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Establishing Boundary Lines in the United States.

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Outline.

- I. Treaty of 1783.
- II. Treaty of 1795.
- III. Points of Controversy.  
Treaty of 1818, etc.
- IV. Treaty of 1846.
- V. Purchase of Louisiana 1803.
- VI. Treaty of 1819.
- VII. Annexation of Texas 1845.
- VIII. Treaty of 1848.
- IX. Gadsden Purchase 1853.

References.

- Treaties and Conventions 1776-1887, published in 1889.  
House Documents Vol. 60, 58th Cong. 2d. sess. 1903-4.  
History, narrative and critical of America, Vol. VII. by  
Justin Winsor.  
U. S. Geological Survey Bulletins Vol. 2, Bul. 13.  
Encyclopedia of Political Science, Political Economy and  
U. S. History by Lalor, Vol. I. (annexation).

In the Provisional Treaty made with Great Britain Nov. 30, 1782, the limits of the United States were first definitely laid down. Article 2 of this Treaty defines the boundary between the United States and the British possessions the same as the definite Treaty of Sept. 3, 1783, which is as follows:- "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 said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost 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 Cataraquy; 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 Phelepeaux, 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 northwestern 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."

The southern boundary or the boundary between United States and the Spanish possessions was re-affirmed by a Treaty with Spain, Oct. 27, 1795, in the following terms. "The southern boundary of the United States which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Aplachicola, or Catahouche, thence along the middle thereof to its junction with the Flint; thence straight to the head of St.Mary's River, and thence down the

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middle thereof to the Atlantic Ocean." (see map No.1)

Beginning at the time of the Conclusion of Peace in 1783 there was much dispute in interpreting the terms of the Treaty in regard to the northern boundary line and it was the subject of a series of treaties, commissions, and surveys.

One of the points of uncertainty was whether the Mississippi River extended far enough north to be intersected by a line drawn due west from the Lake of the Woods in the manner mentioned in the treaty. This matter was not settled, however, until Oct. 20", 1818, when the boundary line was extended westward along the 49th parallel to the Rocky Mountains. The terms of this treaty are as follows:- "It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with said parallel, shall be the line of demarkation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States and the southern boundary of the territories of His Britannic Majesty from the Lake of the Woods to the Stony Mountains." (see map No.2.)

Another point of controversy was what river was truly intended under the name of the river St.Croix. The commissioners, who had been previously appointed decided on the 25th of October, 1798, "the river called Schoodiac and the northern branch thereof (called Cheputnaticook) to be the true river St.Croix, and that its source was at the northernmost head-spring of the northern branch aforesaid. A

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monument was erected at that spot under the direction of the commissioners."

The treaty of Dec. 24", 1814, Treaty of Ghent, made provision for three other Boards of Commissioners to make a final adjustment of boundaries described in the treaty of 1783.

One of these Boards disposed of the title to several islands in the Bay of Passamaquoddy, which is a part of the Bay of Fundy, and the Island of Grand Menan in the said Bay of Fundy. More, Dudley, and Frederick Islands were awarded to the United States and the Island of Grand Menan, to Great Britian.

Another of these Boards was to settle the boundary from the source of the river St.Croix northward to the highland which divides those waters that empty themselves into the river St.Lawrence from those which fall into the Atlantic Ocean, thence along said highland to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude, thence due west on said latitude until it strikes the river Iroquois or Cataraguay (St.Lawrence). These commissioners disagreed and therefore gave separate reports to their Governments (as provided by said treaty - Treaty of Ghent), stating the points on which they differed and the grounds upon which their respective opinions had been formed. In 1829 the King of the Netherlands was selected as an Arbiter, but United States did not accept his decision, presumably, because it had not the power to change the boundary of a state without the consent of the state, and the state of Maine refused to give her consent at this time. (the award of the King of the Netherlands may be found on page 16 of House Doc. Vol. 16, No.4686 P.D.) An agreement was reached, however, in regard to this Northeastern boundary, which, the consent of the state of Maine having been obtained, was embodied in



