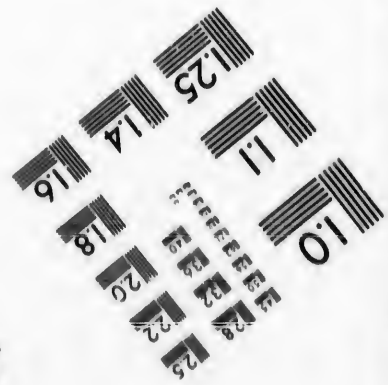
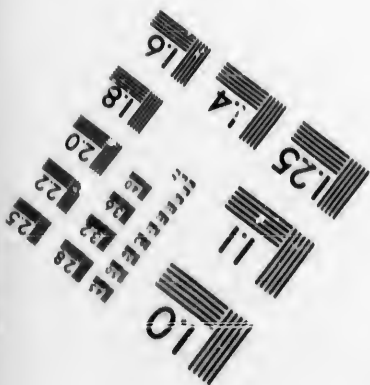
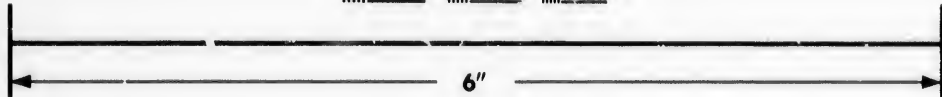
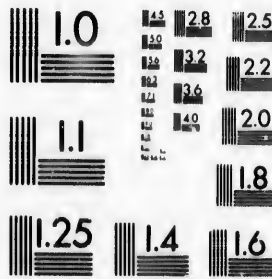


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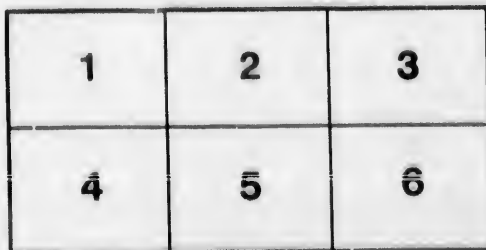
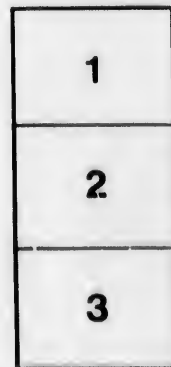
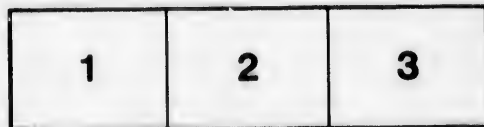
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SPEECH OF MR. FAIRFIELD, OF MAINE,

ON THE

NORTHEASTERN BOUNDARY QUESTION,

J. Fairfield
M. C.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, THURSDAY, MARCH 8, 1838.

Mr. FAIRFIELD addressed the House as follows:

Mr. SPEAKER: I am in favor of the bill which my colleague [Mr. EVANS] proposes to introduce. What is it, sir? Why, it simply provides that the President cause the Northeastern boundary line of the United States "to be accurately surveyed and marked, and suitable monuments to be erected thereon, at such points as may be deemed necessary and important." And it is a measure so just and reasonable in itself, and so imperatively demanded by the circumstances of the case, that I trust no member in this House will feel a disposition to oppose it.

In Maine, there is but one feeling upon this subject. That State, sir, feels that she has suffered deep and enduring wrongs at the hands of the British Government. She knows that she has been illegally and unjustly deprived of the property and jurisdiction in a portion of her territory; that the valuable timber upon that territory has been the subject of plunder and waste; that her citizens have been seized and imprisoned in foreign jails, without law and without right; and that the nation guilty of these multiplied and gross outrages not only denies redress, but refuses even to agree upon a mode by which the legality of her acts can be tried, and an amicable adjustment of the difficulties can be effected. That State also feels that "she has not been treated by the General Government as she has endeavored to deserve;" though, in her complaints upon this subject, she goes a little farther back than my colleague found it for his purpose to go.

This, sir, is no party question in Maine. It is true, there have been several attempts to make it a party question; but these attempts have always proved abortive. And this bill, introduced by my colleague, was agreed upon by the delegation from Maine without regard to politics or party, and is introduced in pursuance of an arrangement between them. It was with extreme regret, therefore, that I found my colleague disposed to make it the basis of an attack upon the Administration—to mingle it with party politics, and, perhaps, to send a speech home, to co-operate with similar efforts making there. Sir, I think no good can come of this course in any way; and I regret exceedingly that it should have been thought wise to adopt it. But this regret, great as it was, did not exceed my surprise and astonishment at hearing him eulogise

the Administration of 1825, while condemning, in severe terms, the succeeding one, in reference to their respective action upon this subject. The first, it is said, nobly asserted and maintained our rights; while the other, by concessions, frittered away, and finally abandoned them. Sir, I think this declaration will be received with some surprise at home, too; for the general opinion there, as I have supposed, has always been directly the reverse of this. And, as the door to this investigation has been opened, I trust I shall be pardoned for walking in, and asking the House to go back with me to a period somewhat beyond that, to which it seemed to be convenient for my colleague to extend his inquiries. I will then endeavor to show, that Maine has been exceedingly ill treated, not only by the British Government, but by our own Government, and by that Administration, too, which has received the warm encomiums of my colleague.

In doing this, I beg the gentleman from Massachusetts [Mr. ADAMS] to believe that it will not be from any feelings of personal unkindness or disrespect to him. I shall refer to his acts, merely as a part of the history of the case, and only because I feel compelled to it, by the course of my colleague upon this subject. Besides, if I succeed in my attempt, it will afford an additional reason for the passage of the bill; for, corresponding with the extent of wrongs suffered by Maine, will be the measure of her right to redress. If she has been doubly wronged, then is she doubly entitled to relief.

Sir, if I have not totally misapprehended the history of this matter, almost every step in the progress of the case, taken by the Administration alluded to, was adverse to the interests and wishes of Maine, and, in most instances, against her solemn protest. That Administration did little or nothing to protect our rights and interests, but every thing to put them in jeopardy.

Of our long list of complaints, let me call the attention of the House to a few prominent ones. In the treaty of Ghent it was provided that commissioners should be appointed to ascertain that point in the highlands lying due north from the source of the St. Croix, constituting the northwest angle of Nova Scotia, and to survey the line extending from the source of the St. Croix to the highlands, and along the highlands to the northwesternmost head of Connecticut river. These commissioners having been appointed in conformity with the treaty, ex-

tended their official labors through a period of about five years, without being able to agree, and closed their commission by making reports to their respective Governments. In the progress of the case, a vast number of documents relating to it were collected, which, with the statements or argument of the commissioner, were deposited here in the national archives. Copies of these documents Maine was exceedingly anxious to obtain; and, as early as 1826, moved in the matter, by the Legislature authorizing the Governor to procure them, and at the same time making an appropriation of \$500 to defray the expense of it, should there be any. And will it be believed, sir, that our Governor persevered in his efforts for a period of over two and a half years before he succeeded in obtaining them? His requests were presented in a variety of forms, and pressed with that earnestness and force which ever characterized his efforts in the public service. I refer to the "lamented Lincoln," the brother of the honorable gentleman from Massachusetts sitting near me. But notwithstanding the importance of the subject, and our deep interest in these documents, especially at the time they were called for; notwithstanding the offer to pay all the expense attending a compliance with our request; and notwithstanding the Governor proposed to receive them as confidential, if it should be requested, still Mr. Clay, then Secretary of State, pertinaciously refused to furnish them, or have them furnished!

May 29, 1827, the Governor, having discontinued his unsuccessful efforts with the Secretary of State, addressed himself directly to the President. In answer to this call, in October following, the copies were furnished; two and a half years having been spent in the accomplishment of that desirable object. In support of these statements, I beg leave to refer to documents now before me. Governor Lincoln, in his message to the Legislature, January, 1827, says:

"My immediate predecessor [Governor Paris] has solicited the documents contemplated by a resolve of a former Legislature, relative to our boundary; and I cannot but hope that the person applied to will find the obligations of his situation so modified, as to admit his furnishing the proper officers of this State that information, by which it may be prepared to judge correctly of the rights of the Union, and of a foreign nation, in connection with that independent right which it ought to maintain, so far as the prudent application of all its justifiable means will permit."

At the same session of the Legislature, a resolve was proposed by a political friend of my colleague, [Mr. Deane.] The following is an extract:

"By a resolve of the Legislature of this State, passed January 26, 1826, the Governor of this State was authorized and requested to take such measures as he might think expedient and effectual, to procure for the use of the State certain copies and documents, etc. mentioned in said resolve. The Governor, having done all in his power to procure the information alluded to in said resolve, but his efforts not having been successful, your committee are of opinion that the interests of the State may be advanced by a renewal of the request to the Government of the United States."

Subsequently to this, viz: April 18, 1827, Governor Lincoln, in a letter to Mr. Clay, uses the following language upon this subject:

"It was with much regret, not unmingled with mortification, that I considered your denial of the use of the reports and arguments of the commissioners under the treaty of Ghent."

Again in the same letter he adds:

"With this spirit of forbearance, who has sought information only as to an interest vital to herself, as well as important to the country, without any purpose calculated to excite distrust, with only such justifiable views as have rendered the refusal to comply with her request a subject of that species of surprise which a friend pre-determined to take no offence feels, when he is not treated with correspondent confidence."

And again:

"As a free, sovereign, and independent Republic, may we not be permitted to have communication with the authorities of the Union; or do they mean that we shall submit implicitly to their direction, however wise it may be, at the same time that they declare their conviction of the propriety of withholding information? The general concerns of the Union are, of course, communicated only to the whole; but that which relates to a particular community, when its daily intercourse demands information, seems to warrant the request I have made, and which I am reluctantly impelled to renew, with this modification, that any communication made in return will be received, if so required, subject to a restriction on publicity, beyond a communication to the Legislature, in the usual terms of confidential communications."

In a letter to the President, dated May 29, 1827, he says:

"However discouraging may have been the correspondence I have had with the Secretary of State, I cannot decline a course deliberately determined upon, or admit the belief that a representation relating to the welfare of Maine can be unavailing."

