

The Treaty and the Land Surveyor

Seminar Notes

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Definitions

A boundary is the invisible line of division between two contiguous parcels of land, or estates in land. Boundaries may originate, be fixed or be varied by statutory authority, by proved acts of the respective owners (as by plans and deeds, possession, estoppel, or by agreement), or by the courts exercising statutory or inherent jurisdiction. —*Boundaries and Surveys, § 1*

Significance to the Land Surveyor

Surveys:

Original: A survey called for or presumed to have been made at the time a parcel or parcels were created. An original survey creates boundaries; it does not ascertain them.

First: When a parcel or parcels are created on paper, with a survey being conducted, and a surveyor is later requested to mark one of the paper-described parcels on the ground, this survey should be considered as the “first” survey, in that it is the first survey to be placed on the ground after its description.

Resurvey: a reconstruction of land boundaries and subdivisions accomplished by re-running and re-marking the lines represented in the field note record or on the plat of a previous official survey.

Retracement: a survey made to ascertain the direction and length of lines and to identify monuments and other marks of an established prior survey.

Accurate survey (map): a map reflecting the course and distance measurements, boundaries, and contents of a territory. The map must reach the desired level of precision consistent with the purposes of the survey.

The original survey is paramount. The rule in a retracement is to “follow the footsteps” of the original surveyor. Nowhere has it said that an intermediate surveyor may be substituted. This is extensively reviewed and illustrated in the Florida decision of *Rivers v. Lozeau*.¹

LAND SURVEYORS Although title attorneys and others who regularly work with them develop expertise as to land descriptions, the only professional authorized to locate land lines on the ground is a registered land surveyor.^[5] In fact, the definition of a legally sufficient real property description is one that can be located on the ground by a surveyor. However, in the absence of statute, a surveyor is not an official and has no authority to establish boundaries; like an attorney speaking on a legal question, he can only state or express his professional opinion as to surveying questions. In working for a client, a surveyor basically performs two distinctly different roles or functions:

¹ 539 So.2d 1147 (Fla.App. 5 Dist. 1989).

First, the surveyor can, in the first instance, lay out or establish boundary lines within an original division of a tract of land which has theretofore existed as one unit or parcel. In performing this function, he is known as the "original surveyor" and when his survey results in a property description used by the owner to transfer title to property¹ that survey has a certain special authority in that the monuments set by the original surveyor on the ground control over discrepancies within the total parcel description and, more importantly, control over all subsequent surveys attempting to locate the same line.

Second, a surveyor can be retained to locate on the ground a boundary line which has theretofore been established. When he does this, he "traces the footsteps" of the "original surveyor" in locating existing boundaries. Correctly stated, this is a "retracement" survey, not a resurvey, and in performing this function, the second and each succeeding surveyor is a "following" or "tracing" surveyor and his sole duty, function and power is to locate on the ground the boundaries corners and boundary line or lines established by the original survey; he cannot establish a new corner or new line terminal point, nor may he correct errors of the original surveyor. He must only track the footsteps of the original surveyor. The following surveyor, rather than being the creator of the boundary line, is only its discoverer and is only that when he correctly locates it.

It is all about the establishment and definition of property rights and ownership.

Treaties

One aspect of boundary creation that has received little to no attention, but is extremely significant because of its complexities and wide-reaching effects, is that of the treaty.

A **treaty** is an agreement under international law entered into by actors in international law, namely sovereign states and international organizations. —Wikipedia

Traditionally, a treaty is thought of in the context of dealing with native American tribes, but significant to surveyors is its creation as a key to its later location. The U.S. has a long history of involvement with treaties, which is still on-going today. This program explores this unique and complex boundary creation, its significance and discusses examples such as the U.S.- Canada boundary and the Mason-Dixon line.

First Treaty of Paris

The **Treaty of Paris**, also known as the **Treaty of 1763**, was signed on 10 February 1763 by the kingdoms of Great Britain, France and Spain, with Portugal in agreement, after Great Britain's victory over France and Spain during the Seven Years' War.

The signing of the treaty formally ended the Seven Years' War, known as the French and Indian War in the North American theatre, and marked the beginning of an era of British dominance outside Europe. Great Britain and France each returned much of the territory that they had captured during the war, but Great Britain gained much of France's possessions in North America. —Wikipedia.



French & Indian Wars 1688 – 1763

- King Philip's War 1675 - 1676
- King William's War 1688 - 1697
- Queen Anne's War 1702 – 1713
- Captain Lovewell's War 1722 - 1725
- King George's War 1744 - 1748
- French & Indian War 1754 - 1763
aka Seven Year's War

All of these resulted in land grants, known as military bounties.

