

1829

A Survey of the State of Maine : in reference to its geographical features, statistics and political economy : illustrated by maps

Moses Greenleaf

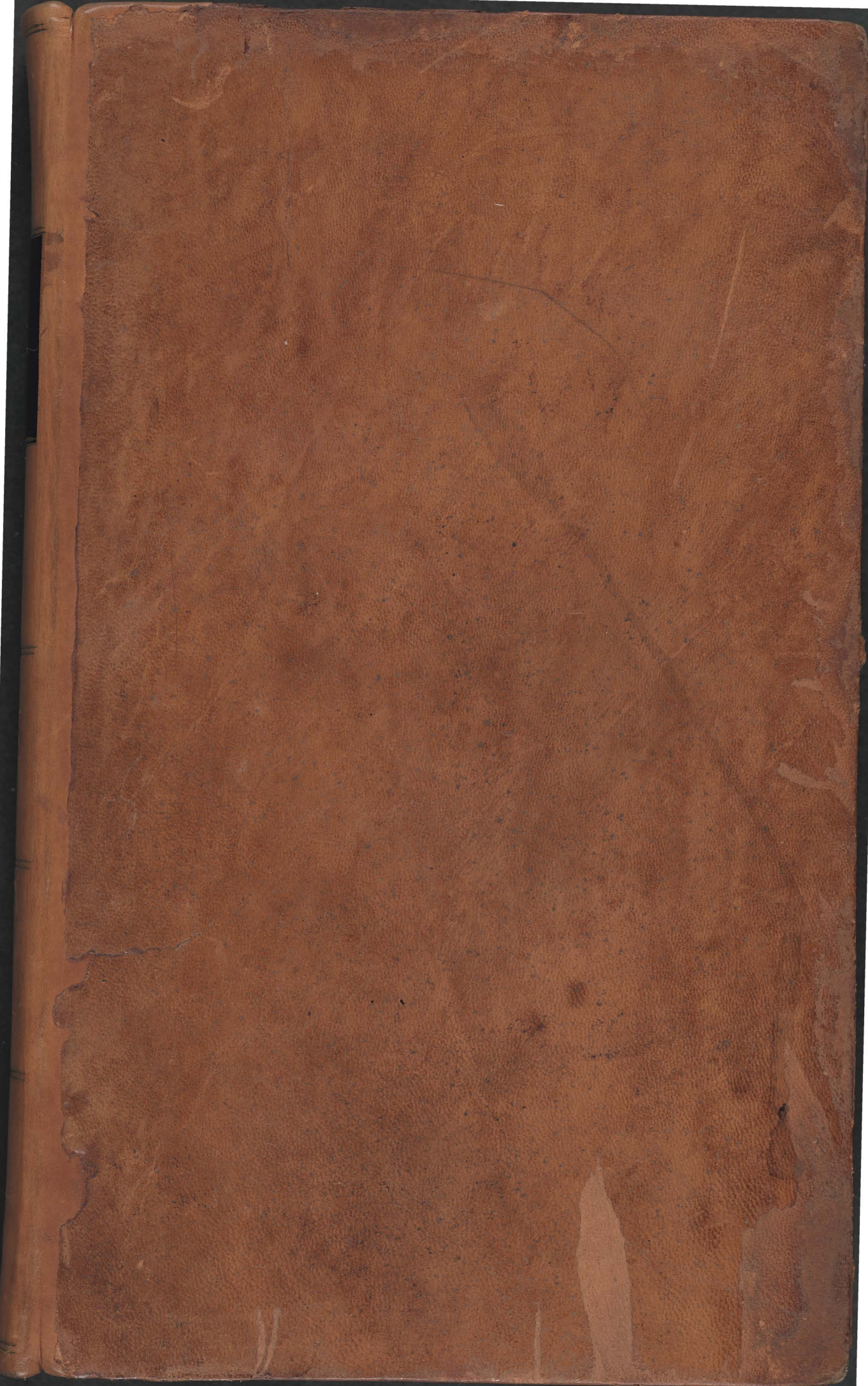
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A SURVEY

OF THE

STATE OF MAINE,

IN 1850.

GEOGRAPHICAL FEATURES.

STATISTICS AND POLITICAL HISTORY.

ILLUSTRATED BY MAPS.

BY ROBERT D. DORR.

PORTLAND:

PUBLISHED BY CHASE AND BROWN.

1850.

76
A SURVEY

OF THE

STATE OF MAINE

AS PREPARED BY THE

GEOGRAPHICAL INSTITUTE

STATISTICS AND POLITICAL ECONOMY

ILLUSTRATED BY MAPS

BY ROBERT GREENE

PORTLAND

PUBLISHED BY GIBBS AND BATES

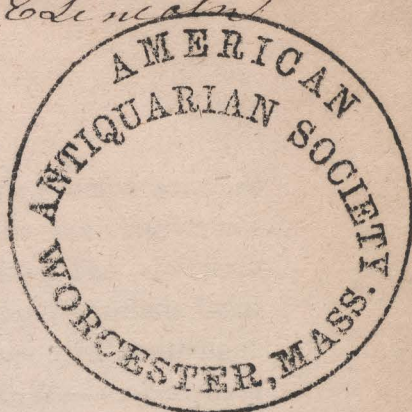
1878

*W. Lincoln
from Ed. Lincoln*

A SURVEY

OF THE

STATE OF MAINE,



IN REFERENCE TO ITS

GEOGRAPHICAL FEATURES,

STATISTICS AND POLITICAL ECONOMY;

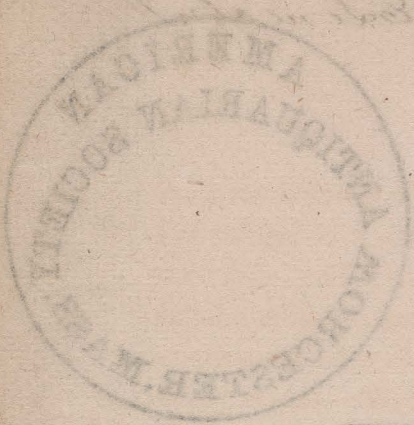
ILLUSTRATED BY MAPS,

BY MOSES GREENLEAF.

PORTLAND:

PUBLISHED BY SHIRLEY AND HYDE.

1829.



A SURVEY

OF THE

STATE OF MAINE.

DISTRICT OF MAINE, SS.

BE IT REMEMBERED, That on the twenty-ninth day of February, A. D. 1828, in the United States of America, **MOSES GREENLEAF**, Esquire, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, *to wit* :

"A survey of the State of Maine, in reference to its Geographical features, Statistics, and Political Economy, Illustrated by Maps. By **MOSES GREENLEAF**."

In conformity to the act of Congress of the United States, entitled "An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned : and also to an act, entitled "An Act supplementary to an Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned ; and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

JOHN MUSSEY, *Clerk of the District Court of Maine.*

SHIRLEY AND HYDE, PRINTERS.

PREFACE.

