

State Papers Relative to the North Eastern Boundary Controversy

THE following is a part of the original correspondence between the executive departments of the United States and of the State of Maine relative to this international dispute. The original documents are deposited in the Maine State Library.

His Excellency, Albion K. Parris.
Governor of Maine, Portland,
Department of State,
Washington, 25 November, 1825.

Sir,

I have the honour to transmit herewith to your Excellency, a copy of a Note with its accompaniments, received at this Department, from the British Minister; and to request that you will afford me such information on the subject matter of it, as shall enable me to present to the British Minister satisfactory explanations of the transactions to which his communication refers. It will occur to you, of course, as being proper that I should be informed whether the persons acting as the Agents of Massachusetts and Maine have been duly constituted such; what they have been authorized and directed to do, and by what authority, and what in fact have been their official transactions, at least, so far as regards the complaint of the L^t Governor of New Bruns-

wick. I will be obliged to your Excellency for the information desired as soon as your convenience will admit of its transmission. In the meantime I offer you assurances of the distinguished consideration of your Obedient Servant.

H. Clay.

Washington, Nov^r 15th, 1825.

Sir,

I have the honor to lay before you a copy of a letter with its enclosures, which I have received from Sir Howard Douglass. His Britannic Majesty's L^t Governor of New Brunswick.

It appears that two American citizens representing themselves to be accredited Agents of the Commonwealth of Massachusetts, and the State of Maine, have circulated a Notice among the settlers upon the Rivers St. John & Madawaska, that they were authorized to execute deeds of conveyance of Lands in those Districts; and the same persons on their passage through the settlement of Madawaska, endeavored to induce the men belonging to the Militia not to attend the general training, asserting that they could not be fined for their absence, as the territory which they occupied belonged to the United States.

I regret that the difference of opinion which has resulted from the deliberations of the Commissioners under the 5th article of the Treaty of Ghent, for fixing the boundary between the possessions of His Britannic Majesty and the territory of the United States has not yet been adjusted, and that an opening is thereby left for complaints of the Nature I am now called upon to represent to you—I am sure, however, that you will concur with me in opinion, that so long as the question of

the boundary remains in the present undecided state, it will be the duty of our Governments to controul, mutually, any conduct on the part of their respective subjects which is calculated to produce disunion and disagreement.

I trust, therefore, that the conduct of the individuals which I have thought it my duty to bring before you, will meet with the disapprobation and discountenance of the Government of the United States.

I have the honor to request, Sir, that you will accept the assurances of my highest consideration.

Signed—Chas. R. Vaughan.

The Hon^{ble} Henry Clay &c. &c.

Frederickton New Brunswick,
October 24th 1825.

Sir,

I have the honor to transmit to your Excellency, copies of two papers communicated to me from Peter Fraser Esq., one of the Magistrates, and commandant of a Battalion of Militia in the county of York in this province, stating the conduct of two American Subjects who have represented themselves as accredited agents of the Commonwealth of Massachusetts, and State of Maine.

I submit to your Excellency's consideration the propriety of making a representation to the American Government, and demanding that an immediate stop be put to practices which have such a marked tendency to sow dissension, and insubordination in settlements long since established by grant from His Majesty, and considered as subject to the British Crown, and which, if persisted in, may lead to serious consequences which it will not be in my power to prevent.

I have the honour &c.

Signed' Howard Douglas

The Right Hon. Cha^s. Vaughan &c &c &c.

We the subscribers, Land Agents for the Commonwealth of Massachusetts, and State of Maine, hereby give notice, that We are authorized and directed by the Legislatures of said Commonwealth and State, to make and execute good and sufficient deeds conveying to each settler on the Saint Johns and Madawaska Rivers, now in actual possession, their heirs or assigns, one hundred acres each of the land by them possessed to include their improvements on their respective lots, they paying to the Undersigned for the use of said Commonwealth and State, ten dollars each, and the expense of surveying the same.—

Those persons desirous of availing themselves of the above advantage may obtain the same by applying to Samuel Cook Esq. of Houlton Plantation, who will be authorised to survey the same, and deeds will be executed conformable to said Cook's survey whenever the same is made and plans returned to us.—

Signed' George W. Coffin—

Signed' James Irish—

Madawaska Oct^r. 3d 1825.

Madawaska Oct^r. 8th 1825.

Sir,

On the second inst. two Americans passed through here to Bakers, at the head of the settlement on the St. Johns River. They are Land Agents from the Commonwealth of Massachusetts, and the State of Maine—They returned on tuesday, and on their way down offered

money to the Militia men not to appear at the general training, on that day, and said to them, that this part of the country belonged to them, we could not fine them for non-attendance. They also left at Captain Firman Thibedaus, on the same day, the enclosed paper for him to make public in the settlement, which you will be pleased to lay before His Excellency, the Governor. —

These Americans came, and returned so rapidly, that I had it not in my power to see them personally, for, if I had received the enclosed paper, and the information of their having offered Money to prevent the Men from attending the training, before their departure from here, I would have considered it my duty to have sent them down prisoners to Frederickton. —

I have the honor &c &c.

P. Fraser Major Com^g

4(?) Batⁿ. Y. C. Militia.

The Hon^{'ble} L^t Col. Geo. Shore

Adjut. Gen^{'l} Y. C. Militia—

His Excellency Albion K. Parris,
Governor of the State of Maine.

Department of State
Washington 29 January 1827.

Sir,

I have the honor to transmit to your Excellency the Copy of a Letter from the British Minister here, under date the 16th of this month, upon the subject of the Eastern line of Boundary under the Treaty of Ghent, and complaining, at the suggestion & upon the information of the Lieut. Governor of New Brunswick, of further proceedings of Persons calling themselves Land-Agents and Surveyors, under the authority of the State

of Massachusetts and Maine, in laying out Townships in the disputed Territory in that quarter.

I am fully persuaded of your Excellency's disposition to take the steps required by the occasion for arresting the proceedings complained of— on the part of the Citizens of Maine, so far as they may be found repugnant to the conciliatory Course recommended by the President, in the Letter, which I had the honor, by his direction, to address to you on the 4th January 1826, and it is with this view that I now transmit to your Excellency the Copy of Mr. Vaughan's Letter, above referred to.

I am, with great Respect, your obed^t. Servt.

H. Clay.

Washington

16th January 1827.

Sir,

About the latter end of the year 1825 and about the beginning of the last year, a correspondence took place between us, relative to encroachments of persons calling themselves Agents from the States of Maine, and Massachusetts, in the Territory in dispute between His Majesty's Government, and that of the United States, in consequence of the unsettled state of the North Eastern Line of Boundary under the Treaty of Ghent.

The representation which I had the honour to make was promptly answered by the Government of the United States. An enquiry into the circumstances of the encroachments complained of took place, and a spirit of forbearance and moderation was inculcated by the directions of the President, which induced me to hope that I should not have occasion to recur again to a representation of a similar nature.

I have received however, a Letter from Sir Howard

Douglas, His Majesty's Lt. Governor of New Brunswick acquainting me with some further proceedings of persons calling themselves Land-Agents, and Surveyors, acting under the authority of the Governments of the States of Maine, and Massachusetts, in surveying, and laying out Townships in the disputed Territory in question.

The particular Acts which have excited uneasiness in the Government of New Brunswick, are, the laying out of Land into Townships, and marking out roads within a Territory, the assignment of which is not yet made to either of the Parties under the Treaty of Ghent.

My former representation was met by you in so conciliatory a spirit, that I am encouraged to hope, that the intervention of the Government of the United States will be effectually exerted to induce the Governments of the States of Maine and Massachusetts to abstain from measures which can be construed into a premature exercise of authority in a disputed Territory, and which may lead to collision of a most disagreeable nature between the Settlers in that Territory.

I think it advisable to make you acquainted without delay with the complaint which I have received from the Lt. Governor of New Brunswick, whom I beg leave to assure you cautiously abstains on his part from exercising any authority in the disputed Territory which could invite an encroachment, as a measure of retaliation.

I have the honor to request, that you will accept the assurances of my distinguished Consideration.

Signed' Cha^s. R. Vaughan.

The Hon^{'ble}

Henry Clay,

&c. &c. &c.

Executive Department of Massachusetts.

To his Excellency Enoch Lincoln

I recently received from the Department of State of the United States, a communication covering a copy of a note, addressed by the British Minister resident at Washington, to M^r. Clay, in which the former complains, in behalf of his Government, of acts of encroachment and aggression by American Citizens, upon the territory claimed to be within the Jurisdictional limits of his Majesty's Province of New Brunswick.—The occasion of the communication referred to may probably have relation to the exercise of the rights of property and possession under the authority of this Commonwealth, and the State of Maine, in the Surveys and division of the public lands and the location of the Road from the Mattawamkeag Stream, to the mouth of Fish River, the last season. Presuming that you have likewise been addressed by the secretary of State on the subject of Mr. Vaughan's note, I beg indulgence in asking your correspondence upon the facts which are supposed to exist, and the benefit of such information as you possess of the merits & probable issue of the controversy, concerning our North eastern Boundary,—And the evidence by which it may be justly established by title, or by possession and occupancy, on our part, and acquiescence on the part of the British. The difficulty seems to lie in the application of the description of the Boundary, as defined by the Treaty of 1783, to the face of the Country. A practical construction, coeval with the date of the compact would have much force, in determining the intention of the parties. While it Cannot be admitted, that there is anything uncertain or ambiguous in the language of the Treaty, the pertinency of it, to the indiciae of the Line, upon which we insist, can only

be maintained by facts and appearances obvious to distinct and certain observation.

