

EXPOSITION
OF
THE CAUSES AND THE CONSEQUENCES
OF THE
BOUNDARY DIFFERENCES,
BETWEEN
GREAT BRITAIN AND THE UNITED STATES,
SUBSEQUENTLY TO THEIR ADJUSTMENT BY ARBITRATION.

"THE TRANQUILLITY OF THE PEOPLE, THE SAFETY OF STATES, THE HAPPINESS OF THE HUMAN RACE, DO NOT ALLOW THAT THE RIGHTS, FRONTIERS, SOVEREIGNTY, AND OTHER POSSESSIONS OF NATIONS, SHOULD REMAIN UNCERTAIN, SUBJECT TO DISPUTE, AND EVER READY TO OCCASION BLOODY WARS."—*Vattel's Law of Nations.*

"MAY WE GIVE THEM AS LITTLE CAUSE AS POSSIBLE TO RECOLLECT THAT THEY ARE NOT BRITISH SUBJECTS."—*Townsend—1762.*

ADDRESSED TO
THE CHAMBER OF COMMERCE OF SHEFFIELD,

12TH APRIL, 1839.

NOT PUBLISHED.

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*Copy of a Resolution passed at a Meeting of the Chamber of Commerce, held at the
Cutler's Hall.*

Sheffield, March 26th, 1839.

RESOLVED,

That this Meeting regards the settlement of the question of the North-east Boundary Line, still pending between this Country and the United States, as of vital importance to the commercial interest of both Countries; and that the Secretary be requested to write to David Urquhart, Esq., soliciting his views upon this interesting and important subject; especially with reference to the rights of Great Britain, and the effect which the non-settlement of this question may have upon our Trade.

Sheffield, March 27th, 1839.

SIR,

Annexed I hand you copy of a Resolution passed unanimously at a Meeting of our Chamber of Commerce. The importance which the North-east Boundary Line has now assumed, and the great difficulty of forming a correct opinion upon it in the present state of the case, has impelled us to seek at your hands, that information by which we can the better understand its bearings.

Knowing as we do, the amplitude of your information on all diplomatic questions and international affairs, we hope you will pardon this trespass upon your time. The great willingness with which you entered into many subjects of deep interest in a commercial and national point of view, when we had the pleasure of seeing you here, emboldens us to take this step.

Hoping that your health is sufficiently restored as to enable you, without the liability of further injury, to comply with our request,

I beg to subscribe myself,

SIR,

Your very faithful and obedient servant,

CHARLES CONGREVE,

Secretary.

To David Urquhart, Esq.

Speke Hall, April 12th, 1839.

Sir,

My delay in acknowledging the receipt of the Resolution of the Chamber of Commerce of March the 26th, and in replying to your letter of the 27th, has been occasioned by my immediate and entire application to the task you have assigned me.

The Papers presented to Parliament, have been so arranged, the Diplomatic transactions so adjusted, and the Documents so worded, that it has been a task of no ordinary difficulty to arrive at the simple facts; and still more difficult to render them intelligible, to make them clear, and to prove them true.

The best consideration which I have been enabled to give to the subject, has brought me to the conclusion, that the complications and dangers of this question spring solely from the non-execution of the Award pronounced by the King of Holland; to accept which, both Nations were, and are, *bound*;—no international act having abrogated its authority.

It appears to me that I have satisfactorily established the following points:—

That there has been a settled purpose on the part of the British Minister to set aside the Award; and, consequently, to disguise the truth, and to falsify the facts:—

That not to have exacted and enforced the execution of the Award, after its adoption by the British Crown, was a dereliction of duty,—a violation of the nation's rights; it was to degrade the dignity of the Crown, and to involve this Empire in difficulty and danger:—

That this neglect has resulted, not from culpable negligence, but from criminal intention, exhibited in a variety of circumstances, extending over a series of years:—

That the enforcement of the Award is now the only admissible ground of adjustment:—

That to abandon the Award, is to sacrifice our public rights and national honour; and to fulfil and accomplish the scheme of foreign hostility, of which the Secretary for Foreign Affairs has been the agent.

If the Award of the King of Holland is binding on Great Britain and the United States; if its fulfilment (were it not binding,) is the only practicable settlement: then it is imperative on the nation to arrest any attempt at a new arbitration.

The convictions which I state now, when collision is imminent, I have already stated at Sheffield. Long before the occurrence of the events which have directed your attention so intently and painfully to Boundary "differences," I have pointed out that question as the most alarming, and that transaction as the most disgraceful, in the wide range of our dangers and our dishonour.

That it required an armed assault by one of the States of the American Union, to call any attention to such a subject in the Parliament or the Nation, is the amplest proof of the negligence that prevails—of the disasters which that negligence may produce, and the ruin it must ultimately entail.

By the disregard of the mercantile class for all that nations have hitherto deemed prudent and considered just, the public service of this constitutional state has been reduced to a position, in which a negligent or a criminal Minister has only to sacrifice a British interest, to secure the support of every foreign influence hostile to Great Britain.

He secures also the support of the party to which he belongs, by committing it to a false line:—he is secure of the silence of the party to which he is opposed, from ignorance of facts and consciousness of error.

In regard to this question, the party in power is committed through the Foreign Minister;—the party in opposition is committed through the misconception of the question when in office in 1835;—the third party has expressed in both Houses the doctrine, that the claims of Great Britain are unjust. No one, in either House, was found to contradict this assertion, except the Minister by whom the facts had been misrepresented.

The rights secured to Great Britain by treaty, the result of triumphs on land and sea, bought by British blood, and purchased by two thousand millions of treasure, are an inalienable portion of our national and individual property. They are beyond all other rights; they are our existence as a nation and a name. The abandonment of any one of these, touches the honour and the welfare, the political independence, and the individual possessions, of each member of the State; it is treason to the Nation, the Constitution, and the Throne.

The integrity of our national rights is the source of prosperity—the basis of security—the bond of Government—the condition of allegiance. Bankruptcy, war, convulsion, and disloyalty, are the results of the infraction of treaties,—of the dishonour to that which is the personification of our unity, the expression of our rights, the emblem of our power, the record of our fathers, and the promise to our sons,—our National Flag.

The recollection of the interesting days I spent at Sheffield, and of the zealous and enthusiastic adoption there by the leading men of all parties—of British and National interests, leads me to feel no small gratification in addressing to the Chamber of Commerce of that Town, this exposition of a Question, which I conceive dangerous, only because misrepresented, and a correct comprehension of which is a duty in every Briton—a duty to America as well as to England—to mankind as well as to his country.

I have the honor to be,

Sir,

Your obedient, humble servant,

D. URQUHART.

To CHARLES CONGREVE, Esq.

Secretary to the Chamber of Commerce, Sheffield.

P. S. Applications on the same subject having reached me from other quarters, I have thought it better (as well as from its length) to send you my Analysis in a printed form. The shortness of time, my seclusion here, and consequent inability to refer to authorities, have been serious obstacles to the elucidation of this subject; and I have from the first cause also to apprehend repetitions and omissions.

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ERRATUM.

PAGE 19, LINE 13, For "concluding"—read "contending".

PART I.

STATE OF THE QUESTION BEFORE REFERENCE TO THE KING OF HOLLAND.

"The American Commissioners have enriched the English Dictionary with new terms and phrases—reciprocal advantage, for instance, means the advantage of one of the parties;—and a regulation of boundaries,—accession of territory."—*Lord Stormont, 1783.*

By the treaty signed in Paris, in 1783, between Great Britain and the United States, by which the independence of these States and their sovereignty were recognized, a Boundary Line was fixed, separating from the United States the possessions still remaining to Great Britain in North America. In the adjustment of this frontier, between the Atlantic Ocean and the Connecticut River, the physical features of the country were so vaguely and erroneously laid down, that it was found impracticable to trace a frontier that should coincide with the constructive line of the Treaty, and the (assumed) natural features of the country, constituting points in that line.

Incorrectness of the terms of the Treaty of 1783.

This region, however, being at the time uninhabited, little interest was excited with regard to the territory in dispute, or the claims in abeyance. The astute and resolute representatives of America, who, in the framing and interpreting of treaties, in asserting or in infringing rights, have so invariably profited by the loss of this country, had succeeded it would appear in introducing into the original treaty an intentionally faulty definition of localities,* con-

This incorrectness intentional on the part of the United States.

* "Language cannot be found too condensed and severe to characterize the terms of the first Provisional Treaty of Peace in 1783. Mr. Oswald, our Plenipotentiary, who adjusted it with Franklin and Jay, after his return to England, and when waited upon by the Merchants of London, that they might inform him of the concessions and sacrifices he had made, both confessed his ignorance, and wept, it is said, over his own simplicity."—*Young's "North American Colonies,"* page 29.

"Mr. Oswald—that *extraordinary Geographer.*"—*Lord Stormont.*

vinced that all ambiguity would be resolved in their favour, and that every shock would tend to weaken the fabric of Britain's remaining power in America, to the benefit of the young and ambitious Union. With such expectations,—such confidence in their own powers, and justifiable contempt for the diplomatists opposed to them, ambiguity and incorrectness in the wording of the Treaty, became a primary and a paramount object to the United States, presenting as it did the means of realising, cautiously and systematically, results which successful war could scarcely have secured.

Extent of the Disputed Territory.

The region, throughout which was pretended to be found, or sought to be established, by either party, the limits of their territory, as defined by the treaty of 1783, extended over no less a space than five degrees of latitude, and four of longitude: an amount of no less than twenty millions of acres of rich and fertile soil, well watered and admirably situated, was claimed by each of the parties; the claim of the British being at one time carried as far as the Kenebec, and that of the United States to within ten miles of St. Lawrence on the north-west, and to the St. John's on the east. Between the peace of 1783, and 1812, negotiations had been carried on between the two governments; and a gradual retrocession of the claims of Great Britain took place, until they were confined within their present limit. The United States, on the other hand, abandoned its pretensions to the St. John's; but maintained, to their fullest extent, its claims to the north and west. There was thus left in dispute, a territory amounting to eleven millions of acres, but cutting deeply into the English possessions, and intercepting the communication between Quebec, Nova Scotia, and Cape Breton. Over this territory, which had now become partially occupied by British subjects, the jurisdiction of Great Britain was established—it had never been questioned, nor ceased to be exercised.

Jurisdiction of Great Britain over the whole.

During the war between England and America, the Americans did not take possession of this territory; and it remained at the peace as it formerly did,—in occupation of Great Britain, (so far as occupation extended), and under her jurisdiction.

At the peace between the two countries, England—having then triumphed in Europe, and having the full power of her naval and military resources available for the contest with America, if she had chosen to prolong it—generously proffered peace; and heedlessly

made it upon conditions, which, in every instance, seemed only intelligible by the triumph of America, and the defeat of England.

America had declared war against England, in consequence of a disputed right of search, to recover her seamen, and of other no less grave subjects of difference, arising, not out of counter pretensions, or hostile interests, on the part of the two countries, but being merely consequences of the exercise of England's belligerent rights. Peace was signed, without the settlement of any one of those questions, which induced the United States to declare war against this country—and which, therefore, must revive, when England has again recourse to the same measures. The consequence of leaving these questions unsettled was the certainty of a war between England and America, on an occurrence of a war between England and any other power. Thus, hostility of intentions and interests, came to be introduced into the relations of these powers, by the existence of cause for future collision. And as, under these circumstances, the certainty of rupture with the United States, in case of England being involved in any European war, was a heavy drawback on England, and a serious blow to her consideration,—so it was, in a proportionate degree, a national gain and a diplomatic triumph for the United States.

The United States further acquired the right of free traffic with our eastern possessions, whilst she obtained from England the formal surrender on her part of all right to traffic with the Indian tribes throughout those regions designated as being under the “jurisdiction of the United States”!

The United States further obtained from England those rights of navigation, subsequently known under the designation of reciprocity treaties; and it is singular, that whilst England withheld such rights from all other powers, she yielded them to the United States without an effort. When she did subsequently grant them to the Northern Powers, it was as it were by compulsion,—and the concession gave rise to great and not yet quieted exasperation and opposition. These concessions made to America passed in perfect silence.

Another triumph for America was secured in negotiation, in an enormous sum paid by Great Britain, as an Indemnification for

Diplomatic triumphs of the United States at the Peace of 1814.

Causes of the war left open.

United States acquire the freedom of Indian trade. Great Britain excluded from traffic with American Indians.

United States obtain relaxation of Navigation Laws.

Obtain indemnity for slaves.

runaway Slaves, in consequence of the ambiguous wording of the Treaty.*

Obtain rights to Fisheries, injurious to Great Britain and her Colonies.

In the treaty of 1783, England had made to America, on the subject of fisheries, concessions the most unwarrantable and the most unjust;—it was expected, alike in England and in the Colonies, that at a peace signed under circumstances apparently so favourable to England, these obnoxious concessions should be set aside, and that the right of fishing on their own coasts should be granted to the North American subjects of Great Britain, so as to put them on a footing with the inhabitants of all the other shores of the ocean, and the subjects of every other crown. But interests and rights were alike disregarded; and a negociation, conducted *in secret*, ended in the Convention of 1818, by which still larger concessions were made to the Americans, and greater sacrifices imposed on the Colonies of Great Britain:—nor was it enough that stipulations so disadvantageous should have been signed; even the remaining restrictions imposed upon the Americans have been broken and infringed, with the most perfect impunity, from the signing the treaty, up to the present hour.†

Infringe the remaining privilege of British subjects with impunity.

Such being the superiority of the American diplomatists over those of Great Britain; in proportion to the ambiguity and the difficulty of a question, would be the chances of American triumph and British discomfiture. At a period when England had the power (physical I mean, of course, for England seems incapable of using or comprehending any other) of enforcing on the United

* England and the United States having agreed to refer the differences arising, as to the true meaning of the 1st Article of the Treaty of Ghent, to the mediation of the Emperor of Russia, a Convention between Great Britain, the United States, and Russia, was signed on the 12th July, 1822, at St. Petersburg, whereby a Joint Commission was established for settling the value of slaves, and for carrying into effect the *Award*. The Convention was signed —Charles Bagot, Nesselrode, Capo-d'Istrias, Henry Middleton.

The amount fixed was, I believe, about £500,000. England instantly submitted to the *Award*. The Emperor Alexander employs less formal expressions than those used by the King of the Netherlands. He says, “Invité par la Grande Bretagne et les États Unis d’émètre une opinion comme Arbitre dans les différends, &c. L’Empereur considerant, &c. *est d’avis*.”

† A Committee of the House of Assembly of Nova Scotia, appointed in 1837, to inquire into the Fisheries, in commencing their Report, state that it “*exhibits a melancholy picture of the evil consequences flowing from the indiscreet negociation between Great Britain and the United States of America; and the flagrant violations of subsisting Treaties by the citizens of the latter, and the necessity of promptly repelling such invasion of our inherent rights.*”

States her own conditions, and compelling submission to any terms, the United States extorted from and bound England to concessions and terms which no other nation would have yielded, save to a conqueror. In regard to the disputed territory, what did the United States seek—what did they extort? They sought for nothing more than the *terms of the Treaty of 1783*. These terms were sufficiently ambiguous and incorrect: they had nothing further to desire.

United States, successful on all points, prevent the settlement of the Boundary.

A limit however was placed to the indefinite prolongation of the dispute, by a stipulation that, in the event of differences arising between the Commissioners appointed on both sides for the purpose of laying down the Boundary, such differences should be submitted to an Arbiter, whose decision should be final and conclusive.

But reference stipulated to an Arbiter.

In settling the Western Boundary, the two Governments completely overlooked the natural features of the country. The words of the treaty of 1783, “by a line to be drawn from thence to the “River Mississippi,” are not admitted as requiring that the Mississippi should be a point in the frontier; yet the Mississippi is not a doubtful geographical fact;—whereas, in that part of the Boundary which was kept open to dispute, the terms of the treaty of 1783, “the north-west angle of Nova Scotia,” which is not a natural feature, and not an ascertained point in geography, is again re-asserted, and re-committed to treaty stipulation, as the only ground of settlement. That is, the Treaty, where clear,* is at once set aside; where confused and impracticable, insisted upon as if a people’s existence were at stake.

I refer to these, to shew that in every stage of the proceedings, and on every point where the interests of the two countries were at variance, the American diplomatists gained the advantage; that in fact they proceeded in a systematic and consecutive course of aggression—but proceeded with as much caution as determination: decided, when seeing their antagonist waver; cautious and reserved, whenever the suspicion of England became awakened. No less patient in waiting their time, than dexterous in seizing their opportunity, we find them, throughout fifty years, re-appearing with new forms, and speaking in altered tones, but returning always to the point where they had left off, and

* The adoption of the Mississippi would have greatly extended the British possessions.

resuming the thread where it appeared to be broken. Such their confidence in their own superiority, that it seems to them a triumph to create grounds of difference!

The treaty of Ghent, in 1814, having thus sent England and America back to their old disputes of thirty years, new negotiations were opened, and commissioners were again appointed;—the result of which was the same confusion as before, and both parties found themselves as far as ever from any hope or chance of settlement. But the extension of occupation throughout the disputed district, and the consequent prospect of inevitable collision between the two nations, induced the Cabinet of Great Britain to look more seriously upon this matter; and, armed as it was, by the treaty of Ghent, with the power of referring the matter, in case of subsequent differences, to the final decision of a Sovereign Arbitrator, it required from the American Government the execution of that stipulation. To prevent the possibility of further misintelligence, difference, delay, or negotiation, a formal Convention was entered into by the two parties, on the 29th September, 1827, establishing with forethought, and defining with minuteness, the conditions according to which the litigation before the Sovereign Arbitrator was to be carried on, and solemnly binding both nations to adopt, “as final and conclusive,” the decision of the Arbiter, and to carry it “without reserve into immediate effect.”

Convention of
Sept. 29, 1827.

New Commission,
under that Con-
vention.

Under this Convention new commissioners were appointed by both Governments, and the whole of the facts and arguments were resumed on both sides; these statements, with a single rejoinder from either party, were to constitute the documents to be laid before the Arbiter. The statesmen in England more particularly interested in bringing about this settlement, were Mr. Canning, Lord Aberdeen, and Mr. Charles Grant (now Lord Glenelg); while the reclassification of the documents, and the preparation of the case to be submitted to the Arbiter, were confided to the zeal and ability of three of the most distinguished (or rather the three most distinguished) names in British diplomacy.*

On the 10th January, 1829, the documents were presented

* Mr. Addington drew up the first document: Sir Stratford Canning the second. Sir C. Vaughan was Minister at Washington.

to the King of Holland, the selected Arbiter, and on the 10th January, 1831, the King of Holland communicated to the Plenipotentiaries of both the contending parties, at the Hague, his final Award.

Selection of the King of Holland as Arbiter.—His final Award.

The only point secured by England in 1814 against the unbounded concessions made to the United States, was, the stipulation to refer the Boundary differences to arbitration. Thirteen years, however, were suffered to elapse before any steps were taken in fulfilment of that stipulation. I am inclined to attribute the fact of the Reference to arbitration to the new and powerful position assumed by Great Britain, when she possessed a man of genius for a Minister. From a people so grasping as those of the United States, to obtain a right, seems to be the gaining of a victory: for a nation so heedless as Great Britain not to sacrifice a contested point, is a thing requiring explanation, and only to be accounted for by the extraordinary circumstance of a British Minister directing his attention to interests, unconnected with Party.

Thus was settled a question, which in importance is second to none as affecting the interests or the destiny of this country. Thus was settled a question, which, in difficulty and complication—in the extent of time over which the negotiations had extended—in the natural and artificial obstacles attending its adjusting—exceeds that of any negotiation upon record of ancient or modern times. Thus was concluded a negotiation, in which the diplomatic ability of Great Britain was exhibited in a light no less novel than brilliant; and no less advantageous to the Public, than creditable to the men by whom it had been effected.

Settlement of the Question.

The practical results of this decision were as follows: two-thirds of the disputed Territory were awarded to America, and one-third to Great Britain: that is to say, that of the Territory originally in dispute, and of the Treaty of 1783, little more than one-seventh fell to the share of Great Britain.

Partition of the Territory.

It might therefore be supposed that England had no grounds of congratulation upon the amount of soil which fell to her share. But it is to be observed, that the object of the United States was to keep the question open, and, by keeping it open, to have the power of constant action upon our North American Colonies, and of diplomatic communion and concert with every European power in

Consequences of this adjustment.

any degree unfriendly to Great Britain; that thence accrued a continuous source of irritation in America against Great Britain—of agitation in the North American possessions of Great Britain—and combinations of an unfriendly nature, and a secret character, in the Cabinets of Europe: that America, pressing, in her gradual growth, at once upon the disputed territory, and upon the Colonies of Great Britain;—menacing, from her position,—and intent, through her spirit of acquisitiveness;—became from year to year more capable of injuring, and more disposed to injure; and, consequently, that, collision being the ultimate point to which this progression could only tend, the question of collision between Great Britain and America was one which it became the duty of every European Cabinet to examine: and, being satisfied thereof, that conclusion remained an element of their own calculations, and a condition of their policy.

The whole of these complications and dangers were at once swept away by the decision of the King of Holland; and that decision, opening a prospect of harmony and good-will between the cognate races of the United States and Great Britain, placed England immediately in a new attitude, and a new position, as regards the Powers of Europe, and, by assuring the concord, in peace and harmony, of the maritime Powers of the two hemispheres, the aggressive projects of the territorial empires of the North and West received such a check, and so great a discouragement, as to promise a long continuance of peace in Europe.

By the award of the King of Holland, England obtained that northernmost portion of the disputed territory which was necessary to secure her position in the Canadas, and to connect her various possessions in North America; while America, obtaining the largest share of that which she coveted,—Land, had every reason to remain satisfied with the decision. By the fact of the settlement, and by the strengthening of the British frontier, the temptations were removed for those projects of aggression, which, at that period, the majority of her people, and the most enlightened of her statesmen, deprecated and disavowed; and which endangered her own prosperity, and her political existence, in the chances of future collision with Great Britain.

Award of the King of Holland binding on both parties.

This award of the King of Holland is now a matter of treaty stipulation, by which England is bound. Although during eight

years the British Minister for Foreign Affairs has in his communications with the United States characterized that obligation as not binding—although he declares it in his dispatches to be set aside by the British Government—yet, as no formal international act has abrogated the convention of 1827, by which the decision of the Arbiter is established as finally and unreservedly binding on both parties, I conceive that the Award of the King of Holland is so binding, and that it constitutes at this hour one of the treaty obligations and rights of Great Britain.

PART II.

RECEPTION OF THE AWARD OF THE KING OF HOLLAND IN AMERICA, AND MEASURES THEREUPON ADOPTED BY THE GOVERNMENTS OF GREAT BRITAIN AND THE UNITED STATES.

“ I HOPE, SIR, WHEN THOSE PAPERS ARE PRODUCED, THAT THEIR CONTENTS WILL NOT BE PARTIAL, MEAGRE, AND UNSATISFACTORY—THAT THEY WILL NOT BE CONFINED MERELY TO THE CORRESPONDENCE OF THE NEGOCIATING PARTIES, BUT THAT THEY WILL INDICATE THE VIEWS AND POLICY OF GOVERNMENT, DURING THE WHOLE OF THAT LONG AND IMPORTANT TRANSACTION.—*Lord Palmerston, Feb. 5th, 1830.*”

On the 10th January 1831, the King of Holland declared his Award, and officially communicated it to both governments through their representatives at the Hague. It is impossible to speak of this document without saying that the King of Holland, by the labour he had bestowed on the investigation of this involved and intricate question, and by the ability and judgment he displayed in his subdivision of the question, and his decision upon it, is entitled to the gratitude of the interested parties. Never was an award delivered in so explicit and detailed a form—never was an award so fortified by the statement of grounds of decision against the doubts of ambiguity or the suspicion of partiality;—and, in taking this unusual line, of detailing his grounds of decision, he probably was influenced by the apprehension that, being at the moment threatened by the fleets of one of the parties, he might have been suspected of vindictiveness against that party, and partiality towards the other.

Character of
the Award.

It appears by the official papers lately published, that the adhesion of Great Britain to this Award was finally expressed to the King of Holland so soon as it reached this country; but the first public notice of this event, so important to Great Britain, occurred in the House of Commons on the 14th of February of the same year. It had become public that this question had been finally settled, and that the Award of the King of Holland had been

Assent of England
communicated to
King of Holland.

Award refused to
House of Com-
mons.

rendered. The Secretary of State for Foreign Affairs was questioned on the subject, and the decision was asked for. The Foreign Minister, however, refused to give any information, or to produce any papers.

This first step will perhaps be considered, by men of business, conclusive, as to the character of the whole transaction. An arbitration is concluded, and being formally accepted by one of the parties, is binding on both; it is a compact settled, a contract signed. The refusal to state the fact—to produce the decision—is, on the part of the Secretary of State, a contradiction of the final character of the transaction, and is an invitation to the adverse party to refuse its assent, if so disposed. It is further fearfully compromising the dignity of the country, by refusing to produce, on the score of unconcluded negotiation, the decision which the Crown had already declared to be final. It reveals, from the earliest period of this transaction, (*which indeed takes its origin from the settlement of the question*), that the real views of the Foreign Secretary were at variance with the ostensible policy and objects avowed by the State.

Assent of England
not communicated
to the United
States.

The second consideration that presents itself is, that his Britannic Majesty officially announces to the King of Holland his acceptance of the Award; but makes no such communication to the President of the United States. It was however not less essential to make such a communication to the latter, than to the former;—indeed, much more so,—and the neglect of such a step was in fact a virtual contradiction of the communication made to the King of Holland: for negligence could not be admitted as an explanation, nor “pressure of other business” as a pretext, for the omission of so important a duty. From the relative geographical positions of the Hague, London, and Washington, it became, on that ground alone, the part of the British Minister to take the initiative; and the American Government must have expected to receive the formal communication from the British Government, together with the decision itself. Moreover, the whole course of the proceedings of the United States having been directed to keep this question undecided, and that of Great Britain, to bring about a decision,—silence on its part at this moment could not fail to be interpreted as a proof that some secret influence in England paralyzed the action of its government, and favoured the hostile views and pretensions of the United States.

We must now turn to the steps taken by the American Government.

It is probably known to the reader that the State of Maine was more particularly interested in this matter,—that it had pronounced the most decided opinion respecting it,—that the value of the property it aimed at acquiring was then estimated at £3,000,000,—that grants of this land had been made, and that many individuals, and some of the most influential in the United States, were deeply interested, in a pecuniary point of view, in the acquisition of this property,—that the State of Maine had already attempted to exercise jurisdiction and to locate townships, and that the central Government had already connived at the assumption of unconstitutional powers by the State of Maine, as appearing to lead to the further embarrassment of the negotiations, and the advancement of the American pretensions.

It is further to be remarked that, during the negotiations at the Hague, the individual selected by the United States as its representative belonged to the state of Maine,—was an influential member of that state, and was believed to have pecuniary interests in its settlement. He was moreover one of the Commissioners appointed to draw up the case to be submitted to the Arbitrator. The representative of England was not one of the diplomatists employed in the same capacity by Great Britain.

On the 12th of January, 1831, two days after the Award is rendered, the United States' Minister at the Hague, protests against what he terms "a document purporting to be an expression of His Majesty's opinion on the several points submitted to him as "Arbitrator"!

