

## XII.

North-eastern  
Boundary.  
Arrest of E. Greely.  
Fortifications.

become unavailing. Maine then complains of this delay. The proposition is now made by the Federal Government, that this State shall give its consent, that the former may open a negotiation with the British Government, not on the basis of the Treaty of 1783, nor for any specific line, but for a conventional line—such a line, as we have reason to apprehend, as we find indicated in Mr. Bankhead's letter to Mr. Forsyth, under date Dec. 28, 1835; in which he says, "when a tract of country is claimed by each of two States, and each party is equally convinced of the justice of its own claims to the whole of the district in question, the just way of settling the controversy would seem to be to divide in *equal portions* between the two claimants the territory in dispute—such a mode of arrangement appears to be consistent with the natural principles of equity." He, therefore, proposes to adjust the present difference by *dividing equally* between Great Britain and the United States the territory in dispute. To which Mr. Forsyth, in his letter of the 29th February, 1836, to Mr. Bankhead, replies, "That equity in disputes about territory, when both parties are satisfied of the justice of their respective pretensions, requires a fair division of the disputed property, is a truth the President freely admits, but he is instructed to remind Mr. Bankhead of what has been heretofore stated, that, in a conventional line, the wishes and interests of the State of Maine were to be consulted, and that the President cannot, in justice to himself, or to that State, make any proposition utterly irreconcilable with its previous well known opinions on the subject."

The conventional line sought by Great Britain is here plainly indicated, and strange to say, the President seemed more than half disposed to yield to it, "but the well known opinions of Maine" forbade it. It is very evident from the whole correspondence, that the only conventional line in contemplation of the British Government, is a division of the territory, in some proportion, between Maine and New Brunswick. If to such a proposition Maine should give her assent, it is difficult to perceive how a dispute similar to the present is to be avoided; for the description of the boundary in the Treaty of 1783 is believed to be full, perfect, and explicit; and if a conventional line should be agreed upon between the two governments, how could such a line, described in a new Treaty, be found with more facility and certainty than that indicated by the Treaty of 1783? Until an attempt to trace the latter boundary shall be made and prove abortive, we cannot but fear, that, after a relinquishment of a portion of our rightful territory, the same obstacles will be presented in an effort to establish and trace a conventional line.

It appears that our government proposed to that of Great Britain, that a new survey of the disputed territory should be made by Commissioners to be named by the parties, and that the Commissioners should explore the country, and trace a boundary line conformable to the Treaty of 1783. To this it was replied by the British Government, that certain preliminary points must be settled before such Commissioners could be agreed upon; such as what were the kind of highlands required by the Treaty of 1783, and whether the rivers flowing into the Bay of Fundy could be considered Atlantic rivers. And Mr. Forsyth in his letter of 7th February, 1838, to Mr. Fox, in answer to his letter of 10th January, 1838, says, "he perceives, with feelings of deep disappointment, that the answer now presented to the propositions made by this government with the view of effecting that object, after having been so long delayed, notwithstanding the repeated intimations, that it was looked for here with much anxiety, is so indefinite in its terms, as to render it impracticable to ascertain, without further discussion, what are the real wishes and intentions of Her Majesty's Government respecting the proposed appointment of a Commission of exploration and survey to trace out a boundary according to the letter of the Treaty of 1783." In the same letter he says, "It is now intimated that Her Majesty's Government will not withhold its consent to such a commission, if 'the principle, upon which it is to be formed, and the manner in which it is to proceed, can be satisfactorily settled.'" This condition is partially explained by the suggestion afterwards made, that instead of leaving the umpire to be chosen by some friendly European Power, it might be better that he should be elected by the members of the Commission themselves; and a modification is then proposed, "that the Commission shall be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the Treaty." The American proposition is intended, and if agreed to, would, doubtless, be successful to decide the question of boundary definitively by the adoption of the highlands reported by the Commissioners of surveys and would thus secure the treaty line. The British modification looks to no such object.

To such a conventional line, or to such a commission of survey, we believe the people of this State are not prepared to assent; they ask, and they think they have a right to demand, that after the lapse of more than half a century, the eastern line of our State in its whole extent shall be run and established according to the Treaty 1783. The Governor's Message, communicating Mr. Forsyth's letter, contains, as your Committee believe, sound views and doctrines, and will be responded to by every citizen of Maine.

Your Committee believe it extremely desirable, that the line should be run by the United States Government, and to this end, that the "Bill to provide for the survey of the North Eastern Boundary of the United States," &c. now pending in Congress, should become a law.

In regard to the intimation, that if this State will not consent to a conventional line, the President will feel himself bound to agree to an arbiter or third party, your