Will you also be pleased to favour me with your advice of the Measures, which the Government of Maine propose in regard to the Management of the property of this part of our Territory. It certainly is desirable that while we insist upon the rights of the States to their full extent, and omit nothing by which they may be successfully vindicated, we forbear in respectful deference to the suggestion of the Natural Executive, all unnecessary Acts of proprietorship and Jurisdictional Authority, which would lead to collisions between the citizens and subjects of the respective Governments, or create embarrassment in the progress of negociation, for a final settlement of the controversy.

May we not without serious prejudice suspend the making of the Fish River Road, Another Session? I am not aware that any other definite work, has been proposed, the execution of which would conflict with the wishes, expressed in the Letter of the Secretary.

With earnest and interesting assurances of that great regard, which belongs to our official as well as personal relations

I am &c

Levi Lincoln.

His Excellency Enoch Lincoln, Governor of Maine.

Department of State.

Washington 27 March 1827.

Sir,

I have to acknowledge the receipt of the Letter which your excellency did me the honor to address to me on the 20th instant, with a Copy of the report of the Joint Select Committee of the Senate and House of Representatives of the State of Maine, enclosed, both of

which I have submitted to the President. The deep interest which is taken by the State of Maine in the settlement of our North Eastern Boundary with Great Britain, is very natural. And I assure you that it is a subject on which the President feels the most lively solicitude. Mr. Gallatin is charged with, and has actually entered on, a negotiation concerning it, but which was not brought to a close at the last dates from him, nor is it probably yet terminated. At that period, the prospect was, that there would be no other alternative than that of referring the difference between the two governments to arbitration, according to the provisions of the treaty of Ghent. Much difficulty was experienced even in adjusting certain preliminary points necessarily connected with the reference, and they have not yet been finally arranged.

When an application was made, during the Session of Congress prior to the last, by the Senators of Maine, for Copies of all the papers in this Department respecting the disputed boundary, it was not deemed expedient to furnish copies of the Reports and arguments of the Commissioners, the publication of which, it was believed, would be prejudicial. Copies of any surveys, Maps, or documentary evidence, were offered. The same considerations, which then existed, are still believed to be opposed to letting Copies go from the Department of those reports and arguments. With that exception, copies of any of the other papers returned by the Commissioners will be furnished whenever application is made for them.

It is stated in the Report of the joint select Committee that "We cannot view the acts complained of by the British Governments as encroachments upon the rights of New Brunswick or Great Britain, for they relate and were only intended to relate to the territory

within the description of the treaty.” Although the President might be disposed entirely to coincide in this opinion with the State of Maine, it must not be forgotten that an opposite opinion is entertained by Great Britain with whom we are now treating. If, whilst the controversy is unsettled, and during the progress of a negotiation, each party proceeds to take possession of what he claims to belong to him, as both assert title to the same territory, an immediate collision is unavoidable. British Government has abstained, according to the assurances given through their Minister here, from the performance of any new Acts which might be construed into an exercise of the rights of sovereignty or soil over the disputed territory; and they so abstained on our representation, and at our instance. Under these circumstances the President continues to think, that it is most advisable that we should practice the like forbearance as recommended in the Letters, which I had the honor of addressing to your Excellency on the 4th January of the last, and the 29th of January of the present, year. This mutual forbearance is believed to be essential to the harmony between the two Countries, and may have a favorable tendency in the amicable adjustment of the difference between them.

It is worthy also of consideration that, although Maine is most, she is not the only State, interested in the settlement of this question.

Your Excellency may be perfectly persuaded, that every effort will be employed to obtain a satisfactory and as speedy a decision of this matter as may be practicable; and that not less attention will be paid to it, than has been shown on the part of the Executive of the United States in the adjustment of their boundary in another part of the Union to which you refer, whilst it is hoped

that some unpleasant incidents, which occurred there, may be avoided in the North East.

I transmit herewith, for the consideration of your Excellency, an extract from a despatch of Mr. Gallatin under the date the 30th October last.

I am, with great Respect,

Your Excellencys obed-Servt.

H. Clay.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated London 30. Oct^r 1826.

“Permit me to add an observation on the subject of compromise. Agents had been appointed by the States of Massachusetts and Maine, whose operations have since been suspended at the request of the General Government, for purposes connected with the rights of sovereignty and soil of those States to the disputed territory,—It would seem, from certain proceedings of the Legislature of New Brunswick, that some of those agents, besides performing their duties, suggested that an amicable arrangement of the boundary might take place, by making the river St John’s the line of division. This suggestion appears to me incautious; and I think that the States ought to be put on their guard on that subject. It must not be forgotten that the chance of an arrangement by compromise is extremely uncertain, and the necessity of resorting to the arbitration very probable. An umpire, whether he be 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 with that bias, he is very apt to consider any previous proposal from either party as a concession that his title was defective, and as justifying a decision on his part that will not displease too much either party, instead of one

founded on a strict investigation of the title. It seems, indeed, that in any negotiation which may take place for a compromise, any proposition on our part inconsistent with our construction of the treaty, and which would not secure to us all the waters that empty into the S^t John's West of the line running North from the source of the S^t Croix, would be dangerous. If such proposal, deemed on the whole better than to run the chance of an arbitration, comes from Great Britain, it may then, but, I think, not till then, be taken into consideration."

Department of State.

Washington 7 May, 1827.

To His Excellency E. Lincoln:

Sir:

I have the honor to acknowledge the receipt of your excellency's letter of the 16th ult^{mo}, and to inform you that I have submitted it to the President. The solicitude which is felt by your Excellency and the Legislature of Maine, in regard to the settlement of our northeastern boundary, so interesting to that state, and so important to the whole Union, is perfectly natural, and justly appreciated by the President. And he is intirely disposed to communicate any information in the possession of the Executive of the United States on that subject which can, in his opinion, be communicated without the danger of public detriment. Accordingly, when, at the session of Congress before the last, an application was made at this Department, by the Senators from Maine, for copies of all the papers, maps, and other documents reported by the Commissioners who were appointed under the fifth article of the Treaty of Ghent, it was stated to those gentlemen that the copies would be furnished whenever requested, with the exception of the reports

and arguments of the Commissioners, transcripts from which, considering their peculiar character, in the then state of the question, the President did not think it expedient to allow to be taken. The Senators from Maine availed themselves of the permission, and obtained copies of some of the maps. Copies of all the papers reported by the Commissioners, which are very voluminous, would require the services of two or three copyists for many weeks; but the labour of preparing them would be cheerfully encountered for the accomodation of the State of Maine.

The negotiation with Great Britain is still pending, but there is reason to expect that it will soon be brought to some conclusion; perhaps in a shorter time than would be requisite to copy and transmit the papers reported by the Commissioners, to your Excellency. The President continues to think that the public interest requires that the communication of transcripts of the reports and arguments of the Commissioners, even under the limitation proposed by your Excellency, should be postponed for the present, and until it can be made without the wish of any injurious effect upon the state of the negotiation. Your Excellency's experience in public affairs will enable you to make a just estimate of the reserve and delicacy which ought to be observed in all negotiations with foreign Powers involving subjects of deep national interest. This consideration has such weight that it is the uniform practice of Congress, as no one knows better than your Excellency, to annex a qualification to the calls which are from time to time made, for papers relating to the Foreign negotiations of the Government. There would not be the smallest objection to an exhibition to the inspection of your Excellency, or confidentially, to any person that you might think

proper to designate, of all the papers, without exception, reported by the Commissioners.

I abstain from a particular notice of many of the topics of your Excellency's letter, not from the least want of respect, (on the contrary I entertain the highest, personally and officially) for your Excellency, but from a persuasion that the discussion of them is without utility. It has been thought most profitable to limit my answer to the specific requests contained in your letter.

I transmit, herewith, in conformity with your wish, a list of the papers reported by the Commissioners, copies of any of which may be procured, for the use of the State of Maine, whenever desired, with the exception which has been stated.

I am,

With great respect, Sir,
your obed. hu. serv^t

H. Clay.

A List of Books, papers &c. relative to the Vth Article of the Treaty of Ghent.

Books.

Vol. I. Journal of Commission.

Vol. II. Claims of Agents.

Contains Claim of the Agent of the United States.
First Memorial concerning the Northwest
Angle of Nova Scotia and the Northwest-
ernmost head of Connecticut River &c.

By the Agent of H. B. Majesty.
Second Memorial concerning Same.

By Same.

Vol. III. Answers of Agents.

Contains A reply to the Memorial of the Agent of the United States filed 8th June 1821 exhibiting the line of the boundary of the U. States from the Source of the River S^t Croix to the Iroquois or Cataraquy.

Answer of the Agent of the U. States to the claim and opening argument of the Agent of H. B. Majesty.

Recd August 10th 1821.

Vol. IV. Replies of the Agents.