The Award reaches the United States in the beginning of March,—is communicated to the State of Maine, who hold a secret sitting, the result of which is communicated at Washington on or before the 12th of March; but the United States' Government inform the British Minister that the Award reached Washington on the 16th of March! It is then ostensibly communicated to the State of Maine, who transmit to the President a declaration that they will not submit to it, and immediately proceed to pass regulations for the purpose of extending the State and Sovereign jurisdiction throughout the disputed Territory, subject to the jurisdiction of

Results concealed
from the British
Minister, on false
pretexts.

Great Britain. The British Minister, informed of these proceedings by the press, states in a despatch to his Chief, that he had requested from the United States' Government copies of the documents, and was told that "the Government had not yet received any account of them;" copies of the whole documents having, as it subsequently appears, been transmitted to the President twelve days before,—shewing in this earliest stage the deception practised with complete success on the British Minister. Up to this period the British Minister had remained without any communication whatever from his own Government!

The President, in communicating the Award, ostensibly, to Maine, carefully avoids any the slightest expression of opinion,—transmits the protest of Mr. Preble, equally without the slightest indication of censure or approbation of the extraordinary step he had taken, but stating that step to be *without instructions*. The message concludes thus, "under these circumstances the President will rely with confidence on the *candour* and *liberality* of your Excellency, and the other constituted authorities of Maine, in appreciating the motives which may influence that course on his part, and in a correspondent interpretation of them to your constituents, in whose patriotism and discretion he has equal confidence."

Thus, on the threshold of this subject, we have satisfactorily defined the position of the United States Government; that of tacit acquiescence in the Award, but a resolution to wait, and watch the tone and attitude of England, in the hope of setting it aside. The Governor of the State of Maine, on March 25th, 1831, communicates to the Senate and House of Representatives of that State, the message of the President, with the documents: and responds to the request of the President for a candid and liberal interpretation of his motives in the future course he might adopt, by declaring that the State of Maine relies with confidence on the central Government "*for the enforcement of its claims against the power of Great Britain.*"

These earliest proceedings of Maine may however merit a more special notice, as they contain the germ of the ensuing discussions and events.

Public acts of the
State of Maine.

A joint Committee of the two Houses of the State is appointed to deliberate, and on the 31st of March they make a long report to

their several houses. It is by them unanimously adopted, accepted by the Governor, and transmitted to the President of the United States.

This report commences with references to the anterior descriptions, memorials, and negotiations; and re-asserts the claims and pretensions overruled or referred to arbitration by the Convention of September, 1827. It denies the authority of that Convention: objects to the Award of the King of Holland, because of the diminution of his territory and power during the interval between his acceptance of the office of Arbitrator and that of pronouncing his decision. The motive of such objection being, that that Sovereign became dependent on England, and therefore favoured British interests. It also denies that the Arbiter has decided according to the conditions proposed by the concluding parties:—further, denies that the Arbiter has decided at all! “The Arbiter,” they say, “did not pretend to decide, and declared “he could not decide the point in controversy between the parties, “but only intended to suggest a mode by which, in his opinion, “it might be decided. The Arbiter seems to have been impressed “with the limitation of his powers, and that he had no authority to “decide contrary to the question submitted; and that he was “bound to decide, if he decided at all, in favour of one of the two “lines claimed by the parties.” They maintain, then, that the United States’ Government not having asked for “*advice*,” are not bound to accept it. “*The Government of the United States cannot “feel themselves bound to adopt or be governed by the advice of the “Arbiter, particularly when his advice was not sought or asked by “them.*” They then enquire whether “the Arbiter has decided in “pursuance of the authority given him,” and after a statement of the case, in the same spirit as the above, they conclude that he has not. The report terminates as follows: “In conclusion, your Committee “deem it to be their duty to the Legislature and to the State, to “declare that, in their opinion, in whatever light the document which “emanated from the Arbiter may be considered,—whether as emanating from an Individual, and not from that friendly Sovereign, “Power, or State, &c.—the United States will not consider themselves bound, on any principle whatever, to adopt it. And “further, should the United States adopt the document as a decision, it will be a violation of the constitutional rights of the “State of Maine, to which she cannot yield.”

Resolution
hostile to the
Award.

Grounds of the
Resolution.

Their falsehood.

It may perhaps be superfluous to observe, that if any objection could be raised to the decision of the King of Holland, because he had lost Belgium, such objection should have been urged before the declaration of the Award; but the objection, inadmissible, subsequently, if valid, is itself too contemptible to merit observation.

If the King of Holland had given *advice* instead of a decision, the course of the United States to adopt was to put that question to the Sovereign Arbiter himself; this plea, therefore, like the former, is wholly inadmissible. The objection, however, is an utter falsehood. The award is rendered with all due solemnity, and couched in the usual and formal terms of arbitration: to the map, marked according to the Award, the Royal Signet is appended, countersigned by the Secretary of State for Foreign Affairs; and the terms of the Convention of September, 1827, are explicit and imperative:—“*The decision of the Arbiter, when given, shall be final and conclusive, and it shall be carried, without reserve, into immediate effect.*”

Received and admitted by the United States' Government.

This document is transmitted to the President, and we have *no information regarding its reception—no copy of the reply.*

These proceedings having appeared in the public prints, they were of course brought to the knowledge of the British Minister; so that it became impossible for him to avoid pronouncing an opinion—against these proceedings, by formal communication, or in favour of them, as it would necessarily be understood, by silence.

The British Minister is silent.

The British Minister is silent.

The communications sent home by the British Minister at Washington, before the arrival of any instructions from England, may appear at first worthy of little notice; but, on examination, they will be found (even such extracts as have been given) to contain food for deep reflection, and to throw valuable light on the dispositions of the parties, and the position of the British Mission at Washington. On the 12th March, Mr. Vaughan writes:—

The British Ministers' Dispatches.

“It has been long known at Washington, that His Majesty the King of the Netherlands delivered, on the 10th January, to Mr. Preble, the Minister from the United States, his decision upon the question of boundary referred to arbitration.

“*I am assured, however, by Mr. Van Buren, that this Government has not yet received the official communication of His Majesty's decision; though it appears that some communication of the import of it has been made by Mr. Preble to the State of Maine,*

to which he belongs ; as it is stated in the newspapers, that the Legislature of that State immediately took it into consideration, in a secret Session: and it is reported that general dissatisfaction was expressed with the decision of the Arbitrator.”

The British Ministers' Despatches.

That the British Minister should learn *from the newspapers* so important a fact as the Secret Session, reveals his perfect helplessness ; hence his admission of the extravagant supposition that Mr. Preble should have communicated with Maine, without communicating with his Government. It is curious to observe the words “to which he belongs,” inserted as justification of the American Secretary of State.

“ Washington, March 20th, 1831.

“ The decision of the King of the Netherlands upon the question of Boundary, submitted to His Majesty's Arbitration, was received, *by way of Havre*, by the Government of the United States on the 15th instant.

“ On the 18th instant, a messenger was despatched with an official communication of it to the Government of the State of Maine.

“ I understand from Mr. Van Buren that the Award of the King of the Netherlands has called forth a protest against it from Mr. Preble, the American Minister at the Hague, which I have not seen,—but I understand that a copy of it was delivered to Sir Charles Bagot ; and I presume, therefore, that His Majesty's Government is already in possession of it.

“ This Government has resolved to abstain from any expression of an opinion *until they are in possession of the answer to their official communication of the Award to the State of Maine.*”

That the despatches should have been received “*by way of Havre*,” accounts neither for the delay of two months and five days, in a matter of such urgent importance, nor for the strange assertion that the Government had not received the intelligence through some of those channels through which the Minister at the Hague had communicated with Maine, or which had conveyed the decision to Washington, where Mr. Vaughan, eight days before, stated it had then been “long known.” It serves to shew however that the most frivolous reason was considered sufficient by the American Government to offer to an English diplomatist for circumstances the most suspicious and inexplicable ; the statement of the route selected for the arrival of the intelligence, when the American Government thought proper to avow the reception of it, is remarkable, and suggests the idea of a previous communication with the French Government.

Represents the American view.

The reference to the State of Maine of a matter of Treaty

British Minister
represents the
American views.

stipulation between States is the clearest proof of the hostility of the Government to a settlement of the question, and the suspending of a reply till they receive the decision of Maine, as if the power resided in that State, or as if the opinion of that State were doubtful, exhibits a settled plan of misrepresentation and deception, of course not without an end and object, which, to avow, would be to frustrate, and which to attain, required deception.

On the 12th of April, Mr. Vaughan writes:—

“ We are at length in possession of the manner in which the Governor and Legislature of Maine have received the Award of the King of the Netherlands,—as, on the 5th instant, a newspaper published at Portland, the seat of Government of that State, commenced the publication of documents which had been officially communicated by the President, when the Award of the King of the Netherlands was transmitted to the Governor.

“ The first part only of these documents, published in Maine, has yet reached Washington, and I have the honour to enclose a copy, extracted from a newspaper.

“ I have endeavoured to procure from the Secretary of State, a copy of the proceedings of the Legislature of Maine, which will in time appear in the newspapers; *but* the Government has not yet received any account of them.”

These enclosures, exhibiting the violence and excitement of the State of Maine, are published in the second series of papers, marked (B), which appeared several months after those we are examining;* consequently the reader is left in total ignorance of these events, and it is thus utterly impossible for him to comprehend the bearings, even of the fragments of evidence that are placed before him.

On Mr. Vaughan's application for information regarding the transactions in Maine, he receives a refusal, to which he evidently submits, without murmur and without suspicion. In his unreserved communications with his chief, he does not even say—I am *told* that “ the Government has not received the documents.” He says, in justification, self-volunteered, of the American Government, “ *but* “ the Government has not yet received,” &c.

Is deceived by the
American Govern-
ment.

By the resolution of Maine, already quoted, the Government of Maine had, on the 31st, communicated all the documents to the

* Not only is an interval of several months allowed to elapse between the publication of the papers thus separated, and thereby rendered unintelligible; but publication of the second is reserved until the Session is closed! They bear no date but 1838; consequently, on subsequent reference to them, the fact of this separation is concealed. There is no reason assigned for the interval, or the separation; and none, certainly, in the matter or the circumstances.

President. This then furnishes the *proof*, if that were wanting, of the deception practised on the British Minister, and of the concert between the General Government and the State of Maine.

It is remarkable here, as throughout the whole of these proceedings, that there is no single statement of the American Government borne out—no promised hope realised;—and yet on no single occasion is a statement made by it, not implicitly admitted by England—not a hope expressed that is not immediately taken up and repeated by the British Agent or Minister.

It had now exceeded three months from the period of the decision of the King of Holland, and no intimation had been received at Washington of the views or intentions of the British Cabinet—no step had been taken on the part of England in any sense whatever—no step more hostile could have been taken than inaction. Meanwhile, the activity and calmness, the decision and repose of the Government of the United States were truly remarkable. Two days after the rendering of the Award were not suffered to elapse, without a Protest being entered against it by the Minister at the Hague. The United States' Government protest immediately to us that that Protest is unauthorized, while the Protest is significantly conveyed by a message to the State of Maine. The American Government had secured the means of a double communication of the Award of the King of Holland; two separate constitutional steps take place on the part of the State of Maine—the one secret, the other public, with an interval between them admitting of intermediate reference to the 'supreme Government. The first announcement of the Award is made to the American people with circumstances calculated to divest it of all authority; this announcement is so made by the Government without any formal or informal act or word, on the part of Great Britain, expressive of any interest, intention, or opinion, regarding this matter.

But to whatever expectation the negligence of the British Government might have given rise, still there was one ground upon which her representative might rest. To the assertions "that the King of Holland had exceeded his powers,"—"that he had not decided the question,"—"that the State of Maine would not consent,"—"that the Central Government could not enforce the Award,"—the British Minister might have answered:—"To such

England, for more than three months remains inactive.

Activity of the American Government.

frivolities it is superfluous to reply. To Maine and its Resolves England has nothing to say. This is a question of grave and solemn treaty stipulation between Nations. I have not yet received instructions, but when I do—it will be to call upon the United States to proceed to the execution of the Award, delivered in conformity with the Convention of 1827, and the Treaty of Ghent.” His strength, so far, would lie in his having *no* instructions.

If the British Minister did not *use* this language, it was however that which he must have *felt*. It is what every American must have felt. The non-arrival, therefore, of despatches from England, however unaccountable, must *still* have served to excuse or to weaken the effect of the silence and inaction of the British Minister.

First instructions
of Lord Palmer-
ston received,
—April 19th.

However, on the 19th April, 1831, the British Minister was relieved from his anxiety by the arrival of despatches from Downing Street. The despatch referring to the award of the King of Holland was not a long one, as indeed it required not to be. But, together with the Award in question, strange to say, it contained another document, which was no other than the disavowed protest against it of the American Minister at the Hague. Short as is the despatch to which the signature “PALMERSTON” is affixed, it contains subjects of deep reflection, and is the commencement of a long series of tergiversation and falsehood, of which the calculated consequences necessarily are—even in case of the triumph of Britain—mutual bloodshed, and common disaster.

The character,
and consequences,
of that Despatch.

“ *Viscount Palmerston to the Right Honorable C. R. Vaughan.*

“ *Foreign Office, February 9, 1831.*

“ Sir,

“ I have now to transmit to you a copy of the decision which his Majesty the King of the Netherlands has communicated in duplicate to the representatives of Great Britain and the United States at the Hague, upon the question of disputed boundary submitted by the two Governments to His Netherland Majesty’s arbitration.

“ I am *compelled by the pressure of other business* to delay until a future opportunity *whatever observations I may have to make to you upon the terms of this decision; against which you will perceive, by the enclosed copy of a paper communicated by the American Envoy at the Hague to His Majesty’s Ambassador at that Court, Mr. Preble has thought fit to protest in the name of his Government.*

“ I *can only* acquaint you by this opportunity, *that whatever might be the sentiments or wishes of His Majesty upon some of the points embraced in the decision of His Netherland Majesty, His Majesty has not hesitated to acquiesce in that decision, in fulfil-*

ment of the obligations which His Majesty *considers* himself to have contracted by the terms of the Convention of arbitration of the 29th of September, 1827; and *His Majesty is persuaded* that such will be the course adopted by the Government of the United States.

Ld. Palmerston's
first Despatch.

“ *If, however, contrary to this expectation, the American Government should determine upon taking any step of the nature of that which has been adopted by Mr. Preble, and should make to you any communication to that effect, before you shall have received any further instructions from me on that point; you will inform the American Minister, that you are not prepared to enter into any discussion upon such a subject, and that you can only transmit the communication to your Government for its consideration.*”

“ I am, &c.,

“ PALMERSTON.”

“ *Right Hon. C. R. Vaughan,*
 &c. &c. &c.”

What may be supposed to be the stunning effect of such a despatch upon the British Envoy! Having for week after week expected the announcement of a decision, which was to terminate a difference of half a century, he is at length told in a public despatch—that the Minister of England has no time to enter into the subject:—but what need he enter into it at all?—That his instructions would be communicated at some future day;—but what instructions could avail, if not communicated then? Not to exact the fulfilment of the contract upon the judgment given, was the mockery of all that is held sacred among men—binding among nations. It was to set at nought forms of law—principles of office—habits of business. The concealment of such abandonment, from the Parliament and the nation, leaves this act referable to other causes than ignorance or negligence.

It sacrifices the
Award.

The negotiations of half a century had proved the national purpose of the United States to keep open this boundary discussion—had also proved the ability with which that purpose had been pursued, and the success with which it had been attended. Decision was therefore called for, on the part of Great Britain, at the moment of the notification of the award. But so effectual had been the forethought evinced by the Minister of Great Britain in 1827, and so stringent the language of the Convention, that it seems a mystery how it ever could enter into any man's mind that such a compact could be broken. The individual who possessed the power of speaking in the name of England, and of withholding

the truth from England, could alone have dared to conceive the project. No American could have aimed at such a triumph : No other Englishman contemplated such a crime.

Its contradictions

The only means of accounting for negligence in a British Secretary of State, on such an occasion, or for the excuse of "pressure of other business"—is, that it could not have entered into that individual's mind to suppose that the Award could be resisted. But the despatch itself does suppose resistance ;—it encloses the very protest of the American Minister at the Hague (which his Government had taken care to proclaim unauthorized), as the only document to guide the views or reflections,* of the British Minister :—it limits the duties of a Minister to the functions of a post-master, and prepares him to exhibit and announce the longing of the British Government for the re-echo from Washington of the (to all but Lord Palmerston) perfectly insignificant, unnoticed, unanswered, pseudo-protest of the American Minister at the Hague. The pretext, therefore, of "pressure of business" for leaving the Minister uninstructed, I take to be as destitute of truth, as, if true, it would be repugnant to reason.

If the despatch had concluded with "You are not prepared to enter into *any* discussion on *such* a subject," the effect on the British Minister, and through him on the American Government, would have been that England considered the matter finally adjusted ;—but the words that follow, "You *can* ONLY transmit the "communication, &c." shew that the English Government had *not* made up their mind. Thus this despatch did convey the most positive instructions ; therefore the pretext of "pressure of business" is no less inapplicable to the circumstance than unreasonable and untrue, and reveals a process of perplexing what is simple and confusing what is plain, which must have been, even to a man of talent and dexterity, a heavy pressure on his legitimate avocations.

It paralyzes the British Minister.

Let any one place himself in the position of the British Minister, on receiving this despatch, and he will at once feel all the doubt and bewilderment which such a communication must have

* It is singular that whilst Lord Palmerston encloses the protest of Mr. Preble, he does not enclose the reply of Sir Charles Bagot to that protest; nor is this reply at all given in the published documents :—although that reply was communicated by the President to the State of Maine.

produced. By being relieved from responsibility, he became a cipher. It being enjoined him not to act; he would receive the impressions made upon him,—be the channel of these to England, and the echo of them, as English, to Washington.

This despatch is placed at the head of the communicated papers, as if it were the commencement of *bona fide* negotiations. The document that follows it is the protest of Mr. Preble; so that the reader's mind is at once impressed with the idea that he is about to commence the negotiations; whereas, in the very first document, he has arrived at the conclusion,—and, if he reads it aright, has discovered the whole truth. And what is this truth? The frustration of the Award, and the sacrifice of all the anterior negotiations and contracts, through the studied vagueness and the calculated contradictions of a single despatch of twenty-three lines! The papers, as already observed, are separated into parts, and the documents necessary to their mutual elucidation are kept apart, and published with the interval of months:—the separation, the transposition, and the selection, so calculated to bewilder the reader, that no member of either House of Parliament has ventured to deal with the subject; and so completely has the question been rendered unintelligible, that no individual in this country seems to be aware, that the setting aside of the Award of the King of Holland is the enigma that is to be solved; and is the sole and unique cause of past, present, or future complication or collision.

Though I am arguing this question on its intrinsic merits, and judging it according to evidence furnished solely by the functionary whose conduct is arraigned—evidence, diluted, prepared, and presented by himself—yet there is a consideration which the inquirer ought to weigh, and of which he must not for a moment lose sight, if he deems it of value. In investigations of a legal character, the motive of the acts, and therefore the truth, lies within the subject-matter, and is contained in the statement of the facts; but, in diplomatic transactions, the motives may lie without, as well as within; and the truth may therefore have to be sought in external circumstances. In the present case, the course of the British Minister, judging of it by the facts before us, is incomprehensible. It is a simple case of the implementing of a contract, presenting no difficulty in the performance;—admitting no ambiguity in the po-

This despatch made to appear the commencement of negotiations.

Transaction unintelligible in itself.

licy of the State, the obligations of the Crown, or the duties of the Minister. These are all on one line, and concentrated in a single point. A requisition addressed to the adverse party to proceed to execution was all that had to be done—was that which could not be omitted. Refusal on its part, if refusal there had been, would have regarded the Parliament and the Nation, not her Minister and Cabinet; for what Cabinet would bear such responsibility as submission to, and concealment of, the violation of a national compact? This step not having been taken, the subject itself furnishes no clue to the act of the Minister;—supplies us with no intelligible motive for departing from routine forms, duties, and interests. In this dilemma it becomes necessary to inquire into the character of the Minister, and into the position and motives of other powers, who may have an interest in the non-adjustment of this question, and be able to exercise any influence over the British Minister, to obtain such a result.

Motive of Lord Palmerston must be looked for elsewhere.

The United States, in rejecting the Award, either expected the concurrence or the opposition of England. In the first case the guilt of the Foreign Minister of England is clear, and we need not pursue the subject.

The United States must have looked to Foreign support against Great Britain.

If it anticipated the opposition of England, it became the duty of that Government to consider the question of collision with England. It must therefore, (unless through a short-sightedness or negligence with which it never yet has been chargeable or charged), have sought to fathom the views of such great powers as must, by their opposition or concurrence, render negotiation or an appeal to physical force fruitless, or successful. Russia and France are these powers.

I therefore assume that the United States could not have entered upon this line, without the assurance of the concurrence of Russia and France against England, or of the Foreign Minister of England against herself—which in fact was much more than the support of the other two, carrying as it did along with it the support of these two powers.

Russia and France engaged in projects hostile to Great Britain.

But Russia and France were at the time actively engaged in general projects of aggression—in opposition, if not to the policy, at least to the interests, feelings, and rights, of Great Britain. They could not therefore have looked with indifference on a settlement

which would lose them the United States as an eventual ally—relieve England from an embarrassment and a danger which would diminish her power, if ever exerted against themselves—and would open up to her the prospect and the means of uniting with America to resist their aggressions. In the fulfilment of their duties, the Ministers of these States must have been prepared to take such measures as were within their reach, both with the United States and with England, with a view to averting from themselves the *catastrophe* of a settlement of the North-east Boundary question.

Russia & France
are hostile to the
settlement of the
N.E. Boundary
question.

These two Powers were at that time engaged in various projects, the fruits of which have since appeared, and which leave no doubt as to their concert and their objects. I will instance only the three European questions directed by conferences held in Downing-street:—First, the affairs of Greece; secondly, the affairs of the East; thirdly, the affairs of Belgium. In regard to the first, their concurrence to sacrifice the rights of England has been established.* In regard to the second, their common dismemberment of the Ottoman Empire is before the eyes of all men.—As regards the third, (Belgium), the results have not yet appeared, and no exposition of the question has been made, but the best attention which I have been able to give to the subject, leads me to conclude that the objects of both have not been less hostile, nor the policy of Russia less successful, in this matter than in the other two.

They succeed,—
through the co-
operation of the
British Minister.

But, in all these, Russia—(France is but the half-instructed and paralytic coadjutor)—*Russia has succeeded, solely by the co-operation of the Minister of England*,—who has placed the diplomatic functionaries and naval commanders of Great Britain in the monstrous position of receiving orders signed by the representatives of these two powers,† and has accustomed England, Europe,

* See Diplomatic History of Greece, by H. H. Parish, Esq.

† Not only are commands thus given to representatives of England; but they are ordered to make their representations to their own Government, conform with those of their colleagues (of Russia and France). Not only are they thus ordered and instructed, but *disgraced and re-called* by foreign functionaries. For instance: the Dutch Government brings a charge against the Minister of England at Brussels; it is of course addressed, *not to the Conference*, but to Lord Palmerston. The British Minister receives an order instantly to quit Brussels, *signed by the Ambassadors at London of Russia and France*. The diplomatist whose person is so selected to vilify and degrade the British name is then sent Ambassador to—Constantinople.

and the world, to be governed by secret conclaves of Russian diplomatists.

Lord Palmerston
co-operates with
them in setting
aside the Award.

What then must have been the position of Lord Palmerston with regard to the North-east Boundary question? Must not the motives, which prompted his previous conduct, have prompted him here—must not the fact of subserviency to Russian views in one instance, have compelled him to follow her dictates in all?—

Without a knowledge of these external influences, the inquirer is lost and confused in coming to proofs of the hostility of a British Minister to the interests of Great Britain. He consequently perverts what he sees, to escape from a conclusion at which he revolts; besides, few men have been in a position to comprehend how the Minister of a country neglecting its interests can be reduced to subserviency to a foreign power: unable to comprehend the motives of the man, they resist the evidence of their senses and the conclusions of their reason, as regards the acts of the Minister.

Reply of Mr.
Vaughan to
Lord Palmerston's
1st despatch.

Having explained the character of Lord Palmerston's despatch of February, I now come to the effect which it produced. Mr. Vaughan's reply displays, as its prominent feature,—as the first object of his attention,—the *Protest!* But he again repeats to Lord Palmerston, that the American Secretary (notwithstanding Lord Palmerston's assumption, that it was “*in the name of his Government*”) “expressly stated that it had been made by Mr. Preble, without instructions from his Government.” Mr. Vaughan communicates then, *from the Newspaper*, the proceedings of Maine,—enumerates the whole of the arguments and obstacles that had been industriously put forward, and which threatened, unresisted as they were, to set aside the decision of the King of Holland.

But, with all these documents in his possession,—documents which proved the deception practised upon him, eight days before, by the United States' Government, does Mr. Vaughan yield to the impressions made upon him by Lord Palmerston's despatch of February 9th, enjoining him to stand with folded arms and compressed lips, the unmoved spectator of proceedings at once so extravagant and alarming. With the phantom of the Protest incessantly before his eyes, he says, “should the American Government make any communication to me of the nature

“ of Mr. Preble’s Protest, I shall be prepared to conform “ *strictly* to what your Lordship suggests”:—the service is not one which would commonly be supposed to require preparation, or to admit of doubt as to strictness of performance; but, in this case, the terms are happily selected, and show the importance which the Minister felt to be attached to the performance of—*nothing*. But Mr. Vaughan was too able a man to be long entrusted with so delicate a charge.

Notwithstanding the advantages which the Anti-English and war party was thus allowed so rapidly to gain, the great majority of the American people, the whole of the Southern States, and her senators and politicians of the highest distinction, were still all in favour of the adoption of the Award. Although, I say, the Award had been virtually sacrificed by Lord Palmerston; although formal measures had been taken against it, not only by a state, but by the general Government;* although the idea of a second reference to the Senate had been extensively spread, and had been generally adopted, still it was clear that the Senate, left to its natural impulses, would, by the same motives that led it to adopt the Convention of 1827, now adopt the Award rendered according to the terms of that Convention.

Favourable disposition of the American people to the adoption of the Award.

Let us now suppose for a moment that Lord Palmerston had an object in preventing the adoption by America of the Award, but yet that, from particular circumstances, he could not commit himself to the English Minister at Washington, by openly instructing him to oppose its adoption:—what would be the course which he would be likely to pursue? He would relieve America from all apprehension as to England’s insisting upon the fulfilment of the contract. If remonstrances were made by any party against the Award, he would be careful to give them importance. If violation of Territory took place, or of the rights of the British Crown, he would sedulously avoid noticing the occurrence. He would impose upon the Minister at Washington silence and reserve. He would place in that post no man of commanding talents or of practical acquaintance with

Means that could have been devised to frustrate it.

