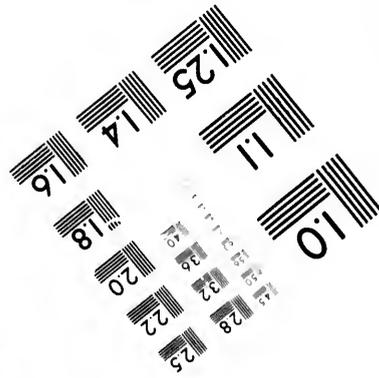
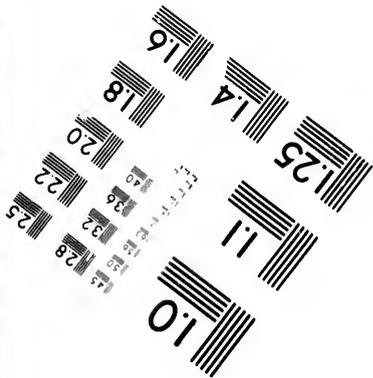
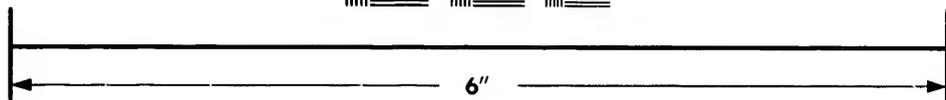
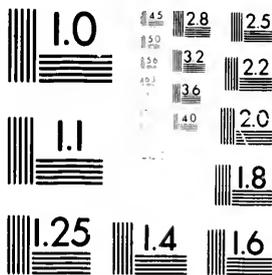


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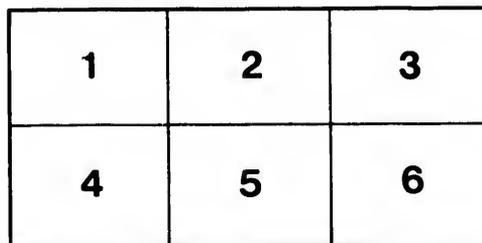
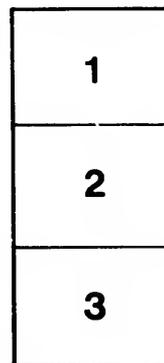
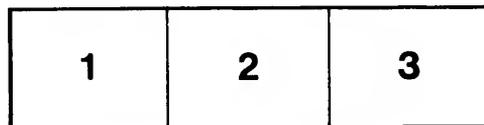
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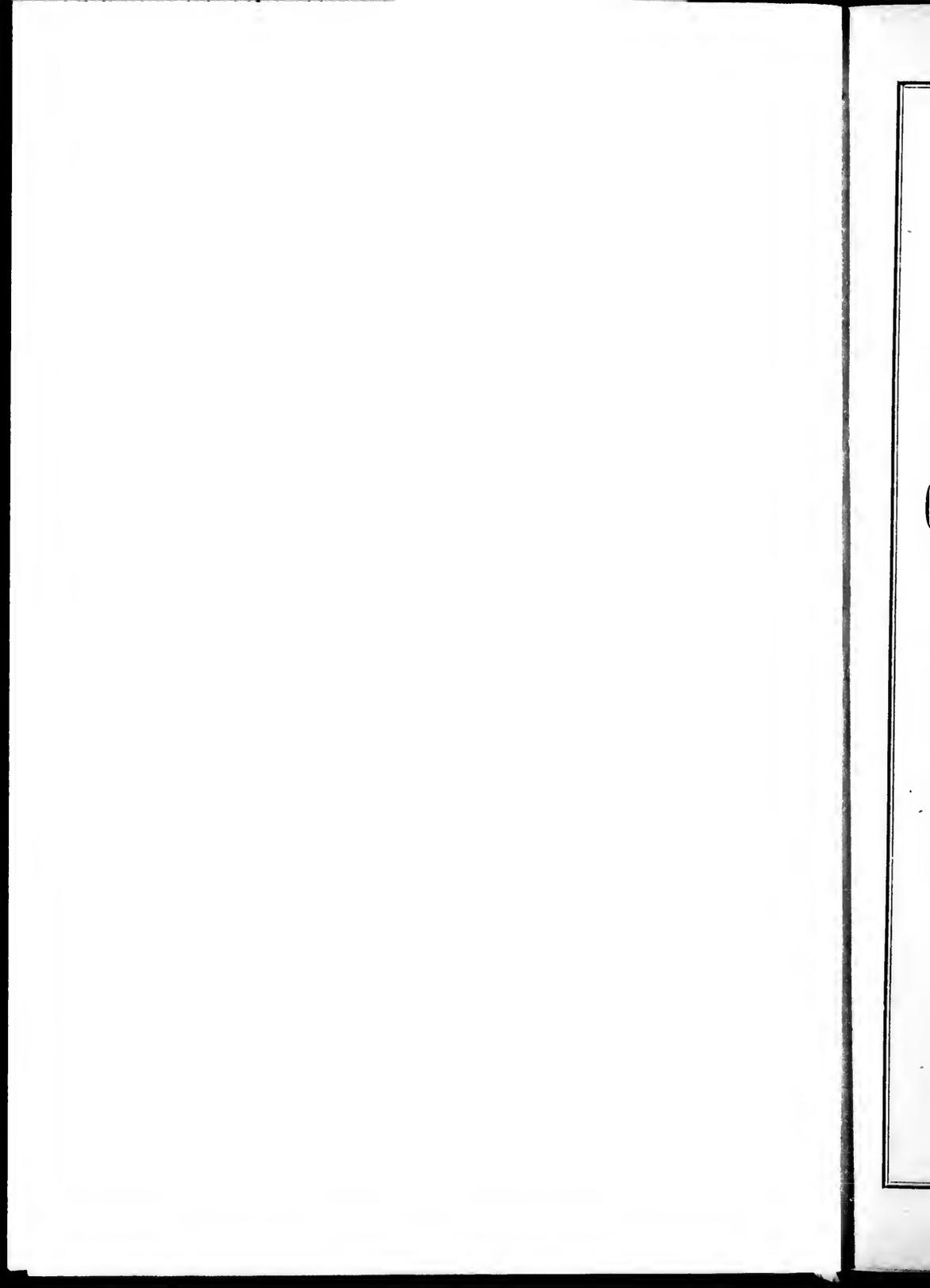
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THE BOUNDARIES

FORMERLY IN DISPUTE.

BETWEEN

GREAT BRITAIN AND THE UNITED STATES,

A LECTURE

BY THE

HON. SIR FRANCIS HINCKS, K.C.M.G., C.B.

