams, whose waters are tributary to this river," coming in from the north-west, and proceeds to name them, beginning with the one most westernly, to wit: *Leach's Stream, Hall's Stream, Indian Stream, and Perry's Stream*. And Mr. Tiarks, in his report, labours to establish that the stream coming from the eastward, where it is joined by *Indian Stream*, is called "the *main* Connecticut River," and "the *main stream* of Connecticut River," and that it is so called "to distinguish it from the other small streams that successively unite with the larger streams, and have all particular well-known names." Now it is obvious that the proof of these facts is, in itself, proof that there are *other* streams of Connecticut River, besides the *main stream*. It would really be somewhat singular, if these "small streams" with "particular well-known names" were not considered branches or heads of Connecticut River, how there could have existed a necessity to call the one coming

from the east the *main stream*, for the purpose of distinguishing it from these same "small streams."

The name of the Connecticut River alone, would answer every purpose to distinguish that river from streams known by different names, and having no connection with it, except that of emptying into it.

But the fact that these smaller branches are called *streams*, and have never received the appellation of *rivers*, is alone strong evidence that they have ever been considered as mere heads or streams of Connecticut River. They have, to be sure, been called *Hall's Stream*, *Indian Stream*, &c.; yet this appears to have been in order to distinguish them from each other, and also from the "*main stream*," on the same principle that the largest branch is stated to have been denominated the "*main stream*," to distinguish it from these others. It is to be observed, however, that with the exception of *Hall's Stream*, it does not appear that either of them had any name at the time of the formation of the treaty. But the circumstance that the largest and principal head or branch should be called the "*main stream*," or should even retain the complete and precise name of the river, cannot be of much importance, since it is very common, in cases where there are several heads of rivers, for the largest and principal ones to retain the names of such rivers, when at the same time the others, although they may be known by distinct names, are not the less deemed to be heads or branches of the same rivers.

Can the position then be supported, that we must follow up the main stream of Connecticut River, the course of which is eastward, through two lakes into a third, and there take a *small brook*, less than eighty rods long, as the north-westernmost head of Connecticut River intended for the boundary line between the two nations? Can it for a moment be believed, that nothing more was in view by the framers of the treaty, in taking the north-westernmost head instead of the head of the river, than to prefer one *small brook* to another, perhaps within a few rods of it, as the lake into which they run is stated to be only "a little more than a mile in its greatest dimensions?"

It is urged that the north-westernmost head of Connecticut River, where the line along the Highlands strikes it, is to be sought for at the source of the main stream of the river; because the treaty, in proceeding from that point, says, "thence down along the middle of that river to the forty-fifth degree of north latitude." But the fair meaning of this is, that the head agreed upon, if it was not itself the main head, should be followed down to the main stream or river, and then down that to the line of latitude. It must have been foreseen that to follow the main river from that part of the north-westernmost head of it which makes a point in the boundary, to the line of latitude, might be impossible, unless the north-westernmost head and the head of the river were considered the same, which it has already appeared could not have been the case. And the language used in the treaty, in this respect, was perfectly proper, as the north-westernmost head might or might not prove to be the main head; and such expressions were adopted as would answer the purpose in either case, without an addition of words. This argument, however, is no sooner raised than it is demolished, by the selection of the *little brook*, which is insisted on as the north-westernmost head of the river, but which is not pretended to be the main head. For if the boundary can go any distance, however small, between the two points just mentioned, otherwise than along the main stream, such distance becomes unimportant; and no other stream uniting with the main river above the latitude line, can any more be excluded on that ground than the *little brook*. Nor is there any better foundation for the argument that if a different head from the main one is adopted, still it must be one that falls in at the most remote point, or rather at the head of the main stream, from a "necessity of making this river a part of the boundary, to the utmost extent of it, as called and known by the name of Connecticut, because, from its north-

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westernmost head, the subsequent part of the boundary line was to be drawn down along the middle of that river; that is, down along the middle of Connecticut River, to the forty-fifth degree of north latitude." Whether the north-westernmost head comes into the main stream at its very source, or at any other point above the forty-fifth degree of north latitude, the subsequent part of the boundary, from the north-westernmost head to that latitude, will be along the middle of Connecticut River, and will therefore equally satisfy the treaty.

The claim advanced by the Agent of the United States, as I have already remarked, is also objectionable. From the language made use of in the treaty, and the facts which, it is to be presumed, were known to its framers, it must have been considered that the north-westernmost head of Connecticut River selected as the boundary, emptied itself into, and became identified with, the main stream of the river, above where the forty-fifth degree of north latitude was supposed to be. This construction, then, would lead to the rejection of *Hall's Stream*, the one designated on the part of the United States; because, waiving the question whether the line actually existing, and which was established as being on the forty-fifth degree of north latitude before the treaty was made, will ever be changed, *Hall's Stream* empties itself below the junction of that line with Connecticut River, and therefore could not have been taken into consideration in the establishment of the boundary.—Several years previous to 1783, there had been certain proceedings to establish the line on the forty-fifth degree of north latitude, between the Rivers Connecticut and Iroquois, for the purpose of settling the boundary between the Provinces of New York and Quebec; which, it is believed, and is admitted by both Agents, could not have been unknown to the framers of the treaty. By those proceedings it is found that the Surveyors, who were directed to protract the line from Lake Champlain to Connecticut River, reported, on the first day of October, 1772, that they had fixed the boundary between the two Provinces "on the west bank of Connecticut River, two miles and fifty chains on a direct line above the mouth of a small river falling in on the west side of Connecticut River, known by the name of *Hall's Brook*."

Indian Stream is entirely situated above the line existing when the treaty was made, and supposed to be on the latitude of forty-five degrees. It comes from the north-west, and by its west branch, extends further in a north-westerly direction than any source of Connecticut River, except *Hall's Stream*. It is stated in the report of His Majesty's Surveyor, that at the junction of *Indian Stream* with the main stream of the river, the former is sixty-six feet wide, and the latter one hundred feet, and the depth is about equal. *Indian Stream*, then, better than any other, in my opinion, answers the description and intention of the treaty, according to the best and fairest construction which can be given to that instrument. And this would retain the boundary where, it is understood, the people residing in the vicinity belonging to both nations have always considered it to be.

His Majesty's Agent, after labouring against the adoption of *Hall's Stream*, contends, if that is out of the question, that *Indian Stream* cannot be taken, because *Hall's Stream* is the most north-western of the two. The following answer of the Agent of the United States to this argument, who claims *Indian Stream*, provided *Hall's Stream* is rejected, is conclusive:

"This argument seems to be founded on the principle that if a head cannot be called north-westernmost, for the purposes of the treaty, and yet can be so called for other purposes, it shall exclude all others from being so called for the purposes of the treaty; a doctrine wholly inadmissible; for if *Hall's Stream* cannot be regarded for the purposes of the treaty, it cannot be regarded against those purposes."

I do therefore decide and report, that the head of the west branch of *Indian Stream* is the true north-westernmost head of Connecticut River designated and intended in the treaty of 1783.



Having completed this report on the two points submitted to the Commissioners for their decision, I have, according to my view of the subject, done all that is required by the treaty establishing this commission.

The Commissioners are authorized to ascertain and determine the north-west angle of Nova Scotia, and the north-westernmost head of Connecticut River; and are directed to cause the whole boundary line between the two powers, from the source of the River St. Croix to the River Iroquois or Cataraguy, to be surveyed. The survey of the boundary being principally dependent on the two points above mentioned, the treaty does not contemplate any to take place until those points are settled. The Commissioners, however, to facilitate the progress of the commission, not knowing that they would disagree on those points, proceeded to direct some work preparatory to a survey on some part of the boundary. The Agents of the two Governments differ on the extent of the survey to be made on the line of latitude from Connecticut River to the River Iroquois, and likewise on the manner of making such survey; and at the time of submitting their arguments on the two points in the boundary to be determined, presented several questions in regard to that survey. This was well enough; as, in case of the Commissioners agreeing on the points necessary first to be determined, they might without further delay have decided those questions, so that the survey could immediately have proceeded. But a disagreement having taken place on the preliminary points, I do not consider it according to the course marked out in the treaty to make any decision, or to express any opinion, at this time, on the questions relating to the surveys of any part of the boundary.

In assigning the reasons for my opinion, I have not deemed it necessary to recapitulate the various matters in evidence before the Board, and the arguments of the respective Agents thereupon, because copies of the proceedings of the Commissioners, of the claims and arguments of the Agents, and of the reports of the Surveyors, as well as all other documents which have been produced in evidence, will be furnished to each Government, at the time of delivering the reports of the Commissioners; and to those I refer as a part of my report, for the purposes of explanation and verification, whenever it may be necessary.

It only remains for me to assure the two Governments, whose interests have in this case been committed in part to my decision, that I have given the subject all the consideration of which I am capable, and that I have endeavored to investigate and to decide, with that impartiality and regard to justice which were not less due to the high and honorable trust reposed in me, than they were required by the solemnity of the oath under which I have acted.

C. P. VAN NESS.

NEW YORK, April 13th, 1822.

Appendix.  
No. 54.

Extracts from the  
Report of the A-  
merican Commis-  
sioner under the  
5th article of the  
Treaty of Ghent  
Second Extract.



APPENDIX, No. I.V.

EXTRACTS

FROM

THE ARGUMENTS OF THE BRITISH AGENT

UNDER

THE 5TH ARTICLE OF THE TREATY OF GHENT.

*Appendix.*  
No. 53.

Extracts from the  
Arguments of the  
British Agent un-  
der the 5th article  
of the Treaty of  
Ghent.

British Agent's  
First Memorial.

"At Mars Hill there will be found a point of intersection of the north line with highlands fully answering the description in the treaty: there, it is conceived, is the point at which the north line ought to terminate; for these lands are not only unquestionably the highest, but they are also the first that have been intersected by the north line; and it would not only be unreasonable to pass over these to look for others, which, if found, would not so well answer the description, but would also be inconsistent with the meaning of the words used in the treaty, viz: "*North to the highlands;*" which words are evidently to be understood as intending that the north line should terminate whenever it reached the highlands which, *in any part of their extent*, divide the waters mentioned in the treaty."

"And as the said Mars Hill appears to be connected by broken ridges of highland with the mountains, near the sources of the Penobscot, and the highest points of land to the Connecticut River will be found in continuation of the same direction, and will fully answer the description of the highlands contemplated in the treaty, it follows, that the point of highlands lying due north from the source of the River St. Croix, and designated in the said treaty of peace, of 1783, as the north-west angle of Nova Scotia, must be ascertained and determined to be at the point of the highlands at Mars Hill, the first and only highlands which is intersected by the said due north line, in conformity with the provisions, in this behalf, of the said treaty."

British Agent's  
Second Memorial.

"It is presumed that it will admit of no doubt that the true intention of that part of the treaty, now under consideration, was to secure to the United States the objects solely which are above specified in this regard; and that it was likewise the intention of this part of the treaty, to leave to his Majesty the undisputed and undisturbed right and possession of and to all parts of the adjoining territory not intended to be included within the boundaries of the United States. *This intention will be literally effectuated by a very small variation of the expression actually made use of* in this regard, namely, by describing the second line forming this angle in the following words, that is to say, "*along the said highlands where they divide those rivers that empty themselves into the River St. Lawrence from those that fall into the Atlantic Ocean.*" The expression actually made use of is, *along the said highlands which divide the rivers, &c.* For it is to be observed, that the north-west angle of Nova Scotia is distinctly defined before any mention is made of the circumstance of the highlands, which form a subsequent part of the boundary dividing the rivers mentioned, in that

regard, in the treaty. And this circumstance, of the highlands dividing rivers, is mentioned, not as constituting a part of the definition of the term, but merely as matter of description, with the view of securing to the United States the sources of the rivers which empty themselves within the boundaries, as before stated. The words descriptive of the eastern boundary of the United States, are these: "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 St. Lawrence." These words, taken in *their literal and individual signification*, would involve a construction altogether inconsistent with other parts of the treaty, and with facts at the time within the knowledge of the framers of it; and if the foregoing observations upon the first description of this part of the boundary be, as they are presumed to be, correct, *these words, descriptive of the eastern boundary, must, of necessity, be interpreted in a corresponding sense.*"

Appendix.  
No 53.  
Extracts from the  
Arguments of the  
British Agent under  
the 8th Article  
of the Treaty of  
Ghent.  
British Agent's  
Second Memorial.

"The framers of the treaty, of 1783, while they appear to have presumed from their knowledge of the highlands that divided the sources of the Kennebec from those of the Chaudiere, that a continued range or ridge of highlands would be found in the same direction, extending from the due north line to the north-westernmost head of Connecticut River, yet they could not have been certain that this due north line would, in fact, precisely intersect these, or any other, highlands; and, in case of no such intersection, the north-west angle of Nova Scotia must, of necessity, to fulfil the intention of the treaty, be found at the point of the intersection of the due north line, by a prolongation of the line along these well known highlands, easterly, to such point of intersection."

British Agent's  
Reply.

"These highlands, thus intersected by the due north line, are found to lie in the general course and direction of the highlands *"along"* which the second line, forming the north-west angle of Nova Scotia, is described in the treaty to run, namely: "the highlands which divide those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the termination of this line at the north-westernmost head of Connecticut River." Or, in other words, the highlands thus intersected by the due north line lie in the general course and direction of a line drawn from the north-westernmost head of Connecticut river, along the well known and very elevated and conspicuous HEIGHT OF LAND forming the acknowledged and notorious land-mark and boundary between the two nations, in that quarter which divides the River Chaudiere and du Loup, emptying themselves into the River St. Lawrence, from the Rivers Penobscot and Kennebec, falling into the Atlantic Ocean. This well known HEIGHT OF LAND being the *only high land which actually divides* the rivers contemplated in the treaty to be divided by the boundary line therein described, as the undersigned Agent has heretofore, in the course of these discussions, abundantly shewn; and this well known HEIGHT OF LAND being moreover found to extend north-easterly in a direction towards Mars Hill, in a distinct and unbroken ridge, for many miles, and to be afterwards connected with Mars Hill by a succession of mountains and broken ridges of highlands, intersected with ponds and streams, appearing to the eye, when viewed from various stations, to be an elevated and unbroken ridge, as the result of the surveys fully prove. No other point in this due north line, in any part of its extent, combines these various circumstances, exclusively of the other and fatal objections to adopting any point in this line, north of the River St. John, as the north-west angle of Nova Scotia. It seems, therefore, from these considerations, to result in demonstration, that the point where the said due

Appendix.  
No. 53.

Extracts from the  
Arguments of the  
British Agent under  
the 5th article  
of the Treaty of  
Ghent.

British Agent's  
Reply.

north line strikes the highlands at Mars Hill is the north-west angle of Nova Scotia truly intended in the treaty of peace of 1783.

"The true intention of the treaty, then, under all the acknowledged facts in this case, would clearly be ascertained by the following obviously plain and natural and nearly literal construction of its phraseology, namely: It is hereby agreed and declared that the following are, and shall be, the boundaries of the United States, viz: from the north-west angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of St. Croix River to the line of the highlands, along the said line and the highlands which divide," &c.

"The force of this reasoning will be rendered more apparent if the boundaries of the United States, described in the treaty, be traced from west to east, instead of from east to west, as they are traced in the treaty, merely for the purpose of a more convenient description of them; for, it will not be contended that the quarter in which one may commence the actual tracing of a boundary, previously agreed upon, can make any difference in the boundary itself. Let then the tracing of the boundary, in this quarter, be made "from the north-westernmost head of Connecticut River ALONG the highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-west angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands."

"In this case the only difference is, that the second line forming the angle is placed first in order in the description—there is no difference in the line itself. But it is the course or inclination of this line which is to form the north west angle of Nova Scotia, at the point of its intersection with the due north line, drawn from the source of the St. Croix."

"The line along the highlands, forming one of the lines of the north-west angle of Nova Scotia, is expressly designated in the treaty, to be a line along the highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence, between (i. e. from) the north-west angle of Nova Scotia and (i. e. to) the north-westernmost head of Connecticut River."

"He, therefore, determined carefully to abstain from any reference whatever to any documents, maps, or plans, respecting the ancient or former boundaries of the Province of Nova Scotia, or to any of the proceedings before the Commissioners under the 5th article of the treaty of 1794, or of those under the 4th article of the present treaty, although he had them all in his possession, because he evidently perceived that the merits of the business submitted to the consideration of this honorable Board, though they might have been incidentally alluded to, had never come directly under discussion on either of those former occasions; and, consequently, that any of the *obiter dicta* of the Commissioners or Agents of either Government, in matters not in judgment before them, nor submitted in any manner to their investigation, could not any more than the *obiter dicta* of Judges or Counsel in any judicial proceeding, ALIO INSTUTER, in the courts of law, be cited as authorities in a cause in which the merits of those occasional illustrations should become the direct object for investigation or decision; and it would obviously be most unreasonable if it were otherwise. This observation has been elicited by the reference made by the Agent of the United States, to some expressions made use of by the undersigned Agent, in illustration of

his arguments before the Commissioners, under the 5th article of the treaty of 1794, *Appendix*, at a time when he had not in any degree examined, and was altogether a stranger to, the particular merits and bearings of the present question, which, at that time, was not a subject of investigation: Which expressions, as they were not entitled to, so it is certain they never can have, any weight with the commissioners forming this enlightened Board, who are sworn "impartially to examine and decide upon the present claim, according to such evidence as shall be laid before them, on the part of his Britannic Majesty and of the United States, respectively."

No. 53.

Extracts from the  
Arguments of the  
British Agent under  
the 5th article  
of the Treaty of  
Ghent.

British Agent's  
Observations upon  
the Answer of U. S.  
Agent.

"And we here discover the accuracy and propriety of the peculiar phraseology, in the first description of the north-west angle of Nova Scotia, noticed in the 5th section of the second part of the opening argument of the undersigned, namely, that this angle is *not* in this description, *designated* to be that angle which is formed by a line drawn due north from the source of the River St. Croix *to the highlands which divide* those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, but *merely to the highlands*. The framers of the treaty well knew, that this north line would never intersect any part of those only highlands contemplated in the treaty; therefore the second line is described to be *along the said highlands, &c.*, and thus confirms the reasoning of the undersigned in the section of his argument above alluded to, and is strictly conformable to Mitchell's Map, in this regard. And as it had been, in the manner before mentioned, conceded, and it has been accordingly incontestably established, that the line along the highlands intended by the treaty, should and must be a line south of the River St. John, it results in demonstration, that the north-west angle of Nova Scotia, designated in the 2d article of the treaty of peace, of 1783, is formed *by a protraction of this line from the said highlands easterly*, along the highlands, of the description mentioned in the claim and opening argument of the Agent of the United States, following the sources of the several branches of the rivers, above mentioned, falling into the Atlantic Ocean, and leaving the same within the territories of the United States, until *such line, so protracted, shall intersect* a line drawn due north from the source of the river St. Croix; which point of intersection must, therefore, incontrovertibly be the north-west angle of Nova Scotia, required to be ascertained by this honorable Board, under the 5th article of the treaty of Ghent, agreeably to the inferences, in this regard, made in the 15th section of the reply of the undersigned to the claim and opening arguments of the Agent of the United States, and in conformity with the provisions, in this regard, of the 2d article of the treaty of peace, of 1783."

## APPENDIX, No. LVI.

### EXTRACTS

FROM

### THE REPORTS OF THE SURVEYORS

UNDER

### THE FIFTH ARTICLE OF THE TREATY OF GHENT.

*From the "Appendix to the Proceedings of the Commissioners."*

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#### Appendix. No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(a)  
JOS. BOUCHETTE,  
Surveyor. North  
Line. Surveys Nos.  
2 and 27.