IN offering to the citizens of Maine a work relating to their own State, under a title so comprehensive as that prefixed to this, a hazard is incurred, either that expectations may be excited, which neither the talents of the writer nor the means at his command will enable him to satisfy ; or that a just estimate of those talents and means will repress all expectations of any thing deserving the degree of attention which the title may seem to claim.—With some it may seem questionable whether materials can be found for any satisfactory, or even tolerably accurate, account of the subjects referred to ; while with others it may be supposed that the most abundant materials are easily attainable for their exhibition and elucidation in the most perfect manner.—Anticipations founded on either of these opinions will probably fail to be realized. Materials ought to exist in the archives of the State for a detailed view of its concerns in all respects. To some extent they do exist ; but they are far from perfect in most particulars ; in some they are exceedingly limited and loose, even in cases where a sufficient degree of fulness and accuracy might reasonably have been expected ; and on some subjects are totally deficient.—Such as have been obtained from this as well as from other sources, are exhibited or referred to in the course of the work, and of their extent, and of the use which has been made of them, the public will judge.

An apology is due for many errors and imperfections, and for the entire omission of some articles which might have been expected to appear. The first of these will find an excuse in the fact that circumstances, not under the control of the writer, unavoidably delayed the preparation of the work for the press until

the time when it should have been published, and that therefore the compilation and arrangement of a considerable part of the materials, and final revision of the whole, were necessarily in hand simultaneously with the correction of the press. To those acquainted with such subjects, this will account for and excuse many errors.—With respect to the second, it was intended to devote some portion of the work to a distinct consideration of the absolute and relative wealth of the State, and its different component parts—value and importance of its lands—facilities for—kinds, extent, and expediency of, internal improvements—and its general resources; but the time when the publication must be completed was limited, and an important part of the materials for these subjects could not be obtained until after this time. It was thought better therefore to omit their introduction altogether for the present; in the hope that circumstances will permit, at a future time, a more extended notice of them, and under greater advantages for useful results, than was possible at present.

With this apology the work, such as it is, is submitted to the candor of the public.

Williamsburgh, Maine, 1829.

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SURVEY OF MAINE.

CHAPTER I.

Extent and Boundaries.

The State of Maine, extending from $43^{\circ} 5'$ to 48° north latitude, and from $66^{\circ} 49'$ to $70^{\circ} 55'$ west longitude from London, is bounded on the west by the State of New-Hampshire, from which it is separated by Piscataqua river, from the sea to the source of its main branch, a distance of about 35 miles in a direct line ; and from thence by a line running north two degrees west, about 115 miles farther, to the highlands, which in this place divide the United States from Canada.— This line was run and marked in the year 1741, by Walter Bryant, under the direction of Governor Belcher, but it appearing that Massachusetts, though equally interested with New-Hampshire, had no voice in the establishment of the line ; and that Bryant, the surveyor, had made some mistakes in running the line, and also in the place which he assumed as the true source of the river Piscataqua, from which the line was to proceed, the States of New-Hampshire and Maine have adopted measures for its revision and adjustment, which it is understood have resulted in an amicable agreement between the commissioners of the two States, appointed for that purpose ; and it now remains only to be ratified by their respective Legislatures.

On the south this State extends from Kittery point, at the entrance of Piscataqua river, to Quoddy-head at the entrance

of Passamaquoddy Bay. The distance, in a direct line, about 221 miles.

The boundaries on the east are the bay and river of Passamaquoddy and St. Croix, following the Cheputnetecook or eastern branch of the St. Croix to its utmost source,* and thence a line due north to the north-west angle of the ancient British province of Nova-Scotia, now the province of New-Brunswick.

The northern boundary is formed by the highlands which separate the waters falling into the river St. Lawrence, from those which fall into the Atlantic ocean, and extends from the north-west angle of Nova-Scotia, to the sources of Connecticut river. These boundaries on the east and north separate Maine from the British provinces of New-Brunswick (formerly Nova-Scotia) and Lower Canada; and form the frontier of the United States as far as they extend.

As no actual survey has yet taken place to define and mark these boundaries in their whole extent, it cannot be expected to determine with accuracy the precise area of the State: But surveys have been so far made, and the true situation of the points and highlands which form the boundaries are so nearly known, that it may be estimated as accurately as is necessary for all purposes of importance at present; and taking the general outline as far as it is now understood, the State may be estimated to contain about 33,223 square miles, or 21,263,000 acres.†

A large portion, however, of the territory of the State, has recently been claimed by a foreign power, which insists with great pertinacity upon a very different boundary from that here described; and as this claim is yet unsettled, and provision is

* This point was ascertained and finally settled, in the year 1797, by the commissioners of the United States and Great Britain under the treaty of 1794, and a yellow birch tree was surrounded with an iron hoop, and marked as the monument from whence the line to be run due north was to commence. In the year 1817 the surveyors of the two Governments, appointed under the 5th article of the treaty of Ghent, erected a new monument a few feet north of the former, consisting of a square cedar post with large rocks on each side; the post and rocks, marked with the date July 31, 1817, the names of the two countries and those of the surveyors, Jos. Bouchette and John Johnson.

† The elements of which this estimate is composed, will be found under the head of Grants and Sales of lands.

made for its final determination by an umpire, it may by some be thought proper that, in a work of this kind and at this time, so much of the territory as is in dispute should be the subject of a separate consideration, or perhaps be altogether omitted. But to either of these there are two objections: First the uncertainty in determining where the boundary *may* be fixed, if not in the place heretofore understood by all parties:—And second, the entire conviction that the boundary as thus understood, is described by the treaty of 1783, with a precision so nearly accurate as now to be easily traced in its general outlines by any unprejudiced observer;—that any uncertainties which may exist with respect to the position of the line of the boundary along the highlands, or any variations which may take place in its actual demarkation, must be too slight to affect materially the general form or extent of the State;—that though its final adjustment may be determined by an umpire, yet no umpire, without farther powers than are yet given, or probably will be given, will undertake to vary it essentially from the place always heretofore asserted by the American government;—and that this government is not bound by any treaty, nor any principle of good faith, and will not so far forget its dignity, and surrender its rights, as ever to submit to umpirage any question which will by possibility admit of an essential departure from that boundary.

The deep interest in the subject felt by the people of this State, and the value of the territory as it respects the resources, and even the safety, of the State, as well as its importance as a frontier to the nation at large, will at least justify, and perhaps require, an assignment of the reasons for these opinions, and some notice of the origin, extent, and merits of the British claim to a new boundary. The limits, however, and the principal design of the work, will not permit an extended detail on this subject. A summary abstract will be sufficient for general readers; and those who may feel an interest to pursue the in-

vestigation to its full length, will be able to refer to the original authorities.

That the northern boundary of Maine, at the time of the treaty of 1783, and ever before, was a part of the southern boundary of Lower Canada, and that the eastern boundary of Maine formed the western boundary of Nova-Scotia in its whole extent, are facts which have never been called in question, not even by Great Britain. On the contrary, she has always fully maintained them, until her recent pretensions seem to render it rather inexpedient.* These boundaries were defined by Great-Britain herself, while the whole country was in her own possession. As early as the year 1621, the western boundary of Nova-Scotia was fixed at the river St. Croix, and from its source by a line due north to the river St. Lawrence. This boundary, as far as to the source of the St. Croix, was definitely ascertained under the treaty of 1794. In 1691, the eastern boundary of Maine, then annexed to Massachusetts, was fixed at the western limit of Nova-Scotia. Maine and Nova-Scotia both then extended to the river St. Lawrence. In 1763, the northern limits of Maine and Nova-Scotia were both curtailed by the establishment of the province of Quebec, the boundaries of which on this side were described to run "*along the highlands which divide the waters 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, &c.*"—In the same year, in the commission to Montague Wilmot, as Governor of Nova-Scotia, this boundary was recognized also to be the northern boundary of Nova-Scotia; and the western