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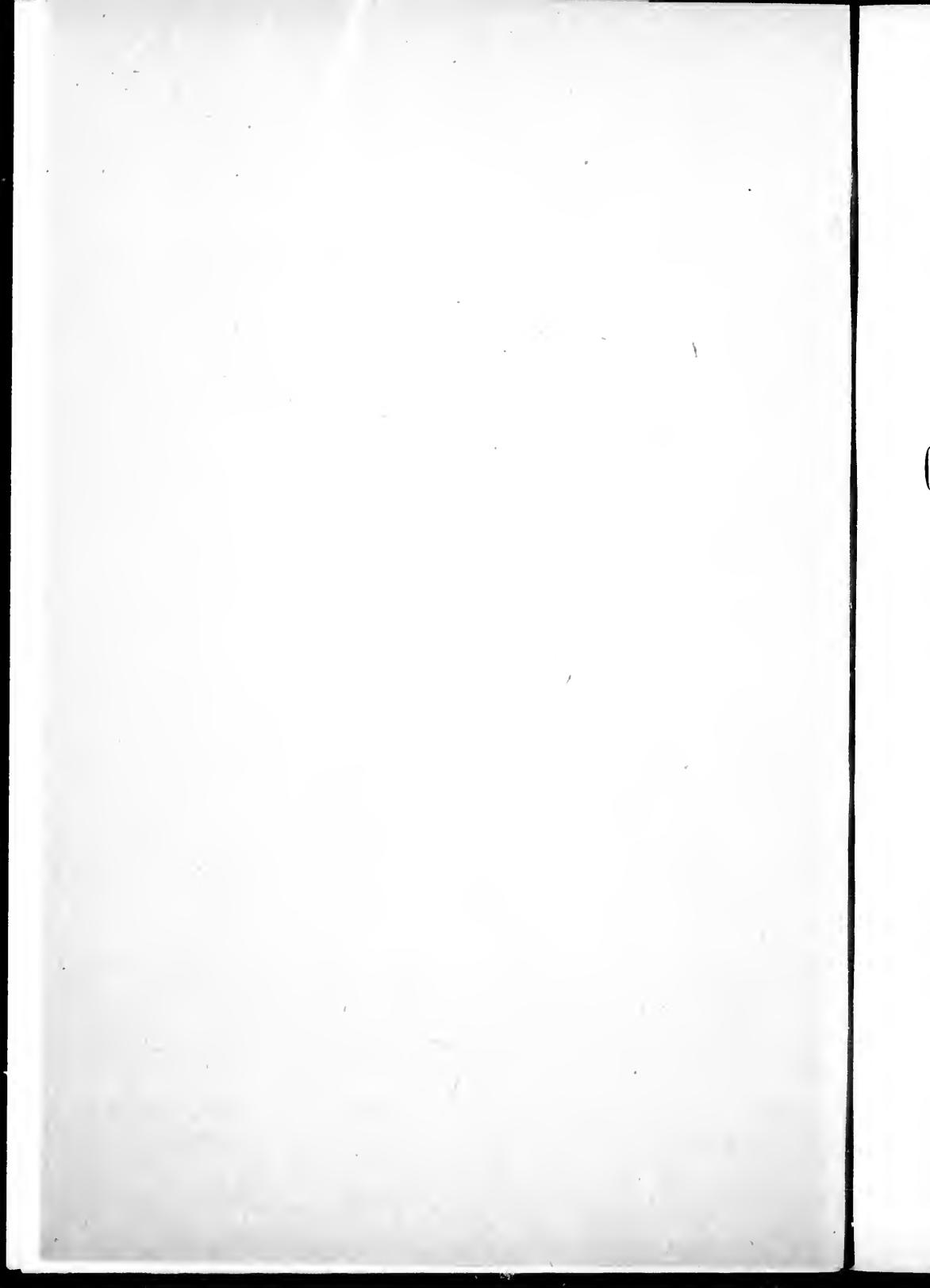
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Boundary Disputes with U.S.

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MY LORD BISHOP,

LADIES AND GENTLEMEN,

When I promised several months ago to deliver a lecture for the benefit of the St. Jude's Church building fund, I fear that I did not sufficiently appreciate the difficulty of finding a subject, which, on the one hand, I would be competent to treat, and which, on the other, would be likely to interest a Montreal audience. After much consideration, I have selected a topic on which I have long since formed a decided opinion, but on which I have the misfortune to differ from the views generally held, as well by Canadian authors, as by the people at large, who have naturally imbibed the impressions, which have been sedulously inculcated during more than one generation by a number of writers. You are already aware that the subject to which I propose to invite your attention is that of the boundaries, formerly in dispute between Great Britain, and the United States, in which I have taken a deep interest during many years, and which has been treated by several gentlemen, for all of whom I entertain a very sincere respect, although I am unable to concur in the opinions which they have formed. I may add that, in regard to the most important boundary which I shall have to treat, I acknowledge the vast importance to Canada of the territory included in the State of Maine, which was confirmed to the United States by the treaty of 1842, generally known as "the Ashburton treaty." I do not yield to any one of the gentlemen, who have condemned the distinguished statesman, who represented Great Britain on that occasion, in my appreciation of the value of the territory in dispute, but I venture to hope that I shall be able to present facts to you this evening which will convince you, that unmerited censure has been visited on two deceased statesmen, Lord Ashburton and Daniel Webster, both of whom were wholly incapable of acting otherwise than in the conscientious discharge of their duty to their respective countries. The Canadian writers who have treated the subject of my present remarks are Mr. Sandford Fleming, the eminent engineer, the late Col. Coffin, who delivered a lecture in the year 1876, entitled "How Treaty-making Unmade Canada," Mr. John Charles Dent, in his "Last Forty Years," and, still more recently, our much respected fellow-citizen, Mr. R. A. Ramsay, M.A., in one

of the very interesting series of lectures delivered before the Young Men's Association of St. Paul's Church during the past winter. I assure you that I feel strongly that it is presumptuous on my part to enter the lists in opposition to such authorities, and more especially as I am bound to acknowledge that they have given expression to opinions which I have found to prevail in Canada as long as I can recollect. I am nevertheless thoroughly convinced that the subject has never been fully treated by the writers whom I have named, and that, as regards public opinion, it has been formed chiefly, if not entirely, rather from the disadvantage which Canada suffers from the position of the State of Maine than from a careful consideration of the merits of the point in controversy. I wish it likewise to be clearly understood that I fully admit that, after the repeated failures on the part of the two Governments to concur in a definition of the boundary under the treaty of 1783, and especially after the opinion expressed by the King of Holland, who had undertaken to act as an arbitrator, that the treaty was "inexplicable and impracticable," the acknowledgment by the British Government of the claim of the United States could not have been reasonably expected. My present object is to state that claim on its merits, and to point out that it was forfeited, owing to the carelessness of the American Commissioners in either substituting themselves, or in consenting to the substitution of the words, "Atlantic Ocean" for "the sea," which had been used in the previous definitions of the boundary of Canada, and which had not been found ambiguous. I, therefore, limit my present claim to the assertion of my strong conviction that under the circumstances which I have stated, the people both of Great Britain and of the United States should revere the memories of Alexander Baring, Lord Ashburton, and of Daniel Webster, for having agreed on a conventional boundary, and thus saved them from the calamity of war, which would have been the only alternative. My chief object therefore is to defend the deceased Statesmen from the obloquy which has been, in my opinion, most unjustly cast upon them.

Before entering on the subject of the disputed boundaries, I think it desirable to remind you, that international treaties are in most cases entered into, either with the object of terminating an existing war, or of preventing a resort to hostilities, by the amicable settlement of questions in controversy. As a rule I believe that international treaties are almost invariably condemned by the people on whose behalf they have been negotiated. This is not at all surprising.

In order to effect the object, which both parties must have in view, as they would not otherwise enter into the negotiation, mutual concessions must be made, and in countries where public opinion has its due weight, as it has both in Great Britain and the United States, those in opposition to the Government which is responsible for the treaty, will be sure to be dissatisfied. In the case of a dependency like Canada, the strong probability is that all parties will unite in denouncing a treaty, which, however fair and reasonable under existing circumstances, is not precisely what they would desire.

There are probably no questions, which have been more fruitful in causing wars between nations than those relating to international boundaries, which I sincerely rejoice to believe have been finally and peacefully settled between Great Britain and the United States from the Atlantic to the Pacific. The prevailing opinion in Canada has been expressed by Mr. Ramsay in the following words:—"All that could on any pretence have been given away by England on Canada's behalf to satisfy our grasping neighbours has been given." The most important of the treaties relating to boundaries is that which was stigmatized at the time by the late Lord Palmerston as "The Ashburton Capitulation," but for which the thanks of Parliament were accorded to the noble Lord who acted on behalf of Great Britain. Lord Palmerston was, at the time of his denunciation of Lord Ashburton, one of the leaders of the Opposition to Sir Robert Peel's Government, and was specially charged with the duty of criticizing the foreign policy of that Government. The opinion formed by the Government, which selected Lord Ashburton, was expressed by Sir Robert Peel in the following language: "The Hon. gentleman (one of the Opposition members) on referring to that portion of the Queen's speech, which alluded to the treaty with the United States relative to the difference upon the Maine boundary question, said that the consideration of a few square miles, more or less, of territorial advantage was of very little importance, as regarded the adjustment of differences, which had now existed for nearly half a century between two great nations—differences which, from their long continuance, and from their peculiar nature, were calculated, unless speedily and definitely adjusted, to leave but little hope that peace could be preserved between two mighty nations. I was glad to hear the Hon. gentleman's frank and fair admission with respect to the settlement of the boundary question, and I feel satisfied that I shall be able, when the occasion offers, to show to the House and to the country generally, the extent of the obligation under which

