

it would be impossible to refuse to Her Majesty's subjects, whether resident on the one or the other bank, that protection to which they are justly entitled, or to abandon that jurisdiction which has been uninterruptedly exercised ever since Canada became part of the British Empire.

The troops are, it is true, now stationed on the north bank of the river, and will probably remain so; but the moral protection which Mr. Webster professes to think would still be afforded by their presence there, would undoubtedly fail, if such an arrangement, which is one adopted at present purely with a view to the convenience of lodging the troops, were made obligatory, and it could be inferred that they were debarred from that active interposition which they are now directed to afford, in case of need, to the inhabitants resident on the one bank as well as on the other. No security whatever could be given, that any attempted exercise of jurisdiction by the State of Maine within that settlement on the south bank of the river, against which we have always protested, and which Her Majesty's civil servants have been instructed to resist by force, if necessary, would be prevented; and it is most improbable that such would be the case, if the duty of prevention were abandoned to the United States' Authorities, however well disposed they might be to perform it.

If, therefore, this condition be considered indispensable by Mr. Webster, an arrangement becomes quite impossible; and I must also add, that the pretension on his part appears perfectly unjustifiable, for it exceeds any which has hitherto been seriously advanced, even by the State of Maine itself.

The arrangement made between Sir John Harvey and the Government of Maine, and confirmed by General Scott, as is correctly stated in the draft of your note, which you have been good enough to transmit, limited the temporary jurisdiction of each party, on the one side, to the valley of the Restook, and on the other, to that of the St. John's; and although the block-house at the mouth of the Fish River was most improperly, and in direct violation of that contract, erected by the Maine Authorities, it was contended that the Madawaska settlements did not extend to that point; and that circumstance was, to a certain degree, alleged in justification of the establishment of that post.

Whilst, therefore, I remain persuaded of the importance of arriving at an arrangement with the United States' Government, which shall remove the custody of this territory from the interference of the Government of Maine, I see no possibility of admitting this new condition; and if it be insisted on, I have no alternative, unless otherwise instructed by Her Majesty's Government, than to take such measures as may appear necessary to check any further encroachments on the part of Maine, even at the hazard of collision.

That object, however, is of so much consequence, that if this difficulty can be removed, and Mr. Webster is disposed to treat upon another basis, I am of opinion that we may depart, in some degree, from the terms which were stated in my despatch of the 25th of June, 1840, and which are in accordance with Sir John Harvey's agreement, namely: the valley of the St. John's on the one hand, and that of the Restook on the other; and I should be disposed to agree to the occupation of Fort Jarvis by the troops of the United States, confiding to them the exercise of jurisdiction over the southern bank of the river above the Fish River, but leaving to us that below its mouth.

Although this would be a departure from that agreement, and would in fact bring within the American jurisdiction some portion of what may be considered to belong to the Madawaska settlement, yet I am aware that great difficulty might be experienced by the Government of the United States in abandoning Fort Jarvis; and the danger of collision, which it is so desirable to lessen, is greatly increased by the circumstance of the occupants of that fort not being immediately under the control of the Central Government. We might, therefore, I think, find, in the additional security against further encroachments, and possible collision which would be afforded by the exchange of the civil posse for such a force, and above all, in that which would arise from the efforts of the Commissioners whom it is proposed to appoint, advantages sufficient to justify our depar-