* Bouchette's Map of the Canadas in 1815, assigns the northern part of Maine to Canada, and the more recent maps of New Brunswick assign it to that province. The government also of New-Brunswick claims and exercises the jurisdiction over it, while the people of Lower Canada claim the same territory as a part of the county of Cornwallis in that province. How these conflicting claims between the two provinces, and the discrepancies between the maps by the official servants of the crown in each province respectively, are to be reconciled with their pretensions to the territory at all; and especially how the sanction of the government to Bouchette's map (dedicated by *special permission* to the Prince Regent) which places the north-west angle of Nova-Scotia to the northward of the river St. John, is reconcilable with the claim of New-Brunswick to the territory on the St. John westward of the line forming this angle, are questions which require some ingenuity to answer.

boundary of Nova-Scotia was recognized to be a line drawn north from the source of the St. Croix to this same southern boundary of the province of Quebec; consequently the north-west angle of Nova-Scotia was definitely fixed and known to be at the intersection of these two lines. In 1767 and again in 1771, the same boundaries of Nova-Scotia are recognized in the commissions to Campbell and Legge, successively Governors of that province. In 1774, by an Act of the British Parliament, relating to the province of Quebec, the establishment of that province by the Royal proclamation of 1763 was referred to, and its boundaries more fully described and confirmed. On the side next to Nova-Scotia and Maine, it was again stated to be "*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.*"

In the same year (1774) by another Act of the British Parliament, the river St. Croix was again stated as the boundary between Massachusetts and Nova-Scotia, and defined to be "the river which emptieth itself into Passamacadie or Passamaquoddy Bay on the western side."

During the whole time from the charter of William and Mary in 1691, to the peace of 1783, and indeed ever since, the whole territory lying between Nova-Scotia, New-Hampshire, Canada and the Atlantic, was known and acknowledged by Great-Britain and her colonies, to be an integral part of the Province of Massachusetts, and was designated as the Province or District of Maine. The whole country however, not only of Maine but also of Canada and Nova-Scotia, excepting on the sea coast and margins of navigable rivers, being a vast unoccupied forest, there was no necessity as yet, for exploring and establishing by visible artificial monuments, the *precise* line which should constitute the limits of the contiguous Provinces; and the general natural monuments, to which that line should eventually be confined, were too well defined and

known, to leave any room for an apprehension that, when the borders should become occupied, and it should be requisite to ascertain and mark the lines exactly, there could be any serious misunderstanding between the parties as to any territory of considerable extent. All which could be necessary, would be to trace the line described to run "along the highlands, and from thence to the Bay of Chaleur, and by *its north coast*," which formed the southern boundary of the Province of Quebec; and then to ascertain the source of the river St. Croix, and from thence to run and mark the line due north, until it should meet that boundary. This point of intersection must necessarily constitute the north west angle of Nova-Scotia and the northeast angle of Maine.

The source of the St. Croix being ascertained, the only practical difficulty which could arise in the demarkation of the angle, and the lines proceeding from it, results from the fact, that no range of highlands in a situation, and of an extent and elevation sufficient to divide the sources of rivers, is ever found to terminate in a mathematical point at the sea, more especially at the head of a bay; and as the general range of the highlands in question passes along the whole extent of the Bay of Chaleur, on its northern side, and nearly parallel to its north coast, and the southern boundary of the Province of Quebec is described in general terms as extending by the north coast of that bay, from the Gulf of St. Lawrence to its western extremity, and from thence by "*a line*" to the highlands, a dispute might arise as to what point constituted the "western extremity of the Bay of Chaleur," and more especially as to what course from that point the line should run to the highlands, and to what part of the highlands. A little attention however to the geographical features of the country in that vicinity, will show, that whatever might be the differences in opinion between interested parties on this subject, the result must affect chiefly the provinces of Canada and Nova-Scotia, and the different lines which might be contended for, to run from the Bay of Chaleur

to the highlands, must necessarily all unite on the highlands at so little distance within the line of the eastern boundary of Maine, that the difference in the extent or importance of the territory to be gained or lost by either party could never be worth a national quarrel, and would come within the limits of those questions which civilized nations usually determine by negotiation or umpirage, and which may always be so determined without compromising the rights, dignity or essential interests of either party. And it is absurd to suppose that any other "uncertainties or disputes," than such as might naturally arise from the question, where this line was originally intended to meet the highlands; or in other words, whether the north-west angle of Nova-Scotia was to be found at Sugar-Loaf-Hill, on the southern branch of these highlands, or at the source of Beaver river, which flows from their northern or main branch, or at some intermediate point, were in the contemplation of the American Commissioners who signed, or Government which ratified, the treaty of Ghent,* nor that that treaty was predicated upon the expectancy of any other.

The highlands in question are exceedingly well defined by nature, in their whole extent from the sources of Connecticut river northerly, dividing the waters of the Kennebeck, Penobscot, and St. John, on one hand, from those of the St. Lawrence on the other, until they arrive to the northernmost sources of the St. John, within about 20 miles of the line run due north from the source of the St. Croix. In the whole of this extent, no branch is sent off to any considerable distance eastward, or which can afford ground for a reasonable doubt as to the identity of the boundary described in the treaty of 1783, with that asserted by the United States.† At this point, viz. about 20 miles from the eastern boundary of Maine, the highlands begin to give rise to waters which flow eastward into the Bay of

* Nor could the British themselves have contemplated any other *fairly*—they had precluded that by all their former acts.

† As will appear in the sequel of this and part of the next chapter.—See plate 1.

Chaleur, through the river Ristigouche, and they here also begin to send off spurs or branches tending south-eastward, dividing the different waters of the Ristigouche from each other, and also dividing the whole waters of the Ristigouche from the contiguous branches of the St. John. The main ridge continues eastward, dividing the waters of the Ristigouche from those of the river St. Lawrence; and passing to the northward of the river Matapediac, it proceeds between the Bay of Chaleur and the river St. Lawrence, until it subsides to the shore of the Gulf of St. Lawrence near Cape Rozier. The southernmost branch of the highlands passes south-easterly, dividing the waters of the Memkeswee, Memticook, and Great Wagansis, branches of the Ristigouche, on one hand, from those of Green river, Siaugas, and Grand river, or little Wagansis, branches of the St. John, on the other, and crossing the eastern boundary of Maine at Sugar-loaf-hill,* about 20 miles north of the river St. John, it proceeds north-easterly towards the Bay of Chaleur.

Between the main ridge and this southern branch of the highlands, are lesser spurs or branches tending easterly, which divide the different waters of the Ristigouche from each other, and terminate at no great distance east of the boundary line. The whole extent, on the due north line, from the southern spur or branch, to the northern or main ridge of the highlands, is about 45 miles. From the point where the line due north from the St. Croix intersects the main ridge of highlands, the course to the western extremity of the Bay of Chaleur is due east, distance about 80 miles, and the waters which flow into this bay from the west, which are only the Ristigouche and its branches, are entirely embosomed between the main ridge and the southern branch of the highlands just described.