* The Protest of Mr. Preble, though formally disowned, yet, having been subsequently published as a State paper, and having been received as such by Great Britain, became in reality the Protest of the Government.

the subject matter,—or, finding such a man in that office, he would remove him. Above all, at any critical moment, he would lower the authority of the British Mission, by removing the titular representative, and by supplying his place with a diplomatic officer, charged *ad interim*, and accredited, not to the Government or the State, but merely to the Foreign Secretary. These suppositions constitute a simple narrative of that which has occurred. The critical moment when the American Government had to decide as to whether or not it should submit the Award to the Senate, and when the Senate, if referred to, had to decide upon it,—arrives; and, as usual, the British Minister—departs.*

These means adopted by Lord Palmerston.

Departure of the British Minister.

This intermission of the representation of Great Britain at Washington, is not for a short interval, for an interval important only by accident, or of an importance unexpected and unforeseen. *The British Minister is absent during two years*, and that absence dates from the aggression of the subjects of the United States against the jurisdiction of the British Crown, and from the avowed formation of a party to defeat the decision of the King of Holland. *It was not till more than eighteen months had elapsed, that the American Government refused its assent to the Award!*

British Minister absent two years.

It takes eighteen months for the Senate to reject the Award.

To return now to the chain of evidence, at the point where it was last interrupted.

The last communication from Mr. Vaughan, the British Representative, on the 20th of April, stated that he was “prepared to conform strictly” to Lord Palmerston’s instructions to do nothing; and during three months that instruction is strictly conformed to. On the 21st of July, Mr. Bankhead, the *Chargé d’affaires*, writes, “the same reserve as has been manifested by “the United States’ Government to my predecessor, has been continued to me by Mr. Livingston.” He communicates the arrival in America of Mr. Preble, the energetic protester at the Hague, and the approaching departure of Mr. Van Buren for England, the

The *Chargé d’Affaires* does nothing,—believes in an adjustment.

* At the recent critical events in Europe and America, the British Ambassador and Minister has almost always been absent at the important moment—for instance, the occupation of Constantinople by Russia—the capture of St. John d’Ullou, by the French. There might perhaps have been some motive for the absence of Mr. Vaughan; but there were two distinguished English diplomatists to whose zeal had been entrusted, and by whose abilities had been secured, the settlement of this question.

principal opponent of the Award in America. The state of his own mind may be gathered from what follows: "I am not altogether without hopes that the pretensions of the State of Maine will be much softened, and that an acquiescence will at last be given to the *opinion* of the Royal Arbitrator." In a substitution of the word "opinion" for "Award" in the mouth of the British *Chargé d'affaires*, is the evidence of the success of Lord Palmerston in rendering the British Representative the coadjutor of the pretensions of the State of Maine.

The *Chargé d'affaires* uses the terms employed by the State of Maine.

But it is only a month after the date of this last despatch, that the project is admitted, of referring the matter to the Senate.

On the 23rd Aug., 1831, learns that the Award is to be referred to the Senate.

On the 23rd of August, Mr. Bankhead writes, "I learn from an authority which I have no reason to doubt, that before the President can consent to the provision contained in the Royal Award, it will be necessary to receive the approbation of the Senate, as the President has no power in himself to alienate any part of the territory of an individual state."

To all these despatches,—to these sundry communications, extending from the month of March (when commenced the first secret Session of the State of Maine), down to that of the 4th of October (which we shall shortly touch upon), communicating the aggression of the State of Maine upon the disputed Territory and the jurisdiction of the British Crown,—no reply whatever proceeds from the Secretary for Foreign Affairs.

With this momentous question suspended by a thread, shivering in the wind, the Minister,—a man of recognized ability, conversant with the anterior details of the negotiation, and influential from his character, and the general estimation in which he was held,—is suffered to abandon his post. No Extraordinary Mission is on its way to meet and confer, on some neutral island. Nothing of the kind. The Minister withdraws—his post is left vacant—the Secretary of Legation is left in charge, and without instructions. The year rolls on; his despatches are unreplied to. The Session of Congress approaches, the members flock to Washington,—he turns his eyes in vain to the rising sun, but no counsel comes to him from the East. The question is to be referred to the Senate—he has no protest ready. The message of the President is to be pre-

Effects of the departure of the British Minister:

Of the Secretary of Legation being left, and without instructions.

pared; the day for its delivery arrives; and not a single syllable dare the Representative of Great Britain articulate on any one point,—no fallacies can he refute—no truth assert—no enemy confuté—no friend confirm or secure. Washington, the President, the North-east Boundary, the Award, and the British *Chargé d'affaires*, are as completely forgotten in Downing Street, as if Columbus or Canning had never lived,—as if another hemisphere had never been discovered; nor a New World called into existence.

PART III.

OUTRAGES COMMITTED BY SUBJECTS AND SUBORDINATE AUTHORITIES OF THE UNITED STATES AGAINST THE RIGHTS OF THE BRITISH CROWN.

“AN ENGLISH MINISTER WOULD BE UNWORTHY OF HIS OFFICE, WHO SHOULD SEE ANOTHER STATE SWALLOWING UP TERRITORIES IN THE NEIGHBOURHOOD OF BRITISH COLONIES, AND NOT STRIVE BY ALL JUST MEANS TO AVERT THE DANGER.”—*Channing on the Texas*.

The dispositions of the State of Maine being well known; the violence of its population having been already experienced; it was to be expected that a decision of the question would lead to commotion and aggression, and that outrages would be resorted to, as a means of preventing its adjustment. In this view, too clear not to have been taken; with these consequences, too evident not to have been anticipated; the hands of the Colonial Government of Great Britain ought to have been fortified by increased military means, and a firm and announced determination to resist all attempts at disturbance.

Known dispositions of Maine.

But, as the English Government had not called upon the United States to proceed to the execution of the Award,—the hopes of Maine may be imagined, and its acts anticipated. We pass therefore, naturally, (as from cause to effect), to the *announcement*: —“ATTEMPT OF THE AUTHORITIES OF THE STATE OF MAINE TO EXERCISE JURISDICTION* WITHIN THE DISPUTED TERRITORY, OCTOBER AND NOVEMBER, 1831.”

To outrages committed by its authority.

Sir A. Campbell to Charles Bankhead, Esq.

“Sir,

“*Fredericton, New Brunswick, September 13, 1831.*

“I have the honour to inclose, for your information, some documents from Lieut. Maclauchlan, at present in charge of the boundary line between the United States and

* The words “*exercise jurisdiction*” are not applicable to the fact. The attempt made was to *annex the territory* to Maine. Jurisdiction has reference to the administration of justice, which was in no case attempted. It was attempted to institute State Government, and to seduce British subjects from their allegiance.

this province, by which you will perceive that the authorities of the State of Maine have actually taken possession of part of the territory now in dispute between the British and American Governments.

“ I cannot believe for a moment that these proceedings, so lamentably calculated to interrupt and destroy the peace and harmony existing between the two countries, can be sanctioned or approved of by the American Government ; and I am sure you will therefore feel it to be your duty to call at once upon the American Government to put a stop to measures of so dangerous a tendency ; measures, which, if persevered in, must infallibly lead to consequences the most prejudicial and injurious to both countries.

“ I have the honour to be, &c.

“ *Charles Bankhead, Esq.*
&c. &c. &c.

“ (Signed) “ ARCHIBALD CAMPBELL,
 “ Lieut.-Governor.”

The argumentative character of this letter is remarkable. All the agents and authorities of Great Britain seem to be individuals left to reflect, to act, and to shift for themselves.

Mr. Bankhead, in addressing Lord Palmerston on this subject, makes the following observations :—

“ As this proceeding was so much at variance with the spirit of forbearance inculcated by the President in his despatch to the Governor of Maine, at the period of the receipt of the decision of the King of the Netherlands, in this country, and one so likely to produce unfriendly feelings between the respective parties, I lost no time in submitting the complaint of General Campbell to the Government of the United States ; and I trust that such a communication will be made to the Authorities of Maine, as shall prevent the recurrence of such irregularities until the question of disputed Territory shall be finally settled.

“ The General Government is most anxious to avoid the slightest collision between the State of Maine and His Majesty’s provincial officers ; and Mr. Livingston expressed his regret that any occasion had been afforded by the State of Maine, to embarrass the harmony and good-will subsisting between the two countries.”

Mr. Livingston’s regret was superfluous—not the slightest embarrassment disturbed the harmony—not the faintest shadow overcast the good-will subsisting between the two countries, through this or any other “ occasion ” furnished by the State of Maine.

In reply to a timid remonstrance from Mr. Bankhead, the American Secretary writes as follows :—

“ *The Honorable Edward Livingston to Charles Bankhead, Esq.*

“ (Extract.)

“ *Department of State, Washington, October 17, 1831.*

“ Immediately after receiving your note of the 1st instant, I wrote to the Governor of the State of Maine for information on the subject of it. I have just received his answer, of which I have the honour to inclose two extracts. By the first you will perceive that the election of town officers in the settlement of Madawaska, of which com-

plaint was made in the papers inclosed in your letter, were made under *colour* of a *general* law, which was not intended by either the executive or legislative authority of that State to be executed in *that* settlement; and that the whole was the work of inconsiderate individuals.”

It is in proof, that they were authorised by the State.

“ It is therefore of no avail, and can have no more effect than if the same number of men had met at Madawaska, and declared themselves duly elected members of the British Parliament. The Act interferes with no right, it comes in actual collision with no established power:—not so the punishment of the individuals concerned. This is at once a practical decision of the question, may lead to retaliatory legal measures, or what is worse, to illegal violence; for if the Lieutenant-Governor of New Brunswick feels himself obliged, as he says he does, to enforce the authority of the laws within what he thinks the boundaries of his province, will not the same feeling excite the Governor of Maine, under the same sense of duty, to pursue the like measures? And thus the fruits of moderation and mutual forbearance during so long a period, will be lost for the want of a perseverance in them, for the short time that is now wanting to bring the controversy to an amicable close. It is therefore, Sir, that I invite your interposition with His Excellency the Lieut.-Governor of New Brunswick to induce him to set at liberty the persons arrested, on their engagement to make no change in the state of things until the business shall be finally decided between the two Governments.”

This is treating the British Minister as a child. The deliberate and official act of the State of Maine is asserted not to have been *intended*: the violation of the British jurisdiction is asserted not to be sanctioned; and thence the double inference is drawn, that the violators are innocent, and that punishment inflicted upon them would legalize retaliatory measures. The United States' Government do not, however, conceive their imprisonment to be illegal, but, out of a kindly regard to both parties, request their release as a favour; and counsel the British Crown to obtain from the prisoners a guarantee for its future security, before releasing them from gaol.

Outrages advocated by the United States' Government.

EXTRACT OF SUB-INCLOSURE.

“ The measure (says the Governor of Maine) that *is said* to have been adopted by the inhabitants of that territory, of *voluntarily* organizing themselves into a corporation, was unexpected by me, and done without my knowledge.”

A falsehood, as may be seen by Mr. Livingston's own note. The public acts of the State of Maine, authorizing and ordering the proceedings, are to be found, Papers (B) page 10.

(*Second Extract.*)

“ A copy of this letter from Messrs. Wheelock and Savage is herewith transmitted, by which it further appears that they, together with several other citizens of this State,

have been arrested by the British authorities, and transported towards Fredericton for the purpose of being there imprisoned. They were arrested *within the territory of this State and of the United States*, and, as citizens of the United States, now claim the aid and protection of their Government and country."

"The territory of this State and of the United States," refers to the disputed Territory.

On receiving this note from the American Secretary, putting the remaining absurdities out of the question, the British Minister had but one course to pursue in regard to this inclosure; which was to refuse to hold any diplomatic intercourse with the American Government, while it used, or suffered officially to be used, the designation of "territory of Maine," or "territory of the United States," as applied to the territory in dispute: by suffering this falsification of language, all that was contended for, was given away.

On this, Mr. Bankhead writes to Lord Palmerston:—

Washington, October 21, 1831.

"I have great satisfaction in acquainting your Lordship, that the language held by the General Government, upon this subject, has been *of the most friendly nature.*"

And further:—

Advocacy admitted by the British Minister.

"I have ventured to submit to his (Sir Archibald Campbell's) early consideration, the motives which the American Secretary of State brings forward in favour of the release of the persons at present in custody at Fredericton.

"I venture to hope that my conduct upon this occasion will not be disapproved of by His Majesty's Government."

But, before the arrival at Fredericton of these satisfactory assurances, and conclusive "motives,"—new events had occurred.

Sir A. Campbell to Charles Bankhead, Esq.

"(Extract.)

Fredericton, October 4, 1831.

New outrages.

"Since I had the honour of addressing you on the 13th ult., relative to the extraordinary proceedings of certain agents of the State of Maine in that part of the disputed territory called Madawaska, further and more serious aggressions than those therein mentioned have taken place, *for the avowed purpose of usurping the sovereignty of a large portion of His Majesty's dominions on 'both' sides of the River St. John.*

Violators captured.

"The enclosed documents will clearly shew the alarming extent of these aggressions on our territory by the presumed agents of the neighbouring State; together with the legal measures which we have, in consequence, been compelled to adopt, in order to make the jurisdiction of our laws be respected by all classes throughout this province."

C. T. Peters, Esq. to Sir A. Campbell.

“(Inclosure.)

“*Madawaska, September 24, 1831.*

“I have the honour to lay before your Excellency copies of statements, under oath, which I have been enabled to collect, of the proceedings of a number of the inhabitants of this settlement, tending to disturb the peace of the place, calculated to estrange the French inhabitants from their allegiance, induce them to acknowledge themselves citizens and subjects of the United States of America, and transfer the possession of this district of the province to that Government, and constituting a high and serious offence against the law, in open contempt of the King and his Government.”

“The conduct of the persons who have been concerned in these transactions is the more aggravating, as they evidently appear to be the instruments and agents of the State of Maine; with a view entertained by that Government, through their instrumentality, to obtain possession of the tract of country at present in dispute between Great Britain and the United States, which both those Governments have solemnly pledged themselves by the Convention entered into between them, that nothing shall be done by the one or the other, pending the proceedings for settling the dispute, which may alter the relative situations of either party.

“The proceedings of these persons, aided by the conduct of certain other agents from the Government of Maine, who, by the papers which I now have the honour to lay before your Excellency, will appear to have been secretly passing through the settlement and intermixing with the French inhabitants (of which the great majority consists), has, I regret to say, evidently had an effect of unsettling the minds of a great number, if not almost seduce them from their allegiance to His Majesty’s person and Government.”

The depositions follow,—mentioning also the administration to British subjects of an oath of allegiance to the United States.

The United States’ Government, it will be observed, disavowed the acts of these subordinate agents, but yet claimed for them immunity. The British Minister does not even attempt to deal with the question; but, with great satisfaction, admits the arguments of the American Secretary of State, and makes himself the channel of the request to the Governor of New Brunswick, for the liberation of the prisoners.

The Americans, having secured this position, hesitate not to advance (the State of Maine taking the initiative) to the justification of the offenders:—thus constituting the capture (the release from which was obtained as a favour), an act of violence and aggression on the part of Great Britain.

No. 5.—*Charles Bankhead, Esq. to Viscount Palmerston.—(Received December 17.)*

“(Extract.)

“*Washington, November 20, 1831.*

“The Council of the State of Maine, in their late extraordinary sitting, have forwarded to Washington a report, couched in very strong language; and orders have been given to the different brigades of militia on the frontier, to hold themselves in readiness to support the views of the State, with reference to the neighbouring province. Notwithstanding this threatening proceeding, *I am happy to find, &c.*”

United States’
Government
claimed the pri-
soners.

Surrendered by
Great Britain.

Capture of prison-
ers now sought to
be established as
Invasion on the
part of Great Bri-
tain.

STATE OF MAINE.

“(Inclosure.)

“In Council, November 7, 1831.

Public act of the
State of Maine.

“The Committee of the whole Council, to which was referred the subject of the recent transactions at Madawaska, ask leave to report: That, in common with their fellow citizens, they view with feelings of just indignation, the unwarrantable and oppressive acts of the authorities of the British Province of New Brunswick, in *invading the territory of this State with a military force*, and arresting a number of our peaceable citizens, compelling others to conceal themselves in the wilderness, and abandon their homes, in order to escape the violence with which they were threatened.

“In this violation of the sovereignty of the State, we perceive the continuation of that system of encroachment, which, by our forbearance, the Provincial Government have long been enabled to practise for the purpose of extending their possession, and afterwards relying on that possession, as the only foundation of the extraordinary claim they still persevere in making to a considerable portion of the State. * * *

“On the 12th day of September last, they (*the inhabitants of Madawaska*) held a *Town Meeting for the purpose of electing a Representative, as required by the laws and constitution of this State.*

“For these acts, four of the citizens have been arrested by the authorities of New Brunswick, carried out of the State, and are now confined in jail at Frederickton, in execution of a sentence pronounced against them, after the form of a trial in a Court of that province.”

It concludes with a statement that the Governor had addressed to the General Government—

“An urgent request that the proper measures might be adopted, to procure the release of our Citizens, and *protect our Territory from invasion.*”

United States’
Government con-
curs in the views
of Maine.

The President was thus appealed to by Maine to protect them *from invasion!* He was appealed to—to obtain the release of agents whom, with the slightest sense of honour, he ought to have been the first to punish; and whom the Government, with any sense of its dignity abroad—any regard to its supremacy or power at home, ought to have sought to abandon to the justice they had outraged. And what does the President do?—He seeks to obtain their release. What does England do?—Grant their release! That is not enough: the British Agent pens, as if to insult the English tongue, the following words:—

So does the Bri-
tish Minister.

“Washington, November 28, 1831.

“The President, upon the receipt of this intelligence, *having completely disavowed the proceedings of Maine*, and at the same time called upon the Governor of that State to discountenance any attempt to exercise jurisdiction over the disputed territory, until the question of boundary, as decided by the King of the Netherlands, should be formally brought before the Senate of the United States, I thought it my duty so far to give

effect to the pacific intentions of the President, as to solicit the early attention of Sir Archibald Campbell to the wishes of this Government, with respect to the persons who had been guilty of these *irregularities*, and who were in jail at Fredericton.

“ *I have great satisfaction* in acquainting your Lordship that General Campbell has deemed it proper to exercise his prerogative in favour of the prisoners, and they have accordingly been released from confinement, and their fines have been remitted.

“ *I have great pleasure* in thus being enabled to communicate to your Lordship the satisfaction which has been evinced by the President of the United States, in consequence of the very conciliatory spirit in which Sir Archibald Campbell has acceded to the wishes of the American Government in this transaction.”

These outrages took place in the months of August and September, not in October and November, as headed in the documents presented to Parliament. There appears to have been no notice of them whatever taken by Lord Palmerston. The reader of the diplomatic correspondence, as published during the Session of 1838, would remain in perfect ignorance of the occurrence of such facts; all the papers referring to them having been collected together and reserved until the Session had ended, and until the minds of Members of Parliament had been made up on the unintelligible fragments,—or their interest and patience exhausted, by the inextricable confusion in which this simple transaction had become involved.

These facts excluded from Papers presented to Parliament.

The objects, however, of the opponents of the Award, were now attained; outrages committed,—jurisdiction attempted—and *discussed in terms* that falsified the position of England. Agitation and irritation spread through the Union. The Boundary question elevated in importance; and insult and aggression—inflicted with impunity on England by a single member of the American Union—accepted by her with extreme submission.

From this period, no further aggressions occurred for a space of more than two years.

We must now revert to the diplomatic intercourse of the two Governments.

PART IV.

DOUBLE INSTRUCTIONS OF LORD PALMERSTON, AND CONSEQUENT REJECTION OF THE AWARD BY THE GOVERNMENT OF THE UNITED STATES.

“HE SEEMS TO HAVE NOTHING AT HEART, BUT THE GOOD OF MANKIND, AND THE PUTTING A STOP TO MISCHIEF.”—*Franklin on the British Negotiator of the Treaty of 1783.*

As Lord Palmerston, before making his first vague intimation to the British Minister at Washington, of the fact of the decision of the King of Holland, and of the acquiescence of England in that decision, had waited until time was allowed for the circulation of Mr. Preble's Protest—until the prolonged silence of England had awakened in America the hope of setting aside the Award—and until the State of Maine had time to come to a formal decision against it; so now he delayed making the official communication to the American Government, which he could not possibly avoid, until he had intimation of the practical aggressions and outrages of the subjects of the United States against the British Authorities, arousing feelings of hostility throughout the union, calculated to frustrate any effect which might have been produced by England's ostensible demand to proceed to the execution of the Award.

Extraordinary
delay, of date and
transmission, of
Despatches.

But as the Despatch of February 9th, dated as it is, thirty days after the rendering of the Award by the King of Holland, did not arrive at its destination until the 19th of April—that is, until ninety days had elapsed; so, in the present instance, does a delay occur scarcely less calculated to awaken suspicion of systematically-practised deception.

Delay of Despatch
of Feb. 9, 1831.

The memorable Despatches, dated 14th October, 1831, which we have now to consider, were not received till the 18th of December, being a delay of two months and four days. But without any irre-

of Oct. 14, 1831.

gularity, accidental or intentional, in this respect—no one who has perused the preceding account of the outrages committed against Great Britain under the authority (of the state of Maine—and therefore) of the United States, can fail to inquire what steps were taken by Lord Palmerston on so grave and alarming an event? In what strain had he remonstrated? In what terms required the instantaneous execution of the Award of the Sovereign Arbitrator? The Reader naturally looks to the next despatch from Lord Palmerston. He finds in it no allusion at all to the subject. Its date is the 14th of October. He turns then to Papers (B) for the date of these outrages.—The date, as given in the Index and the Heading, is October, 1831; of course he will infer, that when the despatch of 14th October was penned, Lord Palmerston could have had no knowledge of the outrages committed.

Date of outrages.
—October substituted for August.

It is true, that whoever read these documents when they appeared, had no means of making such reference; because the papers connected with the transactions of Maine were withheld until after the close of the Session. But there is evidence that *they were both printed at the same time*; because there is reference made in Papers (A) to the *paging* of Papers (B). An examination of these will show that the outrages, indexed in October, *occurred on the 19th of August*; consequently the intelligence had six weeks to reach London (by other channels than Washington), before the transmission of Lord Palmerston's instructions, supposing the despatches of October 14th to have been transmitted on the day they were dated. A violation of the jurisdiction of the British Crown, by authority, and with the declared intention of taking possession of the land, the subject of arbitration, is committed on the 19th of August; despatches from the British Minister, received at Washington four months after, take no notice of the fact; in the presentation of the papers to Parliament, the statement of these outrages is not presented together with the diplomatic correspondence; when presented, the date of *October* (in the Index and heading) is given, instead of August.

No instructions arrive previously to the Message to Congress.

There is another circumstance, worthy of consideration in connection with the period of the arrival of this despatch at Washington. The Session of Congress was to open in the beginning of December; the President's Message to both Houses

became now a most important event in this discussion, which was beginning to assume the character of a new negociation. It was therefore absolutely necessary that any step of the English Government towards realizing the objects it assumed to desire, should be taken previously to the presidential Message to Congress—a Message wherein that very question would assume a paramount importance;—a Message, which, in consequence of its expression of opinion on that subject, was looked for with the greatest interest, not only throughout the Union, but throughout the North American possessions of Great Britain.

Nor is this all: the assemblage of the Members of both Houses in Washington, was a period for which the British Minister ought to have been armed and prepared with the utmost solicitude. I omit the past; I take the negociation (if that word can be so prostituted) as it stood at the time:—a measure, in which Great Britain had a deep interest, was to be referred to the decision of the American Senate. The majority, indeed, of the Senate was known to be in favour of it; but there was a number of individuals, active, able, and energetic, using every means which interest or ambition could prompt, ability and ingenuity suggest, or duplicity sanction, to impose upon the remainder of their compatriots, through a false representation, not only of the facts, but of the intentions of the British Government. These means being employed to lead the American Senate into a decision hostile to Great Britain, what is the diplomatic position of Great Britain at Washington? No official step taken, or communication made;—the Representative—the authoritative and titular representative of Great Britain removed, and the *Chargé d’Affaires, ad interim*, not merely left without instructions, but having positive instructions to do nothing!

Looking upon this state of things, no less unwonted than unaccountable, it cannot fail to strike and to startle the inquirer, that there is recorded in the Foreign Office, as dated, and therefore despatched, on the 14th of October, (and therefore one month and twenty-two days before the opening of the Session), a despatch calling upon the American Government to accept the Award; and at the same time, dealing in a most conclusive and authoritative manner with the objections raised against it by the State of Maine. But this despatch does not arrive at Washington until after the

British Chargé d’Affaires left instructed to do nothing.

Demand of the execution of the Award, recorded at this date in the Foreign Office.

Message is delivered.* When it does arrive, it is accompanied with a secret instruction, in an opposite sense!

Message to Congress of Dec. 6, 1831.

The Message of the President to the Congress of the 6th December, 1831, is however any thing but unfavourable to the Award, although abstaining from pronouncing an opinion. In reference to the Treaty of Ghent, to the Convention of 1827, he says, "The King of the Netherlands having, by the advice of the late President and His Britannic Majesty, been designated as such friendly Sovereign (who should be invited to investigate and make a decision upon the points of difference), *it became my duty to carry with good faith the agreement so made into effect.*"

Ld. Palmerston's first Despatch of Oct. 14th, 1831, arrives.

On the 18th December, Lord Palmerston's despatch of the 14th October arrived at Washington; and as this document is the most important of those that have been made public, and is the key to the ensuing transactions, I have transferred it *in extenso* to the Appendix, and request to it the reader's most serious attention. It commences with instructing the *Chargé d'Affaires* to address, for the first time, an official communication to the American Secretary of State, stating the King of Great Britain's assent to the Award of the King of Holland, and requiring the American

* It is singular, that, during the course of this negociation, Lord Palmerston has written not quite one despatch a year; which has arrived subsequently to the meeting of the Session,—and, of course, to the delivery of the President's Message.

	Date of Lord Palmerston's Despatch.	Date of the President's Message.	Date of Arrival at Washington.
In 1831.....	October 14th.	December 6th.	December 18th,
1832.....	(See note * below.)		
1833.....	December 21st.	December 5th.	February 10th, 1834.
1834.....	October 30th.	December 2nd.	December 8th.
1835.....	October 30th.	December 8th.	December 27th.
1836.....	(No Communication.)		
1837.....	November 19th.	December 5th.	January 10th, 1838.

There are five annual despatches, independent of the first despatch of February 9th, 1831, and that of February 25th, 1833. The time occupied in the transmission of these seven despatches (which constitute the negociations of seven years) is 390 days. The despatch of February 9th occupied in its passage 72 days; those of the 14th October, 1831, 66 days; and the mean time of transmission, during the whole period of negociation, that is to say, between the date (assumed to be the date at Downing Street) and the arrival at Washington, is 55 days and 18 hours. The average time occupied in the passage of common commercial letters has been, from the year 1831 up to the establishment of steam communication, *twenty-nine days*.

* Despatch of February 25th, 1833, is in reply to a note of 21st July, 1832; and therefore ought to be the despatch of 1832.