The Model Treaty

On June 11, 1776, the Continental Congress resolved to create three committees, one for drafting the Declaration of Independence, one for drafting the Articles of Confederation, and one for drafting a "Model Treaty" to guide foreign relations.

The committee was formed on June 12. "Resolved That the committee to prepare a plan of treaties to be proposed to foreign powers, consist of five members: The members chosen, Mr. [John] Dickinson, Mr. [Benjamin] Franklin, Mr. J[ohn] Adams, Mr. [Benjamin] Harrison, and Mr. R[obert] Morris." In practice, however, the Model Treaty was mostly drafted by John Adams.

The Model Treaty was not with a specific country, but rather was a template for future relations with foreign countries and was America's first diplomatic statement. It adhered to the ideal of free and reciprocal trade. It was also a practical document reflecting the existing American non-political trade arrangements with France and Spain that Robert Morris had established as chairman of the Secret Committee. It was a proposal to formalize those arrangements as arrangements between countries and not just individuals.

This nonmilitary treaty had three main components:

1. Free ports to guarantee free goods,
2. Freedom of neutrals to trade in normal goods,
3. Agreement on a contraband list.

On September 24, 1776, Congress accepted the Model Treaty and commissioners to France were chosen on the next day. Benjamin Franklin took the Model Treaty to Paris, and it was used as the starting point for negotiations with France, which ultimately resulted the signing of two treaties: an economic treaty, the Treaty of Amity and Commerce, and a treaty of military alliance, the Treaty of Alliance. —Wikipedia

Provisional Treaty with Great Britain (1782)

In the end **of** November, 1782, a **provisional treaty** was signed, the negotiations on behalf **of** Congress having been conducted by Benjamin Franklin, John Adams, John Jay, **and** Henry Laurens.

The Treaty of Paris (1783)

The **Treaty of Paris**, signed in Paris by representatives of King George III of Great Britain and representatives of the United States of America on September 3, 1783, ended the American Revolutionary War. The treaty set the boundaries between the British Empire in North

America and the United States, on lines "exceedingly generous" to the latter. Details included fishing rights and restoration of property and prisoners of war.

The Treaty of Paris of 1783 formally ended the American Revolutionary War. American statesmen Benjamin Franklin, John Adams and John Jay negotiated the peace treaty with Great Britain. In the Treaty of Paris, the British Crown formally recognized American independence and ceded most of its territory east of the Mississippi River to the United States, doubling the size of the new nation and paving the way for westward expansion.

Perhaps as important as U.S. independence, the Treaty of Paris also established generous boundaries for the new nation. As part of the agreement, the British ceded a vast area known as the Northwest Territory to the United States.

The Northwest Territory – which included the present-day states of Ohio, Michigan, Indiana, Illinois, Wisconsin and parts of Minnesota – doubled the land area of the United States and helped set the stage for the westward expansion that was to come over the next century.

Article II

And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river, to the fourth-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 Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most 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 Treaty of London aka The Jay Treaty (1794)

Often known as **The Treaty of Amity and Commerce**.

The **Treaty of Amity, Commerce, and Navigation, Between His Britannic Majesty and the United States of America**, commonly known as the **Jay Treaty**, and also as **Jay's Treaty**, was a 1795 treaty between the United States and Great Britain that averted war, resolved issues remaining since the Treaty of Paris of 1783 (which ended the American Revolutionary War), and facilitated ten years of peaceful trade between the United States and Britain in the midst of the French Revolutionary Wars, which began in 1792. The Treaty was designed by Alexander Hamilton and supported by President George Washington. It angered France and bitterly divided Americans. It led to the formation of two opposing parties in every state, the pro-Treaty Federalists and the anti-Treaty Democratic Republicans.