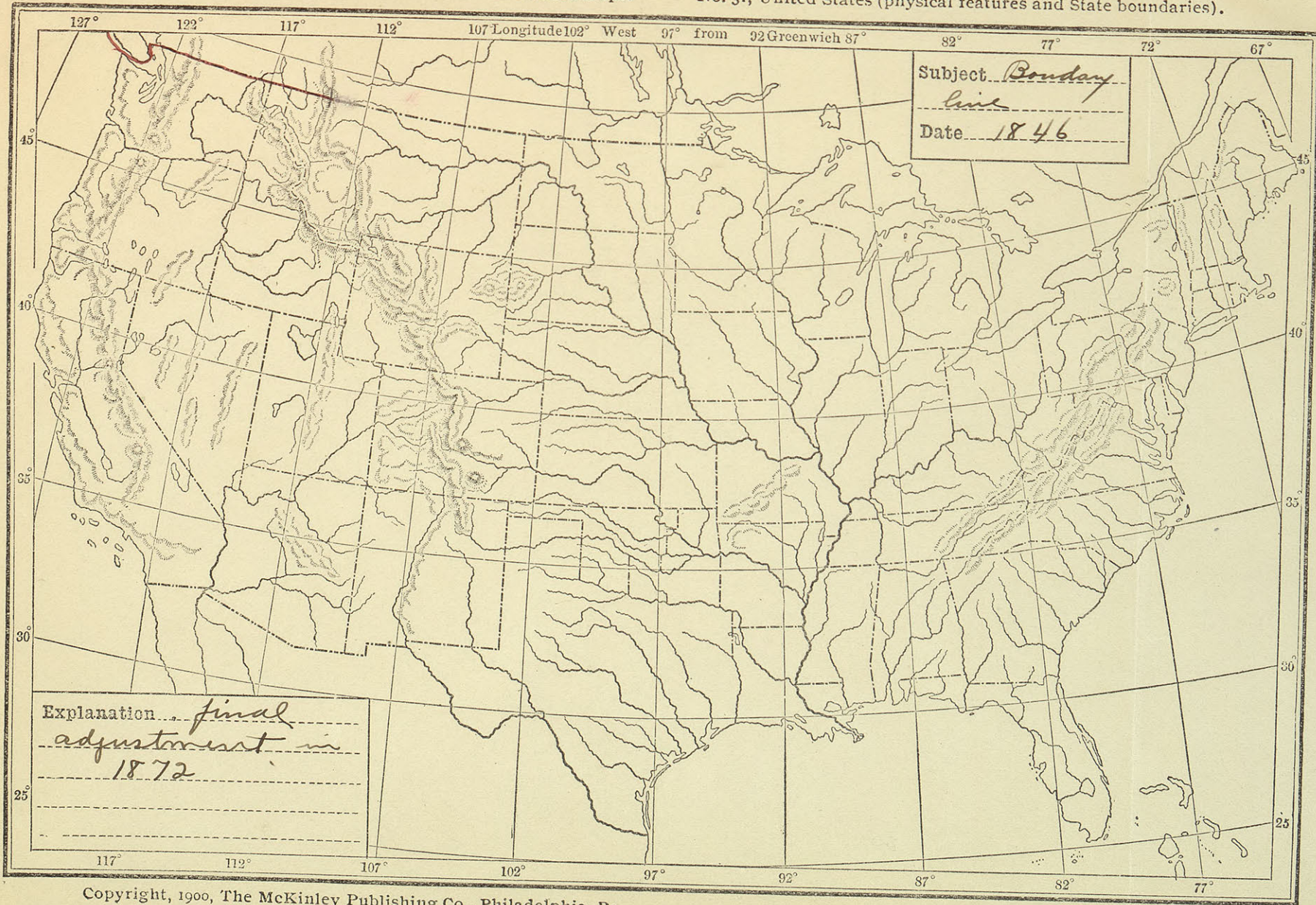
the treaty concluded Aug. 9", 1842. (It is too lengthy to quote here but may be found on pages 433 and 434 of Treaties and Conventions 1776-1887, also on page 17 of House Docs. Vol. 60, No.4686 P.D.)

