

in writing, broadly and positively, our resolution to maintain British jurisdiction along the south bank of the St. John's below Fish River. If the United States' troops, which is quite probable, should have already occupied Forts Fairfield and Jarvis before the countermanding orders reach them, you will, perhaps, think it expedient to strengthen the British post at the Little Falls, or even provisionally to station a party in the Madawaska Settlements south of the St. John's, in order to leave no doubt of our determination to assert our rights.

The Federal Government, from its own incurable dissensions, is now, and is likely to continue, still more inefficient and helpless than before, in its dealings with refractory State Authorities; and it becomes so much the more urgent for us to show our determination to take the law into our own hands, when just and necessary. I write in much haste, to save the post. I shall desire Mr. Moore to forward this either by the post, or by the ordinary messenger who conveys to you the despatches brought by the Boston steamer.

I have, &c.,
(Signed) H. S. FOX.

Inclosure 3 in No. 35.

Mr. Webster to Mr. Fox.

*Department of State, Washington,
September 4, 1841.*

Sir,

I HAVE laid before the President the communication which you did me the honour to place in my hands a few days since. He directs me to say to you that he thinks there must be some misapprehension on the part of Lord Sydenham, as to the motives which have led him to comply with the wishes of the State of Maine, to relieve its civil posse by small detachments of United States' troops.

The Government of the United States entertains the opinion that the Disputed Territory, during the time which may elapse before the final settlement of the title, should be protected from trespass and depredation by the Authorities of the Governments of the United States and Great Britain; in this opinion it appears that Her Majesty's Government entirely concur. The facts which the President found to be actually existing were, that the State of Maine was maintaining a civil posse at the mouth of the Aroostook, and another at the mouth of Fish River. The British Government had certainly complained of the establishment of this last-mentioned posse, as being contrary to the agreement entered into between the Governor of Maine and Sir John Harvey in the spring of 1839, and, on the other hand, the Government of Maine complained, not less loudly, of infractions of the same agreement by the British Authorities, especially in the augmentation of their military force on the north side of the St. John's. As the whole matter related to a subject which would be but of temporary, and, as it was to be hoped, of short duration, the President thought that instead of discussing, further, the grounds of those mutual complaints, it would be for the benefit of all parties, that the civil posse of Maine should be withdrawn, and their places supplied by troops of the United States. In the beginning of July, as you will remember, I made an informal communication of these views to you, not, as Lord Sydenham seems to suppose, for the purpose of entering upon a formal negotiation for a convention on the subject, but for that of stating frankly, and in the most friendly manner, the President's opinion as to what was the best mode to be adopted by him, and suggesting to the British Government what occurred to him as worthy of its consideration as measures having the same general end.

You expressed the opinion that the British Government in Canada might see objections to a part of what the President proposed to do; but under the impression that both parties were agreed in the expediency of