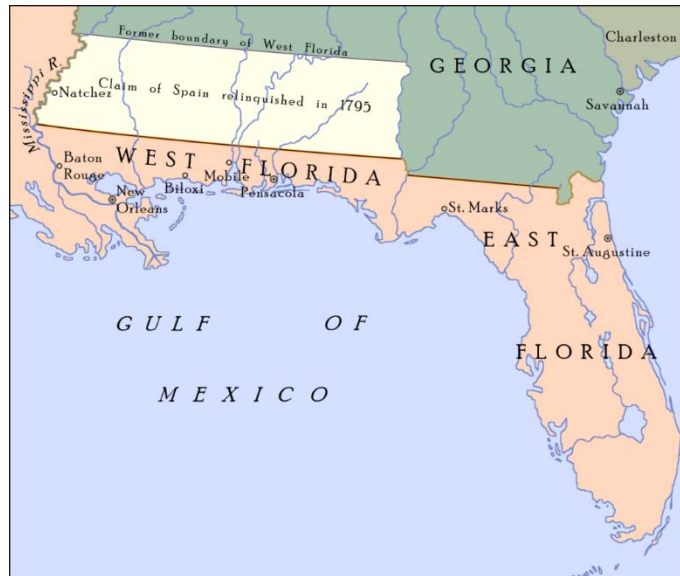
The Treaty was negotiated by John Jay and gained many of the primary American goals. This included the withdrawal of British Army units from forts in the Northwest Territory that it had refused to relinquish under the Paris Peace Treaty. The British were retaliating for the United States reneging on Articles 4 and 6 of the 1783 treaty; American state courts impeded the collection of debts owed British creditors and upheld the continued confiscation of Loyalist estates in spite of an explicit understanding that the prosecutions would be immediately discontinued. The parties agreed that disputes over wartime debts and the American–Canadian boundary were to be sent to arbitration—one of the first major uses of arbitration in modern diplomatic history. This set a precedent used by other nations. —Wikipedia

Pinkney's Treaty aka The Treaty of San Lorenzo aka The Treaty of Madrid (1795)

Pinckney's Treaty, also commonly known as the **Treaty of San Lorenzo** or the **Treaty of Madrid**, was signed in San Lorenzo de El Escorial on October 27, 1795 and established intentions of friendship between the United States and Spain. It also defined the border between the United States and Spanish Florida, and guaranteed the United States navigation rights on the Mississippi River. With this agreement, the first phase of the ongoing border dispute between the two nations in this region, commonly called the West Florida Controversy, came to a close.^[1]

The treaty's full title is **Treaty of Friendship, Limits, and Navigation Between Spain and the United States**. Thomas Pinckney negotiated the treaty for the United States and Don Manuel de Godoy represented Spain. It was presented to the United States Senate on February 26, 1796, and, after debate, was ratified on March 7, 1796. It was ratified by Spain on

April 25, 1796 and ratifications were exchanged on that date. The treaty was proclaimed on August 3, 1796. —Wikipedia



Louisiana Purchase Treaty (1803)

The **Louisiana Purchase** (French: *Vente de la Louisiane* "Sale of Louisiana") was the acquisition of the Louisiana territory (828,000 sq mi (2,140,000 km²; 530,000,000 acres)) by the United States from France in 1803. The U.S. paid fifty million francs (\$11,250,000) and a cancellation of debts worth eighteen million francs (\$3,750,000) for a total of sixty-eight million francs (\$15 million, equivalent to \$573 billion in 2016). The Louisiana territory included land from fifteen present U.S. states and two Canadian provinces. The territory contained land that forms Arkansas, Missouri, Iowa, Oklahoma, Kansas, and Nebraska; the portion of Minnesota west of the Mississippi River; a large portion of North Dakota; a large portion of South Dakota; the northeastern section of New Mexico; the northern portion of Texas; the area of Montana, Wyoming, and Colorado east of the Continental Divide; Louisiana west of the Mississippi River (plus New Orleans); and small portions of land within the present Canadian provinces of Alberta and Saskatchewan. Its non-native population was around 60,000 inhabitants, of whom half were African slaves.

The Kingdom of France controlled the Louisiana territory from 1699 until it was ceded to Spain in 1762. In 1800, Napoleon, then the First Consul of the French Republic, hoping to re-establish an empire in North America, regained ownership of Louisiana. However, France's failure to put down the revolt in Saint-Domingue, coupled with the prospect of renewed warfare with the United Kingdom, prompted Napoleon to sell Louisiana to the United States to fund his military. The Americans originally sought to purchase only the port city of New Orleans and its adjacent coastal lands, but quickly accepted the bargain. The Louisiana Purchase occurred during the term of the third President of the United States, Thomas Jefferson. Before the purchase was finalized, the decision faced Federalist Party opposition; they argued that it was unconstitutional to acquire any territory. Jefferson agreed that the U.S. Constitution did not

contain explicit provisions for acquiring territory, but he asserted that his constitutional power to negotiate treaties was sufficient. —Wikipedia