The text of the Report of the third of these Boards of Commissioners which had under consideration that portion of the northern boundary between the point where the forty-fifth parallel of north latitude strikes the St. Lawrence and the point where the boundary reaches Lake Superior, is also too lengthy to be quoted here but may be found in House Doc. Vol. 60, No.4686 P.D. and on page 407 of Treaties and Conventions 1776-1887.

Between 1843 and 1846 there was considerable negotiation regarding the boundary west of the Rocky Mountains, resulting finally in the treaty of 1842, which defines the boundary as far west as the straits of Juan de Fuca. The following is that part of the Treaty which defines the boundary, "From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britian terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean; Provided, however, that the navigation of the whole of the said channel and straits south of the forty-ninth parallel of north latitude remain free and open to both parties."

There was some dispute about the islands and passages in the straits of Georgia. The English claiming that the boundary should properly run through the Rosario Strait, the most eastern passage, while United States claimed that it should naturally follow the Strait

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of Haro. The matter was referred to the Emperor of Germany, who decided it in favor of the United States Oct. 21", 1872. (see map No.3.) Thus finally disposing of the northern boundary. For a more minute description and verification reference may be made to pages 496 and 497 in Treaties and Conventions 1776-1887.

In 1803 when the vast Territory of Louisiana was purchased the extent of the purchase was very indefinite. This territory was originally claimed by France. In 1712 Antoine de Crozat was given the exclusive right to the trade of this region, and as far as I can find this grant makes the first and only statement of the limits of this region as France understood them. The following is a portion of the grant. "We have these presents signed with our hand, authorized, and do authorize the said Sieur Crozat to carry on exclusively the trade in all the territories by us possessed and bounded by New Mexico and by those of the English in Carolina, all the establishments, ports, harbors, rivers, and especially the port and harbor of Douphin Island, formerly called Massacre Island, the river St.Louis, formerly called the Mississippi, from the seashore to the Illinois, together with the river St.Philip, formerly called the Missouries River and the St. Jerome, formerly called the Wabash (the Ohio), with all the countries, territories, lakes in the land, and the rivers emptying directly or indirectly into that part of the river St.Louis. All the said territories, countries, rivers, streams, and islands we will to be and remain comprised under the name of the Government of Louisiana. Which shall be dependent on the General Government of New France and remain subordinate to it, and we will, moreover, that all the Territories which we possess on this side of the Illinois be united, as far as need be, to the General Government of New France and form a part thereof, reserving to ourself, nevertheless, to increase, if we judge

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proper, the extent of the government of the said country of Louisiana"

From this it may be seen that France thought of the area as comprising the drainage basin of the Mississippi including that of the Illinois and all of its branches which enter below this point; and the Missouri, but not including the Spanish possessions in the southwest or the area now comprising Washington, Oregon, and Idaho.

The grant was surrendered in 1717 and on Nov. 3", 1762, France ceded this region to Spain, defining it simply as the province of Louisiana. In 1763 the area of Louisiana was reduced to that west of the Mississippi by a Treaty of Peace between Great Britian, France, and Spain which gave to Great Britian a western boundary in the center of the Mississippi River.

Great Britian right away subdivided her part of this territory into East Florida and West Florida. The area south of the meridian through the mouth of the Yazoo River and west of Apalachicola River was West Florida and East Florida was the part east of this and south of the present north boundary of Florida.