Contains The Reply of the Agent of the United States to the answer of the Agent of H. B. Majesty to the claim and opening argument of the Agent of the United States &c.

Recd Sept^r 27th 1821.

Observations upon the Answer of the Agent of the United States to the Claim and opening argument of the Agent of H. B. Majesty.

Vol. V. General Appendix.

Contains Reports of the Surveyors and Astronomers, and Documents referred to in the Arguments of the Agents.

Appendix to British Agent's Reply.

(Duplicate) Report of Commissioners

C. P. Van Ness.

Report of the Commissioner of H. B. Majesty Addressed to the Government of the United States.

Appendix to the Report of H. B. Majesty's Commissioners.

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ADDITIONAL.

Map of the Country explored in the years
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of the Treaty of Ghent.

Map referred to in the British Agent's Reply.

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Filed August 14, 1821

(signed) S. Hale, Secretary.

Title of the British Copy.

This atlas (containing the Copies of Maps and parts
of Maps and plans with the exception of the last
Mitchell's Map which was filed as thereon stated) accom-
panied the answering argument of the Agent of H. B.
Majesty filed on the 14th of August last.

Department of State,
Washington, 9th June, 1827.

His Excellency Enoch Lincoln:

Sir:

The President has received the letter which your Excellency addressed to him, under date the 29th ultimo; and I am charged by him to convey to you his assurances that your observations on the interesting subject of our Northeastern boundary shall receive attentive and respectful consideration. I beg leave to add that in no contingency is any arbitration of the difference between the United States and Great Britain, relative to that boundary, contemplated, but that for which provision has been solemnly made by treaty. It would afford great satisfaction to the President if a resort to that alternative for quieting the dispute could be avoided, by obtaining from Great Britain an explicit acknowledgment of the territorial claims of Maine, in their whole extent. Candor, however, compels me to state, that the prospects of such an acknowledgment, at the present time, are not encouraging.

I avail myself of this occasion to renew to your Excellency assurances of the high respect and consideration of

Your obedient servant,

H. Clay.

Department of State
Washington 15 June, 1827.

His Excellency Enoch Lincoln

Governor of Maine.

Portland

Sir:

I was directed by the Secretary, before his departure from this City, a few days ago, on a visit to

Kentucky, to have copies prepared of the Books &c. &c. requested in your Letter to him of the 29th of May, and to transmit them to your Excellency, with all possible despatch; and I have just collected together the manuscript Books containing the arguments of Mr. Chipman and Mr. Sullivan, agents under the Commission for determining the true St. Croix, and those containing the arguments of Mr. Austin and Mr. Chipman, agents under the 4th Article of the Treaty of Ghent, together with the Reports of the Commissioners in both cases, fourteen in number, and averaging, each, about two hundred and fifty pages of close writing on foolscap paper; transcripts of these being particularly noticed by you as wanting. Added to those, the Arguments, Reports and Papers, including the Maps, under the 5th Article of the Treaty of Ghent which come, it would seem to me, within the scope of your request, embrace a mass of writing nearly as voluminous as that of these Books. I take the liberty under these circumstances, of troubling your Excellency with this Communication, to apprise you of the extent of the transcripts which appear to be thus required, and of the delay which must, of consequence, attend this execution of your Excellencys commission, as it is, at present, understood by me.

I beg leave, however, to state that the subject is involved in so much obscurity from the prolix and complicated arguments, reports and replies of the several Commissioners, Agents, Astronomers and Surveyors, that I do not like to venture upon making a selection for the copyists, though I feel fully persuaded that this might be advantageously done, to the great abridgment of their work and to the expediting of the fulfilment or your wish. The Senators from your State, Messrs Holmes and Chandler, have seen the Books, and, as well I recollect, were furnished with copious extracts from

them; and perhaps, they might favour this Department, through your Excellency, with some suggestions leading to a convenient curtailment, which should, nevertheless, be entirely compatible with your excellency's object, in reference to the copies required by you.

I have the honour to be, with the highest respect, your Excellency's obedient humble servant,—
Daniel Brent.

Monmouth 4 July 1827

Hon Enoch Lincoln
Governor of Maine

Sir

I have the Honor to receive your Communication of the 27 June, in reply to which will observe, that, although I saw the Books containing the arguments of the agents, Mr Chapman and Mr Sullivan under the commission for determining the true St. Croix, and those containing the arguments of Mr. Austin and Mr. Chapman agents under the 4 article of the treaty of Ghent, together with the reports of the commissioners in both cases also the notes of the Surveyors, and the astronomical observations, but it was some time ago and it would be impossible for me to form an opinion what part of either could be abridged with any advantage to the State, unless you should think that the astronomical part may be, of this you can Judge much better than I can. with respect to all the other part it would Seem to me that the Legislature expected the whole, & I Should think it necessary. Indeed they ought and I presume will be furnished without expense to the State, we have a right to expect it. it would be very extraordinary if after paying our proportion of Millions for making roads & canals in other States we should be called upon to pay

for copying papers in one of the departments, which are important to the State as it respects Jurisdiction and Territory, both of which are disputed by a foreign Country, and as it would be impossible to say what you could dispense with in Justice to the State, I Should think it the Safer Course to ask for the whole. I would say nothing about paying for copying, nor would I pay a cent for it, the appropriation not withstanding, let them ask the State to pay for copies of papers necessary for a State, they never will do it, we shall not be indebted to the general government if we git the whole, and I would ask for the whole. Mr Brent mentions Mr Holmes & my selfe having had extracts. I do not Recolect what we took, except a map, all we did take however was forwarded to the executive department of this State. you will pardon me for the positive manner in which I give an opinion when I assure you nothing improper is intended

Very Respectfully
your Humble Serv^t
John Chandler

To his Excellency Enoch Lincoln, Governor of the State
of Maine

We, whose names are hereto signed have been chosen and sent by a considerable portion of the American Citizens, residing in the Madawascah Settlement so called to make a representation of their condition to the public authorities of this State, and the Legislature not being in session, we pray leave to make the same to your excellency, the chief magistrate thereof.

In performance of this duty they would humbly make known to you, that themselves and their constituents are situated far from their own government, and exposed

to and actually suffer annoyance and oppression from the foreign government of New Brunswick.

That they themselves hold their title to their lands by virtue of deeds from Massachusetts and Maine Agents; and that all our constituents have also applied for the like, and authorized us to act in that behalf for them; but that the government of the adjoining province regards and treats them in all civil respects as aliens. It denies their right to hold their lands there situated in fee simple on the ground alleged of their being aliens. It assesses upon them and demands the alien tax. It refuses to allow them the right of transmitting their produce as American; and has actually seized such, refusing to receive the duty thereon—and manifest a disposition to harrass and drive us by force and violence out of the country.

When the agents of the two States were with us they authorized the undersigned James Bacon to receive applications for timber and to give license for selling the same; Whereupon a person by the name of Morehouse, under taking to exhibit himself as a magistrate, forbade my acting and threatened to imprison me if I should proceed. He also demanded the deed of the said John Baker upon similar threats, And the government of the Province has claimed the timber cut on lands thus conveyed and treats the same as forfeited.

On the fourth of July last we were met together in a peaceable manner, upon the land conveyed as before said, to commemorate the anniversary of American Independence; and the same gentleman M^r Morehouse appearing and acting as a magistrate commanded us in the name of the King to pull down our flag, raised on that occasion.

Over the other inhabitants situated in the same district the English agents and officers, acting as magistrates &c

undertake to exercise the same authority and power that they do over the natural subjects of the Province. They require them to train in militia, impose fines for not performing such service, and seize and sell their property by distress, therefor. They also send their civil writs and precepts in the same manner among us all, requiring us all alike, as the case may be, to appear before their magistrates in New Brunswick and attend their courts at Fredericton— And in all these particulars ourselves and our fellow citizens in the same conditions with ourselves are exposed to and do actually Experience great grievances—

That their constituents are very anxious and uneasy on account of the long delay of settling the line with New Brunswick, labouring in the meantime under the want of protection from the state, and of all the advantages of government.

That there are not far from three thousand inhabitants in the District of Madawascah. That the main branch of the St. Johns is boatable an hundred and eighty miles or more, above the intersectary boundary line, with a great number of streams entering into it and navigable in the same manner, particularly the Alleguash, which contains several lakes, and there are two considerable lakes at the head of the main branch of the St Johns;— the St Johns winding round to a low portage adjacent to the Penobscot, distant about a mile and a half between. And the Alleguash comes within two miles of a lake issuing into the Penobscot, making also a portage. The said Baker believes he is the first American that visited and surveyed the first above mentioned portage— and has been six seasons successivly hunting among the head branches of the great St. Johns. and they both performed their present journey by the river Alleguash, and traversing so round through Moosehead Lakes, in

their canoe to the Kennebec. That the said Baker is thereby enabled specially to state that the St. Johns river embraces and waters a very extensive and valuable territory; generally good land, and the most part of it highly fertile, more so probably than any part of the State. That the same contains a large body of valuable white pine timber— that the quality of the land for settlement is very fine and the proportions fit therefore very large, as much in their opinion as three fourths thereof and quite free from swamps, ledges, &c. Great crops have been raised in Madawascah for several years past— Latterly sufficient for their own consumption and the support of emigrants thither, besides Exporting four or five thousand bushels to Canada. The lands between the main waters of the St Johns and the St Lawrence are principally high— but some of the tributary streams of both are very nigh, descending from the same eminence— and the principal communications with the country on the St Lawrence are by the Madawascah and St. Francis.— Inhabitants are frequently coming in,— but substantial people are afraid to vest their property in such an unsettled state of the country, and the natural increase of population and settlement is by these causes much embarrassed and obstructed,— But for these causes, in their opinion, a constant influx of useful and valuable settlers might be expected into this tract of country forming their families and establishments around them and conducing to the strength, security, cultivation and prosperity of the State.