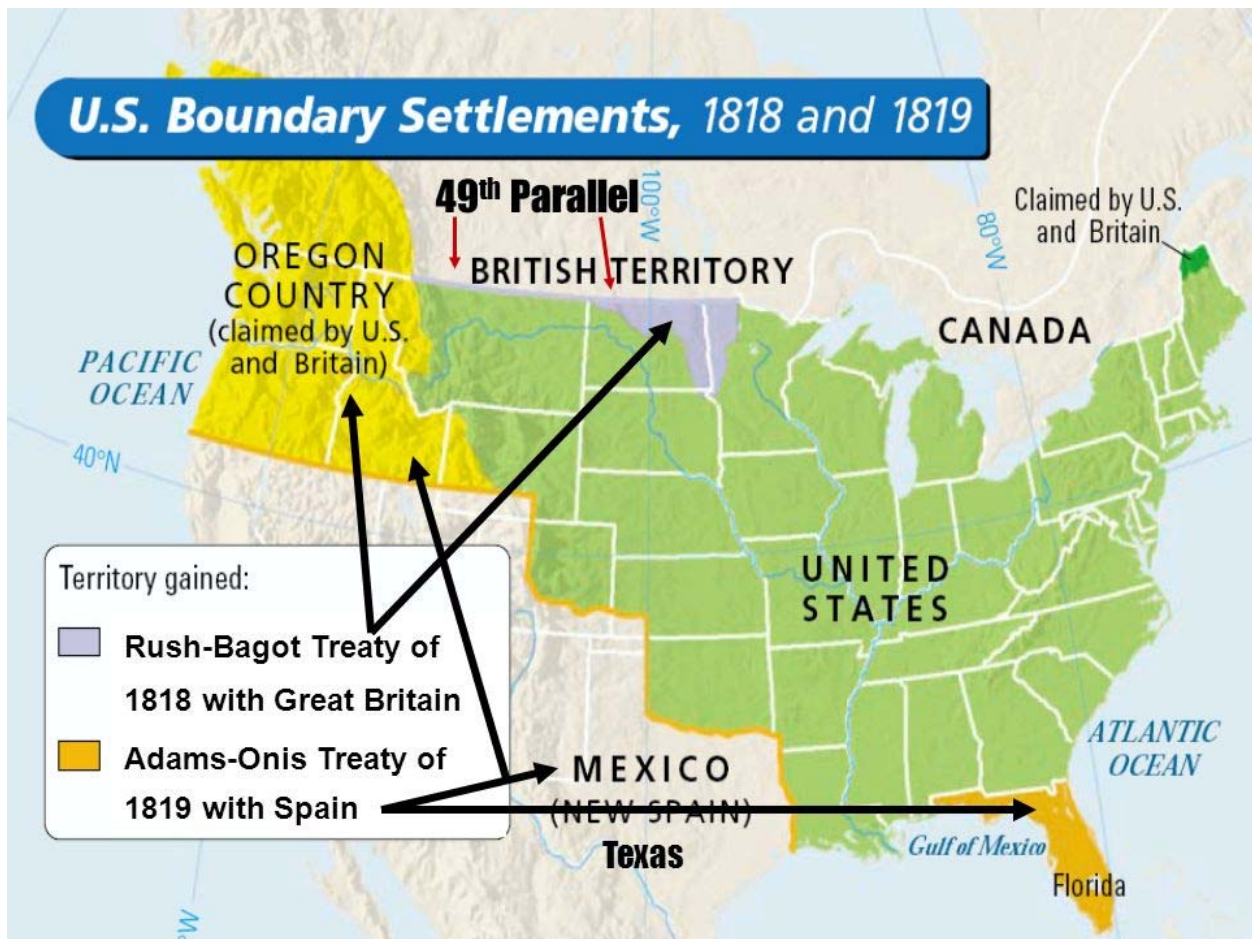
The Treaty of Ghent (1814)

The **Treaty of Ghent** (8 Stat. 218) was the peace treaty that ended the War of 1812 between the United States of America and the United Kingdom of Great Britain and Ireland. Both sides signed it on December 24, 1814, in the city of Ghent, United Netherlands. The treaty restored relations between the two nations to *status quo ante bellum*, restoring the borders of the two countries to the lines before the war started in June 1812. The treaty was approved by the UK parliament and signed into law by the Prince Regent (the future King George IV) on December 30, 1814. It took a month for news of the peace treaty to reach the United States, and in the meantime American forces under Andrew Jackson won the Battle of New Orleans on January 8, 1815. The Treaty of Ghent was not fully in effect until it was ratified by the U.S. Senate unanimously on February 17, 1815. It began two centuries and more of peaceful relations between the U.S. and Britain, although there were a few tense moments such as the Trent Affair in 1861.—Wikipedia