It must be evident therefore, to the most obtuse understanding, that though the natural construction of the line of 1763

* The elevation of this branch of the highlands is about 2450 feet above the level of the sea; and about 850 feet higher than the summit of Mars Hill; but is not so high as some of the lands farther north.—See *Bouchette's section of eastern boundary—Plate 4, No. 5, and Johnson's Report.*

would be either a due west, or a north-westerly course to the highlands, yet it is of comparatively little importance in the present case, for that any line, extending in any direction westerly from the western extremity of the Bay of Chaleur, must unavoidably meet in its course some part of these highlands; and whichever branch of the highlands it shall first meet, it must, if it follows along its course, find the point where they all unite, but about 20 miles westward of the point maintained by the United States as its extreme north-eastern boundary; AND THE DETERMINATION OF THIS LINE MUST, IN ITS CONSEQUENCES, NECESSARILY DETERMINE ALL QUESTIONS OF ANY IMPORTANCE, RESPECTING WHICH THERE WAS LEFT ANY ROOM FOR "UNCERTAINTY OR DISPUTE" IN THE TREATY OF 1783; AND MUST SUBSTANTIALLY FULFIL ALL THE INTENTIONS OF THE 5TH ARTICLE OF THE TREATY OF GHENT.

The inquiry now arises, what acts are known which afford any indications by which to ascertain the proper direction of this line, and define the northern boundary of Nova-Scotia from the western extremity of the Bay of Chaleur to the north-west angle of that Province, and north-east angle of Maine.

Taking the most natural and obvious sense of the Proclamation of 1763, on the basis of which all subsequent descriptions of this boundary are predicated, the line should proceed from the north-western extremity of the Bay of Chaleur, north-westerly to the nearest point in the main ridge of highlands; thence following the general direction of this ridge, it would intersect the line due north from the St. Croix, near the source of Beaver river, which discharges into the Lake Metis, and is the "first water falling into the great river of Canada" described in the grant of Nova-Scotia to Sir William Alexander. At this point the American government has always understood the north-west angle to be found.*

The first grant of the territory since known as Nova-Scotia,

* It is believed that facts sufficient may be shown to prove that the British government also has *in reality* understood it so, although it seems to them most convenient recently to understand it otherwise.

was made in the year 1603, by Henry 4th of France, to the Sieur De Montz. This grant was bounded on the north by the 48th degree of latitude. In all the revolutions which Nova-Scotia has since undergone, whether as to limits or sovereignty, its northern boundary has never been essentially varied from this line.

When England had succeeded France in the sovereignty of the provinces on both sides of this line, she established by the Proclamation of 1763, their respective limits near to it; bounding Nova-Scotia and Canada by the Bay of Chaleur to its western extremity, which is at, or very near to, the 48th degree of latitude; and thence by "*a line*" to the highlands, &c. The direction of this line was not expressly defined; but from the nature of the country none other could have been intended than either a due west line, or else a line in the shortest and most convenient direction to the nearest point in the highlands, the main ridge of which passes along nearly parallel to the north coast of the bay. Under the existing circumstances of the country at the time, the precise course of the line was immaterial for the present, and would continue so until the settlement and circumstances of the country should render a more specific definition necessary.

In the year 1784, immediately after the disjunction of the United States from Great-Britain, the Province of Nova-Scotia was divided into two governments, the northern part being formed into the Province of New-Brunswick. This was done by an order of the King in Council. In designating the boundaries of that part of Nova-Scotia which should constitute the Province of New-Brunswick, it is understood that the northern boundary was declared to be the Bay of Chaleur, and a line drawn due west from its western extremity to the highlands, &c. It is said also that a copy of this order in Council was produced before the Commissioners appointed to determine the true St. Croix, in 1797, but was afterwards withdrawn from the files, and is now withholden by Great-Britain. The

line drawn due west from the Bay of Chaleur will intersect the line due north from the St. Croix, exactly at or very near the place where this due north line intersects the main ridge of the highlands, viz. very nearly in latitude 48° near the source of the Beaver river, and it is perfectly immaterial whether the north line of Nova-Scotia from the western extremity of the Bay of Chaleur, is a line drawn *due west* or any other course to the main ridge of the highlands in the vicinity.

We have then, the grant to De Montz, the proclamation of 1763 in its most natural and obvious sense, and the recognition of the boundary in the order of 1784, besides a number of other acts, all agreeing substantially as to the point where the north-west angle of Nova-Scotia has been from the earliest period always understood to exist, and not a single act or pretension of any kind to call it in question, until the war of 1812 awakened in Great-Britain a hope of obtaining a new boundary between her Provinces and the United States. But we have still farther testimony.

In the discussion of 1797—8, on the settlement of the eastern boundary, it was admitted, and even contended for by the British agent, that the eastern line of Maine *must* in *any* event cross the St. John, and include the whole of that river westward of that line within the United States; and if established at the Cheputnetecook branch of the St. Croix, where it finally *was* established, *must also cross the sources of the rivers which fall into the Bay of Chaleur*; and the British minister, under a full view of all the facts and arguments on the subject, officially expressed his unqualified preference for the establishment of the boundary as then proposed and finally agreed to, for the reason that, to use his own words, it “would be attended with considerable advantage, would give an addition of territory to the Province of New-Brunswick, together with a *greater extent of navigation on St. John’s river*.” Not the *whole* of St. John’s river, but simply a greater extent of navigation on it...

This, in connection with the preceding, amounts to a complete acknowledgement on the part of Great-Britain, that the north-west angle of Nova-Scotia, and the north-east angle of Maine, is to be found to the north of the sources of the Ristigouche.*

Prior to the treaty of 1783, all the British maps of Canada and of Nova-Scotia agree in representing the line between those two provinces as on, or to the northward of, the river Ristigouche. But subsequently to the year 1798, the British maps of the Province of New-Brunswick describe it along the main southern branch of that river, intersecting the line due north from the St. Croix at the southern branch of the highlands before mentioned, near Sugar-Loaf-Hill,† and about 45 miles south of the true point claimed by the United States. It is not known however, that any such maps were published until after the commencement of the war of 1812, nor is it of consequence. It is sufficient that those of the highest authority published during and since that time‡ prove that the north line, and consequently the north-west angle of Nova-Scotia or New-Brunswick, was understood at the date of their publication, as being altogether to the northward of the St. John.

After such a combination of facts, with others not necessary here to enumerate, so clearly proving that the territory of Nova-Scotia, and by consequence that of the United States, must extend to the range of highlands which passes along to the north of all the waters of the St. John, and at least to the waters of the Bay of Chaleur; and after the strong and decided assertion and argument on the part of Great-Britain in 1798,

* That the British implicitly admitted the fact to a still later day, even to the negotiation at Ghent in 1814, (so far at least as to the northward of the St. John) will appear in the sequel.

† See Bouchette's map of Upper and Lower Canada, 1815, and Lockwood's map of New Brunswick, 1826.

‡ Bouchette, Surveyor-General of Lower Canada, and Lockwood, Assistant Surveyor-General of New-Brunswick. They both agree in fixing the line between Canada and New-Brunswick, on the Ristigouche.—Bouchette's map must necessarily have been prepared, and probably in the hands of the engraver, before the treaty of Ghent. It was finished and published in London soon after that treaty, and under the express patronage and sanction of the Prince Regent.

that, if the Cheputnetecook was taken as the true source of the St. Croix, the line must of necessity extend to the northward of the sources of the Ristigouche, and at any rate, to the northward of the St. John; it could not have been expected, that Great-Britain would have claimed that the insulated eminence of Mars-Hill, many miles southward of the St. John, was a part of the range of highlands forming the southern boundary of the Province of Quebec, and intended in the treaty of 1783, as the highlands dividing the waters which fall into the river St. Lawrence from those which fall into the Atlantic; and it does not appear that they ever entertained, certainly never divulged, such an idea, until at least after the commencement of the war of 1812.