At the session of the Legislature of Maine, January, 1823, a report was made upon the subject of the boundary, by a political friend of the then National Administration. From that I extract the following:

"The delay to give information to the State of Maine, when it had been so often requested"—"is certainly very extraordinary."

Upon this point I have no more to say. The facts speak for themselves, and can be appreciated by the House without multiplying words on my part.

Again: Maine assumed the position that the General Government had no constitutional authority to cede any portion of her territory, either by a direct delegation of power in the Constitution, or indirectly under the treaty making power, by way of arbitration, or otherwise. This, or rather the later branch of the proposition, was virtually denied by that Administration. The entire correctness of our positions, however, have been again and again admitted by the two succeeding Administrations; yet my colleague commends the first and condemns the last!

The Administration of that day, claimed the power to submit the question of boundary to the entire "exclusion" of Maine, even though it should involve a dismemberment of our territory, considering it as a national question merely, and regarding the efforts of Maine to present her views upon the subject to the Executive, as "obtrusive."

In connection with these remarks, I beg leave to refer to the letter of Governor Lincoln to the President of the United States, dated May 29, 1827. He says:

"Having learned that the title thereto [the disputed territory] is involved in the details of a diplomatic arrangement, conducted under the sanction of the Executive Department of the Federal Government, Maine, although not consulted, yet bound from deference to pay a due respect to reasons, the nature and force of which she is, from a studious and mysterious reserve, rendered unable to comprehend, believes that she ought to present her expostulations in regard to any measures threatening her with injury."

Again, in the same letter, he adds:

"It is not controverted that the control of our foreign relations belongs to the United States as to objects which have arisen under the Constitution or existing laws: but in regard to rights acquired by an independent party, and interests in property vested by acts anterior to the existence of that compact, the interposition of the Federal Executive, without an express grant of power, seems to be gratuitous. No statesman will assert that the treaty making power is competent to an act transcending the scope of the combined trusts of the Government."

In a letter to Mr. Clay, bearing date November 16, 1827, Gov. Lincoln says further:

"I have also this day received your communication of the 10th instant. From it I learn that you are sensible that the

objection I have had the honor to urge *against the submission to a foreign umpire* of the territorial and jurisdictional rights of Maine, without consulting or advising her as to the conditions, have not been deemed available. If any injury shall result to her, the appeal will be made to the people of this country and to posterity. It has not seemed *arrogant or presumptuous* to have expected a recognition of her rights, and to have asked, that, if she is to be made a sacrifice, she might not be devoted without some consideration on her part of the terms.

When you cautioned us against suggestions of compromise and acts of precaution, it was not believed that it was that you might the more easily throw us within the power of an umpire, but that you intended to intimate that the powerful arm of the Federal Government was holding its ample shield before us. At last we learn that our strength, security, and wealth are to be subjected to the mercy of a foreign individual, who, it has been said by your minister, "rarely decides upon strict principles of law," and "has always a bias to try, if possible, to split the difference." I cannot but yield to the impulse of saying, most respectfully, that *Maine has not been treated as she has endeavored to deserve.*"

In a letter from Gov. Lincoln to Mr. Clay, written April 18, 1827, he says:

"Anxious, as in my situation I cannot avoid being, for the preservation during my continuance in office, and always after, of the rights of the State, I must express my alarm at a portion of Mr. Gallatin's letter. He says: 'An umpire, whether a king or a farmer, rarely decides on strict principles of law; he has always a bias to try, if possible, to split the difference.' And yet, I am informed that there has been in progress an arrangement of the preliminary points for constituting such an umpire. I cannot but hope that no arrangement will be effected, which will endanger the half from the mere circumstance of a wrongful claim to the whole, under the pitiful weakness which is liable to split the difference between right and wrong."

Again, in his letter to the President of the 29th of May, 1827, he says:

"The treaty making power of the United States on one side, and his Britannic Majesty on the other, agree to consider the decision of the arbitration final and conclusive. Let me say that, to a surrender of territory involved as a possibility, it will, I trust, be made evident that there is another party not to be an indifferent spectator of its own delacration. The mind, in contemplating our prospects, is carried to the courts of Europe, and led to scan the tribunals to which you may refer this subject. It would be unsuitable for me to comment on the dispositions or talents of foreign sovereigns or States; but it is not in cold blood that I can anticipate the committing the destinies of Maine to an irresponsible arbitrator, to be found in a distant land, and necessarily unqualified to act in the case. The character of this arbitership has been potently exhibited by Mr. Gallatin. Suffice it to say, that the proposed arbitration will jeopardize, without her consent, and against her will, the rights of Maine."

Maine, now standing in the place of her parent republic, (Massachusetts) may deem the fifth article of the treaty of Ghent us having led to a course endangering her rights, and rendered more painful and alarming by her exclusion from a proper intercommunication and legitimate consideration as a party in the case."

Again, he says:

"Whatever character appertained to the confederation, or to those who entered into that holy league, it is manifest that the States were not identified and confounded with the Union, in relation to the questions here presented, under the original treaty of peace and limits. I must therefore respectfully urge, that, however the policy and principles of the Executive department of the Federal Government may dictate the imposition upon Maine of silence and forbearance, and however plainly may be indicated the disposition to treat the subject as if merely national, she will not observe any procedure by the United States and Great Britain for the severance of her territory and the abrogation of her authority, without a sensibility too serious to be passive."

Once more:

"It has been urged that this concern is so exclusively national that Maine is obtrusive in presenting her views to the consideration of the Executive. It is nevertheless believed," &c.

In the same document from which I have been reading, I find a letter from the Lieutenant Governor of New Brunswick to Governor Lincoln, dated November 15, 1827, to a paragraph of which I wish to call your attention. It seems that a citizen of Maine had been seized on the disputed territory by the provincial authorities, and imprisoned in the jail at Fredericton. Gov. Lincoln addressed a letter to "his Majesty's Lieutenant Governor," asking him to communicate the circumstances of

the arrest. His Majesty's Lieutenant Governor replies as follows:

"It is not for me to question the propriety of your Excellency's opening a correspondence with the Government of this province, on a question now pending in negotiation between his Majesty's Government and the Government of the United States, as contracted under the treaty of Ghent; but it would neither be consistent with my sense of duty, nor in conformity with my instructions, to give the explanations your Excellency requests, to any persons excepting those with whom I am directed to correspond, or under whose orders I am placed. Should any reference be made by the General Government of the United States," &c.

Here we see the unfortunate and humiliating condition in which Maine was placed. A foreign Government had seized and imprisoned her citizens, and when asked merely to communicate the circumstances of the arrest, turns up its aristocratic nose, and says it is not consistent with its sense of duty so to do. To the General Government it is willing to communicate. When we call upon the General Government for information, there too, we are repulsed: papers in which Maine is deeply and peculiarly interested, are locked up in the national archives, and she is not only denied copies of them, but her efforts are regarded as very obtrusive. Again: on the one hand, the British Government had unjustly wrested from Maine a portion of her territory; and on the other, the General Government was upon the eve of submitting to a foreign arbitrator the question in effect, whether the British Government should keep the whole, or only half of what it had thus unjustly taken! Thus was Maine bound hand and foot, and made ready for the sacrifice. Really, if Maine is under great obligations to that Administration for its efforts in her behalf, I confess myself totally unable to see or comprehend them. In relation to this matter, however, I suppose my colleague's political optics are some what keener than my own.

But the case was finally submitted, and that, too, under the implied power, so far as our Secretary of State and his Minister had power to confer it, of splitting the difference. This was most manifestly a fair subject of complaint on the part of Maine, because it was entirely gratuitous and uncalled for on the part of the Minister and Secretary. The written terms of the submission were, upon this point, perhaps well enough. Why then make declarations inconsistent with these written stipulations, calculated to lead the arbitrator to an exercise of power, not strictly granted, and adversely to our interests? I am unwilling to believe that it arose from any really settled feelings of hostility to Maine, and her then political Government. The letter of Mr. Gallatin has already been referred to, in which he says, that "an umpire, whether a king or a farmer rarely decides on strict principles of law; he has always a bias to try, if possible, to split the difference." The correctness of this position was subsequently recognised and confirmed by Mr. Clay. In his letter to Governor Lincoln, of November 27, 1827, in reply to some objections which had been urged against the submission to arbitration, he says: "It is true, that it (arbitration) is a mode not free from all objections, and Mr. Gallatin has adverted to one, in the extract which you give from one of his letters." And this, too, was after the convention was entered into at London, prescribing the terms of the submission, that having been done, September 23, 1827. After, then, it had been

solemnly agreed, that the arbiter should decide the question of boundary upon *strict principles of law*, that is, according to the terms of the treaty of 1783, and not under the influence of that "pitiful weakness" which "splits the difference between right and wrong," we find our Secretary of State admitting the latter as a *valid, though not insuperable objection* to arbitration. And here, I think, we may date most of the unfortunate difficulties that have since grown out of this case. If it had not been for these unfortunate expressions of our Minister and Secretary of State, would the umpire ever have thought of travelling out of the plain letter of his commission, for the purpose of splitting the difference between right and wrong? I think not. And the extent of their influence since, with the British Government, in protracting the settlement of this question, no man can calculate.

But again: Maine had not only just grounds of complaint, for submitting the question under the circumstances in which it was submitted, but of the selection of the umpire himself. I will not say it was the worst possible selection that could have been made, but I may say, that there were many and, to my mind, insuperable objections to him. He was, in the first place, under great obligations to England. He owed her a debt of gratitude, which, I suppose he would have been happy of an opportunity to pay. At the Congress of Vienna, in 1815, Holland and Belgium were united and made one kingdom, under the name of "The Netherlands;" and, a few months afterwards, William was crowned King, with the title of "King of the Netherlands." England, it is well known, had an overpowering influence in that Congress, and contributed more to the result of a union of Holland and Belgium than all the other members combined. And to England, more than to any other nation, was King William to look to sustain him in the position in which he had been placed. Whether in consequence of all this, his subjection to British influence was more than it ought to be, I will not undertake to say; but it is a fact, that at one time he was called, by his own subjects, "*Le Prefect d'Angleterre*"—the Prefect of England.