The Treaty of 1818

The **Convention respecting fisheries, boundary and the restoration of slaves** between the United States of America and the United Kingdom of Great Britain and Ireland, also known as the **London Convention**, **Anglo-American Convention of 1818**, **Convention of 1818**, or simply the **Treaty of 1818**, was an international treaty signed in 1818 between the above parties. Signed during the presidency of James Monroe, it resolved standing boundary issues between the two nations. The treaty allowed for joint occupation and settlement of the Oregon Country, known to the British and in Canadian history as the Columbia District of the Hudson's Bay Company, and including the southern portion of its sister district New Caledonia.

The two nations agreed to a boundary line involving the 49th parallel north, in part because a straight-line boundary would be easier to survey than the pre-existing boundaries based on watersheds. The treaty marked both the United Kingdom's last permanent major loss of territory in what is now the Continental United States and the United States' only permanent significant cession of North American territory to a foreign power. Britain ceded all of Rupert's Land south of the 49th parallel and east of the Continental Divide, including all of the Red River Colony south of that latitude, while the United States ceded the northernmost edge of the Missouri Territory north of the 49th parallel. —Wikipedia



The Adams–Onís Treaty of 1819, also known as the Transcontinental Treaty or the Purchase of Florida, or the Florida Treaty

The **Adams–Onís Treaty** of 1819, also known as the **Transcontinental Treaty**, the **Florida Purchase Treaty**, or the **Florida Treaty**, was a treaty between the United States and Spain in 1819 that ceded Florida to the U.S. and defined the boundary between the U.S. and New Spain. It settled a standing border dispute between the two countries and was considered a triumph of American diplomacy. It came in the midst of increasing tensions related to Spain's territorial boundaries in North America against the United States and Great Britain in the aftermath of the American Revolution; it also came during the Latin American wars of independence. Florida had become a burden to Spain, which could not afford to send settlers or garrisons. It decided to cede the territory to the United States through the Adams–Onís Treaty in exchange for settling the boundary dispute along the Sabine River in Spanish Texas. The treaty established the boundary of U.S. territory and claims through the Rocky Mountains and west to the Pacific Ocean, in exchange for the U.S. paying residents' claims against the Spanish government up to a total of \$5,000,000 and relinquishing the US claims on parts of Spanish Texas west of the Sabine River and other Spanish areas, under the terms of the Louisiana Purchase. —Wikipedia



The Webster-Ashburton Treaty (1842)

The **Webster–Ashburton Treaty**, signed August 9, 1842, was a treaty that resolved several border issues between the United States and the British North American colonies (the region that became Canada). Signed under John Tyler's presidency, it resolved the Aroostook War, a nonviolent dispute over the location of the Maine–New Brunswick border. It:

- Established the border between Lake Superior and the Lake of the Woods, originally defined in the Treaty of Paris in 1783
- Reaffirmed the location of the border (at the 49th parallel) in the westward frontier up to the Rocky Mountains defined in the Treaty of 1818
- Defined seven crimes subject to extradition
- Called for a final end to the slave trade on the high seas
- Agreed that the two parties would share use of the Great Lakes

The treaty retroactively confirmed the southern boundary of Quebec that land surveyors John Collins and Thomas Valentine had marked with stone monuments in 1771–3. The treaty intended that the border be at 45 degrees north latitude, but is in some places nearly a half mile north of the parallel. The treaty was signed by United States Secretary of State Daniel Webster and British diplomat Alexander Baring, 1st Baron Ashburton.



<http://www.clui.org/section/united-divide-a-linear-portrait-usacanada-border-0>

Maine-New Hampshire-Vermont-New York. Article I: Beginning at the monument at the source of the river St. Croix as designated and agreed to by the Commissioners under the fifth article of the of the treaty of 1784, between the Governments of the United States and Great Britain; thence north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river Saint Lawrence from those which fall into the river Saint John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude 46° 25' north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the head of Hall's Stream; thence down the middle of said stream, till the line thus run intersects the old line of the boundary surveyed and marked by Valentine and Collins, previously to the year 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 Collins-Valentine Line.

This line is the boundary at approximately 45 degrees north latitude that separates the province of Quebec from the states of New York and Vermont. It was surveyed and marked by survey monuments in 1771-73 by John Collins, surveyor-general of Quebec, and Thomas Valentine, a commissioner appointed by the government of New York.