Your petitioners are unable fully and circumstantially to set forth all the evils and disadvantages under which they lie, from the absence of the protecting and fostering hand of government, and indeed from the total privation of any regular established authority of their own.— They therefore on behalf of their constituents

earnestly supplicate that the guardian care of the state may in some measure be extended over them, as citizens of this state and of the United States; that they may be enabled to exercise and enjoy a suitable portion of the proper rights of a civil community, and that they may at a due period be admitted to the invaluable rights and franchises belonging to members of districts or plantations, of being provided with their own officers and magistrates, and being represented in the councils of the state.

John Baker } Committee of American Citizens
James Bacon } of Madawascah.

Cumberland ss Sept^r 1st 1827 The above signed John Baker and James Bacon personally appeared and made oath to the truth of the foregoing declarations according to their best knowledge and belief respectively before

C. S. Davies Justice of the Peace.

His Excellency Enoch Lincoln,
Portland, Maine.

Department of State
Washington 14 Sept^r 1827.

Sir,

I have received the Letter which your Excellency did me the honor to address to me on the third instant, and I have lost no time in transmitting a Copy of it to the President of the United States who will no doubt give to it the most respectful and deliberate examination. In the mean time, I have also transmitted an Extract from it to the British Minister, accompanied by the expression of a confident expectation that the necessary orders will be given, on the part of the British Government, to enforce mutual forbearance from any new acts

tending to strengthen the claims of either party to the disputed territory, which it has been understood in the correspondence between M^r Vaughan and myself, would be observed, on both sides.

I have the honor to be

With great respect,

Your Excellency's ob. Servt.

H. Clay

Department of State.

Washington, 19th September 1827.

His Excellency Enoch Lincoln,

Governor of Maine.

Portland.

Sir,

I have the honor to transmit to Your Excellency the enclosed copy of a letter from the British Minister, with copies of its enclosures, in answer to the communication which I made to him on the 14th. instant, and to which I referred in my letter to Your Excellency of that date, upon the subject of an alleged undue exercise of jurisdiction in a settlement upon the river St. John, within the territory in dispute between the United States and Great Britain.

You will observe that Mr. Vaughan states that the American settlers on the St. Johns have recently established themselves there, within an antient British settlement; and that their titles have been lately obtained from the Agents of the States of Maine and Massachusetts. I should be glad to be put in possession of any information which Your Excellency may have shewing whether that statement be correct or not.

I am, with great respect,

Your Excellency's obedient servant.

H. Clay

M^r Vaughan to M^r Clay.

Copy.

The Undersigned, His Britannick Majesty's Envoy Extraordinary & Minister Plenipotentiary, has the honour to acknowledge the receipt of Mr. Clay's note of the 14th inst. communicating a representation made to the Government of the United States by His Excellency Enoch Lincoln, Governor of the State of Maine, respecting certain acts of the Government of New Brunswick, which are considered as an undue exercise of jurisdiction in a settlement upon the river St. John, within the territory in dispute between Great Britain and the United States.

It appears from Governour Lincoln's Statement, that the settlement in question is a British settlement upon the River St. John, westward of the Madawaska, and that it is composed of the families of the original settlers, and of emigrants from the United States. The inhabitants of the latter description, it is stated, are considered by the Government of New Brunswick, as aliens, and they are therefore not entitled to hold real estate, are assessed to pay an alien tax, and cannot transmit the produce of their land as Americans.—Some of these emigrants, the Governour observes, hold land under deeds from the States of Maine and Massachusetts.

The Undersigned begs leave to remind Mr. Clay, that in the months of November and December 1825— and again in the month of January 1827, he had occasion to remonstrate against the conduct of persons calling themselves Agents accredited by the States of Maine and Massachusetts for offering to sale in the British settlement upon the Madawaska River, grants of lands, and for surveying and laying out new settlements in that direction within the territory in dispute between Great Britain and the United States.

Ever since the Province of New Brunswick was established in the year 1784, the Territory in dispute has always been considered as forming part of it, and previously to that period, it was laid down as forming part of the Province of Nova Scotia, in a map published by the Board of Trade in 1755.— The rights of Sovereignty have, in consequence, been exercised by the British Government, and the Undersigned must protest against the validity of any title to lands in the ancient British settlements granted by the State of Maine and Massachusetts, until a change in the right of possession shall have been effected, in consequence of the Fifth Article of the Treaty of Ghent.

According to the statement of Governor Lincoln, the inhabitants of the settlement in question upon the St. John's River westward of the Madawaska, who are not emigrants from the United States, are treated by the Government of New Brunswick as British subjects, and it is observed that they are called upon to perform military service, an act of jurisdiction which may be made to imply a "rightfulness" of that jurisdiction.

The Undersigned is persuaded that no act of jurisdiction, exercised in the settlements made by Great Britain, and still in her possession, though that possession may be disputed, can influence, in any shape, the decision of the question of Boundary under the Treaty of Ghent.

The Undersigned will transmit a copy of Mr. Clay's note containing the representation of Governour Lincoln to His Majesty's Lieutenant Governour of New Brunswick, whose wish and whose duty it has always been to avoid giving the slightest uneasiness to the Government of the United States, on the Territory which has, unfortunately remained so long in dispute between the two Governments.

No attempt has ever been made to form new settle-

ments, and the Lieutenant Governour has abstained from exercising any authority over the unoccupied parts of the disputed territory, excepting for the purpose of preserving it in its present state. In proof of the friendly disposition which animates him, the Undersigned has the honour to enclose a copy of a letter which Sir Howard Douglas addressed in the month of March last to the magistrates residing in the neighbourhood of the disputed territory, and a copy of a Letter dated the 13th of April, in which His Excellency informs the Undersigned, that he had directed the Attorney General of New Brunswick to prosecute some British subjects who had cut down timber upon the St. John's river.

The undersigned begs leave to assure Mr. Clay that he will submit to His Majesty's Government a copy of his note, and he cannot help expressing an anxious wish that the negotiations which are now going on in London, may finally terminate the question of Boundary between New Brunswick and the Territory of the United States, and put an end to the collision of authority for the future in the Territory which is now in dispute.

The Undersigned avails himself of this occasion to renew to Mr. Clay the assurances of his distinguished consideration.

Signed—Cha's. R. Vaughan.

Washington, September 17th. 1827.

The Hon'ble Henry Clay &c &c &c.

Copy. — Received with Mr. Vaughan's Letter
of the 17th September 1827.—
Secretary's Office.
Fredericton, 9th March 1827.

Sir,

Satisfactory assurances having been conveyed to H.

M's Gov^t of the earnest wish of the Gov^t of the U. S. to reciprocate the conciliatory disposition shewn in regard to the disputed Territory at the upper part of the River St. John it is most desirable until the question thereto shall be finally settled that no new settlements shall be made or any timber or other trees felled in the wilderness part of that Territory nor any act done which may change the state of the question as it existed when the Treaty of Ghent was executed.

I am therefore commanded by H. E. the Lt. Governor to desire that you will be vigilant and use your utmost diligence to discover any attempt which may be made by any of H. M's subjects to intrude upon that Territory with a view to make settlements, or to procure timber, and to make immediate representation thereof to H. M's Attorney General that legal steps may be taken to punish such intruders and trespassers. And should you discover similar attempts to be made by any other persons whether unauthorized or appearing to act under color of authority, that you will use your best endeavours to ascertain the names of such persons and report the same to me, with affidavits to establish the facts for H. E. consideration.

I have &c.

signed- W. F. Odell.

Copy.— Received with Mr. Vaughan's, as above.

Fredericton, 13th. April 1827.

Sir,

In my letter of the 20th ulto. I had the honor to transmit to your E. a copy of a circular letter, which I had directed to be sent to all magistrates residing in the vicinity of the disputed territory, instructing them how to act in the event of any depredations being attempted by either party on the lands in question.

I have just received a report, stating that a quantity of pine timber had been cut by certain British subjects on the waste lands now subject to negotiation; and I lose no time in putting your E. in possession of documents which will shew the prompt steps I have taken to repress and punish these depredations.

I beg further to acquaint Your Excellency that I immediately sent, by express, instructions to the nearest magistrates to repair to the spot, to procure information, and proper proof of the acts charged, and to transmit these to H. M's. Attorney General, who has already received my directions to proceed against the parties implicated in this transaction, without delay.

I have &c &c.

(signed) H. Douglas.

The Right Hon^{ble}

Charles. R. Vaughan.

&c &c &c.