But more than this, he was a member of the "Holy Alliance"—one of the band of conspirators against the rights of man. Cherishing the most deadly hostility to liberal principles, how could he be expected to feel any particular partiality or favor for a nation that was doing more to disseminate these principles than any other nation in the world?

His hostility to liberal principles was fully shown by the tyranny which he exercised upon his own subjects. In the first place, he abolished the right of trial by jury—"that bulwark of liberty, and best safeguard of private rights." He then destroyed the freedom of the press, and imposed punishments for libels upon the Government, from one year's imprisonment to death. He decreed that the French language should no longer be the national language in Belgium. "The Belgians were to unlearn their mother tongue, and frame their organs and those of their children to the use of the Dutch." No man was allowed to advocate a cause in the courts, except in Dutch. No man could devise property, except in a language every

word of which required to be translated. And no man was admitted to office, until he had served an apprenticeship to the Dutch language.

Such tyranny can only be equalled by another act of the same king, which was this: On the adoption of the constitution presented by himself to the notables, he declared 527 votes to be a majority of 1,523, on the ground that some of the notables voted from *religious scruples*! The historian denounces this act, as well he might, "a barefaced outrage on common sense and equity." And this is the man—a member of the Holy Alliance, executing its tyrannical principles upon his own subjects—indebted to England for his crown, and naturally opposed to the United States as the friends and disseminators of free principles; this is the man who was selected to arbitrate upon the rights of property and sovereignty of Maine, when they had been assailed by Great Britain! Verily, if here is cause for gratitude on the part of Maine, I will leave it for the particular friends of that Administration to discover.

But again: Maine had just cause of complaint, that the case was not taken from him, when he ceased to be, what he was when the case was referred, viz: king of the *Netherlands*. In 1830, his tyrannical oppression of his own subjects caused a revolution, which, we all know, resulted in the independence of Belgium. So that, while he retained the empty title of the king of the Netherlands, he was, in fact, only king of *Holland*. Shorn of more than half his kingdom, subjects, power, and influence; and dependant upon the combined powers, one of whom was England, even for the retention of this "smaller half," he ceased to be that *independent sovereign* contemplated in the consent to his arbitration. At the very time of his pretended decision of our case, the question was pending with the combined powers *who should be made King of Belgium*; whether the Government should pass out of the family of the King of the Netherlands, or not: the Prince of Orange, son of William, and Leopold, of Saxe Coburg, being the principal candidates. England had an overwhelming influence with the combined powers, and the King of the Netherlands knew it. Without, therefore, alleging that the decision was at all influenced by these circumstances, they were sufficient to have authorized our Government to protest against his proceeding further in the case, and to have invited him to give up the papers. This, however, was not done, and the umpire went on to make what he called an award, by which more than two million acres of our land would have been transferred to Great Britain. From this, however, fortunately for Maine, another Administration, which had just then come into power, rescued us. Nevertheless, as my colleague would have it, the first Administration is worthy of all commendation, while the latter is worthy only of censure!

The Governor of Maine, in his annual message, delivered January, 1831, holds the following language in relation to the subject:

"But recent events having deprived that monarch [the King of the Netherlands] of the greatest portion of his kingdom by a revolution, thus rendering him necessarily dependant upon foreign power for succor and support, his political situation has been so essentially changed that it may be doubtful, at least, whether he will give a decision on this delicate and important

question, which was referred to him under circumstances so essentially different from those which at present exist. If the effect of this revolution should be to unite in still closer bonds of amity the former friendly and intimate relations of the King of the Netherlands with Great Britain, which seems to be probable, it must be considered that the agreement to refer would, in that event, be rendered of no avail. Whatever confidence may be put in the justice of our cause, however clearly our right may be shown in argument, we certainly could not be willing to submit it to the usurpation of a sovereign, who is not only the ally, but who, by the force of circumstances, may have become, in some measure, the dependant ally of Great Britain."

Similar views were expressed by the Legislature of Maine by certain resolutions upon the subject, adopted February 28, 1827.

These are a portion of the complaints of Maine against the General Government during the Adams administration, and, I trust, that all will perceive them to be neither unjust nor unsubstantial. I will now pass to the specific charges of my colleague against the two succeeding Administrations, and endeavor to show how far they are right, and how for they appear to me to be without foundation.

And, first, in relation to the agreement or understanding had between the Governments of the United States and Great Britain, as to occupation and jurisdiction of the disputed territory. The Adams administration, it was alleged by my colleague, took high ground and maintained it manfully, while the succeeding Administrations had frittered away the agreement, and, finally, abandoned both possession and jurisdiction to the British. Now, this may be so, but I have not yet been able to see it, and, I think, the House will find the same difficulty with myself, after examining the instances particularly cited and relied upon by my colleague.

For the origin of this agreement the letter of Mr. Gallatin to the Secretary of State, dated July, 1827, is referred to, in which he says: "Mr. Canning also suggested the propriety of abstaining, on *both sides* pending the suit, from *any act of sovereignty over the contested territory.*" We next find the agreement alluded to in a letter of Mr. Clay, Secretary of State, to the Governor of Maine, November 27, 1827, which was overlooked by my colleague. He says: "Both parties stand pledged to each other to practice forbearance, and to abstain from further acts of sovereignty, *on the unoccupied waste*, until the question of right is settled." Now, as that Administration has been complimented for making a good agreement and adhering to it, it is worth our while, for a moment, to examine these two statements of the agreement, and see how far they coincide. By Mr. Gallatin's statement, "both sides were to abstain from any acts of sovereignty over the *contested territory*,"—that is, over the *whole*. By Mr. Clay's statement, we were "to abstain from further acts of sovereignty over the *unoccupied waste*," &c. Here is an important difference. If Mr. Gallatin's agreement had been adhered to, Great Britain could not have exercised any acts of sovereignty even over the *settlement of Madawaska*. But as Mr. Clay has changed it, Great Britain is only restricted to the *unoccupied waste*. This is a very pretty beginning for the Administration which has received such high encomiums.

But let us go one step farther. The next notice we find of this agreement, is in a letter from Mr. Clay to Mr. Vaughan, bearing date January 9, 1829. After complaining of certain trespasses up-

on the territory, in cutting timber, which, it was alleged, had been done under the authority of the British Government, he adds: "I need scarcely remark, that the proceedings, thus described, are in opposition to the understanding which has existed between the Governments of the United States and Great Britain; that, during the pendency of the arbitration, which is to settle the question of boundary, neither party should exercise any jurisdiction, or perform any act, on the disputed territory *to strengthen his own claims*, or to effect the state of the property in issue."

Here, also, we find important modifications of the agreements before stated. In both of those agreements, the acts of sovereignty from which the parties were to abstain were *unqualified* acts of sovereignty. Now, it is not any act of jurisdiction or sovereignty whatever, but those acts only which have for their object *to strengthen the claim* of the party exercising it; and in proportion, therefore, to the difficulty of deciding upon the *precise object* of either of the parties in any particular act of jurisdiction exercised, is the agreement made loose, indefinite, and worse than none. Here, then, are three attempts to state the agreement, and neither agrees with the others. They all differ in very essential particulars. If, therefore, my colleague should have succeeded in showing, as he attempted, that the succeeding Administration had stated the agreement differently, at different times, and that some degree of confusion had been produced upon the subject, I think some allowance should be made on account of the example which, it is perceived, had been set them by their predecessors.

But as this last version of the agreement seems to have been settled down and practised upon as the real agreement or understanding in the case, let us see what it is, and what is the fair construction of it. There are two branches to it; one relating to the *jurisdiction*, and the other to the *property*, in the territory;—the parties were not to exercise any acts of sovereignty to strengthen their own claims, or to do any act which should affect the value of the property. It was to continue during the pendency of the arbitration. This I take to be the fair construction of the agreement. Now, how did it apply to the actual state of things? Why, Great Britain had possession of Madawaska village; Maine had possession up to that, or nearly so, and the land lying above Madawaska might be regarded as "unoccupied waste," which neither party had in actual exclusive possession. Hence, both parties might continue to exercise jurisdiction without any violation of the agreement, provided they kept within their usual and accustomed limits, and committed no *new* or *further* act of jurisdiction.

The rights of property were to remain untouched, that is, neither were to sell the land or cut off the timber. Here is the agreement, and here the mode of applying it, though we therein make a large concession in favor of Great Britain, to wit: in admitting her jurisdiction over Madawaska village. Maine always denied this, until a certain Mr. Barrell, who seemed to have imbibed strong prejudices against Maine and her interests, was appointed by Mr. Clay to go to the British Provinces to collect the facts in this case. He reported that Great Britain was in *possession* of Madawaska. This

afterwards being recognised and confirmed by Mr. Clay, Maine found herself reluctantly obliged to yield a fact which she had always before, and rightfully, contested, unless the issuing of a few commissions in a militia, not in *esse*, and a few acts of a like character, were sufficient to constitute possession. That the foregoing is a fair construction of the agreement, I refer to Mr. Clay's letter to the Governor of Maine, bearing date November 27, 1827, in which he says:

"Both parties stand pledged to each other to practice forbearance, and to abstain from further acts of sovereignty on the unoccupied waste, until the question of right is settled."

But, whatever may be the true construction, I would now inquire by what *right or authority* was this agreement made? If the disputed territory belonged to Maine, and that Administration expressly admitted it, where did the General Government derive its power to say that Maine, a sovereign State, should not extend her jurisdiction over it? Would not such a power involve that of alienating the territory? If the General Government can rightfully deprive us of our property and bestow it upon another for one month, I do not see why it may not be done for one year, or for an indefinite period. This question of authority occurred to the mind of my colleague, when speaking of the agreement as having been made by General Jackson's administration. It was all right and proper, in his estimation, for Mr. Adams's Administration to enter into such an arrangement, but to *continue* it merely, by the succeeding Administration, was all wrong, and he calls for the authority.