Joseph Bouchette, writing about the re-survey agreed upon in the Treaty of Ghent, states that: "In determining the geographical boundary between St. Regis and the Connecticut River, it was soon discovered that the original demarcation of the 45th parallel of north latitude widely deviated from the true course of that parallel, the position of which was carefully ascertained by the joint observations of the British and American astronomers employed on that service in 1818. It was found that the pre-existing line was drawn almost wholly north of the true geographical bearing of that circle of latitude....at St. Regis the old line was actually 1375 feet, statute measure, north of the 45° of north latitude, and that Ellicott's line [surveyed the previous year] was 30 feet too far north....."

The Treaty of Paris of 1783, which established peace between Britain and the United States, said the boundary was to be the 45th parallel, and it was generally assumed that that is where the line marked by monuments is. The Webster-Ashburton Treaty of 1842 said that the

measurement errors stand, so the boundary is where Collins and Valentine erected the monuments.

The Oregon treaty (1846)

The **Oregon Treaty** is a treaty between the United Kingdom and the United States that was signed on June 15, 1846, in Washington, D.C. Signed under the presidency of James K. Polk, the treaty brought an end to the Oregon boundary dispute by settling competing American and British claims to the Oregon Country; the area had been jointly occupied by both Britain and the U.S. since the Treaty of 1818.—Wikipedia



The Treaty of Guadalupe-Hidalgo (1848)

The **Treaty of Guadalupe Hidalgo** (*Tratado de Guadalupe Hidalgo* in Spanish), officially titled the **Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic**, is the peace treaty signed on February 2, 1848, in the Villa de Guadalupe Hidalgo (now a neighborhood of Mexico City) between the United States and Mexico that ended the Mexican–American War (1846–1848). The treaty came into force on July 4, 1848.

With the defeat of its army and the fall of its capital, Mexico entered into negotiations to end the war. The treaty called for the U.S. to pay US\$15 million to Mexico and to pay off the claims of American citizens against Mexico up to US\$5 million. It gave the United States the Rio Grande as a boundary for Texas, and gave the U.S. ownership of California and a large area comprising roughly half of New Mexico, most of Arizona, Nevada, and Utah, and parts of Wyoming and Colorado. Mexicans in those annexed areas had the choice of relocating to within Mexico's new boundaries or receiving American citizenship with full civil rights. The U.S. Senate advised and consented to ratification of the treaty by a vote of 38–14. The opponents of this treaty were led by the Whigs, who had opposed the war and rejected Manifest destiny in general, and rejected this expansion in particular. The amount of land gained by the United States from Mexico was increased as a result of the Gadsden Purchase of 1853, which ceded parts of present-day southern Arizona and New Mexico to the United States. —Wikipedia



The Treaty of Washington (1871)

The **Treaty of Washington** was a treaty signed and ratified by Great Britain and the United States in 1871 during the First premiership of William Gladstone and the presidency of Ulysses S. Grant that settled various disputes between the countries, including the *Alabama* Claims for damages to American shipping caused by British-built warships, as well as illegal fishing in Canadian waters and British civilian losses in the American Civil War. It inaugurated permanent peaceful relations between the United States and Canada, and United States and Britain.^l After the arbitrators endorsed the American position in 1872, Britain settled the matter by paying the United States \$15.5 million (approximately \$295 million in 2018) , ending the dispute and leading to a treaty that restored friendly relations between Britain and the United States. That international arbitration established a precedent, and the case aroused interest in codifying public international law. —Wikipedia

The Sixth Treaty of Paris (1898)

The **Treaty of Paris of 1898** (Filipino: *Kasunduan sa Paris ng 1898*; Spanish: *Tratado de París (1898)*) was an agreement made in 1898 that involved Spain relinquishing nearly all of the remaining Spanish Empire, especially Cuba, and ceding Puerto Rico, Guam, and the Philippines to the United States. The cession of the Philippines involved a payment of \$20 million from the United States to Spain. The treaty was signed on December 10, 1898, and ended the Spanish–American War. The Treaty of Paris came into effect on April 11, 1899, when the documents of ratification were exchanged.

The Treaty of Paris marked the end of the Spanish Empire (apart from some small holdings in North Africa). It marked the beginning of the age of the United States as a world power. Many supporters of the war opposed the treaty, and it became one of the major issues in the election of 1900 when it was opposed by Democrat William Jennings Bryan because he opposed imperialism. Republican President William McKinley upheld the treaty and was easily reelected. —Wikipedia

Treaties of significance to the Land Surveyor

The **Treaty of Beaufort**, also called the **Beaufort Convention**, is the treaty that originally set the all-river boundary between the U.S. states of Georgia and South Carolina. It was named for Beaufort, South Carolina, where it was signed in 1787.