“ they lie to the noble Lord, by whom that adjustment has been  
 “ effected. The noble Lord had almost retired from the turmoil of  
 “ public life, but, influenced by a high sense of duty, he abandoned  
 “ the repose of private life, and quitted his country to enter upon a  
 “ task, in which he has so happily succeeded. I could show if the  
 “ policy of that noble Lord had been called in question in this House,  
 “ as it has been out of doors, that the treaty which has been effected  
 “ by him affords to the country everything, which can be considered  
 “ essential to the security of our North American possessions, not  
 “ perhaps, as much as we were justly entitled to, and had a right to  
 “ expect ; but, considering the uncertainty attached to the interpreta-  
 “ tion of the old treaty, considering the great length of time which  
 “ had since elapsed, taking into account that the geography of the  
 “ country was in a great degree unknown at the time of first assigning  
 “ the boundaries, and considering the difficulty, not to say the im-  
 “ possibility, of exactly ascertaining the intentions of those, by whom  
 “ the assignment was made, we should feel satisfied to accept, not, it  
 “ is true, all that we claim or all that we are entitled to, but such a divi-  
 “ sion of the disputed district as secures our British possessions in North  
 “ America, and at the same time preserves our military communica-  
 “ tions intact. The adjustment of the question by Lord Ashburton is  
 “ far more favourable to this country than that formerly proposed by  
 “ the King of the Netherlands, and in which we were willing to  
 “ concur. \* \* The same taunts which were applied to an Ashburton  
 “ here were levelled at a Webster there. Both were accused of  
 “ abandoning the interests of their respective countries ; but, fortunate-  
 “ ly, Mr. Webster was not to be moved by those taunts, and by a  
 “ moderate course, in which the two countries mutually consented to  
 “ abandon the assertion of their extreme demands, without diminish-  
 “ ing the honour of either, a peaceful settlement was effected by which  
 “ two people, kindred in descent, kindred in language, and, rightly  
 “ understood, kindred in interests, were united in peaceful relations.”  
 During the debate Lord Stanley, afterwards the Earl of Derby, in  
 replying to Lord John Russell, spoke as follows : “ But then the  
 “ noble Lord objects to what I thought had been universally admitted  
 “ by all persons of whatever political principles they might be—  
 “ the fitness of the selection of Lord Ashburton as the negotiator. I  
 “ thought that, if there were a point on which a doubt had never been  
 “ entertained, upon which all human beings were agreed, it was that,  
 “ if there were any hope of coming to the solution of the difficulty,  
 “ the selection of the Minister to effect that great object was one

“main chance of success.” Lord John Russell had remarked: “Although you think you have a very good treaty, and it is one in which I think the interests of Canada are not compromised, yet I think that, with a little discretion and negotiation, you might have made a much better treaty, and have settled this matter upon a better foundation.” Replying to this Lord Stanley said: “I ask the noble Lord why he did not do so in the ten years he was in office. If it were so easy a matter to get a better treaty what have the noble Lord and the noble Lord the Secretary for Foreign Affairs (Lord Palmerston) been about all the time? Why, they had been negotiating with the United States upon this very subject, and could not get a better treaty; but up to the period at which they left office the chances of coming to an amicable arrangement were more remote than ever, and the chances of a collision between America and Canada more formidable than ever.”

I have given you the opinions of Lord Ashburton's contemporaries as to his qualifications for the important mission which was confided to him, but it appears that Mr. Ramsay holds that “he had no diplomatic training or experience. He was a good-natured but weak man.” Mr. Dent admits that “Lord Ashburton was in some respects well-fitted to undertake such a negotiation, but then, although personally a man of honour and fair-mindedness, there his fitness for his mission ceased. He had had little or no experience in conducting diplomatic negotiations. He was far too complaisant and yielding, too ready to make any man a present of his opinions, too ready to surrender those opinions for the sake of amity and good-fellowship, even when he knew that he was in the right.” I am now going to submit for your consideration an extract from Miss Martineau's History of England, reminding you that, although Sir Robert Peel and Lord Stanley may be considered prejudiced witnesses in the case, the political sympathies of Miss Martineau were much more in accordance with Lord John Russell and Lord Palmerston though more liberal than either, and that she wrote of what passed during her own observation, while both Mr. Ramsay and Mr. Dent must have formed their opinions from those of others. Lord Ashburton died in 1848, and Dent's history was published about 40 years after the treaty. After describing the various complications with the United States—all of which, I may observe, were of a very grave character, such as the Right of Search, the Creole affair, in which the negro captives rose and, after capturing a slaver bound

for a port in the United States, carried her into a British port and were allowed their freedom ; the Caroline affair, which Mr. Dent himself has condemned, and the Extradition question—Miss Martineau proceeds as follows : “ In this perplexity Sir Robert Peel’s Government “ chose the fittest man in Great Britain for the business, and sent him “ out as a special ambassador to Washington, fully empowered to settle “ all matters in dispute between the two Governments. Lord “ Ashburton (late Mr. Baring), a thorough Englishman in mind and “ manners, was yet so connected with America by commercial and “ family relations as to have much sympathy with American feelings, “ and full knowledge of American institutions, customs, and modes “ of thought. He went out in February, 1842, was courteously and “ even joyfully received, and brought matters round presently. A treaty “ which settled the boundary question was signed on the 9th August “ following. It was not to be supposed that everybody was satisfied. “ Lord Palmerston, for one, was sure to be displeased ; and his pro- “ phesies of the dissatisfaction that would be felt, and the mischief “ that would arise, were very strong. But no difficulties have as yet “ been heard of ; and the inestimable good of peace and national “ amity appears to have been obtained without sacrifice. The agree- “ ment gave 7-12ths of the disputed ground, and the British settle- “ ment of Madawaska—to the United States, and only 5-12ths of the “ ground to Britain, but it secured a better military frontier to Eng- “ land, and it included heights commanding the St. Lawrence which “ the award of the King of Holland had assigned to the Americans. “ The best testimony to the equality of the arrangements was the “ amount of discontent among American politicians being about “ equivalent to that declared in England. But in both countries the “ vast majority were satisfied and gratified, and the chances against “ war appeared to be stronger than for several years past. Lord “ Ashburton, after having been honoured throughout every step of his “ travels in the United States, received the thanks of Parliament on his “ return home.”

I may here state that I was myself in public life, during the excited times, which preceded the mission of Lord Ashburton, and that my sole objection to Miss Martineau’s statement is the assertion that the treaty gave any British territory to the United States. With regard to the state of opinion in Maine, I had an opportunity of gaining reliable information from a highly-valued, recently-deceased friend, whose loss has been deeply deplored by his fellow-citizens. I refer to Mr. Thomas Cramp, who had occasion, in connection with

his business transactions, to pay frequent visits to Portland, and who, by personal intercourse with leading citizens of the State of Maine, had become acquainted with their views. What Mr. Sandford Fleming has pronounced "undoubted British territory," on grounds which are incomprehensible to me, the people of Maine are firmly convinced at the present time, as they were in 1842, are "undoubted American territory." That the treaty of 1842 was a compromise between those extreme opinions cannot be denied, but I own that it seems to me a strange argument to advance that the land was more valuable on the American than on the British side of the new border. Mr. Ramsay tells us that the relinquished part "was for most part sterile waste," while that gained by Maine was "in great part fertile and well timbered." The new boundary line of the river St. John was most assuredly not settled with any reference to the quality of the land, any more than to the prospective requirements of the Intercolonial Railway, the length of which Mr. Ramsay tells us has been "nearly doubled," owing to the settlement of the disputed boundary. It was avowedly the substitution of a natural boundary for one described in such vague terms, as to have been admitted by Mr. Ramsay to have been, "inexplicable and impracticable." I have read all the correspondence on the subject prior to Lord Ashburton's mission, and can state that Lord Palmerston himself expressed his willingness to negotiate for a conventional boundary, and that Lord Ashburton's correspondence with Mr. Webster is highly creditable to both statesmen.