"On the 30th we again proceeded on the line, with twenty days' provisions, from the River St. John; after having ascended its banks, and until we reached the 91st mile, the ascents and descents were not materially conspicuous, but we went over several pine ridges and through several swamps, from the 91st mile the land generally ascended until we intersected a large stream, which we at first took to be the Grand River, but proved afterwards to be the River which empties itself close to the Great Falls on the River St. John; from that River the land generally ascends to the Restigouche Portage, which we intersected at 97 miles 32 chains and 80 links: this por-

tago leads from the Little Waganses on the Grand River to the Great Waganses or South Branch of the Restigouche, and is extremely crooked, six miles in length, and its general course is N. N. E. and S. S. W.; but where it was intersected by the line it bore N. 50° E.; this part of the country is conspicuously high, and is the summit of a range of highlands which stretches towards the S. W. and another Branch seems to detach itself at no considerable distance to the West in a North-west direction. The descent at the Waganses is steep, and continues descending alternately by gradual and steep ridges a distance of 43 chains; at 99 miles deviated from the course of the line on a bearing astronomically N. 54° W. 4 chains to the Great Waganses or first branch of the waters of the Restigouche, where we ended the exploring survey."

*Appendix.*  
No. 56.

Extracts from the Reports of the Surveyors under the 5th article of the Treaty of Ghent.

(a)  
Jos. Bouchette,  
British Surveyor,  
North Line. Surveys Nos. 2 and 27.

"After rising the Northwardly bank of the St. John, we found the country mostly flat and swampy, until about the 91st mile, where a moderate ridge divides the waters of Falls River from those of Grand River. North of Grand River, between the 93d and 94th miles is a ridge, though probably higher than any land we had passed over on the line, appears not to be of any considerable extent; from this to the 98th mile, we passed through a large swamp, which gives rise to the Waganses of the Grand River. About the 98th mile, or from the 97th to the 99th miles, we crossed the ridge called Sugar Mountains, which divides the waters of the St. John's River from those of the Restigouche River, and is evidently the highest land we passed over on the line during the season. The extent of this Ridge is not particularly known, but it probably extends to the West and North West on the one hand, and to the East on the other, sufficiently to divide the waters of the above said Rivers."

(b)  
John Johnson,  
U. S. Surveyor,  
North Line. Surveys No. 1.

"The general face of the country may be considered as increasing moderately in elevation from the Restigouche Northward, to within two or three miles of the Grand Fourche, and then descending very rapidly to that stream. It is well wooded with a luxuriant growth of tall thrifty timber, a mixture of hard wood, fir and spruce, with some pine; the mountain ash is abundant, and there are a very few wild cherry trees; contrary however to what is usually met with, the soft wood grows mostly in the valleys, and the hard wood on the tops of the hills; the greater part of this extent appears to be excellent farming land.

(c)  
W. F. Odell, British Surveyor,  
North Line. Surveys No. 1.

"The River Restigouche, from where the line intersects it down stream, is copied from a Map; its general course, however, so far as I can judge from the bearings and observations taken in a canoe, as we returned from our Camp on the Grand Fourche to the Waganses, is correct, and from the estimated distance from where the line intersects the Grand Fourche to the mouth of that stream, and thence up the Restigouche to the Waganses; and from the appearance of the current of both these streams, I am of opinion that there is not much, if any difference, in the level of the water at these two places.

"Immediately after crossing the Grand Fourche, the ground rises very steeply for about three-quarters of a mile, and very moderately for a quarter of a mile more, forming a high bank to the River, and pursuing apparently the same course with the stream, and has the appearance of being the highest point intersected by the line run this year; it then descends moderately all the way to the Beaver River, hereafter mentioned; the surface, however, diversified into hill and dale like the rest, by the ravines and small streams with which it is intersected; but the ravines are not so deep, nor the banks of the streams so steep, as those to the Southward of the Grand Fourche. This tract also is well wooded with a tall luxuriant growth of timber, chiefly fir and spruce, with a mixture of hard wood and some pine. The pine, however, is mostly found near the borders of the Grand Fourche. I also met with some of the largest cedars that I have ever seen.

"On the 2d of September, we arrived at a stream fifteen miles and a half North of



*Appendix.* the Grand Fourche, running to the *Westward*, to which we gave the name of *Beaver River*. On the borders of this stream where the line intersected it, is a piece of low, wild meadow, which was then overflowed in consequence of a dam made by the beavers, which had formed a large pond; above which are two smaller ponds, and immediately below the dam the stream is about two rods wide, the water quick and clear.

Extracts from the Reports of the Surveyors under the 5th article of the Treaty of Ghent.

(c)  
W. F. Odell, British Surveyor—North Line. Survey, No. 4

At a short distance from the stream on both sides, the ground rises moderately, but the elevation is very small, and there is no appearance of highland."

"On the 18th of September, the party reached the River St. John, and proceeded to Mars Hill, where they arrived on the 28th, and were employed until the 3rd of October, in clearing away the wood on the South Peak, in order to get a view of the surrounding country; the same thing was done by Mr. Johnson's party on a part of the North Peak looking to the South West.

"The North Peak was found by a Survey made by Mr. Haren, to be about six miles in a Westerly direction from the mouth of the River Deschutes, (a small Branch of the St. John,) from which place the general surface of the ground rises moderately for about five miles, and steeply for the rest of the way to the top of the Peak, which is distant by measurement a due west course one mile and six chains from the exploring line run last year, and fifteen chains and seventy links South of the 42 mile tree.

"The South Peak is distant by calculation from the North Peak, one mile seventy-five chains and twenty-five links, on a course South  $20^{\circ} 57'$  West by Magnet, and exceeds it in height upwards of one hundred feet; between the North and South Peaks is another Peak lower than either.

"In a South-westerly direction from Mars Hill, and about sixty miles distant, is a range of very high and apparently bald mountains, extending in a westerly direction, called by Mr. Johnson the "Spencer Mountains," and connected with these, and extending round to the North-west, a number of high and conspicuous hills, all connected by lower ranges of land; and in a direction a little southward of the line of view from Mars Hill to the Spencer Mountains, is another high mountain, of a conical shape, distant about forty miles from Mars Hill, supposed to be Catahain, and apparently connected with Mars Hill and the Spencer Mountains by ridges which cannot be particularly described, the ground in that quarter being in every direction all high broken land, but as viewed from Mars Hill, appearing to rise generally from the foot of that hill towards the Catahain and Spencer Mountains.

"On the North-east side of the River St. John, the land appears high, and broken into hills and ridges, stretching in all directions without regularity, and in the Southern quarter there appears some very high land, which seems to stretch round to the East, but so distant that its direction could not be clearly ascertained.

"In the due North direction, there appears to be less inequality in the face of the country than in any other."

(d)  
J. Johnson, U. S. Surveyor. North Line, &c. Survey No. 3.

"At the entrance of the Grand Portage, considering that some useful information might be obtained of the country, without delaying beyond the time which it was expected Mr. Odell would be at Grand River, a survey of the Grand Portage was taken from St. Andre, on the River St. Lawrence, to Temiscouta Lake, including in said survey the altitude and depression of the ground the whole way, and shewing the difference in height of said River and Lake. Owing however to the imperfection of the instrument made use of on this occasion, the angles of altitude and depression cannot be fully relied on. Through Temiscouta Lake and down Madawaska River, it was impossible to take an exact survey, owing to the impracticability of going on the banks, on account of the great quantity of brush wood; such sketches were however taken, and estimates made of the distances, as it is believed will give a tolerably correct view."

"We left Grand River on the 21st, agreeable to previous arrangements, and on the 24th the United States' party encamped on Mars Hill, which we found very advantageous for viewing the adjacent country. The two highest peaks of this Hill lie nearly North and South, at something more than two miles distance, and are elevated about one thousand feet above the general level of the adjacent country, which in the vicinity is low and swampy, though considerably elevated above the waters of the St. John.

"There being no hills within considerable distance of Mars Hill, and those nearest being generally of less magnitude than those which are more distant, affords a very extended view of the country, and enabled me to take observations at two stations to all the mountains which are numbered on the Map, and observations at one station to various other heights, and to other objects which could not be identified at both stations."

"In pursuing the line North from where it was left in the autumn of 1817, we found no hills of any considerable magnitude, until we arrived at or near 112 miles, where we crossed a ridge apparently higher than any land South of it on the line.

"After this we found hills or long extended ridges, tending generally to the North-west and South-east near the 113th mile; at the 114 mile; between the 116 and 117 miles; between 118 and 119 miles; between 120 and 121 miles; between 122 and 123 miles; at 125 miles; between 127 and 128 miles; near 129 miles; between 130 and 131 miles, and at or near 132 miles. These ridges appear generally to exceed each other in height as you go North, the last mentioned ridge at the place where we passed it being considered higher than any other we passed either North or South of it on the line, but soon falls off towards the West, and extends 4 or 5 miles South-east. Between those ridges are numerous small streams, as will appear on the Map, whose waters pass by a rapid descent into the Restigouche River.

"Proceeding North from the last mentioned ridge, the land continues very high and not very uneven to 144 miles 26 chains, where the land is nearly as high as at 132 miles, and is the Ridge which divides the waters emptying into the River St. Lawrence from those which fall into the Atlantic Ocean. On the top of this ridge, at the aforesaid distance of 144 miles 26 chains, is a large yellow birch tree; from this point to Beaver Creek there is a general and very considerable descent, interrupted by a few places of rising ground for short distances.

"At Mars Hill I took observations to ascertain the position of 112 terrestrial objects, the most of which are peaks of hills or mountains. The peaks identified at two stations are laid down on the Map, and numbered to correspond with the numbers of the respective observations which identify their places."

"Before giving a description of the other mountains, it may be proper to give an exact description of Mars Hill. The South peak and place of observation is situated 39 miles 58 chains and 50 links North of the Monument, at the source of the River St. Croix, and 1 mile 22 chains 19 links West of the exploring line. The North peak and place of observation is situated 41 miles 64 chains and 30 links North of the Monument aforesaid, and 1 mile 6 chains West of said exploring line. From the North to the South peak of said Hill is S. 5° 36' 40" W. 2 miles 6 chains and 60 links, and the nearest distance from said line to the foot of said Hill is 42 chains. The South Peak is 175 feet higher than the North Peak, and about 1000 feet above the general level of the adjacent country.

"The position and elevation of the other mountains will mostly be given in tabular form, opposite to which is given a view of them, as seen from Mars Hill. The South Peak of Mars Hill will be considered as being 1000 feet above the general level, and others will be given in that proportion."

Appendix.  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(g)  
J. Johnson, U. S.  
Surveyor. North  
Line, &c. Survey  
No. 3.

Appendix.  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(7)  
J. Johnson U. S.  
Surveyor. North  
Line, &c. Surveys  
No. 3.

## "MOUNTAINS.

NO. OF OBSERVATIONS.	NORTH OF MONUMENT.			WEST OF EX- PLORING LINE.			HEIGHT IN FEET.	NO. OF OBSERVATIONS.	NORTH OF MONUMENT.			WEST OF EX- PLORING LINE.			HEIGHT IN FEET.
	MILES.	CHAINS.	LINKS.	MILES.	CHAINS.	LINKS.			MILES.	CHAINS.	LINKS.	MILES.	CHAINS.	LINKS.	
1	39	58	50	1	22	19	1000	7	7	12		19	12		792
2	41	64	30	1	6		825	8	7	43		19	61		778
3	11	22	30	10	48		792	9	15	64		18	20		531
4	10	36		12	51	40	614	10	25	36		13	36		577
5	7	12		14	59		737	11	16	44		21	50		646
6	9	4		15	22		1071	12	15	60		23	21		971
7	9	22		16	25		865	13	21	5		20	52		828
8	6	24		19	25		864	14	29	17		12	73		663

## "MOUNTAINS.

NO. OF OBSERVATIONS.	NORTH OF MONUMENT.			WEST OF EX- PLORING LINE.			HEIGHT IN FEET.	NO. OF OBSERVATIONS.	NORTH OF MONUMENT.			WEST OF EX- PLORING LINE.			HEIGHT IN FEET.
	MILES.	CHAINS.	LINKS.	MILES.	CHAINS.	LINKS.			MILES.	CHAINS.	LINKS.	MILES.	CHAINS.	LINKS.	
15	31	2	50	11	52	20	750	32	28	58		59	31		1205
16	11	32		22	69		2008	33	34	76	90	36	19		715
17	32	49	90	10	75	50	857	34	32	12	70	53	43		1511
18	32	66	80	11	27	10	1014	35	33	50	20	47	65		1756
19	33			50	17		4645	36	33	56	40	52	74		1916
20	32	26	60	13	19	45	1083	37	35	79	50	51	20		2249
21	9	61		49	23		3085	38	37	14	10	43	20		1694
22	11	30		50	13		2814	39	38	69	20	44	34		1626
23	14	69		49	28		2505	40	39	4	60	47			1940
24	33	51	80	22	40		525	41	39	37	90	45	43		1476
25	28	15		39	67		707	42	39	60	20	44	61		1190
26	36	41	90	18	10		480	44	41	44	15	45	10		1450
27	24	12		58	9		1261	45	43	9	90	47	43		2152
28	32	69	90	31	67		748	46	43	79	90	45	48		1424
29	37	36	60	17	4		448	47	44	55	10	46	25		1924
31	33	75	30	33	48		449	48	43	6	80	19	42		971

## "MOUNTAINS.

Appendix.  
No. 56.

NO. OF OBSERVATIONS.	NORTH OF MONUMENT.			WEST OF EXPLORING LINE.			HEIGHT IN FEET.	NO. OF OBSERVATIONS.	NORTH OF MONUMENT.			WEST OF EXPLORING LINE.			HEIGHT IN FEET.
	MILES.	CHAINS.	LINKS.	MILES.	CHAINS.	LINKS.			MILES.	CHAINS.	LINKS.	MILES.	CHAINS.	LINKS.	
49	43	31	70	19	44		975	65	60	29		52	55		1213
50	43	55	60	19	30		963	66	68	73		51	45		1609
51	45	36		22	40		959	67	62	16		37	49		1180
52	45	63	70	19	11		1010	68	70	26		49			1571
53	49	62	50	21	17		799	69	72	14		46	47		1288
54	51	68	30	20	34		630	70	67	25		34	42		1255
55	42	61	67	10	25	50	488	71	66	10		31	58		801
56	43	32	10	10	27		643	72	68	50		33	57		1301
57	45	28	80	10	40		591	73	69	63		32	65		1389
58	46	5	90	10	76		525	74	71	13		31	57		1200
59	54	8	30	6	50	40	432	77	64	46		15	15		463
60	55	30		6	46		357	78	69	47		15	62		497
61	100	70		8	30		1090	79	82	32		19	72		624
62	46	38	20	18	43		751	83	81	07		10	79		556
63	47	3	40	18	49		780								

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.(a)  
J. Johnson, U. S.  
Surveyor. North  
Line, &c. Surveya  
No. 3.

"In the summer of 1817 sundry observations were taken to Mountains from Park's Place, which go fully to confirm the correctness of the situation on the map of several Mountains seen from Mars Hill. Green River Mountain, which we visited next after Mars Hill, lies about 5½ miles north of the River St. John, and on the east side of Green River. Its elevation, by calculation, from the waters of the St. John at the entrance of the Green River, is 1,074 feet, and from the waters of the St. John at the entrance of the Madawaska River, 1,043 feet; from which it appears that there is 31 feet fall in the waters of the St. John between the entrance of the Madawasky and Green Rivers, a distance of ten and a half miles.

"Green River Mountain was also seen from Mars Hill, and, by calculation from there, is 1,008 feet high, or eight feet higher than the South Peak of Mars Hill; and deducting 1,008 feet from 1,074 feet leaves the general level of the lands in the vicinity of Mars Hill 66 feet higher than the waters of the St. John at the entrance of Green River aforesaid. The height of Siegas Mountain, as seen from Mars Hill, is 1,090 feet, and as seen from Green River Mountain is 1,082 feet, making a difference of only eight feet between the calculation taken from Mars Hill to Green River Mountain, and thence to Siegas, and that taken from Mars Hill to Siegas direct. Taking it for granted, from the foregoing facts, that the relative height of Mars Hill and Green River Mountain has been well ascertained, I will proceed to give an account of the country as seen from said mountain. Many of the mountains which had been seen from Mars Hill were again observed from this mountain, and their places, as given on the map, identified with additional certainty. From this Mountain the Highlands which divide the waters running into the River St. Lawrence from those which fall into the Atlantic Ocean were also seen from the exploring line as far west as Timiscouata Lake. At a distance these Highlands assume a very regular appearance, being not much diversified by peaks of hills and intervening valleys. By taking the general elevation of these Highlands, and knowing very nearly their distance the general height is computed at 2,200 feet, being 1,200 feet higher than the south peak of Mars Hill, and higher than the tops of any mountains south of the River St. John, within 49 miles west of the exploring line, or between the said line and the River St. John.

*Appendix.*  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(g)  
J. Johnson, U. S.  
Surveyor. North  
Line, &c. Surveys  
No. 3.

"In pursuing the foregoing subject by observations taken at Mars Hill, it was ascertained that the highest land south of Listook River, which is about half a mile east of the line, is 512 feet. The highest land south of the St. John, being westerly of the Grand Falls and directly on the line, is 434 feet, and the highest land in sight, in the direction of the line north of the River St. John, supposed to be Sugar Mountain, which, taking that to be the fact as respects the distance, is 1,036 feet.

"The Highlands south of the River St. John, and those south of the Listook River above mentioned, fall off within a little distance west of the line into low, swampy lands which extend from a low ridge which forms the south bank of the River St. John, as far south as the source of the River St. Croix, and several miles west, with the exception only of Mars Hill, which, as has been heretofore stated, is surrounded on all sides by the same glade of low land."

(l)  
W. F. Odell, Bri-  
tish Surveyor—  
Restook River, &c.  
Surveys No. 7.

"On my way from Frederickton to Des Chutes I met with a man named Wilsey, who, in the year 1789, went from the River Maductsanicick on a direct course to Quebec. From this man's account of the country, I was led to expect that near the forks of the Restook I should find a mountain from which a very commanding view of the country would be obtained, and I therefore deemed it my duty to proceed up the river as far as possible, in the hope of reaching this mountain, and thus obtaining a correct knowledge of the face of the country, which cannot be done to any extent on the river, the banks of which are generally low and covered entirely with wood, so that the view is very circumscribed, and then of reaching either the sources of the St. John or the Penobscot, where we should again have an opportunity of making observations from the top of Cathadin and of other mountains, which we had already ascertained to be situated in that quarter. We therefore proceeded as fast as the transportation of the stores would admit; but when we had proceeded about ten miles up the South Branch, by which the Indians say that they usually go to the Penobscot, we found the water falling so fast as to preclude our going any further with the boats; and being convinced that Wilsey had mistaken the situation of the mountain which he had described, we returned to a station about fifty-two miles from the mouth of the Restook, where we had observed a mountain of considerable height very near the river, and from which there appeared to be a prospect of obtaining an extended view, which, as before remarked, could not be had from the river. Upon this mountain we cleared a spot and erected a stage, from which we had a good view of Mars Hill, and of the mountains to the westward of it. From this station the country to the westward of Mars Hill appears high and mountainous, composed of ridges lying mostly parallel to each other, generally running in a northwardly and southwardly direction, but forming altogether a mountainous chain, extending nearly north-east and south-west, the land in the south-western quarter being evidently the highest; and this mountainous chain appears to continue north-easterly towards the head of the Bay of Chaleur, as there is a conspicuous range of very high land extending in that direction, and apparently connected with Mars Hill, or with the Moose Mountain, which lies opposite to it on the north-eastern side of the River St. John. This view of the country fully confirms the remarks made last year on the general appearance of the ground as seen from Mars Hill; and the opinion then given is still further confirmed by the River Restook, the general course of which is from south-west to north-east nearly, and its current for the most part uniform and of considerable strength, which proves the elevation of the general surface of the country, added to which are the observations of Mr. Campbell, since made on the top of Mount Cathadin, and contained in his report hereto subjoined."

"The plan accompanying this report exhibits our survey of the River Restook so far as we proceeded, and also a sketch of the country as it appeared to me when viewed from Mars Hill and from Park's, near the Houlton Settlement."

"After much difficulty and detention, owing to the low state of the water in the rivers, and the consequent number of carrying places, got to the Penobscot, by descending the Matawamkeig on the 6th of October, and on the 14th to the small River Abaljakomigas, from whence Kathardin lies North 40° East distant about 7½ miles."

*Appendix.*  
No. 56.

Extracts from the Reports of the Surveyors under the 5th article of the Treaty of Ghent.

(k)  
Colin Campbell,  
British Assistant  
Surveyor. Among  
Kathardin, &c.—  
Surveys No. 18.

