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Two Messages from the President of the United States Communicating Additional Correspondence in Relation to the Adjustment of the Northeastern Boundary, and the Occupation of the Disputed Territory

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Authors

Martin Van Buren, Henry S. Fox, John Forsyth, Alpheus Lyon, Philip C. Johnson, Thomas Bartlett, Samuel Cony, Mark Little, Gustavus G. Cushman, John Fairfield, and Benjamin Wiggin

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TWO MESSAGES

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Additional correspondence in relation to the adjustment of the northeastern boundary, and the occupation of the disputed territory.

JANUARY 29, 1840.

Read, and ordered to be printed, and that 5,000 additional copies be furnished for the use of the Senate.

MARCH 9, 1840.

Referred to the Committee on Foreign Relations, and ordered to be reprinted, with the message received this day on the same subject, and that 5,000 additional copies be sent to the Senate.

To the Senate of the United States :

I herewith transmit to the Senate, with reference to their resolutions of the 17th instant, copies of two official notes, which have passed, subsequently to the date of my message of the 22d, between the Secretary of State and the British minister at Washington, containing additional information in answer to the resolutions referred to.

M. VAN BUREN.

WASHINGTON, *January 29, 1840.*

Mr. Fox to Mr. Forsyth.

WASHINGTON, *January 26, 1840.*

The undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acquaint Mr. Forsyth, Secretary of State of the United States, that, since the date of his last official note of the 12th instant, he has been furnished by Her Majesty's authorities in North America with more correct information than he then possessed respecting certain reported movements of British troops within the disputed territory, which formed the subject of a part of that official note, as well as of the two official notes addressed by the Secretary of State to the undersigned, on the 24th of December, and on the 16th of the present month. The same reported movements of troops were referred to in a recent message from the Governor of Maine to the Legislature of the State, and also in a published official letter, addressed by the Governor of Maine to the President of the United States, on the 23d of December.

It appears, from *accurate* information now in the possession of the undersigned, that the Governor of Maine, and, through him, the President and General Government of the United States, have *been misinformed* as to the facts. In the first place, *no reinforcement* has been marched to the British post at the Lake Temiscouta; the *only* change occurring there has been the *relief* of a *detachment* of Her Majesty's 24th regiment, by a detachment of *equal* force of the 11th regiment; this force of *one company* being now stationed at the Temiscouta post, *as it always has been*, for the necessary purpose of protecting the stores and accommodations provided for the use of Her Majesty's troops, who may be required, as heretofore, to march by that route to and from the provinces of Canada and New Brunswick. In the second place, *it is not true* that the British authorities *either have built, or are building*, barracks on both sides of the St. John's river, or at the mouth of the Madawaska river; *no new barracks* have, in fact, been built *any where*. In the third place, Her Majesty's authorities are not concentrating a military force at the Grand Falls; the same trifling force, of sixteen men, is now stationed at the post of the Grand Falls, which has been stationed there for the last twelvemonth. It was, perhaps, however, needless for the undersigned to advert to this last matter at all, as the post of the Grand Falls is beyond the bounds of the disputed territory, and within the acknowledged limits of New Brunswick.

The undersigned, while conveying the above information, upon a matter of fact, to the Secretary of State of the United States, takes occasion to repeat, distinctly, his former declaration, that there exists no intention on the part of Her Majesty's authorities to infringe the terms of those provisional agreements which were entered into at the beginning of last year, so long as there is reason to trust that the same will be faithfully adhered to by the opposite party. But, it is the duty of the undersigned, at the same time, clearly to state that Her Majesty's authorities in North America, taking into view the attitude assumed by the State of Maine, with reference to the boundary question, will, as at present advised, be governed entirely by circumstances in adopting such measures of defence and protection (whether along the confines of the disputed territory, or *within* that portion of it where, it has been before explained, the authority of Great Britain, according to the existing agreements, was not to be interfered with) as may seem to them necessary for guarding against, or for promptly repelling, the further acts of hostile aggression over the whole of the disputed territory, which it appears to be the avowed design of the State of Maine sooner or later to attempt.