It seems to me desirable at this stage to consider at some length the circumstances which led to the Ashburton treaty, and I must therefore ask your attention to the position of the boundaries at the time when the treaty of 1783 was negotiated at Paris. It will hardly be denied by any one in the present day, that the definition of the boundary in that treaty was so vague that the parties interested, after a long altercation, had to agree to leave it to the arbitration of the King of the Netherlands, who found himself compelled to admit that he was unable to interpret the language employed. After further efforts to come to an amicable settlement Lord Ashburton and Mr. Webster agreed to adopt a conventional boundary, which gave about seven-twelfths of the disputed territory to the United States, and five-twelfths to Great Britain. The cause of the larger amount of territory being given to the United States and the better quality of the land, which has been much commented on, was simply because such was the effect of adopting the

natural boundary of the rivers St. John and St. Francis, instead of the height of land described in the treaty, but which could not be found. Had there been more territory and better land north of the St. John, Canada would have had the advantage which accrued to the State of Maine. When due attention is given to the circumstances under which the treaty of 1783 was negotiated, there can in my judgment be no doubt whatever as to the intentions of the negotiators. During the revolutionary war, which was terminated by the treaty of 1783, there had been an influential party in the Imperial Parliament, which had persistently opposed the policy of the advisers of the Crown. After the death of the Earl of Chatham, in 1778, the leader of the Opposition to the North Administration was the Marquis of Rockingham, who had always been hostile to the policy adopted towards the Colonies, and who, on the resignation of Lord North in 1782, after the surrender of Lord Cornwallis at Yorktown in Oct., 1781, was called on to form a new Administration. The Secretaries of State in that celebrated Ministry were the Earl of Shelburne, great grandfather of our present Governor General, afterwards first Marquis of Lansdowne, and Charles James Fox. The Ministry had been formed on the basis of acknowledging the independence of the American Colonies, but the two Secretaries differed in opinion on an important point. Mr. Fox was favourable to the immediate recognition of independence, while the Earl of Shelburne held, as I think wisely, that such a recognition should be accompanied by a general peace, not only with the United States, but likewise with France, Spain, and Holland, all of which nations had contracted alliances with the revolted Colonies. It is not unworthy of notice that in those days there were only two Secretaries of State for Home and Foreign affairs, and that the supervision of Colonial affairs was entrusted to the Home Secretary, the Earl of Shelburne. Mr. Fox of course, as Foreign Secretary, had to negotiate with France, Spain and Holland. The ambassador at Paris was Mr. Grenville, but the Earl of Shelburne selected Mr. Richard Oswald, an eminent merchant, and on friendly terms with the American commissioners to treat with them. There is no doubt that Mr. Grenville was displeased at Mr. Oswald's appointment, and that his correspondence contributed to increase the misunderstanding between the two Secretaries. At this juncture the Marquis of Rockingham died, after holding office little over three months. The duty of forming a new Administration was entrusted to the Earl of Shelburne, but Mr. Fox, with a number of his friends, went into Opposition. Mr. Gren-

ville, a warm friend of Mr. Fox, was recalled from Paris and was succeeded by Mr. Alleyne Fitzherbert, afterwards Lord St. Helen's, whose relations with Mr. Oswald were most cordial. The peace negotiations were conducted at Paris, the American Colonies being represented by Dr. Benjamin Franklin, Mr. Adams and Mr. Jay, —Mr. Laurens, the other Commissioner, being unable to act, owing to the state of his health. I may observe here that, although Mr. Oswald has been rather harshly dealt with by Canadian critics, the Earl of Shelburne, in his speech on the peace, which I have carefully read, gave him as high a character as any man could desire to receive. He was selected in 1783, as was Lord Ashburton in 1842, as eminently qualified for the performance of the duty assigned to him, and one qualification specially adverted to by the Earl of Shelburne was his incorruptible integrity. There is no doubt whatever as to the difficulties which were experienced in concluding the negotiations. They were three in number : 1st. The American Commissioners claimed Canada, including of course Nova Scotia or Acadia. 2nd. They demanded the unrestricted use of the fisheries. On the other hand Great Britain urged with great vigour the claims of the Loyalists to compensation. The cession of Canada was peremptorily refused by the Earl of Shelburne, to whom it was submitted by Mr. Oswald, who made a special visit to London on the occasion. After much discussion the right to fish was conceded, but not to land and dry the fish. The most serious difficulty was the Loyalist claims, which were met by a proposal of Franklin that each country should meet all claims for losses, he contending that the Revolutionists had suffered as much or more than the Loyalists. It is not irrelevant to our present subject that the British negotiator tried hard to get the Nova Scotia boundary extended from the St. Croix to the Penobscot so as to provide an asylum for the Loyalists. The Americans, with a keen appreciation of State rights, refused all concessions, but the very useless one to provide in the treaty for a recommendation of the Loyalist claims to the various States. The British Government was compelled to assume the liquidation of the claims of the Loyalists, but there was no difficulty whatever as to the boundaries, and more especially to those of the Provinces of Quebec and Nova Scotia, the only territories retained by Great Britain except those in the West. The principle adopted by Great Britain in regard to the unorganized territories was to abandon all those territories in the West which, from their locality, were dependent on the Eastern Provinces. Any attempt on the part of

Great Britain to retain territories to the west of New York and Pennsylvania would have laid the foundation for future controversy, and probable war, with the new Republic. Natural boundaries were agreed on, and these were found in the great Lakes, although, owing to the imperfect knowledge of the country, it was supposed that the source of the Mississippi river, which was to be the Western terminus, was much further to the north than it afterwards proved to be. At present the chief subject for consideration is the Maine boundary, and it was necessary to define that boundary both between Canada and Nova Scotia. New Brunswick had not then been formed into a separate Province. I have already pointed out that the language of the treaty was so vague, that the arbitrator who was selected to determine the boundaries described, was unable to find any that met the description. Neither he nor any one of the Canadian writers on the subject made any attempt to discover the intentions of the parties who negotiated that treaty, and yet there ought to be no difficulty whatever in arriving at a satisfactory conclusion on that point. In view of the whole scope of the treaty, and especially that part of it which gave to the United States the Western territories, recently surrendered to Great Britain by France, and included in the Province of Quebec by the Act of 1774, it cannot be imagined for a moment that there was any intention to extend the boundaries either of the Province of Quebec or of Nova Scotia. The essential feature of the treaty was to recognise the independence of the old British Provinces, with their acknowledged boundaries; while, on the other hand, Quebec and Nova Scotia were also to have their boundaries precisely as before the war. I ask you, then, to consider what were the boundaries of Quebec and Nova Scotia prior to the revolutionary war. It is of course necessary to treat them separately, and, as Nova Scotia is the most important, as bearing on the disputed boundary with Maine, I shall consider it first. Long prior to the revolutionary war there had been repeated wars between Great Britain and France, with the object of obtaining possession of Acadia, or Nova Scotia as it was called by the British. In the first grant by James I. to the Earl of Sterling, made in 1621, the boundary on the west is stated to be the river commonly known as the St. Croix. It was then what was known as a proprietary Government, as were nearly all the British Provinces in America. After changing hands several times it was confirmed to Great Britain by the treaty of Utrecht in 1713.

It was again taken in 1745, but finally confirmed to England by

the treaty of 1763, when all the French possessions in America were ceded except the Islands of St. Pierre and Miquelon. During the repeated wars the French extended their conquests as far west as the Penobscot, but the Province of Massachusetts in 1755 sent from Boston an expedition which succeeded in defeating the Acadian French. During all the contests between the two great nations which at that period divided North America, the St. Croix river was the recognized boundary of Massachusetts, out of which State Maine was subsequently formed. In Bancroft's History it is stated, on the authority of a communication from Lord Halifax to the Board of Trade, of the date 27th September, 1863, when all the territories in North America were British: "The boundary of Massachusetts was clearly "defined both on the east and on the north, extending on the east "to the St. Croix and on the north leaving to the Province of Quebec "the narrow strip only from whence the water flows into the St. Lawrence." When this description was given, the Government was about to issue the proclamation defining the boundaries of Quebec, and the department of the Board of Trade was in consultation with the Agent of the Province of Massachusetts on the subject. At that time Massachusetts claimed the St. Lawrence river as its boundary, while on the other hand there was no precise line of boundary on the Atlantic. The result of my investigation has been to satisfy me that Massachusetts consented to the boundary of the highlands which were the watershed of the rivers falling into the St. Lawrence, while her Eastern boundary was confirmed at the St. Croix. In confirmation of this I may mention that in the first commission issued after the proclamation of 1763 there is a declaration that by right the boundary should be fixed at the Penobscot, but that it is fixed at the St. Croix. When, after the termination of the revolutionary war, the Commissioners undertook to define the boundaries there cannot be a shadow of doubt that their intention was that Massachusetts should retain her old boundaries and Nova Scotia her's. One of the American Commissioners was John Adams, a distinguished statesman from Massachusetts, who succeeded General Washington as second President of the United States. The only question as to the Eastern boundary was which river should be selected, and the choice fell on the St. Croix, from the source of which river the boundary was to be a due north line by the treaty of 1783. In 1784 the Province of New Brunswick was formed out of part of Nova Scotia, and there were soon disputes as to which river was the true St. Croix of the treaty: the United States contended for the Magaguadavic, a river still