It set the boundary to be the thalweg (centerline) of the Savannah River, extending north into the Tugalo River (now spelled Tugaloo), and up to the headwater of its primary tributary. At that time, the area had not been fully surveyed, thus the somewhat ambiguous wording. If that headwater point was south of Georgia's border with North Carolina (nominally latitude 35°N), then South Carolina would claim everything north of a due-west line from that point, and south of 35°N, as far west as the Mississippi River. This claim was shown on some maps of the time, though it never took effect.

As it later was discovered, the primary tributary of the Tugalo is the Chattooga River, which does originate in North Carolina. In 1787 the area was Cherokee territory and not considered part of either state. The **Treaty of 1816** officially extended the states' frontier northeast up the Chattooga River, where it remains the current boundary.

The other issue addressed was the islands in the rivers, which the treaty assigned to Georgia, but in the two rivers (Savannah and Tugaloo) known to be the border at the time. In these cases, the thalweg is drawn through the center of the more northerly (actually northeasterly) channel, curving gradually around the island. This part of the treaty was the subject of some later border disputes between the two states.

There have been two cases before the U.S. Supreme Court regarding the interpretation of this treaty. (The court has original jurisdiction in such cases.)

The first *Georgia v. South Carolina* case in 1922 was regarding the islands in the Tugaloo, which was not explicitly named in the treaty because that was prior to its discovery. Although the treaty prescribes the northerly branch as the boundary, and the Chattooga flows in a perpendicular direction (putting Rabun County, Georgia on the north side and Oconee County, South Carolina on the south), Georgia was given the islands as in the lower rivers. The second case of the same name was in 1989 and was more complex, regarding a Georgia island that had become a South Carolina peninsula due to dredging. Although South Carolina was in adverse possession of the land, Georgia lost this case due to acquiescence, rather than as a matter of the treaty's wording.

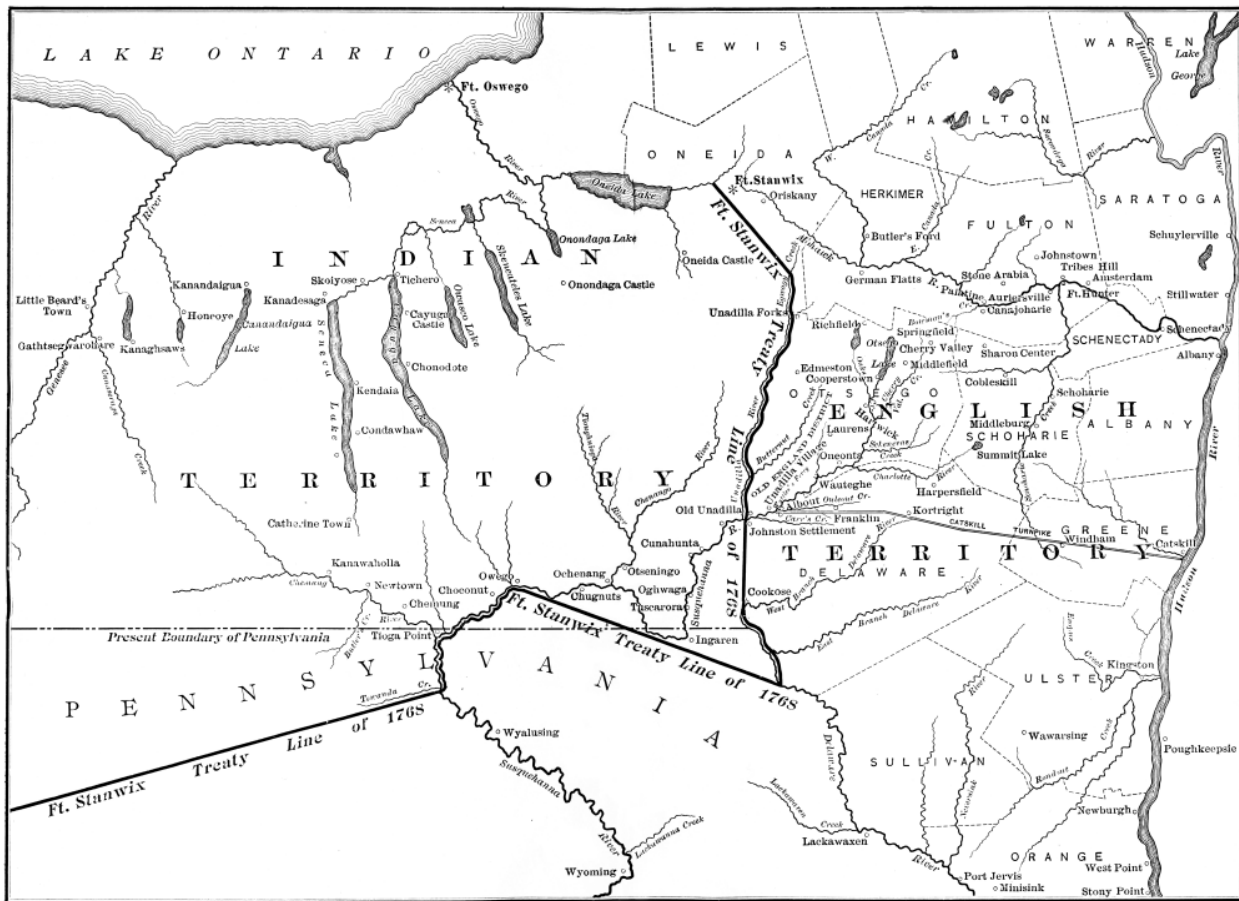
An 1876 case, *South Carolina v. Georgia*, was about dredging for navigation around an island in the river at the port city of Savannah, and not about the boundary location. Georgia won this case, allowing it to widen the shipping channel on the Savannah side at the expense of water flow to the South Carolina boundary side.