Early in 1814, a pamphlet appeared in London, under the eye of the British ministry, stating the terms to be insisted on in the pending negociations; among which was proposed, a *variation* of the boundary, or rather a new boundary, to give to Great-Britain the whole of the territory watered by the St. John.

Pursuant therefore to the intimations contained in the pamphlet before mentioned, thus thrown out to the world, the British plenipotentiaries, at the opening of the conferences which resulted in the treaty, officially* proposed as one of the subjects suitable for discussion, "a *revision* of the boundary line, with a view to prevent uncertainty and dispute." In the progress of the negotiation, they stated their object to be, to obtain a *cession* of so much of Maine as should give them a direct communication between Quebec and Halifax; which must necessarily include the greater part of the country watered by the St. John and its branches. In their explanation of this proposition, they refer it to the American plenipotentiaries themselves to "*de-*

* It has been stated, on what is considered as high authority, that they also at some period of the conferences, proposed *unofficially*, that the navigation of the river St. John, in its whole length, should be free to both parties, and that Great-Britain should be secured in the right to carry her mails between Canada and New-Brunswick, through the American territory; which the American plenipotentiaries very promptly rejected, except to allow the passage of mails as a matter of courtesy, not of right. This does not appear however on the public records of the negotiation, and therefore is not properly to be used in the present argument.

mand an equivalent for such cession, either in frontier or otherwise." This proposition was met, by the American plenipotentiaries, with a prompt and decided negative, on the ground that the territory which the British required for their accommodation, was not a subject of "uncertainty and dispute," and therefore was not embraced in the qualified proposition for a settlement of the boundary; and that they would subscribe to no stipulation which should *have effect to cede any part of it*, for any equivalent whatever. With this proposition for cession of the country on the St. John thus utterly rejected; and this assertion uncontradicted, that there was no uncertainty in relation to it, but that it was within the acknowledged limits of the United States; and this declaration that the United States would not, for any equivalent whatever, agree to *any* stipulation which should *have effect* to cede any part of the territory to Great-Britain, the parties proceeded to the conclusion of the treaty.

The 5th article of this treaty provides that, "Whereas neither that point of the highlands lying due north of 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 No-

* The treaty of peace in 1783, was not a cession of new territory for the formation of new States; but was a recognition of certain provinces whose territorial limits, at least so far as relates to the question now at issue, were well understood; and an acknowledgment of them, according to their pre-existing boundaries, as sovereign and independent States. The words of that treaty embracing the present subject, are these:

"Article 1. His Britannic Majesty acknowledges the said United States, to wit: New-Hampshire, Massachusetts, (&c.) to be free, sovereign and independent States; and 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: to wit,

"Article 2. 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 the St. Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river." [The article then proceeds to describe the northern, western and southern limits of the United States, and returns to the eastern.] "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."

Comparing the expressions of this treaty with the facts stated in the text, we see a distinct admission and description of pre-existing boundaries, which it is evident were understood by the British themselves, always before this, and for at least 15 years afterwards, to extend; and in 1798 they even claimed and argued upon the fact, that they did and *must necessarily* extend, to a point to the northward, not only of the St. John, but of all the sources of the Ristigouche. Thus proving incontestibly, that from the first designation of *any* boundaries on this part of the American Continent, to a period sometime after the year 1798, and it may be asserted, even *after the treaty of Ghent*, the British, as well as the Americans, understood the north-west angle of Nova-Scotia and north-east angle of the United States, as existing at or very near the 48th degree of Latitude, on the main ridge of the highlands which form the southern barrier of the river St. Lawrence.

va-Scotia, nor the north-westernmost head of Connecticut river, have 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 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," &c. [The article then proceeds to provide for the appointment of Commissioners to ascertain, survey and determine the boundary; and in case of their disagreement, or either of them refusing to act, then to refer the subject to some friendly sovereign or state for a final decision of the question.]

It is incredible that the British government, at the conclusion of this treaty, supposed the American government to believe, or even themselves believed, its legitimate practical effect to extend farther than to ascertain the precise point of the highlands of the *Ristigouche*, at which the true north-west angle of Nova-Scotia was to be found, and survey and mark the line from the source of the St. Croix to that angle, and from thence north of the St. John, along the highlands to Connecticut river.

In August, 1815, a topographical account, with a splendid Map of Lower Canada, and another Map of Upper and Lower Canada, by Joseph Bouchette, Surveyor General of the former province, was published in London, under the patronage, and dedicated by special permission, to his Royal Highness the Prince Regent, now His Majesty George the Fourth.

In his topographical description Col. Bouchette says, "From the high banks opposite the city (Quebec) the land rises in a gradual ascent for a distance of probably ten leagues towards

the first range of mountains ; pursuing a northeasterly course this chain ends upon the river in the neighborhood of the river Du Loup"....."Beyond this range, at about 50 miles distance,* is the ridge generally denominated the Lands Height, dividing the waters that fall into the St. Lawrence from those taking a direction toward 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 Connecticut river, takes a north-easterly course, and terminates near Cape Rozier, in the Gulf of St. Lawrence." He then proceeds, in another place, "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 St. Lawrence from those flowing into the Atlantic Ocean;† and which height, after running some distance upon that course, *sends off a branch to the eastward, that separates the heads of the streams falling into Lake Temiscouata 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

* He is here speaking of the distance from Quebec. This ridge as it proceeds north-easterly approaches to within 10 or 12 miles of the river St. Lawrence. It is so high as to be visible from the highlands lying to the north-west of Quebec to the distance of 100 miles ; yet the British surveyors under the treaty of Ghent, afterwards attempt to prove that this ridge does not in fact exist.

† Thus far Col. Bouchette is substantially correct, but no farther.

‡ These descriptions and assumptions, in italics, do not agree exactly with the facts. Col. Bouchette was doubtless well acquainted with the existence of the "Lands Height," or "main ridge," for to this ridge the country on the Canada side had long before been surveyed, and he admits without hesitation that the line due north from the St. Croix would intersect this main ridge, evidently to the north of the present British pretensions. His authority in this respect is undoubted. But beyond, or to the southward of the "main ridge," he evidently was at fault. His imaginary "branch to the eastward," might as well and with as much geographical propriety have been made to terminate at Merry-meeting Bay, on the west side of the Kennebec, or at Frankfort on the Penobscot, or various other places, as at Mars Hill or in that direction ; and this with his confusion of waters falling into the St. John, evidently on the southern side of that river, with those falling into Lake Temiscouata on the northern side, sufficiently manifest his ignorance of, or gross misinformation with respect to, the true features of the territory on the side of Maine.

The true situation of the highland ranges will appear in Plate 1, their comparative elevations in Plate 4.

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, namely, 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.*"*

In illustration of the descriptions, and support of the arguments above quoted, Col. Bouchette has delineated on one of his maps, a range of highlands branching from the "main ridge" near the sources of the Penobscot and Chaudiere, and thence passing eastward to Mars-Hill; with a subordinate branch near its eastern extremity, extending still farther south, to the source of the river St. Croix. He has also delineated another branch, leaving the "main ridge" a little to the northward of the former, and passing along nearly parallel to that, and between the Aroostook and St. John, intersects the astronomical north line, 20 or 30 miles to the north of Mars Hill. On each of these imaginary ranges of highlands, he has traced a line as a boundary from the main ridge eastward, to the line which runs due north from the St. Croix. This due north line he then prolongs across the St. John to the southern Branch of the Ristigouche, along which he traces the northern boundary of New-Brunswick to the Bay of Chaleur.† Thus making the north-west angle of New-Brunswick or Nova-Scotia far to the north of Mars-Hill, and even of the river St. John.