For the undersigned has to observe that, not only is the extensive system of encroachment, which was denounced and remonstrated against by the undersigned in his official note of the 2d of last November, still carried on and persisted in by armed bands, employed by the authorities of Maine, in the districts above the Aroostook and Fish rivers, but that acts, as above stated, of a character yet more violent and obnoxious to the rights of Great Britain, and more dangerous to the preservation of the general peace, are with certainty meditated by the inhabitants of that State. The existence of such designs has for months past been a matter of notoriety, by public report. Those designs were plainly indicated in the recent message of the Governor of Maine to the Legislature of the State; and they are avowed in more explicit terms in the letter addressed to the President of the United States by the Governor of Maine on the 21st of November,

which letter has, within the last few days, been communicated to Congress and published.

The undersigned, it is true, has been assured by the Secretary of State, in his note of the 16th instant, that the General Government see no reason to doubt the disposition of the Governor of Maine to adhere to the existing arrangements, and to avoid all acts tending to render more difficult and distant the final adjustment of the boundary question. But, in face of the above clear indications of the intentions of Maine, as given out by the parties themselves, the Secretary of State has not given to the undersigned any adequate assurance that Maine will be constrained to desist from carrying those intentions into effect, if, contrary to the expectation of the General Government, the Legislature or the Executive of the State should think fit to make the attempt.

The undersigned not only preserves the hope, but he entertains the firm belief, that if the duty of negotiating the boundary question be left in the hands of the two national Governments, to whom alone of right it belongs, the difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended. But the case will become wholly altered if the people of the State of Maine, who, though interested in the result, are not charged with the negotiation, shall attempt to interrupt it by violence.

Her Majesty's authorities in North America have, on their part, no desire or intention to interfere with the course of the pending negotiation, by an exertion of military force; but they will, as at present advised, consult their own discretion in adopting the measures of defence that may be rendered necessary by the threats of a violent interruption to the negotiation, which have been used by all parties in Maine, and which the undersigned regrets to find confirmed by the language (as above referred to) employed by the highest official authority in that State.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

HON. JOHN FORSYTH, &c. &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, January 28, 1840.

The undersigned, Secretary of State of the United States, has the honor to reply, by direction of the President, to the note addressed to him on the 26th instant, by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

The President derives great satisfaction from the information conveyed by Mr. Fox's note, that, with reference to the reported movements of British troops within the territory in dispute, no actual change has taken place in the attitude of Her Majesty's authorities in the territory, since the arrangements entered into by the two Governments, at the commencement of last year, for the preservation of tranquillity within its limits; and from his assurances that there exists no intention on the part of Her Majesty's

authorities to infringe the terms of those arrangements, so long as they are faithfully observed on the side of the United States. The President, however, cannot repress a feeling of regret that the British colonial authorities, without graver motives than the possibility of a departure from the arrangements referred to by the State of Maine, should take upon themselves the discretion, and along with it the fearful responsibility of probable consequences, of being guided by circumstances, liable as these are to be misapprehended and misjudged, in the adoption, within the disputed territory, of measures of defence and precaution, in manifest violation of the understanding between the two countries, whenever they may imagine that acts of hostile aggression over the disputed territory are meditated or threatened on the part of the State of Maine. The President cannot but hope that, when Her Majesty's Government at home shall be apprized of the position assumed in this regard by its colonial agents, proper steps will be taken to place the performance of express and solemn agreements upon a more secure basis than colonial discretion, to be exercised on apprehended disregard of such agreements on the part of the State of Maine.

It is gratifying to the President to perceive that Mr. Fox entertains the firm belief that the difficulty of conducting to an amicable issue the pending negotiation for the adjustment of the question of boundary is not so great as has by many persons been apprehended. As, under a corresponding conviction, the United States have, with a view to the final settlement of that exciting question, submitted a proposition for the consideration of Her Majesty's Government, the President hopes that the sentiments expressed by Mr. Fox have their foundation in an expectation of his having it in his power, at an early day, to communicate to this Government a result of the deliberations had by that of Her Britannic Majesty upon the proposition alluded to, which will present the prospect of a prompt and satisfactory settlement, and which, when known by the State of Maine, will put an end to all grounds of apprehensions of intentions or disposition on her part to adopt any measures calculated to embarrass the negotiation, or to involve a departure from the provisional arrangements. In the existence of those arrangements the United States behold an earnest of the mutual desire of the two Governments to divest a question, abounding in causes of deep and growing excitement, of as much as possible of the asperity and hostile feeling it is calculated to engender; but unless attended with the most scrupulous observance of the spirit and letter of their provisions, it would prove but one more cause, added to the many already prevailing, of enmity and discord. Mr. Fox has already been made the channel of conveyance to his Government of the desire and determination of the President that the obligations of this country shall be faithfully discharged; that desire is prompted by a sense of expediency, as well as of justice, and by an anxious wish to preserve the amicable relations now, so manifestly for the advantage of both, subsisting between the United States and Great Britain.