The legal status of this treaty, given that the later U.S. Constitution of 1789 made interstate treaties unconstitutional, is now that of an interstate compact. Just as such compacts must be ratified by the U.S. Congress, this treaty was ratified by the Confederation Congress, and is still considered to be legally binding. —Wikipedia

Treaties with Native Americans aka “Indian Treaties”

1768. The Treaty of Fort Stanwix.

The **Treaty of Fort Stanwix** was a treaty between Native Americans and Great Britain, signed in 1768 at Fort Stanwix, in present-day Rome, New York. It was negotiated between Sir William Johnson, his deputy George Croghan, and representatives of the Six Nations (the Iroquois). The treaty established a Line of Property following the Ohio River that ceded the Kentucky portion of the Colony of Virginia to the British, as well as most of what is now West Virginia. The treaty also settled land claims between the Six Nations and the Penn family; the lands thereby acquired by the British in Pennsylvania were known as the **New Purchase**.



THE FRONTIER OF NEW YORK IN THE REVOLUTION
(Present County lines inserted.)
(Compiled by the author.)

1770. The Treaty of Lochaber

The **Treaty of Lochaber** was signed in South Carolina on 18 October 1770 by British representative John Stuart and the Cherokees, fixing the boundary for the western limit of the frontier settlements of Virginia and North Carolina.

1784. Treaty of Fort Stanwix.

The **Treaty of Fort Stanwix** was a treaty finalized on October 22, 1784, between the United States and Native Americans from the six nations of the Iroquois League. It was signed at Fort Stanwix, in present-day Rome, New York, and was the first of several treaties between Native Americans and the United States after the American victory in the Revolutionary War.

The Six Nations council at Buffalo Creek refused to ratify the treaty, denying that their delegates had the power to give away such large tracts of land and asked the Americans for return of the deeds and promised to indemnify them for any presents they had given. The general Indian confederacy also disavowed the treaty because most of the Six Nations did not live in the Ohio territory. The Ohio Country natives, including the Shawnee Indians, the Mingo Indians, the Delaware Indians and several other tribes, rejected the treaty. A series of treaties and land sales with these tribes soon followed:

- 1785 Treaty of Fort McIntosh with Wyandotte, Delaware, Chippewa and Ottawa leaders for lands in Ohio
- 1786 Treaty of Fort Finney with Shawnee leaders for portions of Ohio
- 1788 Phelps and Gorham Purchase with the Iroquois for lands in New York State east of the Genesee River
- 1789 Treaty of Fort Harmar reiterating claims in Ohio
- 1794 Treaty of Canandaigua establishing peace with the Iroquois and affirming lands rights in New York State east of the Genesee River
- 1797 Treaty of Big Tree with the Iroquois for lands in New York State west of the Genesee River

Google “Treaty” and you will access a list of treaties dating back to before AD 1200.

Google United States treaties to find Wikipedia: List of United States treaties.

Pre-Revolutionary War treaties

U.S. international treaties 1776-current

U.S.-Native American treaties 1778-present

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