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The Blazed Trail of Vermont's Northern Boundary

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THE village of Derby Line is the Vermont portion of a community lying astride the boundary between Vermont and the Province of Quebec. The house where I was born lies less than a quarter mile south of the border.

To me as a child and to the other children of the village the iron post set in the curb of the wooden plank sidewalk which marked the spot where Main Street ran into Canadian territory was an object of interest and curiosity, as much in those days because it separated Rock Island, P. Q. from Derby Line as because it separated Canada from the United States; you came to the iron post just south of the Tomifobia River and before entering the covered bridge over that stream. I can remember having some thought that the legend over the bridge; "Walk or Pay Three Dollars," had something to do with the fact that at that point you were leaving Derby Line to enter a foreign village. The Tomifobia runs more or less from East to West and I can remember also an early impression that the River constituted the boundary. Later, however, in an early geography class we learned that the boundary was the 45° of North latitude and for many years I believed this to be the truth.

Not long ago, looking at some large-scale U. S. Geological Survey maps of this area, I noticed with surprise that the 45° of North latitude appeared to be entirely in Vermont; that the boundary is not an absolutely straight line but one which wavers slightly, located from one-quarter to three-quarters of a mile north of the 45th parallel; and that most of Derby Line (including our own house), although shown as being in Vermont, is north of this parallel. I began to wonder whether statements which I had made from time to time for voting or passport purposes that I was a native-born American citizen might not be

open to some question. Therefore, being of a legal bent, I investigated the manner in which the boundary at this point had been determined.

It is well known that the territory of the State of Vermont was in early colonial days a part of the Province of New York. This province, originally created by grants from Charles II to his brother, the Duke of York (1664 and 1674), had in the early colonial period no clear-cut northern boundary; its territory ran from the head of the Connecticut River to the east side of Delaware Bay. In 1737 a report to the Lieutenant Governor of New York stated, "I know of no Regulation for Determining the Boundaries between New York and Canada. Its probable each will endeavor to extend themselves as far as they can. . . ."*

In 1763, after the Treaty of Paris, whereby as a result of the Seven Years' War, France surrendered Canada to Great Britain, a Royal Proclamation declared the 45th degree of North latitude "to be" the boundary between the Provinces of New York and Quebec. In 1767 Sir Henry Moore, Lieutenant Governor of New York and Sir Guy Carlton, Governor of the Province of Quebec, fixed the place of latitude 45° "by actual observation" near the north end of Lake Champlain.

This was the period during which New York was commencing to have real difficulties with the "New Hampshire Grants." These difficulties, however, did not involve the northern part of what is now Vermont, since the earliest settlements in the boundary area were made substantially later. Therefore, the dispute between the inhabitants of Vermont and the New York Provincial Government did not interfere with arrangements made by Sir Henry Moore and Governor Carlton for a survey party to be sent out in 1771 to mark the 45° of North latitude from the Connecticut River area westward until that line intersects the St. Lawrence in western New York.

This survey was carried out by Messrs. Valentine and Collins in the years 1771–1774 in the dense forest which covered nearly all the area involved. The line was marked by blazes on the trees. It does not appear that the survey was officially authorized by the British Government or accepted by the interested provinces, as it is stated in the Treaty of Peace between the United States and Great Britain at Ghent in 1814 that the line "has not yet been

*(IV) Doc. Hist. N. Y. p. 178

surveyed." However, as will be seen, retroactively the survey of Messrs. Valentine and Collins became official.

The treaty of peace of 1783 following the American Revolution made no change in the northern boundary of Vermont (eastern New York, according to the government at Albany). It was restated to be the 45° of North latitude. Between the time of the American Revolution and the close of the 18th century Vermont pioneers moved northward. About 1796 the first tree was felled on the Canadian side of the Tomifobia (then called the Barlow River), and the first bridge over the River was erected in 1802. Presumably all along the Vermont-Quebec boundary the inhabitants had fairly precise ideas as to where the boundary as represented by the Valentine-Collins line ran. Indeed, it may be safely assumed that the settlers generally took into account the location of this de facto boundary in deciding where to take up residence, some desiring to retain Vermont citizenship and other desiring to become (or remain) British subjects.

At an early date, however, suspicions began to find expression that the line was inaccurate. As early as 1796 such a suggestion was made by a resident of Burlington and in 1805 the Governor of Vermont appointed the Reverend Samuel Williams of Rutland, an all-round cleric who also wrote a history of the State, to check the survey. He reported in the following year that the 45° ran from seven to thirteen miles farther *north* than the Valentine-Collins line. There appears to have been no suspicion, at least in Vermont, that the true line might run *south* of the surveyed line.

The 1814 treaty of Ghent following the War of 1812 reaffirmed the 45° as the boundary and appointed Commissioners to arrange for a survey, and in 1818 astronomers appointed by the British and American governments located the 45° at Rouse's Point about where it is shown on maps of today some three-quarters of a mile south of the monument set up in 1767 on which the Valentine-Collins line was based. This was particularly embarrassing to the United States, as the construction of an American fort had been commenced at a point north of the 45° as now determined. The fort was later called "Fort Blunder."