The undersigned avails himself of the occasion to renew to Mr. Fox assurances of his distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c. &c. &c.

To the Senate :

In addition to information already communicated, in compliance with the resolutions of the Senate of the 17th January last, I think it proper to transmit to the Senate copies of two letters, with enclosures, since received from the Governor of Maine; and of a correspondence relative thereto between the Secretary of State and the British minister.

M. VAN BUREN.

WASHINGTON, D. C., *March 9, 1840.*

EXECUTIVE DEPARTMENT,
Augusta, February 15, 1840.

SIR: A communication from Mr. Fox, the British minister, to Mr. Forsyth, Secretary of State, under date of January 26, contains the following statement:

"It appears, from *accurate* information, now in possession of the undersigned, that the Governor of Maine, and, through him, the President and General Government of the United States, have been misinformed as to the facts. In the first place, *no reinforcement* has been marched to the British post, at the Lake Temiscouta; the *only change* occurring there has been the relief of a detachment of Her Majesty's 24th regiment, by a detachment of *equal force* of the 11th regiment; this force of *one company* being now stationed at the Temiscouta post, as it *always has been*, for the necessary purpose of protecting the stores and accommodations provided for the use of Her Majesty's troops who may be required, as heretofore, to march by that route to and from the provinces of Canada and New Brunswick. In the second place, it is not true that the British authorities either have built, or are building, barracks on both sides of the St. John's river, or at the mouth of the Madawaska river; *no new barracks have, in fact, been built anywhere.*"

This statement has been read by the citizens of this State with the most profound astonishment. And however high may be the source from which it emanates, I must be permitted to say, in the language of that high functionary, that "it is not true;" though in justice to him, I should add, that he has, undoubtedly, been misinformed. Though this State, in the vindication of her rights and maintenance of her interests relative to her territorial boundary, from past experience, had no reason to expect any material admissions of the truth on the part of the British authorities, she was not prepared to meet such a positive and unqualified denial of facts as the foregoing exhibits, especially of facts so easily susceptible of proof. The "*accuracy*" of the information alleged to be in the possession of the minister, is only equalled by the *justice* of the pretensions heretofore set up in regard to title.

But, not to be bandying assertions where proof is abundant, I deem it my duty to transmit to your excellency the depositions of a number of gentlemen, citizens of this State, of great respectability, and whose statements are entitled to the most implicit confidence.

These depositions abundantly prove that up to May last, nearly two months subsequent to the arrangement entered into through the mediation of General Scott, *no troops* whatever were stationed at Temiscouta lake: that in August, September, and October, the number did not exceed

twenty-five, while now it has been increased to about two hundred ; that prior to May no barracks had been erected at Temiscouta, but that since that time two have been built at the head of the lake, besides some five or six other buildings, apparently adapted to the establishment of a permanent military post; and at the foot of the lake two or more buildings for barracks, and other military purposes ; that, though no *new* barracks have been erected at Madawaska, certain buildings heretofore erected have been engaged for use as such ; that a road has been constructed connecting the military post at the head and foot of the lake ; a tow-path made the whole length of the Madawaska river ; the road from the head of the lake to the military post at the river Des Loups thoroughly repaired ; transport boats built, &c. &c.

I would further inform your excellency that an agent has been despatched to Temiscouta and Madawaska for the purpose of procuring exact information of the state of things there at the present moment ; but, having incidentally found some evidence of the state of things prior to November last, I have thought best to forward it without delay, for the purpose of disabusing the Government and the country of the errors into which they may have been led by the communication before alluded to. The report of the agent will be transmitted as soon as received, which may not be short of two weeks.

Under these circumstances, I have only to repeat my official call upon the General Government for the protection of this State from *invasion*.

I have the honor to be, with great respect, your excellency's most obedient servant,

JOHN FAIRFIELD,
Governor of Maine.