These descriptions and map of Bouchette, seem to have given rise to the hope on the part of Great-Britain, that a range of highlands might be found, which should afford them an argu-

* See preceding notes.

† See plate 2.

ment on which to sustain a claim to a different boundary from that heretofore understood, even by themselves, as established by the treaty of 1783, and give them not only a right of passage, but the sovereignty of the whole territory on the waters of the St. John.

Pursuant to the provisions of the treaty, commissioners and surveyors were appointed on both sides. The surveyors on the part of Great-Britain, were Col. Bouchette, Mr. Odell, Mr. Campbell, and others. On the part of the United States, were Col. Johnson, Capt. Partridge, Mr. Loring, and others. The country was explored and surveys, more or less general, were made of its principal features during the years 1817, 1818, 1819, and 1820; the surveyors on both sides proceeding in conjunction, but each party making their surveys, maps and reports separately.

Animated by the idea suggested by Bouchette, the British agents directed all their operations to establish, if possible, the existence of his imaginary range south of the St. John, or of some other in its stead; and to prove that the north-west angle of Nova-Scotia intended by the treaty of 1783, was, not a point at the western termination of its northern boundary, but a point in its western side, distant 60 to 100 miles farther south. They even went farther, and attempted to prove that the range of highlands referred to in all former treaties and acts, and described by Bouchette himself, as "the Land's Height," or "main north-easterly ridge," extending all along the course of the St. Lawrence, from Connecticut river to Cape Rozier, did not exist.

These surveys, though numerous and extensive, were far from perfect.* The reports and maps of the opposite parties

* It is worthy of remark here, that in the whole course of the surveys, conducted both by the American and British surveyors for four years, neither the well known range of highlands forming the boundary of 1783, as always before understood, nor the pretended range claimed by the British have been surveyed, nor any line explored in the direction of either of them. The American boundary was generally known, and was visited at each extremity, and at several intermediate stations; but the British claim rests only upon views necessarily deceptive, being taken only from the two extremities of their pretended range, and from one point near the center, viz. Mount Katahdin, the report from which, even of their own surveyor, in some respects contradicts his own testimony, and in others is contradicted by all other testimony.

are in some instances contradictory to each other, and some of those of the British, inconsistent with themselves. Other accounts however, derived from authentic sources, with a careful comparison of facts stated at different times, and with different views, by some of the surveyors, and their assistants, together with the information afforded by the accounts and Maps in which both parties agree, are sufficient to ascertain the general features of the country in all particulars of importance to the present question, and to establish a result very different from that aimed at in the reports and Maps of the British surveyors.

The substance of the American reports, and also of the British, so far as they are not known to be erroneous, will be found embodied in the general description of the surface of the country in the next chapter; and it is not necessary to advert to them in this place any farther than to notice some of the leading features of a part of the reports and Maps of the British surveyors.

It will be proper, in considering these reports and Maps, to bear in mind the circumstances that any tract of elevated or hilly country of considerable extent, when viewed at a distance, always appears to the eye of a spectator who is placed on an equal or less elevation, to constitute a range, the direction of which subtends, more or less obliquely, his angle of vision; and when, from a more elevated station, the spectator views a succession of hills nearly in his direct line of vision, however detached from each other they may be in reality, yet from his point of view, they may naturally enough appear to him as a continued range, receding indefinitely from his sight, or ending abruptly upon some point which intercepts his farther view: And when successive ranges of highlands nearly parallel, though actually detached and distant from each other, are viewed in a line oblique to their general direction, especially if viewed from less elevated ground, they appear to form but one range, subtending the angle of vision, and transverse to their true direction: And when one is placed in an elevated country, partak-

ing of, or approximating to, the character of a table-land, having no prominent peaks of much greater elevation, nor valleys of much greater depression, than its general level within his immediate vision, that country appears to him comparatively low, its real altitude is not perceptible by him, and is only to be observed distinctly when it can be viewed at a distance, in connection with a lower country.

Col. Bouchette exhibits a Map, from barometrical observations, of the line due north from the sources of the St. Croix, 100 miles, to the southern branch of the Ristigouche. This Map shows that the general surface of the country increases in elevation the whole distance, so that the summit of Mars Hill is very far below the summits of most of the ridges to the northward of it, and is lower than even the bed of the Ristigouche. From the south branch of the Ristigouche, the due north line was explored by Messrs. Johnson and Odell to the "main ridge" described by Bouchette as before quoted, viz. to the north-west angle of Nova-Scotia as claimed by the United States; and to Beaver river, the first water descending to the river St. Lawrence. Their reports agree in substance that this part of the country is at least as high, and Johnson states some part of it to be higher, than any part of that on the line as far as it was explored and exhibited by Bouchette,* in his vertical Map. This Map, and these reports, so far as they bear upon or illustrate the subject at all, tend altogether to support the American ground.

Mr. Odell reports a chain of highlands extending directly from Mars Hill to Mount Katahdin, of which he exhibits a Map,† and also a view of the same in profile, as seen from a point just without the boundary, near Houlton. Mr. Odell's observations were made from this place and from the summit of Mars Hill and Katahdin, stations 70 miles apart, and from neither of which is it possible to perceive the true directions,

* See plate 4—No. 5.

† See plate 3.

and the connecting bases of the intermediate ranges of highlands, if highlands they may be called. His representations also are contradicted in the most positive and unequivocal terms, by the reports of Col. Johnson and Capt. Partridge, and also by the concurrent accounts of all the surveyors employed by Maine and Massachusetts in dividing the whole of that section of the country into townships of six miles square; and by many others who have explored it. The truth being that this part of the country is but very moderately hilly, and the direction of the ranges in general lying nearly north and south, Mr. Odell's Map and profile therefore must be considered as a mere *deceptio visus*, such as might naturally result from the peculiar conformation of the country, and the points of view from which his observations are made, unless corrected by farther observations from other points; which it is evident would not comport with the object intended.

Mr. Campbell reports, as seen from Katahdin, "a chain of mountains and ridges extending towards the St. John in the neighborhood of Mars Hill, which chain appears to split or fork at the distance of about 30 miles from Katahdin, one range taking a course towards Mars Hill, and the other running nearly parallel to the Ristook* river. This ridge or chain of mountains and hills appears connected with a very high mountain at the source of the Ristook,† which lies N. 15° E. distant 15 miles. In a south-western direction the chain continues as far as the eye can reach, by ridges and mountains, first towards the Spencer Mountains, which lie south 80° west, distant about 25 miles, and then more northerly to very high lands, supposed to be those dividing the Kennebeck waters from those of the Chaudiere, which are to be plainly seen extending in a direction nearly N. 50° E. and S. 50° W. *In every other quarter the land is comparatively low, except one long blue*

* Aroostook.

† This seems to differ from Mr. Odell, who makes his range to connect with Katahdin or pass to the S. E. of it. The cause of the discrepancy between them may be worth an inquiry.

ridge in a N. W. direction, extending N. E. and S. W. distant about 30 miles,* and some detached hills said by the Indians to be at the sources of Union and Narraguagus rivers."