Bingham Oct. 11. 1827—

Honourable Enoch Lincoln

Enclosed are certain papers one a petition from sundry inhabitants of Matawascah in behalf of John Baker of Sd. Matawascah and the other a copy of writ on which the said Baker has been arested—and conveyed to Fredreiton Jail in New Brunswick—

After the arrest of the said Baker the Americans resident at Matawascah Dispatched two persons Viz Asal Baker & Fineas K. Hafford with said papers addressed to your Honour—but after considering that should it be your pleasure to interfere in behalf and in favour of the said Bakeur, you would probably have corispondence with the authorities of New Brunswick—it was therefore thought advisable that the messengers Should immedi-

ately return by the rout they came through the Wilderness to Matawascah, and the papers be forwarded by mail.—

In addition to what you will Learn by said papers the sd. Asal & Fineas, state that the Sheriff used the said Bakeur very roughly, and Stated in their hearing that the province of N. Brunswick would exersize Jurisprudence over said Madawascah and that Baker should Suffer for his opposition to their Laws— and threatened him with the confiscation of his property— They further state that the Said John Bakeur was arrested in addition to the writ of Ejectment, uppon an Alien Tax, and are of opinion that the authorities intend to try him for high Treason, and rebellion, for opposing the Laws of New Brunswick, at Matawascah— at any rate it is to be feared that the said Baker will suffer the riger of their Laws without mercy, and without a fair Trial.—

Therefore considering the distressed situation of the said Baker— He being a Scitezan of this state and a man of peacible Habbits, and whose intentions according to our knowledge has been fair and peacible with all men, we pray your Honour, to enquire into, the Case, and protect the person, and property of the said Baker as far as it is in your power, and agreable with your pleasure— and we also request this favour, being acquainted with, & Friends to the said Baker, that you will give us information of the result of your interposition (by letter,) Should you please to interfere in behalf of the Said Baker—

And as in duty bond will ever pray—

Joseph Russell

Asa Baker

Oliver C. Blunt—

Levi G Fletcher

Charles Pierce

Elijah Chapman

(L. S) George the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland King defender of the faith &c, To John Baker. Greeting: We command you firmly enjoining that Laying aside all Excuses whatsoever you be in your proper person before our Justices of our Supreme Court of Judicature for our Province of New Brunswick at Fredericton on the Second tuesday in october next to answer to us of and concerning certain matters which on our behalf shall be then and there objected against you and this you are by no means to omit under the penalty of one hundred pounds which we will cause to be levied on Your Goods and chattels, Lands and tenements to our use if you neglect to obey this our present command Witness John Sannders Esquire our Chief Justice at Fredericton the Seventeenth day of September in the eighth year of our Reign.

By the Justices

(Signed) Putnam

(Indorsed) At the Suit of the Attorney General for trespass and Intrusion on the Crown Lands

T. Wetmore

atty Gen^l

17th September 1827.

To his Excelency Enoch Lincln Esq.

Governor of the State of Main

Honourable Sir we received your Answer to our petition with highest Gratitude & esteem and unanimously return our sincere thanks for your Excelencys enedeavours to assist us— For unless we obtain speedy Releif we can-

not subsist in this place the British our Neighbours are growing outrageous Immediately on the return of our Agents A party of aremd Men consisting partly of men from below and the Remainder the Melitia of Matawascah Headed by the High Sherrieff from Fredericton and four of his depuites broke into the House of Mr. J. Baker on the morning of the 25th Inst after surrounding the House with a strong Guard they tore him out of Bed, and before any assistance could be obtained Hurried him away declaring that they Arrested him for acting against British Authority in this place & not paying the alien tax And Subverting other to do the same they likewise declared they had a writ of Rejectment to turn him out of his property. Mr Baker demanded the Sheriff authority when he received the aforementioned Reply his Answer was that he submitted as an American to a superor force what his fate is we Know not but we presume that he is confined in Fredericton Goal he has left his famaly in a lonely situation to Lament the absence of their best benefactor & friend and our little society to mourn the loss of its best Members they threatened in case they did not obtain their ends they would burn the building & likewise that they had authority to take Mr. Bacon & some others whitch they intended soon to accomplish. We earnestly entrust your Excellency, the General Government, & our fellow Citizens, to use some means to stop this growing evil and Releave Mr Baker should they keep him close confind for which we shall consider our selves under the gratest obligation we send enclosed a copy of the Writ obtained from the Sheriff.

Walter Powers

Cyrus Cannon

Charles M^cpharson

Miles Emery

Nathaniel Bartlett
Daniel Savage
Franklin Heald
James Bacon
John Skadder
Matthias acorn
David Pollard
John Hafford junior
Job
John Harford
Elecious Oaks
Louis Bodly
Phineas R. Harford
Asahel Baker

Bangor Oct 28 1827

Enoch Lincoln Esq

Gov of the State of Maine

Sir—

I send enclosed the statements of William Dalton and Jonathan Wilson, made on oath before me, relative to the difficulties and complaints of the settlers near our North Eastern Boundary. The depositions were taken at the request of the Attorney General who attended the examination—and at his request I now enclose them to you—It is unnecessary for me to make any other remark, than that deponents appeared to be men of intelligence and integrity and so far as my observation enabled me to judge, I should think them entitled to full credence and belief

With respect

Your obd servt

Edward Kent

I William Dalton, born in Bloomfield State of Maine, county of Somerset say—that for the last 3 years I have resided on the Aroostic River 30 miles within the line on the American Side 33 miles up said river— Many of the settlers on the river are emigrants from New Brunswick others from the States— Many of these settlers are poor— The constables and officers of the provinces have been in the habit, under the pretence of collecting debts of coming to the settlement where I lived, with precepts and taking and carrying away every species of property they could find They generally carried it to the Parish of Kent or Fredericton and there sold it at auction.— As an instance of the violent proceedings of the officers and subjects of the provinces— I would state that at the settlement where I lived a certain man named Joseph Arnold had a dispute with one William McCray about a cow— which was referred to 3 referees chosen among the neighbours— who decided that Arnold Should Keep the cow & McCray then went to one Esq Moorhouse said to be a magistrate in the parish of Kent— Moorhouse sent McNeil a constable of that parish to the Aroostic Settlement— the constable came with 5 men, armed with guns, pistols and sword, and took the cow by force from Arnold— Whilst they were there, I asked the constable for his precept and for his authority to come into the american territory— He said Moorhouse told him to go and take the animal and the man wherever he could find them— — I saw the writ— it an order to replevy in the parish of Kent, I asked him if he did not Know that he was out of the parish of Kent. He said he did not care, for Moorhouse would bear him out in anything he did. I told him he had better not come again on any such business— He said, “When I come again I shall not be obliged to show my authority to a parcel of d— —d yankee settlers of Aroostic, that if 25 or 50 men would

not do he would bring 500 armed and equipped and take every Soul, men, women and children to Fredericton jail." He did not pretend that he was in the parish of Kent— he said "he was doing his duty and would go wherever his master should send him."

In consequence of this state of things, I have sold out all I possessed for what I could get and left the country, to return to China in the county of Kennebec in the State of Maine— I raised this year 150 bushels of wheat— 175 of oats— 60 of corn, 200 potatoes and garden vegetables. I had built a decent and comfortable log house and a barn I had 5 swine; cow & farming utensels— I had cleared 30 acres— I sold all my property for \$184.28— all on credit except \$32 in cash. I made the sacrifice solely on account of public difficulties. My farm, I think was as good land as any in North America, and the whole of the country on the Aroostic is very excellent land— and would be rapidly settled if it were not for public difficulties— My family were contented before the trouble— and had it not been for them I would not have taken \$700 for my property—

For the last seven weeks the inhabitants of the Aroostic settlement have been unwilling and afraid to sleep in their own houses and have retired to the lower part of the settlement and spent the night on the banks of the river and in the woods and Keep watch night and day as in an Indian war—

I arrived here at Bangor the 27th of October 1827 direct from Aroostic

Wm Dalton

State of Maine

Penobscot ss. Town of Bangor. on the 27th of October 1827 the aforesaid William Dalton personally

appeared and made oath to the truth of the foregoing statement

Before me

Edward Kent Jus Peace

I Jonathan Wilson of Fairfield, county of Somerset State of Maine on oath depose and say that I left Fairfield about the 1st of October inst for Houlton Plantation and the British provinces to collect Some debts due me and others- I arrived at Houlton about the 10th inst and from thence went to Woodstock in the Province of New Brunswick to collect debts- Woodstock is about 65 miles above Fredericton. I there learned that Mr Baker had been arrested by the British authorities. I was told this by Jos Harvey formerly of Bangor State of Maine, that he was arrested by 45 men sent up in barges armed- that he was taken from his bed in the night- that the charge against Baker was for refusing & objecting to permit the British mail to pass over his land- that they confined Baker in jail, have Since tried him and sentenced him to pay a fine of 150 pounds and to 6 months imprisonment in jail which to my knowledge is extremely loathsome, filthy and dangerous to health- and that Baker is now confined there- Baker lived on Madawasca river, within the American line. I also learnt at Houlton by my son Leonard Wilson who has recently been at the Aroostic, that the settlers there complained bitterly of the oppression of the officers and Subjects of the provinces- that there property was forcibly taken from them and carried off even to the last cow.