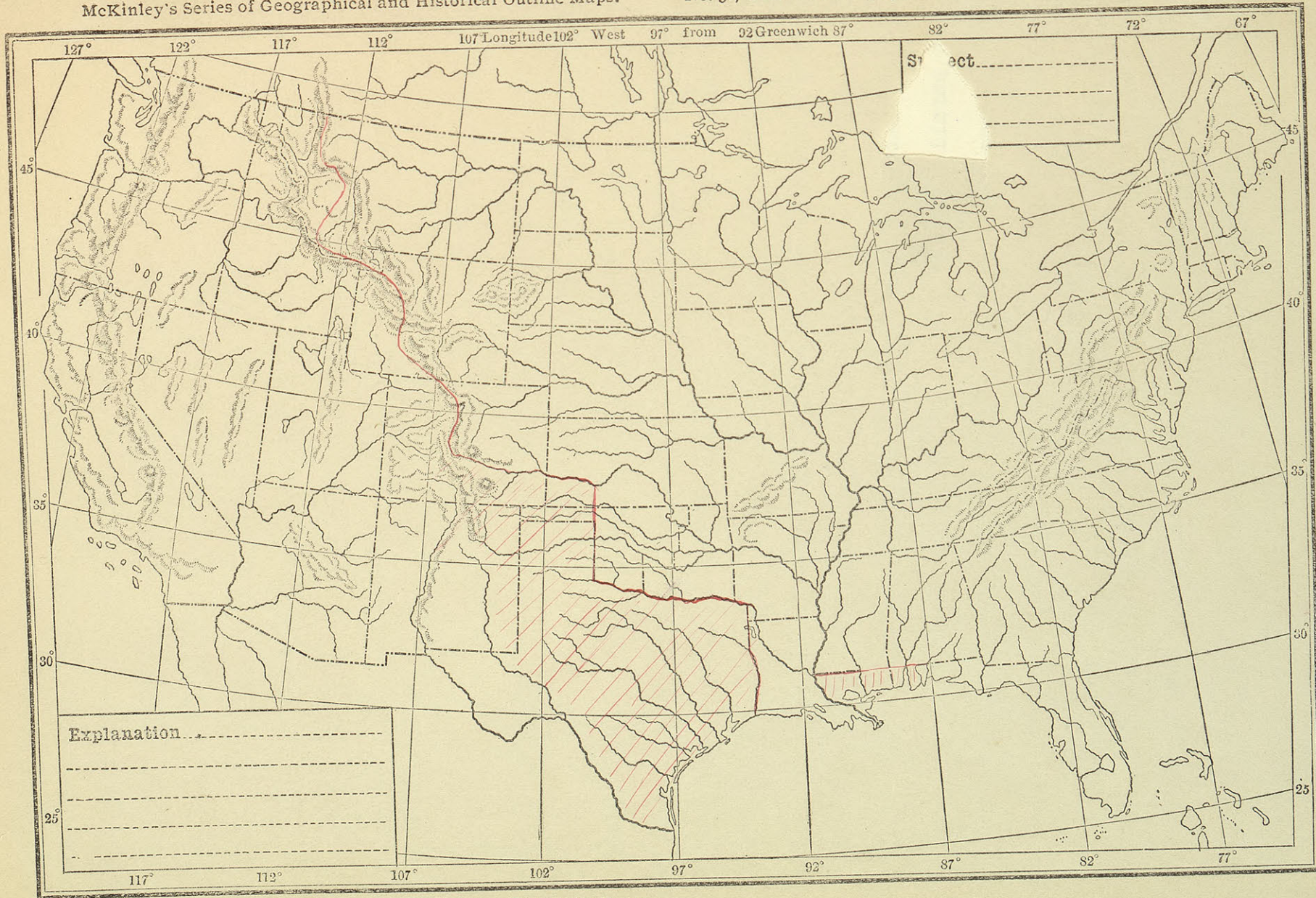
In 1783 at the close of the war Great Britian ceded to the United States that portion of West Florida which is north of the 31st parallel ( see Treaty of 1783 in first part of this paper). In the same year the rest of West Florida and all of East Florida were ceded to Spain and remained as Spanish possessions until United States bought Florida in 1819.