Government to proceed to the execution of that Award. It then recalls to notice and importance the protest of Mr. Preble, and proceeds to say that, notwithstanding that protest, His Britannic Majesty *is persuaded* “that the Government of the United States *will not hesitate*” to accept the Award of His Netherland Majesty:—thus neutralizing the effect of the first communication, by a selection of terms which shewed that the English Government considered the future decision of the United States as optional, and not imperative. Lord Palmerston then proceeds to argue the question. The introduction of argument in this stage of the proceedings is a setting aside of the question of right and treaty stipulation, upon which it now rested; but the arguments themselves are conclusive. Lord Palmerston effectually disproves, from their own mouths, the frivolous—(were the subject less grave, I should say—ludicrous) objections, put forth by the opponents of this measure. These arguments, employed at an earlier date, would have left no room for discussion; and, had Lord Palmerston left the Minister at Washington free to use his own judgment, his Lordship never would have penned them, because they would not have failed to have been used by the Minister himself,—and urged at the moment when they were called for, and would have been of use. By delaying to instruct, and by forbidding to discuss, Lord Palmerston allowed the opposition to get root, and to gain head; reserving to himself the opportunity of appearing to advocate British rights, when that advocacy would be of no avail,—and of overthrowing, triumphantly, the American fallacies, after these fallacies had produced their effect. This despatch, remaining in the Foreign office, or produced to Parliament, becomes proof of his ability; it stands a record of his zeal for British interests,—“the polar star—the leading principle of his “policy,” and tends further to the complication of this, the simplest of all possible questions, as it stood on the 10th of January:—an arbitration, sealed, signed, and delivered to parties mutually bound to abide by it.

Nearly twelve months had been allowed, as we have seen, to elapse, before the British Minister had been permitted to receive any instructions on the subject of the Award. On the 18th December the instructions just referred to had been received; and feeble, contradictory, and untimely as they are, not a month—a week—a day—

Ld. Palmerston's
first Despatch of
Oct. 14, 1831;
its character and
effect.

I. d. Palmerston's second Despatch contradicts the first.

or even an hour, are they suffered to remain without subsidiary instructions, by which, whatever effect they could produce was entirely effaced!—Another despatch, of the same date, (Oct. 14,)* and of course contained in the same bag, prepares the British *Chargé d'Affaires*, to look to a new negotiation as being the “ulterior”, and therefore real views of His Majesty's Government. This despatch will also be found, *in extenso*, in the Appendix.† Lord Palmerston commences by stating that, in reference to the other despatch of the same date, the simple and unconditional acceptance of the Award is “*the only course to be pursued consistently with the respective obligations of the two Governments.*” He continues, “You are nevertheless authorized to intimate privately, upon any suitable occasion, a modification of the Award by a reciprocal exchange or concession.” “You will, however,” he adds, “be particularly cautious in making any communication of this nature, to guard against the *possibility of being misunderstood as inviting* negotiation as a substitute for the adoption of the Award.”

Bewilders the mind of the *Chargé d'Affaires*.

From such instructions, what would any man comprehend, save that he was to obtain—without appearing to invite—negotiation as a substitute for adoption. The instructions in themselves are contradictory and self-destructive; but as the contradiction destroyed in the British Agent's mind all idea of a determination of England that the stipulation should be fulfilled, it rendered him incapable of doing that which his duty required, viz.—the enforcement, by every means, of the adoption of the Award, and the energetic expression of the determination of England, that it should be so accepted; furthermore, it placed that Agent in a position of dilemma, so that, whatever line he took, Lord Palmerston had reserved to himself the faculty of disavowing his act, and disgracing him,—a position, if calculated for nothing else, eminently calculated to render him timid and inefficient.

Mr. Bankhead, in the first instance, communicates to the American Government only the first despatch of Oct. 14th, and the

* It is singular that the office-number of none of the Despatches is given. There is, on one occasion, a reference by number to a Despatch, containing the opinion of the President expressed to the British Minister, which I am unable to find, and which is certainly not to be found, by its reference, in the published documents.

† See Appendix, part 4, No. 2, page v.

American Secretary of State declines answering (a new authority having now intervened) until the decision of the Senate had taken place. For more than three months the question then remains in suspense; but, on the 29th March, 1832, Mr. Bankhead discovers *through the newspapers*, that Maine had agreed, under certain conditions, to subscribe to the Award, and that the United States Government had taken steps to adjust the difference to the satisfaction of Maine.*

March, 1832, American Government still inclined to adopt the Award.

It thus appears that, after all the temptations held out by Lord Palmerston, the general integrity of the Senate, as that of the Executive, was still unprepared for this flagrant violation of National compact; but the British *Chargé d'Affaires*, after waiting six months from the period of his communication of the first despatch of Oct. 14th, receiving no reply to his despatches—no communication from the Foreign Office—has commenced to become alarmed lest he should not be fulfilling the real and “ulterior views” of his chief, as communicated by his second, and secret, Despatch of October 14th; and, consequently, on the eve of the decision of the question by the Senate, he intimates to the American Secretary of State the substance of that second despatch. In reporting this step to Lord Palmerston, he commences with *excusing himself* for having reserved, up to that period, this second despatch. “I did “so,” says he, “because the Senate had shewn no disposition to “take up the question, and I thought that the slightest intimation “on my part as to the possibility of future negociation, would “perhaps endanger its favourable decision.” Is not this reason most clear and imperative for not making the communication at all? Used, as it is, as an excuse for not having done so before, it proves the conviction impressed upon his mind, that the ostensible views, conveyed in the first despatch of October 14th, were *not* the real views of his chief.

The *Chargé d'Affaires* suspects that the ostensible Despatch of Oct. 14th, does not represent the real views of Lord Palmerston.

Makes use of the Secret Despatch.

If one moment could have been selected more favourable than another for endangering the decision, it was that moment, when the Senate was about to come to its decision: consequently, “I “thought,” says Mr. Bankhead, “that this was the *proper* moment “informally to intimate to the Secretary of State that “His

Justifies himself for not doing so before.

* See Appendix, Part 4, No. 3, page vi.

Consequent rejection of the Award.

“Majesty’s Government might not be indisposed to enter into “negotiation with this Government, with a view to effect some “modification by a reciprocal exchange and concession.” The consequence of this step, as may be expected, immediately appears:—the next despatch, given in extract,* commences “It is *with great regret*, that I announce to your Lordship, that the Senate has “refused to sanction the acquiescence, &c.”

We have thus arrived at the conclusion of the first phase of this negotiation:—viz. the rejection, by the Senate of the United States, of the Award of the King of Holland, brought about, as I conceive no impartial man who will study even these documents, (selected, separated, and misplaced as they are,) can hesitate to admit, by the acts, positive and negative, of the British Minister. During the eighteen months of suspense and indecision, no step was taken by Great Britain, in any way calculated to bring about an adjustment of the difference: every imaginable step was taken to prevent it. • There is a continuous chain of evidence proving the favourable disposition, during seventeen months, (until the communication of the second despatch of October 14th), of the majority of the Congress and Senate, and of the President, towards the adoption of the Award.

Before leaving this part of the question, I will refer to and establish three collateral points,—as confirmatory of these conclusions.

Collateral proofs of an intention on the part of Lord Palmerston to set aside the Award.

First, the absence of all censure of Mr. Bankhead for the communication of the second despatch of October 14th; even after the result of that communication had appeared, in the rejection of the Award. Secondly, the indisposition of the Senate to reject the Award, up to the period of Mr. Bankhead’s communication. Thirdly, the language of Lord Palmerston in the House of Commons, as entirely corroborative of the views here given of his intentions in this matter.

1st.—Mr. Bankhead not censured.

First.—Mr. Bankhead, in his despatch of June the 13th, as in his previous despatches, has expressed his conviction that the decision of the Senate would be favourable to the adoption of the Award. It is upon this ground that he justifies, it is this fact that he assigns as the motive for, his communication of what he terms “the ulterior

* As each despatch refers exclusively to one subject, the presentation of extracts from despatches, instead of entire despatches, requires explanation.

“ views of His Majesty’s Government.” The subsequent rejection of the Award proves, either that his opinion of the disposition of the Senate had been erroneous, or that his communication had been the means of altering the favourable disposition which previously had existed. In the one case, he showed himself perfectly incompetent to fulfil the duties of his office; in the other, he had acted in direct violation of the interests of Great Britain, and had consequently become liable to the extremest penalty of diplomatic delinquency,—and Lord Palmerston had no alternative between censure of that servant, and dereliction of his own duty. But, as Lord Palmerston, in confiding to him the secret proposal of negociation, had, by the peculiar construction of the language he had used, thrown upon him the entire responsibility of its employment, and directed him to be particularly cautious, in making any communication of this nature, to guard against the possibility of being (mis)understood as inviting negociation as a substitute for the adoption of the Award;—and as Mr. Bankhead himself had stated “ that the slightest intimation on “ his part as to the possibility of future negociation might endanger “ the favourable decision of the Senate”:—it is clear that he had contravened the positive instructions of his chief, and had acted in opposition to his own emphatically expressed conviction of his duty. If therefore Lord Palmerston, with the whole facts before him, with the rejection of the Award coming after the dangerous intimation of negociation as a substitute for adoption, did not visit with his severest censure, the functionary by whom that intimation had been so unfortunately made,—it follows, that he had placed him in that position of embarrassment with a purpose—and that the unfortunate step so taken, was that which Lord Palmerston desired.

Second.—On the return of Sir Charles Vaughan to Washington, it was impossible he should not in some degree reconsider what had taken place during his absence, and in the despatch of his, dated July, 1833, (of which only an extract is given), he makes an observation upon the authority of the Senate, to the effect that it was limited to advising and consenting to ratify, or advising the instructions to be given previously to opening a negociation; adding, that when in the month of July it advised the rejection of the Award of the King of the Netherlands, it took the initiative in the process of negociation which it directed the President to open at Washington. Sir C. Vaughan was therefore of opinion that they had not

24.—Senate of the United States favourable to the Award, as to the communication of the Secret Despatch of Oct. 13.

authority constitutionally to interfere, and that in this instance they had departed from their constitutional practice. There was indeed no use in alluding to the subject at that time, or in speaking at all in that sense to Lord Palmerston; but this indication alone, from Sir C. Vaughan, is sufficient to shew that unless he had been removed from Washington, even the despatch of Feb. 9th would not have sufficed to keep him silent and indifferent, when intrigues and misrepresentations such as these were employed to obstruct a measure of which his ostensible instructions required the adoption.

Sir C. Vaughan, in addressing the American Secretary of State, bursts out more indignantly against the decision of the Senate; “When the undersigned finds so important a measure “defeated by a bare majority—when the majority of only one “decides the Senate to open a new negociation, &c.” This was in March, 1834, consequently two years after the rejection of the Award. It is the first time that any allusion has been made on the part of England; and slight and fleeting, timid and inoffensive, as is the remark, it calls forth a long and complicated reply from the American Secretary of State. And I refer to the correspondence, for the purpose of obtaining the Evidence of Mr. M‘Lean, the American Secretary of State, as to the disposition of the Senate—“The Committee,” says Mr. M‘Lean, under date, March 31st, 1834, “to whom the President’s Message was referred, and to whose Report “Sir Charles has alluded, expressed the opinion that in this case “(a question referring to the practice of the Senate), the United “States were not bound by the decision of the Award, as such; “though, *on grounds of expediency*, a majority of the Committee “were favourable to its adoption, and therefore they recommended “a positive and affirmative resolution, &c.” As the note from which this is an extract is an attempt to prove (and proceeds on the assumption that it does establish), that a considerable majority in the Senate were unfavourable to the Award, this admission is valuable; and not less so, on account of the grounds assumed for their adherence to the Award,—not the conviction that the Award was binding, but that—*it was expedient!* thus shewing (whatever the truth of the previous assertion,) the desire then prevalent in the breasts of the Senators of America, to concede even what (the American Secretary asserts) they deemed a right, or to make

Favourable disposition of the Senate towards the Award, admitted by the American Secretary of State.

what they considered a sacrifice, to maintain harmony and goodwill with Great Britain.

But Mr. Bankhead, in communicating the rejection of the Award, speaks of the Senate in the following terms:—"This subject was submitted to that body early in the Session, and accompanied by the earnest wish of the President, that the Award should be agreed to. The message was referred to the Committee on Foreign Relations, who reported their opinion that the President's views should be acceded to. A motion was then made, that the votes of *two-thirds* of the Senate should be considered necessary to pronounce a final opinion. This enabled the opponents of the measure to defeat the views of Government; and finally, the Senate withheld their assent to the Award of His Netherland Majesty, and recommended to the President to enter into farther negotiations respecting the Territory in dispute." Again, Mr. Bankhead, on the 28th of July, says, "I take the liberty of transmitting to your Lordship an account of the proceedings which took place in the Senate, in their executive capacity, during the discussion upon the Award of the King of the Netherlands. Your Lordship will observe by the perusal of this paper* that the Senate was divided into three parties: the first composed of those who desired the acceptance of the Award; among them was Mr. Tazewell, the Chairman of the Committee of Foreign Relations; the second was composed of those who thought that the question did not come under the cognizance of the Senate; and the third party included those who were opposed to the acceptance of the Award. *The unfortunate wording of that Instrument, which might imply mediation as well as decision*, has given a strong hold to those who were opposed to that measure."

Mode of obtaining
the rejection of
the Award by the
Senate.

Here then, on the testimony of the American functionaries, that is, of the adverse party; and of the British functionaries, that is, of the over-reached parties; there is proof of the favourable disposition of the Senate to whom the decision was referred; so that the rejection by that body can be attributed only to the impression produced upon them, that England would not take unkindly their decision against herself, or even, that the English Ministry

* This important inclosure is not given.

desired that the Boundary question should not be settled. These facts being before Lord Palmerston, he has no censure to convey to the Agent through, whose means these dispositions were sacrificed, and re-entrusts him with the representation of Great Britain at Washington.

The Senate had no further action on the Award; having sanctioned the Convention of 1827.

In entering into this point, it must not be for a moment forgotten, that the Senate had nothing to do with the question; that the Senate had already considered the Convention of 1827, as absolute and final; and whatever had been the decision of the Senate, or whatever the steps of the American Government, no course was left open to the British Secretary of State for Foreign Affairs, except to require the immediate execution of the decision of the Arbitrator. Had the United States resisted, it remained but for him to make his report to the Government, and for the Government to go to Parliament, and to transfer to Parliament the responsibility—too grave for any administration to assume;—that of the admission of a declaration by a foreign power, that the obligations by which it had become bound to this country should not be fulfilled.

3d.—Ld. Palmerston's conduct in the House of Commons.

I now come to the third point: viz. Lord Palmerston's conduct in the House of Commons.

His only course, publication of the Award.

Immediately upon the reception of the Award of the King of Holland, the natural, the necessary course for the Foreign Minister, was to declare that decision to Parliament and the country; and, thereby support the action of the British Minister at Washington, fortify himself at home by the national support, and exhibit to the United States the decision of Great Britain to carry it into effect.

The negotiations were terminated—the affairs wound up—the decision given—the assent of His Majesty notified to the Sovereign Arbitrator; and consequently there was nothing further to do. There were no negotiations to be embarrassed by publicity—there was no honest or then intelligible motive for secrecy or reserve—there was every motive for instantaneous publication. There was indeed a necessity—from regard to the feelings and interests of our North American Colonies, not less than with a view to any possible resistance on the part of the United States—at once to proclaim the conclusion of the negotiations and the decision of the Government. No such step however is taken by Lord Palmerston; and these extraordinary transactions exhibit no step more extra-*

The Award is not published.

ordinary than this concealment, where every public motive and every private feeling of the Minister combined to call for the publication of a fortunate event—of the only diplomatic success which perhaps England ever obtained.

On the 14th February* a Member of the House of Commons, interested in the North American Colonies, puts a question to the Secretary of State for Foreign Affairs, and requires to know whether the negotiation has been completed, and whether there is any objection to the production of the decision. Lord Palmerston, with that peculiar adaptation of phraseology, and that facility of perverting the sense of the question to which he replies, which characterize each of the well-weighed periods that escape from his lips, answers in the following terms:—"I am not aware of any circumstances which would render it incumbent on His Majesty's Ministers to lay that decision before the House: if the honourable gentleman, or any other Member, have a specific motion to make on the subject, it is of course in his power to do so."

Lord Palmerston is questioned on the subject.

Refuses to give any reply.

Upon this, Mr. Robinson gave notice of a specific motion upon the subject, and when it comes in this shape before the House, Lord Palmerston resists the production of the document; refuses to assign any reason for so doing; "appeals to the House for sufficient reliance on the declaration which he makes in his Ministerial capacity," to resist the production of the document. He will make no statement upon the subject; he will assign no reason for his silence: but "he trusts that the House will not consider the circumstances of the case to have been such as have been stated by the honourable gentleman, in consequence of his not answering him."†

Motion made for production of the Award:—Lord Palmerston resists it.

* The first despatch of February 9th, as has already been stated, did not reach its destination until two months and ten days after the day when it is assumed to be dated. There were, connected with the substance of that despatch, reasons for supposing that this delay had not been accidental, and that the despatch had been post-dated, or that its transmission had been postponed. It is not unlikely that the interest which had been manifested, even by one Member of the House of Commons, was a motive for hastening this first communication.

† The discussion in the House of Commons on the 14th March, appears to me to be so important, that I have given it in the Appendix. I have also added two subsequent discussions, including all that transpired in the House of Commons during this prolonged negotiation.—See Appendix, pp. vii-x.

False statement
of the case. Mo-
tives of such
statement.

His assumption, that the (correct) statement of the case was false—his throwing himself upon the confidence of the House, in his Ministerial capacity, to avert the expression of that decision which the English Government had in reality taken—can leave no doubt as to his having then deliberately formed the plan of setting aside that decision; and of his having, from the earliest hour, commenced a systematic suppression of the truth, and falsification of the facts; thereby to be enabled to carry this purpose into execution, and bewilder and mislead opinion after it was effected.

The conception of such a scheme might be considered heroic, were it not that the perfect ease with which it has been executed, and the complete delusion with which it has been followed, shows that facilities so great must have been calculated upon. In a degraded age, not even crimes can have the character of grandeur.

The effect upon the United States, of language like that used in the House of Commons, by a British Minister,—language repeated again with an interval of five years,—it is needless to point out or to comment upon. The purpose for which it was intended, was realized; and into the official documents themselves, strange to say, has slipped the evidence of its effects.

Sir John Harvey thus writes to Lord Glenelg:—(1837.)

Ld. Palmerston's
language in the
House leads to
outrages by the
State of Maine.

“ I will take care to keep your Lordship and Her Majesty's
“ Minister at Washington, promptly informed of all that may occur
“ connected with these vexatious proceedings; to which I have
“ been assured that some (doubtless wilful) misconception on the
“ part of the people of Maine, of a declaration imputed to Lord
“ Palmerston, in his place in the House of Commons, some months
“ ago, if it did not actually give rise, yet is believed to have given
“ an increased degree of confidence on their part.”

PART V.

COURSE OF NEGOTIATIONS SUBSEQUENTLY TO THE REJECTION OF THE AWARD BY THE UNITED STATES.

"BESTIR THYSELF IN ANY THING, RATHER THAN STAND IDLE."

Hesiod (as quoted by Socrates, and reported by Zenophon.)

The Award is thus at length rejected by the United States! —What was now to be done?—The question could not solve itself. Events could not occur, to alter or to modify circumstances thus intractable: time could not change interests thus opposed. Stipulations, conventions, commissioners, negotiations,—had, over and over, been tried in vain. Judgment itself had been discarded with indignity and contempt. Still, it was impossible to discard that judgment, and yet to appear to do nothing. We will now trace the course of the subsequent interchange of proposals, which, it is to be assumed, were honestly entertained by the proposers, and believed capable of effecting a more advantageous settlement than the Award which they had rejected.

On the 21st July, 1832, the United States announce to Great Britain, in the most summary manner, the rejection of the Award, and propose a new negotiation. This is the first communication of the United States. Sir C. Vaughan is then sent back. He is instructed to assent to the rejection of the Award—to assert the conviction of the British Government, "that it is *utterly hopeless* to attempt to settle the question by a new negotiation"—and to assure the American Minister, "that upon receiving satisfactory explanations, they will enter upon the new negotiation in the most friendly spirit and the most sincere desire, &c." An interchange

Award rejected.

American proposal of 1832.

Sir C. Vaughan sent back. Instructed to admit the rejection:—to declare further negotiations hopeless:—

To assert the readiness of the British Government to negotiate.

then ensues of long, involved, and fruitless notes. Sir C. Vaughan is now allowed to discuss ; he is suffered to exhibit the valuelessness of the propositions, and the groundlessness of the hopes of adjustment. Mr. Vail, (in the mean time), in London, on the invitation of Lord Palmerston, advancing the very points that Sir Charles Vaughan, at Washington, is left to contradict.

This negotiation occupies the year 1833.

The first discussion of the American proposal, occupies the year 1833, and eighteen folio pages of the produced papers.—The third annual Presidential Message comes round, without any notice of them being deigned by Lord Palmerston, and, as usual, his despatch arrives after the Session has opened. The American Government, with the most perfect coolness, assert:—“These difficulties arise from a denial of the power of the General Government, under the constitution of the United States, to dispose of any portion of *territory belonging to either of the States composing the Union.*” Hence all negotiation was vain ; and this single statement must instantly have put an end to all discussion, had there been any real object in debate.

To this Sir Charles Vaughan replies :—

“The undersigned will lose no time in submitting the proposition made by the Government of the United States to His Majesty’s Government ; as the President, it appears from Mr. M’Lean’s letter, is not authorized, after the recent proceedings in the Senate, to agree upon a conventional line of boundary, without the consent of the State of Maine ; which it is not probable would be given, while there remains a reasonable prospect of discovering the line of the Treaty of 1783.”

Sir Charles Vaughan however remonstrates thus with his chief, in transmitting the American note—

“To admit the pretensions of Maine, would be to allow the effects of the Treaty to be construed entirely to the advantage of the United States.” “It is surely therefore for the two Governments to remedy any defects in the original contract, and to carry it into complete execution, without reference to the pretensions of any particular State.”

“It is utterly impossible to establish a division of the disputed Territory according to that Treaty, and yet we are assured that certain insurmountable constitutional difficulties must restrict the Government of the United States to treat only upon that basis.

“At the time when His Majesty’s Government is called upon to deliberate upon the only deviation from his restrictions which the President feels himself authorized to make, I cannot refrain from submitting to your Lordship these observations, upon the pretensions of Maine which have imposed restrictions upon the powers of the executive directed to settle this question, and upon the hopelessness of arriving at any satisfactory result, if we are to adhere to the letter of the Treaty.”

And all this takes place in the face of the prescriptive jurisdiction of Great Britain, over the disputed Territory! Sir Charles Vaughan says—

“The rejection of Mr. Livingston’s proposition, and the impossibility of engaging the Government of the United States to treat for a conventional line, must have the effect, I presume, of leaving the disputed territory in the possession of His Majesty, unless it should still be left at the option of this Government to acquiesce in the boundary *suggested* by the King of the Netherlands.”

Negotiation
of 1833.

Observe, in the term “suggested,” the departure from the term *decision*,—hitherto employed by Great Britain.

Adoption by Gt.
Britain of the lan-
guage used by the
Americans.

The new proposal brought out by this process is—a *project of negotiation without a prospect of a settlement*—only as a means of overcoming supposed “constitutional difficulties.” The rights of Great Britain are thus made to depend on the option of the United States:—the Minister of England, who sanctions the existence of a fleet of fifty pennants within ten days’ sail of London, on the ground of a Russian review, prepares to justify the aggressions of America on our North American Colonies, by the “constitutional “difficulties” of the United States.

The new proposal is, that Commissioners be appointed to settle “*a line, deviating ONLY from the defective description in the Treaty of 1783, by permitting a search for highlands, in any direction westward of the line due north from the St. Croix laid down in that Treaty.*”

To deviate from a treaty in one point, is to invalidate it in all; for it cannot be deviated from, in any respect, excepting by an authority that extends to all. The pretence for rejecting the Award of the King of Holland was, that it had departed from (it was assumed) the terms (as were assumed) of the Treaty of 1783.

This is met by a counter proposal on the part of Great Britain, conveyed in two despatches, dated December 21st, 1833; wherein Lord Palmerston proposes the adoption of seven of the grounds of decision contained in the Award of the King of Holland, while agreeing to reject the conclusions to which they lead. Not content with this, he now reasons against the Award he had before adopted, and proposes a new negotiation;—after having declared any new negotiation “utterly hopeless.”

In his second Despatch of the same date, he virtually admits the pretended “constitutional obstacles” on the part of the United States, by entering into a discussion on the subject.

Proposals and
refusals of 1834.

The arguing of these propositions occupies another year; and then comes the periodical despatch of Lord Palmerston for the year 1834. It is dated October 30, and concludes thus:—“*His Majesty’s Government having once submitted this point,*”—[the question of the Atlantic and St. Lawrence rivers,]—“*in common with others, to the judgment of an impartial arbitrator, by whose award they have declared themselves ready to abide, they cannot now consent to refer it to any other arbitration.*”

Of what use is saying that he will not refer to another arbitration, when he never has exacted the execution of the decision which resulted from the first?

Proposals and
refusals of 1835.

The notes continue to be exchanged; and on April 28th, 1835, the American Secretary of State proposes another new Commission, which is replied to by Lord Palmerston on the same day in 1835 as his despatch of the previous year. The following are specimens of the communications, and of the negotiators:—

Specimens of the
Negotiations.

“The President has derived a satisfaction proportionate to his deep sense of its importance, from the success which has attended the past efforts of the two Governments, in removing existing, and preventing the recurrence of new, obstacles, to the most liberal and friendly intercourse between them.”

Lord Palmerston, on the 30th October, 1835, says,—

“His Majesty’s Government have observed with the greatest pleasure, during the whole of the communications which of late have taken place on this question, the friendly and conciliatory spirit which has been manifested by the President of the United States; and they are themselves equally animated by the sincerest desire to settle this matter by an arrangement just and honourable for both parties.

“His Majesty’s Government are fully convinced that if the repeated attempts which they have made to come to an understanding on this subject with the Government of the United States, have not been attended with success, the failure of their endeavours has been owing to no want of a corresponding disposition on the part of the President, *but has arisen from difficulties on his side over which he has had no control.*

“The time seems, however, now to be arrived, when it has become expedient to take a review of the position in which the discussion between the two Governments stands; and by separating those plans of arrangement which have failed, from those which are yet susceptible of being adopted, to disencumber our future communications *of all useless matter*, and to confine them to such suggestions only as may *by possibility* lead to a practical result.

“His Majesty’s Government, on receiving the Award of the King of the Netherlands, announced, without any hesitation, their willingness to abide by that Award, *if it should be equally accepted by the United States.*”

The acceptance, or the non-acceptance, of the American Government, formed no part of the decision of England. The decision of England was absolute—it was never stated in any way to be contingent on any view or measure, policy or act, of America. Who ever heard of the acquiescence of both parties, after judgment, being required to make it binding? They bound themselves before judgment, solely with the view of over-ruling resistance. If the adoption of an Award were optional, who would submit differences to an arbiter—who would arbitrate? The proposition is so preposterous, that it requires but to be pointed out, to display the character of the whole transaction; and this passage alone, if it was the only one published, could leave no doubt as to the intentions of the principal actor. But the statement is moreover false: Lord Palmerston, in October, 1835, dares—what he did not dare in 1831; and, confident of the incapacity of the men with whom he has to deal, he asserts in 1835, that the monstrous proposition he gives utterance to then, had been already uttered in 1831. The opposition having been some months in office, and become committed, he could now proceed with greater decision.