Jonathan Wilson

State of Maine

Penobscot ss- Town of Bangor. On the 27th of October 1827 the aforesaid deponent personally appeared and made oath to the truth of the foregoing Statement
Before me-

Edward Kent

Jus Peace

His Excellency Enoch Lincoln,
Governor of the State of Maine,
Portland.

Department of State
Washington, 30 October 1827

Sir,

I have committed to the charge of Mr William Prentis, who will have the honor to deliver them and this Letter to your Excellency, and who is employed for that purpose, Twenty four manuscript volumes of Books, according to the accompanying List, on the subject of the North and North Easterly Boundary Lines of the United States, prepared at this office for the State of Maine, conformably with the suggestions and desire expressed by your Excellency.— From the extent of these manuscripts, it is more than probable that they embrace Copies of a great deal more, in Documents, discussion and argument than was in the contemplation of your Excellency, or than was desired for the use of your State; but to secure a full Compliance with your Excellency's views, and to guard against any deficiency, I gave directions to have a Transcript made of every thing which might by possibility be useful or interesting upon the occasion, having the remotest bearing upon the subject, with the limitation stated in my previous correspondence; and as the selection was necessarily committed to others, who may not have had a very accurate view of the extent of the Commission entrusted to them, it is not improbable that it may comprise much which may be found superfluous.

I send also forty two Copies of Maps, likewise prepared with the same views, and under the same circumstances, which Mr Prentis will also have the honor to deliver to your Excellency.

I am, with great Respect,
Your Excellency's Obed^t & hu. sev^t
H. Clay

Department of State
Washington 10th Nov^r 1827.

To His Excellency

Enoch Lincoln

Governor of the State of Maine.

Sir

I have the honor to acknowledge the receipt of your Excellency's letter of the 2nd Instant, transmitting copies of the affidavits of William Dalton and Jonathan Wilson, all of which I have submitted to the President. The copy of the proclamation mentioned by your Excellency, as also being enclosed in your letter, was not among the papers, and has not been received.

Information would be very acceptable as to the periods when the settlements were first respectively formed on the Madawasca and on the Aroostic over which the British Government is now attempting to exercise a jurisdiction; and also whether they were established under British or American authority, whether they were made by American citizens or British Subjects, and when the British Government first began to exercise any jurisdiction within them.

According to late accounts from M^r Gallatin, it is probable that a convention has been concluded at London making provisions, in regard to the reference of the dispute between the two countries, to arbitration, agreeably to the stipulations of the Treaty of Ghent— We shall, in a short time, know whether it has been actually signed or not, as well as the precise purport of the articles composing it.

I have the honor to be

With great respect

Your Excellency's Obed^t Serv^t

H. Clay.

Worcester Mass. November 13 1827

To His Excellency Enoch Lincoln

Governor of the State of Maine

Sir

The interesting relations between this Commonwealth and the State of Maine have never ceased to be a subject of deep and earnest regard by the Executive of Massachusetts. From the time of my induction to office, the unsettled and disturbed question of the North Eastern Boundary, immediately affecting a large amount of common property, and made the more important from jurisdictional rights involved in the decision, has met a solitious and watchful attention. The general views entertained by me, on this subject, were early, altho briefly expressed, in a communication to the Legislature, at the commencement of the January Session 1826, published with the Resolves, and forwarded to the Executive of Maine, to which I beg leave to refer, and the opinions then declared, have frequently since, and on all proper occasions, been repeated.

It has indeed been looked for, that the Government of the United States, alike impressed with the urgency of establishing their frontier Line of National Boundary, as sensible to the obligation of vindicating the rights of the States particularly interested in the soil and Sovereignty of the Territory, would, ere this period, have effectually maintained the integrity of an actual possession, and removed, by a clear and distinct designation of Monuments, all cause of challenge and controversy with a foreign Government, and of collisions and violence between their respective Citizens and Subjects. The Treaty of Ghent referred this question to a qualified arbitrament, not for the surrender or compromise of rights, but for the determination of them, as they pre existed. Commissioners appointed under that Instru-

ment, having failed to agree upon the Boundary, the matter was made, as has been understood, of paramount attention with the American Minister at the Court of St. James, who, so far as is now known, has been alike unsuccessful in procuring a recognition of the just demands of the United States, to the establishment of the Boundary, by the description in the Treaty of 1783. In the intermediate time, the patience of the Governments, and the Citizens, both of Massachusetts and Maine, has been severely taxed by the embarrassment created to the improvement and disposition of their property in the soil, to which are now superadded complaints of flagrant acts of injustice and outrage, and violations of the personal liberty of American Citizens, by British Authority, claiming allegiance from those who are purchasers and Settlers upon the land, under grants from the State Soverignties.

I need not, Sir, labor to assure you of the sympathy of Massachusetts in the injuries thus suffered, more immediately, by the People and Government of Maine. The Citizens of this Commonwealth have been too recently and too intimately in connexion and association with the younger Sister, to be insensible to any occurrence which may inflict wrongs upon her. But, in the present instance, a community of interest and joint suffering will require and ensure a ready participation in all justifiable and constitutional means to obtain redress, and to vindicate the cause of injured individuals and a violated State.

With their views, I beg to be officially informed of the precise character and extent of the recent aggression, which have been committed at Madawasca, or elsewhere, within the State of Maine, under the pretext of orders from the Provincial Government of New Brunswick, and to be made acquainted with all other circumstances and

considerations, known to your Excellency, as important to a true understanding of the honor and interest of the Commonwealth, which, in this communication, I have the duty and the responsibility to represent.—

With Sentiments of the highest

personal regard, and

official consideration

most faithfully

Your Obedient Servant

Levi Lincoln

Fredericton, New Brunswick.

15th November 1827.

Sir

I have the honor to acknowledge the receipt of your Excellency's letter of the 22nd October, requesting me to communicate all the circumstances respecting the arrest of the individual named in your Excellency's letter.

It is not for me to question the propriety of your Excellency's opening a correspondence with the Government of this Province, on a question now pending in Negotiation between His Majesty's Government, and the Government of the United States, as contracted under the Treaty of Ghent; but it would neither be consistent with my sense of duty, nor in conformity with my Instructions, to give the explanations your Excellency requests to any Persons excepting those with whom I am directed to correspond or under whose orders I am placed.

Should any reference be made by the General Government of the United States, to His Majesty's Minister upon this or any other matter connected with the Gov-

ernment of this Province, it will be my duty to afford His Excellency the fullest information to enable him to give whatever explanation he may deem proper.

Although for these reasons I must decline any further correspondence with Your Excellency on this subject, yet it is in entire unison with the Sentements and disposition which I know to animate His Majesty's Government, that I take this occasion to assure Your Excellency of my sincere and cordial desire to do all in my power, so far as I personally am at liberty to use any discretion in the duties which I am imperatively charged, to meet, with respect and consideration, the amicable disposition which Your Excellency professes. I trust my Conduct will be found to evince a just and manifest Solicitude to repress and punish any acts on the disputed Territory which might lead to the interruption of a good understanding between the two Countries, and to keep the question in a state propitious for a speedy and amicable adjustment.

I have the honor to be
With the most respectful consideration,
Your Excellency's
Obedient Servant,
Howard Douglas.

Department of State,
Washington, D. C. Nov. 19, 1827.
His Excellency Enoch Lincoln,
Governor of Maine.

Sir:

The president being desirous to possess certain information in respect to settlements within that part of the territorial limits of Maine which is claimed by Great Britain, and especially as to the causes of the arrest and

condemnation of John Baker, an American citizen, has authorized me to employ Mr. Barrell to proceed to Maine, and, if necessary, to New Brunswick, to collect the information desired. I beg leave to present Mr. Barrell to your Excellency as a respectable and intelligent gentleman, worthy of respect and confidence. He will communicate to you, particularly, the various points on which the President wishes to obtain information; and I have to request of your Excellency such assistance to Mr. Barrell, in the execution of his commission, as you may think proper to render.

I am, with great respect,

Your Excellency's obdt. servt.

H. Clay

His Excellency Enoch Lincoln,
Portland, Maine.

Department of State
Washington 27th Nov^r 1827.

Sir,

I have to acknowledge the receipt of the Letter which your Excellency did me the honor to address to me on the 19th instant with its accompanymments, all of which have been laid before the President. He sees with great regret the expression of the sentiment of your Excellency that "Maine has not been treated as she has endeavored to deserve." Without engaging, at this time, in a discussion of the whole subject of our dispute with Great Britain about the North Eastern boundary of the United States, in which the State of Maine is so deeply interested, which would be altogether unprofitable, I am sure I shall obtain your Excellency's indulgence for one or two general observations which seem called for by the above sentiment.

By the Treaty of Ghent, in the contingency which unhappily occurred, of a nonconcurrence between the British and American Commissioners in fixing that boundary, they were directed respectively to report to their Governments, and the difference thus left unadjusted was to be referred to a Sovereign Arbitrator. Your Excellency, in the course of the correspondence which has passed between you and this Department, has protested against this reference, and your objections to it have received the most respectful Consideration. The fulfilment of solemn obligations imposed upon the United States by the faith of treaties; & the duty with which the President is charged by the Constitution of taking care that the Laws (of which our treaties with foreign powers form part) be faithfully executed, did not appear to leave him at liberty to decline the stipulated reference. If any other practical mode of settling the difference had occurred, or been suggested by your Excellency, to the President, it would have received friendly and deliberate consideration.