Pursuing the order of my colleague, we now come to the first act of the new Administration, in which it is said that the agreement or understanding is entirely changed, and very much to our disadvantage. That, Mr. Hamilton makes it a question of *property* between the *citizens* merely, and not a question of *sovereignty* and *jurisdiction* between the two *Governments*. In a letter from Mr. Hamilton to Mr. Vaughan, under date of March 11, 1829, he says:

"I have received, and laid before the President of the United States, the note, with its enclosures, which you did me the honor to write to me on the 7th of this month, in answer to a representation which was made to you by Mr. Clay, on the 9th of January last, at the instance of the Governor of Massachusetts, concerning depredations complained of by him against inhabitants of the Province of New Brunswick, in cutting timber, preparing lumber for market, and erecting mills, upon the soil of the territory in dispute between the United States and Great Britain; and I am directed by the President to state, in reply, as I have much pleasure in doing, that he derives great satisfaction from the information contained in your communication, as he especially perceives in the prompt and energetic measures adopted by Sir Howard Douglass, Lieutenant Governor of the Province in question, and denoted in the enclosure referred to, a pledge of the same disposition on the part of the authorities of that Province which animates this Government, to enforce a strict observance of the understanding between the two Governments, *that the citizens or subjects of neither shall exercise any acts of ownership in the disputed territory whilst the title to it remains unsettled.*"

Now, although Mr. Hamilton was at the head of the State Department for a few days only, under a temporary arrangement, and probably had not given this subject much of his attention, yet, on a fair construction of what he has said, taken in connection with the circumstances of the case, it will be found that there is in fact no change in the agreement or misstatement of it, made by him. It will be perceived, that the correspondence then was in regard to certain *trespasses* alleged by us to have

been committed by British subjects, and not on account of any *acts of sovereignty* by the British Government. The agreement, it will be recollected, was of two branches, one touching the property, and the other the jurisdiction. It is, therefore, fair to presume, that Mr. Hamilton alluded to *that part of the agreement* which bore upon the questions *then under consideration*, without intending to set out *the whole agreement*, or those parts of it bearing on questions not then drawn into discussion. This construction is deemed to be strictly in accordance with the fair and legitimate rules of interpretation.

But if he was in an error, the Governor of Massachusetts fell into it also. For, on recurring to his letter to Mr. McLane, then Secretary of State, under date of November 1, 1833, we find the following remark relative to the agreement, viz:

"Prejudicial as the delay in the settlement of this long vexed subject of boundary is to the rights of property which Massachusetts claimed in the disputed territory, and impatient as both the Government and the people have become at the unreasonableness and pertinacity of the adversary pretensions, and with the present state of the question, yet the Executive of this Commonwealth will not cease to respect the understanding which has been had between the Governments of the two countries, *that no act of wrong to the property of either shall be committed during the pending of measures to produce an amicable adjustment of the controversy.*"

Here it will be perceived that Governor Lincoln, in his statement of the agreement, confines it to *the property* merely. Now, how is this? No one, I presume, will accuse that gentleman of a disposition to relinquish any rights belonging either to Massachusetts or Maine, as connected with this subject. For myself, I have always regarded him and his distinguished brother among our best friends, and foremost in avowing and maintaining our claims, and in repelling British pretensions. The only true solution of the matter is this: that Governor Lincoln was corresponding with Mr. McLane, upon the subject of certain *trespasses* alleged to have been committed upon *the property* of the disputed territory; and hence he confined himself, in his reference to the agreement, to that part of it only which related to the subject matter of discussion. In this, he and Mr. Hamilton adopt the same course, and neither change the agreement, or yield any rights belonging to the States of Maine or Massachusetts.

My colleague [Mr. Evans] next refers us to the letter of Mr. Van Buren, then Secretary of State, to Mr. Vaughan, under date of May 11, 1829, for further proof of a change in the agreement, and of a virtual abandonment of the rights of Maine. If that letter be susceptible of any such interpretation, then I have studied the English language to no purpose. Mr. Van Buren says:

"The undersigned *must acquiesce* in the supposition that, because the agent of his Britannic Majesty thought proper, in the proceedings before the commissioners, to *lay claim* to all that portion of the State of Maine which lies north of a line running westerly from Mars Hill, and designated as the limit or boundary of the British claim, *thereby the United States, or the State of Maine, ceased to have jurisdiction in the territory thus claimed.* In the view of this Government, his Britannic Majesty's agent might, with *equal justice*, have extended his claim to *any other undisputed part of the State*, as to claim the portion of it which he has drawn in question; and in such case, the Lieutenant Governor of New Brunswick could surely not have considered a continuance on the part of the United States, and of the State of Maine, to exercise the accustomed jurisdiction and authority, to be an encroachment. It so, in what light are we to regard the continued acts of jurisdiction now exercised by him in the Madawaska settlement? More than twenty years ago, large tracts of land, lying westward of Mars Hill, and northward on the river Restook, were granted by

the State of Massachusetts, which tracts are held and possessed under those grants to this day; and the United States, and the States of Massachusetts and Maine, in succession, *have never ceased to exercise that jurisdiction* which the unsettled condition of the country in that region, and other circumstances, admitted and required."

Here is a plain, clear, and distinct avowal of the justice of our claim, and a forcible and manly vindication of them. He insists on both our jurisdiction and possession, and yields nothing. Surely Maine can find no fault with this. But a paragraph at the close of the same letter is referred to particularly, as containing the unfortunate modifications of the then subsisting agreement. It is as follows:

"The undersigned indulges the hope that Mr. Vaughan will perceive, in the manner in which the President, discriminating between the rights of this Government and their present exercise, has used the discretion conferred upon him—an additional evidence of the desire which he sincerely entertains, and which he has heretofore caused to be communicated to Mr. Vaughan, that both Governments should, as far as practicable, abstain from all acts of authority over the territory in dispute, which are not of immediate and indispensable necessity, and which would serve to create or increase excitement whilst the matter is in course of arbitration," &c.

Here, it is said, by the qualification of "immediate and indispensable necessity," a door is opened for British aggression, and a latitude given that Government which it did not possess before. But I would inquire whether it be any thing more than what Mr. Clay says, in his letter to Mr. Vaughan, of February 20, 1828, viz:

"Nor can they [certain acts of the British Government] be reconciled with that mutual forbearance to perform any *new act of sovereignty* within the disputed territory, *having a tendency to strengthen the claims of the party exercising it*, which, it has been expected, would be observed by the two Governments, during the progress of their endeavors amicably to adjust the question of boundary."

If persons, not subjects of either Government, for instance, should go on to the "unoccupied waste" for the purpose of plundering it of its timber, what shall be done? Shall both parties so construe the agreement or understanding between them, in regard to the abstaining from the exercising of jurisdiction as to compel each other to stand by and see such trespass prosecuted with impunity? Or should each party have the right to arrest and punish the intruder? The latter, undoubtedly; and more especially so, because it would not be done for the purpose of "*strengthening the claim of the party*," and would be of "*immediate and indispensable necessity*."

This view is supported by reference to a report made to the Legislature of Maine, in January 1829, by a gentleman who was, and still is, the political friend of my colleague. His language is thus:

"There seems to have been an understanding between the Government of the United States and the British Government, early in 1826, that each party should abstain from any acts which might be construed into an exercise of the rights of sovereignty or soil over the disputed territory, *except for the purpose of preserving it in its then present state*, until the final determination of the question."

The next cause of complaint against Gen. Jackson's administration on my colleague's list, he derives from a letter of Mr. Bankhead to Mr. Livingston, dated October 1, 1831. Mr. Bankhead, after alluding to certain proceedings on the part of Maine touching the disputed territory, says:

"The undersigned regrets sincerely that these irregular proceedings should have been had recourse to, during a period when the question of boundary is in a course of settlement, and in opposition to the *desire expressed by the President*, that, pending the discussion of that question, *the State of Maine should refrain from committing any act which could be construed into a violation of the neighboring territory*."

Here, it is said, we see the President ignobly

yielding the possession of the disputed territory to Great Britain, and desiring Maine to acquiesce in it. And, if the facts were so, I would unite with my colleague in almost any language of reprehension that he might choose to employ. But where, I ask, is the evidence that the President ever expressed any such desire? It is only to be found in this letter of Mr. Bankhead. But, on referring to a communication from Mr. Van Buren to the Governor of Maine, of March 18, 1831, it will be found that the President is entirely misunderstood, and his language palpably misquoted. It runs thus:

"In making this communication to your Excellency, I am instructed by the President to express his desire, that while the matter is under deliberation, *no steps may be taken by the State of Maine*, with regard to the disputed territory, *which might be calculated to interrupt or embarrass the action of the Executive branch of this Government upon the subject*."

Thus, simply by citing the authority upon which Mr. Bankhead predicated his remark, the whole charge and complaint of my colleague falls to the ground. But it is said that, in a letter of Mr. Livingston, while Secretary of State, to Mr. Bankhead, October 17, 1831, there is an entire acquiescence that Great Britain should have the *exclusive jurisdiction of the disputed territory*. In this letter, my colleague says, all is abandoned, yielded, given up; and that now we have not a right to set a foot there. Sir, I have read that letter in vain to find any such acquiescence in the British claim, or abandonment of our own. On the contrary, it recognises the subsisting agreement between the two Governments, and insists on a strict compliance with it. The object of the communication was to procure the release from imprisonment of certain persons who had been arrested and imprisoned by the Provincial Government. It seems that in 1830, just before the award of the royal umpire, King William, the Legislature of Maine incorporated the town of Madawaska. But, as appears in the communications of the Governor upon the subject, it was merely in anticipation of the award, and without any intention of having any formal organization under the act of incorporation, until after the award should be duly promulgated; never for a moment doubting that it must be in favor of Maine. Certain individuals, however, without instructions or authority from the Government, applied to a justice of the peace in Bangor, to issue a warrant for calling a meeting of the inhabitants, for the purpose of organization, and choice of officers. The warrant was issued; and while in the prosecution of their design, they were arrested and imprisoned by the Provincial Government, on the ground that their acts constituted a violation of the agreement, about which so much has already been said.

Mr. Livingston sought to procure their release in the first place, on the ground that their acts, being unauthorized, and not followed out, were no violation of the agreement; and secondly, that even if it were so, the Provincial Government could not rightfully proceed to try and convict them. It might be a cause of complaint against our Government, if their acts were authorized; but to proceed to try, convict, and punish them, would be a practical decision of the question of *exclusive jurisdiction*; and against this he remonstrated in earnest language.