The terms, explanatory of the proceedings, have been used by Lord Palmerston himself. The communications were “all useless matter,” and contrived so as not to lead by any “possibility to a practical result.” He continues:—

“But their expectations were not realized. The Senate of the United States refused, in July, 1832, to subscribe to the Award; and during the three years which have elapsed since that time, although the British Government has *more than once declared* that it was *still ready to abide by its offer to accept the Award*, the Government of the United States has as often replied that on its part that Award could not be agreed to.

“The British Government must now, *in its turn, declare*, that it considers itself, by this refusal of the United States, *fully and entirely released from the conditional offer which it had made*, and you are instructed distinctly to announce to the President, *that the British Government withdraws its consent to accept the TERRITORIAL COMPROMISE RECOMMENDED by the King of the Netherlands.*”

Then comes a refusal to accede to the proposal of the President; after that, Lord Palmerston makes a counter proposal:—he suggests

British proposal
of a partition.—
1835.

treating for a new conventional or partition line, which “His Majesty’s Government conceive that the natural features of the disputed Territory would afford peculiar facilities for drawing.”

The King of the Netherlands gave to England one-third, and to America two-thirds. The division would have taken one-fourth from the American share, and added one-half to that of Great Britain: if the United States refused to accept so favourable a proposition, Lord Palmerston was perfectly safe in proposing a partition.

British proposal
rejected by the
United States.—
Counter proposal
rejected by Eng-
land.

This proposal is rejected by the United States, who re-propose the River St. John as boundary. This in turn is rejected by England. The United States require to be put in possession of the specific mode of appointing Commissioners according to the previous proposition of Great Britain; promising, when put in possession of such information,—“*a reply*”!

A new Minister then arrives.—He is left without any communication from Lord Palmerston for eighteen months. Twenty-five months after his former despatch, Lord Palmerston writes:—

“*Viscount Palmerston to Henry S. Fox, Esq.*

“ Sir,

“ *Foreign Office, November 19, 1837.*

Negotiations of
1837.

“ *Various circumstances have hitherto prevented Her Majesty’s Government from giving you instructions with reference to the negotiation with the United States, upon the subject of the North-eastern Boundary. Those instructions it is now my duty to convey to you.*

“ I have accordingly to request that you will express to the Government of the United States the sincere regret of that of Great Britain, that the long continued endeavours of both parties to come to a settlement of this important matter, have hitherto been unavailing; but you will assure Mr. Forsyth, that the British Government feel an undiminished desire to *co-operate* with the Cabinet of Washington, for the attainment of this object of mutual interest; *and that they have learned, with great satisfaction, that their sentiments on this point are fully shared by the existing President.*

“ The communications which, during the last few years, have taken place upon this subject, between the two Governments, *if they have not led to a solution of the questions at issue, have at least narrowed the field of future discussion.*

“ Both Governments have agreed to consider the Award of the King of the Netherlands as binding upon neither party; *and the two Governments therefore are as free in this respect as they were before the reference to that Sovereign was made.*”

Before this composition has traversed one-half of the Atlantic, the President (the agitation in Canada having commenced), expresses himself to Congress in the following strain:—

“It is with unfeigned regret that the people of the United States must look back upon the abortive efforts made by the Executive, for a period of more than half a century, to determine, what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other Powers. It is not to be disguised that, with full confidence often expressed in the desire of the British Government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the Treaty of Peace in 1783.”

During the course of these anomalous negotiations, not less anomalous were the practical relations of the two Powers.—The neighbouring American states, invited to aggression by the conduct of the English Government, the language of Lord Palmerston in the House of Commons, and the bearing of the British Minister at Washington: while the tone of the Colonial Minister maintained confidence among the British Colonists, and the Military Governors of these Provinces “asserted and maintained” *at all hazards*,* the prescriptive rights of jurisdiction of the British Crown. It is needless to dwell upon the effect of this excitement upon the public mind of America; and the evidence afforded even by the parliamentary papers suffices to show that this excitement had its immediate cause in the language used by Lord Palmerston in the House of Commons.

Excited state of the Provinces locally interested, in high contrast with the diplomatic tameness on the question.

While the Foreign Office carefully abstains from any decision, or from any act, in connection with these outrages, a very considerable amount of importance is given to them, in the apparent negotiation between the two States, to which they give rise. The aggressions of Maine, which are detailed in Part III, and which were made so powerfully to tell upon the rejection of the Award, never called forth any expression of opinion whatever upon the part of Lord Palmerston. These outrages, (with a dispute about the cutting of timber, two years afterwards), were, however, the only positive measures of aggression resorted to by the United States, until the approach of the troubles in Canada. In regard to these aggressions on the disputed Territory, there is a singular exhibition of unavailing activity and idle business; giving rise, for the time, to an appearance of zeal for the public service, and leaving behind a mass of utterly useless matter, well calculated to repel any inquirer. Between the 4th of October, 1831, and the

* Sir Archibald Campbell.—January 20, 1834.

4th of March, 1834, seven communications were addressed by the Governor of New Brunswick to the British Minister at Washington; to these, there are three replies. There are seven communications from the Minister at Washington to the Secretary for Foreign Affairs. There are twelve notes exchanged between the British Minister at Washington and the American Secretary of State. Besides these twenty-nine diplomatic papers, there are a host of documents,—statements, declarations, affidavits, and public acts,—occupying in all twenty-six folio pages; and of which Lord Palmerston takes not the slightest notice, and from which no result of any kind appears.

Outrage in Lower
Canada. Fifty-
five communica-
tions thereupon.

I cannot help adding another specimen of this diplomatic intercourse. Mr. Bankhead transmits to the Foreign Office, on February 21st, 1836, an account of an assault, committed by the inhabitants of the State of Maine, in the territory of Lower Canada, in October of the previous year; “the scene of which,” says Lord Gosford, “was not in the disputed territory.” In this despatch there are nineteen inclosures, and they occupy twenty-four folio pages. Neither Lord Palmerston nor the American Secretary seem to take any notice of the communication. However, on the 12th of January of the following year, the American Secretary replies by a few lines, enclosing thirty-three documents, in contradiction and reply! These occupy twenty-six folios. This correspondence occupies fifty folio pages, and ends with a despatch from Lord Palmerston, who, after twenty-two months’ delay, writes thus to Mr. Fox, on the 22nd of July, 1837.

“With reference to your despatch of the 25th of January last, relative to the outrage that was committed in October, 1835, within the Canadian Frontier, by certain citizens of the State of New Hampshire,—*I have to instruct you to point out to the American Secretary of State, the unjustifiable violation of territory indisputably British, which was committed on the occasion referred to; to express a conviction that such an act must incur the disapprobation of the President; and to say that, if it has not been punished, its impunity must have arisen from some insurmountable difficulties of constitutional action.*”

It is a novel procedure in diplomacy, to suggest an excuse for an injury as the means by which redress is to be obtained! To advance an hypothesis in an irrelevant matter, and to cast an imputation on the constitutional character of an independent State, has,

I believe, been hitherto unheard of in international correspondence. So complete a displacement of the question at issue—so entire a departure from the forms of the subject and the style of the office—so artful a leading away of the mind of the reader from the intention of the writer, and from the effect of the communication—could not have fortuitously presented themselves to the writer's mind; nor could ideas so disjointed, and propositions so unnatural, have been brought together in a single phrase, except by an ominous concert of ability and design.

It will have been observed that throughout these negotiations, England practically held the whole question in her hands; that the prescriptive and recognized jurisdiction over the disputed territory was vested in her, and formally established. One of the principal objects of the outrages that were committed on the northern frontier, and of the specific and public acts of the Representatives of the State of Maine, appears to have been the confusing and invalidating of this right and of this jurisdiction on the part of Great Britain. It is upon this point that the warlike proceedings, the intelligence of which has recently reached this country, entirely hinge. Until the Award of the King of Holland is carried into effect, this is the only point upon which any difference can by possibility arise. This question is of the deepest importance, therefore, as being the end to which (if design there be), all these complications are directed; and to which, at all events, they tend. Unless this right is confused, it cannot be set aside; and if not set aside, the non-settlement of the question leaves the disputed territory in the hands of Great Britain.

Jurisdiction in the disputed territory, vested in England.

The first attempt against the jurisdiction of the British Crown took place in 1831, for the purpose which we have seen. That being accomplished, no further movements were attempted until the end of 1837; when, (according to the opinion of the Governor of New Brunswick,) the State of Maine proceeded to violent measures with a view to fomenting the troubles in Canada.

Attempt of Maine in 1837, to exercise jurisdiction, connected with movements in Canada.

In a report of the Committee of the House of Representatives of the State of Maine, 2d February, 1837, we have the following:—

“We come now to the recent transactions of the British Colonial authorities, sanctioned, as it appears, by the Government at home; and we regret to perceive in them also those strong

“indications of continual and rapid encroachment, which have characterised that Government in the whole of this controversy. Mr. Livingston, in his letter of July 21, 1832, proposes that ‘until the matter be brought to a final conclusion, *both parties should refrain from the exercise of jurisdiction,*’ and Mr. Vaughan, in reply, (of April 14, 1833,) on behalf of his Government, ‘entirely concurs.’—Here then the faith of the two Governments is pledged to abstain from acts of jurisdiction until all is settled.”

Jurisdiction in
the disputed terri-
tory discussed.

The passages referred to are as follows:—“Until this matter,” says Mr. Livingston, “shall be brought to a final conclusion, the necessity of refraining, on both sides, from any exercise of jurisdiction, *beyond the boundaries now actually possessed,* must be apparent, and will no doubt be acquiesced in on the part of the authorities of His Britannic Majesty’s provinces, as it will be by the United States.”

Sir Charles Vaughan replies:—“His Majesty’s Government entirely concur with that of the United States, in the principle of continuing to abstain, during the progress of the negotiation, from *extending* the exercise of jurisdiction *within the disputed territory,* beyond the limits within which it has hitherto been usually exercised by the authorities of either party.”

Here, first, is to be observed, the flagrant perversion of truth, even in quoting public documents, by the representative of a (so styled) Sovereign State; and this with perfect unanimity, leaving no ambiguity as to the character of the men or their proceedings. The exhibition of such lawlessness and rapacity—of such cunning and dishonesty, pervading the whole mass of a neighbouring Province, is a melancholy and alarming prospect for England. But are not these dispositions, and this immorality, the result of her own pusillanimity and misconduct?

We have further to observe, in the extracts from the diplomatic correspondence, the art with which Mr. Livingston displaces the question. To propose to refrain from extension of jurisdiction beyond the boundaries actually possessed, was to propose that which was absolute nonsense. To extend jurisdiction, beyond the bounds possessed (put for established) would be aggression—crime—hostility. The object of the passage is, to convey the existence of coequal rights of jurisdiction; but, protecting himself at once

against detection of the aim, and the recoil, in its failure, of this insidious attempt, the American Secretary carefully avoids any designation of the district wherein it is proposed that such co-ordinate forbearance should be exercised.

After nine months, the English Minister replies, in the words of Lord Palmerston's despatch of February 25, 1833, "The English Government entirely concurs in the principle of abstaining from extending the exercise of jurisdiction";—that is, from violence and hostility, the region of which he allows no longer to remain indefinite and indistinct; he boldly sets down the words—"within the disputed territory"! He thus crowns with success the furtive phrase of Mr. Livingston, and raises the United States into coequal rights of jurisdiction in that territory with Great Britain; as if, indeed, he had "nothing at all at heart, but the good of mankind, and the putting a stop to mischief." But even eight years of falsehood and deception have not sufficed to efface all evidences of the truth, nor have all the public servants of the Crown, connected with these transactions, received the impression which the Foreign Secretary has so laboured to stamp upon them.

In 1835, Lord Palmerston having been for a while removed from the Foreign Office, Sir C. Vaughan* addresses to Downing Street a clear and distinct statement upon the subject:—"As no part of the disputed territory has ever been withdrawn from the sovereignty of Great Britain, in consequence of the defective description of the line of boundary in the Treaty of 1783, American citizens cannot have acquired, justly, a title to any lands, from the State of Maine, or of Massachusetts, as asserted by Mr. Lincoln; and there cannot be any pretence for disputing the uninterrupted exercise of jurisdiction over that territory by the British authorities of New Brunswick."

* The Diplomats and the Statesmen, conversant with this subject,—are:—

The two gentlemen who prepared the Case;—MR. ADDINGTON, SIR STRATFORD CANNING.—*Disgraced.*

The Minister, acquainted in detail with previous negotiations at Washington;—SIR C. VAUGHAN.—*Unemployed — quasi Disgraced.*

The Minister for Foreign Affairs, when the Convention of 1827 was proposed;—LORD ABERDEEN.—*In Opposition; — THEREFORE—"An Enemy."*

The Negotiator of that Convention.—LORD GLENELG;— . . . —*Removed, in time, from the Cabinet.*

Whatever light these individuals may possess,—and I do not know that any one of them has suspected Lord Palmerston's motives,—they are thus put out of the way:—their opinions treated as those of public or "personal enemies."

Sir Archibald Campbell, on the 20th of January, 1834, says :
 “ I am most happy, however, to find that it is not contemplated [by
 “ the Americans] to make any further attempts to exercise the
 “ rights of sovereignty within the conventional frontier. Our
 “ provisional rights of jurisdiction and of occupancy have been
 “ too frequently, *and at all hazards* [sic], asserted and maintained, to
 “ leave any doubt as to the course we must again pursue, if the
 “ construction of this road be persevered in, or other encroachments
 “ made upon the lands in question.”

British jurisdic-
 tion in disputed
 territory contested
 by America.

In November, 1837, the British Minister at Washington, speaking of the opinions of the American Secretary of State, uses these words:—“ *Acquiescing, to a certain extent,—reluctantly and
 “ doubtfully,—in the claim of Great Britain to exercise jurisdiction
 “ within the disputed territory until the Boundary question shall
 “ be adjusted ; and conceding this point only so far as to recognize
 “ the British jurisdiction as resting upon an ‘ arrangement,’ and an
 “ ‘ understanding,’ and not upon a right.*”

Having no instructions, and guided only by the above-quoted opinion of Lord Palmerston, in his despatch of February 25, 1833, (which was an admission of the first step of the American Government in this matter)—what could Mr. Fox do, save, like his predecessors, assent to whatever was stated, yield whatever was contested, and learn whatever he was taught!

Right of jurisdic-
 tion unequivocal.

The question of jurisdiction in the disputed territory, was as distinct and clear a point as the Sovereignty of the Crown in the British dominions. It could admit of no doubt—of no equivocation. That Mr. Fox should be left in the predicament of not knowing what to reply—that he should have suffered the equivocations of the American Secretary—would seem to show that the diplomatic service is incapable of transacting any business, however trivial, or settling any point, however clear. If so, it had better be done away with. Power uncontrolled—authority unchecked—cannot long exist without destructive effects on the interests of those who entrust, and on the character of those who are entrusted.

In the question of jurisdiction, then, as in each other branch of the subject, Lord Palmerston has done nothing to refute unsound arguments, or to resist unjust claims; on the contrary, he has invited the advancement of claims, in opposition to the rights he

was commissioned to defend,—he has suggested arguments destructive of the views he pretended to advocate.

In summing up the negotiations from the year 1831 to 1837, I have reserved the important question of the navigation of the St. John for separate notice. When, in October 14th, 1831, Lord Palmerston hinted at negotiation, and at a system of compensation as a substitute for the adoption of the Award, he must have had in view the certainty of an instantaneous demand from the Americans, of the navigation of the St. John. The navigation of the St. John, and that river as a frontier, was the original claim of the United States; the abandonment of that claim on their part, was the only occasion on which a point advanced by America had not been secured, or a pretension put forward had been withdrawn. To whisper, therefore to the United States, the word “negociation,” was to say:—“Re-assert your claim to the St. John.” No sooner does Mr. Bankhead, in fulfilment of his instructions, whisper negociation, than the claim to the St. John is re-asserted! That such was the necessary result of Lord Palmerston’s proposal, is too clear to admit of any object in proposing it, save that which was obtained by its proposal: but that such was his object, is established by the terms in which he replies to the proposal. He pretends to reject it; but in such terms as in reality to adopt it, and establish it as a claim against Great Britain:—

As to the navigation of the St. John’s river.

Question of the River St. John admitted as a subject of negociation by Great Britain.

“It will be impossible for His Majesty to admit the principle upon which it is attempted to treat these two questions as necessarily connected with each other. Whatever might be the eventual decision of His Majesty upon the latter question, if treated separately, and whatever may be His Majesty’s disposition to promote the harmony so happily subsisting between the two countries, by any arrangements which might tend to the convenience of the citizens of the United States, without being prejudicial to the essential interests of his own subjects, His Majesty cannot admit any claim of right on the part of the citizens of Maine to the navigation of the St. John, nor can he consider a negociation on that point, as necessarily growing out of the question of Boundary.—February 23, 1833.

By refusing to admit this claim as *necessarily* connected with the Award, he *does* admit it, as standing alone. He *does* admit it, therefore, not in a relative, but in an absolute manner; he *does* admit it—not as a contingency, a consequence of negociation already undertaken, of principles already in dispute; he admits it as a thing distinct—as a new original—as springing from a sepa-

rate source—as flowing from a one-sided faculty, to exact, and not to bargain, and involving therefore, if it means anything at all, superiority of right or of power,—resting the right to exact on inability to resist.

But, it may be asked, what were the Colonial interests about, all this while? If the House of Commons and House of Lords were negligent in such matters, if the Colonial Legislatures had no representative in England, if public opinion was dead to every question beyond those which touched the selfishness of its local passions,—could the commercial community remain ignorant of such proceedings, or indifferent to them? The commercial community is divided, unorganized, possesses no attributes, performs no functions, has no distinct existence in the State. But the Corporation of the great Metropolis of the Empire? It has nothing to do with national questions. Then, at all events, the Chamber of Commerce of London? No such body exists! There was no associate body in the country, conceiving itself to be at all interested or to have any right to interfere in the matter of the North-East Boundary, excepting the North American Association, who having heard something of the right of navigation of the St. John being drawn into the negotiation, became alarmed. They sought an interview with a Minister of the Crown upon this diplomatic question. The interview was *not*, however, with the Minister who alone was the manager of these matters. They expressed their apprehensions to Mr. Stanley, then Secretary to the Colonies, and received from him the emphatic assurance that the claim to the navigation of the St. John had been “peremptorily negatived” by His Majesty’s Ministers.*

Lord Palmerston denies, through the Colonial Secretary, the existence of negotiation as to the St. John’s River.

Thus had Lord Palmerston practised a deception on the Colonial Minister, and rendered the colonial department effectively subservient to the prosecution of his views.

Lord Palmerston and the United States’ Government combine to disguise and perplex the question.

And what is all this negotiation about? Nothing,—absolutely nothing! That America aimed at gaining advantages is clear: but the disposition to do so was prompted by the occasion. It did not appear in the early stage of the proceedings. When she did articulate pretensions, so groundless were they, so inadequate her means, that it would be futile to imagine that the end she sought, or the

* See Report of the North American Association for the year 1833.

advantages she gained, had their origin elsewhere save in the support of the British Minister. The Americans, when dealing with an honest Minister, have shown sufficient dexterity in perplexing and confusing questions; but what must not be the results in confusion, of concert between them and a dishonest and dexterous man, whose power and ability, from the hour of his committal to this fatal line, *must* have been exerted to disguise every step, however simple, and to confuse every question, however insignificant,—in order to make himself necessary, and thus secure that tenure of office which was requisite to prevent detection. What have been the results of their joint labours? The complete bewilderment of the House of Commons; the complete perversion of the public mind. One man—an English Minister, at once the tool and the strength of foreign ambition, holds in his hands the parliamentary majority of his party, the subserviency of his opponents, the apathy of the nation, and the support of every foreign power that has aught to dread in England's strength, or any thing to covet in her weakness. His colleagues are his dupes: the various departments of the State, his instruments; the Colonial Minister speaks at his bidding; the Horse Guards disposes of the military—the Admiralty, of the naval force, at his command; his words in the House of Commons lull the nation into indifference, and at the same time arouse the border population of America to aggression. The firm bearing of the Colonial Governors prepares for the collision, which their weakness in military force invites; while he himself, in his own immediate department, can put falsehoods into the mouth of England—sanction hostility—inspire the spirit, and suggest the pretext, of aggression.

These may be strange sounds, and startling thoughts, but they are facts: and you have the proofs before you.

But why refer to these minor things. Has not this man spoken falsely in the name of the Sovereign of England? Has he not abrogated a national Treaty, and cast to the winds a solemn Award, after its adoption by the Crown? Has he not done this of his own will, for his own purposes; by his own act, for his own behoof? The Crown and the Parliament have submitted, in silence and in ignorance, to his assumption of their prerogatives, and to the exercise of them for the violation of the Sovereign's faith, and the prostration of the Nation's power.

Control of the Foreign Minister over the Administration, the Parliament, and the Nation; and concert with Foreign Powers.

Foreign Minister assumes the prerogative of the Crown.

Objections to the Award of the King of Holland.

First Objection.—That the Award was not pronounced according to the Authority given.

Reply.—The Award is in strict conformity to the authority given. The Arbiter was authorised to decide on all and every subject of Boundary which had arisen, or could arise. And the Award, when rendered, was to be carried, without reserve, into immediate effect.*

Second Objection.—That the decision was not in conformity to the Treaty of 1783.

Reply.—The “differences” had reference to the interpretation of the Treaty (of 1783). If the parties had agreed in the interpretation of that Treaty,—no reference would have taken place.

The terms of the Treaty of 1783 contain a description of localities, † admitted by both parties to be incorrect. The Treaty of Ghent, and the Convention of 1827, in stipulating a reference to arbitration, did so to remedy recognized defects: that they existed, was the ground of the arbitration: that the arbitration should be final, was the object of the compact.

The terms of the Treaty of 1783 have been infringed. The frontier of the Mississippi, secured by it to England, has not been given to England:—that Treaty is therefore invalid, and binding in no part.

*Terms of Submission.—The two Powers request of the King of Holland, “that he would please to take upon himself the arbitration of their differences.” See also Convention of 1827, Treaty of Ghent, (Appendix.)

† Probably the difficulties in regard to the Treaty of 1783, have arisen from the substitution of the word “North,” for the word *West*, from the source of the St. Croix. That is the common sense direction of the Boundary; and it would avoid the difficulties of intermediate waters between the St. Lawrence and the Atlantic. An indicative, but unlettered line, in Mitchell’s Map, seems to confirm this idea.

In the same Article of the same Treaty, a line is directed to be drawn due West from the North-west point of Lake Superior, to the Mississippi,—the Mississippi lying *South* of that point.

The men employed by America in the negotiating of that Treaty, were Franklin and Jay.—The negociator on the part of Great Britain was Mr. Oswald,—a man utterly ignorant of the subject, and wholly unfitted for the undertaking.

The American Government has proposed, since the rendering of the Award, a new negotiation, on the basis of departure from that Treaty.

Therefore, objection to the Award of the King of Holland on the pretext of inconformity with the Treaty of 1783, is unfounded,—is the reverse of the truth,—is frivolous,—is not acted on or believed by the Government of the United States.

Both objections are utterly contemptible; and the admission of either for a moment, would render the diplomatists on the British side (on the supposition of integrity) so obnoxious to reproach and contempt, as to be committed to America, and against this country, through the dread of exposure.

These pretexts were originally put forward by a single State, and by a few interested individuals. Repeated, year after year, without contradiction,—they came to be admitted and acted upon by the American legislature. By the very dishonesty of the grounds assumed—by the very absurdity of the arguments advanced—has the determination to enforce their pretensions on England's weakness become fixed and resolute. Thus, the perversion of language (the source of all human disaster), has equally degraded and disgraced the American State, and British diplomacy.

The negotiations, in the parliamentary papers, extend over six years. They commence from the receipt of the Award of the King of Holland, and its adoption by England; that is to say, from the settlement of the Boundary Question: and they are directed to unsettling that Question,—by violating the Award, and reversing the decision of Great Britain.

The communications from Downing Street may be summed up as follows:—

In 1831,	the Award was,	by Lord Palmerston,	{	<i>adopted—</i>
				<i>announced.</i>
In 1832,	„	„	„	<i>—forgotten.</i>
In 1833,	„	„	„	<i>—relinquished.</i>
In 1834,	„	„	{	<i>reproposed—</i>
				<i>superseded—</i>
				<i>re-asserted.</i>
In 1835,	„	„	„	<i>—abandoned.</i>
In 1836,	„	„	„	<i>—forgotten.</i>
In 1837,	„	„	„	<i>—cast away.</i>

The Project of a New Commission.

The project of a new commission is the accomplishment of the transactions which have been exposed. But this project will now no longer be the secret deed of a Minister—with this, at least, to say—that he staked his head upon the die. Now, it will be the act of the Nation. No “Ministerial capacity” (responsibility) stands any longer between these transactions and the light of day. On the nation therefore, and its representatives, will now lie the responsibility of this new and public violation of national faith—this outrage on common sense,—a new commission—to find, what is known not to exist—to interpret, what is recognized to be void of sense—and to execute, what is admitted to be impracticable.

The object of the new proposal is of course the same as that to which the previous negotiations have been directed. By it the Parliament will be formally committed. Suspicion in the nation, and interest on the subject, will be laid at rest; while the warlike disposition of the United States will be kept up and increased. Thus will measures be matured with equal progression in the East and in the West: and, when India is ripe for insurrection, Persia prepared for assault, Alexandria for revolt, Constantinople for occupation,—(and with frightful rapidity do those fates approach),—then will be determined at St. Petersburg the mode and the moment of our war with America.*

* On the occurrence of the events in Maine, which have directed the attention of England, for the first time, to this subject, the eyes of every one at Washington were turned to the Russian Mission. The American newspapers in which I read the account of the proceedings in Congress at the close of the Session, had given a full half of their columns to the details of the festivities at the Russian Embassy—and to the mutual hospitalities of the Burghers of New York, and the officers of the French Steam Frigate *Veloce*—who received the honour of American citizenship. Meanwhile, the Governor of New Brunswick speaks as a soldier ought;—the Minister at Washington as,—alas!—British diplomatists are now taught to speak. The first declares his determination and obligations, “at all hazards,” to resist aggression:—the second, begs the American Government to yield—implores the Governor of New Brunswick to withdraw—declares England to be wholly unprepared for War with any one, far less with the United States. And, in character with the remainder of these proceedings, the Secretary of Legation is publicly stated in the newspapers to have asserted that the Governor of a British province had exceeded his instructions; and that he would be recalled.

PART VI.

RECAPITULATION—VIOLATION OF NATIONAL COMPACT— BETRAYAL BY THE FOREIGN SECRETARY OF THE PUBLIC INTERESTS—HIS ASSUMPTION OF UNCONSTITUTIONAL POWER—ONLY REMEDY, IMPEACHMENT.

“SUCH A MAN IS A PUBLIC ENEMY, WHO SAPS THE FOUNDATIONS OF THE PEACE AND COMMON SAFETY
OF NATIONS.”—*Vattel, Book ii, Chap. xv.*

Great Britain and the United States are bound, by the Treaty of Ghent, to submit differences respecting the Boundary to an Arbiter, and to be bound by his decision. The peace of those States reposes on that Treaty. To violate it, on any one point, is to abrogate it in all. The violation of the stipulation which renders arbitration final, would be abrogation of all international ties subsisting between those States.