further east, while British settlements were made on the Schoodic, the western branch of the river finally decided on by the Commissioners appointed under "the treaty of amity, commerce and navigation" made in 1794. The Commissioners differed in opinion, but finally made an unanimous award, the umpire holding, on what I think sufficiently grounds, that the river Chiputnaticook, which runs from a northerly source, was the St. Croix of the treaty; and Mr. Fleming holds that this was "the first false step," and that "from this fatal error arose "all the subsequent difficulties." If Mr. Fleming had expressed his conviction that the boundary line for which he contends, which is a line drawn from the source of the Schoodic to the Highlands between the Penobscot and the Chaudière, was the old boundary of Nova Scotia I would have considered that he had some ground for his opinion; but, unfortunately, he, like all the other writers on the subject, did not look beyond the vague language of the treaty of 1783, and did not consider the actual boundaries which existed in 1774 between Canada, Nova Scotia and Maine—then a dependency of Massachusetts—and which I maintain were the boundaries intended by the negotiators of the treaty of 1783, although, by the accidental use of the term "Atlantic Ocean" when "the Bay of Fundy" or "the sea" should have been employed, there was a doubt created, which very nearly led to war between the two nations. It is beyond dispute that, prior to the revolutionary war, the Province of Massachusetts was bounded on the east by the Province of Nova Scotia, and on the north by Quebec. I have already stated the eastern boundary, as understood at the time, and I now proceed to state the southern boundary of Canada. I deem it important to call your attention in the first place to the boundary of Canada prior to the conquest, and therefore cite the description in the commission of the Sieur de Lauzon, Governor and Lieutenant of the King of France in 1651, which was: "over the "whole extent of the river St. Lawrence in New France, the isles, "and lands adjacent on both sides of the river, and the other rivers "that discharge therein as far as its mouth." The description in the commission of another Governor, about twenty-five years later, defines his jurisdiction as over "the Provinces watered by the St. Lawrence "and the rivers which discharge into it, and the places that depend "thereon, in New France." After the conquest there was a proclamation, in 1763, defining the boundaries of the Province of Quebec commencing at the river St. John on the Labrador coast, passing by Lake St. John to Lake Nepissing, thence in a direct line to the St. Lawrence, which it crossed in latitude 45, thence "along the high-

“lands which divide the waters that empty themselves into the river St. Lawrence from those which fall into the sea, and along the North Coast of the Bay of Chaleurs to Cape Rosières, thence crossing the mouth of the St. Lawrence by the west end of the Island of Anticosti to the place of beginning.” The next definition was that in the Act of Parliament of 1774, which is not materially different from that in the proclamation of 1763. It, however, commences on the south-east instead of the north-east, and defines the boundary on the south to be a line from the Bay of Chaleurs along the Highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in 45 degrees North latitude, on the east bank of the river Connecticut, keeping the same latitude directly west through the Lake Champlain, until, in the same latitude, it meets the river St. Lawrence. I need not trouble you with the boundary through the river and Lake Ontario, and thence by the Niagara into the Upper Lakes, as it has no bearing on what is known as the Maine boundary controversy. You will perceive that the language of the proclamation and of the Act is similar in regard to the Highlands dividing the rivers that empty themselves into the St. Lawrence from those that fall into the sea. The chief alteration is in defining the boundary on the 45th parallel of latitude to be as far as the eastern bank of the river Connecticut, and on that point there has been no serious controversy, although, as Mr. Ramsay has pointed out, there were some errors committed by surveyors. Having now stated the boundaries of Quebec and Nova Scotia, generally acknowledged in 1774, and regarding which there was no dispute, you will perceive that Massachusetts was bounded on the east by the St. Croix river and on the north by the Highlands separating the rivers falling into the St. Lawrence from those falling into the sea, which must have been north of the river St. John, and running westward as already described. Assuming that the negotiators of the treaty of 1783 had no other intention than to confirm the old boundaries I can readily understand the meaning of the language which they use, which I shall here cite:

“From the north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix river to the Highlands, along the said Highlands which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean to the north-westernmost head of Connecticut river; thence down along the middle of that river to

" the forty-fifth degree of North latitude ; from thence in a line due  
 " West on that latitude until it strikes the river Iroquois or Cataraqui ;  
 " thence along the middle of the said river into Lake Ontario,  
 " east by a line to be drawn along the middle of the river St. Croix  
 " from its mouth in the Bay of Fundy to its source, and from its  
 " source directly north to the aforesaid Highlands which divide the  
 " rivers which fall into the Atlantic Ocean from those which fall into  
 " the river St. Lawrence." Had the term " Sea " been used in the  
 foregoing description, as in that in the Act of 1774, there could have  
 been no dispute whatever as to the construction of the treaty, and I  
 entertain not the slightest doubt that it was not intended to alter the  
 old boundary. It is quite possible that, as the St. John falls into the  
 Bay of Fundy very near its entrance, the term " Atlantic Ocean " may  
 have been deemed a proper description. Be that as it may, the use  
 of that term was nearly the cause of war between the two nations,  
 and has led to the heart-burning which is so apparent in the words  
 of the authors to whom I have referred. The Highlands due north  
 of the St. Croix separate rivers falling into the St. Lawrence from the  
 St. John and its tributaries which fall into the Bay of Fundy instead  
 of the Atlantic Ocean. Those who, like Mr. Fleming, have insisted  
 on the literal construction of the language of the treaty, held that the  
 only Highlands answering the description were those separating the  
 river Chaudière from the head waters of the Penobscot, while the  
 Maine contention was that the line ran north to the sources of the  
 rivers Métis and Rimouski and westward by the sources of the  
 tributaries of the St. Lawrence. The practical effect of Mr. Fleming's  
 interpretation would have been to deprive the State of Maine, formed  
 out of the old Province of Massachusetts, of a large portion of her  
 undisputed territory. It is not surprising that the attempt to take  
 possession of the disputed territory, or rather the indication that such  
 an attempt was contemplated, should have caused great irritation  
 in Maine. Mr. Fleming in his " Intercolonial " gives a history of  
 the survey in the year 1835 of a line of railway between St.  
 Andrews, N.B., and Quebec, passing through the valley of the  
 Etchemin River to Mars Hill, in the State of Maine. It does  
 not appear that, although the Imperial Government had granted  
 £10,000 sterling in aid of the work, and that surveys and esti-  
 mates had been made, any communication had taken place with the  
 Government of the United States, notwithstanding the abortive  
 attempts which had been previously made to settle the point in con-  
 troversy. Such, then, was the state of the boundary controversy,

when Lord Ashburton was selected by Sir Robert Peel and Lord Aberdeen to act as an Ambassador Extraordinary to the United States, to endeavour to settle a number of important questions, which were causing much irritation, and to which I have already referred. The Right Hon. Alexander Baring—who was created Lord Ashburton, in recognition of his services to the State—had, previous to his entrance into public life, taken an active part in the management of the eminent firm of Baring Brothers & Co., who had large transactions with the United States. He had married the daughter of Mr. Bingham of Philadelphia, a Senator of the United States, and had frequently visited that country. It is evident that the Canadian critics of the Ashburton treaty hold a widely different opinion from that of Sir Robert Peel, and think that a more satisfactory treaty would have been obtained by sending out a fire-eater, with instructions to name his terms and to threaten war unless they were promptly accepted. Sir Robert Peel having, from his knowledge of Lord Ashburton as a colleague, an implicit reliance in the soundness of his judgment and on his devotion to the interests of his own country, believed that the respect entertained for him in the United States, would not be prejudicial to the success of his mission. The allegation that Lord Ashburton was a weak man who had no opinions of his own, has been made by persons wholly unacquainted with his character, and is at complete variance with the estimate formed of him by those who knew him well, both in Great Britain and the United States. I have never been able to comprehend the ground on which the Ashburton treaty has been so severely attacked. Neither of the eminent negotiators was responsible for the ambiguous language used in the treaty of 1783, which, as Col. Coffin and Mr. Ramsay have pointed out, was found “inexplicable and impracticable.” The solution of the difficulty had been found impossible by the King of the Netherlands, and by the Commissioners appointed by the treaty of 1794. There was really no option between war and a compromise. The United States had justice on their side, as they only claimed the boundary which had been understood to be guaranteed to them by the treaty of peace, while Great Britain relied on a definition which was found impracticable. Lord Ashburton and Mr. Webster, after conferring together, decided on the adoption of the natural boundary of the river St. John and its tributary the St. Francis as the northern boundary of Maine, the effect of which was to give 7-12ths of the disputed territory to the United States and 5-12ths to Great Britain. It would have been hardly possible to have found