By the treaty of San Ildefonso signed Oct. 1", 1800, we find that Spain pledged herself to return to France the "Province of Louisiana, with the same extent it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the Treaties subsequently entered into between Spain and other States". The Treaty of Cession dated April 30", 1803 describes the territory as

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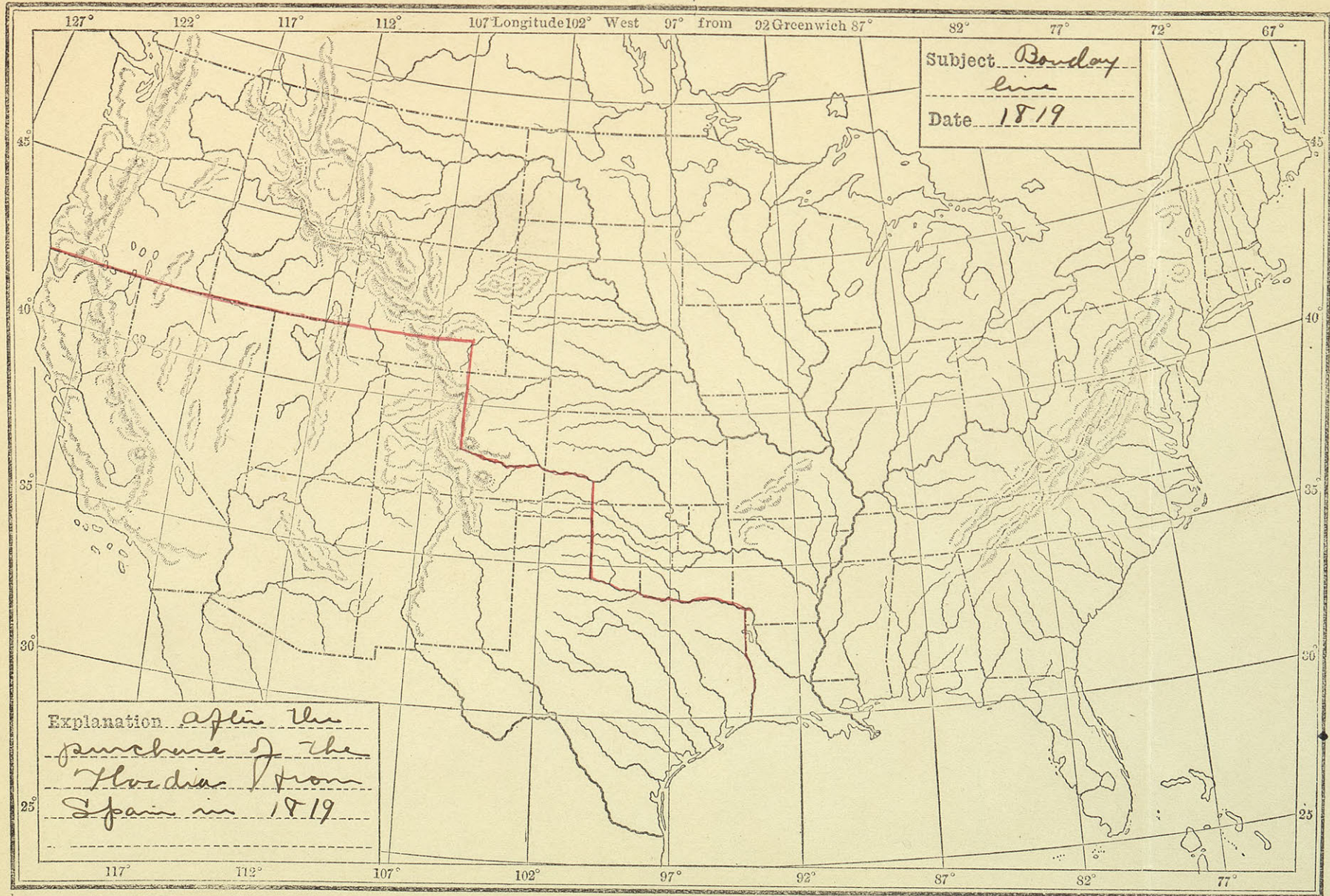
being the same as that ceded by Spain to France by the treaty of San Ildefonso in 1800. A part of it reads:- "The said territory, with all its rights and appurtences, as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty." It, therefore, seems that the Territory sold to United States comprised that part of the drainage basin of the Mississippi which lies west of the course of the river. While Washington, Oregon, and Idaho were not a part of this purchase, they fell into the hands of the United States partly as a result of it. (see map No.4.)