"The day being dark and overcast, returned to the base of the Mountain, and encamped. After several days detention, in consequence of thick weather, snow and hail storms, succeeded on the 19th in getting a most commanding view from the peak.

"In a north-eastern direction there is a chain of mountains and ridges extending from Cathardin towards the River St. John, in the neighbourhood of Mars Hill, which chain appears to split or fork at the distance of about 30 miles from Cathardin, one range taking a course towards Mars Hill, and the other running nearly parallel to the Restook River. This ridge or chain of mountains and hills appears connected with a very high mountain at the source of the south branch of the Restook, which lies North 15° East, distant 15 miles; the Lake at the foot of it is seen distinctly also.

"In a South-western direction the chain continues as far as the eye can reach, by ridges and mountains, first toward the Spencer Mountains, which lie South 80° West, distant about 25 miles, and thence more northerly to very high lands, supposed to be those dividing the Kennebec waters from those of the Chaudiere, which are to be plainly seen extending in direction nearly North 50° East and South 50° West. In every other quarter the land is comparatively low, except one long blue ridge in a North-west direction, extending north-east and south-west, distant about 30 miles, and some detached hills, said by the Indians to be at the sources of Union and Naraguag Rivers, bearing South to South 20° East. Upwards of sixty lakes and ponds are visible from the Peak of Cathardin; among the rest Chesunook, North 50° West, distant about 9 miles; and Aphmoogeene Gamook, North 20° West, distant 13 miles; also the communication between them by the Umbazucous Stream.

"As the day was clear, and the view very extensive in every direction, I am confident that there are no high lands north of the sources of the Chaudiere and Kennebec, except the ridges above mentioned. The existence of a chain of Highlands, from Mars Hill or its neighbourhood toward Cathardin, and thence to the head of the Kennebec is certain. The great height of Cathardin causes the other mountains and hills, forming this chain, to appear to great disadvantage, not only in its immediate neighbourhood, but to a considerable distance in every direction; but they are still very conspicuous from the top; and such as are visible when only part of the way up to the peak, look much higher than when on it."

"On the 7th March, 1820, the season being sufficiently advanced for renewing the exploring survey, I left St. Andrew's and proceeded with my party by water to Belfast, and thence across the country to Norridgewock, on the Kennebec; from whence we pursued the Quebec Road to what is commonly called the Height of Land, lying between the Kennebec and Chaudiere Rivers."

"On this ridge is a large Birch Tree standing on the road, which appears to be on the highest part of the ridge, and is marked by the Canadian and American Surveyors, as the spot to be measured from each way on the new route from Kennebec to Quebec; from this tree proceeded to explore on both sides."

"Four miles north-east of the marked tree found the spotted line used by the drovers on their route to Canada. A tree on the summit, marked with a great many names, and called the Old Boundary."

"At one mile more (say 11 miles) intersected a stream running north-easterly,



*Appendix.*  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of 1763.

(k)  
Colin Campbell,  
British Assistant  
Surveyor. Mount  
Kathadin, &c.—  
Survey No. 10.

taking its rise out of three fine springs; followed it down; stream very crooked and leading through three Lakes: after tracing it ten miles, found it at length running to the north-west, quite a large river nearly a chain wide, and winding round the foot of a high, hard wood hill. Ascended the same, about forty chains to the top, and had a good view to the northward and westward; saw the river just left keeping a north-westerly course toward the Chaudiere. The land in that quarter, as before described; another small hill south-west of this about a mile distant; saw distinctly the course of the ridge we have been exploring, extending north-east and south-west, distant two and a half miles to three, which proves the very crooked course of the river. Returned to the summit of the Main Ridge, from whence I saw a stream running south-easterly along the foot of the ridge, found its source in a Cedar and Spruce swamp on the south-east face of the ridge measured; from thence north-west, across the summit of the ridge to one of the lakes on the other side, and found the distance only 60 chains; this is the lowest vale we have yet found in the ridge; traced this last mentioned rivulet down stream several miles in a south-easterly direction, through one large and two smaller lakes, and thence by a large rapid stream until it joins the west Branch of the Penobscot, as will appear by a reference to the sketch accompanying this report.

"Conceiving it clearly proved that we are thus far on the real high lands dividing the waters, and having seen that height stretching to the north-east for many miles, continued to trace it."

"At about 22 miles the Main Ridge assumed a different appearance and shape, but continues nearly the same course; instead of a regular ridge as heretofore running straight, there is now a succession of high mountains and ridges, some of them two and three miles in length, lying E. N. E. and W. S. W. and some of them East and West, and a number of detached hills and mountains on either side, at two, four, and even six miles distance from the main ones, among which are ponds and small lakes with outlets or streams, some running to the north and others to the south, taking their rise in the neighbouring hills, and running through the intermediate valleys; at same time a north-east course by magnet intersects most of the highest peaks; examined many of the mountains lying farthest to the north-west, and found the face of the country low, and no ridge extending in any other direction. At 35 to 40 miles along the chain of mountains forming the main ridge, saw a cluster of mountains lying North, distant about 6 miles, and not immediately connected with it, although the land is high and broken between them. Set out for the highest, distant 6 miles, expecting to find the sources of the Penobscot (Middle Branch) and St. John Rivers among them; from the top of this Mountain had a very commanding view; some smaller detached hills lie North to North-west, distant 3 to 4 miles, beyond which we had a view of 30 to 40 miles in those directions, and there is no ridge of any description in either of those courses; but the land continues low, except where there are occasionally small swells of mixed growth; had a most advantageous view of the main ridge just left, stretching about four miles from my last station on it, in a broken manner, to the North-east, and then apparently more connected and very distinct, stretching about E. N. E. at least 20 miles, toward a high mountain, bare at top, distant 30 or 35 miles, which can be no other than the Restook Mountain, and thence more northwardly, say N. E. towards a very high mountain with two bare peaks, at a very great distance, and much resembling Mars Hill, near the River St. John. The same ridge also extends in a south-west direction as far as the eye can reach, and the clefts or valleys through which the streams run, as before described, are plainly seen: determined as a further proof to explore the sources of the St. John and Penobscot among those mountains; at one mile, in an eastern direction, struck a branch of the latter near its source, rising out of several large springs, and running

south-east. Continued an east course 40 chains further, to another branch; followed it down stream, very crooked, four or five miles, where it was much increased by the junction of the stream last passed. The general course about South 25° East; at about 4 miles more, general course nearly south, came to the main Branch of the Penobscot, running South-west to South-east, and at about 1½ miles further runs east, between two hard wood hills, forming part of the main chain or north-east ridge, from the confluence of this last stream, which the hunters call "Fletcher's," with the main branch of the Penobscot; followed the latter up stream three miles, course North 45° East; thence 6 miles (very crooked), general course up stream North 25° West to North 25° East, thence North through a bog 2 miles, thence North 5 miles, to a carrying place near the source, being now very small; crossed the same carrying place in a North-east direction, the land low to the St. John River, navigable for light canoes."

*Appendix.*  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of 1763.

Colin Campbell,  
British Assistant  
Surveyor. Mount  
Kathadin, &c.—  
Survey, No. 18.

"I left Burlington, (Vermont) on the 13th of June, 1819, accompanied by my assistants, Messrs. Burnham, Partridge, and Hunter, and arrived at Quebec on the 15th of the same month. The Commissary, Mr. Powers, proceeded in advance to St. Andre, for the purpose of expediting the transportation of the provisions across the Grand Portage. On the 22d of June, myself and assistants left Point Levi for St. Andre, where we arrived on the 25th, and where I found Mr. Powers, zealously engaged in making arrangements for the transportations of the provisions. On the 26th, myself, assistants, and the men, left St. Andre and proceeding across the portage on the foot, reached Lake Tinniscouata on the following day. The route across the portage, naturally bad, was at this time rendered much worse than usual, in consequence of the heavy rains which had recently fallen. This, while it made our march very fatiguing, considerably retarded the progress of the provisions. I commenced a series of Barometrical and Thermometrical observations, at high water mark at St. Andre, which was extended across to Lake Tinniscouata. I remained at the Lake two days, when I determined to proceed on in advance to the mouth of the River De Chute, leaving the assistants to come on with the provisions. Accordingly, on the 30th June I left Lake Tinniscouata in a canoe, and continuing my Barometrical observations, reached the mouth of the River De Chute on the 3d of July."

(1).  
Allen Partridge,  
U. S. Surveyor.—  
Tinniscouata Por-  
tage, &c. Survey,  
Nos. 5 and 6.

"Mars Hill is an insulated eminence, (having no connection that I could discover with any ridge of Highlands,) situated about one mile and six chains due west from the eastern boundary line of the United States, as at present explored. It consists of two peaks, the Northern and Southern, which are in a right line, two miles six chains and sixty links apart; but to get from one to the other, it is necessary to travel about two miles and a quarter. The South is the highest. The prospect from this Hill is very fine and extensive. To the South-west, at a great distance, appear some lofty peaks of Mountains, the most elevated of which is supposed to be Mount Kathadin, near the Penobscot River. To the West are some eminences of less elevation. To the North-west and North the country appears to rise pretty uniformly, and finally to terminate in a ridge of elevated land, which extends, to appearance, nearly in a North-east and South-west direction, as far as the eye can reach. Indeed the whole country to the West, and as far North as the ridge just mentioned, setting aside the small inequalities on its surface, appears to form one immense inclined plane fronting towards the South, with a gentle inclination to the East. The whole extent is still in a state of nature, without the habitation of a single civilized being to adorn its surface."

"I left Point Levi, accompanied by my assistant, Mr. Partridge, and passing through a well cultivated and picturesque country, reached the upper settlements, on the Chaudiere, on the first of September. On the second of September, having engaged two Frenchmen as guides and packmen, with a horse and cart to aid in trans-

**Appendix.**  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(i)  
Alfred Partridge,  
U. S. Surveyor —  
Temisiscamata Por-  
tage, &c. Surveys  
Nos. 5 and 6.

porting our provisions and baggage, we entered the Wilderness; and on the morning of the 4th arrived at the Monument on the highlands, distant from the upper settle-  
ments, on the Chaudiere, 29½ miles, and from Quebec 95½ miles."

"The road is cut through to the Highlands, and so far worked that we got on with our cart to within one mile of the Monument, where we left it. The Monument, so called, is a small carved image of wood (suspended against a large birch tree), holding a sword in one hand and a flag and sword in the other. This station has been agreed upon by the Road Commissioners on behalf of the province of Lower Canada and of the State of Massachusetts, as the summit of the ridge of highlands which divides the waters flowing Northerly into the St. Lawrence, from those that flow Southerly into the Atlantic; and they have consequently fixed upon it, as the point where the Province and State roads, respectively, shall commence and terminate."

"On the 7th of September we resumed our course, and on the 10th arrived at Hallowell, to which place the tide in the Kennebec reaches. Here I terminated the series of Barometrical and Thermometrical observations, which had been regularly continued from Point Levi to this place, a distance of two hundred and thirty-six miles."

"TABLE OF ALTITUDES.

Grand Portage.	Grand Ijerehe Mountain . . . . .	1,336	Above Tide Water of the St. Lawrence at St. Andre.
	Paridis Mountain . . . . .	1,309	
	Bier Mountain . . . . .	1,320	
Mars Hill.	North Peak . . . . .	1,363	Above the surface of the St. John at the mouth of the De Chute.
	South Peak . . . . .	1,504	
Country from Point Levi to Hallowell, Maine.	Monument on the Highlands . . . . .	2,002	Above the surface of the St. Lawrence at Point Levi."
	1st height of land South of the Monument . . . . .	1,952	
	1st height of land South of Moose River . . . . .	2,082	
	2d height of land South of Moose River . . . . .	1,862	
	River . . . . .		

(i, No. 4.)  
W. G. Hunter, U. S. Surveyor, Un-  
tamsiscamata Portage, &c. Nos. 8, 9, 10.

"The Aliquash takes its rise in a large circular morass, about one mile and a half in extent, surrounded by a tract of land extremely low and marshy. A slight increase of the stream, uniting in this morass, gives it, probably, the appearance of a pond, but at all times the same muddy pond by which it seems heretofore to have been designated will be appropriate. The timber about the margin of this morass or pond is of a very inferior growth and quality. No heights of land are observable in any direction, save the lofty summits of Katahdin, which, from their superiority over any eminences thereabout, may not only be distinctly observed from this, but from several other points on the river. The Aliquash, at first a mere rivulet, flows from this morass in nearly a due North direction, about two miles and a half; and, at the termination of this distance, contributes to the formation of a very extensive body of water, called Chimney Lake. The current of the river, from its source to its entrance into this Lake, is alternately rapid and gentle, but most of the distance of the latter description; so extremely small is the quantity of water thus far from the source, that in order to render the navigation of it practicable, the stones have been heretofore removed from the channel of the river. Chimney Lake is by far the most extensive body of water through which the Aliquash passes in its course: its shores are rocky but nowhere bold. There are a few slight elevations of land observable near the Lake; but the general surface of the adjacent country is flat; the timber immediately on the borders of the Lake is cedar, spruce, poplar, and white birch, interspersed with inferior pine. Apparently there are but very few tributary streams to this lake; the extent of

It, however, rendered my knowledge on this subject very imperfect. Upon the surface of the Lake, Katahdin once more attracted my attention. It appeared to be at considerable distance, and in a South-easterly direction from me. In the intervening distance, near Katahdin, many other lofty peaks were observable. Actuated by a belief that a prospect from some one of these summits, if I should not succeed in attaining that of Katahdin, would afford a more perfect idea of the general surface of the country than any limited view I could possibly have from the river, I directed my steps towards them. I did not gain the summit of Katahdin, but near it I ascended a peak, the prospect from which probably subserved the same purposes of information that the ascension of Katahdin itself would have done. In a Westerly direction, at a great distance, a blue ridge was clearly distinguishable; it continued North until intervening objects shut it from your view. This ridge appeared extremely uniform in its height, and gradual in its rise. Nearer, and in a direction a little South of West, the surfaces of Moose-head and Chesuncook Lakes were observable; also many considerable eminences, among which were Spencer Mountains. In a Southerly direction, the country lying between the Penobscot and Kennebec Rivers was broken and mountainous; East and North the country presented a variegated scene of hills, lakes, and valleys. The general surface, however, appeared level. The eminences were small and isolated. The country, surveyed from this elevation, is finely watered with small lakes and ponds, the surfaces of which, from my elevated situation, gave the only diversity to the scene, or relief to the eye, as it wandered over the immense wild beneath me. Katahdin is apparently the loftiest mountain in this region. Its base is very extensive, the streams in the vicinity of this mountain are tributary to the Penobscot; the surface of the country, traversed in performing this tour to the Mountain, alternately rose and fell; the ascents, however, were small; considerable quantity of hard wood covered the most elevated parts. The distance of the Mountain from Chimney Lake I have estimated at twenty miles. The discovery of the only tributary stream, to the last mentioned lake, laid down on the map of the Aliquash, was made in the course of my tour to the mountain."

*Appendix.*  
No. 36.

Extracts from the Reports of the Surveyors under the 5th article of the Treaty of Ghent.

(1, No. 4.)  
W. G. Hunter, J. R. Surveyor, Umbagog, Maine, and 10.

"The portage, leading from the source of the Aliquash to that of the Umbagog, is about two miles in length. The land, over which it passes, is level, and, until within a few chains of the small lake giving rise to the latter river, is quite marshy. The land descends a very little when near said lake, and is covered with a fine growth of hard wood.

"The source of the Umbagog, as before observed, is a small lake about three miles in length and one in breadth. A few swells of land rise immediately from its shores, but their magnitude is trifling. The Umbagog is about seven miles in extent, and discharges itself into Chesuncook Lake, after receiving, about half a mile from its mouth, Black River.

"The Umbagog, from its rise to its junction with Black River, is very small, and hardly navigable for canoes. The land through which it flows, though in some places marshy, is not uniformly level. One mile from the mouth of the Umbagog the Penobscot enters the same Lake.

"The Penobscot River, so called from the numerous falls and rapids with which it abounds, takes its rise in a marshy pond or morass, very similar to that giving rise to the Aliquash. There is a portage leading to St. John River, said by my guide to be only two miles and a half in length, from this source just described. No eminences are observable in this quarter. The land immediately adjacent to the head of the river is low and marshy and almost bare of wood about the pond. The whole extent of the land over which the portage to St. John River passed, if the truth of my guide may be relied on, was of the same description of that immediately surrounding the source of the Penobscot."

*Appendix.*  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(m)  
W. F. Odell, Brit-  
ish Surveyor, —  
Sources of Penob-  
scot, &c.

"The maps only exhibit the waters I explored myself. In no instance has any thing been laid down on the authority of others. The information I occasionally derived from different sources, relative to the existence of lakes, ponds, streams, portages, and highlands, might with great safety have been relied on, yet I have only designated such as fell within the compass of my own observations."

"As soon as the party that had been sent for provisions returned, we proceeded up the Penobscot, and while the men were employed in carrying the stores and boats over the portages, into Chesuncook, I went with my assistant, Mr. Campbell, and a small party accompanied by Mr. Loring, the United States' Surveyor, into the Aphmoogene Gamook, the source of the Aliguash Branch of the St. John, intending, if possible, to explore the sources of the Restook, and of the Eastern Branch of the Penobscot, but the small streams were so nearly dry as to render this plan impracticable.

"The route from the Penobscot to the Aphmoogene is by the Umbazuckseus, a small stream emptying into the head of Chesuncook. This stream is completely serpentine, and perfectly still or dead water for a great part of its extent; running through a meadow fifty to eighty rods in breadth, and covered with rushes and coarse grass; above the meadow there is a moderate current. It takes its rise in a pond of the same name, about four miles long and about a mile in breadth. From this pond, a long, high ridge of land, called by the Indians Quacum Gamooksis (or little Gull Lake) Mountain, is seen bearing North-westerly, distant by estimation about twenty miles, and extending North-easterly and South-westerly.

"From Umbazuckseus pond there is a portage of two miles to Pongum Gamook or Mud Lake, the first St. John Water; this Lake is about three miles long and nearly one in breadth, but very shoal, with a soft muddy bottom, and covered with pond lilies. The land immediately round the lake swampy. This lake discharges into the Aphmoogene, by an outlet which does not exceed a mile and a quarter in length.

"The Aphmoogene Lake is about fifteen miles in length and from two to three in breadth; the banks low and swampy. To the Eastward of this Lake is to be seen a very high range of Mountains, stretching North-east and South-west, Cathardin lying behind or South-east of them. These Mountains appear to lie to the North-west of the East branch of Penobscot, and to divide the waters of that branch from this lake. We proceeded to the South-eastern end of the lake, and examined the stream described by the Indians as the route by which they go to the Restook, but found it too low to attempt; indeed most of these routes described by the hunters are practicable only in the spring, when the waters are high. We therefore returned to the Penobscot and pursued our journey up that river."

"The navigation of the Penobscot is very difficult, being very much interrupted with falls and rapids. The banks are in general but little elevated above the water; but about half a mile below the mouth of the eastern branch, there is a hill on the Western side called Sandy Hill, from the top of which there is a distinct view of Cathardin and of the range of Mountains before described seen from the Aphmoogene Lake.

"From the mouth of Chesseboe, a small stream coming into the Penobscot a few miles Westward of the head of Moose Lake, there is a distinct view of part of a range of Mountains, called by the Indians Guaspempistue, stretching North-east and South-west, distant about ten or twelve miles, and lying between the Penobscot and St. John Rivers.

"The sources of the Western branch of Penobscot are a little to the Westward of the Quebec Road, where this branch is divided into three small streams that are intersected by the road. The Northern branch takes its rise in a small pond, surrounded with bog, to the Northward of which is a small elevation of land, and a low ridge to the Westward.

"From the entrance of the Portage at the North-eastern shore of this pond, there is also a distinct view of Guaspemistue Mountains. *Appendix No. 56.*

"There is a portage of two miles in length from the pond at the head of the North Branch of Penobscot to a small branch of the St. John River. This portage is all bog and swamp, covered with small Yamsraes, except about half a mile, where the ground is a little more elevated, and the timber chiefly spruce; but the land still swampy. *Extracts from the Reports of the Surveyors under the 5th Article of the Treaty of Ojibwa.*

(a)  
W. P. Odell, British Surveyor—  
Sources of Penobscot, &c.