"From the highlands in Dixmont, near the 15 mile tree, had a clear view of Katahdin, bearing N. 13° E. A very high ridge of mountains apparently extending from the south-west extremity of it, in a south-western direction; the distance from Katahdin to this station must be nearly 80 miles."

He also, from a station on the main ridge, between the sources of the Kennebeck and the Chaudiere, describes "Katahdin bearing S. 80 degrees E. distant about 60 miles,† and a number of mountains and ridges extending towards it;‡ also a high broken ridge of mountains extending from the N. E. side of the Great Bald Mountain, and then stretching southerly towards the Spencer Mountains and Katahdin.§ This said Bald Mountain ridge is here about 8 or 9 miles distant from the one we are on, and divides the Penobscot waters from those of the Kennebeck. It is the same seen by me from Katahdin last fall, and described in the second page of my report."||

Mr. Campbell appears to have traced the main ridge of highlands from the road between the Kennebeck and Chaudiere, to the highlands near the sources of the north-west branch of the Penobscot and south-west branch of the St. John, which are very near each other, issuing from the same swamp, with scarcely a perceptible elevation of the land between them; being near the summit level of the main ridge, and about 2000 feet above the level of the sea. Beyond this point, in the direction of the

* This ridge is that called by some the Quacumgamooksis, or Kalkogumook hills, distant more than 50 miles from Katahdin. It extends from the sources of the Penobscot north-easterly, between the waters of the Walloostook or main St. John, and the Allagash, to their junction, dividing the waters of those two branches of the St. John from each other.

| In fact about 70 miles.

† What number, and from whence? when on the top of Katahdin itself he could see but one.

§ Reports from better points of view, and even his own report from Katahdin disagree with this.

|| Before quoted.

main ridge, he says, "some smaller detached hills lie N. to N. W. 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, but the land continued low."* He then describes mountains and ridges lying eastward of the sources of the Penobscot and St. John; but his descriptions are not easily intelligible, and so far as they are so, are irreconcilable with the reports of those who had better opportunities of ascertaining their real situation, and even with his own reports in other places.

From these distant, and of course imperfect and deceptive views, Mr. Campbell has constructed a Map, exhibiting connected ranges of mountains from the sources of the Kennebeck to Mars-Hill. These imaginary ranges, with that of Mr. Odell, and the apparent range reported by Mr. Campbell as seen from Dixmont, are shown in plate 3, a comparison of which, with plate 1, which exhibits the true situation of the mountain and highland ranges, will best show the errors of the partial and imperfect Maps and reports of the British surveyors.

Mr. Campbell's view from Katahdin eastward, stretched from summit to summit, across ridges distinct and detached from each other, the connecting range of whose bases passes in a direction transverse to his line of vision, and from his position must have been concealed from view. His report of the view westward seems extremely imperfect. He first discovers a ridge extending south 80° west to the Spencer Mountains, distant 25 miles. This ridge then must stretch across the broad and deep valley of the Penobscot which lay at his feet, and

* His elevation here must have been more than 1000 feet above the level of the surrounding country, to have seen land at such a distance from it on the same level. Col. Bouchette, who must be supposed much better informed than Mr. Campbell as to this region, has delineated on his Maps of Canada before mentioned, a strongly marked range of mountains in this place, which he denominates the "north-easterly ridge, or Height of Land." He describes it also as such in his topographical account of Lower Canada. The discrepancy between the two, is to be explained by the fact, that this "main ridge" in this part of it, spreads out on the east and south-east into a broad elevated table-land; that Mr. Campbell was now near its summit level, and that its elevated and mountainous character is exhibited in this quarter only on the side next to the St. Lawrence. A comparison of Capt. Partridge's survey, with the other reports and accounts, will show that its immediate base, that is, the level of the waters which flow from it, must be from 1500 to 2000 feet above the level of the sea.—(See plate 4—No. 1 and 3.)

which the accounts of those who are familiarly acquainted with it say is traversed by no such ridge. In every other quarter, except the few points before quoted, he says the land is comparatively low ; yet from Dixmont, he reports " a very high ridge of mountains apparently extending from the south-west extremity of Katahdin in a south-western direction." These are the Ebeeme mountains which lie about 15 miles south-east of the Spencer Mountains, and about 25 miles nearly south from, and in full view of Katahdin, with nothing but the valley of the Penobscot to intercept the vision ; and they are wholly unconnected with any other mountains or ranges of highlands. From Dixmont these mountains and other detached hills and mountains, scattered irregularly over the face of the country to Mount Abraham and Mount Bigelow, 20 miles west of the Kennebeck, are distinctly visible, and from their distance and the local position of the point of view, may appear to an unpractised eye as a continued range, though they are in fact entirely unconnected and distant from each other. It seems somewhat surprising, not that Mr. Campbell should, from Dixmont, from which they are distant 55 to 60 miles, see the Ebeeme mountains *apparently* connected with Katahdin, which lies behind them ; but that he should *not* see them, in a fine clear day, from Katahdin, from which they are in full view, and distant but about 20 to 25 miles.

From the Spencer mountains, Mr. Campbell continues his range of mountains and highlands round the head of Moose-Head Lake, and along the south bank of the west branch of the Penobscot to the Bald Mountain ridge. The next year he surveyed this branch of the Penobscot from its source to the Lake Chesuncook. In making this survey, it does not appear that he saw any such ranges of highlands, though he passed for more than 40 miles close to their supposed base. The truth is, that from the immediate vicinity of the Spencer Mountains to that of Bald Mountain ridge, for a distance of nearly 30 miles, there is no such ridge as he describes, nor any ridge or

range of highlands deserving the name ; but in their stead is the valley of the Kennebeck and the Penobscot, which here unite, with elevation barely sufficient to confine the waters of Moose-Head Lake and Penobscot west branch within their respective beds.

Mr. Campbell also reports, that in a north-west direction from Katahdin, the land is comparatively low, except one long blue ridge, distant, as he supposes, about 30 miles ; but which in reality is distant more than 50 miles, and forms the dividing line between the waters of the Walloostook or main St. John on one side, and those of the Allagash, and some of the north-western branches of the Penobscot on the other. To this description the reports of all the other surveyors, British and American, agree, and it appears that there are no considerable highlands of any description between the Lakes of the Allagash and the west branch of the Penobscot in one direction, and the Aroostook Mountains, and the long blue ridge above mentioned, in the other : Yet, from a station on the "main ridge," 25 or 30 miles westward of this "long blue ridge," Mr. Campbell fancied he could discover, at the distance of 30 to 40 miles, a ridge stretching south-easterly *towards* the Spencer Mountains and Katahdin. From this distant and uncertain view he has constructed another range of mountains, passing for more than 30 miles across the country before described by himself as comparatively low, and agreed on all hands to be a level low country, the ridge of which, dividing the waters of the St. John and Penobscot, is elevated but 52* feet above the level of Cheruncook Lake.