It is certainly most desirable that Nations should arrange all differences between them, by direct negotiation, rather than through the friendly agency of third powers. This has been attempted and has failed. The Government of the U. States is fully convinced that the right to the territory in dispute is with us and not with G. Britain. The convictions of Maine are not stronger, in respect to the validity of our title, than those which are entertained by the President. But Great Britain professes to believe the contrary. The parties cannot come to the same conclusion. In this state of things what ought to be done? National disputes can be settled only amicably or by an appeal to the sword. All will agree that before resorting to the latter dreadful alternative, every friendly and peaceable measures

should be tried and have failed. It is a happy expedient, where Nations cannot themselves adjust their differences, to avail themselves of the Umpirage of a friendly and impartial power. It multiplies the chances of avoiding the greatest of human calamities. It is true that it is a mode not free from all objection, and Mr. Gallatin has adverted to one, in the extract, which you give from one of his dispatches. But objectionable as it may be, it is better and not more uncertain than the events of war. Your Excellency seems to think that the clearness of our right should prevent the submission of the controversy to an Arbitrator. But the other party professes to be equally convinced of the indisputable nature of his claims; and if that consideration were to operate on the one side it would equally influence the other. The consequences will be at once perceived. Besides, the clearness of our title will attend it before the Arbitrator, and, if we are not deceived in it, his favorable decision is inevitable.

The President regrets, therefore, that in conducting the negotiation with G. Britain, he could not conform to the views of your Excellency, by refusing to carry into effect a treaty, to the execution of which the good faith of the Nation stood pledged, and which was moreover enjoined by the express terms of the Constitution. But, if he could have brought himself to disregard this double obligation under which he is placed, how could the interests of Maine have been advanced? She is not in possession of the disputed territory, or at most but of a small part. Both parties stand pledged to each other to practice forbearance, and to abstain from further acts of sovereignty on the unoccupied waste, until the question of right is settled. If that question cannot be settled by the parties themselves, and may not be settled by arbitration, how is it to be determined? The re-

maining alternative has been suggested. Whether the time has arrived for the use of that does not belong to the President but to another branch of the Government to decide.

I cannot but hope that your Excellency, upon a review of the whole subject, in a spirit of candor, will be disposed to think, that the Executive of the U. States has been endeavoring, with the utmost zeal, in regard to our North Eastern boundary, to promote the true interests of the United States and of the State of Maine, and that this respectable State has been treated neither with neglect nor injustice.

I am, with great respect,
Your Excellency's Obed^t Servt.
H. Clay

Portland Dec^r 1st 1827

Sir

In pursuance of the Commission which I have received from the President, the objects of which have been fully explained to your Excellency, I have to request that your Excellency would be pleased to furnish me with any documentary or other evidence which you may possess, or which it may be in your power to procure, respecting the period when the right was first asserted to exercise authority from the States of Massachusetts or Maine, over the settlements on the Madawascah and Aroostic Rivers, branches of the S^t Johns, or either of them.

I have the honor to be,
with great respect,
Sir
Your Excellency's
Ob^t Serv^t
S. B. Barrelle.

His Excellency

Enoch Lincoln

Governor of Maine.

Fredericton N. B. Dec^r 24th 1827.

Sir

I have already had the pleasure to acquaint you with my arrival here, and the obliging reception of your letter by Sir Howard Douglas. I was detained by the continuance of His Excellency's indisposition until the 11th instant. As soon as I understood that his health was so far confirmed that he would probably be able to attend to business, I prepared an application to him, in pursuance of your direction, for the release of John Baker, which I addressed to His Excellency, the Lieutenant Governor of New Brunswick, on that day. I had written a note on the same day to the Secretary of the Province, requesting him to lay the paper before Sir Howard Douglas, as soon as His Excellency's health and pleasure should permit.

Before I despatched it, I received a verbal communication from Sir Howard Douglas, delivered by M^r Odell, the Secretary, together with Captain Douglas, His Excellency's private Secretary, stating that some time before my arrival His Excellency had received a former letter from you, to which he had also before my arrival returned an answer, acquainting you that it would be neither consistent with his sense of duty, nor in conformity with his instructions to give the explanations required in that letter to any Persons, except those under whose orders he is placed, or with whom he is directed to correspond; and that consequently having no Power to treat, he could not in any way recognise me as an accredited agent from the State of Maine. At the same

time, it was said, it would afford Sir Howard much satisfaction, if the government of the State of Maine should become fully and correctly informed of circumstances respecting which, he said, he regretted to find that very erroneous impressions and misrepresentations were prevalent in that State.

M^r Odell also stated, that he was directed by Sir Howard Douglas to express his great regret that he had been so long prevented from making any communication to me respecting the letter, which I had borne from you, and to state that he had taken the very earliest opportunity, that his health would permit, to give me the above information— and added very polite expressions, implying every hospitable regard and attention, that could be received by an American stranger passing through the Province.

In reply to M^r Odell I briefly expressed my regret, that His Excellency's health had not allowed me to be apprised earlier of a circumstance, which existed at my arrival, and the effect of which appeared so decisive. I adverted to the mention, that was made by the same gentlemen, when they formerly did me the honour to call upon me from Sir Howard Douglas for the purpose of receiving your letter and preventing any unnecessary detention on my part, that a reply had been written to your first letter, which I told them had certainly not been received when I left Portland, and with the purport of which I was not until now made acquainted.

Touching the point of His Excellency Sir Howard Douglas's present communication, I took the liberty to allude to the practice prevailing between the adjoining states of the American Union and Provincial Governments of His Britannic Majesty on the subject, and instanced the particular circumstance within our own experience as a State, of a like application having been

made by the Earl of Dalhousie to Governor Parris. I wished to leave this circumstance open to the influence which it might possibly have in the determination of Sir Howard Douglas. I requested M^r Odell to receive the note I had prepared and then exhibited to him, and to consider the paper which I prepared to present through him to His Excellency as proffered also at the same time: to which M^r Odell assented, or made no objection.

I proceeded on the same day to enclose the before mentioned application, in a letter to Sir Howard Douglas, which I sent with the note to M^r Odell.

On the following day the paper was returned to me by M^r Odell, with a note from him signifying, that it was by His Excellency's command; and that in pursuance of the course which his Excellency had laid down and in conformity with the terms which he had caused to be communicated to me, if my Letter to His Excellency contained any matter relating to my visit to New Brunswick, His Excellency could not receive it.

In compliance with what I conceived to be the import of this communication, I immediately proceeded to reply to M^r Odell, that I begged leave to acquaint Sir Howard Douglas, that the object of the letter which I had the honour to address to His Excellency, on the day before, was confined in its terms to an application to him, as Lieutenant Governor &c of this Province for the release of John Baker, a citizen of the State of Maine, in prison in this place in pursuance of my appointment, and in obedience to your direction; that I referred therein to an application of a similar nature addressed by the Earl of Dalhousie Governor General &c of the Canadas to the Hon^{ble} Albion K. Parris late Governor of Maine, which I assured Sir Howard Douglas was most respectfully received: and that I referred no further in my letter to the general purposes of my visit to this province,

namely, to enable the government of Maine to become fully and correctly informed concerning the truth of circumstances, respecting which His Excellency was pleased to express his regret that very erroneous impressions and misrepresentations were prevalent in that state,— than simply to say, that His Excellency was already apprized of those valuable and important purposes, by yourself. I persuaded myself that His Excellency was fully acquainted with the respectful sentiments and amicable dispositions which this proceeding on your part was intended to cherish.

While I could not avoid the occasion of expressing the pain I felt on account of the necessity imposed upon me of entering into a preliminary explanation of this nature, concerning the part of duty, which I was charged by yourself as Governor of Maine, with performing for such purposes and touching a point of such vital interest to the State of Maine, as the liberty of one of its citizens, I begged leave to renew the tender of my application, together with a copy of the Earl of Dalhousie's, for His Excellency's determination.—

I received a reply from M^r Odell dated the 14th inst. on the day subsequent of the date, acquainting me, that conformably to my request he transmitted the letter enclosed to be laid before Sir Howard Douglas, and had received His Excellency's instructions to return the same to me, and to state that His Excellency could not depart from the course of proceeding which, upon every view of the case in question, he had adopted, and which line of conduct had been already communicated to me

This reply left nothing for me but to ascertain whether I could depend upon the countenance of Sir Howard Douglas, in the manner solicited by you, to enable me to proceed upon the further duty to which I was directed by you to perform in different parts of the

country so far as it might lead me through this province; and for facility of which you had been pleased to refer me to Sir Howard Douglas. The intimation previously conveyed to me by His Excellency concerning my visit to New Brunswick, had not escaped my notice, but as I did not wish to lose the benefit that you intended by your recommendation of me to Sir Howard, upon any mere ground of inference, in the present condition of the country, I was desirous to be made certain on that point.