"The Branch of the St. John to which the Portage leads is a small and very crooked stream, running through bog and swamp; the banks almost level with the water, and much obstructed with skiers for about six miles, when it joins a larger stream coming from the Southward, called by the Indians and hunters the Main Branch, which takes its rise near the head of Chesseboe, in the Guaspemistue Mountains above mentioned. These two streams, about a quarter of a mile below their junction, discharge into a lake, called by the Indians Oolastaquon Gamook."

"On Tuesday the 19th September, set out down the Penobscot, on my route to the Aliguash River, a branch of the St. John. The stream below the fork 24 chains wide, and shallow; a narrow Island above two miles long commences about 20 chains below the fork. Found the first three miles very serpentine, varying from S. 30° E. to N. 60° E. the general course about N. 50° E. The next 3 miles continues very crooked also, say S. 50° E. to N. 70° E. general course about N. 60° E. The next two miles more straight, general course N. 45° E. The river continues 2 to 3 chains wide, the current moderate and quick, alternately; thence the river turns more South-easterly, say S. 60° E. for one mile and 10 chains (9 M. 25 C.)

(a)  
Cuth Campbell, British Surveyor—  
West Branch of Penobscot.

"For two and a half miles further, the general course is about S. 45° E.; current very moderate and water deep; the river about the same width as last noticed; here a stream navigable three miles for canoes, comes in from the North, extending up stream in a North direction.

"Littlefield, one of my party, (an American residing on Kennebec River), says he hunted upon it two seasons; that following its windings it is twelve miles, or about eight in a straight course, to a small pond, from whence there is a carrying place, the co. N. W. distance 20 chains, through a heath bog into a branch of the River St. John, with a Lake a mile and a half long at its head, surrounded by part of the same high land or main ridge that he traced with me last spring, and which we have a good view of from this station, extending N. E. and S. W. distant 8 to 9 miles."

"After dinner set out again down the Penobscot to the mouth of the River Umbazucus, which empties into Lake Chesuncook; thence up the Umbazucus, and carried the skiffs and canoes over the carrying place between this branch of the Penobscot and the Lake Pungum Gamook, which is the source of the River Aliguash. Arrived at the inlet of Aphmoogeenec Gamook Lake, on the evening of the 27th September. As a particular description of this route has been included in the general report, the courses, distances, &c. are not here mentioned."

"It was our object to find out as far as practicable the relative situation of the heads of the waters emptying into the river St. Lawrence on one side, and into the river St. John on the other, and with a view towards this point, to visit as many places where the waters of these rivers divide near one another, as we could obtain information of, through the few people who visit those countries."

(a)  
J. L. Tinker, British Surveyor—  
Green River and  
Tadoussac Portages—  
Survey, No. 13.

"The branch of Green River which leads to the country that we had to explore, is a mile below the portage, and empties itself into the main stream on its right bank, in a South-easterly course. It is called by the hunters the Little or Second Fork of the



*Appendix.* Lakes, there being some miles lower down another large branch coming in, nearly in the same direction, both having some lakes on them. We arrived at the mouth of the branch 31st of July. The water in this river is not sufficient in that season of the year to carry a canoe, and we were therefore obliged to leave our canoes with some men at the mouth of the river, and set out again with a small party and the necessary stock of provisions. For the convenience of travelling, we kept on the rising ground as near the river as we could, in order to mark its course, and as we were led to expect, soon reached a small lake. A little above this lake, and at an equal distance from another lake on the same river, we found, as we expected, a considerable brook, which we followed to its source. We found this to be in a swamp covered with Spruce and Larch trees, and plants usually growing in marshy places. Twenty rods further North the water runs north, forming a small brook, which at the distance of about thirty rods from its source, discharges itself in a northerly course into a lake, which is about 60 rods broad and three quarters of a mile long. The whole lake is surrounded by the swamp, and on the banks it was in that dry season of the year hardly possible to walk, without sinking into the marsh. Otters, beavers, and muskrats seemed once to have inhabited this place in great abundance. The course of the river by which the lake discharges itself on the northern side, is at first nearly due north, and afterwards 1½ point east (by compass variation about 16° W.) High unbroken ridges enclose on both sides the swamp, from which the water thus runs in opposite directions, the ridges forming a long, deep, and narrow valley, in the directions of both rivers, viz: nearly North and South by compass. We were informed that the river running northward is a branch of Ramousky River, falling into the river St. Lawrence, but we did not follow it far enough down to satisfy ourselves, by our own inspection, of the truth of this information. We returned to our canoes on the 5th of August, and descended with all possible despatch Green River, for Madawasky, where we arrived on the evening of the 7th.

"The next place where, according to our information, rivers running in opposite directions, towards the St. John and St. Lawrence, head closely together, is on Tuladi River which discharges itself into Tinniscouta Lake, and an expedition to that river was therefore determined upon. We left the Madawasky settlement on the 12th of August; arrived at the mouth of Tuladi River on the 14th, and ascended that river on the 15th; about 16 miles up the river we came to the first forks; the one on the right, which passes through Squattuck Lake, seems to be the more considerable; guided by a small plan, traced by an Indian, we followed the one on the left, which brought us, within less than a mile, to other forks, where the one on the right is again the more considerable. We ascended the smaller one, a narrow little stream with very little current, and an exceedingly crooked course, and came to a considerable lake, at the end of which there is a stream, forming one of its principal inlets, which is very narrow, and so blocked up with floodwood, that the Indians, who seem to have travelled this route, frequently have made a portage across the country. We reached this portage, on the afternoon of the 18th, left our canoes at the entrance of it, and set out immediately, accompanied by two men to carry our packs. Impeded by rainy weather, we did not reach a small lake, about 4½ miles distant, until the evening of the 20th. On the 21st we followed it up to its inlet, which is a broad shallow stream with very little current, surrounded on both sides by a swamp. Here we found again a portage path, which we followed. It goes through a swamp, covered in some parts with deep grass, and in others with thin wood, consisting of the Spruce, Larch and Birch trees, intersected by various small rills of water, which unite and discharge themselves into the lake, and surrounded on both sides by high, unbroken ridges, leaving between them a valley nearly half a mile broad. Having crossed several of the small rills running Southerly into the lake, we struck, in the same swamp, water running to the northward, which by measurement we found only a little more than twenty rods north of the other water

No. 56.  
Extracts from the  
Report of the Sur-  
veyor under the  
5th article of the  
Treaty of Ghent.  
(c)  
J. L. Tarks, Bri-  
tish Surveyor.—  
Green River and  
Tuladi Portages—  
Survey, No. 15.

running south, both issuing from the same swamp. As we only crossed the waters, their heads may still be nearer to one another. We now struck on our course several smaller streams, running north, and at the distance of one mile and a half, the portage path lead us to a stream about half a rod wide, into which they discharge themselves. The course of the stream is North-east, and according to the Indian's plan it runs through a lake, the place of which we saw distinctly, but our provisions being exhausted, we had no time to go to it, which besides was not necessary, as a view of it would have afforded little proof of this river being water discharging itself into the St. Lawrence, the only important point in question. We understood this stream likewise to be a branch of Ramousky River, and if it be so, here we had also discovered a point where near waters run in opposite directions, on one side into the St. John, and on the other, most likely, into the St. Lawrence. We were struck with the great resemblance of the general features of the two places of this description which we had seen; in both cases the waters running in opposite directions issued from a swamp, bearing nearly the same plants and timber. The ridges in both cases run regular and unbroken, parallel to both waters, dividing in the valley between them, and so far from there being in those places a ridge, separating the waters running in opposite directions, we find insulated points, without the least chain of connection with other similarly situated places, in the depth of narrow valleys where such divisions take place."

"On the following day proceeded to the Lake called by the Surveyors Lake Metis; followed the ridge on the Northerly side of Beaver Stream. From the peak, about five miles west of the exploring line, saw the ridges south of Beaver Stream; they appeared very regular in the direction of that stream. Some higher ridges presented themselves beyond.

"To the North the land appeared high and broken. In a North-easterly direction, about ten miles distant saw a high ridge, extending in a northerly and southerly direction, which I suppose to be near the stream called by Mr. Johnson Metapediac. Also saw from this station the Lake. Proceeded past this Lake, and found near it two smaller ones; ascended a high swell, near the second small Lake, from which saw the ridges on the Memkeeswe, and some high mountains in a south-west direction, about fifteen miles distant, which I supposed to be situated near the source of the Grand Fourche of the Memkeeswe. The highest land observable from this station is south of Beaver Stream, and the lowest in a north-westerly direction."

"After settling with and discharging the Indians, proceeded to Quebec, where I arrived on the 17th December, and immediately commenced making preparations for the route up the Chaudiere; left Quebec, and reached the forks of the Chaudiere on the 24th December. At this place we employed two Indians as guides, and learned from them that the main head of the Du Loup was a long distance from the St. John, but that a branch of the Du Loup, called Metgarmette, headed near water of the St. John. Therefore concluded to trace that stream to its source; proceeded up the Du Loup, twelve miles, to the mouth of Metgarmette; thence up that stream three miles; thence took a line marked by the Indians, which led us directly to the source, by a shorter route, distance on line nine miles; course North 80° East—near this source, on the southerly side of the line, lies a high mountain, which the Indians informed me commanded a view of the surrounding country to a great distance. We ascended it on the 2d, 3d, and 4th days of January, but at no time could have a view of the surrounding country, owing to the state of the atmosphere; while it was pleasant at the foot, it would be found snowing on the summit of the mountain. Therefore was obliged to relinquish the idea of getting any views. About one-fourth of a mile from the source of the Metgarmette, found the source of Penobscot water. Two streams pass each other, and at one place are only six rods apart. Found the

*Appendix.*  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(6)  
J. L. Sparks, Bri-  
dish Surveyor.—  
Green River and  
Tuladi Portages.—  
Surveyors, No. 15.

(7)  
H. Burnham, U.S.  
Surveyor Metgar-  
mette Portage.—  
Surveyors, Nos. 13  
and 25.

*Appendix.* source of St. John water, about half a mile east of those sources; and another source of No. 56. the Penobscot, a few rods distant. All those sources have their rise in the same swamp. Though the timber is a little varied, that at the sources of Penobscot, and

Metgermette, is Spruce, Larch, and Cedar. That at the sources of Penobscot, and St. John, is Spruce, Fir, Birch, and small Alders. The timber at those two last men-

(c) H. Burnham, U. S. tionsed sources is all by which the land is discovered to be any higher than at the two first, as the eye perceives no difference. Ridges pass directly by on either side, as will be seen by the Map accompanying this report. From those sources followed the

St. John's water, on a course N. 70° E. three-fourths of a mile, when came to a small lake, thirty chains in length, fifteen chains in width, bearing from inlet to outlet N. 40° E. left this lake on a course N. 30 W. which followed one mile and quarter, when we struck La Famine water near its source. A source of the St. Johns is found a few rods from it, both in a swamp; timber, Spruce, and Larch; thence north three-fourths of a mile; thence N. 45° W. three-fourths of a mile, to outlet of second lake of the St. John, laying east and west three-fourths of a mile long, one fourth broad. West from the head of this lake, at the distance of half a mile, struck the head of La Famine Lake; small streams empty in at the head of each, which have their rise near each other. This lake lays N. and S. is one mile long and one-fourth broad. Thence traced the La Famine to the Chaudiere. It has its junction with that river three miles below the mouth of Du Loup."

(a) Thomas Castle, British Surveyor. Ouelle and Metgermette Portages.— Surveys, Nos. 24 and 25. "About one mile from the head or south end of this upper lake, we found the source of the greatest inlet or the Ouelle River; that of the little St. John is about ten chains from it in a south-west direction, and one-fourth of a mile to the eastward is the source of another branch of Little St. John. All these streams come from a swamp of some extent; a small rocky swell in the swamp divides the sources of the last mentioned branch and the Ouelle, but there is no perceptible rise between the others. On the East this swamp is bounded by a ridge of moderate height, which begins below the lower lake on the east side, and continues southerly along the upper lake, passes the sources of both the Ouelle and Little St. John rivers, and extends along the latter. On the west side of the swamp there is a swell, which commences at the head of the upper lake, and continues to the branch of the Little St. John first struck; another swell divides the two branches, which passing round it on each side, unite about one mile from the sources. There is a portage four miles long, which begins at the head of the upper lake, keeps along the rising ground on the west side of the swamp, intersects both the branches of the little St. John already mentioned, and ends about five miles above where this river joins Black River. A ridge running towards the south divides these streams, then retaining the name of Black River below the forks for twenty miles, it joins the river St. John."

"At three miles along this line struck off to the south and ascended a high mountain, that we might have a view of the country, but were disappointed, owing to the haziness of the horizon; about four miles further, the line passes along the brow of a mountain, on the same ridge as the mountain already mentioned, but the same reason prevented us seeing further than the ridge on the opposite side of the river, to the northward. The head of the Metgermette is about nine miles from its junction with the de Loup; it commences in swamp at the foot of the ridge on the south side; here also is the source of one of the branches of the Penobscot river, in the same swamp, and within eight rods of the other water, running nearly parallel, but in a contrary direction; namely, east for several rods, then inclines a little towards the south, and at two miles there is a small lake one mile long. The ridge on the south side of the Metgermette continues along past the sources and down the Penobscot. One-half mile east from these two sources there is

a division of the waters of the St. John and Penobscot rivers in some marshy grounds; the stream of the latter joins the one already mentioned, a few chains from the source; that of the St. John, after running N. 70° E. one-half mile, forms a lake one mile long and one-half broad; there is a ridge of moderate height between this lake and that of the Penobscot, which, gradually diminishing both in height and breadth, forms but a small rise near the sources.

"The ridge on the north side of the Metgermette approaches to that of the opposite side, until near the source, then rounds off towards the north, to where a division of St. John and La Famine rivers takes place, also in low land; North from this is another lake of St. John water, the outlet of which joins with that of the other lake, some little distance to the eastward. The inlet of this last lake is a small stream of about one-fourth mile long, coming from the west, and as we were informed by the Indians, heads in a swamp, from which also water flows in the opposite direction to the head of a lake on the La Famine River. This lake is more than one mile long, bearing North and South, the outlet then gradually turning to the west, keeps nearly that course until it enters the Chaudiere, three miles below the river Du Loup. On the map I have again another branch of the La Famine River, which by the Indians' account heads near that of some of the St. John branches, but at a greater distance east of the Chaudiere than the sources we visited."

"Accompanied by Mr. Charles Loss, His Majesty's Assistant Surveyor, on my arrival at the mouth of the Aliguash, I proceeded to execute my instructions relative to the exploration of the river St. John, from that point upwards to its sources, and the country adjacent thereto."

"The Highlands in the vicinity of the sources of the West and North-west branches are represented as they appeared when viewed from different situations; some of the peaks composing the range were of considerable magnitude, and visible twenty or twenty-five miles, a circumstance less to be attributed to the elevation of the points from which they were surveyed, than to the extreme evenness of the interjacent country. What appeared like isolated peaks at the distances abovementioned, on a close examination were found to be summits of very extensive ridges. These ridges extended in a northerly direction, how far I am unable to say, until intervening objects shut them from my view undiminished. They also extended southerly, and there was an evident diminution in their magnitude, but the termination of them was not visible from the sources of the West branch, near which they were last viewed."

"Of the principal source, of the south branch I can assert nothing, on the authority of my own observations, not having explored it: I have represented it, however, on the map, upon the authority of information derived from different sources relative thereto, the correctness and credibility of which there is no reason to dispute. My personal explorations on the south branch toward its principal source went no farther than the entrance of the first tributary stream after passing through the body of water on this branch called Baker Pond. The ascension of this stream was necessary in order to gain the head of Penobscot river, to which a portage leads, as will be observed by the Map, and also the extent and course of said stream.

"The portage alluded to above, is two miles in length, and is the customary route of the Indians, in passing to and from the waters between which it communicates. The waters, however, of the respective rivers, make a much nearer approach above or north of the Portage than at its commencement and termination; but at these two points the possibility of canoe navigation ceases. The branch of the St. John from which the portage leads, pursues a very winding and sluggish course, through an open morass or bog, nearly to its entrance into the principal source of the south branch, just above Baker

Appendix.  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(e)  
Thomas Carlier,  
British Surveyor.  
Ouella and Metger-  
mette Portages.—  
Surveys Nos. 24  
and 25.

(v)  
W. G. Hunter, C.  
S. Surveyor, West  
Branch & Portage  
of South Branch of  
St. John. Surveys  
No. 19.

*Appendix.* Pond. The land at the commencement of the portage is extremely low and swampy; hardly above the surface of the adjacent stream. The face of the earth in this vicinity,

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(x)  
W. G. Hunter, U. S.  
Surveyor, West  
Branch & Portage  
of South Branch  
of St. John. Sur-  
veys No. 19.

and that across which the portage leads, is covered with a very thick soft coat of moss, which, on being pressed by the foot, immediately admits it into the water which every where lies concealed beneath. The trees are of a very inferior growth and thinly scattered over the face of the land, great portions of which are quite bare. The land, in advancing towards the Penobscot on the portage, is of the above description for the distance of one mile and seventeen chains; at the termination of this distance a slight alteration is perceptible in the trees and soil. The former are a little more numerous and luxuriant, the latter is more firm and dry. This alteration, ascribable to a slight elevation, the surface of the land which can be discovered only in traversing it, for nothing discovering even the appellation of a hillock is perceptible when the land is viewed at a short distance; and in fact the alteration already described in the wood and soil, conduces more to the discovery of the elevation; even in crossing the portage, than the magnitude of the elevation itself. The land continues dry and firm about thirty-seven chains, and then resumes the marshy aspect it wore at the commencement of the portage as heretofore described, and holds the same to its termination at the small lake, or morass rather, represented as the principal source of the Penobscot: for a more particular description of which I must beg leave to refer you to my report of observations, made in that country last season. The only Highlands observable in this region are those represented on the map, and these are not remarkable either for elevation or extent."

(p)  
C. Loos, British  
Surveyor, West  
Branch & Portage  
of South Branch  
of St. John. Surveys  
No. 24.

"Dr. Tiarks then directed me to act on the part of His Britannic Majesty, in conformity to the order of the Board, in the exploring survey of the sources of the St. John, with Mr. Hunter, who had been appointed Surveyor on the part of the United States."

"The next stream which we fixed upon ascending, was the one we had passed from the north on the 18th; arrived at the fork on the evening of the 27th. The next day commenced ascending; having ascended about five miles, ridges of Highlands were visible from a tree in a north-westerly direction; there were also ridges perceptible in an easterly direction, which are probably situated at the heads of some of the tributary streams of the St. John. Having ascended about two miles further, the stream divided, each branch being about two chains in width; continued to ascend the one coming from the left, which appeared to contain the most water; on the 30th having ascended the stream 25 miles from its junction with the one we at first ascended, it again divided, each branch being about a chain in width; we here again followed the one coming from the left a short distance and encamped, sending on two men to see where this stream terminated; at our place of encampment from top of a tall tree many highlands were observable in a northerly direction. On the following day the men returned, reporting that they had traced the stream to its spring, which was near a considerable mountain."

"On the following day crossed the lake to its inlet, the course along the southern shore being South 33° East, its length three miles and twenty chains, and one mile and sixty chains in width. The country is very level in the vicinity of the lake. No highlands were observed near it, though some were visible at a great distance, in a South-easterly direction, which are probably situated at the head of Black River, a branch of Penobscot; and also some in a southerly direction, very likely situated on the other side of Penobscot River. The lake has two small streams entering it from the north, near the outlet; the shores are low and rocky without any hard wood timber. We had not proceeded far up the inlet before it divided; we followed the stream coming



from the right, which leads to the head of Penobscot River. This stream is very shoal and narrow; at the distance of four miles from the lake we entered a swamp, in passing through which a small ridge was perceptible on the left, which we agreed upon is situated between this stream and the one we had passed soon after leaving the lake. The country in every direction, soon after leaving the swamp, is extremely low, and in many places marshy. The stream, which has a very crooked course, became so shoal at last, that the men were for the greater part of the time obliged to haul the canoes over dry ground. The courses of the small stream, after leaving the swamp, are south forty-five degrees west, three-fourths of a mile, due west one mile, and north forty-five degrees west, three-fourths of a mile, making together a distance of two and a half miles from the swamp to the portage leading from the head of the St. John to the head of Penobscot River. The stream runs through a low marshy country, and is so much overgrown with Alder bushes as to make its navigation very difficult, even in the time of a freshet. The growth at a distance on the sides of the stream is principally Tamarac and Spruce. Having arrived at the portage, we crossed it, finding its course S. 85° W. and distance across, two miles, by the chain. We found the portage for the first mile and seventeen chains, very little above the surface of the stream, covered with a thick coat of moss, the growth Tamarac and Spruce, very inferior in size; at the end of this ground the earth has a very small elevation, hardly perceptible, and may only be known by the ground being more firm and destitute of the coat of moss; the growth is Spruce; a few scattered Birches also are seen; this continues for the distance of thirty-seven chains, when it resumes its former appearance of low swampy ground, thinly covered with Tamaracs, which continues to the pond at the head of Penobscot river."