The Commissioners failed to agree. In retrospect, it may be said that the cause of their failure was American unwillingness to accept loss of territory in Vermont and in New York and British unwillingness to accept loss of territory farther east. Under

a Convention of 1827 the conflicting reports of the Commissioners were referred to the King of the Netherlands for mediation. As to the Vermont-New York portion of the boundary he made the only logical decision on the basis of the treaty, namely that the true 45th parallel was the border but he proposed that "Fort Blunder" though north of that line and an area around it with a radius of one kilometer should go to the United States. As to another portion of the line, his decision was unsatisfactory to the British. The United States and Great Britain both rejected the King's decision.

With so much doubt as to the location of the boundary, it is surprising that there appears to have been so little tendency on the part of the residents of Quebec and Vermont in the boundary area to disregard the de facto boundary based, as is stated in Thompson's *Gazeteer of Vermont* (1824) upon a survey which was run "very erroneously." No accounts of the smuggling activities during the War of 1812 which have come to the writer's attention seem to indicate that the smugglers and the Customs Officers did not know approximately where the boundary was, or did not generally respect that boundary.

Not until 1842 was further action taken by the nations involved to ascertain and fix this long undetermined boundary. In the Webster-Ashburton treaty of that year, Article I provided "It is hereby agreed and declared that the line of boundary shall be as follows: . . . thence (i.e. from the head of Hall's stream, being one of the affluents of the Connecticut River) down the middle of said stream till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins previously to 1774 as the 45th degree of north latitude and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side and the British Province of Canada on the other; and from said point of intersection west along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence River." The treaty also provided for the appointment of commissioners to "ascertain fix and mark by proper and durable monuments on the land the line described in the 1st Article of this treaty."

The problem before the Commissioners was obviously not any easy one. They were required to find a trail blazed some seventy years earlier in a primeval wilderness after much of that wilderness had been cleared and converted into farm land. Without the

aid of local tradition, which under the language of the treaty they were entitled to take into consideration, it may be doubtful whether they could have produced an award. Excerpts from the report submitted in 1847 to the British and American Governments gives one some idea of the difficulties they encountered and the manner in which these difficulties were overcome:

"The line of Valentine and Collins was explored and found by the blazes still remaining in the original forest.

"Upon cutting into those blazes, it was seen that, deep-seated in the tree, there was a scar, the surface of the original blaze slightly decayed, and upon counting the rings (which indicate each year's growth of the tree) it was found that the blazes dated back to 1772, 1773, and 1774. The line of Valentine and Collins was run in 1771, 1772, 1773, and 1774. The coincidence of the dates of the blazes with those of the above line, confirmed by the testimony of the people of the country, satisfied the Undersigned that the line they had found was that mentioned in the treaty. Along this portion of the boundary which is known as the 45° of Valentine and Collins, and which extends from Hall's stream to St. Regis, there are sevsituation of the old line have been lost. In those cases the have been made, and there the authentic marks of the precise eral interruptions to the blazes, in those parts where clearings undersigned have drawn the boundary line straight from the original blazes on the one side of a clearing to the original blazes on the other side of the same clearing.

"It cannot be positively stated that the line, as it has been traced through those clearings, precisely coincides with the old line; but the Undersigned believe that it does not differ materially from it; nor have they had the means of determining a nearer or a surer approximation.

"Along this line, at every point of deflection, an iron monument has been erected; also at the crossing of rivers, lakes, and roads. Those which mark deflections are placed, as on the 'north line,' anglewise with the line; all the others are placed square with it. The maps show the position of each.

"The boundary along the west line, though very far from being a straight line, is generally about half a mile north of the true parallel of latitude 45° from Hall's Stream to Rouse's Point."

And so was located the iron post on Main Street between Derby Line, Vermont, and Rock Island, P. Q. on the line blazed in the wilderness "very erroneously" by Valentine and Collins.

My examination of the record outlined above has not been carried on in a spirit of scholarly research, and there are matters of detail which are not entirely clear and which it would be interesting to investigate further. It is probable that questions fully as difficult arose in regard to many other portions of the boundary between the Dominion of Canada and the United States. This cursory examination of a small segment of the overall problem does illustrate, it seems to me, the ability of nations of good will and peaceful inclinations to settle amicably questions as to territorial sovereignty—questions which have so frequently led to war.

It seems to me that this record also shows that the boundary between Vermont and Canada was to a large extent determined officially on the basis of the common knowledge and understanding of the inhabitants and, therefore, with their agreement.

And my cursory examination has satisfied me personally that, although my birthplace was north of the 45th parallel—commonly stated and believed to be the boundary—no question can be raised as to my eligibility for the Presidency of the United States as a natural born citizen thereof with a birthplace duly determined and agreed to lie within the territory of the State of Vermont.