any other boundary that would have been a compromise between conflicting claims. All the other points in controversy were satisfactorily settled, and both the negotiators of the treaty earned the gratitude of the people of both countries. I have already given a quotation from Sir Robert Peel's speech, in which he referred to Mr. Webster in most complimentary terms. The picture of Lord Ashburton is exhibited at Washington among those entitled to the gratitude of the American people. I can readily conceive that those who have written of him in the most contemptuous terms, would cite this as a proof that he had earned this gratitude at the cost of his own country, but I have already noticed that the thanks of Parliament were voted to him for his eminent services, a compliment which has been rarely paid to a civilian. I cannot take leave of this branch of my subject without drawing your attention to the celebrated map discovered in the Archives at Paris by Mr. Jared Sparks, and which was said to have been enclosed by the Count de Vergennes, the French Minister, to Dr. Franklin, on the 6th Dec., 1782, with a request that he would mark on it the boundary which had been agreed to, and which was returned by Dr. Franklin with a strong red line indicating the limits of the United States as settled in the preliminaries between the British and American plenipotentiaries.

It appears that Mr. Sparks discovered this map, as well as Dr. Franklin's note to the Count de Vergennes, and that he commended both to the authorities at Washington with the following remark: "In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed by her. It is evident that the line from the St. Croix to the Canadian Highlands is intended to exclude "all the waters running into the St. John." I have no reason to doubt that such a map was discovered, and such a statement made by Mr. Sparks, and both Mr. Dent and Mr. Ramsay have arrived at a most unfavourable conclusion as to the part taken by Mr. Webster in concealing from Lord Ashburton the existence of the map, which he subsequently used to influence the United States Senate to ratify the treaty, which that body was very unwilling to do. Mr. Sandford Fleming has not noticed the map, but Col. Coffin, who holds as strong opinions in favor of the British claim as Mr. Dent and Mr. Ramsay, differs with them materially as to Mr. Webster's duty under the circumstances. Col. Coffin thus wrote in 1876, of the map: "It afforded strong presumption, but not absolute proof, of the "correctness of our claims under the treaty—claims, however, which "we had abandoned when we abandoned the treaty itself, and

“accepted an arbitration—nor could a public minister, or a private advocate, be expected to make out his adversary’s case; but one thing is now certain, that the presumption raised by the ‘red line map’ was employed by Daniel Webster in secret conclave to moderate the formidable opposition of the Senate, and to overcome the intractable violence of Maine; and that it secured peace between the two countries at a moment when harmony was additionally endangered by the Canadian revolt and its consequences, by the cases of the *Caroline* and the *Creole*, by the Right of Search question, and by the hostile attitude of the French press and the French people, in those days periodically affected with Anglophobia,” I have been chiefly led to notice Col. Coffin’s opinion because Mr. Dent and Mr. Ramsay have both made most severe remarks on Mr. Webster, the latter stating that “when all that has been said in his defence is read one fails to find that he came from that negotiation with any honour left.” My opinion on the Maine boundary question has been formed, as I hope I have conveyed to you, on grounds that cannot be lightly shaken. The southern boundary of Quebec was settled in 1774 by Act of Parliament, and was clearly north of the St. John River. I am equally certain that the Province of Nova Scotia did not extend west of the St. Croix. I am convinced that it was never intended, when the independence of the United States was acknowledged in 1783, to contract the boundaries of any State, but, on the contrary, very extensive territories in the west and north-west were surrendered to the new republic. Holding such opinions it is inconceivable to me that the American Commissioners could have intended to surrender a considerable portion of the State of Massachusetts to Great Britain, and I cannot believe it possible that they were even asked to do so. What, then, I may be fairly asked, is your opinion as to the map? My reply is that, after reading the accounts given of that map by Canadian writers, and after investigating the subject, with reference to United States authorities, I had formed a very strong opinion that when Dr. Franklin sent that map to the Count de Vergennes, his object was to throw dust in his eyes. I would remind you that the Government of the Earl of Shelburne was looked on by the American Commissioners as having been always friendly to their cause. The negotiations were conducted by Mr. Oswald, as a special Commissioner on the part of Great Britain, with Dr. Franklin and his colleagues, Messrs. Adams and Jay. The negotiations between Great Britain and France were conducted by Mr. Fitzherbert, the accredited minister and the Count de

Vergennes. The treaty of Paris was only ratified at Paris on 3rd Sept., 1783, while Dr. Franklin's letter with the map was dated 6th Dec., 1782, subsequent to the agreement between the British and American Commissioners as to the preliminaries, which was concluded 30th Nov., 1782. The result of my investigations has been to convince me that throughout the negotiations the Count de Vergennes, acting, I have no doubt, in the interest of France, was employing his influence to prevent Great Britain and the United States coming to an amicable settlement of the questions at issue. He was doing all in his power to induce the American Commissioners to make excessive demands in regard to their claims, while he was at the same time pressing the English Minister to refuse his consent to them. I may here remark that I do not rely entirely on English historians for my assertions as to the duplicity of the Count de Vergennes. I can refer any, who doubt the correctness of my statement, to the history of F. C. Schlosser, Professor of History in the University of Heidelberg, translated into English by D. Davidson, M.A. Such a writer may at all events be considered impartial. The preliminary articles of peace with the United States were not only signed some time before the conclusion of the negotiations with France, but were by mutual agreement to be kept secret from the Count de Vergennes. Under such circumstances, when the Count de Vergennes wrote to Dr. Franklin a few days after the secret agreement between the British and American negotiators, requesting him to mark on a map the limits as settled by the preliminaries—a matter in which France had no interest, but in which the Count de Vergennes had been actively interfering for his own purposes—I can readily conceive that Dr. Franklin may have thought it expedient to baffle the French intriguer by throwing him off the scent. Firmly convinced as I am that Dr. Franklin never could have intended to sanction such a boundary as that described by Jared Sparks, I had ventured to surmise the motive which I have just stated, but I have reason to believe that the celebrated map of Sparks' was a very old French one, of which there were many copies, and that it was never used by Dr. Franklin. It is worthy of notice, in connection with the "red line map" that it is rather inconsistent in those who believe in its authenticity, to condemn Mr. Oswald as they have done, Mr. Ramsay calling him "a man of no merit," whereas, if he had succeeded in obtaining from "the astute Franklin, Adams, and Jay" not only all contended for by Great Britain but even more than she had ever claimed, which is Mr. Jared Spark's

assertion, he ought at least to be spared censure. Before dismissing the subject of the Ashburton treaty, I may observe that, in order to secure the consent of the Senate, it was not only necessary to produce "the red line map" and to point out that, if it became publicly known to have been discovered in Paris, Great Britain would make use of it in future negotiations to obtain better terms, but it was likewise found necessary to pay the State of Maine for the lands of which it was deprived by the Ashburton Treaty, as well as the cost of the military operations which had been undertaken by Maine without the authority of the Federal Government. Before leaving this branch of my subject, I feel that I ought, in order to prevent misconception, to state that I have read with care the report of Messrs. Featherstonhaugh and Mudge, Commissioners appointed in 1839 by the British Government to explore the disputed territory, and have likewise examined the maps accompanying their report. The impression produced on my mind was precisely the same as the argument of a highly talented lawyer pleading a bad case. I may likewise notice the fact that after the Ashburton treaty had been ratified a lively controversy arose between the Provinces of Canada and New Brunswick as to their respective boundaries, which had not previously, so far as I can learn, been in dispute. The chief bone of contention was the Madawaska settlement which was almost entirely west of the due north line from the monument at the source of the St. Croix. The controversy raged almost as fiercely as that between Great Britain and the United States, and was only terminated by the award of Arbitrators, two of whom decided in favour of New Brunswick, the Canadian Arbitrator dissenting. Holding the view that I do, I am not surprised at the controversy or the award. Neither of the parties had the least claim to the territory, which was originally part of Maine. When examining the proceedings of the Arbitrators, on the respective claims of Canada, and New Brunswick, I found an opinion given by an eminent English Jurist, Dr. Travers Twiss, one of the arbitrators, which I deem conclusive, and which I shall cite in his own words:—"On examining the maps, " which have been submitted for the inspection and information of " the Arbitrators, it appears that the result of the treaty of Washing- " ton has been that a very considerable district, lying between the " frontier of the United States, on the one hand, and *the legal* " *boundaries* of the two Provinces of Canada and New Brunswick, " on the other, is a possession of the British Crown, and remains as " yet unassigned to any Provincial Government." Is not Dr. Twiss'