His Excellency M. VAN BUREN,
President of the United States.

AUGUSTA, *February 11, 1840.*

Having just returned from Temiscouta lake, where I have been on private business, and being requested by the Governor to communicate such facts as have fallen under my observation while there, I depose and say : That the Provincial authorities have, the past season, erected extensive military works at the head of the lake, and others near the foot of the lake, beside the Madawaska river, that are just completed. The erections at this last station consist of barracks, sufficient for some four hundred men, and a storehouse, in charge of eight men. At the head of the lake there are some eight or ten buildings (two of which are large) two stories high, and furnishing quarters for some four to six hundred men. A stockade of timbers, to enclose these works, has been commenced, two or three hundred feet of which, as I should judge, have been completed. A road, connecting these posts, has been constructed the past season, a distance of about sixteen miles. I was at the stations above referred to in May last. At the post at the foot of the lake there were then no barracks and no men ; at the other there were some French laborers, just commencing the post, but no soldiers had then arrived ; but now about two hundred soldiers, as I was informed when there, (and I should judge there was that number from the appearance of the camp,) are stationed at this place, under the command of Major Chambri.

PHINEAS VARNUM.

KENNEBEC, ss. *February 11, 1840.*

Then the above Phineas Varnum made oath that this deposition, by him subscribed, is true.

Before me,

ALPHEUS LYON,
Justice of the Peace.

STATE OF MAINE, SECRETARY'S OFFICE,
Augusta, February 12, 1840.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

Attest:

PHILIP C. JOHNSON,
Secretary of State.

I, Thomas Bartlett, of Orono, do depose and say: That in August, A. D. 1839, being in the employ of the State of Maine, by direction of Colonel Jarvis went from Fort Fairfield to Quebec, by the way of Lake Temiscouta, upon the British mail route, to purchase supplies for the force at Fish river. At the foot of Lake Temiscouta there were, in progress of erection and nearly completed, two buildings, designed, as I was informed by the contractor, for quartering a British military force. The officers' quarters was a building thirty feet by twenty, according to my recollection. It might have been larger. That for soldiers, I was informed by the contractor, was seventy feet by about thirty. At the head of said lake there were four buildings, some of which had been then very recently finished, and the others in progress of erection. These buildings were as follows, viz: quarters for officers, about forty feet by thirty feet; quarters for soldiers in two buildings, each seventy feet by about thirty feet; and a commissary house. At that same time they were preparing the foundation of a boat-house of large dimensions, by excavating the bank of the lake. There were also upon the lake three Government transport-boats, each capable of carrying fifty men. I was informed by a gentleman holding both a civil and military commission under the British Government, that the foregoing establishments were erected by the British authorities during the then present season.

There was stationed at the head of the lake a small detachment of eight or twelve men from the 24th British regiment, under the command of a corporal or sergeant. A surgeon and commissary were attached to the post, on duty. The quarters at the foot of the lake were built of round timber, hewn upon the inside in a substantial but coarse manner. Those at the head of the lake were neatly constructed of hewn timber, with a shingle roof, and painted. I think, when I went to Quebec, they were at work upon all the buildings, both at the foot and head of the lake; but when I returned, which was in September, some of the buildings were about completed. A road was at that time being made from the post at the head of Lake Temiscouta to the falls near the mouth of the Madawaska river, by contract with the British Government, or rather with Mr. Maclauchlan, the late warden of the disputed territory. I passed over a portion of said road, which had then been recently made. It was a well

made, permanent road. My information, in relation to this road, was acquired from the contractors, who were at work upon it with their several crews of men.

THOMAS BARTLETT.

PENOBSCOT, ss. *February 10, 1840.*

Sworn to before me,

SAMUEL CONY,
Justice of the Peace.

STATE OF MAINE,
Secretary's Office.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

Attest:

PHILIP C. JOHNSON,
Secretary of State.