The two Governments have signed a convention, on the 29th September, 1827, executory of the stipulation of the Treaty of Ghent, and binding themselves to accept, as final and conclusive, the Award which the Arbiter should pronounce; and to carry it, without reserve, into immediate execution. This international compact had solely reference to, and was to be fulfilled in, the single act of the adoption of the Award, when rendered.

In conformity with this public deed, and on the faith of these obligations, the King of Holland was requested by the High Parties “to be pleased to take upon himself the arbitration of their differences;” and that prince did so undertake that office.

On the 10th of January, 1831, the King of Holland pronounced his decision.

The King of Great Britain immediately expressed to the King of Holland, his acquiescence in that decision.

The King of Great Britain did not so express to the United States, his acquiescence in that decision.

The United States made no communication on the subject, either to the King of Holland or to the British Government.

In December, 1831, the British Government communicated to the United States the acceptance of the Award by Great Britain, and requested to know what the United States proposed to do.

The United States gave no answer.

In the month of July, 1832, the Senate of the United States advised the President not to accept the Award; and also advised him to open a new negotiation with Great Britain.

Communication to that effect was made in July 21st, 1832.

On April 14th, 1833, after an interval of nine months from the period of the American communication, and two years and three months after the rendering of the Award, the receipt of this communication is acknowledged by the British Government;— the setting aside of the Award, by America, acquiesced in; and a proposal for new negotiations adopted.

On the 29th December, 1835, the English Government signified to the American Government, that it distinctly withdrew its assent to the Award of the King of Holland, which it then designates as a “territorial compromise, recommended.”

From April 1833, to January 1838, sixteen notes are exchanged between the British Minister at Washington, and the American Secretary of State, containing proposals for negotiation—counter-proposals—refusals—and counter-refusals.

On the 10th of January, 1838, the British Minister at Washington receives, from the principal Secretary of State for Foreign Affairs, a despatch containing these words:—“Both Governments have agreed to consider the Award of the King of Holland as binding on neither party; and the two Governments therefore are in this respect as free as they were before the reference to that Sovereign was made.”

Thus—The British Minister had accepted the Award in the name of the Crown; had applied to that Award the anterior treaty stipulations; had signified to the King of Holland his acceptance of it; had signified to the American Government his acceptance

of it. He had not produced it to the House of Commons; he had resisted in his ministerial capacity the production of it in the House of Commons; he had refused to assign any reason for the withholding of it. He had obtained the rejection of it by the American Senate—by an intimation that England was not indisposed to open new negotiations; he had submitted to that rejection: he had acceded to a proposition of a new negotiation; he had himself offered projects of negotiation: he then withdrew the assent of the British Government from the Award altogether, and finally instructed the Envoy at Washington, that both Governments were entirely absolved from all obligations imposed upon them by the Award, and consequently imposed upon them by the Convention of 1827 and the Treaty of 1814.

Further—He had suffered a long series of aggressions against the rights of Great Britain, and the prerogative and authority of the Crown, to be perpetrated without obtaining satisfaction, or demanding it; without making remonstrance, or even communication, to the Government by whose subjects these crimes were committed, until he had encouraged, sanctioned, and fully established, a determined spirit of hostility to the fulfilment of the common obligations of the two States, and until he had diplomatically set aside the rights of Great Britain in that question. He had, moreover, by his positive declarations in the House of Commons, excited the American people and Government to resist the Award, had fomented a spirit of hostility, and encouraged the outrages of the population bordering on the disputed Boundary.

But—The Award of the King of Holland, founded as it is on international compact, remains binding upon this country, and upon the United States, so long as both are not absolved from such obligations by the same authority as that by which they were contracted.

Until such compact is entered into, the proposal of a new negotiation on the part of a British Minister, being an attempt to set aside an act, the fulfilment of a convention, is an assumption of the prerogatives of the Crown. It is therefore illegal, and is not binding on Great Britain.

The public safety requires an immediate inquiry into the conduct of the principal Secretary of State for Foreign Affairs in regard to this question ; and if it appears that by his acts, or his negligence, or even his ignorance, these alarming and unfortuate results have been brought about, then are the means furnished, by which to restore our national position, and to transfer, from the Parliament and the Crown, to the guilty Minister, the responsibility of such acts, by his impeachment and condemnation.

PART VII.

CONSEQUENCES TO EUROPE AND AMERICA, OF THE ABANDONMENT OF THE AWARD.

“THE FAITH OF TREATIES IS INTERESTING, NOT ONLY TO THE CONTRACTING PARTIES, BUT LIKEWISE TO ALL NATIONS, AND TO THE UNIVERSAL SOCIETY OF MANKIND.”—*Vattel*.

If the previous conclusions are correctly drawn from the facts stated in the papers presented to Parliament,—the setting aside of the Award involves the national disgrace and dishonour of Great Britain, and is an act of state treason.

Are the Government and people of the United States desirous to take advantage of, and prepared to profit by, such an act? Are they prepared to ally themselves to the diplomatic scheme of which it is a part?—to associate themselves with treason and dishonour; to become the tools of Russian ambition; and so labour to effect the downfall of Great Britain?

Is England prepared to violate, before the eyes of mankind, her national honour; to sacrifice her rights; to adopt the guilt of a *dishonest* servant; and, by the prostitution of her power, to confirm those gigantic projects of ambition, which tend to place in common jeopardy, her own power, and the liberties of mankind?

Is America in this matter the *originator* of a policy which she has grasped,—or the instrument of an ambition by which she is used?

Is England a party to the proceedings in which she is involved,—or the sufferer from a compact of which she is *ignorant*?

Have *either* of the Nations deliberately examined and thoroughly comprehended the subject in debate; the proceedings of their Governments, or their respective rights and obligations?

Does either comprehend the steps they are now taking—the point to which they are now tending—the policy by which they are now influenced—the objects for which that influence is now exerted ?

These points are more particularly deserving of the attention of America, seeing that she is the aggressive party,—and, though the disasters may be equal to each, the principal guilt of this unnatural alliance will rest with her.

But “no American Statesman,” it will be said, “has contemplated such results ; there is no desire in the American people for such a catastrophe ; their minds are absorbed in the pursuits of gain—their horizon does not extend to the politics of Europe. The general feeling of the Union was in favour of the adoption of the Award, even if it had not been a matter of treaty. It has been set aside by a process of which the nation knows nothing, and in which it was not interested ; and therefore there is no ground whatever for the supposition that War between the two countries must ensue,—still less for the assumption that union of ends, or concert of means, should be introduced or established between our republican institutions and federal union, and the despotic autocrat of a military empire.”

It is precisely because the American nation has not understood the politics of Europe—it is precisely because the American Statesmen have not grappled with this question in its larger diplomatic bearings, nor have penetrated to its individual and moral source—that the United States find themselves at this moment committed,—as they are committed, to a career of which they no more comprehend the conclusion, than they can account for the progress they have made.

But, it is because they have gone so far, without calculation, and without defined object, that the obligation is imposed upon them, as responsible agents, as members of a free State, as originators of a new national type and destiny,—to examine with solemnity the position in which they stand ; to scrutinize the motives by which they are actuated ; to compare boldly the temptations with which they are surrounded, with the consequences with which they are threatened ; and, at once, to make the election between a futurity of justice and of peace, or an existence of injustice and convulsion.

The steps by which America has advanced to the present position of antagonism with Great Britain, have been already traced :— they have not been taken as the result of a fixed resolve—they seem rather unpremeditated, and almost involuntary ; so that her guilt of aggression—as that of England in submission—has been brought about by the art of a British Minister, the enemy no less of his country than of the United States : by the disavowal of whose acts, England and America may at once be restored to amity and goodwill ; the honour of the one, as of the other, retrieved, and the misfortunes threatening both,—averted.

In thus encroaching upon the undefended and unsupported rights of Great Britain, the American diplomatists have followed the natural course of business—the common laws of nature. As the able and the active gain upon the weak and the inert ; as the weight of the solid mass presses upon the slight and yielding substance : so have the American diplomatists gained from their antagonists, and pressed upon their neighbours ; occupied the positions she has abandoned, and disregarded the power of which she was unconscious.

To proceed in this line, required neither concert nor plan ; and the range of their political vision probably never extended beyond personal satisfaction in a supposed trial of strength ; or, at the furthest, an ultimate incorporation of some British provinces, which England might appear to be more disposed to relinquish, than America to acquire.

A larger view, however, of these subjects, presents other elements of calculation, and other results. These are, the inability to resist an impulse given ;—to disguise the fact, or to counteract the effect, of unjust advantages gained on one side, and dishonourable sacrifices incurred on the other : hence the growth of national hatred between the two people ; the advancement of the one to a position which the other will not be able to endure,—by which its patience will be exhausted, and its vengeance aroused ; the consequent collision of the two States, and the employment of the whole resources of the one, for the destruction of the other. Besides, there is the action of the policy of other States upon these animosities, and the prospects of ambition opened to the Great Nations of Europe, in the lowering of the consideration, in the weakening of

the power, in the diminution of the commerce, in the prostration of the maritime strength, of one or other of the Anglo-Saxon Nations; and above all, in their *mutual* animosities and *reciprocal* destruction.

To these calamities both parties are led by the setting aside of the decision of the Boundary question; which cannot be set aside except by a violation of our honour; which, if set aside, would only be so, through the betrayal by a British Minister, of British rights—and through design on the part of the American Government to do what is dishonest, and to gain what is unjust. On this point, let us not deceive ourselves: there is no interval between the adoption of that Award, and the plunging of both nations into a career of animosity and injustice, involving reciprocal disasters, and ending in the certainty of the destruction of one, and probably in the ruin of both.

I therefore now come to the question,—What, to the United States, will be the consequences of entering upon this career?

As, however, they may not feel, in regard to England, the impossibility of her adopting in this matter a middle course; as, by the proposition of Lord Palmerston for a new commission, they may be deceived even now into the idea that England will yield to them the territory in dispute; it may be advantageous to state the grounds upon which I conceive that the submission of England to the progress of the United States northward, must lead to collision with the United States, or to the downfall of the British power,—the greatest possible disaster, as I conceive, that could befall the United States.

These complications have arisen solely from the secrecy in which the question has been involved, from the total ignorance of the subject in the House of Commons, and from the general apathy of the Nation in all questions of foreign policy. There has existed, throughout the British nation, a great regard and profound attachment for the American people; a disinclination to construe any doubtful fact unfavourably to them; an earnest desire to preserve the closest union of political interests, of commercial interchange, and national sympathy.

These elements are now all changed: and whoever has watched the tendency of opinion in England, must have perceived a turn

in its direction,—must be prepared for the setting of a strong tide in a counter sense, and for a re-action, strong, perhaps heedless, in proportion to the tameness and the extent of past endurance.

This, I say, is the feeling arising in this country with regard to its general position; but its recovered energies will be directed most immediately, and with most effect, against the United States' perseverance in its present career. That is the question most immediate, most sensibly touching us; redoubled hate will spring from outraged affections: and retaliation was never yet slow to follow insults cast upon a powerful people in its mother tongue. England will not be more astounded herself at the energy which she will put forth, than America, at the vengeance she will have so heedlessly aroused.

The language of the Provincial Senate of Nova Scotia, and its decision, regardless and careless of the opinions of England, furnish the proof of what I say, and are the earnest of what I prognosticate.

But there is another consideration which will tend in no slight degree to unchain the slumbering energies of England, when we begin to examine our position, and to inquire into the objects, views, and means of the United States: and it is this,—that, while daring our power, and defying our vengeance, she lies completely at our mercy.—But it can admit of no question, and of no doubt, that, if England is aroused to action, the settlement of the North-East Boundary Question remains the only means by which the United States can ward off a storm which must overwhelm her.

But it may be said, the restoration of England to energy, is a mere supposition: England has endured so long, and lost so much, that she has no spirit or mind remaining for the assertion of right or the resistance to wrong. Let us concede that point for a moment, and examine its consequences.

The submission to the abrogation of the Award of the King of Holland is the carrying out of the policy of the present Foreign Minister: it is the accomplishment of the designs of Russia. Now, if, as already stated, the restoration of England depends upon the overthrow of the present fatal system of diplomacy, and the consequent arrestation of the designs of Russia,—it is clear, without going a step further, that to set aside that Award establishes that fatal policy, supports a traitor in the Councils of Great Britain, gives Russia a triumph over England, enabling her thereby to continue

with impunity her aggressions on the British dominions in the East and in the West, of establishing her supremacy over France, the United States, Persia, &c. compromising them separately against Great Britain, and rendering their (henceforward necessary) concert, practicable only through herself. In fact, it is the triumph of her delegate in London,—combining the representation of the two antagonist systems that divide the world.

The setting aside of the Award of the King of Holland increases and prolongs the irritation between the two people; the sacrifice of right and territory brings the United States into an attitude of menace, and a position of aggression:—they reach the St. Lawrence—they cut off the North American possessions of Great Britain from each other—shut it out from Canada,—they blow the spirit of discord and faction throughout the whole of these provinces—they become strong, in the degradation of British power, in the indignation of the loyal subjects of the British Crown. Our attached and intelligent fellow citizens across the Atlantic, will vainly proffer that aid, in our cause as in theirs, which we shall have shewn ourselves unable to receive, and unworthy to use.

Will not this position of the United States, co-operating with Russia's eastern and southern allies, insure and hasten the downfall of the fabric of British dominion? Can such motives exist, or such objects be in project, without alliance and without concert between the United States and Russia? Are not these the consequences that flow from the abrogation of the Boundary Award? Was not the setting aside of that Award the work of Russia's agent? Were not these the consequences to which she looked in requiring that service? I therefore assume that to set aside the Award of the King of Holland is to bring about collision between America and England, or to be the accomplishment and the seal of a scheme for the dismemberment of the British Empire.

There is, therefore, no middle course for America, between acceptance of the Award, and single or conjoint collision with England.

It is not by accumulation of wealth, or extension of dominion—it is not by the possession of armies or of navies, that greatness is attained or tranquillity secured. These things, important and valuable as they are, yet are not the sources of power. There is a possession beyond these: by which these are created; without which they are

useless,—national character. A Nation's destinies are in its mind ; its circumstances flow from its qualities : its strength lies not in its political institutions, but in its individual character. Wherever Men are just and prudent, the Nation will live and prosper. It will, above all things, revere and preserve the moral attributes which alone ennoble the human race. It will not be unjust to others : it will endure insult or injustice from none. We read in history of the fall of nations through the decay of their institutions : but if history really were the handmaid of philosophy, we should learn that the decay of institutions is an effect, and not a cause ;—that things which men's opinions create, interpret, and apply, have no existence—whatever the form they wear, whatever the name by which they are known—save in the spirit of the age. Whatever produces unworthy desires or ignoble subserviency in the people of a country, exposes to hazard the politic body—because the parts have been corrupted ; renders feeble and valueless its forms of Government—because principles of honour and a sense of dignity are wanting in the men. Implant in a people an object of policy which is not just,—cause it to submit to an act which is dishonourable,—and you instantly sink the value of each individual of which it is composed, and lower at once institutions, power, and character ; diminish the value of possessions, and of existence,—for whatever detracts from the morality of a people, diminishes its happiness.

For three hundred years has Europe been kept in a state of agony and convulsion, by the desire of France to secure the Rhine for a frontier ; and France has not yet extended to the Rhine which she has so frequently overpast. Each succeeding century has found her with mature designs, and confident expectations, relying on the heedlessness of the other powers, and on the depth and penetration of her own diplomacy : each struggle has left her discomfited and overpowered, and unpossessed of the Rhine. On each of these occasions the attempt of France was only practicable by having lulled or deceived England, or by having bought with money the Ministers of the British Crown.* What have been the moral consequences to

* Indeed, the Sovereign of England has himself been a pensioner of France ; but France was not then forming designs immediately injurious or necessarily hostile to Great Britain. She only bought inaction from the British Cabinet, so as to separate England from the policy of the Continent, and to leave the Netherlands at her mercy. Happy had it been for herself, as for Europe

France ? What the fate of the dynasty—what the end of the institutions, under which those unjust projects were formed and executed ?

The New World was to read a political lesson to us of the old. May the moral of the old not be cast away on its young ambition—and, tainted already with crimes from which the oldest civilization recoils, let it not suppose that the experience of the past is not available for it, nor that retributive justice is to slumber over violence, because it is disguised as free, or excused as new.

An apostle of national justice, worthy of better ages and of nobler times, has arisen among our descendants in the West. In the seclusion of remoteness—under the shade of privacy—engaged in the holy ministry of the altar—this extraordinary man has grasped the political relations of the old and the new world, with a precision, and exposed them with a power,—which the land of his birth, as that of his ancestry, has hailed with cold and fruitless admiration.

To attempt to exhibit to America the ruin of its character—the destruction of its institutions—the downfall of its political existence—as the inevitable consequences of a career of aggression;—the deluging of Europe and America in blood, as the result of an insane purpose of greatness and dominion;—would but be to follow the argument exhausted by Dr. Channing.* I refer to his letter on the Texas, to Mr. Clay;—from which, extensive as has been its circulation, I have extracted some passages—confident that those who have already read them will re-peruse them with increased interest and advantage.

and mankind, if she had been less successful in these attempts, or if the institutions of England had been less unhappily formed for the management of Foreign interests. It is curious to observe a nation, exerting all the energy of a free people to resist a shadow of undue prerogative, and placing it in the power of a foreign intriguer, or the mistress of a Sovereign or a Minister, to plunge it in war, or to cause it to violate its most sacred rights and duties.—E. g:—*See Sir Wm. Temple—On the Treaty of Ninequen.*

* See Appendix, page xiv.

I cannot omit stating that the question of the Texas, so far back as the year 1833, had engaged my most serious attention, and has been to me, looking to it from the shores of the Euxine, as the key to the events of the world.

The perusal of Dr. Channing's letter produced on me an electrical effect.—That such thoughts should in this age exist any where ! That such views should proceed from America !

The attempt of Dr. Channing to arrest the spirit of violence, or the lust of plunder, amongst his countrymen, was made during the first aggressions upon a large scale against the Province of Mexico. He justly considered that event, not as an accident, but as the result of inherent national immorality, and as the commencement of a long series of future violence, wars, and disasters. His arguments bore on considerations of a moral kind; and on the misfortune which the United States, as a nation, was preparing for itself. These are his strong—his unassailable positions: having however established these, he proceeds to unroll before his countrymen another aspect of futurity;—he points out to them the certainty of collision with England, (although at that time, designs against the Canadas, nor aggressions upon the disputed territory, appeared in the distance, but as incidentally among a hundred other results of a purpose of aggression), and he pointed out the impossibility on the part of England, of submission to the assaults of the United States on any people whatever: the imperative obligation resting on the British Cabinet, not merely to prevent an extension of her dominions, alarming to the peaceful relations of the world, but also to curb and repress, in the people of the United States, the spirit of aggression. —That spirit, easily arrested at its source, would be irresistible in the full current of its accumulated streams, and accelerated course. The responsible guardian of the interests and destinies of a neighbouring people, could not contemplate, without dismay, the development of such a spirit in America; nor avoid, without criminality, to use every just and honourable means to repress its growth, and resist its progress.

England has falsified the prognostics, and disproved the conclusions, of Dr. Channing. England has been heedless of the alarms which he entertained,—she has been blind to the motives he has exposed;—felt, or seemed to feel, no interest in the present or the future, to entertain no sense of duty, or instinct of preservation. England has thus abandoned Dr. Channing, with the friends, in America, of England and of peace, to the contempt of their compatriots. Those who, with him, respected alike England's power and her intelligence, and who had raised their voices to say to their countrymen, "Venture not there—it is unjust—it is moreover, injurious to England, and she will not suffer it," have learnt to

disbelieve reason, or to despise England;—have learnt that nothing was too unjust for England to approve, and nothing too injurious for her to suffer.

America has commenced to speak of war—to threaten England. Is this a result of the perversion of its own reason, or a justifiable conviction of the degradation of that of Great Britain? It is a natural result of long endurance of injustice, that they should threaten violence: but new enquiries will not fail to be made, and conclusions, startling to America, may be the result.

With a Government, weak in its central authority, disjointed in its constitutional power;—with a People, destitute of national patriotism, sacrificing every feeling to gain, and bending every faculty on acquisition,—disunited in popular sympathies, divided in immediate interests, distinct in ulterior aims,—haughty in the exaction of submission, suspicious in the yielding of authority,—untrained to war, unbroken to discipline;—with a Country, extended, unoccupied, exposed,—undefended by frontiers of difficulty, unprotected by fortresses of strength;—with every neighbour a foe—a servile insurrection threatening within,—and the Indian prowling around, maddened by injustice and desperate in revenge;—to enter into a war, except a war of necessity, and a war of justice, would be an act of madness, not a measure of policy.

Let us suppose however, that collision takes place—let us suppose the United States re-enacting the tragedy of 1812, and marching her armies to the St. Lawrence. In the last war, when England was in arms against France (then mistress of Europe,) and could not send a single soldier to Canada, did not the United States incur defeat after defeat? Was not army after army captured? And did that power not reckon then on a bloodless triumph: and was not the result all but fatal to her political existence?

No elements of strength have grown up since then; no fortifying of popular judgment—no strengthening of executive authority:—the United States are, now, as weak as then: no better fitted to judge, and more liable to err,—to be carried away by popular passion, and to be acted on by foreign intrigue. The American Union is now more likely to plunge into war, because England ceases to steady its judgment, by imposing respect for justice; and less likely either to muster strength for the struggle, or to exhibit

judgment in its conduct. What could America do against England?—Invade Canada? Does she conceive that the conquest of Canada can be effected, except with the destruction of the power of Great Britain: or that England, recalling her energies, as she has always done in war, will not bring them all to bear on a contest for existence;—strike the Union at all points at once, and by the weapons the most dreadful—legalized by necessity.

A struggle arising between the two, either the United States or England must perish. America being overpowered, it requires no argument to show that England must exact conditions, and that the rival portions of the Union would assert pretensions incompatible with its existence. If England be overpowered, success will scarcely be less fatal to the United States, than discomfiture. The name, character, industry, and commerce of Great Britain, constitute a large portion of the national existence of the American Union, by exciting its emulation, and preserving its feelings of nationality. Great Britain gives strength to its Government at home, by competition of character, and rivalry of dominion in America; and maintains its independence in the world, by controlling the ambition and neutralizing the power of the old Governments. England's power and position, are the real band of the Union: remove these, and it will be found that there is none within. The annexation of the British possessions to the United States, would lead to a separation of sovereignty, to transatlantic complications and collisions; blasting all the anticipations and the hopes with which the patriotic of the United States, and the philanthropists of the world, have contemplated its future growth and greatness. The genius of the old world would re-assert its influence over the new, and exercise that influence, as it has ever done, in each distant region it has reached, to the destruction of individual worth, and national strength—of patriotism, and of peace.

If the United States have so essential and so paramount an interest in the preservation of Great Britain—England has, no less, a vital interest in maintaining the independence and promoting the well-being of the United States. England has, in this, a moral as well as a political interest:—she is led to it by compunction for the past, no less than by the hopes of the future.

If England has to lament the overreaching policy, the ambitious aims, and immoral acts, of the American Government,—she has also to reproach herself with having inspired her transatlantic progeny with contempt for justice—alike by her conduct towards them, and by her conduct to herself.

It was the violation, not less impolitic than criminal, by England, of the rights which she had conferred on her Colonies, and of the principles she had established in the breasts of her subjects, that drove the United Colonies into the dire necessity of rending asunder every tie that belonged to nationality;—of extinguishing the associations of race—the aspirations of loyalty. Could a people behold crimes committed by the authority they had been taught from their earliest hour to revere,—violence and folly enacted by the fatherland which it was their pride to vindicate, and their happiness to love,—without revulsion in all their moral being, disturbance of every settled principle, without disregard for the supremacy of justice and honour,—the swaddling bands of infant nations, without the corruption of those sympathies and affections, which bind men into societies, and societies into States?

The Anglo-Americans, commencing with a triumph over their best feelings, proceeded in their revolution to triumph over constituted authority;—but, not having taken up arms to defend their hearths and homes, their patriotism lay not in associations of local interests of race or of country,—but in a point of honour—an abstraction, dignified by the defeat of England. They spoke not of their *country*, but of their *institutions*:—the political disputations that arise in the decrepitude of decayed nationalities, had perverted the simplicity of their early affections. In preserving to the letter the forms of their colonial government, they thought themselves the imitators, the equals—of Athens and of Rome. The nervelessness of the new creation was displayed in designating, and causing to be regarded, their achieved existence and triumphant sovereignty, as a *political experiment*!—Such men the descendants of Anglo-Saxon fathers!

Thus demoralized, their first step was to re-enact on the Indian, the lessons of injustice they had learnt from their parental state. Each district brought into cultivation—each successive extension of territory and dominion, was extorted by violence, or

abstracted by fraud, from the “lords of the soil;” and each successive wave of population, as it spread in a widened circle around, marked its flow with blood. The settlement of the new race upon the virgin soil, was effected by the extirpation of the charities of nature, and the outrage of the rights of man.

Among the chief sources of American weakness,—glaring amidst the proofs of constitutional fallacy and of human injustice, is the state of the Negro, and the condition of the coloured race. But here, too, has not England with humiliation to remember, that that system was her system,—that the crime of which she has ceased to be guilty, had been by her transmitted to her American progeny, as a principle of law, and an hereditary possession.

A popular opinion arose in the southern portion of the Union, in favour of invading the neighbouring country; and that measure was announced, adopted, and carried into effect, in the manner of a proposal touching some municipal or parochial regulation. Public opinion justified it; a free press advocated it; and a people proud of their institutions carried it into effect: exhibiting a departure from those ordinary feelings of integrity and honour which had hitherto been admitted in common by all men,—and, at the same time, a disregard for the existing authority of the State, which I believe has never before occurred in the history of man; for even rebellion in the old world has been united by a principle or controlled by a leader. Dr. Channing asks whether they are prepared to take the new position in the world of a “robber state:”—but robbers have never yet been known destitute of authority among themselves. What prospect does such an event present to the neighbours of the United States? What prospect for itself? England,—whose interests in the independence of Mexico were not less than her interests in the independence of this Island,—extends no protecting shield before that State; articulates no word to save it from this disaster—the American people from this guilt—the American Government from this degradation. Yet, one word would have sufficed. England—whose most anxious efforts ought to have been directed, and whose whole power, if necessary, ought to have been exerted, to arrest the progress of a spirit of aggression in the United States,—carefully avoids the indication of any interest or of any opinion on that subject; when an expression of her inten-

tion and her determination would have effectually overawed and repressed that spirit. She is indeed the first to hail, and first to confirm, the triumph of this injustice.*

The United States, thus mentally constituted, thus morally instructed, next turned the lawlessness of their ambition, directed with the cunning of the Indian, against Great Britain herself. And here again has Great Britain to bear the disgrace of their attempts, and the penalty of their success. Her contemptible submission was the cause of their boldness, the justification of their injustice, by yielding up every contested right, and sanctioning each advanced pretension.