Dr. Tiarks, astronomer and surveyor on the part of Great Britain, reports that the ground directly between the waters which flow into the St. Lawrence, and those which flow into the St. John, near the north-eastern boundary, is not elevated, but almost a perfect dead level ; and that the highlands in this vicinity run in directions transverse to the supposed direction

*Loring's Report.

of the main ridge, and parallel to the small streams issuing from it; and hence he labors to establish the inference that there is no such range of highlands as are referred to in the treaty of 1783, and described by Bouchette in 1815 as the "Land's Height"—"North-easterly ridge or Height of Land." It is to be observed however, that the same peculiarity of conformation is found in the highlands between the sources of the Connecticut and the St. Francis, and those of the Kennebeck and Chaudiere, where the existence of this ridge is fully admitted on both sides; and in general it is the case, in greater or less degree, between the sources of all rivers running in opposite directions in any part of the country between the Atlantic and St. Lawrence; and the argument applies with especial and increased force, to the pretended range from Mars-Hill. A comparison of Bouchette's vertical survey of the eastern boundary with Johnson and Odell's continuation, Johnson's observations on the elevation of the northern boundary, and Partridge's vertical survey of the portage road from the St. Lawrence to Lake Temiscouata, show that the country here noted by Dr. Tiarks, is an elevated hilly country; in fact more elevated in general than any other part between this and the Atlantic.*

All the surveys of the northern or main ridge northward of the sources of the Chaudiere and Kennebeck, excepting the vertical survey of the portage from the St. Lawrence to Lake Temiscouata,† were conducted only from the St. John, which

* Compare plate 4, No. 1, 2, 5 and 8.

† It should be observed, that the results given by Capt. Partridge's barometrical survey from the St. Lawrence, to St. John and down that river to the mouth of the De Chute, appear when compared with the observations of Col. Johnson, and the deductions naturally to be drawn from the survey of the eastern boundary, to be several hundred feet too low for the general height of the range. That this is the case may also be inferred from the fact that he states the elevation of the surface of the St. John at the mouth of the De Chute to be only 15 feet above the level of the sea; which, as this is about 90 miles from the head of the tide at Fredericton, would make the average declivity of the river to be but two inches per mile. A declivity not sufficient to overcome the specific gravity of the water so far as to prevent it from becoming perfectly stagnant. Now it is well known that the current of the St. John from this place to Fredericton, though in general smooth, yet is strong, and in some places quite rapid. Col. Johnson's observations at and below Madawaska, where the current is, to say the least, quite as gentle as it is below the De Chute, make the declivity of the river to be 3 feet per mile; and from a comparison of such observations as have been made, which afford any tolerable indications of the general declivity of the river, it appears

flows for a great distance, in an elevated canal* along the rear of this ridge, and nearly parallel to its general direction. The reports of the surveys between the sources of the Chaudiere, and those of the rivers Ouelle and St. Francois represent the ridge comparatively as but moderately elevated above the waters of the St. John. They are however evidently limited in their descriptions, and from the direction and circumstances in which they were made, they necessarily exhibit but a very imperfect and inaccurate view of the true distinctive features of the ridge. The inferences attempted to be deduced from them are, that from the north-western sources of the Penobscot northward and eastward, it is in general a low country, which from its configuration and supposed moderate elevation cannot be the range of highlands intended by the treaty of 1783 as the boundary. A careful comparison however of the whole of the reports and maps exhibited in the case, destroys this inference, and establishes a fact of some importance which seems to have escaped the notice of all parties, viz. that the base, or connecting points of the highlands of this northern range, that is, the vallies or swamps from which the waters flow in opposite directions to the St. John and St. Lawrence respectively, and by which the true mean elevation of the ridge should be estimated, is from 700 to 1000 feet higher than the corresponding points of the pretended Mars Hill range, and in general even higher than the very summit of Mars Hill itself.†

that, from its source to the Grand falls, cannot be less than 5 feet per mile; and as far as can be judged from the accounts of those who have ascended the river in boats, it appears that the resistance of the current below the Grand falls is quite as great as that above; the inference therefore is that the declivity is as great. If this be correct the elevation of the mouth of the De Chute must be about 450 feet above the level of the tide, which is 435 higher than is given in Capt. Partridge's survey, and affords inferences agreeing pretty nearly with those to be deduced from the surveys of Bouchette and Johnson. And even if the estimated declivity of the river be only two and a half feet per mile, which would create but a very moderate current, still it proves the point intended, viz. that the results of Capt. Partridge's barometrical observations, fall considerably short of the true elevation particularly at this place, and by inference at others. It may be observed also that this survey does not profess to give the elevation of the highest points of the land, nor that of the sources of the rivers, but only that of the several points along the road, which undoubtedly was made on that which was thought to be the most level and practicable ground.

The skill and science of Capt. Partridge are too well known to admit the assignment of this error, if it be one, to any other cause than the imperfection of instruments, and the known uncertainties attending barometrical operations, especially in circumstances like those of this survey.

* See plate 4—No. 1 and 3.

† See plate 4—No. 1 and 2.

The foregoing is but a brief outline of the statements and representations of the British surveyors ; but it is believed to contain the substance of the whole as far as is of any importance in the present question, and that it is a fair summary of the evidence on which that Government rests its pretensions to a new boundary.

The commissioners under the 5th Article of the treaty of Ghent, having differed in opinion, a Convention was concluded in September 1827, providing for the reference of the subject to an umpire, and for the mode of proceeding, and the evidence to be adduced in the case ; and the question now remains to be settled under that Convention, pursuant to the treaties.

* * * * *

If, on any pretence, the principle on which the issue is to be decided, can be transferred from the narrow and definite ground of the true north-west angle of Nova-Scotia, as it was understood at and prior to the treaty of 1783, and the subject thrown open for the introduction of other principles ; then a *new* "uncertainty" is created, which did not exist at the formation of the treaty of Ghent, and if new uncertainties may be created and brought within the purview of that treaty, then no reason appears why the umpire may not decide upon and allow the British claims, to any extent to which they may, or might have chosen to, advance them. If the treaty requires us to submit to arbitration any point respecting which the acts and admissions of the parties were before agreed, and which therefore were *not* the subjects of "uncertainty and dispute," then constructions must be admitted which tend to subvert the foundations of public faith, and the umpire may, if he pleases, form a new north-west angle of Nova-Scotia in one of its sides, or projecting from the southward into its centre, and may establish a new boundary to the United States to the southward of the St. John, and even to the south and west of the Penobscot or the Kennebeck :—

But—the northern boundary of Nova-Scotia being, beyond

all dispute, somewhere to the north of the St. John ;—It being admitted, and even contended for by Great Britain, in the year 1798, that the eastern boundary of the United States, running due north from the St. Croix, *must* pass the St. John, and in a certain case, which has since been agreed upon, the Ristigouche also ;—The treaty of Ghent recognizing the principle of that of 1783, as the basis of its provisions with respect to this boundary ; and being predicated, as far as relates to this subject, on the principle only of preventing uncertainty and dispute ; and on the uncontradicted declaration on one part, and repeated admission on the other, that the territory on the St. John was clearly within the United States, and therefore was *not* a subject of “uncertainty and dispute ;” and the Convention of September 1827, recognizing Mitchell’s Map, (which extends the boundary beyond the St. John) as that by which the treaty of 1783 was formed ; it is evident beyond the possibility of a reasonable doubt, that the submission to an umpire, provided for in the treaty of Ghent, was intended to submit no farther question of importance, than that resulting from the definition of the true northern boundary of Nova-Scotia, from the western extremity of the Bay of Chaleur, to its north-west angle ; or in other words, on what precise point of the highlands *of the Ristigouche* that north-west angle is to be found :—But, any question whether that angle shall be found at Mars-Hill ; or whether the northern boundary of Maine shall be drawn any where to the southward of the northernmost sources of the St. John, is utterly excluded.

CHAPTER II.

Face of the Country.

The various configurations of mountains, plains, hills and vallies, lakes and streams, which diversify the face of a country,