BANGOR, *February 12, 1840.*

I, Mark Little, of Bangor, in the State of Maine, depose and say: That in October last I was at the Temiscouta lake, in what is called the disputed territory, having been sent there upon public business by Charles Jarvis, Esq., provisional land agent for the State of Maine. At the head of the lake, upon the westerly side, there was then stationed a part of one company of British troops—say not exceeding twenty-five in number. They had been at that place, as I was then and there informed, since the month of June preceding; they had, apparently, a year's supply of provisions for two hundred men. I learned from them that they were the first that had ever been stationed there, and that their force was to be increased to two hundred men. They had, among other officers, a surgeon, commissary, and barrack-master. They had there erected two buildings, of timber, for barracks, each eighty feet long by thirty feet wide, and two stories high; one building for officers' quarters, and one for the commissary department, besides a number of smaller ones. They had also built four gun-boats for the navigation of the lake, each capable of holding from twenty to thirty men.

At the lower end of the lake and head of Madawaska river, the Provincial authorities have erected two buildings, of timber, for barracks, capable of holding from three to four hundred men, and one building for a storehouse. There was a quantity of supplies, and one man only at that time in charge.

The Provincial authorities have also made a tow-path the whole length of the Madawaska, for the better navigation of that river. They have also made a road, leading from the barracks at the head of the river, to the barracks at the head of the lake, distance about twenty miles; to be continued next year, as I was there informed, to the St. John's, distance about thirty miles. They have also made extensive repairs on the road leading from the barracks, at the head of the lake, to their military post at the river

Des Loups, distance about thirty-six miles—one-half of it in the State of Maine. All this has been done within the last year.

Their buildings are of a permanent character. The position at the head of the lake is a commanding one; and I was informed, while there, that it was in contemplation to surround their works with a stockade, and make it a strong military post.

At Madawaska settlement they have engaged a couple of houses for the reception of troops; and two men there in charge.

MARK LITTLE.

PENOBSCOT, ss. *Bangor, February 13, 1840.*

Then personally appeared Mark Little, and made oath to the truth of the above statement, by him signed before me.

GUSTAVUS G. CUSHMAN,
*Judge of the Police Court for
the city of Bangor.*

STATE OF MAINE, SECRETARY'S OFFICE,
Augusta, February 15, 1840.

I hereby certify that the foregoing is a true copy of the original, on file in this office.

Attest:

PHILIP C. JOHNSON,
Secretary of State.

DEPARTMENT OF STATE,
Washington, February 27, 1840.

SIR: I have the honor to acknowledge the receipt, at this department, of your excellency's letter to the President, of the 15th instant, enclosing three depositions of citizens of Maine, in relation to certain movements of British troops in the disputed territory. The depositions have been informally communicated to the British minister, by direction of the President, who desires me to apprise your excellency of his intention to cause an official communication to be addressed to the minister on the subject so soon as the report of the agent despatched by your order to Temis-couta and Madawaska, for the purpose of procuring exact information as to the present state of things there, shall have been received.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

His Excellency JOHN FAIRFIELD,
Governor of Maine.

EXECUTIVE DEPARTMENT,
Augusta, February 27, 1840.

SIR: Having received the report of Benjamin Wiggin, Esq., the agent referred to in my last communication, despatched by me to the disputed

territory to obtain exact information of British military movements in that quarter, and of the existing state of things, I hasten to lay the same before you, accompanied by his plan of the British military post at the head of Lake Temiscouta. It will be perceived that it goes to confirm, in every essential particular, the evidence already forwarded in the depositions of Messrs. Varnum, Bartlett, and Little, and is directly opposed to the statement contained in the letter of Mr. Fox to Mr. Forsyth under date of 26th of January last.

The course thus clearly proved to have been pursued by the British Government upon the disputed territory is utterly inconsistent with the arrangement heretofore subsisting, and evinces any thing but a disposition to submit to an *amicable* termination of the question relating to the boundary.

Permit me to add, that the citizens of Maine are awaiting with deep solicitude that action on the part of the General Government which shall vindicate the national honor, and be fulfilling, in part, a solemn obligation to a member of the Union.

I have the honor to be, with high respect, your most obedient servant,
 JOHN FAIRFIELD,
Governor of Maine.

