

## GREAT BRITAIN : OCTOBER 25, 1798

*Declaration of the Commissioners under Article 5 of the Jay Treaty (Document 16), signed at Providence October 25, 1798. Original in English.*

By Thomas Barclay, David Howell and Egbert Benson—Commissioners appointed in pursuance of the fifth article of the Treaty of Amity Commerce and Navigation between His Britannic Majesty and The United States of America finally to decide the Question “What River was truly intended under the name of The River *Saint Croix* mentioned in the Treaty of Peace between His Majesty and The United States, and forming a part of the Boundary therein described.

## 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 hath 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 herein after 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 *Passamaquaddy 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 it's 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 *Chiputnaticook* or *Chibnitcook*, as the same may be variously spelt, then up the said Stream so coming from the northward to it's source, which is at a Stake near a yellow-Birch Tree hooped with Iron, and marked ST and IH 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<sup>1</sup> 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 it's said Mouth, and the Letter L being at it's 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 said Map north five degrees and about fifteen minutes west by the magnet, 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.

Witness

ED WINSLOW.

*Secretary to the Commissioners.*

EGB<sup>t</sup> BENSON [Seal] DAVID HOWELL [Seal] THO BARCLAY [Seal]

#### NOTES

The original declaration is in the archives of the Department of State; the original map signed by the Commissioners and the original declaration are sewn together.

The text of the declaration here printed is from the original, which is written on a single sheet of parchment about 27 inches wide by 18 inches long. While the declaration is not in the Statutes at Large and is not included in the Treaty Series, it was printed in American State Papers, Foreign Relations, VI, 921-22; but neither there nor in any other publication which has been examined, is the text of the declaration printed with entire accuracy. In particular it is to be said that the declaration begins with the words "By Thomas Barclay" and has no preceding words of description and no opening heading; the Indian name "Chibnitcook" is very clearly so spelled in the original; and the signatures of the Commissioners and their seals run across the foot of the declaration, with the signature of their secretary above. The Journal of the Commissioners is in the archives

<sup>1</sup> As to the original map, see the notes following the text of the declaration.

of the Department of State; and the text of the declaration is almost, but not quite, literally copied therein at pages 152-55.

It appears that the original declaration and map were in duplicate only, for the concluding entry in the Journal of the Commissioners, following the text of the declaration and preceding the certificate of the secretary, recites that only two copies of the map annexed to the declaration had been made, and orders "That the Secretary have another Copy made, and that he certify it and file it with the other proceedings of this Board." Perhaps that copy of the map was made, but it is not in the archives of the Department of State.

For a full account of the proceedings of the Commissioners which resulted in this declaration, see Moore, *International Adjudications*, Modern Series, I and II.

#### THE MAP

The original map measures 61½ by 70½ inches.

The map has on it this notation, referring to the Metawamkeg (now "Mattawamkeag") River: "This river runs to the South west and is said to discharge into the Penobscot—vide John Harris's letter of the 30<sup>th</sup> March 1798." The letter mentioned has not been found. John Harris was the surveyor on the part of the British Government, who, under the authority of the Commissioners, made, with Samuel Titcomb, surveyor on the part of the United States, the survey of the Chiputnaticook or Chibnitcook, the north branch of the Scoodic or Saint Croix River. The Mattawamkeag does flow into the Penobscot.

#### PRESENT OFFICIAL MAPS

That portion of the existing boundary between the United States and Canada which is formed by the Saint Croix River, from its source to its mouth, is shown by the present maps of the International Boundary Commission entitled "International Boundary from the Source of the St. Croix River to the Atlantic Ocean," Sheets Nos. 1 to 15 (No. 13 has not yet been published); they are signed (on April 3, 1924, Nos. 1 to 6; on May 30, 1924, Nos. 7 to 9; on October 30, 1924, Nos. 10 to 12; and on July 21, 1925, Nos. 14 and 15) by the Commissioners of the United States and of His Britannic Majesty appointed pursuant to Articles 1 and 2 of the treaty of April 11, 1908.

The other three maps of the same series, Nos. 16 to 18 (signed on July 21, 1925, Nos. 16 and 17; and on January 16, 1928, No. 18), show the remaining boundary, continuing to the Atlantic Ocean.

Originals of the maps of the International Boundary Commission are in the archives of the Department of State; copies are obtainable from the office of the International Boundary Commission in Washington.