Now, in all this, what is there to condemn? I am unable to perceive any thing.

But my colleague has instituted a comparison between the course of Mr. Livingston in the foregoing case, and the course of Mr. Clay in the case of the arrest and imprisonment of John Baker in 1828. It is said that Mr. Clay used stronger language in requiring the release of the prisoner than Mr. Livingston used. That is rather a small matter even if it be so; but it appears to me, that Mr. Livingston, in the positions he assumed, took the higher ground of the two. They both refused to justify the acts of our citizens, who had been arrested, but denied the right of the Provincial Government to proceed to trial and conviction, because it would be a practical decision of the question of right to *exclusive jurisdiction*. Wheelock was arrested for acts done and committed in the village of Madawaska, in the possession of the British; while Baker's settlement, Mr. Clay says, "appears to have been made outside of the Madawaska settlement, upon contiguous waste lands." And hence he adds:

"Whatever jurisdiction the Government of New Brunswick might claim in virtue of the Madawaska settlement, being confined to it, could not be rightfully extended to Baker and his American neighbors. Even if he had been guilty of any irregularity of conduct, he was not amenable to the Provincial Government, but to his own."

Thus we see, that while Mr. Clay was denying the right of the British Government to try and punish Baker, inasmuch as he lived out of Madawaska settlement, on the unoccupied waste, Mr. Livingston was denying their right to try and punish Wheelock for an act done in the settlement of Madawaska itself. This is manifestly higher ground than that assumed by Mr. Clay, and yet my colleague can see in the course of the former every thing to praise, and in the latter every thing to condemn.

In the case of Greely, however, Mr. Stevenson is complimented for the bold and manly tone in which he denounced the arrest of Greely as an outrage, demanded his release, and denied the jurisdiction of the British Government. Sir, I am glad that this Administration, or any one of its members, can perform any act in a manner to please my colleague. But, he adds, Mr. Stevenson assumed it upon his own responsibility, not having received instructions from this Government of a similar character.

To this, I can make no more effectual answer than to turn to the letter of instructions itself, from Mr. Forsyth to Mr. Stevenson, under date of July 12, 1837. I here find that he expressly calls the seizure and imprisonment an "outrage upon the personal liberty" of one of the citizens of Maine; and, after dwelling briefly upon the argument of the case, he closes by saying: "You are directed, immediately upon the receipt of this despatch, to bring the subject to the notice of his Majesty's Government, and to DEMAND, as a matter of JUSTICE and RIGHT, the PROMPT release of Mr. Greely, and a suitable indemnity for his imprisonment." Our inclinations must have become belligerent, indeed, if we would require any thing more than this; and one would naturally think, that the materials for fault-finding were very scarce, when such circumstances are seized upon as matters of grave accusation against the Administration.

But it is said, further, that the British Government has acquired possession of the disputed territory by means of a warden, and that this warden was appointed with the knowledge and concurrence of President Jackson. Where is the evidence of this? None is to be found except in a letter from Sir Archibald Campbell to Sir Charles R. Vaughan, January 29, 1834, in which he says: "Mr. McLaughlan was appointed to the wardenship of the country with the knowledge and concurrence of the President; and it is not conceivable, therefore, that any fair ground of objection can be taken to his faithful performance of the duties of his office."

It will be observed, that he does not allege that President Jackson concurred in the appointment; and from the information to be gathered from the documents, it is manifest that it could not have been him, for the appointment was made before he came into office. By the foregoing letter of Sir Archibald Campbell, we learn that the name of the warden is McLaughlan; and on turning back to a letter from Sir Howard Douglass to Mr. Vaughan, dated February 11, 1829, we shall find the following in relation to this gentleman and his appointment:

"In order that your excellency may have full, circumstantial, and recent information upon this subject, (i. e. certain trespasses alleged to have been committed upon the disputed territory) I have despatched a magistrate of this county—a gentleman in whose prudence and discretion I place the firmest reliance—with instructions to inspect all the lumber camps any where near the line," &c. &c. "Having made this inspection, this gentleman will be directed to remain in the upper part of the country, with orders to enforce the strictest observance of the instructions I have already given to seize any timber," &c. "The report from Mr. McLaughlan, the magistrate whom I am about to despatch on this duty, will probably reach your excellency in about three weeks after this communication."

This is the only evidence I can find of the appointment of an agent or warden; and it will be perceived that this was during the existence of that Administration which, according to my colleague's views, did so much for Maine, and to which she owes such a debt of gratitude. For myself, however, I do not believe that any President concurred in that appointment. It was a matter of inference merely on the part of Mr. Campbell and he was probably as much mistaken in that as we have already seen Mr. Bankhead was, in undertaking to state the President's "desires."

Mr. Campbell in the same letter, speaks of a "conventional frontier;" and this furnishes my colleague with the occasion to inquire by what authority the President had assented to a "conventional frontier," and to complain of the Administration for its criminal abandonment of our territory and our rights. Sir, how easy is it to magnify trifles into importance, to see mountains in mole-hills, when our vision is diseased? Of the sincerity of my colleague I do not doubt; but in this instance, at least, his strong feelings of opposition to General Jackson's administration—an opposition which can see no good, but unmixed evil in all its acts—has misled and deceived him. The conventional frontier, of which Mr. Campbell speaks, is nothing more or less than that which was established by Mr. Clay himself, in the agreement before alluded to. If the British Government were to retain the possession of Madawaska settlement by the agreement, why, then, is it not manifest that the boundary line of that settlement is, for the time being, a "conventional frontier?" Nothing can be plainer; and no

evidence can be found (published or unpublished) of President Jackson, assenting to any other conventional frontier.

After the rejection of the award of the King of the Netherlands, agreeably to the advice of the Senate of the United States, negotiations were opened with the British Government, for the settlement of the line according to the terms of the treaty of 1783, and my colleague complains of Mr. Livingston's pusillanimity in inviting negotiations, and *apologizing* for the rejection of the award. I deny that there was any *apology*, or any thing approaching to it. He stated the fact of the rejection, and then, in plain and manly terms, gives the grounds of it. And as to the *invitation* to enter upon negotiations, pray why should he not have invited it? Should he rudely have *insisted*, or assumed a right to command? Sir, I am no friend to the old system of diplomacy, characterized by duplicity, indirectness and intrigue. No sir, I prefer General Jackson's mode of saying right on, in plain, direct, and forcible language, what he had to say—of asking for nothing but what was right, with a determination to submit to nothing wrong. But *inviting* negotiations, it appears to me, is in no way inconsistent with this.

[Mr. Evans said that his colleague was entirely mistaken; he (Mr. E.) had not complained of Mr. Livingston either for a supposed "apology" or "invitation" to negotiate.]

Well, sir, then I must let it go for my mistake, though I find it upon my minutes of that gentleman's speech, taken at the moment.

But complaint is made of Mr. Livingston for proposing to the British Government a new principle of survey, to wit: to abandon the due north course from the source of the St. Croix, if need be, in order to strike the highlands named in the treaty of 1783. If Mr. Livingston had stopped here, it appears to me, he would have been fully justified. It is a familiar principle, that courses and distances shall yield to monuments—that which is more certain shall control that which is less certain. The highlands, which divide the head waters of the rivers flowing into the Atlantic ocean from those which fall into the river St. Lawrence, is one of the monuments named in the treaty of 1783, and if it be necessary to diverge from a true north line from the source of the St. Croix to strike these highlands, I can see no objection to it. But to the correctness of the position that we should diverge to the west and not to the east, to the left and not to the right, I cannot assent; nor will Maine yield her assent to a proposition so dangerous and suicidal in its nature.

I have thus followed my colleague through his list of charges against the Administrations of General Jackson and Mr. Van Buren upon this subject, and have endeavored to set things right—approving and condemning, as the circumstances seemed to require. Nothing is to be gained by unnecessarily impugning the course of the General Government. Our object now is to procure the passage of this bill—to take one decisive step towards restoring to Maine her long lost and much abused rights. In this we need the aid of the General Government, and confidently expect to receive it, in both its Legislative and Executive

branches. We call for the passage of this bill, as a measure not only mild and prudent in itself, but imperatively called for by the rights of Maine, and corresponding obligations on the part of the General Government. Maine is so unquestionably right, and Great Britain so palpably wrong, in this matter, that I cannot believe any member who has looked at all into it will refuse us his vote.

But I am aware that, from the circumstance of this question being somewhat local in its character, and perhaps from the circumstance, too, that Maine has been so meek and uncomplaining under injuries, it is not generally well understood. I propose, therefore, as briefly as I can, to give an abstract of our title, and the questions now pending between the two Governments.

The northern and eastern boundaries of the United States, and, consequently, of the State of Maine, are thus defined in the definitive treaty of peace between Great Britain and the United States, concluded at Paris the 3d of September, 1783:

ART. 2. 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, to wit: that angle which is formed by a line 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 river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of the Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude," &c. "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."

The first question that arose under this treaty, was, as to the true river intended by the St. Croix. Provision was made for the settlement of it in the treaty of 1795, commonly called Jay's treaty; and in 1798, the commissioners appointed in pursuance of the provisions of this treaty, determined that the river called by the Indian name of Schoodiac was the true St. Croix, and accordingly placed a monument at its source, which now remains as one of the acknowledged and undisputed boundaries between the United States and the British colonies.

At that time every thing else was supposed to be well understood. There was no other uncertainty or ambiguity alleged. There was no dispute or question made as to the localities of the monuments referred to in the treaty of 1783. There was then no pretence of title to the now disputed territory set up. All these things, as we shall perceive, were after-thoughts, suggested by the supposed convenience and all-grasping cupidity of Great Britain.

At the negotiation of the treaty of Ghent in 1814, the British commissioners asked for a *cession* of a part of this now disputed territory for an *equivalent*. Our ministers substantially replied and rightfully, that they had *no authority to cede*. That the territory belonged to Massachusetts and Maine, and no power could divest their title. Then, for the first time, a doubt was suggested as to the boundary. This doubt in a short time ripened into a claim; and this claim, founded upon pretences of title the most preposterous, has been urged ever since, if not with the most consummate effrontery, at least with a pertinacity worthy of a better cause.