Our next increase of Territory consisted in the Floridas. The purchase was made by Treaty dated Feb. 22", 1819. After 1803, the area bounded by the Mississippi and Iberville Rivers on the west, The Perdido on the east, the parallel of 31° on the north, and the Gulf on the south was in dispute between the two countries. United States claimed that it was a part of Louisiana "as France owned it" before 1762; in 1800 Spain receded Louisiana to France, and, therefore, West Florida belonged to France and was bought as a part of the Louisiana purchase. Spain on the other hand held that she gave back to France what France had given to her in 1762, and that in 1762 she did not own it and therefore could not have receded it to France. Marbois, the French plenepotentiary, stated that West Florida formed no part of the Louisiana purchase, and that the southeastern boundary of the purchase was the river Iberville and Lakes Maurepas and Pontchartrain. This statement was made in his work on Louisiana in 1823. This unsettled condition lasted until the conflicting claims were settled by the purchase of Florida in 1819.

Article II of this treaty reads:- "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida, the adjacent islands

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Explanation. After the  
 purchase of the  
 Florida from  
 Spain in 1819

Subject. *Boundary*  
*line*  
 Date. *1819*

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dependent upon said province, etc.

Article III reads:- The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the thirty-second degree of latitude, thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then following the course of the Rio Roxo to the degree of longitude 100 west from London, or about 23° west of Washington; then crossing the said Rio Roxo and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source in latitude 42 north; and thence by that parallel of latitude to the south sea, the whole being as laid down in Melesh's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence along the said parallel to the South Sea, all the islands in the Sabine and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the water, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas throughout to the extent of the said boundary on their respective banks shall be common to the respective inhabitants of both nations."

(see map No. 5.)

The annexation of Texas added an area of about 376,133 square miles to the United States, but since there was no treaty or agreement in regard to it with Mexico, neither at this time nor previous, there was no definite boundary line established. Mexico claimed the

