

as in continuing it, I should only have to repeat again and again the same declarations which have been already made. Nevertheless, as circumstances may arise to render a renewal of the correspondence necessary, I would very particularly direct your attention to those paragraphs in Mr. Forsyth's note, which I have marked in the margin of the inclosed copy. It is impossible for us to acquiesce in the positions assumed by the United States' Government in those passages, and I shall be extremely glad to be favoured with your opinion upon the several points to which they relate; that is to say, upon the geographical limits, as hitherto always understood, of the Madawaska Settlements; and upon the extent of country over which, according to the fair construction of your agreement with Governor Fairfield, the operations of the Maine land agent's posse, employed for the purpose of preventing depredations upon the public timber, were to be allowed to reach. I do not know whether Her Majesty's Government may desire that I should resume the correspondence with the United States' Government upon the above points; but I shall be most glad to receive every needful information upon the points above mentioned.

Observing what has recently passed, I feel tolerably well assured that the people of Maine will attempt no further inroad or act of aggression over the disputed territory, during the present year at least; but that they will leave their case, for so long, altogether in the hands of the General Government.

Inclosure 2 in No. 35.

Sir John Harvey to Mr. Fox.

Sir,

*Government House,
Frederickton, N.B., April 16, 1840.*

I HAVE perused with deep interest the note addressed to your Excellency by Mr. Forsyth, under date of the 25th ultimo, of which you have transmitted me a copy and invited my observations upon.

As the subject of that communication relates almost exclusively to the Agreement entered into by the Governor of the State of Maine and myself, through the mediation of General Scott, in March, 1839, I feel myself called upon fully to possess your Excellency not only of the considerations by which I was influenced in acceding to the proposed Agreement, but also of my construction of the true intent, spirit, and meaning of its provisions.

A sudden and entirely unexpected irruption had been made by a large body of the militia of the State of Maine, under the authority of certain "resolves" of its Legislature, adopted after long discussion with closed doors, into a portion of the territory in dispute between Great Britain and the United States, (the whole of which territory had up to that period continued in the possession of Great Britain, and had provisionally constituted an integral part of the province of New Brunswick, subject to its laws and acknowledging no other jurisdiction,) viz., the Valley of the Restook, where they took post, fortified their position, and loudly announced their intention of taking immediate possession of the whole of the disputed territory; and, to support this advanced force, a further call was made by the Government of Maine on the militia of the State, large bodies of which accordingly assembled at Houlton and elsewhere, proclaiming their object. Under circumstances so extraordinary, and proceedings so little comprehensible on the part of a subordinate section of a nation at peace with Great Britain, I could only look to the instructions which I held from Her Majesty's Government for my guidance; by these I found myself required to protest in the first instance, both direct to the authorities of Maine, and through your Excellency to the General Government of the United States, and in the second, to be prepared to assert and maintain the possession and jurisdiction of Great Britain in and over the disputed territory, to give protection to Her Majesty's subjects settled therein, and to guard our established line of communication with Canada by the valley of the St. John and the Madawaska settlement.

The measures which I adopted with a view to the fulfilment of these instructions are known to your Excellency and to the world. At this crisis your Excellency interposed, and a correspondence was shortly afterwards opened with me upon the subject by my friend General Scott of the United States