However, provision was made in that treaty (1814) for the appointment of commissioners to

survey the line, and, in case of disagreement, a submission of the question to some friendly sovereign was provided for. The commissioners appointed under this provision of the treaty, after attempts extending through a period of about five years, could not agree; and thereupon, in pursuance of the treaty stipulations, the case, in 1827, was referred; William, king of the Netherlands, as I have before stated, being selected as the arbiter. The evidence was laid before him, and the case argued with distinguished ability by Messrs. Preble and Gallatin, but without success. Notwithstanding his strong bias for Great Britain, and adversary feelings for the United States, the case was so clear that he could not decide against us, and, situated as he was, he would not decide for us. He therefore decided neither way, but advised a compromise, by which the highlands were to be sought in the bed of a river, and by which Maine would have lost about two million acres of land. This advice was rejected by the United States, and afterward by Great Britain herself, and thus we were brought back to the point from which we started in 1814.

After this brief history of the case, I will call the attention of the House again to the terms in which the boundary is described in the treaty of 1783.

"From the northwest angle of Nova Scotia, viz: 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 northwesternmost head of Connecticut river." "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."

With such a clear, unambiguous, and lucid description of boundaries, it is difficult to conceive how any controversies should have arisen in regard to them, and especially that any serious doubts should have been entertained as to the true intent and meaning of the terms employed. A glance at the map, and a slight attention to the topography of the country, will only tend to increase our surprise.

It will be perceived, that running nearly parallel with the river St. Lawrence, extending from the head of Connecticut river on the west, nearly to Cape Rosieres on the east, and in an average distance of some twenty-five or thirty miles, is a ridge or height of land, from which flow two opposite directions two classes of rivers; the first falling into the river St. Lawrence, and the other, mediately, into the Atlantic ocean, through certain gulfs and bays. This height of land separating the rivers aforesaid, is not a chain of mountains, but may more properly be termed "a ridge of broken highlands," its average height being about fifteen hundred feet above the level of the sea. At the termination of the American line, the height is over sixteen hundred feet, according to the survey of Mr. Bouchette, under British authority, in 1817.

About forty miles north from the source of the St. Croix, is an isolated mountain or peak, called Mars Hill, which, according to Mr. Bouchette, is eleven hundred feet high. Scattered along westerly from this, are numerous mountains or hills, near which the Penobscot and its branches take their

rise, but not forming any regular and connected chain. Near that point of the highlands which we allege constitutes the northwest angle of Nova Scotia, it will be perceived two rivers take their rise and flow at nearly right angles, the Metis into the river St. Lawrence, and the Ristigouche into the bay of Chaleurs, and thence into the Atlantic ocean. Other features of the country will be adverted to as I proceed, and as may be found necessary.

The points now in controversy between Great Britain and the United States are as to the locality of the northwest angle of Nova Scotia and the highlands named in the treaty of 1783, and the northwesternmost head of Connecticut river. The latter, contending that the northwest angle of Nova Scotia is at the termination of a line due north from the source of the St. Croix to the highlands dividing the head waters of the river Ristigouche, which flows into the Atlantic ocean, from the source of the river Metis, which flows into the river St. Lawrence. Great Britain, on the other hand, contends that the line due north from the source of the St. Croix should terminate at Mars Hill; that, there is the northwest angle of Nova Scotia; and that, there are the highlands intended by the treaty; and that, from this, the line extends westerly along a range of hills to the northwesternmost head of Connecticut river. This claim, however preposterous it may appear, has been pursued with a pertinacity, zeal, and seriousness that perhaps entitle it to a sober answer.

And first with regard to the starting point—the northwest angle of Nova Scotia. Where is it? The terms of the treaty of 1783 inform us; "to wit: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands" "which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean." We are not to stop at the first highlands on the course, nor the most mountainous lands, nor highlands of any description, other than those which divide the sources of the rivers aforesaid. This is an important and highly descriptive adjunct, which cannot be overlooked or disregarded without doing violence to the plainest principles of construction. Without it, the phrase "highlands" would be indefinite and indeterminate. With it, the meaning is too clear and precise to leave any room for doubt or ingenious construction.

But what are the objections taken by the British Government to our position? First, it is said that, as a matter of fact, there are no "highlands" within the meaning of the treaty of 1783, where our north line, from the source of the St. Croix, terminates. Now, if we admit, for the sake of the argument, that there is no mountain or large hill at the termination of our line, yet the denial of the existence of "highlands" at that place would seem to come with an ill grace from those who insist that Mars Hill is "highlands;" for, by a survey of Mr. Bouchette, a British topographical surveyor, made in 1815, it appears that the land at the termination of the American line is over 1600 feet above the level of the sea, while Mars Hill is only 1100. Land, 1100 feet high, is highland, but that which is 1600 feet high, is not highland! To such gross absurdities do our adversaries find themselves driven

to support a relative circumstance agreed upon by both maps, published at the same time, but retained only by an incorrect method to be determined by the verifiers of the treaty. It is perceived in opposition to the Lawrence sources strip of the law, this strip either exists or does not exist. Mitchell's map of the land."

Mars Hill is the treaty Government's junction point, and the river the Atlantic hundred into the streams. Again, the river falling into the St. Lawrence proves there was no Nova Scotia. Long negotiations with the American and British governments have been held, and a bay so reported by others. Agony

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to support an unjust and groundless claim. But, in relation to this point, we would advert to the circumstances under which this boundary was agreed upon in the treaty of 1783. It is admitted by both of the contending parties, that Mitchell's map, published in 1755, is the only one which the negotiators of the treaty had before them at the time, and by which they were guided. At that time, but little accurate information had been obtained of the face of this part of the country; and, by an inspection of Mitchell's map, it will be perceived that little else beside the rivers attempted to be delineated. Consequently, by these, the matters of the treaty must have been principally governed. Hence the selection of the very appropriate and significant term "highlands." They perceived on the map two classes of rivers flowing in opposite directions—one class into the river St. Lawrence, and the other into the sea—and that the sources of these rivers were divided by a narrow strip of land. With any knowledge, therefore, of the laws of nature, must they not have regarded this strip of land more elevated than that lying on either side of it? And not being aware of the existence of mountains, none being laid down on Mitchell's map, would there not seem to be a peculiar appositeness in the use of the term "highlands?"

Mars Hill cannot be the highlands intended in the treaty of 1783, (as contended for by the British Government,) because it is entirely desitute of the adjuncts named in the treaty. Instead of being a continuous tract of elevated land, it is an insulated peak, or mountain. Again, and what ought to be regarded as conclusive upon the subject, it does not "divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean." So far from this, it is one hundred miles from the sources of the rivers falling into the St. Lawrence, and divides two tributary streams of one river, to wit: the river St. Johns.

Again: it is said by the British Government that the rivers Ristigouche and St. Johns are not rivers falling into the Atlantic ocean, because they empty themselves, mediately, the first through the Gulf of St. Lawrence, and the latter through the Bay of Fundy. This argument, if it prove any thing, proves too much. If this position be tenable, then there were no rivers between the northwest angle of Nova Scotia and the head of Connecticut river, falling into the Atlantic ocean, inasmuch as all of them fall first into bays or sounds: the St. Croix into the Bay of Fundy, the Penobscot into a bay of the same name, the Kennebeck and Androscoggin into the Sagadahock, and the Connecticut into Long Island Sound. But the commissioners who negotiated the treaty, certainly did regard some rivers between the points aforesaid as falling into the Atlantic ocean, for they are so expressly named and described in the treaty. Does it not, then, conclusively follow, that, in the view of the commissioners, a river might be said to fall into the Atlantic ocean, though it first discharged itself into a bay or sound; and if one of the rivers could be so regarded, by parity of reason, might not all the others?

Again: that the commissioners considered these bays and gulfs as a part of the sea or Atlantic

ocean, may be gathered from the terms used by them in another part of the treaty. By the third article, it is provided "that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish." Here, it is perceived, they consider the Gulf of St. Lawrence as a part of the sea or Atlantic ocean.

Besides, the commissioners speak only of two classes of rivers, the first falling into the St. Lawrence river, and the other into the Atlantic ocean. Now, as the Ristigouche and St. Johns certainly do not fall into the river St. Lawrence, to what class can they be assigned, but to those falling into the Atlantic ocean?

But, without relying upon these clear and cogent proofs of the views and intentions of the commissioners, it is believed that the usual and common acceptation of the term *sea* or *ocean* embraces the bays, etc. before named. "Sea, in its general sense, embraces the whole body of salt waters on the globe. Its great subdivisions are designated by the names of Atlantic ocean, Pacific, Indian, Arctic, Antarctic oceans, etc; and each of these is a general appellation, embracing, when not specially or impliedly excluded, all the bays, gulfs, and inlets, which are only portions of such ocean, being formed by the indentures of the shores to which it extends, or by adjacent islands."

But the claim of the United States, thus clear and indisputable upon general reasoning, will be found not only to be justified, but rendered doubly certain, by reference to the documentary evidence in the case.

In the year 1763, the war between England and France resulted in a relinquishment by the latter of a right to Nova Scotia, and a cession of Canada. England then became the undisputed owner of both Provinces; and, during the same year, a Royal proclamation issued establishing boundaries to the Province of Quebec, or Lower Canada. That portion of the proclamation applicable to this question, was in the following words, viz:

"Whence the said line crossing the river St. Lawrence and the Lake Champlain, in 45 degrees of north latitude, passes along the highlands which divide the rivers 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 of Chaleur, and the coast of the Gulf of St. Lawrence to Cape Rosier."

In 1774, the foregoing boundaries were solemnly confirmed in an act of Parliament, entitled "An Act for making more effectual provision for the government of the Province of Quebec, in North America." The words are as follows, viz: "Bounded on the south by a line from the Bay of Chaleur, along the highlands, which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in 45° of northern latitude," &c.