Appendix.  
No. 56.

Extracts from the  
Reports of the Surveyors  
under the  
5th article of the  
Treaty of Ghent.

(p)  
C. Loew, British  
Surveyor. West  
Branch & Portage  
of South Branch of  
St. John. Survey  
No. 20.

"On the 4th of August we arrived at Abalajakomegus, a small stream rising near Mount Katahdin. Mr. Odell wished to ascend that mountain. I accompanied him, and viewed the country for an immense extent around. I have calculated its height from a series of barometrical observations, which I owe to the politeness of Mr. Odell. Its height is stated in the report, in order that no doubt may arise with respect to the extent of country seen from its summit.

(y)  
N. H. Long, U.S.  
Surveyor. Mount  
Katahdin and Um-  
bazuksus Portage,  
Survey No. 16  
and 17.

Height in feet above Abalajakomegus Stream, - - - - -	4685
Height of Abalajakomegus above Passadumkeag river, - - - - -	500
Supposed height of Passadumkeag above tide water, - - - - -	140

Height above tide water, - - - - - 5335

"On the 9th of August we proceeded from Abalajakomegus Stream to the foot of Katahdin, over rising ground, some parts of which overlooked the surrounding country for many miles. The distance passed over was about seven miles.

"On the 11th we ascended Katahdin. The weather was rather hazy. The haze probably had an effect on the appearance of the mountains, lakes, &c. The character of the country, however, could be determined with accuracy. I could see the Umbazuckseus and Mud Lakes. The former connected with the Chocomacook, and the latter with the Aphmoogeene Lake. The ground around the Aphmoogeene Lake was generally low. In that section of the country I could see no mountains, neither were there any hills of uncommon heights, nor any elevated ground which might be termed a ridge or Spur of Highland. In the direction of Mars Hill were several mountains and clumps of mountains, some rising singly to a considerable height, and at different distances from each other. Then again a ridge of rising land frequently appeared, with occasionally a considerable elevation; and such swells or ridges appeared to run N. and S. N. W. and between N. and W. at different degrees. The country appeared to be intersected with almost innumerable ramifications of the principal rivers, separating the mountains in every quarter; such indeed was the face of the country junction of Indian Stream with Connecticut River, the latter is very wide; we measured



*Appendix.* within eye sight, included between N. 15° E. and S. E. Immediately below Kathadin to the S. S. W. and W. S. W. there were no mountains but many lakes. Mountains cluster around Katahdin on the other sides, mostly N. W. The Katahdin clump is not connected with any ridge of mountains."

Extracts from the Reports of the Surveyors under the 5th article of the Treaty of Ghent.

(9)  
T. Carle, H. B. M.  
Surveyor. High  
lands acknowledged  
by both Parties.  
Sources of  
Connecticut River  
Survey No. 22.

"At four and one-half miles changed our course to S. 75° W. which at seven miles brought us to the main Margalloway; at this place about four rods wide, shallow water and easy current flowing South; at the end of about twenty miles took N. 80° W. course to avoid a swamp, on the left, and at five miles came to the middle lake of Connecticut River, and near the mouth of the eastern inlet. From the head of Arnold River along the line, our estimated distance is twenty-nine miles. The country mountainous, with swells of hard wood land; no regular ridge can be traced to any distance except along the rivers running north and south."

"Having, after a few days rest at Stewartstown, procured a fresh supply of provisions, we went to examine the most considerable streams emptying into Connecticut River, on its western bank north of latitude 45°, namely, Indian and Hall's Streams. Mr. Partridge and myself having agreed to take the minutes of a survey taken by Col. Eames, of Indian Stream, we made the best of our way to the source of the west branch, and from it spotted a line due west by compass, about two and a half miles long, which brought us to within a few rods below the source of Hall's Stream, from whence we returned to the settlements. Indian and Hall's Streams are much alike, as to size and general courses; ridges of land divide them, as also their respective branches, then continuing northerly past the sources and along the branches of the St. Francis in the same manner; the sources of the St. Francis are generally to be found a few rods from those of the principal branches of Indian and Hall's Streams, in the same swampy ground, without any perceptible rise between them; then falling off with easy current in opposite directions. The main branch of Indian Stream is the most northerly by nearly two miles, if the information I have received be correct."

(10)  
J. L. Platts, British  
Surveyor. Sources of  
Connecticut River. Survey  
No. 12.

"We passed the mouth of Hall's Stream on the 12th, and found the breadth of the stream at that place 70 feet. It is said to swell rapidly after a rain, and likewise to subside in a short time. The name of this river is derived from a hunter of the name of Enoch Hall; and it has been generally known at least ever since 1780 by this name. A gentleman has lately informed me that he heard the name in 1772.

"Two miles and fifteen chains from the mouth of Hall's Stream, we reached the old boundary line, marked by a post close to the river with the following inscriptions; on the northern side, "H. Carden, J. Collins, Quebec," on the eastern one, "Oct. 1, 1772," and on the southern side, "New York," is all that remains legible. The next day we struck the mouth of Indian Stream. The breadth of this river we found, by the mean of two measurements, in different places near the mouth, 66 feet. It is, however, deeper than Hall's Stream; and its current being likewise stronger, it discharges more water than the latter stream. The river into which Indian Stream discharges itself comes from the eastward, and is commonly called Connecticut River, or sometimes the main Connecticut River, to distinguish it from the other smaller streams that successively unite with the larger stream, and have all particular well-known names. Here, Sir, I beg distinctly to state, in answer to the question which you particularly desired me to inquire into, viz: whether this river is designated by the inhabitants by the name of Eastern Branch of Connecticut River, that I have been assured by all persons that I had an opportunity of consulting, that this is not the case; and that that river is never distinguished by any name but those stated above. I refer particularly to Jeremiah Eames, Esq. of Stewart's Town, Capt. Eames, of Northumberland, and Mr. John Hughes, of Colebrook, who have known that river and hunted on it more than thirty years ago, and always lived in the vicinity. At the

its breadth, therefore, higher up, where we conceived it to have nearly its average breadth, and found it, by the mean of two measurements, in different places, rather more than 100 feet. We then measured, in the same places where we had measured the breadth of the two rivers, the velocity of the current in them, by observing the time in which a piece of wood would float down the length of two chains. Taking the mean of several results, we found that the current of Indian Stream ran at the rate of about  $1\frac{1}{2}$  and that of Connecticut River at the rate of almost  $2\frac{1}{2}$  miles in an hour. Not being able to obtain a good canoe, we could not measure the depth, but were convinced that Connecticut River is at least as deep as Indian Stream. It follows from this that Connecticut River has more than double the quantity of water that Indian Stream has, and is fully entitled to be called, which indeed is allowed on all hands, the Main Stream of Connecticut River."

Appendix.  
No. 56.

Extracts from the  
Reports of the Surveyors  
under the  
5th article of the  
Treaty of Ghent.

(2).  
J. L. Tjarks, British  
Surveyor, —  
Sources of Canadian  
River, Report  
No. 12.

"Having followed the river about five miles from the lake, we struck another small lake, a little more than a mile in its greatest dimension, from which the main branch discharges itself in a southerly direction. This lake is formed by the confluence of small brooks running in various directions, and is therefore the beginning of a river which successively uniting with considerably smaller waters forms *Connecticut River*. A severe snow storm now interrupted again the progress of our work for several days, and when we were at last able to proceed to an examination of the surrounding country, the snow was so deep, especially on the mountains, that we had the greatest difficulty in getting along. The north-western and northern brooks falling into the lake were then properly surveyed, and we ascended the highlands from which they flow, which, being elevated over the surrounding country, would have afforded a perfect view of the whole country, had it not been for the trees being so thickly covered with snow that only in a few places a distant view could be obtained. Towards the north-west we found the land to descend; we could distinctly observe some distant settlements in Canada, but were not able to proceed far in this direction. On the eastern side Mr. Carlile followed a brook running to the north-east, which he followed for some distance. Towards the west, it struck a brook running nearly west, but was then prevented from determining which water it belongs to, although it was evident, from the smallness of the various brooks which we struck immediately descending from the heights and falling off of the land towards the north-west, that I was on the highlands dividing the waters of the south from those of the north, still I lamented exceedingly that the depth of snow, which threatened to increase every day, and the reduced state of our provisions, obliged us to leave this place without being certain of having seen any water falling into the St. Lawrence. We returned to the head of the North-western Brook running into the Lake, which is the north-westernmost head of the river which we had traced up, and marked that spot by blazing a number of trees around it, with a view of forming a more correct idea of the relative situation of Indian Stream and the sources of the main Connecticut. We now proceeded on our way home on a West course by compass from the north-westernmost head above mentioned. In following this course, we found that the brook running westward, which I had struck before, is water belonging either to Perry's or Indian Stream. We likewise struck the rapid branch of Indian Stream near its source, and at last Indian Stream, a little above the upper forks. From this place we proceeded by the nearest route to the Canada Road, and returned to Stewartstown on the 14th November."

"One of the men who accompanied me has since visited the highlands on Connecticut River, and carefully traced the waters in that vicinity. He has informed me that the Brook running eastward, which Mr. Carlile followed, is

*Appendix.*  
No. 56.

Extracts from the  
Reports of the Sur-  
veyors under the  
5th article of the  
Treaty of Ghent.

(\*)  
J. L. Tinsley, Brit-  
ish Surveyor,  
Sources of the Con-  
necticut River,  
Survey, No. 20.

water of Margalloway River, and that the Western Brook belongs to Perry's Stream. Towards the north-west he found a brook, which is said to be the source of the stream on which Mr. Sawyer, of Eaton, has erected a mill, and which goes by the name of Sawyer's Stream; it is a branch of the St. Francis River, falling into the St. Lawrence. From a plan given me by this person, this brook is laid down on the map accompany-  
ing this report."

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APPENDIX, No. LVII.

LETTER

FROM

ALBERT GALLATIN, ESQ.

TO

THE SECRETARY OF STATE OF THE UNITED STATES,

GHENT, 25th December, 1814.

SIR: The Treaty which we signed yesterday with the British Ministers is, in my opinion, as favorable as could be expected under existing circumstances, so far as they were known to us. The attitude taken by the State of Massachusetts, and the appearances in some of the neighboring States, had a most unfavorable effect. Of the probable result of the Congress at Vienna we had no correct information. The views of all the European Powers were precisely known from day to day to the British Ministry. From neither of them did we in any shape receive any intimation of their intentions, of the general prospect of Europe, or of the interest they took in our contest with Great Britain. I have some reason to believe that all of them were desirous that it might continue. They did not intend to assist us; they appeared indifferent about our difficulties; but they rejoiced at any thing which might occupy and eventually weaken our enemy. The manner in which the campaign has terminated, the evidence afforded by its events of our ability to resist alone the now very formidable military power of England, and our having been able, without any foreign assistance, and after she had made such an effort, to obtain peace on equal terms, will raise our character and consequence in Europe. This, joined with the Naval victories, and the belief that we alone can fight the English on their element, will make us to be courted as much as we have been neglected by foreign Governments. As to the *people* of Europe, public opinion was already most decidedly in our favor. I anticipate a settlement with Spain on our own terms, and the immediate chastisement of the Algerines. Permit me to suggest the propriety of dispatching a squadron for that purpose, without losing a single moment.

I have little to add to our public dispatch on the subject of the terms of the Treaty. I really think that there is nothing but nominal in the Indian article as adopted. With respect to precedents, you will find two, though neither is altogether in point, viz: the — article of the Treaty of Utrecht, and the latter part of the — article of our Treaty with Spain. You know that there was no alternative between breaking off the negotiations and accepting the article; and that we accepted it only as provisional, and subject to your approbation or rejection.

The exception of Moose Island from the general restoration of territory, is the only point on which it is possible that we might have obtained an alteration, if we had adhered to our opposition to it. The British Government had long fluctuated on the question of peace: a favorable account from Vienna, the report of some success in the Gulf of Mexico, or any other incident, might produce a change in their disposition;

Appendix.  
No. 57.

Letter from Mr.  
Gallatin, 25th Dec.  
1814.

*Appendix.*  
No. 57.

Letter from Mr.  
Gallatin, 35th Dec.  
1814.

they had already, after the question had been referred to them, declared that they could not consent to a relinquishment of that point. We thought it too hazardous to risk the peace on the question of the temporary possession of that small island, since the question of title was fully reserved, and it was therefore no cession of territory.

On the subject of the Fisheries within the jurisdiction of Great Britain, we have certainly done all that could be done. If, according to the construction of the Treaty of 1783, which we assumed, the right was not abrogated by the war, it remains entire, since we most explicitly refused to renounce it either directly or indirectly. In that case it is only an unsettled subject of difference between the two countries. If the right must be considered as abrogated by the war, we cannot regain it without an equivalent. We had none to give, but the recognition of their right to navigate the Mississippi, and we offered it. On this last supposition, this right is also lost to them, and in a general point of view, we have certainly lost nothing. But we have done all that was practicable in support of the right to those Fisheries: 1st, by the ground we assumed respecting the construction of the Treaty of 1783—2dly, by the offer to recognise the British right to the navigation of the Mississippi—3dly, by refusing to accept from Great Britain, both her implied renunciation to the right of that navigation, and the convenient boundary of 49° for the whole extent of our and her territories west of the Lake of the Woods, rather than to make an implied renunciation on our part to the right of America to those particular Fisheries.

I believe that Great Britain is very desirous of obtaining the Northern part of Maine, say from about 47° North latitude to the northern extremity of that District, as claimed by us. They hope that the river which empties into Bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the head waters of the River St. John and those of the streams emptying into the river St. Lawrence: so that the line North from the source of the river St. Croix, will first strike the heights of land which divide the waters emptying into the Atlantic Ocean, (River St. John's,) from those emptying into the Gulf of St. Lawrence, (River des Chaleurs,) and afterwards the heights of land which divide the waters emptying into the Gulf of St. Lawrence, (River des Chaleurs) from those emptying into the River St. Lawrence; but that the said line never can, in the words of the Treaty strike any spot of land actually dividing the waters emptying into the Atlantic Ocean from those which fall into the river St. Lawrence. Such will be the foundation of their disputing our claim to the Northern part of that territory, but feeling that it is not very solid, I am apt to think that they will be disposed to offer the whole of Passamaquoddy Bay, and the disputed Fisheries, as an equivalent for the portion of Northern territory which they want in order to connect New Brunswick and Quebec. This may account for their tenacity with respect to the temporary possession of Moose Island, and for their refusing to accept the recognition of their right to the navigation of the Mississippi, provided they recognised ours to the Fisheries.

That Northern territory is of no importance to us, and belongs to the United States, and not to Massachusetts, which has not the shadow of a claim to any land north of 45° to the eastward of the Penobscot River, as you may easily convince yourself of by recurring to her charters.

I have the honor to be, with respect,

Sir, your obedient servant,

[Signed] ALBERT GALLATIN.

The Honorable THE SECRETARY OF STATE,  
Of the United States, Washington.

# APPENDIX, No. LVIII.

## EXTRACTS

FROM

## THE BRITISH EVIDENCE.

### FIEF OF MADAWASKA.

*Concession of the Fief of Madawaska to the children of the Sieur de la Chenaye, 25th, November, 1683; and Concession to the said Sieur de la Chenaye, and to the Sieur de Villeray of Land lying between their former Concessions,—5th April, 1689.*

Les Sieurs Lefebvre de la Barre, Seigneur dud. lieu, Concr. du Roy en ses Consls. Gouverneur et son Lieutenant Général en toutes les terres de la Nouvelle France et Acadie; et Demeulles, Seigneur de la Source, Chever. Concr. du Roy en ses Consls. Intendant de la Justice, Police, et Finances aud. pays: . . . . .

*Appendix.*  
No. 58.

Extracts from British Evidence. Fief of Madawaska.

Original Concession to the children of M. de la Chenaye. British Evidence, No. 13.

Nous suivant le pouvoir à nous conjointement donné par Sa Maté. avons auxd. Antoine Aubert et Margeurite Angelique de la Chenaye donné, accordé et concedé, donnons, accordons et concedons par ces presentes *lesds. trois lieues de terre le long de chacun des deux bords de la Rivière Madoueska proche la Rivière St. Jean, avec le lac apellé Cecemiscoutu et deux lieues de profondeur cy dessus spécifiés*, le tout en titre de Fief et Seigneurie, haute, moyenne et basse justice avec le droit de chasse et de pesche dans l'estendue desd. lieux pour en jouir par lesd. Antoine Aubert et Margeurite Angelique de la Chenaye, à l'avenir leurs hoirs, successeurs et ayans cause à la charge de la foy et hommage qu'eux leursd. hoirs et ayans cause seront tenus de porter au Chateau de St. Louis de Quebec, duquel ils releveront aux droits et redevances accoutumées. . . . .

Donné à Quebec, ce vingt cinq. jour de Novembre, *ghjc. quatre vingt trois*. Signé, Lefebvre de la Barre, Demeulle, et plus bas, par Mesd. Seigneurs, Regnault.

*Dud. jour quinziesme Fevrier, ghjc. vingt trois.* En procedant à la confection du d. Fiefs de la Riviere du Loup et de Madoueska. *Joseph Blondeau d. la franchise, propriétaire* terrier est comparu en notre hotel, JOSEPH BLONDEAU d. la franchise, propriétaire des FIEFS DE LA RIVIERE DU LOUP ET DE MADOUESKA, appartenances et dépendances, lequel a avoué et déclaré tenir de Sa Maté. les d. Fiefs, sçavoir: . . . . .

Fiefs de la Riviere du Loup et de Madoueska. British Evidence, No. 16.

. . . . . et le d. Fief de Madoueska trois lieues de front de chaque costé de la Rivière du meme nom sur deux lieues de profondeur, ne pouvant dire l'estendue du d. Lac de Cecemiscoutu avec les



*Appendix.* islets et battures étans au devant des d. Fiefs et les droits de haute, moyenne, et basse justice, et ceux de chasse, de pesche et traite, à la charge de la foy et hominage à rendre et porter au Roy, au Chateau St. Louis de Quebec.

Extrait from British Evidence, Fief of Madawaska.

Fief de la Rivière du Loup et du Madoueska. British Evidence, No. 16.

Que sur le d. Fief de Madoueska il y a un domaine, sur le quel il n'y a plus de batiments ayant été brulés par les Sauvages, qu'il y a environ six arpens de terres desertées, mais qu'il n'y a point d'habitans établis.

DU MARDY, 29 Juillet, 1755.

Adjudication of said Fiefs to Pierre Clavierie. British Evidence, No. 17.

L'Audience tenante par Messieurs le Lieutenant-General et Procureur du Roy.

Vu la sentence du congé d'adjudgée rendue en cette Prevôté le vingt-neuf Avril, entre le S. Jean La Barte négociant en cette ville, d'une part, et le S. Pierre Clavierie, Garde de Magazins du Roy en cette d'ville, d'autre part, le de. Sr. Jean la Barte pour-suivant criées, vente et adjudication par decret et autorité de justice des fiefs de la Rivière du Loup consistants, sçavoir:

et le Fief de Madoueska trois lieues de front de chaque côté de la Rivière du même nom sur deux lieues de profondeur, ensemble toute l'étendue du Lac Cetemiscouata et toutes les isles, islets, battures étant au devant desd. fiefs avec droit de haute, moyenne et basse justice, droits de traite, chasse et pêche dans l'étendue desd. fiefs.

