

General Scott, one was agreed to on the 23rd and 25th of March following, by which Sir John Harvey bound himself not to seek, without renewed instructions to that effect from his Government, to take military possession of the territory, or to expel from it, by military force, the armed civil posse, or the troops of Maine. On the part of Maine it was agreed by her Governor, that no attempt should be made without renewed instructions from the Legislature to disturb by arms the Province of New Brunswick, in the possession of the Madawaska Settlement, or interrupt the usual communication between that and the Upper Provinces. As to possession and jurisdiction, they were to remain unchanged, each party holding in fact, possession in part of the disputed territory, but each denying the right of the other to do so. With that understanding, Maine was, without unnecessary delay, to withdraw her military force, leaving only, under a Land Agent, a small civil posse, armed or unarmed, to protect the timber recently cut, and to prevent further depredations.

In the complaints of infractions of the agreements by the State of Maine, addressed to the Undersigned, Mr. Fox has assumed two positions which are not authorized by the terms of those agreements: 1st, admitting the right of Maine to maintain a civil posse in the disputed territory, for the purposes stated in the agreement, he does so, with the restriction that the action of the posse was to be confined within certain limits; and 2ndly, By making the advance of the Maine posse into the Valley of the Upper St. John the ground of his complaint of encroachment upon the Madawaska Settlement, he assumes to extend the limits of that Settlement beyond those it occupied at the date of the agreement.

The United States cannot acquiesce in either of these positions.

In the first place, nothing is found in the agreement subscribed to by Governor Fairfield and Sir John Harvey, defining any limits in the disputed territory, within which the operations of the civil posse of Maine were to be circumscribed.

The task of preserving the timber recently cut, and of preventing further depredations within the disputed territory, was assigned to the State of Maine, after her military force should have been withdrawn from it; and it was to be accomplished by a civil posse, armed or unarmed, which was to continue in the territory, and to operate in every part of it where its agency might be required, to protect the timber already cut, and prevent further depredations, without any limitation whatever, or any restrictions, except such as might be construed into an attempt to disturb by arms the Province of New Brunswick, in her possession of the Madawaska Settlement, or interrupt the usual communication between the Provinces.

It is thus, in the exercise of a legitimate right, and in the conscientious discharge of an obligation imposed upon her by a solemn compact, that the State of Maine has done those acts which have given rise to complaints for which no adequate cause is perceived. The Undersigned feels confident that when those acts shall have been considered by Her Majesty's Government at home, as explained in his note to Mr. Fox, of the 24th of December last, and in connexion with the foregoing remarks, they will no longer be viewed as calculated to excite the apprehensions of Her Majesty's Government that the faith of existing arrangements is to be broken on the part of the United States.

With regard to the second position assumed by Mr. Fox, that the advance of the Maine posse along the valley of the Restook to the mouth of Fish River, and into the valley of the Upper St. John, is at variance with the terms and spirit of the agreements, the Undersigned must observe, that if at variance with any of their provisions, it could only be with those which secure Her Majesty's Province of New Brunswick against any attempt to disturb the possession of the Madawaska Settlements, and to interrupt the usual communications between New Brunswick and the Upper Provinces. The agreement could only have reference to the Madawaska Settlements as confined within their actual limits at the time it was subscribed. The Undersigned, in his note of the 24th of December last, stated the reasons why the mouth of the Fish River and the portion of the valley of the St. John through which it passes, could in no proper sense be considered as embraced in the Madawaska Settlements.

Were the United States to admit the pretensions set up on the part of