opinion clear that Canada and New Brunswick *had legal boundaries*, before the treaty, and that *the new unassigned possession* was what Lord Ashburton obtained by the treaty, for which he has been so much villified? If the territory *outside of the legal boundaries* of Canada and New Brunswick did not belong to the State of Maine to what Province or State did it belong? I have now to consider the other treaties with the United States which have been the subject of condemnation by Canadian writers. The treaty of 1794 had for its chief object to determine the western boundary of Canada which had been fixed by the treaty of 1783 at the Mississippi river, at a point due west of the North-western Angle of the Lake of the Woods. It established the boundary on the 49th parallel of North latitude, very little north of the source of the Mississippi, and it settled the dispute as to the St. Croix of the treaty of 1783. The next treaty was that negotiated at Ghent at the close of the war which commenced in 1812. Adverting to this treaty Mr. Ramsay expresses his belief that Great Britain "might have avoided all the troubles of the Maine boundary had she retained her conquests, for she had taken Castine and other posts in Maine down to the Penobscot, and should have then settled in a practical manner the Maine boundary at that river, but, no! back she went to the old unsettled and disputed and unfair lines. The boundaries were to be as before the war." I may offer a remark or two on the foregoing opinion. The war of 1812 was declared by the United States on a question which had no reference to boundaries. A considerable portion of the citizens of the United States disapproved of it, and moreover some of the Northern States, notably Massachusetts, refused their aid. The treaty of Ghent was signed on 24th December, 1814, while the victory gained by General Jackson at New Orleans was on 8th January, 1815, about a fortnight later. Had the demand been made and insisted on, that Great Britain should retain all conquered posts, it is tolerably certain that the treaty would not have been signed, and that the effect of the victory at New Orleans would have been a demand on the part of the United States for better terms. Moreover, on the 1st March, 1815, Napoleon Bonaparte landed in France from Elba, and there can be no doubt that but for the peace concluded at Ghent about two months previously Great Britain would have had difficulty in obtaining the conditions which she did. I am fully persuaded in my own mind that the United States would not have consented to a surrender of territory, and that the demand of such surrender would have united the entire population in a vigorous prosecution of the war. In his criticism on

the treaty of 1814 Col. Coffin, while censuring Great Britain for restoring its conquests in the State of Massachusetts, made a most important admission, which I shall cite in his own words: "It may be well also to remind the men of Canada that in this same month of December, 1814, England held not by force of arms alone, but by the eager adherence of the people of the country, *the whole of that part* of Massachusetts, now Maine, lying between New Brunswick on the east, Canada on the north, and the Penobscot on the west. In the months of July and September, 1814, expeditions organized by Sir John C. Sherbrooke, Governor of Nova Scotia, occupied 100 miles of territory west of New Brunswick, *including the whole of the disputed territory*, fraught in later years with so much difficulty and, according to Lord Palmerston, with the disgrace of the shameful capitulation of 1842. In December, 1814, this territory was ours not only by right of war, but with the consent and content of the population. Remember, too, that this was the epoch of the Hartford convention. Ingersoll, an American historian of the time, writes: 'Without a blow struck, part of Massachusetts passed under the British yoke, and so remained without the least resistance until restored by the peace.'" Dissenting, as I do entirely, from the conclusion of Col. Coffin that the people of Massachusetts intended to consent to a transference of any portion of their territory I can readily believe that, opposed as they were to the war of 1812 they were very quiescent, but my object has been to draw attention to Col. Coffin's clear admission that the territory east of the Penobscot and west of New Brunswick was bounded on the North by Canada whose boundaries were settled, by an Act of Parliament which I have cited. It is not unworthy of notice that the later critics of British diplomatists have taken no notice of Col. Coffin's admission. I must not omit to notice an overture made in 1833, under instructions from President Jackson, which is held by Mr. Sandford Fleming, Col. Coffin, Mr. Dent and Mr. Ramsay to have been a most satisfactory proposition, and the refusal by Lord Palmerston to entertain it is made the ground of severe censure on that statesman. The writers referred to seem all to be of opinion that General Jackson, to use Mr. Ramsay's own words, "proposed that the line should be drawn from St. Croix to the Highlands at the sources of the Kennebec and Chaudière, regardless of the point of the compass. It did not use these words, but this would have been the effect." The precise words are given by Mr. Sandford Fleming who draws the same conclusion from them that Mr. Ramsay does. I have drawn a very different inference from the language

employed by Secretary Forsyth in his dispatch to Sir C. R. Vaughan, British Minister at Washington. The paper is lengthy, but I shall give an extract or two: "The United States have always contended "that the point which they have uniformly claimed is *upon certain* "*Highlands north of the River St. John, which answers in every respect the description given in the treaty* and is the true North-west "angle of Nova Scotia; a claim which is not intended to be abandoned or weakened by anything the President has authorized to be "proposed or said on the subject. \* \* On the part of Great Britain "it has been strenuously contended that no Highlands answering the "description in the treaty could be found northward of the river St. "John upon a line running directly north, and it has therefore been "insisted that lines due north shall be deemed to terminate to "the southward of that river and at a place called Mars Hill." It is then said that, in practical surveying, "the given course must be made to yield to the given object, and the line closed at the object." The President it is then stated was willing to apply this rule, and to leave it to be determined by arbitration "whether in case the Highlands "hitherto claimed by the United States as those designated by the "treaty do not answer that description, but that those Highlands are "to be found *west of the due north line*, the boundary line should be "closed according to the established rule in practical surveying." I am persuaded that the meaning of the proposition was that the United States would accept a boundary at Highlands north-west of the St. Croix monument instead of due north, but assuredly north of the River St. John. The answer of Great Britain was that, under the circumstances, it was desirable to adopt a conventional boundary, which was precisely what Lord Ashburton effected in 1842. Another controversy arose on the subject of the boundary west of the Rocky Mountains. Mr. Ramsay, who represents Great Britain as being always imposed upon, admits that for some time prior to the treaty of 1846, known as the Oregon treaty, the cry in the United States was 54.40 or fight. His words are: "England proposed to divide, "and to take the line of the Columbia to the sea, but the American "answer was no. 54.40 or fight." He then proceeds: "After much "correspondence Mr. Pakenham, the British Ambassador at Washington, was authorized to treat, and he did so on the plan of Lord "Ashburton, *to give all away.*" It, however, appears that, instead of giving all away, the Americans offered, as in Maine, to yield something, for Mr. Ramsay represents them as saying: "We will take the "line of 49 from the mountains to the sea, and to show our good-

"nature we will not mind about the tip of Vancouver Island, which that line would cut off; you may have that." I was surprised when I read the foregoing passage in Mr. Ramsay's lecture, for I had been under the impression that the proposal came from Great Britain. Referring to Miss Martineau's History of England, I find that in the message of President Polk in 1845 very strong language was used, which was taken exception to by some members of the Senate. In the next month Queen Victoria, after expressing regret at the unsettled state of the Oregon question, said that "no effort consistent with national honour should be wanting on her part to bring the controversy to an early and peaceful termination." The narrative then proceeds "with a view to driving on the matter to a decision by force, the war party had carried resolutions that notice of the cessation of a joint occupancy of Oregon should be given to Great Britain." It was finally decided that the resolutions should stand, and a declaration was agreed to that "it was for the purpose of inducing a speedy, amicable settlement of the dispute on the ground of an equitable compromise." The next step was Lord Aberdeen's proposal of compromise, which was sent out to Mr. Packenham, who, notwithstanding Mr. Ramsay's amusing story "about the salmon in the Columbia river refusing to rise to the gaudy fly," had really nothing whatever to do with the matter, but to submit Lord Aberdeen's proposal, which the President laid before the Senate, which approved of it by a large majority. I own that I wholly fail to comprehend how it can be alleged that, under the circumstances stated, Great Britain "gave all away," when it succeeded in obtaining the 49th parallel of latitude as its boundary instead of the 54.40, when it obtained the same latitude west of the Rocky Mountains as had been previously established on the east of that range. As the adoption of that line to the Pacific would have necessitated the division of the Island of Vancouver between the two nations, it was agreed that it should belong to Great Britain and that the line of boundary should be the middle of the channel, and of Fuca's Straits to the Pacific. From this treaty Mr. Ramsay tells us came the San Juan dispute, which was at one time nearly causing bloodshed. General Harney, termed "a fire-eating General" took possession of the island and ships of war were sent out by Great Britain, when General Scott succeeded in making an arrangement for a joint occupation of San Juan pending the settlement of the dispute, which was effected by leaving it to the arbitration of the Emperor of Germany who, as Mr. Ramsay tells us, "decided for the Harney channel and for the United States, and