Acte de Foi et Hommage de Pierre Clavierie. British Evidence, No. 18.

Est comparu Le Sieur Pierre Clavierie, Garde des Magazins du Roy en cette Ville, Propriétaire DES FIEFS DE LA RIVIERE DU LOUP ET DU MADOUESKA, appartenances et dépendances.

ET LE FIEF DE MADOUESKA, sur la Rivière du même nom, situé proche la Rivière St. Jean, ensemble le Lac Cetemiscouata y joignant. Le dit fief de Madoueska contenant trois lieues de front de chaque côté de la dite Rivière de même nom sur deux lieues de profondeur, ne pouvant dire l'étendue du dit Lac Cetemiscouata; avec les islets et battures étant au devant des dits fiefs et les droits de haute, moyenne et basse Justice, et ce de chasse, de pesche, et de traite.

Et à l'Instant le dit Sieur comparant s'estant mis en devoir de vassal, Teste nue, sans épée ny esperons, et un genouil en terre, auroit dit à haute et intelligible voix, qu'il rendoit et portoit entre nos mains la foy et hommage, qu'il est tenu rendre et porter au Roy au Chateau St. Louis de Quebec, à cause des dits Fiefs et Seigneuries de la Rivière du Loup et de Madoueska, circonstances et dépendances: à la quelle foy et hommage nous l'avons reçu et recevons par ces presentes, à la charge de satisfaire aux droits dus au Roy.

Nous avons par ventilation à l'amiable, estimé le prix partienlier du dit Fief de Madoueska et dépendances de la somme de deux mille trois cent seize livres treize sols quatre deniers, faisant le quart du dit prix to-

tal de neuf mille deux cents soixante six livres treize sols quatre deniers. Et en con- *Appendix.*  
 sequence le dit Sieur Comparant payera au dit Domaine du Roy le droit du quint du *No. 39.*  
 dit Fief de Madoueska et dependances, à raison seulement du dit prix, particulier de *Excerpta from Brit-*  
 deux mille trois cent. seize livres treize sols quatre deniers. *ish Evidence, Fief*  
*of Madoueska.*

Furent presents Monsieur Jean Antoine Nicholas Dandanne Danseville, Sieur *Heed of Title of*  
 de l'Evandard, Lieutenant d'Artillerie de Sa Majesté Très Chretienne, et Dame Marie *Danseville to Jas.*  
 Anne Dupéré, son epouse. *Murray. British*  
*Evidence, No. 39*

Par ces présentes, vendu, cédé, quitté, transporté et delaisé  
 dès maintenant et à toujours, avec promesse de garantir de tous troubles, dettes, hy-  
 potheques, et autres empêchements, généralement quelconques, à son Excellence Jac-  
 ques Murray, Brigadier Colonel d'Infanterie, et Gouverneur de Quebec, à ce present  
 et acceptant acquerreur pour lui, ses hoirs, et ayans cause, pour cy jouir à perpetuité,  
 c'est à sçavoir, LA SEIGNEURIE DE LA RIVIERE DU LOUP et dependances, situé sur le  
 Fleuve St. Laurent au sud, tenant du côté du Nord-Est, à Jean Bte. Coté ou à ses  
 representants, propriétaires de l'Isle Verte, et du Coté du sud ouest à la Dame Veuve  
 Soulange, propriétaire du fief de l'islet du Portage, LE FIEF DE MADOUESKA, sur la  
 Rivière du même nom, scitué proche la Rivière Saint Jean, ensemble le Lac Cete-  
 miscouata y joignant, la dite Seignourie et Fief contenant, sçavoir, la Rivière du  
 Loup, sept lieues et demi ou environ de front sur diverses profondeurs, sçavoir, joig-  
 nant le dit côté au nord-est, environ une lieue de frond sur deux de profondeur, au  
 dessus deux lieues de front sur deux lieues de profondeur, au dessus demi lieue de front  
 jusqu'à la Rivière du Loup sur une lieue et demi de profondeur, et encore au dessus  
 trois lieues de front sur trois lieues de profondeur, et le dit FIEF DE MADOUESKA, con-  
 tenant trois lieues de front de chaque côté de la Rivière du même nom sur deux  
 lieues de profondeur, ne pouvant declarer positivement l'étendue du Lac Cete-  
 miscouata, avec tous les Islets et Battures étant au devant des dits fiefs, et les droit de mo-  
 yenne et basse justice, ceux de chasse, peche, et de traite dans l'étendue des dits fiefs,  
 sans du tout rien excepter, reserver, ny retenir, et ainsi que le tout appartenait au  
 dit feu Sieur Claverie, suivant le contract de vent passé devant M<sup>re</sup>. Panet et Baro-  
 let, le vingt un Octobre, mil sept cent cinquante quatre, et la sentence rendue sur de-  
 cret, le neuf Juillet, mil sept cent cinquante cinq.

Fait et passé à Quebec, au  
 Gouvernement, le vingt Juillet, mil sept cent soixante et trois, avant midi, et ont  
 signé, lecture faite.

DANDASNE DANSEVILLE,  
 DUPERE DANSEVILLE,  
 JQUE. PERRAULT,  
 VEUVE DUPERE,  
 JA. MURRAY,  
 PANET,  
 SANGUINET.

Province du Bas Canada, District de Quebec.

DANS LE BANC DU ROI.

Pour copie conforme à la minute demeurée dans l'étude de feu Panet, Notaire, déposée  
 dans les Archives de ce District, vidimée et collationnée par nous Soussignés, Guar-  
 diens d'icelle, et Protonotaires de la Cour du Banc du Roi.

À Quebec, le 31 Octobre, 1828.

[L. s.]

PERRAULT & BURROUGHS,  
 P. B. R.

*Appendix.*  
No. 58.

Extracts from British Evidence. File of Madowaska.

Deed of Assignment by R. Murray to M. Fraser, of an Indenture of Lease. British Evidence, No. 21.

To all to whom these presents shall come, *Richard Murray*, of the city and Province of Quebec, Esquire, sendeth greeting: Whereas His Excellency the Honorable *James Murray, Esquire*, Governor of the Province of Quebec, by his Indenture of Lease, under his hand and seal, bearing date the 10th day of May, in the year of our Lord, one thousand seven hundred and sixty-six, made between the said *James Murray* of the one part, and the said *Richard Murray and Malcolm Fraser, Esquires*, of the other part, for the considerations therein mentioned, did lease, set, and to farm let, unto the said *Richard Murray and Malcolm Fraser*; all that Seignior or Manor of *Murray's Manor*, formerly called the *Seignior of the River du Loup*, with its appurtenances, situate on the South side of the River St. Lawrence in the Province aforesaid. And also all that fief of *Madowiska on Madowiska River*, in the said Province, situate in the rear or back part of the said Seignior or Manor, with its appurtenances; and also all that tract, piece or parcel of land, containing six thousand acres, in the Province aforesaid, called the *Pinorie*, on the South side of the River St. Lawrence, situate on the East side of the River du Loup, adjoining on the Seignior of the same, and thereon depending; and also all that tract, piece or parcel of land likewise depending on the said Seignior or Manor, containing eighty-four acres, in the Province aforesaid; known by the name of *Red Island*, situate on the River St. Lawrence; and also four parts, the whole in five parts, to be divided of and in all quit rents by virtue of the said lease, to be reserved in any further grants or concessions, together with all the messuages, domain houses, cottages, barns, grist mills, and the profits thereof; houses, out-houses, stables, and all and other the premises, and appurtenances.

Now this indenture witnesseth, that the said *Richard Murray*, for and in consideration of the sum of one hundred pounds, Halifax currency,

doth grant, bargain, sell, alien, assign, remise, release, and forever quit claim, unto the said *Malcolm Fraser*, all the estate, right, title, interest, term of years to come, claim, profits, property, or demand whatsoever which he the said *Richard Murray*, now hath, or which he, his executors, administrators, or assigns, at any time hereafter may or ought to have, of, in or to the said in part recited Indenture of Lease; and the land, tenements, and messuages, thereby demised, with the appurtenances, and every or any part or parcel thereof.

Registered in the said Office, on Wednesday the third day of August, 1768, at five o'clock in the afternoon, in the English Register, Letter B, page 403.

GEO. ALLSOPP, D. R.

This Indenture, made the seventh day of April, in the fourteenth year of the reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, one thousand seven hundred and seventy-four, between the Honorable *James Murray*, of the Parish of St. Mary-le-Bonne, in the county of Middlesex, Esq. Lieutenant General of His Majesty's Forces, of the one part, and *Henry Caldwell* of the parish of St. James, Westminster, in the said county of Middlesex, Esquire, of the other part, witnesseth, that the said *James Murray*, for and in consideration of the rent, covenants and agreements, hereinafter reserved, mentioned, expressed, and contained, hath demised, granted and to farm let, and by these presents, doth demise, grant, and to

farm let unto the said Henry Caldwell, all that his the said James Murray's Seigneurie or Manor of Lauzon; and all that the *Seigneurie of Rivière du Loup, and fief of Madawiska*; and also the *Seigneurie* on Lake Champlain, purchased by the said James Murray, of the heirs of M. Foucault; together, also, with the house in St. John's street, in the city of Quebec; bought by him of M. Dansville; and also the Mansion House, and lands of Sans Bruit, and all that farm or fief, called Gourgeandière's farm, or Fief of St. Foix, in the Seigneurie of Sillery, with their and every of their rights, members and appurtenances, and *all and singular other the estates and possessions of the said James Murray, in the Province of Quebec, in North America.*

Appendix.  
No. 58.

Extracts from British Evidence. Fief of Madawaska.  
Deed of assignment by E. Murray to M. Fraser, and indenture of lease. British Evidence, No. 21.

PROVINCE OF LOWER CANADA, }  
District of Quebec, &c. }

George Allsopp, of the City of Quebec, Esquire, of lawful age, maketh oath and sayeth, that on the twenty-eighth day of June, which was in the year of our Lord, one thousand seven hundred and seventy-five, he, this Deponent, was acting Register at the City of Quebec, in and for the then Province of Quebec, that on the said twenty-eighth day of June, a certain written instrument, purporting to be a lease of the premises therein mentioned, from the Honorable James Murray, to Henry Caldwell, Esquire, was received and recorded in the Register's Office, in the said City of Quebec, in the English Register, Letter E, page 504; the same having been first duly proved on oath by Daniel Sutherland, one of the subscribing witnesses to the execution thereof; he, the said Deponent, then having legal right and authority to administer an oath in such behalf; and the Deponent further saith, that the written instrument or lease now exhibited to him, and hereunto annexed, marked B, is the same whereof mention is made above, and that the signature, Daniel Sutherland, subscribed to the probate and affidavit thereon endorsed, is of the proper hand-writing of him, the said Daniel Sutherland, and that the signatures Geo. Allsopp, A. Regr. also thereon endorsed, are of the proper hand-writing of him, this Deponent, and further saith not.

GEO. ALLSOPP.

PROVINCE OF LOWER CANADA, } September 7, A. D. one thousand eight hundred  
District of Quebec, &c. } and four.

The above named George Allsopp, of the City of Quebec, personally appearing, and after being carefully examined and duly cautioned, made solemn oath that the foregoing deposition; by him subscribed, contained the truth, and nothing but the truth.

Before J. ELMSLEY,  
Chief Justice of Lower Canada.

The above deposition, taken at the request of Henry Caldwell, Esquire, to be used in the causes to be heard and tried before the Honorable the Circuit Court of the United States, next to be holden at Rutland, within and for the District of Vermont, on the third day of October next ensuing, in which causes Henry Caldwell, Esquire, is Plaintiff; and Joseph Sewell, Esquire, Junior, David Logan, and John P. Storms, are Defendants; the Deponent, living more than one hundred miles from the place of trial, and the adverse Parties living more than one hundred miles from the place of caption, were not notified nor present.

Certified by

J. ELMSLEY,  
Chief Justice.

*Appendix.*  
No. 58.

*Lease from Henry Caldwell to Malcolm Fraser, 24th September, 1782.*

Extracts from British Evidence, Fief of Madouaska.

Lease from H. Caldwell to M. Fraser, British Evidence, No. 58.

This Indenture made the *twenty-fourth day of September*, in the twenty-second year of the reign of our Sovereign Lord George the Third, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, &c. in the year of our Lord, *one thousand seven hundred and eighty-two*, between the Honorable *Henry Caldwell*, Esquire, of the parish of St. Foix, in the Province of Quebec, of the one part, and *Captain Malcolm Fraser*, of His Majesty's eighty-fourth Regiment of Foot, of the other part, witnesseth: that the said Henry Caldwell for and in consideration of the rent, covenants and agreements, hereinafter reserved, hath demised, granted and to farm let, and by these presents, doth demise, grant and to farm let, unto the said Malcolm Fraser, all that *SEIGNEURIE OR MANOR OF RIVIERE DU LOUP, AND FIEF OF MADOUASKA*, together with Isle Rouge, and six thousand acres of land behind the said Seigneurie of Rivière du Loup, as described in a grant thereof, under the Great Seal of the said Province, dated the seventh of May, seventeen hundred and sixty-six, in favor of Richard Murray and Malcolm Fraser, Esquires, with all their and every of their rights, members and appurtenances.

I do hereby certify that this and the foregoing six half sheets of paper contain a true copy of an Entry, as on record in the Register's Office of the Records at Quebec, in the English Register, Letter E, page 737.

PROVINCIAL SECRETARY'S OFFICE, }  
Quebec, 12th November, 1828. }

D. DALY,  
Sec. and Reg.

Confirmation of  
Lease from H.  
Caldwell, &c.—  
British Evidence,  
No. 58.

N. B. These papers form part of papers previously recorded in this Register. Page 737.

D. D.  
Sec. and Reg.

(Signed)

G. P.

*At Quebec, this twenty-seventh day of December, in the year of our Lord, one thousand seven hundred and eighty-six*, personally appeared before me, Charles Stewart, Notary Public, for the City and Province of Quebec, duly admitted, residing in Quebec; the Honorable *Henry Caldwell*, Esquire, of the parish of St. Foix, in the said Province of Quebec, and *Captain Malcolm Fraser*, late of His Majesty's eighty-fourth Regiment of Foot, who declared and acknowledged before me, the said Notary, hereunto subscribing, and the witnesses also subscribing, that a certain writing or indenture, bearing date *the twenty-fourth day of September*, in the year of our Lord, one thousand seven hundred and eighty-two, duly executed by and between them, the said Honorable Henry Caldwell and Captain Malcolm Fraser, purporting and being a lease of a *certain Seigneurie*, manor, *fief*, messuages, lands, tenements, and premises of Rivière du Loup and Fief of Madouaska, together with Isle Rouge, and six thousand acres of land behind the said Seigneurie of Rivière de Loup, as the same is described in a grant thereof, under the Great Seal of the said Province of Quebec, bearing date the seventh day of May, one thousand seven hundred and sixty-six, in favor of Richard Murray and Malcolm Fraser, Esquires, or as by the said Deed of Indenture, leased to him the said Captain Malcolm Fraser, by him the said Honorable Henry Caldwell, Esquire, for a certain number of years;

Appendix.  
No. 58.

I do hereby certify that this and the foregoing two half sheets of paper, contain a true copy of an entry, as on record in the Register's Office of the Records at Quebec, in the English Register, Letter E, folio 812.

[Signed]

D. DALY,  
Sec. and Reg.

PROVINCIAL SECRETARY'S OFFICE,  
Quebec, 15th November, 1828. }

Extrac from British Evidence, Part of Madawaska.  
Confirmation of Lease from H. Caldwell, &c.—British Evidence, No. 23.

*Province of Lower Canada.*

On the twenty-first day of June, in the year of our Lord, one thousand eight hundred and two, in the afternoon, before us, Felix Tetu and Roger Lelievre, Notaries Public, duly admitted and sworn, for the Province of Lower Canada, and residing in the City of Quebec, in the said Province of Lower Canada, personally came, appeared and was present, the Honorable Jenkin Williams, one of His Majesty's Justices of the Court of King's Bench, for the District of Quebec, in the said Province, the true and lawful Attorney of and for Sir James Pulteney, (late Sir James Murray) of Bruton-street, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Baronet; Humphrey Donaldson, of White Hall, in the said County of Middlesex, Esquire; and the Honorable Anne Murray, of Beauport, in the County of Sussex, in that part of the United Kingdom of Great Britain and Ireland, called England, widow of the Honorable James Murray, late of Beauport aforesaid, a General in his Majesty's Forces, some time since deceased; the three only acting Trustees and Executors, named and appointed in and by the last will and testament of the said Honorable James Murray, deceased:

Deed of Sale from the Trustees of James Murray to H. Caldwell, &c.—British Evidence, No. 24.

And, therefore, in the presence of us, the said Notaries, the said Jenkin Williams, in the name, and on the part and behalf of and for the said Sir James Pulteney, Humphry Donaldson, and Anne Murray, in pursuance of the aforesaid agreement, and for and in consideration of the sum of five thousand one hundred and eighty pounds sterling money aforesaid, by the said Henry Caldwell, to the said Sir James Pulteney, Humphry Donaldson, and Anne Murray, well and truly paid before the execution of these presents, as more particularly appears by a certain stamp receipt hereunto annexed, signed by the said Humphry Donaldson, and bearing date the twenty-second day of August, in the year of our Lord Christ, one thousand eight hundred and one; the receipt whereof the said Jenkin Williams, for and in the name, and on the part and behalf of the said Sir James Pulteney, Humphry Donaldson, and Anne Murray, in the presence of us, the said Notaries, did and doth upon the faith and credit of the said receipt, hereby acknowledge, and thereof and therefrom and of and from every part and parcel thereof, in the presence of us, the said Notaries, did and hereby doth wholly, clearly, and absolutely exonerate and discharge the said Henry Caldwell, his heirs, executors, curators, and administrators, and each and every of them forever; and in consideration of the further sum of five thousand pounds, like sterling money, well and truly to be paid by the said Henry Caldwell, to them the said Sir James Pulteney, Humphry Donaldson, and Anne Murray, in manner hereinafter covenanted and contained, did in the presence of us, the said Notaries, and hereby doth fully, clearly, and absolutely grant, bargain, sell, assign, transfer, convey, set over, and assure unto the said Henry Caldwell, with guarantee against all incumbrances,



*Appendix.* mortgages, evictions, rights, debts, claims, and demands whatsoever, all that Seigniorie or Manor of Lauzon, and all that SEIGNIORIE OF RIVIERE DU LOUP, AND FIEF MABOUASKA; and also all that Seigniorie or Manor on Lake Champlain, purchased by the said James Murray, deceased, of the heirs of Mr. Foucault; together, also, with the house in St. John's street, in the said City of Quebec, bought by him of M. Dansville; and also the mansion-house and lands of Sans Bruit; and also all that farm or fief called Gorgendière's Farm, or Fief of St. Foi, in the Seigniorie of Sillery, in the District of Quebec, with their and every of their rights, members, and appurtenances, and all and singular *other the estates and possessions, late of him the said James Murray, deceased, in the Province of Quebec, (now Provinces of Upper and Lower Canada, in North America.)*

No. 53.

Extracts from British Evidence, Fief of Madawaska.

Deed of Sale from the Trustees of James Murray to R. Caldwell. British Evidence, No. 54.

And for the due execution of these presents, the said parties have respectively made election of their domicile at the office of the said Felix Tetu, Notary, in the City of Quebec, in the said Province of Lower Canada, where, &c. notwithstanding, &c. promising, &c. obliging, &c. renouncing, &c.

Thus done and passed at the aforesaid City of Quebec, in the house of the said Jenkin Williams, the day and year first above written, the said parties having to these presents, (first read in the presence and hearing of them, the said Jenkin Williams and Henry Caldwell, and of us, the undersigned Notaries) set and subscribed their names and signatures, in the presence of us the said Felix Tetu and Roger Lelievre, Notaries as aforesaid, who have hereunto set and subscribed our names and signatures, in faith and testimony of the premises. Thus signed on the original.

[Signed]

J. WILLIAMS, *Attorney*, (as abovementioned.)

HENRY CALDWELL,

R. LELIEVRE, *Not. Pub.*

F. TETU, *N. P.*

In testimonium veritatis,

F. TETU, *N. P.*

JAMES KEMPT.

