

army, of which the object was to avert a conflict of arms upon a point of comparatively minor importance with respect to the determination of the great question at issue between the two nations, by proposing that each party should pause, should mutually forbear from collision, and should continue in the position in which they then stood as to actual possession, neither party admitting or conceding the ultimate right of the other to such possession, Maine agreeing to withdraw the whole of her militia forces, upon my engaging to abstain from any offensive operations against them with a view to their expulsion.

Upon the ratification of an agreement to this effect, accompanied as it was by an assurance from General Scott, (which to me was entirely conclusive,) of his conviction that it would be fulfilled by Maine "cheerfully and in good faith," I immediately ordered back to Canada Her Majesty's 11th Regiment, which was then in the occupation of both banks of the St. John River, just below the confluence of it with the Madawaska, and I shortly afterwards despatched the warden of the disputed territory with a suitable posse, with instructions to seize and destroy all timber illegally cut, and effectually to prevent, by the force of the laws of this Province, all further depredations upon the timber of that portion of the disputed territory comprised in the valley of the Upper St. John.

Scarcely, however, had these orders been given and these movements made, in the very spirit as I declare to your Excellency, of an anxious desire on my part to give effect to what I considered to be the true intent of the arrangement, when I learned, with equal astonishment and concern, that a portion of the armed posse of Maine, had not only advanced from the valley of the Restook to that of the Upper St. John, and had established and commenced fortifying itself, (why do this, if not conscious of the infringement of the agreement which it was committing?) at the mouth of the Fish River; but that the person in charge of this party (of the name of Nye) had actually threatened to arrest the British warden (whose posse was unarmed) in the execution of the duties which I had assigned to him. Against this bold infraction of the agreement so recently concluded, I immediately protested to the Authorities of Maine, through its land agent, to the Presidential Government through your Excellency, and finally to General Scott as the mediator and guarantee of the compact; to whom I stated, that in order to do all that depended upon me to carry out the great object of the agreement, viz., the prevention of collision, I had instructed the warden to withdraw with his posse from the immediate neighbourhood of that of Maine, which, as I have before stated, had openly threatened to make a prisoner of the British functionary; one, be it remembered, whose appointment had been recognised and concurred in by the United States' Government.

With reference to these proceedings and to the agreement itself, I will here remark that, apart from the consideration of the establishment of the Maine posse at the mouth of Fish River being an encroachment on actual British possession, it cannot but be regarded as highly objectionable when viewed merely in the light of an extension of that of Maine, beyond what she possessed at the time of its conclusion.

In that agreement the Governor of Maine expressly consents to leave the question of possession and jurisdiction as they at present stand, *i. e.*, "Great Britain holding in fact possession of a part of the said Territory, and the Government of Maine denying her right to such possession, and the State of Maine holding in fact possession of another portion of the same territory to which her right is denied by Great Britain."

In giving effect to this agreement, the first inquiry would necessarily be, how the possession and jurisdiction of the respective parties actually stood at the time of its conclusion? On this point the facts are, that Great Britain held the actual possession and jurisdiction which she had had from the beginning in the valley of the Upper St. John, comprehending the Madawaska settlements as limited by the uppermost locations of the actual settlers; and that the 11th Regiment was at that time actually stationed on both banks of the Upper St. John, immediately below the mouth of the Madawaska River. Great Britain was in like manner in possession of the whole course of the Madawaska River and the Temiscouata Lake and Portage, comprehending the Fief of Madawaska on the line of communication connecting the British Provinces. On the other hand it must be admitted that the State of Maine had gained a footing and an