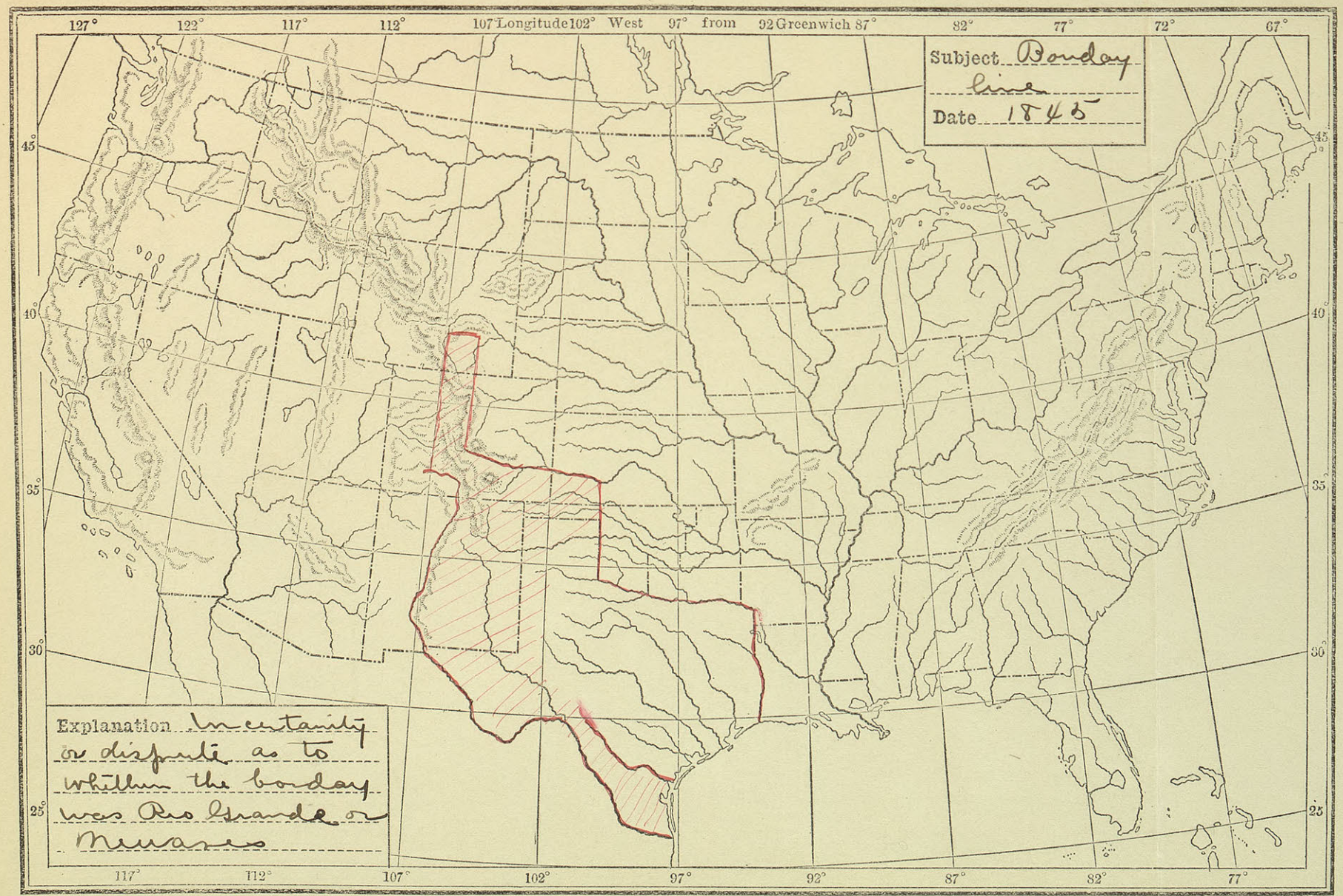
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Neuases River as the boundary on the west and south west, while it was understood by the United States to be that which Texas claimed it to be, that of the Rio Grande River. Texas defined it thus:- "Geginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land to the mouth of the Rio Grande, thence up the principal stream of that river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between Spain and United States to the beginning." (see map No.6).

The dispute resulted in the Mexican War. At the close of this war in 1848 a further addition was made to our territory and boundary definitely located. The clause defining the boundary line reads as follows:- "The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called the Rio Braro del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying into the sea; from thence up the middle of that river, following the deepest channel where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the western line of New Mexico until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

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The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled Map of the United Mexican States as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition, Published at New York in 1847, by J. Disturnell; of which map a copy is added to the Treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pautoja, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners Sutil and Mexicana, of which plan a copy is hereunto added, signed, and sealed by the respective plenipotentiaries." (see map No.7).

The interpretation of this treaty caused much difficulty. The extent and location of the south boundary of New Mexico was the most important question for decision and although a joint commission was formed no decision was accepted. Negotiations lasted until the whole matter was settled by the Gadsden purchase Dec. 30", 1853.

The purchase consisted of a strip of land lying south of the Gila River in New Mexico and Arizona. The boundaries thus established are as follows:- "The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established according to the fifth article of the