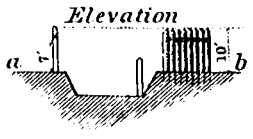
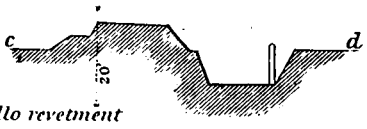
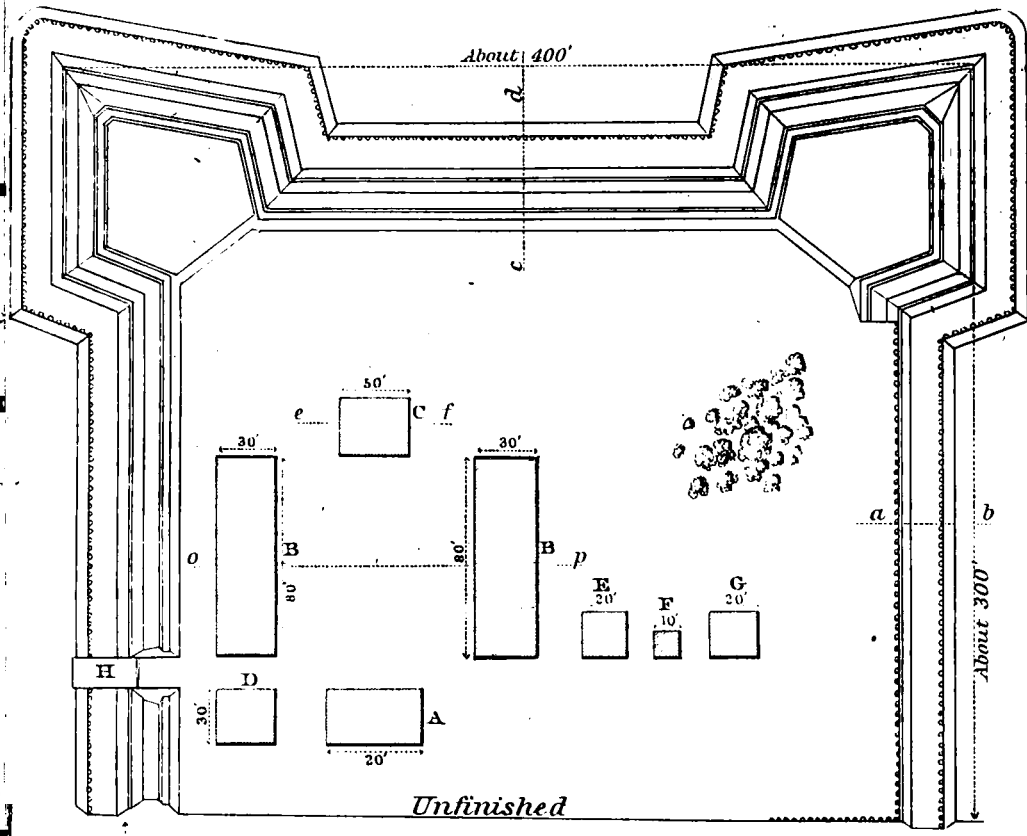
His Excellency M. VAN BUREN,
President of the United States.

To His Excellency the Hon. JOHN FAIRFIELD, Governor of Maine :

The undersigned has the honor to report, that, in accordance with your commission of the 6th instant, he proceeded immediately to the St. John's river, Temiscouta lake, &c., and ascertained, by actual observation, the following facts :

That twenty-two miles below the mouth of Fish river, on the south side of the St. John's, and nearly opposite the Madawaska river, a house has been fitted up for *barracks*, and is rented by the English Government for that purpose, though no troops are there at present ; it is built of hewn timber, two stories high, about sixty feet long and thirty wide ; it has bunks prepared now for *one hundred* men ; it is now in charge of one man only. From thence he followed up the Madawaska river, observing the tow-path on its east bank, which has been made and repaired by the English Government, under contracts given out by James A. Maclauchlan, Esq., of New Brunswick, the gentleman who has heretofore assumed to act as warden of the disputed territory. This work was accomplished the past season. The length corresponds with that of the east side of the Madawaska river, which is about twenty-six miles long.

