

Inclosure in No. 29.

Lord Sydenham to Mr. Fox.

*Government House, Kingston,
August 3, 1841.*

(Extract.)

MR. MOORE transmitted to me yesterday, by a special messenger, your despatch of the 27th of July.

I hear with pleasure that the Government of the United States have at length resumed the consideration of the best means for maintaining tranquillity and preventing further encroachments in the Disputed Territory pending the adjustment of the question of sovereignty, and that the propriety of effecting that object, through a force under the control of, and responsible to, the Central Government on either side, to the exclusion of the civil posse, has been admitted by the Secretary of State.

But the satisfaction which I should otherwise feel, is greatly diminished by the statement of the terms upon which, as it appears from your despatch, and from the projet of a note inclosed in it, Mr. Webster proposes to effect such an arrangement, which are such as I should neither feel authorized by my instructions to sanction, nor indeed could recommend Her Majesty's Government to agree to.

Mr. Webster's proposal goes not merely to the retention by the United States of the block-house at the mouth of the Fish River, and the establishment there of a military force in the place of the civil posse at present in occupation of that post, but to confine the occupation of the Territory in dispute by Her Majesty's forces to the north bank of the St. John's, thereby virtually excluding them from affording protection, if required, to Her Majesty's subjects on the south bank of that river, on which, as you have justly stated, a large population is extended, whose claims for such protection could not be overlooked or neglected.

Such a proposition I consider wholly inadmissible. The Madawaska settlement, as you are aware, extends along both banks of the river; and 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