Commutations take place in Canada: the people of the North, emulating those of the South, look on Canada as a new Texas, on England as another Mexico. Armed bands proceed to carry war into the provinces of a friendly power; and constituted authorities applaud, support, and co-operate. England, differing in this respect from Mexico, find excuses for such acts in "the constitutional difficulties" of the Government of the United States;—the perpetrators, when discomfited, withdraw in peace to their homes, experiencing, and fearing, no retribution from the power they have offended, or from the state to which they belong: and, instructed by the "harmony prevailing between the two Governments," consider such acts as honourable enterprizes.—Then follows,—the new assault on the disputed territory.

It is because England has been false to herself, that the United States have not been true to their own interests. It is because England is allied to her foes, that the United States have been false to her. The interests of both are then identical. England, by the assertion of her own rights and the performance of her own duties, can still preserve both.

Thus much as to the relations and interests of the two States, in connection with each other: but the question pending between them is, unfortunately, now contingent upon foreign influences and combinations.

* Witness the *Commercial Treaty* between England, and the Sovereign State of Texas, of 65,000 inhabitants.

In assuming a position of hostility to Great Britain, is America not influenced by the idea of support from Russia and from France? Is she not influenced by the knowledge of the hostility of these powers to England? It cannot be that America should have ventured upon her present line, without confidence in such support: and it is precisely this which casts the darkest shade over her national tendencies.

Let us therefore examine this position:—Russia, France, and the United States, leagued against England in an unjust cause; in opposition to all that is honest in these countries themselves: and constituting every independent people throughout the world, the allies of Great Britain. What would be the consequence?

England must either triumph or sink. If she triumphs, France and Russia return to their natural position—America is ruined. If England sinks, the United States acquire, for the moment, extended frontiers; but no share of England's power. In that very extension lies the certainty of dissolution. The separation of the parts of a cognate race, of an unjust and acquisitive character, can present but the prospect of incessant rivalry, and unnatural hatred: of a futurity realizing the fable of a soil sown with dragon's teeth.

But what would be the action of the policy of Europe, under such circumstances, on the United States? We are supposing the power of England overthrown; consequently, there would be no further balance in Europe, to the combined aggression of France and Russia. But it is not only that there would be no balance to these powers;—they would have absorbed into themselves the elements of the strength of England and Turkey. If Russia and France have, since 1815, been concerting views of ambition on America;—if they have both exhibited, already, a determination to extend their dominions, and to secure influence in that region; to promote quarrels between the states, and disaffection among the people, of the transatlantic world; is it not to be anticipated, that their triumph over England would be followed by their domination in America, North and South? Will she look for respite in the subsequent collision of France and Russia? But France and Russia will not come into collision while they are kept in check by any respectable power in America. It is to be supposed that Russia will preserve

her supremacy in intellect and diplomacy ; if so, she will use France for her ends : and when Russia is in possession of the Dardanelles, she will command France and Europe.—The high-way of the sea, and the roads to a hundred people, will be in her hands ; the materials for war secured in her arsenals : in her granaries, will be locked the bread of Europe—in her store-houses, the commerce of the world.

I trust, however, that for such anticipations the time is not yet come. I trust it is not yet too late to rest the question on the basis of justice ; to appeal to Anglo-saxon sympathies, not yet effaced. A semi-barbarous race, the subjects of different crowns, with their language separated into distinct dialects—yet impelled by the memory of a common origin, and attracted by the instinct of future glory and supremacy in their union,—exhibits to those who speak the English tongue, a subject of humiliation in its mutual sympathies,—an object of dread in its growing power. Can the Slavonian subjects of the Russian sceptre glory in mutual affections to which the sons of Britain are dead ? Can the Slavonian subjects of the three North-east powers of Europe, look with the kindness of fraternity on each other, and sigh for the day of their union—whilst no such impulses are known or felt throughout the forty millions of educated and polished inhabitants of the British Isles and of the American Union ! The children of a common ancestry, the co-inheritors of political freedom, the joint masters of the seas, the common explorers of the remote regions of the earth, the favoured children of science, the subduers of time, distance, difficulty, and nature itself—do they own no honourable and honest pride associated with their common name ? Throughout such a population—so distinguished, and so blessed—are no fraternal yearnings spread, linking their hearts ? Is it possible that one or both of them, forgetful of the past, and heedless of the future,—deaf to the promptings of charity, to the dictates of religion, to the voice of honour, and the suggestions of policy, should rush into mutual destruction ? Is it possible that, with infirmity of mind equal to such extravagance of passion, they should so rush *without an intention* ? Will they tear down, labouring for their own destruction, the large prospects of their future fortunes ;—raise the Slavonic

above the English tongue ; and place, by the crimes of freedom, the sceptre of the world in a despot's hands ?

But it is a vain and useless concession to make, that England must perish, because America is unjust : England, the mother of Nations, the parent of Freedom, and the wielder of the Trident, has her destinies within her own breast.

True it is, that, for a season, she has been forgetful of herself. In the benumbing confidence of security, in the lethargic shadow of repose, she has become heedless of those common interests that sanctify the name of country, and which are wisely given as the spur to individual energy, in the pride of national glory and renown.

Thus has confidence in her power been lost, not only in the estimation of mankind, but in her own. Let however visible danger threaten from without,—let some great disaster fall on this land,—she would arise again, but with a power far beyond that which heretofore she has ever wielded : for her assailants have aroused against themselves, the fears or the vengeance of every race of the old world and the new. Break but the spell that binds England to an ally stained with every crime, and she will no longer credit the lie of her own weakness — that sole strength and confidence of her foes.

A P P E N D I X.

PART I.

No. 1.

EXTRACT FROM THE FOURTH ARTICLE OF THE TREATY OF GHENT,* 1814.

“ It is further agreed that in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining, or wilfully omitting to act as such, they shall make, jointly or separately, report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the Report or Reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said Report or Reports, or upon the Report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly Sovereign or State, together with the Report of such other Commissioner, that such Sovereign or State shall decide, *exparte*, upon the said Report alone; and *His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly Sovereign or State as final and conclusive on all the matters so referred.*”

No. 2.

EXTRACTS FROM A CONVENTION BETWEEN HIS BRITANNICK MAJESTY AND THE UNITED STATES OF AMERICA, RELATIVE TO THE REFERENCE TO ARBITRATION OF THE DISPUTED POINTS UNDER THE FIFTH ARTICLE OF THE TREATY OF GHENT. Signed at London, September 29, 1827.

ARTICLE I.

“ It is agreed that the points of difference which have arisen in the settlement of the boundary between the British and American dominions, as described in the Fifth Article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon such points of difference.

“ The two contracting powers engage to proceed in concert to the choice of such friendly Sovereign or State, as soon as the ratifications of this Convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within two years after the arbiter shall have signified his consent to act as such.”

* In the Papers presented to Parliament there is the Fifth Article of the Treaty of Ghent, which has reference to the disputed Boundary between New Brunswick and the State of Maine; but the Fifth Article of the Treaty of Ghent, in as far as the subsequent negotiations are concerned, does no more than refer to the Fourth Article, wherein the conditions of the reference to arbitration are stipulated. The omission of this important act is here supplied: and that omission is the more remarkable, seeing that the ground assumed by the United States, and by Lord Palmers'on, for setting aside the award of the King of Holland, is, that he, instead of selecting one of the two lines proposed by the parties, had laid down another line. Now, the Treaty of Ghent, as clearly as words can express, determines that the differences which might arise, of whatever kind, were to be settled by the award of the arbiter.

ARTICLE VII.

“The decision of the arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting parties.”

No. 3.

EXTRACTS FROM THE AWARD OF THE KING OF HOLLAND.

“Animé du désir sincère de répondre par une décision scrupuleuse et impartiale, à la confiance qu’elle Nous ont témoignée, et de leur donner ainsi un nouveau gage du haut prix que nous y attachons:—

“Ayant à cet effet dûment examiné et mûrement pesé le contenu du premier exposé ainsi que de l’exposé définitif du dit différend, que nous ont respectivement remis, le 1^{er} Avril de l’année 1830, l’Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, et l’Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d’Amérique, avec toutes les pièces qui y ont été jointes à l’appui:

“Voulant accomplir aujourd’hui les obligations que nous venons de contracter par l’acceptation des fonctions d’Arbitrateur dans le susdit différend, en portant à la connaissance des deux Hautes Parties intéressées le résultat de Notre examen et Notre opinion sur les trois points dans lesquels se divise de leur commun accord la contestation.”

“Déclarons que,—

“Quant au premier point, savoir, la question, Quel est l’endroit désigné dans les Traités comme l’angle nord-ouest de la Nouvelle Ecosse, et quels sont les Highlands séparant les Rivières qui se déchargent dans le Fleuve St Laurent, de celles tombant dans l’Océan Atlantique, le long desquels doit être tirée la Ligne de Limites depuis cet angle jusqu’à la source nord-ouest de la Rivière Connecticut?”

[After enumerating twenty-eight grounds of his award on this first point, the Document proceeds:]

“Nous sommes d’avis,—

“Qu’il conviendra d’adopter pour limite des deux états une ligne tirée droit au nord depuis la source de la Rivière St. Croix jusqu’au point où elle coupe le milieu du thalweg de la Rivière St. John; de-là le milieu du thalweg de cette rivière, en la remontant jusqu’au point où la Rivière St. Francis se décharge dans la Rivière St. John; de-là le milieu du thalweg de la Rivière St. Francis, en la remontant jusqu’à la source de sa branche la plus sud-ouest, laquelle source nous indiquons sur la Carte (A) par la lettre (X) authentiquée par la signature de Notre Ministre des Affaires Etrangères; de-là une ligne tirée droit à l’ouest jusqu’au point où elle se ré-unit à la ligne réclamée par les Etats Unis d’Amérique, et tracée sur la Carte (A); de-là cette ligne jusqu’au point où, d’après cette carte, elle coïncide avec celle demandée par la Grande Bretagne; et de-là ligne indiquée sur la dite carte par les deux Puissances, jusqu’à la source la plus nord-ouest de la Rivière Connecticut:

“Quant au second point, savoir, la question, quelle est la source la plus nord-ouest (north-westernmost head) de la Rivière Connecticut?”

[Five Grounds enumerated]—

“Nous sommes d’avis,—

“Que le ruisseau situé le plus au nord-ouest de ceux qui coulent dans le plus septentrional des trois lacs, dont le dernier porte le nom de Connecticut Lake, doit être considéré comme la source la plus nord-ouest (north-westernmost head) du Connecticut.

“Et quant au troisième point, savoir, la question, Quelle est la limite à tracer depuis la Rivière Connecticut le long du parallèle du quarante-cinq degré de latitude septentrionale jusqu’au Fleuve St. Laurent, nommé dans les Traités Iroquoï ou Cataraguy?”

[Three Grounds enumerated]—

“Nous sommes d’avis,—*

* The second ground of objection taken to the award by the State of Maine and Lord Palmerston, is that the King of Holland had not decided, but only recommended a line, and that if he had decided at all, he had only decided on two out of three points submitted to him. It will be seen from these extracts that the award was as formal as possible, and that the same forms and terms are equally applied to the three points.

“ Qu’il conviendra de procéder à de nouvelles opérations pour mesurer la latitude observée, afin de tracer la limite depuis la Rivière Connecticut, le long du parallèle du quarante-cinq degré de latitude septentrionale, jusqu’au Fleuve St. Laurent, nommé dans les Traités Iroquois ou Cataraguy ; de manière cependant, qu’en tout cas, à l’endroit dit Rouse’s Point, le territoire des Etats Unis d’Amérique s’étendra jusqu’au fort qui s’y trouve établi, et comprendra ce Fort et son rayon kilométrique.

“ Ainsi fait et donné sous Notre Sceau Royal, à la Haye, ce Dix Janvier, de l’an de Grace Mil Huit Cent Trente-un, et de Notre Règne de Dix-huitième.

“ (Signé) GUILLAUME.

“ Le Ministre des Affaires Etrangères,

“ (Signé) VERSTOLK DE SOELEN.”

PART IV.

No. 1.

Viscount Palmerston to Charles Bankhead, Esq.

“ Foreign Office, October 14, 1831.

“ Sir,

“ With reference to my despatch of February 9, of this year, to Mr. Vaughan, on the subject of the award of His Majesty the King of the Netherlands, upon the question of the disputed boundary, submitted by Great Britain and the United States of America to the arbitration of that Sovereign, I am commanded by the King to instruct you to address a note to the American Secretary of State, to the following effect.

“ Mr. Livingston is doubtless aware that his predecessor in office was informed, verbally, by Mr. Vaughan, that the King, our Master, upon the receipt of the instrument by which the award of the King of the Netherlands was communicated to the British Government, had considered himself bound, in fulfilment of the obligations which he had contracted by the terms of the Convention of arbitration of the 29th September, 1827, to express to His Netherland Majesty, His Majesty’s assent to that award.

“ It appears to his Majesty’s Government, that the time is now arrived, when a final understanding between the British and American Governments, on the subject of that award, and on the measures necessary to be taken for carrying it into effect, ought no longer to be delayed: and I am accordingly to direct that, in making to the American Secretary of State, the present more formal communication of the assent of His Majesty to the decision of His Netherland Majesty, you enquire of Mr. Livingston whether his Government are now ready to proceed, conjointly with that of Great Britain, to the nomination of Commissioners for marking out the boundary between the possessions of His Majesty in North America, and those of the United States, agreeably to His Netherland Majesty’s award.

“ His Majesty’s Government are not ignorant that the Minister of the United States of America residing at the Hague, immediately upon the receipt of the award of His Netherland Majesty, protested against that award, on the ground that the arbitrator had therein exceeded the powers conferred upon him by the parties to the arbitration. But that protest was avowedly made without instructions from Washington, and His Majesty is persuaded that the Government of the United States, influenced, like His Majesty, by a sincere determination to give a fair and full effect to the spirit and intention of their engagements, no less than by an anxious desire to settle this long pending difference between the two Governments, in the only way which the experience of so many years has shewn to be practicable, will not hesitate to accept the award of His Netherland Majesty.

“ In deciding to give his own assent to this award, for the reasons above stated, His Majesty was not insensible to the sacrifice which he was thus making of a most important portion of those claims, of the justice of which, in their full extent, His Majesty continues to be, as he has always been, entirely satisfied.

“ It was impossible for His Majesty to see without deep regret, that, on one branch

of the British claims, the award deprived the British Crown of a large tract of country, to which it had long been held to be entitled; while, on another branch of the claims, that award, at the same time that it pronounced in favour of the principle of demarcation for which Great Britain contended, introduced a special modification of that principle for the convenience and advantage of the United States, without offering to Great Britain any compensation for the loss thus occasioned to her.

“But these were not considerations by which His Majesty thought himself at liberty to be influenced, in deciding the question of his acceptance or rejection of the decision of His Netherland Majesty. In whatever degree His Majesty’s wishes or expectations may have been disappointed by that decision, His Majesty did not hesitate to act upon the stipulation contained in the VIIth Article of the Convention of Arbitration, that ‘the decision of the arbiter, when given, shall be taken to be final and conclusive;’ and His Majesty fulfilled this duty with the greater cheerfulness, from the confident hope that in thus completing the engagement which he had contracted, he was finally setting at rest a dispute which had been so long and so hopelessly agitated between the two Governments, to the interruption of that perfect agreement and harmony on all points, which it is His Majesty’s sincere desire to see permanently established between Great Britain and the United States of America.

“His Majesty would indeed be deeply grieved, if he could suppose that the Government of the United States could hesitate to adopt the same course which His Majesty has pursued on this occasion. For what other prospect of an adjustment of this long pending difference would then remain? Commissioners, since the Treaty of 1783, have found it impossible to reconcile the description of the boundary contained in that Treaty, with the real features of the country ascertained by actual survey; and the hopelessness of establishing absolutely, in favour of either party, the point which has thus, since the year 1783, been the subject of controversy between them, has now received a new confirmation, by the solemn decision of an arbitrator, chosen by both parties, who has pronounced it to be incapable of being established in accordance with the terms of the original Treaty, that Treaty having been drawn up in ignorance of the real features of the country, which it professed to describe.

“Seeing that there cannot be a settlement of the claims of either party in strict accordance with the Treaty of 1783, what course would remain, even if the choice were now to be made, but that which was agreed upon by the negotiators of the Treaty of Ghent; viz. the adjustment of the differences between the two Governments by means of an Arbitrator? And how unreasonable would it be to object to such an adjustment, because it aimed at settling by compromise, differences pronounced to be otherwise irreconcilable. That such an adjustment, and not a rigid adoption of one of the two claims to the exclusion of all compromise, was the object of the IVth Article of the Treaty of Ghent, will be manifest upon referring to that Article, in which provision is made for a decision of the arbiter which should be final and conclusive, even although the arbiter, owing to the neglect or refusal of one of the parties, should have had before him only one of the two claims which it would be his province to adjust. Even the official correspondence of the United States furnishes proofs that such was the understanding in that country, and among parties most interested in the subject, as to what would be the effect of the reference of this question to arbitration. ‘By arbitration,’ (says the Governor of the State of Maine, in a letter to the President of the United States, dated May 19th, 1827, and previously, of course, to the conclusion of the Convention), ‘I understand a submission to some Foreign Sovereign or State, who will decide at pleasure on the whole subject, who will be under no absolute obligations or effectual restraint, by virtue of the Treaty of 1783.’ And it appears, by a letter from the same functionary, dated the 18th of April in the same year, that Mr. Gallatin had used the following words, in a despatch to his Government on the same subject: ‘An umpire, whether a king or a farmer, rarely decides on strict principles of law; he has always a bias to try, if possible, to split the difference:’ and the Secretary of State of the United States, in a letter to the Governor of Maine, written after the conclusion of the Treaty of Arbitration (viz. on the 27th of November, 1827), adverting to the above-mentioned exposition, by Mr. Gallatin, of the usual practice of umpires, and to the

objection which the Governor of Maine had thereupon stated to the mode of settlement by arbitration, while he defends the Convention in spite of the objection of the Governor of Maine, admits that it *is* an objection to which the Convention is liable.

“These passages will be found in the printed paper, No. 171, 30th Congress, 1st Session, at pages 80, 85, and 99.

“On every ground therefore, His Majesty feels confident that if the Government of the United States have not already, before your receipt of this despatch, announced their assent to the award of the King of the Netherlands, they will not hesitate to enable you to apprise His Majesty’s Government of their acquiescence in that decision. The grounds on which His Majesty’s acceptance of it was founded, have been fully explained to you in this despatch, and among the motives which influenced His Majesty on that occasion, there was none more powerful than the anxious desire which His Majesty feels to improve and confirm the harmony which so happily exists on other subjects, between Great Britain and the United States of America, by thus settling, once for all, a question of great difficulty, and for which His Majesty is unable to see any other satisfactory solution.

“I am, &c.

“(Signed)

PALMERSTON.”

“C. Bankhead, Esq.

§c. §c. §c.

No. 2.

Viscount Palmerston to Charles Bankhead, Esq.

“Sir,

“Foreign Office, October 14, 1831.

“You will learn from the instructions contained in my other despatch of this date, on the subject of the north-eastern boundary, that the communication which you are to make, in the name of His Majesty, to the Government of the United States, extends no farther than to propose a simple and unconditional acceptance of the award of the King of the Netherlands by the United States, and the consequent appointment of commissioners to carry that award into effect; such being, in the opinion of His Majesty’s Government, the only course to be pursued at the present stage of the boundary question, consistently with the respective interests and obligations of the two Governments.

“You are nevertheless authorized to intimate privately to the American Minister, upon any suitable occasion, that His Majesty’s Government would not consider the formal acceptance of the award by Great Britain and the United States, as necessarily precluding the two Governments from any future modification of the terms of the arrangement prescribed in that instrument, provided it should appear that any particular parts of the boundary line, thus established, were capable of being improved to the mutual convenience and advantage of both countries; and you will state, that, after the award shall have been formally acceded to by both Governments, His Majesty’s Government will be ready to enter, with the Government of the United States, into the consideration of the best means of effecting any such modification by reciprocal exchange and concession.

“You will however be particularly cautious, in making any communication of this nature, to guard against the possibility of being misunderstood as inviting negotiation as a substitute for the adoption of the award.

“Until the award is mutually adopted, any such concert between the two Governments would be impossible, because, each party claiming the whole of the territory in dispute, there is no boundary line between the two, with respect to which modifications could be proposed by either party; but when the award is acquiesced in by both sides, and a boundary line is thus established to which both Governments shall have assented, there will then be a basis upon which exchanges or modifications might reciprocally be effected.

“I am, &c.

“(Signed)

PALMERSTON.”

“Charles Bankhead, Esq.

§c. §c. §c.

(b)

APPENDIX.

No. 3.

Charles Bankhead, Esq. to Viscount Palmerston.—(Received April 23.)

(Extract.)

“Washington, March 29, 1832.

“The proceedings of the Secret Session of the Council and House of Representatives of Maine have lately been disclosed to the public, and it appears that an agreement has taken place, subscribing, under certain conditions, to the decision of the King of the Netherlands. Those conditions, as given in the Maine newspapers, are, that Commissioners, on the part of the United States, and on the part of the State of Maine, are to be appointed in order to negotiate as to an indemnity to be given by the former to the latter, for the loss which she alleges that she would suffer by her acceptance of the Netherland arbitration. That the result of this commission is to be laid before the legislature for their ultimate acceptance or rejection.”

No. 4.

Charles Bankhead, Esq. to Viscount Palmerston.—(Received July 13.)

“My Lord,

“Washington, June 13, 1832.

“I have heretofore delayed the fulfilment of the instructions which I had the honour of receiving from your Lordship, in your despatch of October 14, of last year, respecting the ulterior views which His Majesty’s Government might entertain, when the question of boundary, as awarded by the King of the Netherlands, should have been fully acquiesced in by the United States.

“I did so, because the Senate in its executive capacity had shewn no disposition to take up the question, and I thought that the slightest intimation on my part, as to the possibility of future negotiation, would, perhaps, endanger the favourable decision of the Senate upon the original question, which decision, fully and unconditionally declared, was to *precede* any other step which might be taken thereupon. However, during the last two days, I learnt that the whole boundary question has been under the consideration of the Senate; and Mr. Livingston informed me, that he hoped very soon to be able to communicate to His Majesty’s Government the decision of the United States upon it. I thought that this was a proper moment, informally, to intimate to the Secretary of State that His Majesty’s Government might not be indisposed to enter into explanations with this Government with a view to effect some modifications by reciprocal exchange and concession, but that the full and unconditional acceptance of the award by this country must precede any such intention on the part of Great Britain.

“Mr. Livingston asked me (and he did so informally) whether I was authorized to make or to receive any overture *before* the President had signified his assent to the award; I replied, of course, in the negative.

“I hope that your Lordship will not consider that I have exceeded the discretionary power with which you invested me in bringing forward, at this moment, the possibility of a future arrangement being effected relative to the north-east boundary.

“I have the honour to be, &c.

*“Viscount Palmerston,
&c. &c. &c.*

“(Signed) CHARLES BANKHEAD.”

No. 5.

DEBATES IN THE HOUSE OF COMMONS ON THE NORTH-EAST BOUNDARY,
FROM 1831 TO 1837.—(Extracted from the Mirror of Parliament.)

MARCH 14, 1831.

MR. ROBINSON.—“I rise, in pursuance of the notice that I have given, to move that an Address be presented to His Majesty, for a copy of the decision of the King of

Holland on the question of the boundary line of the North-west Coast of America. I shall not occupy much time in addressing the House; but it is necessary that I should make a short explanation of the nature of my motion. In one of the articles in the Treaty of Peace between this Country and the United States, it was stipulated that Commissioners should be appointed with a view to decide the important question regarding the Boundary line between the provinces of New Brunswick and Lower Canada, and the United States of America; and that, in case of difference arising between them, the subject should be referred to the decision of a friendly power, agreed to by both parties. As the Commissioners did not come to a satisfactory conclusion, the matter was referred, in 1827, to the decision of the King of the Netherlands. I understand the decision of that Sovereign has recently been given; and that the Minister of the United States refuses to abide by it.

“In the agreement between the two Countries, it is stated, that ‘in the event of the Commissioners differing upon all or any of the points so referred to them, or in the event of both or either of the Commissioners refusing or declining or wilfully omitting to act as such, they shall report, jointly or severally, to their respective Governments; and His Britannic Majesty, and the Government of the United States, hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the report or reports.’ And further:—‘And His Britannic Majesty, and the Government of the United States, engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters so referred.’

“After a period of three years, the Monarch to whom the question was referred has decided. The King of Holland was the party to whose judgment the matter was left; and he, I understand, has declared in favour of the claim of this Country. The House, I think, has a right to know the particulars of this case, and why the matter has not yet been set at rest. This is a most important consideration, as regards some of our most valuable Colonies; and the particulars ought to be made public, without delay. The decision, whatever it may be, will be attended with important results both to this Country and the Colonies, as well as to the United States. I am not able to speak positively—but probably the Noble Lord will be able to give some information—as to a rumour afloat on this subject. It has been very generally reported, that when the American Minister heard that the decision of the King of the Netherlands was against his Government, he protested against this decision, and appealed to his own Country from it. But, at any rate, this House ought to be informed whether any decision has been given by the King of Holland,—and what that is, whether it is favorable or not to this country. If the American Government has now thought fit to refuse to abide by this decision, or to protest against it, surely it is of sufficient importance that the House should be acquainted with the particulars of it.

“The territory which is the ground of dispute is of great extent and value, and is of great importance in a military point of view. It remains to be seen whether this country is tamely to yield to these demands of the American Government, or whether that territory is to remain in the possession of this country as it is at present. The people in the North American provinces ought to know immediately what they are to expect, and whether this Government intends to abide by the decision given by the King of Holland.

“I trust that there is sufficient firmness in the English Ministry not to abandon the advantages which they may have obtained by this decision. I feel assured that if the King of Holland had declared against the claim of this country, there would have been too high a feeling of honour, on our part, to hesitate for one moment as to the course which ought to be pursued. The Americans however will again attempt to gain time by negotiation, for the chance of something arising in their favor. They generally have got, and I fear, unless some great improvement takes place in our diplomacy, they will continue to get, the better of us in negotiation.

“It will be in the recollection of the House that it is now nearly seventeen years since the treaty of Ghent, when this question was referred to the Commissioners for their

decision. I could urge many reasons why the information I now move for should be granted; and unless the Noble Lord, the Secretary for Foreign Affairs, is prepared to say, that granting it would be attended with detriment to the public service, I shall press for it.

“I beg leave to move, ‘That an humble Address be presented to His Majesty, praying, that he will be graciously pleased to give directions, that there be laid before this House, a copy of the decision of His Majesty the King of Holland, on the Boundary line of the North-West Coast of America.’”

VISCOUNT PALMERSTON.—“I think that I have a right to complain of the course pursued by the Honourable Member, who, in his eagerness, has assumed the objections that may be urged against his motion. The Honourable Member has no right to assume whether or no any decision has been given on this question, and still less, whether or no it is in favor of, or adverse to, the claims of this country. I feel it my duty to oppose the motion, because the transaction to which the Honourable Member alludes is as yet an incomplete transaction, and negotiations connected with it are still pending. He has no right to make the gratuitous assumption that he has entertained respecting it. I shall not attempt to answer the observations of the Honourable Member, as I think that by doing so I should necessarily be drawn into explanations which I feel I ought not to enter into.