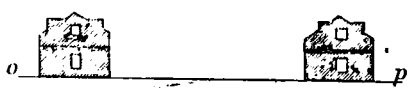
Two miles and a half below the foot of the Temiscouta lake, on the west bank of the Madawaska river, the English erected, early last summer, a barrack, about eighty feet long and thirty wide, and two small out-buildings. At this post there are now stationed one sergeant, one corporal, and five private soldiers, of company No. 3, 11th regiment, in the English service, where they have been since about the 1st of January last. Near this point commences a road, connecting it with the English works next described, built the past season, under contracts given out by said Maclauchlan, for the distance of sixteen miles, ten of which are fully com-



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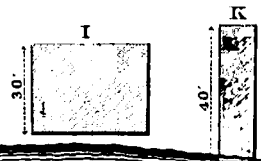


About 300'



- A Officers quarters
- B Barracks
- C Block house
- D Guard house
- E Store house
- F Magazine
- G Commissary & Stables
- H Drawbridge
- I Stables
- K Boat house

N.B. The site of the work is about 90' above the Lake



LAKE TANNISCOUTA

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES
AND SENATORS OF THE UNITED STATES
AND TO THE MEMBERS OF THE JUDICIAL BRANCH
AND TO THE MEMBERS OF THE EXECUTIVE BRANCH
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pleted, and the remaining six nearly. That fifteen miles from the foot of Temiscouta lake, on its west side, the English have erected eight buildings as barracks for soldiers, officers' quarters, an hospital, a magazine, a storehouse, and a commissary's house, all of which are surrounded by ditches, breastworks, and stockades on three sides; the fourth is not fully completed. An accurate plan of all these works accompanies this report, and is here particularly referred to.

From Major Chambri, the commander at this fort, who was first informed of the object and cause of the inquiries, and from his officers, the following facts were ascertained:

That he was there stationed by the Government of the Canadas, having under his command one company of grenadier soldiers, numbering about eighty-five men, of the 11th regiment, and one light company (the 3d) of same regiment, numbering about ninety men—in all, one hundred and seventy-five, not including officers commissioned or servants. The names of the officers are, Major Chambri, Captain Wallington, Lieutenants Bloss and Gould, and Ensign Tobun. That the barracks were commenced last spring, and some of the buildings are still unfinished. That the first soldiers were stationed here in June last, comprising a sergeant, corporal, and ten men of the 24th regiment; and in November following, said company of grenadiers were ordered to take their place, and that about the 1st of January last they were reinforced by said 3d company. That the road from these barracks to the river Des Loups has been made and repaired the past season—distance about thirty-six miles.

In addition, the undersigned ascertained that the English have built at lake Temiscouta a number of large flat-bottomed boats, and also keel-boats, each of which will serve to carry fifty men, and the flat-bottomed boats would transport safely heavy ordnance. Outside the defences the English have a boathouse and storehouse.

The works at this fort are calculated to be a sure defence against *artillery* and *light-arms*, as will more fully appear from plan annexed.

All of which is most respectfully submitted.

BENJAMIN WIGGIN.

AUGUSTA, ME., *February 27, 1840.*

STATE OF MAINE, SECRETARY'S OFFICE,
Augusta, February 27, 1840.

I hereby certify, that the foregoing is a true copy of the original deposited in this office.

Attest:

PHILIP C. JOHNSON,
Secretary of State.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, March 6, 1840.

By the directions of the President, the undersigned, Secretary of State of the United States, communicates to Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, the enclosed copy of a report made to the Governor of the State of Maine by the agent commissioned on

the part of the authorities of that State to ascertain the precise character and extent of the occupation of parts of the disputed territory by troops of Her Britannic Majesty, and of the buildings and other public works constructed for their use and accommodation.

By that report, and the three depositions which the undersigned informally communicated to Mr. Fox a few days since, he will perceive that there must be some extraordinary misapprehension, on his part, of the facts in relation to the occupation by British troops of portions of the disputed territory. The statements contained in these documents, and that given by Mr. Fox in his note of the 20th of January last, exhibit a striking discrepancy as to the number of troops now in the territory, as compared with those who were in it when the arrangement between Governor Fairfield and Lieutenant Governor Harvey was agreed upon; and also as to the present and former state of the buildings there. The extensive accommodations prepared and preparing, at an old and at new stations; the works finished, and in the course of construction, on the land and on the water, are not in harmony with the assurance that the only object is the preservation of a few unimportant buildings and storehouses, for the temporary protection of the number of troops Her Majesty's ordinary service can require to pass on the road from New Brunswick to Canada.

The undersigned will abstain from any remarks upon these contradictory statements, until Mr. Fox shall have had an opportunity to obtain the means of fully explaining them. How essential it is that this should be promptly done, and that the steps necessary to a faithful observance on the part of Her Majesty's colonial authorities of the existing agreements between the two Governments should be immediately taken, Mr. Fox cannot fail fully to understand.