The boundaries of Nova Scotia, as defined also in 1763, in the commission of the Governor, were in the following words, viz:

"Bounded on the westward by a line drawn from Cape Sable, across the entrance of the Bay of Fundy, to the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north, from thence to the northern boundary of our colony of Quebec, to the northward of the said boundary, as far as the western extremity of the Bay of Chaleur,

to the eastward by the said bay, and the Gulf of St. Lawrence, to, &c."

Then followed the treaty of 1783, in which our boundaries are described as follows, viz: from the northwest angle of Nova Scotia, to wit: that angle which is formed by a line due north from the source of the St. Croix to the highlands; along the said highlands which divide the rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic ocean, to the northwestern-most head of Connecticut river, "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." No one can doubt, it is presumed, that, by adopting nearly the same phraseology the makers of this treaty, intended to place the boundaries of the United States where the boundaries of Nova Scotia and Canada were established by the foregoing proclamation, act, and commission, and that the terms and phrases were used in the same sense. Indeed this position has been assumed by the British Government itself, and constitutes the basis of an argument by Mr. Chipman, the British agent, under the treaty of 1794, the object then being to ascertain what river was intended by the St. Croix, and this question about the highlands and northwest angle of Nova Scotia, not then having entered into the imagination of man.

Between the period of the establishment of a separate Government for Lower Canada, (1763,) and the definitive treaty of peace between Great Britain and the United States, (1783,) a great number of British maps were compiled and published, in which the boundaries of Nova Scotia and Quebec are delineated, precisely in accordance with the present claim of the United States: the western line of Nova Scotia crossing the St. Johns, and extending to the highlands; while *not one* can be found agreeing with the present pretensions of Great Britain. The titles of some of these maps, with the times of publication, are as follows, viz:

"1763.—A new map of the British Dominions in North America, with the limits of the Government annexed thereto by the late treaty of peace, and settled by proclamation, October 7th, 1763. Engraved by T. Kitchin, geographer, for the Annual Register of 1763.

"1769.—A new and accurate map of the British Dominions in North America, according to the treaty of 1763, divided into the several provinces and jurisdictions. Projected upon the best authorities and astronomical observations, by Thos. Kitchin, geographer. Engraved for Knox's History of the War in America.

"1765.—A map of North America, by J. Palgrave, with considerable alterations and improvements from D'Anville, Mitchell, and Bellin, by L. Hejarochetto.

"1760.—A map of the British Dominions in North America, as settled by the late treaty of peace, 1763. J. Blizard.

"1770.—British Empire in North America, with the West India Isles, annexed to Wymie's History.

"1771.—A new and accurate map of North America, from the famous Mr. D'Anville, &c. Also, the new divisions, according to the late treaty of peace; by Peter Bell, geographer.

"1772.—A map of the British Dominions in North America, according to the treaty of 1763; by Peter Bell, geographer.

"1773.—North America and the West Indies, with the opposite coasts of Europe and Africa. Published according to act of Parliament.

"1776.—A new map of the province of Quebec, according to the royal proclamation of the 7th of October, 1763; from the French surveys, corrected with those made after the war, by Captain Carver, and other officers in his Majesty's service, Sawyer and Bennett.

"1776.—A general map of the Northern British colonies in America, which comprehends the province of Quebec, the Que-

vernment of Newfoundland, Nova Scotia, New England, and New York: from the maps published by the Admiralty and Board of Trade, &c.

"1777.—A new and correct map of North America, with the West India Islands, divided according to the last treaty of peace, concluded at Paris, 10th February, 1763; wherein are particularly distinguished the several provinces and colonies which compose the British Empire; laid down according to the latest surveys, and corrected from the original materials of Governor Powell, member of Parliament.

"1777.—The British colonies in North America. By William Faden.

"1778.—A new map of North America, from the latest discoveries. Engraved for Carver's Travels.

During this period also, in all the commissions to the several Governors of Nova Scotia and Canada, the description of boundary is the same, corresponding with the royal proclamation of 1763, and all the maps before enumerated.

From 1783 down to 1814, numerous British maps were published, in all of which the boundaries of the United States and the British Provinces correspond with the boundaries between these provinces and Maine, as defined in all the maps prior to 1783; the titles of some of them are as follows, viz:

"1783, Feb. 9.—The United States of America, with the British possessions of Canada, Nova Scotia, Newfoundland, &c. according to the preliminary articles of peace signed at Versailles the 20th of January, 1783. R. Sayer and J. Bennett.

"1783.—A new and correct map of North America, in which the places of the principal engagements during the present war are accurately inserted, and the boundaries, as settled by treaty of 1783, clearly marked. J. Dew.

"1783, April 3.—The United States of America, laid down from the best authorities, agreeably to the peace of 1783. By John Wallis. London.

"1783, July 16.—An accurate map of the United States of America, with part of the surrounding provinces, agreeably to the treaty of peace of 1783. By John Cary. London.

"1782.—The United States of North America, with the British and Spanish territories, according to the treaty. By William Pasler.

"1783, October 2.—A new map of the United States of America, with the British American dominions on that continent. &c. By Samuel Dunn, mathematician; improved from the surveys of Capt. Carver.

"The new four sheet map of North America and the West Indies, exhibiting the extent and boundaries of the United States, the British dominions, &c. the whole compiled and laid down from the best authorities. London.

"1781.—Howley's new pocket map of the United States of America, the British possessions of Canada, Nova Scotia, Newfoundland, &c. as settled by the preliminary articles of peace signed at Versailles the 20th of January, 1783. London.

"1781.—A new and correct map of North America, with the West India Islands, divided according to the last treaty of peace, concluded at Paris the 20th of January, 1783, wherein are particularly distinguished the thirteen provinces which compose the United States of North America. By Matthew Albert and George Frederic Lotter.

"1781.—Helen de la Tour's Etats Unis d'Amérique, &c. Paris.

"1781.—A new map of North America, with the West India Islands, divided according to the preliminary articles of peace signed at Versailles 20th January, 1783, wherein are particularly distinguished the United States and the several provinces, governments, &c. which compose the British dominions, and corrected from the original materials of Governor Powell, member of Parliament.

"1791.—Same map. London.

"1791.—A new map of the whole continent of America, divided into North and South, and West Indies, wherein are exactly described the United States of North America, as well as the several European possessions, according to the preliminary articles of peace signed at Versailles January 20, 1783, &c. By Laurie and Whittle. London.

"1791.—A new map of North America, agreeably to the latest discoveries. London.

"1791.—A map of the United States of America, with part of the adjoining provinces, from the latest authorities.

"1795.—A map of North America and the West Indies. By L. D. S. De La Rochelette. London.

"1800.—America, divided into North and South, with their several sub-divisions, and the newest discoveries. By Laurie and Whittle. London.

"1793.—D. F. Saltzman's Maine. Hamburg. Carl Ernest Helm.

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"SIT.—Map of the British Colonies and the United States of North America. J. Lodge."

Since 1814, several have been published, in which it is believed the old well-known and well-established line is adhered to. At all events, there is one now suspended in the room of the Committee on Foreign Affairs, drawn by Mr. Bouchette, under British authority, in 1815, in which the "Province of Maine" is placed in large capitals across the now disputed territory, and on which the highlands are delineated, as of old.

But I should not be pardoned for dwelling longer upon this point, though there are many arguments, and cogent ones too, not yet noticed. Some of them were pressed upon your attention by my colleague, with a clearness and force I could not equal, should I attempt it. If his arguments upon this point shall have had the effect upon the minds of members which they ought, I shall be satisfied, and the object I have had in view obtained.

And now let me inquire, what mortal can say there is any doubt about the title of Maine to this territory? Is it not established by the most clear and indubitable evidence, and most of it, too, derived from the adversary nation itself? I will not believe, that an individual can be found on this side the Atlantic, who will disparage our title, or admit that there is any doubt about it.

If then, the title of Maine is clear and indisputable, why not pass this bill? It asks merely that the line should be run and marked. Is it not the duty of the General Government to maintain the integrity of our territory? No one will deny that it is so, by virtue of the express provisions of our constitutional compact. Why not then take this single step towards discharging a most solemn obligation? What motives or what causes can be assigned to justify a refusal to do what *you have agreed to do*? I trust that gentlemen will give this matter a proper consideration, and not permit the constitutional rights of Maine any longer to be overlooked or disregarded.

Will any gentleman say that we should continue to solicit Great Britain to enter upon negotiations touching this matter—negotiations not to procure a relinquishment of territory wrongfully wrested from us, but simply to run the line? I would invite such gentleman to examine the correspondence which has been held between the two Governments for the last six years. It will furnish the most indubitable proof that nothing is to be expected from such a course. That, so long as Great Britain is permitted to hold the actual possession of Madawaska, and have free intercommunication between her Provinces, she will be very willing that we should dillydally with negotiations till doomsday.

Let me call the attention of the House to a few of the declarations of the British Government, made in a correspondence with this Government since July, 1832.

After the rejection of the award by the Senate of the United States, Mr. Livingston, then Secretary of State, in a letter to Mr. Bankhead, dated July 21, 1832, invited a negotiation upon the subject for the purpose of settling the line according to the treaty of 1783.

Sir Charles R. Vaughan, in a reply to this, by letter, dated April 14, 1833, says:

"His Majesty's Government regret that they cannot discover

in this proposal any probable means of arriving at a settlement of this difficult question. It appears to his Majesty's Government to be *utterly hopeless* to attempt to find out, at this time of day, by means of a new negotiation, an assumed line of boundary."

Again: in reply to a letter of Mr. Livingston, in which he suggests the principle of making courses yield to monuments, Mr. Vaughan says, in a letter bearing date May 11, 1833:

"The undersigned is convinced that it is hopeless to expect a favorable result from a renewed negotiation upon that subject."

Again, in the same letter, he says:

"It is the duty of the undersigned to transmit immediately to his Government the note of Mr. Livingston; but, at the same time, he cannot resist from inviting the Secretary of State of the United States to offer, without waiting the result of that reference, some more prompt and efficient measures for the settlement of the boundary than the renewal of a negotiation on an *inadmissible basis*, or recourse again to commissioners of boundary," &c.