“With respect to the present motion, I feel bound to declare, that, as a Minister of the Crown, I do not feel myself justified in assenting to it. It remains for the House to determine whether or no it will place sufficient reliance on the declaration I have now made in my Ministerial capacity—that the motion of the Honourable Member cannot with safety be assented to; and this because the matter in question is not yet finally closed. I do trust, however, that the time is not far distant at which I shall feel myself at liberty to give all the information now applied for, and that that information will prove satisfactory to the Honourable Member and the House—meanwhile I shall certainly give my negative to the present motion.”

MR. ROBINSON.—“I have no doubt that the House will agree with the Noble Lord, after the declaration he has just made, as a Minister of the Crown. I, however, do contend, that whenever two Governments,—our own and another,—have been negotiating for thirteen years on any given point, afterwards submit the question for the decision of a neutral power, and at the expiration of that period find that a settlement of the matter takes place, this House should know what has been done in the business in that interval; so that whatever impediments may exist, or have existed, may be removed. I complain of the singular procrastination which has attended this negotiation, and I must express my astonishment that hitherto, in any negotiation in which we have been engaged with the United States, they should have got the better of us. If the decision of the umpire selected had been in favour of the United States, our Government, actuated by those honourable motives which influence them in all their negotiations, would have immediately yielded. The American Minister, however, finding that the award was likely to be unfavourable to the pretensions of his Government, protested. I feel assured that if an English Ambassador had acted in this way, his conduct would not have been approved of by this house, or by his country. I lament that the matter has not been settled, as the protracting of the negotiations in this way is productive of singular annoyance to the inhabitants of our North American Colonies.

“I assure the Noble Lord that I did not suppose that the production of the documents I now apply for would be attended with inconvenience, for I should be loath to do any thing calculated to embarrass His Majesty’s Government. I shall not press my motion; but I must consider that the United States have had an advantage over this country which ought not to have been allowed in this affair, and which has arisen from the weakness of our own Government in allowing the matter to be referred back to the United States.”

VISCOUNT PALMERSTON.—“I trust that the House will not suppose the circumstances of the case to be such as they have been stated by the honourable gentle-

man, in consequence of my not answering him. I repeat, that I do not feel justified in assenting to the motion."—The motion for the address was then put, and negatived.

MARCH 3, 1835.

MR. ROBINSON.—“ Seeing the Right Honorable Baronet in his place, I wish to ask him whether any, and what progress has been made in the negotiations with the United States, respecting the settlement of the Boundary line between them and our Colonies?”

THE CHANCELLOR OF THE EXCHEQUER.—“ I am afraid that I shall not be able to give the Hon. Member an answer to his question regarding the boundaries in as brief terms as those he has employed for his question. It is one of the most important topics with which the British Government can have to deal. The difficulty seems to be to settle the precise boundaries of the province of Maine on the part of the United States, and of New Brunswick on the part of his Britannic Majesty. The dispute arises out of some vagueness in the terms of the Treaty of 1783. According to that Treaty, the boundary was to depend upon certain high Lands, as they were called, extending to the River St. Lawrence. Now, those high Lands have never yet been discovered—and, indeed, I believe they are not to be found. The question was, by the consent of both parties, referred to the King of the Netherlands; and three points were to be settled by his Arbitration. *On two of them the King of the Netherlands gave a decided opinion, but the third remains undetermined, because it was physically impossible to fix upon the position of the high lands, as laid down in the Treaty of 1783.* The King of the Netherlands, therefore, proposed that the matter in dispute *should be amicably compromised*, and the British Government *was willing to abide by the terms of compromise he should point out* ;* but the Government of the United States would not give its consent.”

“ A new Survey was suggested by the United States; and we expressed our willingness to concur, if a preliminary understanding were come to upon certain points. One of them was, that the Bay of Fundy should be taken to be part of the Atlantic Ocean.† A despatch was sent out on the subject in the course of last autumn, but sufficient time has not yet elapsed for us to receive an answer. Negotiations are, therefore, still pending; and the President of the United States has refused to produce certain papers, lest he should compromise any of the interests he is bound to protect. I believe that there is an earnest desire, on both sides, to come to an amicable adjustment of the only remaining question of litigation. A proposition was made by this Government in the month of October last, and it is impossible for us yet to know whether the preliminary arrangements will or will not be accepted.”

* [These mis-statements, or rather this complete falsification of the facts and the truth, made by Sir Robert Peel, shows how Lord Palmerston had adjusted his records, measures, and men, before leaving office, to impose upon his successor.—After this, of course, the other party is committed to the measures of Lord Palmerston.

[There are two points worthy of attention. First, Sir Robert Peel does not conceive that there was any ground for suppressing what he knew (or what he heard) to be the state of the case. Secondly, there was no member in the House of Commons able to expose the falsehood of the statements, or the fallacy of the arguments put in his mouth. One might suspect that the English language had ceased to be an available vehicle for any national purpose.—It is, however, the language used in America.]

† [By reference to the article from the New York Albion, pp. xi, xii, it will be seen that the arguments of Maine are adopted by Sir Robert Peel.]

APRIL 24th, 1837.

SIR ROBERT PEEL.—“ I will avail myself of this opportunity to ask the Noble Secretary for Foreign Affairs, in what position our differences are with the United States, as to the Northern Frontier? I wish to know whether they are adjusted, or whether any progress has been made towards their adjustment?”

VISCOUNT PALMERSTON.—“*There have been a great many communications upon the subject, between the Governments of the two countries; and I can assure the Right Hon. Bart. that the Government of each is animated by a sincere desire to come to an amicable arrangement. I must do this justice to the Government of the United States, and to the late President especially, to say that the Central Government has laboured under great difficulty with regard to the negotiation, from the circumstance of its discretion being limited by certain independent actions on the part of the Government of Maine. There have not, lately, been any written communications upon the subject; but many verbal communications have taken place between the Government of this Country and the American Minister here, as well as between the British Minister in America and the Government of the United States. The whole correspondence on the subject has been published, by order of the Congress, in the United States; and, when it reaches this Country, the Right Hon. Bart. will see all the official communications that have taken place upon the subject. I am sorry, however, to say, that there does not seem to be any prospect of an immediate settlement of the question.*”

MR. HUME.—“*Would there be any objection to lay before the British Parliament the papers that have been published upon the subject in America?*”

SIR ROBERT PEEL.—“*I beg to ask the Noble Lord whether the state of Maine is in the occupation of any portion of the disputed territory?*”

VISCOUNT PALMERSTON.—“*The whole of the Territory is, I believe, at present in our possession; with a clear understanding however, that neither party is to exercise within the limits any rights that belong to a permanent sovereignty.*”

SIR ROBERT PEEL.—“*I do not exactly see how that arrangement can have been made. The land must be occupied by one party or the other. Am I to understand that it is at present occupied by British subjects?*”

VISCOUNT PALMERSTON.—“*The district is not inhabited. The Territory is chiefly covered with forests; and it has been agreed that neither party shall cut wood in it until the question is finally settled. As regards the question put to me by the Honourable Member for Middlesex, I beg to state that there can be no objection to produce all the correspondence that has taken place upon the subject, except that it would be a departure from a very wholesome rule generally acted upon in this country, of not producing any papers relating to negotiations still pending. As the papers in question, however, have been published by order of Congress, I do not see that there can be any objection in placing them before the House.*”

MR. ROEBUCK.—“*The Noble Lord cannot be aware that the government of Maine has passed some regulations which operate severely upon the neglected and destitute condition of the inhabitants of the disputed Territory. The Noble Lord says, that Great Britain is in occupation of the Territory, but that she cannot enforce the rights of occupation. The truth is, that at this time there are a great number of persons who are cutting down trees, who are peopling the land, and who are called—a large portion of them—citizens of the United States. The population consists, indeed, of refugees from both sides the territory—rogues and vagabonds—who find there a safe asylum from the laws of either country.*”

VISCOUNT PALMERSTON.—“*The Honourable and Learned Gentleman must refer to another part of the country, and not in the territory in dispute.*”

[Such are the words dropped, in the Imperial Senate of this mighty Nation,—during six years,—on the subject of a disputed Frontier and a National Treaty!

[In tracing the debates on Foreign Policy, during the course of the Peace, I find that information is constantly refused, on the plea that it might endanger the success of the matter under negotiation;—but I also find that, though information has been invariably with-held, failure has been as invariable.]

MERITS OF THE BOUNDARY QUESTION.

From the Albion New York Paper, March, 1839.

[As the inquiry to which these pages have been devoted commences with the Award of the King of Holland, it would have been beside the question to enter at all into the negotiations preceding that act, and the merits of the dispute which was brought to a close by that decision,—indeed, to refer to the anterior question would only serve to perplex the reader, to confuse the argument, and to cut away the grounds on which the matter rests. However, a plain and simple exposition of the state of the case, independently of the arbitration, may not be without interest; the more so as that which follows is an American statement, and one which, as it carefully avoids all reference to the Award, is clearly not the production of a man who sees the question in a British point of view.]

“The subject of the North-eastern Boundary so fully absorbs public attention, that we may be pardoned for occupying a large portion of our paper with it. We are the more anxious to do so, because the opinion so generally prevails that *nothing* can be said in behalf of the British claim. It is indeed affirmed, and generally believed, that England is claiming what she knows is not her own, and that her designs are altogether dishonourable and even fraudulent; but she is never dishonourable, and it is therefore but fair after we have heard so much in favor of Maine, that something should be said on the other side. We shall endeavour to do this as briefly as possible, and then refer our readers to the Award of the King of the Netherlands—a document, we may remark, drawn up with great clearness and impartiality—which will be found in the preceding columns.

“We must take it for granted, that all our readers who feel any interest in the matter, understand the preliminary fact of the case, viz. that the difficulty has arisen from a misconstruction of the 2nd article of the treaty of 1783, made at Paris between Great Britain and the United States at the close of the revolutionary war. This article we insert above, as it may be necessary to refer to it in the course of the few observations we are about to make. It will be observed, that, in tracing the boundaries, it is declared that the line shall commence at the ‘North-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of the St. Croix river to the Highlands, along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic ocean, to the North-westernmost head of the Connecticut river,’ &c. Under the Treaty of Ghent a Commission was appointed to run this line, and to ascertain the true position of those Highlands, but unfortunately the British and American Commissioners disagreed, and the matter remains unsettled to this hour. The British Commissioners asserted that the Highlands commenced at Mars Hill, while the American contended for a range of hills one hundred miles further to the north. These points will be found designated upon the map now before the reader.

“The gist of the case lies in a nut-shell. It is clear that the north-west angle of Nova Scotia *of the Treaty*, must be sought for at those Highlands which separate waters flowing into the River St. Lawrence and into the Atlantic Ocean. Now do the Highlands contended for by Maine at the north of the River St. John, separate such waters? Certainly not. They separate waters flowing into the St. Lawrence, but *not* into the Atlantic, and consequently a main requisition of the treaty is unprovided for. By a reference to the map it will be seen, that the rivers which flow to the south of these Highlands are the Restigouche, which falls into the Bay of Chaleur; and the St. John,

which empties itself into the Bay of Fundy. No river in that part of the line flows into the Atlantic, and therefore those that do exist, cannot be regarded as the true streams, or those required by the treaty. But, say the Maine claimants, this is immaterial; for as the Bays of Chaleur and Fundy ultimately reach the Atlantic, they must be considered as the Atlantic itself.* This is geographically incorrect; the Bay of Fundy is the Bay of Fundy, and nothing more; so is the Chesapeake. As well might we call the Baltic and the Mediterranean the Atlantic Ocean; but if we did so, what schoolboy would not correct us? Besides, the terms of such an important instrument as a treaty cannot be so loosely construed; every word must bear its true and precise meaning, and nothing more. No expounder of law can possibly say that the general term 'Atlantic Ocean,' means and comprehends every bay, inlet, and gulf that may ultimately flow into it. If so, where is the utility of giving such bays, inlets, and gulfs, distinctive names at all?—But the treaty itself settles this point, for it makes a clear and broad distinction between the 'Atlantic' and the 'Bay of Fundy.' This is visible to any one who will peruse the 2nd article inserted above. The east line, it says, shall be drawn 'along the middle of the Saint Croix from its mouth in *the Bay of Fundy*;' and that all islands shall be comprehended and given to the United States lying within twenty leagues of the coast, where the aforesaid boundaries, between Nova Scotia on the one part and East Florida on the other, shall *respectively touch the Bay of Fundy AND the Atlantic Ocean.*' Now here the negotiators of 1783 have drawn a clear distinction between the Bay of Fundy and the Atlantic Ocean, which is immediately fatal to the claim of the State of Maine, for the Highlands designated by her do not separate rivers, falling into the St. Lawrence and into the *Atlantic Ocean*, as prescribed by the treaty, but rivers emptying into the St. Lawrence, and into the *Bay of Chaleur*, the *Gulf of St. Lawrence*, and the *Bay of Fundy*. A treaty must be construed like an Act of Parliament or an Act of Congress, and no such latitude of construction could be given as claimed by the State of Maine to any legislative act whatever.

"But the American diplomatists fortify their position by citing the boundaries of the Province of Quebec, as set forth in the Royal Proclamation of 1763 and other British documents. Such citations would certainly be useful if it were apparent that the negotiators of the treaty of 1783 intended to make the southern boundary of the province of Quebec form one part of the north-west angle of Nova Scotia: but no such evidence appears—on the contrary the strongest presumption exists that neither party intended to carry the line *north* of the St. John. If it had been the intention to carry the north line to the southern extremity of the Quebec Province, why was it not so specified? The Royal Proclamation above mentioned was then extant, and perfectly well known to Dr. Franklin, Mr. Adams, and Mr. Jay, and it is inconceivable that they should have been silent on such an important point, had it been their intention to carry the line into that vicinity. But, say the jurists of Maine, behold the similarity in the words of the Treaty and of the Proclamation. The latter says 'the line shall cross the River St. Lawrence and Lake Champlain in 45 degrees north latitude, pass along the Highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the *sea*, and along the north coast to the Bay of Chaleur.' Here the single word *sea* makes an important difference, and clearly indicates the distinction to be drawn between that comprehensive monosyllable in the Proclamation and the more limited term 'Atlantic Ocean,' employed in the treaty. The '*sea*' means the ocean in general; the '*Atlantic*,' the Atlantic in particular—the one is comprehensive, the other distinct and limited, and upon this point the whole question turns.

"A vast number of collateral arguments are brought forward on the British side which our limits do not allow us to quote; we shall however mention a few of the more prominent.

"If we are to be governed by the treaty, it is impossible to depart from its strict letter; and if it be found that the words of the instrument are incompatible with the geographical delineations of the country, and that neither party can satisfactorily establish its line—it follows that a new one should be adopted by mutual and friendly

* See page ix, *ante*.—Sir Robert Peel's Statement in the House of Commons, Note (†).

agreement. It was with this view of the case that the King of the Netherlands recommended a compromise, and designated the St. John and the St. Francis as the basis of that compromise. It was also in accordance with the same friendly spirit that the British Government, only a few months since, offered to make an equal and exact division of the whole territory, and take one half—an offer, in our opinion, most just, most rational, and in the highest degree expedient.

“The north-west angle of Nova Scotia of *the treaty* was conventional, rather than geographical, and the treaty prescribed the mode of finding and fixing that angle. The American Commissioners of 1783 first proposed as a boundary the river St. John, from its source to its mouth, and if this had been agreed to, *where would the north-west angle of Nova Scotia have been then?* Of what utility would have been the southern boundary of Quebec in that case? Surely, if it had been the settled purpose of the negotiators to fix irrevocably the north-west angle where the western line of Nova Scotia intersects the southern limits of Quebec, the treaty could not have been silent upon a point of such moment. The King of the Netherlands pointedly alludes to this defect.

“The British Commissioners refused to surrender the whole territory washed by the river St. John, because the demand was exorbitant, and the American Commissioners abandoned it for the same reason. Now, can it be supposed, as the Award remarks, that England would consent to give up more land to the north of the St. John than at the south, especially when such surrender cut off her communication with Canada? Such an arrangement never could have been meant or intended by either party.

“In the Preliminaries of Peace, entered into in 1782, we find the following:—

“‘It is agreed to form the Articles of the proposed Treaty on such principles of liberal equity and reciprocity, as that, *partial advantages* (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both, perpetual peace and harmony.’

“Now look at the map, and see if the boundary as claimed by the United States corresponds with this injunction. Does this line yield no partial advantages to Maine,—those ‘seeds of discord?’

“Let any candid person draw a line from the city of St. John to the city of Quebec, and see if it describes a good and sufficient boundary to Great Britain. The American Commissioners of 1783 would not have asked for such a line, nor would those of England have yielded it, and, consequently, it cannot be in conformity to the true intent and meaning of the Treaty of that date.

“The whole question has been submitted to an impartial arbiter—the King of the Netherlands; that monarch has investigated it, and given his award, which will be found in this day’s impression. This award the State of Maine refused to be bound by, although England, notwithstanding it gave her the smallest portion, expressed her willingness to accede to it.

“There was no reason to suppose that His Majesty of the Netherlands was unduly favourable to England, for at that period a hostile English fleet was at his door, endeavouring to dis sever his kingdom; which was ultimately done, and Belgium wrested from him.

“We have made these remarks for the purpose of showing that England has some justice on her side, and is not acting the fraudulent part that is represented. The position assumed by the State of Maine, and in part by Congress, places England in a painful situation. The *whole territory* is insisted on, and if Great Britain yields it, she cuts herself off from Canada, and renders herself incapable of sending succours during the winter to her loyal population in those provinces, and thus place in imminent jeopardy their safety. Are the United States, then, prepared to force on England the dire alternatives of *war* or the loss of *Canada*? We hope not, most fervently, especially when the matter in dispute is comparatively of little value, and of doubtful title. We trust that the sober good sense of the American people will calmly examine this matter, and enable the President and his Cabinet to present to England some less obnoxious alternative. Let the case be once more referred to a third power—let moderation and justice guide the councils of both nations; but never let two kindred people again imbue their hands in each other’s blood.”

EXTRACTS FROM CHANNING'S LETTER ON THE ANNEXATION OF
THE TEXAS.

[Though addressed to America, these words are no less ominous to England. The crimes of nations affect not the perpetrators or the victims alone. It was in England's power to prevent the disasters here described and prognosticated: it was her duty to have done so. The perusal of these lines, besides awakening Englishmen to a sense of their position in the actual crisis, may lead them to reflect on the duties associated with their great fortune, and on the prospect of bloodshed and misery, of violence and injustice, in every quarter of the Globe, resulting from their unfitness for the station they occupy. I pray God that it may lead them to think on their children's fate: and on the execration that may yet be heaped on their name, where it has hitherto been revered.]

“Some crimes, by their magnitude, have a touch of the sublime; and to this dignity the seizure of Texas by our citizens is entitled. Modern times furnish no example of individual rapine on so grand a scale. It is nothing less than the robbery of a realm. The pirate seizes a ship. The colonists and their coadjutors can satisfy themselves with nothing short of an empire. They have left their Anglo-Saxon ancestors behind them. Those barbarians conformed to the maxims of their age, to the rude code of nations in time of thickest heathen darkness. They invaded England under their sovereigns, and with the sanction of the gloomy religion of the North. But it is in a civilized age, and amidst refinements of manners;—it is amidst the lights of science and the teaching of Christianity, amidst expositions of the law of nations and enforcements of the law of universal love, amidst institutions of religion, learning, and humanity;—that the robbery of Texas has found its instruments. It is from a free, well-ordered, enlightened Christian country, that hordes have gone forth, in open day, to perpetrate this mighty wrong.”

“We boast of our rapid growth, forgetting that, throughout nature, noble growths are slow. Our people throw themselves beyond the bounds of civilization, and expose themselves to relapses into a semi-barbarous state, under the impulse of wild imagination, and for the name of great possessions. Perhaps there is no people on earth, on whom the ties of local attachment sit so loosely. Even the wandering tribes of Scythia are bound to one spot, the graves of their fathers; but the homes and graves of our fathers detain us feebly. The known and familiar is often abandoned for the distant and untrodden; and sometimes the untrodden is not the less eagerly desired because belonging to others. To this spirit we have sacrificed justice and humanity; and through its ascendancy, the records of this young nation are stained with atrocities, at which communities grown grey in corruption might blush.”

“Texas is a country conquered by our citizens; and the annexation of it to our Union will be the beginning of conquests, which, unless arrested and beaten back by a just and kind providence, will stop only at the Isthmus of Darien. Henceforth we must cease to cry, Peace, peace. Our Eagle will whet, not gorge its appetite on its first victim; and will snuff a more tempting quarry, more alluring blood, in every new region which opens southward. To annex Texas is to declare perpetual war with Mexico. That word, *Mexico*, associated in men's minds with boundless wealth, has already awakened rapacity. Already it has been proclaimed, that the Anglo-Saxon race is destined to the sway of this magnificent realm,—that the rude form of society, which Spain established there, is to yield and vanish before a higher civilization.”

“A deadly hatred burns in Mexico towards this country. No stronger national sentiment now binds her scattered provinces together, than dread and detestation of Republican America. She is ready to attach herself to Europe for defence from the United States. All the moral power which we might have gained over Mexico, we have thrown away: and suspicion, dread, and abhorrence, have supplanted respect and trust.”

“I am aware that these remarks are met by a vicious reasoning which discredits a people among whom it finds favour. It is sometimes said, that nations are swayed by laws, as unailing as those which govern matter; that they have their destinies; that their character and position carry them forward irresistibly to their goal: that the stationary Turk must sink under the progressive civilization of Russia, as inevitably as the crumbling edifice falls to the earth; that, by a like necessity, the Indians have melted before the white man, and the mixed, degraded race of Mexico must melt before the Anglo-Saxon. Away with this vile sophistry! There is no necessity for crime. There is no Fate to justify rapacious nations, any more than to justify gamblers and robbers, in plunder.”

“Hitherto, I have spoken of the annexation of Texas as embroiling us with Mexico; but it will not stop here. It will bring us into collision with other states. It will, almost of necessity, involve us in hostility with European powers. Such are now the connexions of nations, that Europe must look with jealousy on a country, whose ambition, seconded by vast resources, will seem to place within her grasp the empire of the new world. And not only general considerations of this nature, but the particular relation of certain foreign states to this continent, must tend to destroy the peace now happily subsisting between us and the kingdoms of Europe. England, in particular, must watch us with suspicion, and cannot but resist our appropriation of Texas to ourselves. She has at once a moral and political interest in this question, which demands and will justify interference.”

“England has a political as well as moral interest in this question. By the annexation of Texas we shall approach her liberated colonies; we shall build up a power in her neighbourhood, to which no limits can be prescribed. By adding Texas to our acquisition of Florida, we shall do much toward girdling the Gulf of Mexico; and I doubt not that some of our politicians will feel as if our mastery in that sea were sure. The West Indian Archipelago, in which the European is regarded as an intruder, will, of course, be embraced in our over-growing scheme of empire. In truth, collision with the West Indies will be the most certain effect of the extension of our power in that quarter. The example, which they exhibit, of African freedom, of the elevation of the coloured race to the rights of men, is, of all influences, most menacing to slavery at the South. It must grow continually more perilous. These islands, unless interfered with from abroad, seem destined to be nurseries of civilization and freedom to the African race.”

“Will a slaveholding people, spreading along the shores of the Mexican Gulf, cultivate friendly sentiments towards communities, whose whole history will be a bitter reproach to their institutions, a witness against their wrongs, and whose ardent sympathies will be enlisted in the cause of the slave? Cruel, ferocious conflicts, must grow from this neighbourhood of hostile principles, of communities regarding one another with unextinguishable hatred. All the islands of the Archipelago will have cause to dread our power; but none so much as the emancipated. Is it not more than possible, that wars, having for an object the subjugation of the coloured race, the destruction of this tempting example of freedom, should spring from the proposed extension of our dominion along the Mexican Gulf? Can England view our encroachments without alarm?”

“An English Minister would be unworthy of his office, who should see another state greedily swallow up territories in the neighbourhood of British colonies, and not strive, by all just means, to avert the danger.”

“By encroaching on Mexico, we shall throw her into the arms of European states, shall compel her to seek defence in transatlantic alliance. How plain is it, that alliance with Mexico will be hostility to the United States, that her defenders will repay themselves by making her subservient to their views, that they will thus strike root in her soil, monopolize her trade, and control her resources. And with what face can we resist

the aggressions of others on our neighbour, if we give an example of aggression? Still more, if, by our advances, we put the colonies of England in new peril, with what face can we oppose her occupation of Cuba? Suppose her, with that magnificent island in her hands, to command the Mexican Gulf and the mouths of the Mississippi; will the Western States find compensation for this formidable neighbourhood, in the privilege of flooding Texas with slaves?"

"Thus, wars with Europe and Mexico are to be entailed on us by the annexation of Texas. And is war the policy by which this country is to flourish? Was it for interminable conflicts that we formed our Union? Is it blood, shed for plunder, which is to consolidate our institutions? Is it by collision with the greatest maritime power, that our commerce is to gain strength? Is it by arming against ourselves the moral sentiments of the world, that we are to build up national honour? Must we of the North buckle on our armour, to fight the battles of slavery; to fight for a possession, which our moral principles and just jealousy forbid us to incorporate with our confederacy? In attaching Texas to ourselves, we provoke hostilities, and at the same time expose new points of attack to our foes.* Vulnerable at so many points, we shall need a vast military force. Great armies will require great revenues, and raise up great chieftains. Are we tired of freedom, that we are prepared to place it under such guardians? Is the republic bent on dying by its own hands? Does not every man feel, that, with war for our habit, our institutions cannot be preserved? If ever a country were bound to peace, it is this. Peace is our great interest. In peace our resources are to be developed, the true interpretation of the constitution to be established, and the interfering claims of liberty and order to be adjusted. In peace we are to discharge our great debt to the human race, and to diffuse freedom by manifesting its fruits. A country has no right to adopt a policy, however gainful, which, as it may foresee, will determine it to a career of war. A nation, like an individual, is bound to seek, even by sacrifices, a position, which will favour peace, justice, and the exercise of a beneficent influence on the world. A nation, provoking war by cupidity, by encroachment, and, above all, by efforts to propagate the curse of slavery, is alike false to itself, to God, and to the human race."

"This possession will involve us in new Indian wars. Texas, besides being open to the irruption of the tribes within our territories, has a tribe of its own, the Camanches, which is described as more formidable than any in North America. Such foes are not to be coveted. The Indians! that ominous word, which ought to pierce the conscience of this nation, more than the savage war-cry pierces the ear. The Indians! Have we not inflicted and endured evil enough in our intercourse with this wretched people, to abstain from new wars with them? Is the tragedy of Florida to be acted again and again in our own day, and in our children's?"

"But one thing does move me. It is a sore evil, that freedom should be blasphemed, that republican institutions should forfeit the confidence of mankind, through the unfaithfulness of this people to their trust."

* If these consequences have not fallen as yet on the United States, it is that France encouraged the outrages, as committing that people against England; and a Minister of England,—false to his country, did not repress the wrong, and did suppress the truth.

THE END.