His Excellency Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, &c. &c. &c. and administrator of the Government of the said Province of Lower Canada.

*To all whom these presents may concern:*

I do hereby certify that Felix Tetu is a Public Notary for the Province of Lower Canada, duly commissioned and authorized as such; in consequence whereof full faith and entire credit are and ought to be given to his signature in such capacity, wherever the same may appear.

Given under my hand and the Great Seal of the Province of Lower Canada, hereunto affixed, at the Castle of Saint Louis, in the City of Quebec, the sixth day of November, one thousand eight hundred and twenty-eight, and in the ninth year of His Majesty's reign.

By his Excellency's command.

[Seal annexed.]

D. DALY,

*Secretary and Registrar.*

Deed of Sale by Henry Caldwell to Alexander Fraser. British Evidence, No. 55.

On the eighth day of October, in the year of our Lord, one thousand eight hundred and one, before us, Felix Tetu and Roger Lelievre, Notaries Public, for the Province of Lower Canada, residing in the City of Quebec, in the said Province, personally appeared and were present, Henry Caldwell, of Belmont, in the parish of Saint Foi, near the said City of Quebec, Esquire, of the one part, and Alexander Fraser,

one of the partners of a company of Merchants, trading from Canada to the North-west of America, now residing in the said City of Quebec, of the other part, which said parties, in the presence of us the said Notaries, did acknowledge and declare, as follows: That is to say; the said *Henry Caldwell*, as having purchased and acquired the estates which belonged to the late *General James Murray, some time Governor of this then Province of Quebec, now the Provinces of Upper and Lower Canada*,

*Appendix.*  
No. 58.

Extracts from British Evidence. Fief of Madouaska.  
Deed of Sale by H. Caldwell to Alex. Fraser. British Evidence, No. 58.

doth, for and in consideration of the sum of one thousand seven hundred and sixty-six pounds, sterling money of Great Britain, equal to the sum of one thousand nine hundred and sixty-two pounds, four shillings, and five pence half-penny, currency of the said Province of Lower Canada,

covenant and agree to and with the said Alexander Fraser, his heirs and assigns, and every of them, that (as soon as in consequence of the said agreement between the said Henry Caldwell and the said Trustees and Executors of the said General James Murray, above named, the purchase of the *said property in Canada, of the said late General James Murray*, is completed by him, the said Henry Caldwell) he the said Henry Caldwell, his heirs and assigns, shall and will,

well and sufficiently grant, bargain, sell, release, convey, and assure to the use of the said Alexander Fraser, and his heirs and assigns forever, with such warranty and other fit and reasonable covenants, against the acts, deeds and incumbrances of the said Henry Caldwell, Esquire, and all persons claiming by, from or under him, as by the said Alexander Fraser, his heirs and assigns, or his or their Counsel learned in the law, shall be reasonably devised, advised, or required, all that SEIGNIORY OF RIVIERE DU LOUP, AND FIEF OF MADOUASKA, TOGETHER WITH *Lake Temisquata, and the lands adjoining thereto*, with the Isle Rouge, and six thousand acres of land behind the said Seigniori of Rivière du Loup, as described in a grant thereof, under the Great Seal of the said Province of Quebec, dated the seventh day of May, one thousand seven hundred and sixty-six, in favor of Richard Murray, Esquire, and the said Malcolm Fraser, Esquire, and made over by them to the said General James Murray, will more fully appear; together with all the Islands in the River St. Lawrence, lying opposite to the said Seigniori of Rivière du Loup; as also all other lakes, woods, rivers, and fisheries, depending on the said Seigniori of Rivière du Loup, *as particularly described in the original title deeds of the said Seigniori of the said Rivière du Loup, Fief of Madouaska, and Lake Temisquata.*

Thus done and passed at the *City of Quebec, in the house and office of the said Felix Tetu, one of the subscribing Notaries*, in the forenoon of the said eighth day of October, in the year of our Lord, one thousand eight hundred and one; the said Henry Caldwell and Alexander Fraser, having to these presents, first duly read in the presence and hearing of them the said Henry Caldwell and Alexander Fraser, and of us the said Notaries, according to law, and deposited in the office of the said Felix Tetu, set and subscribed their respective names and signatures, in the presence of us the said Notaries, who have also hereunto set and subscribed our names and signatures, in faith and testimony of the premises. Thus signed on the original:

HENRY CALDWELL,  
ALEX. FRASER,  
R. LELIEVRE, *Not. Pub.*  
F. TETU, *Not. Pub.*

In testimonium veritatis,

F. TETU, *Not. Pub.*

*Appendix.*  
No. 58.

*Extracts from British Evidence. Fief of Madawaska.*

*Deed of Sale by H. Caldwell to Alex. Fraser. British Evidence, No. 33.*

*On the second day of August, in the year of our Lord, one thousand eight hundred and two, before us Felix Tetu and Roger Lelievre, Public Notaries, duly admitted and sworn for the Province of Lower Canada, residing in the City of Quebec, in the said Province, personally came and appeared Henry Caldwell, of Belmont, in the Parish of Saint Foi, near the City of Quebec; of the one part, and Malcolm Fraser, Esquire, of the said City of Quebec, the Attorney duly constituted and appointed, of Alexander Fraser, Esquire, party to the above written deed;*

Now, therefore, for the purpose of carrying into full effect, the said above written agreement, and for the consideration therein mentioned, the said Henry Caldwell, for himself, his heirs, executors, curators, and administrators, doth grant, bargain, sell, release, convey, assure, and set over to the use of the said Alexander Fraser, his heirs and assigns, forever, with guarantee against all incumbrances, mortgages, dowers, evictions, rights, debts, dues, claims, and demands whatsoever, *the said Seigniori of Rivière du Loup, Fief of Madouaska, above described, and the Lake Temisquata, and the lands adjoining thereto*, with the Isle Rouge, and six thousand acres of land behind the said Seigniori of Rivière du Loup, with all their and every of their rights, members, and appurtenances, and all royalties, fisheries, profits, benefits, and advantages to the said Seigniori, Fief, and other lands, or either of them belonging, or anywise appertaining, *as the same was purchased by the said General James Murray of Mr. Dansville.*

Thus done and passed *at the said City of Quebec, in the office of the said Felix Tetu*, the day and year first above written, the said Henry Caldwell and Malcolm Fraser, having to these presents, first duly read and deposited in the office of the said Felix Tetu, set their hands in the presence of us, the said Felix Tetu and Roger Lelievre, who have also hereunto set our hands and signatures, in faith and testimony of the premises. Thus signed on the original:

HENRY CALDWELL,  
MALCOLM FRASER,  
R. LELIEVRE, *Not. Pub.*  
F. TETU, *Not. Pub.*

In testimonium veritatis,

F. TETU, *Not. Pub.*

His Excellency Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, &c. &c. &c. and Administrator of the Government of the said Province of Lower Canada.

JAMES KEMPT.

*To all whom these presents may concern:*

I hereby certify that Felix Tetu is a Public Notary for the Province of Lower Canada, duly commissioned and authorized as such; in consequence whereof full faith and entire credit, are and ought to be given to his signature in such capacity, wherever the same may appear.

APPENDIX, No. LIX.

EXTRACTS

FROM

THE BRITISH EVIDENCE.

BOUNDARY OF CANADA.

QUEBEC, ss. (2.)

SECRETARY'S OFFICE,  
19th January, 1765.

Whereas the nation of Maricitte Indians, *by the following paragraph of a Petition to his Excellency the Governor of this Province*, have represented that they are encroached upon by the Canadian inhabitants hunting beaver *on the lands therein mentioned*, which have ever belonged to, and are the property of the said Nation: this, therefore, is to give notice, that the privilege prayed for by the said Indians will be allowed and confirmed to them, unless any person or persons can shew just cause to the contrary, by memorial to his Excellency the Governor and Council, directed to the Secretary of this Province, on or before the first day of May next.

By command of His Excellency.

J. GOLDFRAP, D. Sec.

"Your petitioner has also the honor to represent to your Excellency, that his brethren Indians find themselves reduced to the lowest ebb of misery, by the unwarrantable encroachments of the Canadian inhabitants, hunting beaver on the lands belonging to the nation, by which your Petitioner has been deputed; *which tract begins at the great falls of St. John's, and runs as far as Temisquata, including the Wolf River (or Rivière du Loup) and the River Madawaska, which rivers discharge themselves into the River St. John's*, making a space of about twenty leagues, on which the nation, whose grievances your Petitioner has the honor to lay before your Excellency, always had an exclusive privilege of hunting beaver *in the time of the French Government*; therefore your Petitioner humbly requests, in the name of his nation, *that your Excellency will be pleased to continue their privilege, by forbidding the inhabitants of this Province to hunt beaver on the said grounds.*"

(3)

QUEBEC, November 11, 1784.

About eleven o'clock on Friday last, Charles Nishonoit, an Indian lad, about fifteen years of age, of the Penobscot Tribe, was executed on the road side, a little out of St. John's Suburbs, for the most barbarous and savage murder of Mr. Archibald McNeil and ——— Dufour, his guide, in July last, while they were asleep, some distance below Kamouraska, on their way to Halifax.

Appendix.  
No. 59.  
Extracts from the  
British Evidence.  
Boundary of Can-  
ada.

Extract from the  
Quebec Gazette.  
Jan. 24, 1765. Br.  
Ev. No. 28. (2.)

*Appendix. Proceedings in the Court of Common Pleas at Quebec, commencing 14th September, 1789; ending 20th January, 1791.*

Extracts from the  
British Evidence.  
Boundary of Ca-  
nada.

PROVINCE DU BAS CANADA,  
District of Quebec.

Proceedings in the  
Court of Common  
Pleas of Quebec,  
Sept. 14, 1789. Br.  
Ev. No. 39.

*Cour des Plaidoyers Communs—Term de Septembre.*

*Lundi, 14 Septembre, 1789.*

*Present,*

ADAM MABANE, PIERRE PANET, Eueurs.

ANSELME & MICHAEL ROBICHAUX v. AUGUSTIN DUBÉ & PIERRE DUFRÈRE,  
*de Madouaska.*

Le Sheriff fait son retour du service de la sommation, M<sup>re</sup> Panet paroît pour les demandeurs et a filé trois Licences et une lettre citée dans sa déclaration, M<sup>re</sup> Cugnet comparoit pour les défendeurs, la Cour ordonne, que la Défendeur prendra communication des pièces filées par la demandeur et fournira ses défenses sous trois jours.

*17 Septembre, 1789.*

M<sup>re</sup> Cugnet, pour les défendeurs a filé ses défenses, la Cour ordonne, que le demandeur en prendra communication et fournira ses répliques sous trois jours.

*28 Septembre, 1789.*

M<sup>re</sup> Panet pour les demandeurs a filé ses répliques, la Cour ordonne, que le défendeur en prendra communication.

*30 Septembre, 1789.*

La Cour du consentement des parties a mis en délibéré.

*4 Janvier, 1790.*

La Cour, en procédant au délibéré de cette cause, ayant remarqué, que les défendeurs ont allégué dans leurs écrit de défenses, qu'il ne sont pas de la juridiction de cette Cour, mais domiciliés de la Province de Brunswick, auquel allégué les demandeurs n'ont pas répondu dans leurs écrit de répliques, ordonne, que les demandeurs déclareront et feront inscrire sur le registre de cette Cour s'ils admettent l'allégué des défendeurs ou non.

*9 Janvier, 1790.*

M<sup>re</sup> Panet, Avocat des demandeurs, a déclaré, en conformité du jugement de cette Cour du quatre Janvier der. qu'ils soutiennent, que les défendeurs ont été assignés dans la Province de Quebec, et que l'assignation est suffisante de laquelle déclaration cette Cour a donné acte, et a fixé à Lundi pour entendre la cause.

*11 Janvier, 1790.*

Après avoir entendu les parties, la Cour ordonne qu'elles feront preuve respective Vendredi prochain, si Madouaska et le Grand Sault sont dans la Province de Quebec ou non.

*14 Janvier, 1790.*

Sur la motion de M<sup>re</sup> Panet la Cour ordonne, que les preuves seront peremptoirement entendues et reçues Vendredi prochain.

*18 Janvier, 1790.*

M<sup>re</sup> Panet a dit, qu'il n'a d'autre preuve à produire en conformité du Jugement du onze de ce mois, que les licences des demandeurs filées, et la règle du 14 Septembre, pour fournir les défenses, M<sup>re</sup> Cugnet demande jusqu'au terme prochain pour faire preuve, de son allégué en ses défenses: la Cour parties ouïes mets en délibéré.

22 Mars, 1790. *Appendix.*  
No. 59.

*La Cour ayant considéré les Plaidoyers des parties, et après en avoir délibéré, est d'opinion que les défendeurs ne se sont pas conformés à l'article onzième des règles de cette Cour, ayant du lors du jour de retour des sommations filé leur exception, soit peremptoires, delatoires ou declinatoires, que le même jour, auquel M<sup>re</sup> Cugnet, leurs Avocat filât sa comparation il fut ordonné, qu'il fournirait ses défenses et non un écrit intitulé mal à propos, défenses, qui cependant est une exception declinatoire, que les défendeurs n'ayant aucunement prouvé ainsi qu'il lui étoit permis, de le faire par le jugement interlocutoire de cette Cour, que les assignations à eux données ont été signifiées hors de la juridiction de cette dite Cour, ils en sont forclos d'après ces considérations, la Cour deboute les défendeurs de leurs exception declinatoire qu'ils ont qualifié de défenses avec dépens occasionnés par la dite exception, et ordonne qu'ils fourniront leurs défenses au mérite de la cause sous trois jours.*

Extracts from the British Evidence. Boundary of Canada.

Proceedings in the Court of Common Pleas of Quebec, Sep. 14, 1790. Br. Ev. No. 29.

Monday, 9th July, 1787.

Present,

His Excellency the Right Honorable GUY Lord Dorchester, Governor.  
The Honorable HENRY HOPE, Esq. Lieutenant Governor.

WILLIAM SMITH, C. J.  
HUGH FINLAY,  
GEORGE POWNALL,  
HENRY CALDWELL,  
P. R. DE ST. OURS,

LE COMPTE DUPRE,  
EDWARD HARRISON,  
J. G. C. DE LERY,  
WILLIAM GRANT,  
FRANCIS BABY, Esquires.

Extract from the Minutes of the Executive Council of Quebec. July 9, 1787. Br. Ev. No. 31.

His Lordship intimated the propriety of ascertaining the limits between this and the Province of New Brunswick, and that the Surveyor General of that Province would soon meet Mr. Holland for that purpose; and as it was absolutely requisite towards opening and sustaining the land communication between the two Provinces, that the lands on both sides of it should be settled, his Lordship proposed, and the Council concurred in authorizing Mr. Holland to give assurances to all persons to settle there, and especially the *Acadians in that vicinity, of the favorable intentions of this Government to issue Grants in their favour* for three hundred acres to the head of every family, out of the waste lands of the Crown in that quarter; and it is for that purpose recommended to them to explore the places fit for cultivation on both sides of the route, and apply, by petition, in the usual course, for grants to be made, agreeable to the Royal instructions.

Copy of his Excellency Lord Dorchester's Instructions to Mr. John Holland.

“QUEBEC, 9th July, 1787.

“Sir:—You will be pleased to accompany Mr. Finlay to the *Great Falls on the River St. John*, in order to assist in marking out the Boundary between the Provinces of Quebec and New Brunswick, where it crosses the road of communication between these two Provinces, in such a manner that the lands at the different carrying places, and throughout the whole of the said communication on both sides, may be granted by the respective Governments without delay. You will there meet the Surveyor-General of the Province of New Brunswick, or some other person or persons authorized by the Lieutenant Governor of the said Province, in concert with whom and Mr. Finlay you will proceed upon that business.

Lord Dorchester's instructions to Mr. John Holland.—British Evidence, No. 32.



Appendix.  
No. 29.

Extracts from the  
British Evidence.  
Boundary of Can-  
ada.

Lord Dorches-  
ter's instructions  
to Mr. John Hol-  
land.—British  
Evidence, No. 32.

"You will be guided therein by the inclosed descriptions of the Boundaries of the Provinces of Quebec, Nova Scotia, and New Brunswick, extracted from my Commissions as Governor thereof; to which is likewise added the description of the Boundary of the United States, taken from the Definitive Treaty for your information.

"The Boundary established, you will neglect no opportunity of assuring all persons desirous to settle *on this side of it*, and particularly the *Acadians in that vicinity*, of the good dispositions of Government in their favour, as expressed in the enclosed Minute of Council, which you will communicate to them, leaving copies thereof with some of the people for their satisfaction.

"Such spots as Mr. Finlay may point out to you at the different carrying places, as most necessary to be settled for the establishment of Post-houses on the road of communication, you will more especially make the objects of your attention, explaining to the people the advantages of such situations.

"In general your own prudence will direct to the different objects necessary to be attended to upon the whole of these services, in the course of which you will have the advantage of consulting Mr. Finlay's judgment and experience.

"You will return to this place as soon as they are accomplished, and report to me your proceedings, with such observations as may have occurred to you, tending to the advantage of the King's service; and more particularly to the *facilitating the communication between the two Provinces*.

"I am, with regard,

[Signed] "DORCHESTER.

[Signed] "HENRY MOTZ."

"True copy,

Letter by way of Report from Mr. John Holland.

QUEBEC, 26th July, 1787.

Mr. Holland's  
report.—British  
Evidence, No. 32.

My Lord,

I have the honour to report, that pursuant to your Excellency's orders and instructions, dated the 9th of July, I on the day following left Quebec and proceeded in company with Mr. Finlay to the *Great Falls on the River St. John*; that on the 16th of July, at the Acadian Settlement opposite Madawaska, met Captain Sproule, the Surveyor-General of New Brunswick; he informed me, that conceiving his waiting for us at the Great Falls to be totally unnecessary, he was now proceeding on his way to the Height of Land on the carrying place, situate between the River St. Lawrence and Lake Timiscouta; as there (according to his idea) the Boundary ought to be fixed. In reply to his remarks, I observed, that *it was generally understood in Canada, that the line between the Provinces of Quebec and New Brunswick should run from the head of Chaleur Bay, along the high lands in a westerly direction to the Great Falls on the St. John's River*, and from thence West to the westernmost, or main branch of the River St. Croix. He answered, that should a Boundary be fixed at or near the Great Falls, he would protest against such doings, as contrary to the directions laid down in his instructions.

"On Tuesday morning, the 17th, Captain Sproule having met Mr. Finlay and me, and, after talking over the subject of the Boundary Line, he repeated nearly what he had said before, adding, that he would proceed immediately to the Portage, to examine which way the waters incline on the heights there; that by their course he might be enabled to ascertain the Boundary between the Provinces of Quebec and New Brunswick, as all the streams running into the rivers which empty themselves into the River St. John, are in the Province of New Brunswick, and those which fall into the St. Lawrence, are in the Province of Quebec.

"After using many arguments to shew him the impropriety and disadvantages that would attend the fixing a Boundary on the Portage; the vast tract of country which must, for many years, remain unsettled, by its falling in their Province, their nearest settlement being, at least, two hundred miles distant from the heights on the Portage: the repugnancy expressed by the Acadians (settled near the Madawaska Falls) at the idea of being separated from this Province, to which they are attached by numberless ties and reasons; but more especially, that the fixing that limit would materially affect the Boundary between us and the United States of America; and that a large territory would thereby be saved or lost to His Majesty's dominions; and that the heights of land run from the Bay of Chaleur to the River St. John, and strike it at, or near, the Great Falls.

"To ascertain which, and more positively determine the situation, and explore the face of the country, we requested Captain Sproule to return with us to the Great Falls, to which he objected, saying, that his return there could answer no end, as the opinion he had already formed of the situation of the Boundary Line from geographical knowledge, and ocular demonstration, was unalterable, and that he was bound to observe General Carleton's instructions, which he produced, conceived in these words:

"By His Excellency Thomas Carleton, Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

"To GEORGE SPROULE, Esq. Surveyor-General.

"You are hereby directed to proceed to the Great Falls of the River St. John, in order to meet the Surveyor-General of the Province of Quebec at that place on the 15th instant, for the purpose of settling the Boundary Line between the Province of Quebec and New Brunswick, in the execution whereof you will be governed by the Act of Parliament for establishing the Province of Quebec, which determines that Boundary to be the high lands which divide those waters that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean.

