

its operation, and its armed occupation of the country along the whole way from the valley of the Restook to the mouth of Fish River, into the valley of St. John, and thus into a portion of the Madawaska settlements.

Secondly. That the establishments formed by persons composing the armed parties, on the banks both of the Restook and the Fish River, had assumed an aspect and character decidedly military, and more representing a permanent national possession of the country, than could be required in the civil posse of a land agent, temporarily occupying it for the sole purpose of preventing trespasses. That those establishments were fortified with entrenchments and cannon, and garrisoned by a number of armed men, far greater than the occasion would warrant.

Thirdly. That a permanent state road is being constructed, leading into the valley of the Restook, and from thence on the south side of the St. John's, to the Fish River; the object of which is to connect those portions of the disputed territory with the towns of Augusta and Bangor, and other acknowledged parts of the State of Maine.

Fourthly. That, moreover, land surveyors, acting under the authority of the State, are employed in marking out lots and townships within the same portion of the disputed territory; and that sales of lands are being made, with deeds regularly drawn under the authority of Maine.

The British Minister protesting in the name of his Government, against acts of encroachment on the part of the people of Maine, as being at variance with the agreements entered into in the month of February last, first between him and the Secretary of State at Washington, and subsequently, by your Excellency, the Governor of New Brunswick, and Major-General Scott, for the purpose of adverting the danger of local collision on the frontier, pending the final settlement of the boundary question between the two Governments, thinks that the establishment, in the meantime, of the new interests, and the growing up, as it were, of new proprietary claims upon the lands yet in dispute, which are likely to be the result of the acts referred to, may end by embarrassing the action of both Governments.

In support of this opinion, Mr. Fox states that a similar reasoning was held on the part of the United States, when, in the year 1837, this Government remonstrated against an alleged act, or design rather, of encroachment of a less objectionable character than the operations to which he refers, namely, the survey of a projected line of railroad from Quebec to St. Andrews, passing through a part of the disputed territory, and he adds that, for the preservation of peace between the people on both sides, and of good will between the two nations, such acts as those complained of, ought to be desisted from, and the existing arrangements observed in good faith.

The President, to whom Mr. Fox's note has been communicated, has directed me to express to you his anxious desire, that no occasion should be permitted to call in question, the faithful observance, by the Governments of the United States and Maine, of the arrangements referred to, a sentiment in which he is confident your Excellency will freely concur, and to request that you will transmit to this department, such information as may be in possession of the Government of Maine, in relation to the acts referred to, in order that an appropriate answer may soon be returned to Mr. Fox's communication.

I have, &c.,  
(Signed) A. VAIL,  
Acting Secretary.

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Inclosure 61 in No. 30.

*The Governor of Maine to the Acting Secretary of State.*

*Executive Department,  
Saco, November 21, 1839.*

Sir,

I HAVE the honour to acknowledge the receipt of your communication of the 6th instant, reciting certain complaints that have been made by