"*Inadmissible basis!*" What was that basis? Why, the *treaty of 1783*. A treaty signed by the British Government, in which our boundaries are agreed upon in the most clear, explicit, and unambiguous terms, is set aside by that very Government as an *inadmissible basis* for running and settling the line! Will gentlemen, after this, tell us that we should still persevere in our hitherto abortive attempts at negotiation?—that we should coax the British Government a little longer, under the possibility that she may relent at last, and unsay what she has so often and so emphatically said? I will not believe that Maine is to be thus insulted. If there is to be any further negotiation—any new proposition—in the name of a proper self-respect let it come from the British Government.

But let us look a little farther at this correspondence. In a letter of Mr. Vaughan, dated May 31, 1833, he says further:

"It appears to the undersigned that the time is now arrived when this perplexed and hitherto interminable question can only be set at rest by an *abandonment of the defective description of boundary contained in the treaty*, by the two Governments mutually agreeing upon a conventional line of boundary more convenient to both parties than those insisted upon by the commissioners of boundary under the fifth article of the treaty of Ghent, or the line suggested by the King of the Netherlands."

In the same letter he adds:

"The propositions of Mr. Livingston very justly provides against any deviation eastward from the direct north line from the St. Croix; but the operation which it contemplates is still so restricted to the *terms of the treaty*, that the basis of it is the same as that which the undersigned has been instructed by his Government to inform the Government of the United States that it was *hopeless* to negotiate upon."

Here, again, the *treaty stipulations* are rejected, and it is substantially declared to be *hopeless* to negotiate further, unless we give up our poor puritanical notions that nations, as well as individuals, should faithfully abide by their agreements.

Notwithstanding all these discouragements, our Government still persevered, earnestly soliciting the British Government to agree upon some mode of settling the line according to the terms of the treaty, and suggesting ways in which it could be done. February 10, 1834, Mr. Vaughan makes another reply, and endeavors to show that although the King of the Netherlands had not decided the main question submitted to him, yet, by way of inference, he had decided seven other points; and he then adds:

"Now, whether the two parties adopt the mode of settlement recommended by the arbitrator, and agree to divide between them, in some proportion or other, the disputed territory, or whether they shall still make another attempt to trace a boundary in strict conformity with the words of the treaty, in either case it

appears to his Majesty's Government that it would be *necessary to adopt these seven decisions of the arbiter as a groundwork for further proceedings*; and it seems that *no satisfactory or useful result could be obtained from the local survey proposed by the American Government, until the two parties are agreed upon these seven points.*"

Now I ask the House to look at this proposition in all its naked deformity, and then to say, whether a proposition of a more *insulting* character could be made. A case is submitted to an arbiter, to wit: to settle a boundary line *according to the terms of a treaty*. He, pretending to find great difficulties in his way, declines *deciding*, setting forth his views at large in a report, and closing with his *advice* to the parties, to adjust the dispute in a particular way, utterly at variance with the terms of the treaty. But, as the arbiter had travelled out of his commission, had *advised* merely, when by accepting the papers he had agreed to *decide*, and had confounded "*highlands*" with the *bed of a river*, the award is rejected and set aside as of no validity or effect.

Some years afterwards, when another attempt is made to settle the difficulty, one of the parties hunts up the old report of the arbiter, and endeavors to show that the arbiter, *arguendo* at least, had decided seven points subsidiary to the main question, which he did not decide, and *insists* that these seven points shall be made the "*groundwork for further proceedings*," in effect, insisting on a right to pick out of the award all that they consider as particularly favorable to themselves, and throwing the rest away! Now I ask, what can be more insulting than this? I ask if the history of diplomacy can show its parallel, and if we are willing to submit to this degradation any longer? But this is not all. In a letter of Mr. Vaughan to Mr. Forsyth, dated December 8, 1834, he says: "His Majesty's Government trust that the American Cabinet will be prepared to agree with that of his Majesty as to the construction to be put upon this passage of the treaty, and will concur in deciding that the Atlantic rivers which are to guide the commissioners in searching for the highlands described in the treaty, are those rivers which fall into the sea to the westward of the mouth of the river *St. Croix*." That is, the St. Johns and Ristigouche are not Atlantic rivers; and he adds: "The undersigned is instructed to represent to Mr. Forsyth that his Majesty's Government consider a *clear agreement* between the two Governments on this point to be an *indisputable preliminary* to the establishment of any new commission of survey." And subsequently, he says, after alluding to the arbitration of the King of the Netherlands, the British Government "*cannot now consent to refer it to any other arbitration.*"

Here we have it, in express terms, that the British Government will not submit the matter to *arbitration* at any rate, and will not consent even to have a survey, unless we will agree to their "*indisputable preliminary*," to wit: that the St. Johns and Ristigouche are not Atlantic rivers; that is, they will not consent to enter upon a course to ascertain the line, unless we will first *admit* that *we have no case*; for I regard the acknowledgment that the St. Johns and Ristigouche are not Atlantic rivers, as equivalent to it. But, to cap the climax in this series of insulting propositions, let me quote once more from the letter of Mr. Bankhead to Mr. Forsyth, dated December 28, 1835. "His Majesty's

Government, however, do not the less lament that the advances which they have made have been fruitless; but with their regret is mingled the satisfactory consciousness which they feel, that, in making those advances, they have gone to the *utmost extent* to which a due regard to the honor and interests of the British Crown could permit them to go." *Honor and interests of the British Crown!* What sort of honor is that which unblushingly and wantonly refuses to abide by the solemn stipulations of a treaty? But they have a "satisfactory consciousness" in contemplating the "*advances*" they have made. "*Advances!*" What advances have they made, but to advance *upon our territory*, and then insisting upon our agreeing that they are right, before they will consent to inquire into the legality of such an advance. They have, to be sure, made "*advances*," but they are upon our patience and good nature; they are a wanton trampling upon our rights.

But, sir, I will not occupy the time of the House longer with this branch of the subject. I have not read all from the correspondence bearing upon the point I have been considering, lest I should fatigue the House; but only enough to show that it is utterly "*hopeless*," as the British Government say, to expect any thing further from invitations on our part to protract this correspondence; and I think every member who has listened to me must be satisfied of that. What, then, shall be done? Shall Great Britain be permitted to remain in the quiet and undisturbed possession and use of our property, without making one single effort on our part to procure its restoration? Shall we tamely submit to the degradation of being plundered of our property, and then spend years in soliciting the plunderer to agree upon some mode in which the legality of his conduct may be tried? I trust not. It will not be in accordance with that spirit which has hitherto distinguished the American character. It would argue a weakness and pusillanimity disgraceful to us in the last degree, and cannot, I am confident, find advocates upon this floor.

What, then, shall be done? Shall we go to war? I answer, no; unless the surveying and marking our line, and resisting all forcible attempts to take our property from us, be war. I profess to be the friend of peace, and would not rashly and unnecessarily embroil our country in difficulties which would result in war; but, in this case, I have not the remotest suspicion that the measure proposed could have so disastrous and unhappy a result. Let this step be taken, and the whole question is settled. Great Britain, when she sees a determination on the part of the General Government, to have this question settled, and to cause Maine to be restored to her possessions, will agree upon terms at once. When delay shall become dangerous to her interests, depend upon it she will delay no longer. A rupture of the peaceful relations subsisting between that country and this would be one of the last things that Great Britain could regard as desirable. Nor will she permit it, when it is so easily avoided.

The President, in his last annual message, holds the following language upon this subject:

"Of pending questions, the most important is that which exists with the Government of Great Britain, in respect to our northeastern boundary. It is with unfeigned regret that the

people of efforts made a century, remain in from those the border- lory, was f- nable to Government and has br- interests of tion shoul- full confid- Governme- adjustme- peace in 1- and a per- part, that- sibility of- tion contin- nion, whic- gave the S- States to t- substitute- interested- don no an- British G- subject, a- delayed. United St- satisfied c- ain them- also, I am- England t- to say to- ment and- must be c- sent from- imity tha- will, I tru- your last- between- and that- a subject- the Union-

In thi-

people of the United States must look back upon the abortive efforts made by the Executive, for a period of more than half a century, to determine, what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States, and of the neighboring territory, was for a season such, that this, perhaps, was not indispensable to a faithful performance of the duties of the Federal Government. Time has, however, changed this state of things, and has brought about a condition of affairs, in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised that, with full confidence, often expressed, in the desire of the British Government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate, satisfactorily, this dispute, by proposing the substitution of a conventional line, if the consent of the States interested in the question could be obtained. To this proposition no answer has as yet been received. The attention of the British Government has, however, been urgently invited to the subject, and its reply cannot, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that Government to maintain them upon their present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you how cordially it is reciprocated by the Government and people of the United States. The conviction, which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement cannot be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session, I had before you the recent communications between the two Governments, and between this Government and that of the State of Maine, in whose solitude, concerning a subject in which she has so deep an interest, every portion of the Union participates."

In this, the President manifests that friendship for

Maine, regard for her interests, and mild but firm purpose to maintain them, which has ever characterized his course upon this subject, in the several capacities in which he has been called to act. The London Times, of December 27th, understands the message as we do. In regard to that part of it touching this subject, it holds the following language: "From the tone and spirit of so much of the message now alluded to as is connected with this New Brunswick controversy, it appears natural to predict that it will not be suffered by the present Government of the United States to remain much longer *unsettled*." The President says that no nation should long suffer its boundaries to remain in dispute. Does Congress doubt this? or will they cooperate with him in that action which the truth of such a position demands? He says the true interests of both countries imperatively require that this question should be put at rest. Will Congress say it should be kept open? or will they unite their efforts with those of the Executive to put it to rest? He says he does not coincide in the opinion of the British Government, that this boundary line cannot be run according to the treaty of 1783, and that a conventional line must be adopted. Will Congress sustain him in this? or will they tell us to negotiate and make the best bargain we can? I trust not. The time has arrived when some decisive step should be taken. Let there be union, energy, and firmness among the different branches of the Government upon this subject; let them manifest the determination to submit to nothing wrong, as well as to ask for nothing but what is right, and this long-vexed question will be terminated and settled forthwith.