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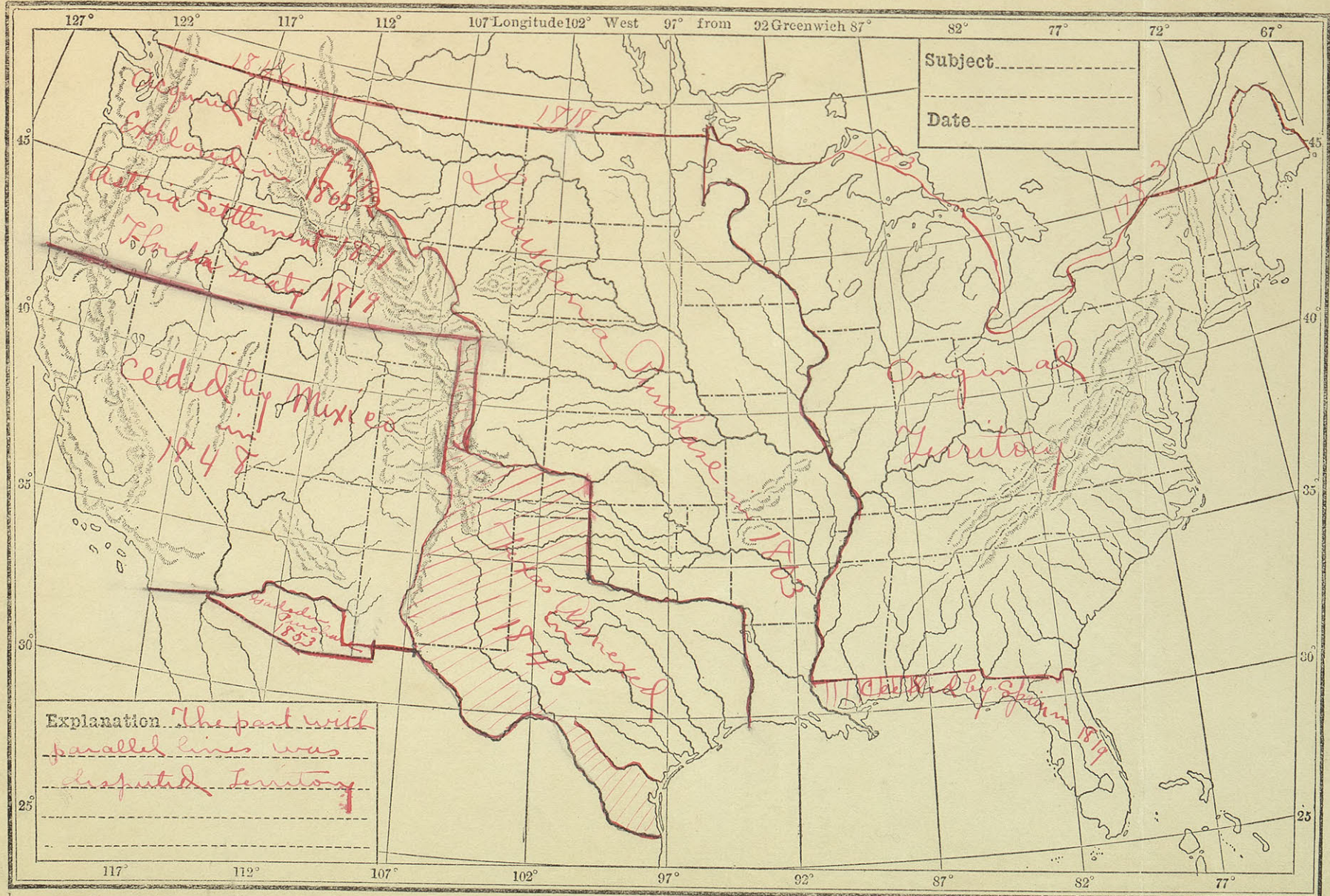
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treaty of Guadalupe - Hidalgo, the limits between the two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe - Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47' north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20' north latitude; thence along the said parallel of 31° 20' to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico." (see map No.8).

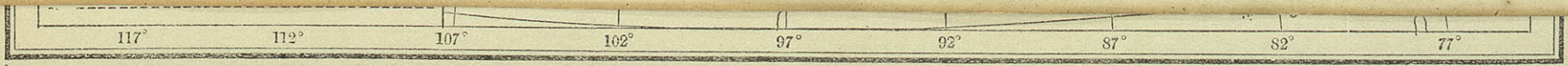
A Commission was appointed for surveying and marking this line but a number of years later it was found to be insufficiently marked and a second Commission was appointed in 1891. This commission, after recovering as far as possible, the old monuments and line, rerun and marked more fully and durably the part wherein there was doubt.

We have thus endeavored to give in as concise a way as possible, a collection of the portions of the various treaties which established the boundary of the United States beginning with the treaty with Great Britian in 1783 and ending with the Gadsden purchase in 1853.

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