“again the United States got the better of England, and has a “boundary within sight of Victoria.” It would have been interesting to have learned from Mr. Ramsay the grounds on which Great Britain, after agreeing to a treaty fixing the 49th parallel of latitude as the international boundary, could sustain its claim to the possession of the Island of San Juan, which is situated considerably to the south of that latitude. The portion of Vancouver Island south of the 49th parallel was conceded, solely because it would have been inconvenient to have had such an island under two different Governments, but no such ground existed in the case of San Juan; and, as Mr. Ramsay calls attention to the fact that “the boundary is within sight of Victoria,” I must infer that he considers that, by selecting that site for the capital of British Columbia, Great Britain established a claim to a territory which is clearly within the established boundaries of the United States. I cannot dispute Mr. Ramsay’s assertion that “with regard to each treaty, the Canadian feeling has been that on each England was too yielding,” but I cannot agree with him that “the value of the territory was not appreciated, and her diplomatists were outmanœuvred on every occasion.” My own belief is that all of the treaties referred to were negotiated in a fair spirit by statesmen, anxious to settle disputes, regarding which each believed in the justice of the claim of his own nation, while all were desirous to avoid an appeal to arms, which would have been specially disastrous to Canada, and which would not have promoted the final settlement of the questions in controversy. Mr. Ramsay refers very briefly to the treaty of Washington in 1871, in the following terms:—“The celebrated Alabama claims, which were paid “for by England on such a liberal scale, and the Canadian Fenian “claim, which was tossed aside so lightly at Washington in 1871.” It is to be inferred that Mr. Ramsay is of opinion that the Treaty of Washington in 1871 is another instance of Great Britain being outmanœuvred by the United States. I am wholly unable to concur in that opinion. After protracted negotiations on the subject of claims made by the United States, on the ground of Great Britain’s violation of neutrality, the whole subject was referred to arbitration, it being understood by Great Britain that the United States had abandoned its claim for consequential damages, founded on the Queen’s proclamation of belligerency. A fairer mode of settling the dispute could not have been devised. When the Arbitrators met, the consequential claims, a portion of which were estimated by the Hon. Charles Sumner at \$110,000,000 were pre-

sented, but Sir Alexander Cockburn, the Arbitrator on the part of Great Britain, refused to entertain them, and proposed the adjournment of the arbitration, which would have led to a dead-lock, but for a declaration by the Arbitrators to the effect that, upon the principles of international law, such claims should be wholly excluded from the consideration of the tribunal. The claims were then entered on, and damages were claimed for losses sustained by nine vessels, including the Alabama. In six cases there was an unanimous opinion that Great Britain had not failed to fulfil the duties imposed by the new rules, which it had been agreed should be in future adopted but made applicable to the cases, which had occurred during the civil war. In the cases of the Alabama, Florida, and partially the Shenandoah, Great Britain had to pay damages, but on the whole there was no pretence, under the circumstances, for Mr. Caleb Cushing's statement that the United States had gained the enforcement of her rights, as she signally failed in obtaining compensation for the consequential damages, which she had persistently claimed. The fishery arrangement could not have been more satisfactory. As to Fenian claims, there was some remissness on the part of Great Britain in not referring them to the Joint High Commission. The fact is, that there was a good deal of haste in making the arrangements. It was thought desirable that the dispute as to the fishery rights should be terminated without delay, and when overtures were made with that view the United States declined to treat unless the Alabama claims were also referred to the Commissioners. When the Commissioners met the British members pressed the consideration of the Fenian claims, but were met by the objection that they had not been referred to the Commission. As, however, Mr. Ramsay evidently labours under what I admit to be a general misapprehension in Canada, I may point out that the Canadian Government succeeded, before it consented to propose to the Dominion Parliament the ratification of the treaty, in obtaining what it considered to be a satisfactory settlement of the Fenian claims. I was at the time Minister of Finance, and as the question was one with which it was my special duty to deal, I shall cite from my budget speech during the session of 1872 a brief extract which will show clearly that compensation was obtained. Of course it must be a matter of opinion whether it was or was not adequate, but I feel assured that under the circumstances the course adopted was the wisest that could be taken. It was the opinion of the Canadian Government that the Imperial

Government should not have neglected the reference of the Fenian claims to the High Commission, and yet there were grave difficulties in the way of obtaining direct compensation from Great Britain for losses caused by neglect, on the part of the United States, of her international duties. The consent of the Canadian Parliament to the ratification of the treaty was necessary, and unless the Fenian claims were settled the Administration was not disposed to apply to Parliament for such consent. In my budget speech in 1872 I said, after some introductory remarks:—"I refer, of course, to the "Treaty of Washington, but especially to the arrangement made with "the Imperial Government for an Imperial Guarantee for a portion "of our anticipated loan. It is now apparent to the House and the "public that the Imperial and Canadian Governments were not for "many months in a state of accord on the subject of the Treaty of "Washington." The Canadian proposal was that, in consideration of the abandonment of the Fenian claims, the Imperial Government should guarantee a loan for the construction of the Pacific Railway, and that Canada should be relieved from the construction of fortifications for the protection of Montreal, to which she was pledged, and for which she was entitled to an Imperial guarantee. We were of opinion that it would be much more satisfactory to effect a large annual saving of interest during the currency of the loan than to have to present a bill for losses consequent on the Fenian raids, which would have led to much irritating discussion. We succeeded in obtaining the consent of the Imperial Government to our proposal, and I am convinced that the arrangement was the most satisfactory mode of settling a very complicated question. I fear, my Lord, Ladies and Gentlemen, that I must have exhausted your patience, but I have been anxious to obtain a calm consideration for views which I have long entertained, which I believe to be sound, and which will, I hope, contribute to remove the erroneous impressions that have prevailed as to the policy of the British Government during a period of rather more than a century. I shall now briefly recapitulate my points: I hold that Maine, representing Massachusetts, was bounded, prior to the revolution in 1774, when all the territories in North America were British, on the east by the St. Croix and on the north "by the narrow strip only from which the waters flow into the St. Lawrence." This is a British official description. I hold that it was not contemplated by the treaty of peace in 1783, when the independence of the United States was acknowledged, to deprive any one of those States of its recognized territory. I hold that the

expression "Atlantic Ocean" in the treaty was an accidental error on the part of the American Commissioners, which rendered the meaning of the treaty so obscure that it became indispensably necessary to agree on a conventional boundary. I claim that those who take a contrary view should not shrink from a discussion of all the points which I have stated. It has been the invariable practice for Canadian writers to represent the British diplomatists as outmanœuvred, but it is nevertheless the fact that all the difficulty experienced in regard to the Maine boundary was caused by the use of the term "Atlantic Ocean" in the treaty of 1783 negotiated by the "astute Franklin, Adams and Jay." Again, the claim to San Juan was based on the language of the treaty which, instead of defining the boundary to be the channel between the Island of Vancouver and the territories of the United States, which clearly was the proper description, defined it to be the middle of the channel separating Vancouver Island from the continent, the United States negotiators being apparently unaware of the existence of the Islands in the channel, all of which, being south of the 49th parallel of latitude, were in American territory. I will merely observe, in conclusion, that the subject which I have brought before you is one of great historical interest, and that there can be no doubt whatever that Mr. Webster gave expression to the prevailing opinion in the United States when he stated to Lord Ashburton that: "few questions have ever arisen under the Government in regard to which a stronger or more general conviction was felt that this country was in the right, than this question of the north-eastern boundary." Under the circumstances, Sir Robert Peel's Government adopted the wisest policy it could have done in selecting Lord Ashburton to endeavour to settle the various disputes then unadjusted, and I shall only add that I am surprised that any one who has read, as I have done, the various letters and minutes of Lord Ashburton could write of him otherwise than with the most profound respect.