The undersigned avails himself of the occasion to renew to Mr. Fox assurances of his high consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c. &c. &c.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *March 7, 1840.*

The undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acknowledge the receipt of the official note, of yesterday's date, addressed to him by Mr. Forsyth, Secretary of State of the United States, to which is annexed the copy of a report from Mr. Benjamin Wiggin, an agent employed by the State of Maine to visit the British military post at Lake Temiscouta, and in which reference is made to other papers upon the same subject, which were informally communicated to the undersigned, by Mr. Forsyth, a few days before; and the attention of the undersigned is called by Mr. Forsyth to different points upon which the information contained in the said papers is considered to be materially at variance with that which was conveyed to the United States Government, by the undersigned, in his official note of the 26th of last January.

The undersigned had already been made acquainted, by the Lieutenant Governor of New Brunswick, with the circumstance of Mr. Wiggin's

visit to the military post at Lake Temiscouta, where the officer in command very properly furnished to Mr. Wiggin the requisite information upon all matters connected with the British station, which he appeared desirous to inquire about.

The alleged points of variance, after deducting what is fanciful and conjectural in the reports now produced, and after comparing what is there stated, in contradiction to other reports before produced from the same quarters, do not appear to the undersigned to be, by any means, so material as they seem to have been considered by the Government of the United States. The British military detachment stationed at Lake Temiscouta, which the agents employed by the State of Maine had, in the first instance, with singular exaggeration, represented as amounting to two regiments, is now discovered by the same parties to amount to one hundred and seventy-five men, which, instead of two regiments, is something less than two companies. It is indeed true, should such a point be considered worth discussing, that the undersigned might have used a more technically correct expression in his note of the 26th of January, if he had stated the detachment in question to consist of from one to two companies, instead of stating it to consist of one company. But a detachment of Her Majesty's troops has been stationed at the Lake Temiscouta, from time to time, ever since the winter of 1837-'38, when the necessity arose from marching reinforcements by that route from New Brunswick to Canada; and it will be remembered that a temporary right of using that route for the same purpose was expressly reserved to Great Britain in the provisional agreement entered into at the beginning of last year.

It is not, therefore, true, that the stationing of a military force at the Lake Temiscouta is a new measure on the part of Her Majesty's authorities; neither is it true that that measure has been adopted for other purposes than to maintain the security of the customary line of communication, and to protect the buildings, stores, and accommodations provided for the use of Her Majesty's troops when on march by that route; and it was with a view to correct misapprehensions which appeared to exist upon these points, and thus to do away with one needless occasion of dispute, that the undersigned conveyed to the United States Government the information contained in his note of the 26th of January.

With regard, again, to the construction of barracks and other buildings, and the preserving them in an efficient state of repair and defence, a similar degree of error and misapprehension appears still to prevail in the minds of the American authorities.

The erection of those buildings within the portion of the disputed territory now referred to, for the shelter of Her Majesty's troops while on their march, and for the safe lodgment of the stores, is no new act on the part of Her Majesty's authorities. The buildings in question have been in the course of construction from a period antecedent to the provisional agreement of last year; and they are now maintained and occupied along the line of march, with a view to the same objects above specified, for which the small detachments of troops also referred to are in like manner there stationed.

The undersigned will not refrain from here remarking upon one point of comparison exhibited in the present controversy. It is admitted by the United States authorities that the armed bands stationed by the Government of Maine in the neighborhood of the Aroostook river have fortified

those stations with artillery ; and it is now objected, as matter of complaint against the British authorities, with reference to the buildings at Lake Temiscouta, not that those buildings are furnished with artillery, but only that they are defended by palisades, capable of resisting artillery. It would be difficult to adduce stronger evidence of the acts on the one side being those of aggression, and on the other of defence.

The fact, shortly, is, (and this is the essential point of the argument,) that Her Majesty's authorities have not as yet altered their state of preparation, or strengthened their military means within the disputed territory, with a view to settling the question of the boundary, although the attitude assumed by the State of Maine, with reference to that question, would be a clear justification of such measures ; and it is much to be apprehended that the adoption of such measures will sooner or later become indispensable, if the people of Maine be not compelled to desist from the extensive system of armed aggression which they are continuing to carry on in other parts of the same disputed territory.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

HON. JOHN FORSYTH,
Secretary of State.