"Given under my hand at Fredericton, the seventh day of July, in the year of our Lord, one thousand seven hundred and eighty-seven.

[Signed] "THOMAS CARLETON."

On the 18th, Captain Sproule and we separated: he, on his way to the Portage, we to the Great Falls, where we found the country extremely mountainous; and, from information gathered from different persons, who have been from the St. John's River back in the country, and my own observations, have no doubt but that these mountains are the range which extend from the Bay of Chaleur to that River.

On consulting Mr. Finlay, and finding nothing further could be done towards ascertaining the Boundary Line, therefore, with his advice, returned to fulfil, as far as possible, the further requisitions as stated in the instructions your Lordship was pleased to honour me with.

I neglected no opportunity of encouraging and assuring those persons wishing to settle in that vicinity, of the favorable intentions of this Government towards them, leaving several copies of the minutes of Council among them, with which the Acadians, in particular, expressed an uncommon satisfaction.

I informed the people disposed to settle, of the spots Mr. Finlay pointed out as most convenient and necessary to be settled for the establishment of post-houses on the road; taking the utmost care and attention to explain to them the advantages of such situations. They in general were inclined to settle from the Falls up the St. John's River as far as Madawaska, the land being thus far good; but from

Appendix.  
No. 39.

Extracts from the  
British Evidence,  
Boundary of Canada.  
Mr. Holland's Report.—British Evidence, No. 32.

*Appendix.* thence to the River St. Lawrence, I found them much averse to settle, owing to the barrenness of the land in general, and their inability to support themselves for the first years of their settlement: upon the whole, I much fear that, without some further encouragement than the grant of land, the Portage between the River St. Lawrence and Timiscouta, will remain unsettled.

No. 59.  
Extracts from the  
British Evidence.  
Boundary of Can-  
ada.

I have the honour to be,  
with the utmost submission, my Lord,  
your Lordship's most respectful,  
and most obedient humble servant,  
[Signed] JOHN FREDERICK HOLLAND.

*Report of the Committee of Council appointed to consider the Boundary between the Provinces of Quebec and New Brunswick, and the means of encouraging the communication, and settle the Lands in that vicinity.*

*To his Excellency the Right Honourable Guy Lord Dorchester, Captain-General and Governor-in-Chief of the Province of Quebec, Nova Scotia, and New Brunswick, &c. &c. &c.*

Report of Coun-  
cil appointed  
to consider the  
boundary between  
Quebec and New  
Brunswick — Brit-  
ish Evidence, No.  
59.

The Committee of Council appointed to report as well upon the Question of the Boundary between this Province and that of New Brunswick, as the most eligible means of encouraging the communication, and the settlement of the lands in that vicinity, have the honor to observe, that Mr. Holland's Report to your Excellency, has been duly considered by the Committee, who likewise paid thorough attention to the description of the Boundaries of the Provinces of Quebec and New Brunswick, as extracted from your Excellency's Commissions as Captain-General and Governor-in-Chief, and on the whole they beg leave to remark, that if the Province of New Brunswick may of right claim the sources of rivers that take their rise on the height of land which divides the rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic Ocean, the ancient limits of this Government will be curtailed towards New Brunswick, and Seigniories under Canadian Grants, as far back as the years 1623 and 1683, be taken into that Province; besides, the Accadians already settled above the Great Fall of St. John's River, and such people as may chuse hereafter to settle there, would be greatly incommoded if those parts should be included in the Province of New Brunswick. Their commercial dealings will be with this country, for they must, from their situation, be supplied with European and West India commodities from Quebec.

The Committee most humbly submit to your Lordship, whether it would not be for the advantage of both Governments, that the Province of Quebec be separated from that of New Brunswick, by a line running along the highlands which extend from the head of Chaleurs Bay to the foot of the Great Fall of St. John's River, and from thence crossing the River, (so as to include the whole of the Portage or carrying place,) and continuing in a straight line towards the sources of the River Chaudiere, which rise on the high lands that commence at the said head of the Bay of Chaleurs, and extend all the way to the North-westernmost head of Connecticut River.

With regard to settling the new road to Lake Timiscouata, along that Lake, and so down the Madawaska, the Committee beg leave to represent that the soil in that lengthy tract is poor in general; yet there is many parts through its whole extent fit for cultivation, though not of a quality to induce people to settle so far removed from assistance in their country labours, without good encouragement.

From information the Committee report, that some Canadian settlers may be had on the following terms: *Appendix.*  
No 39.

To obtain a grant of two hundred acres of land, free from quit-rent, for twenty years, paying a *sol de cens*. Extracts from the  
British Evidence.  
Boundary of Can-  
ada.

To have four Acres cleared, and a log-house built thereon, consisting of two apartments, and to have an out-house of logs to serve as a stable and barn, with three years' provisions for each family.

The Committee have further been informed, that loyalists will set down on that tract, on the following conditions:

That each family have a grant of land (200 acres) free from quit-rent, for ten years.

Twenty-five pounds to be advanced, to stock the farm; the lands and improvements to be security that the money shall be repaid in ten years, but without interest. That each family be conveyed to the land allotted to them without expense. To have two years' provision allowed them, and delivered at their settlements.

The lands from the mouth of Madawaska, down to the Great Fall on St. John's River, are of a superior quality; it is therefore presumed that settlers would sit down in that part on less encouragement than is above demanded.

By order of the Committee.

[Signed] HUGH FINLAY, *Chairman.*

Council Chamber, 18th October, 1787.

*Extract from the Minutes of the Executive Council of the Province of Quebec,  
4th August, 1792.*

*Saturday, 4th August, 1792.*

At the Council Chamber in the Bishop's Palace.

Present,

His Excellency Major General CLARKE, *Lieutenant Governor,*

And the Honorable WILLIAM SMITH,

HUGH FINLAY,

FRANCOIS BABY, *Esquires.*

Read the Memorial of A. and M. Robichaud, dated the 8th June, 1792.

Read a Report of the Committee of Council, appointed to consider the *Boundary between the Provinces of Quebec and New Brunswick, and the means of encouraging the communication and settlement of the lands in that vicinity*, dated 18th October, 1787.

Read a Judgment of the Court of Common Pleas, dated 15th February, 1792.

Read the Report of the Solicitor-General and Surveyor-General, dated Quebec, 29th July, 1792.

Ordered, that these Papers be entered upon the Minutes, and it is humbly suggested by the Board, that it may be expedient to transmit copies to the Lieutenant Governor of the Province of New Brunswick, for his co-operating in representations to call the attention of His Majesty's Ministers to the adjustment of the limits necessary for preserving the public tranquillity on the borders of both Provinces.

APPENDIX, No. LX.

EXTRACTS

FROM

THE BRITISH EVIDENCE,

MADAWASKA SETTLEMENT.

*Appendix.*  
No. 60.

Extract from Mr.  
Barnell's Report.  
Br. Ev. No. 34.

This settlement derives its name from the River Madawaska, which empties itself into the River St. John, about 36 miles above the Grand Falls, and about 160 miles above Fredericton. The first settlers arrived soon after the Treaty of 1783, and the first, which was "of fifty-one several lots or plantations of land," was made to Joseph Muzzeroll, and 51 other French settlers, in the month of October, 1790, by Thomas Carleton, Esq., then Lieutenant Governor of the Province of New-Brunswick. The land granted lay at intervals between the River Verte and the Madawaska Rivers, nine miles distant from each other, and on both sides of the River St. John. The second grant was of 5,253 acres of land, lying below the River Verte, and was made to Joseph Soucier and others, by Lieutenant Governor Carleton, in August, 1794. These are the only grants ever made by the British Government within the settlement, excepting one to Limo Hibert, of 250 acres of land, opposite to and upon the River Madawaska, in May, 1825.

APPENDIX, No. LXI.

EXTRACT

FROM

BRITISH AGENT'S REPLY

BEFORE THE

COMMISSIONERS UNDER THE 4TH ARTICLE OF THE TREATY OF GHENT,

*From Appendix to the Proceedings of the Commissioners under the 5th Article.*

§ 75. The underwritten Agent also begs leave to lay before the Board, an original Letter, dated Providence, 23d October, 1798, from Robert Liston, Esquire, at that time his Majesty's Minister Plenipotentiary to the United States, whom his Majesty's Agent at that time thought it his duty to consult, before he could feel himself authorized to assent to the said proposal of the Agent of the United States at that time, to recommend to the said Commissioners under the 5th Article of the said Treaty of 1794, to alter their decision, as aforesaid, respecting the source of the said River St. Croix, which letter was addressed to, and duly received by, the said Agent of His Majesty before the same Commissioners, and is in the words and figures following, viz:

Appendix.  
No. 61.

Extract from  
British Agent's re-  
ply, before the  
Commissioners  
under the 4th art.  
of the treaty of  
Ghent.

“PROVIDENCE, 23d Oct. 1798.

“Private.

“Sir:

“I have considered with attention your letter of this day, and it appears to me evident that the adoption of the River Cheputnatecook, as a part of the Boundary between his Majesty's American Dominions and those of the United States, in preference to a line drawn from the easternmost point of the Seodiac Lakes, would be attended with considerable advantage. It would give an addition of Territory to the Province of New Brunswick, together with a greater extent of navigation on St. John's River; and above all, a larger stretch of natural frontier, calculated to prevent future difficulties and discussions between the two countries. If, therefore, by assenting to the proposal of the American Agent, you can bring about the unanimous concurrence of the Commissioners in this measure, I am of opinion that you will promote His Majesty's real interests; and I will take the earliest opportunity, with a view to your justification, of expressing these my sentiments on the subject to his Majesty's Secretary of State.

“I have the honor to be, with great truth and regard,

“Sir, your most obedient humble servant,

[Signed]

“ROB. LISTON..

“WARD CHIPMAN, Esq.”







This Map was Undertaken with the Approbation and at the Request of the Lords Commissioners for Trade and Plantations; and is chiefly composed from Draughts, Charts and current Surveys of different parts of this Majesty's Colonies and Plantations in America: Great Part of which have been lately taken by their Lordships Orders and transmitted to this Office by the Governors of the said Colonies and others.

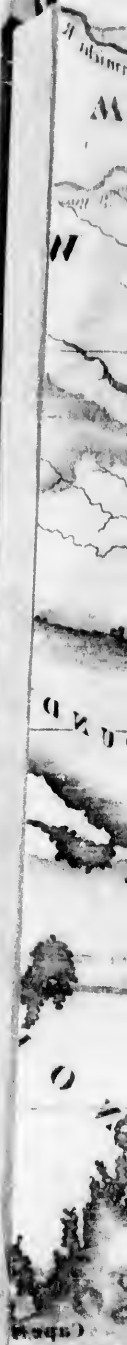
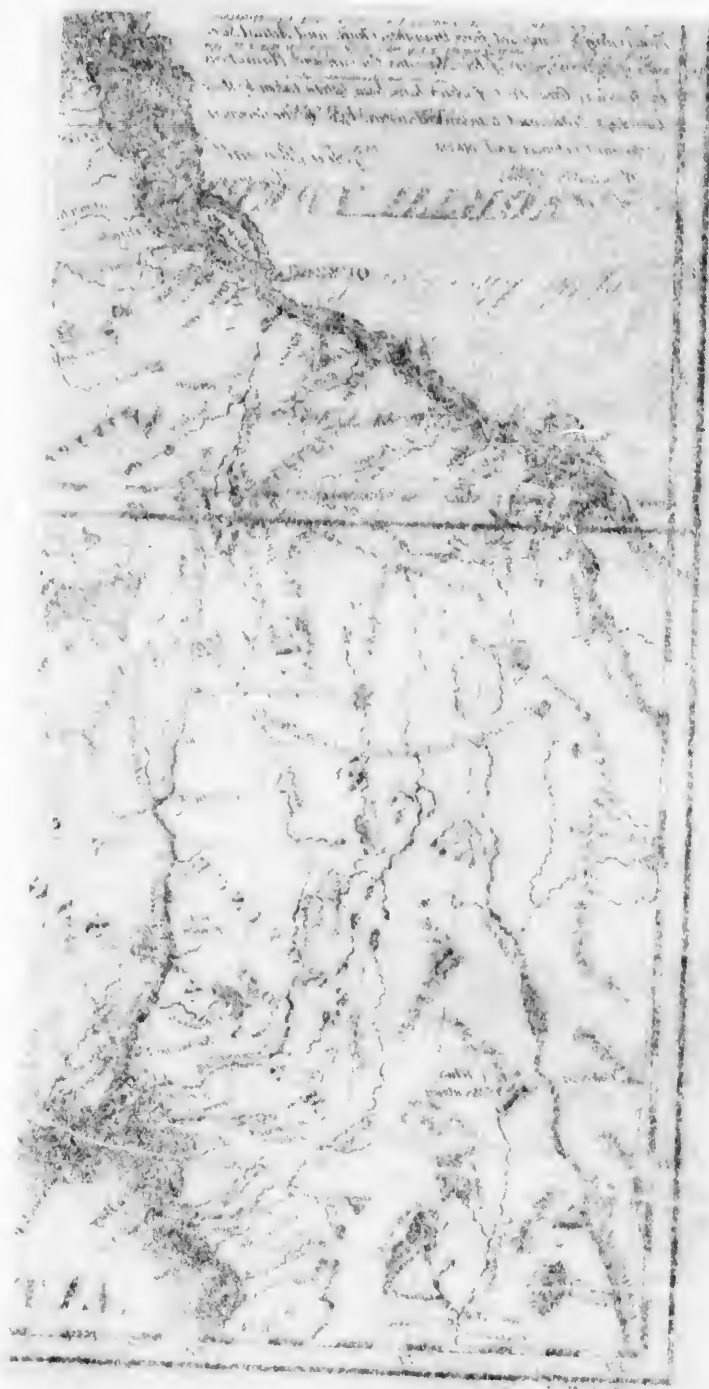
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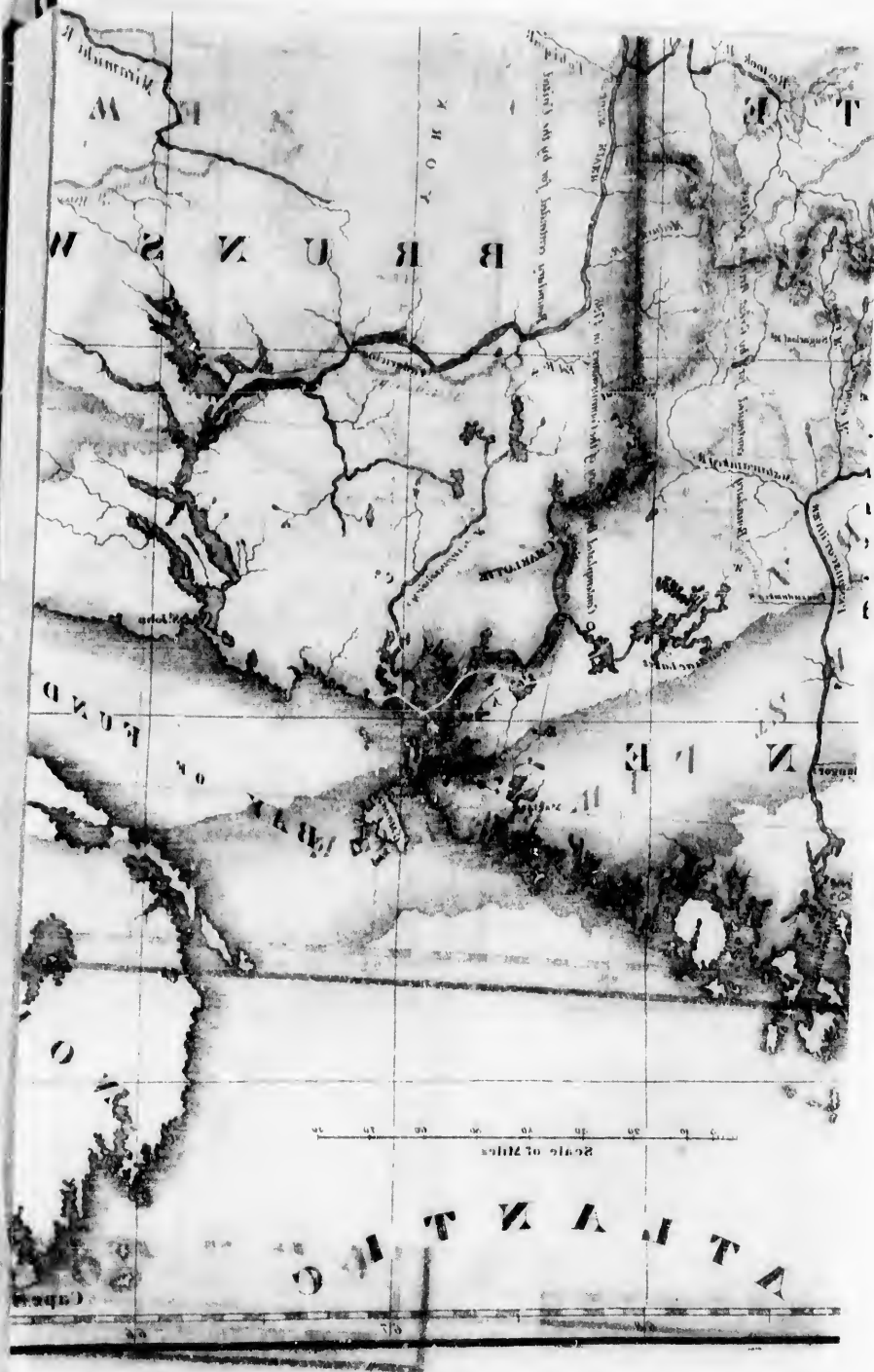
John Blunell  
 Surveyor





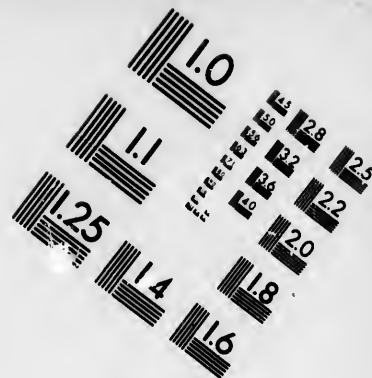
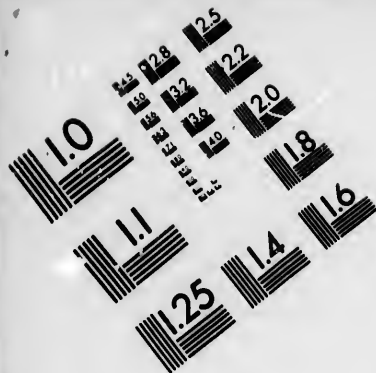




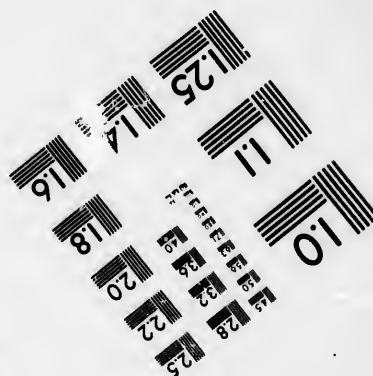
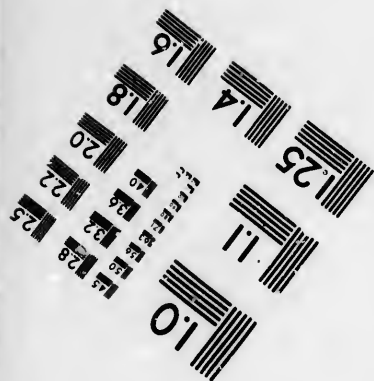
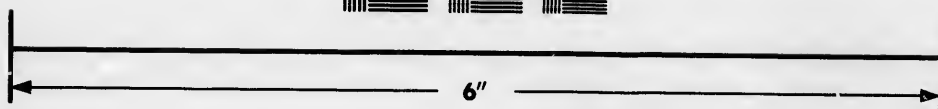
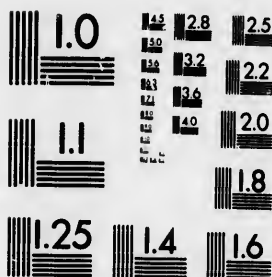








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