I accordingly addressed a note on this subject the next day to M^r Odell, in which I also took occasion to acknowledge the favour he had done me in reducing to writing the substance of his verbal communication from Sir Howard Douglas to me, of the 11th instant; and to recapitulate on my part the residue of what passed in that conversation.

Having the benefit of the communication made by M^r Odell at that time thus expressed in very distinct terms before me, I stated to him in this note, that if the remark, that His Excellency Sir Howard Douglas had no power to treat, had failed to attract my attention, it was because the exercise of no such power was sought.

I also took occasion in this note to state that in the application which I addressed to Sir Howard Douglas for the release of Baker, I forbore to make a positive demand for the delivery of the persons, who might prove to have been active in the affair of the arrest and engaged in the abduction of that individual; although such further appeal to His Excellency's power would have been authorized by principles of public law, accordant with the usage existing between the Adjoining governments of the United States, and dominions of His Britannic Majesty-- and especially warranted by the cir-

cumstances of the case. This was an omission of form, which I could only excuse myself for endeavouring to reconcile with my duty, by considerations of respect for the authority of this government, on which I relied to render Such request unnecessary.

For the polite and condescending terms with which Sir Howard Douglas was pleased to accompany his former communication in regard to me personally I begged leave to express my most grateful and respectful acknowledgments.-- My business however in this province, I stated further in my note to M^r Odell, was not of personal, but public concern; and that in the line of duty that had been marked out for me, it behoved me to ascertain what assurance I could have of the countenance of Sir Howard Douglas. I explained my view of the extent of this question to be, so far as might be required for my progress in the execution of the office assigned me by the Governor of Maine, to inquire into the nature of complaints recently made by citizens of Maine residing near the frontier of aggressions committed by inhabitants of New Brunswick. I particularly expressed my wish it might be understood, that I was authorized by you, if an opportunity should be afforded, to invite His Excellency, Sir Howard Douglas's assistance, in this inquiry, with a view of conducing to a mutual, impartial, and satisfactory result, and that I had reason to think that Some degree of expectation was cherished by you that such a course of proceeding would be acceptable to His Excellency.

I added, that it became more interesting for me to be informed of the line of conduct, that it might be imperative on me to pursue, in consequence of the general intimation from His Excellency to which I have adverted, in connection with circumstances also, to which I knew not how far it might be suitable for me to advert;— which

had been more immediately brought to my knowledge within a recent period;— and which were further embarrassed by the superadded difficulty of recognizing any right of interposition on the part of the State of Maine with the Executive Authority of His Majesty's Province of New Brunswick, under such views as might be adopted.

In reply to the inquiry which I respectfully solicited an opportunity to make, feeling precluded from any more direct communication with Sir Howard Douglas, I received a note from the Secretary of the Province, M^r Odell, that as he had no other instructions from His Excellency, other than those already communicated to me, he was not able to give me any answer, nor was he authorised to enter into any further correspondence on the subject. —

I received this last and conclusive communication on monday the 17th instant,—and on the Same day I had the pleasure of seeing M^r Barrell, who had arrived the evening but one before by the way of St. Johns, and whom I lost the opportunity of seeing on Sunday by being at Oromocto. I was exceedingly gratified by the privilege thus presented through your introduction to renew an early acquaintance on my part with M^r Barrell, and it is a very high satisfaction that he comes recommended by the President of the United States to seek the information so important to us, and to the councils of the federal government as it regards, the constitutional guarantee to each State in the union of an independent republican government, and of the integrity of its territory against invasion.

As you were pleased to express an opinion that my distinct agency is not intended to be superceded; but on the contrary to signify your determination, that I should proceed to the end of my original destination, so as to

leave no occasion to repeat my visit to this section; and at the same time invite me to avail myself of the essential advantage, that may be afforded by the valuable sanction of M^r Barrell's federal agency and personal influence, I beg to assure your Excellency of my most cordial cooperation, and that he shall receive that friendly and respectful consideration from me, to which he is every way entitled. And while I shall faithfully endeavour to redeem your Excellency's promise to him of every assistance in my power to diminish the fatigue of his arduous office, I have already followed your Excellency's example, as well as directions, in free communication with him, and shall proceed in that spirit of perfect confidence which you enjoin and in pursuance of those principles, which you have impressed, to act with this gentlemen, as a friend, in the most open, frank and unreserved manner, in relation to the rights and sentiments of Maine.

It was not until monday, the 17th instant, that I received your Excellency's different letters, dated 19th November, enclosing a copy of a letter from His Excellency the Governor of Massachusetts,-- 26th November, acknowledging the receipt of my letter to you from Lubec,-- and 3^d of December containing a copy of M^r Clay's letter to you of the 27th November.--

In your letter of the 26th November, you stated and enforced the propriety of representing to the government of New Brunswick those independent rights of Maine as to territory and jurisdiction, of which it has been intended to deprive it. You observed it should be distinctly understood that the State holds its right to jurisdiction especially, as only restrained by the limited and concurrent authority which the federal constitution has conferred on the government of the United States within their acknowledged limits. You remark, that



this is a point involving by possibility serious results, and considering that the occasion only requires the reiteration of sentiment, which, you are pleased to accompany with the obliging remark, is repeated with the single view, of meeting in regard to me, a certain degree of responsibility, you omit to extend the observation. I understood your Excellency to be desirous, that I should not leave New Brunswick without presenting to the government of this Province the views entertained by our State in regard to the rights in question; and that you wished me to exhibit those views at large in conformity to the facts I might ascertain and the same principles I presume, to which you have solicited the attention of the Government of the United States—This, you consider will preclude all future pretense of acquiescence in the foreign occupation or exercise of jurisdiction by which it is to be feared that the wrongs which are growing may be expected to ripen into right. The neighbouring government, you say, can never complain of the want of frankness although we shall without discussion simply declare, that while the State of Maine will without doubt be anxious to maintain a friendly communication, it will probably be obliged to refuse its acquiescence in any measures interfering with with its own territorial rights, or the personal Liberty of its citizens.

The object of my attempt to make a representation of the injury lately done to the State of Maine, and to ask for the relief and atonement required by the universal principles of common justice and the general rules of public law having failed, I proceeded immediately to relate the occasion and to record the result, in the only mode that was open to me, namely, that of a memorial of the circumstances; and I endeavoured to fulfil the duty enjoined upon me by your instructions according to

the limited means in my power. I viewed it as proper to accompany it with a remonstrance against the exorbitant pretension set up on the part of the Province of New Brunswick to a large proportion of the State of Maine, which I know not by what strange means has latterly acquired the title of disputed territory; against the unauthorized assumption also of terming it and treating it as a subject of negotiation between the Governments of Great Britain and the United States; and against the extraordinary extension of a foreign jurisdiction over the unquestionable territory of an independent State.

I cannot profess to have prepared this paper in all respects as I could wish, or to have put it entirely into such a shape as might be most satisfactory to yourself or the State. Many particulars also are still to be ascertained, that belong to the general aggregate of aggression. But the broad ground of complaint is not denied — It is even officially announced, that the whole of the territory, which it is true is now in question, is in the actual possession of His Britannic Majesty's Government established in this Province. It was stated last year on behalf of the Province of New Brunswick, that Great Britain was in possession of the most valuable parts of this country, and did not know it. It is proclaimed the present year that the right to possession to this whole tract of country is in the crown of Great Britain, and that it is in the exclusive occupation of the government of this Province. No detail is, obviously, necessary to develope the character of this bold and formidable usurpation. — But it is certain that an extensive course of judicial proceedings has been adopted by the highest legal authority in this Province to eject the American settlers from the Territory, indiscriminately with all who have gone on without license from

the British Government. Acts of the most flagrant and arbitrary description appear to have been added; but their only effect is to aggravate the general charges of complaint on the part of Maine to which the government of New Brunswick refuse to listen. It is time in my judgment that these facts should be known: and especially that the great prominent fact of the Provincial claim to the right of actual, entire, and exclusive occupancy, which goes to overthrow the authority of Maine and overwhelm all the rights that can exist under it, should also be made known, to the country.

His Excellency Sir Howard Douglas not having been able to give personal audience to any one, on account of the State of his health, on Saturday last 22^d inst. I inquired personally of the Secretary of the Province at his office whether a paper of the description I had prepared, and the nature of which together with your instructions to me on the subject I explained to him, could be received:— requesting permission to offer it for that purpose. He stated that he was not authorized, and declined to communicate it to Sir Howard Douglas, or to receive it. His Excellency's private Secretary being also present and referred to by the Secretary of the Province, M^r Odell, confirmed the opinion from his positive knowledge of Sir Howard Douglas's determination, that a paper of such nature could not be received from me. The only method, which was indicated to me, by which Such a representation proceeding from the Executive authority of Maine could arrive to His Excellency, was by means of circuitous communication through the Secretary of State of the United States to the British Minister residing at Washington. As it was out of my power to avail myself of the benefit of this suggestion, and should reserve it indeed for your consideration, I could only retain the paper, to be disposed of on my

return, agreeable to your direction.—But for the present your purpose is frustrated.

I beg permission to express the very great satisfaction I have experienced from the language of His Excellency Governor Lincoln of Massachusetts, in the letter you were pleased to communicate to me, in connection with the general views and opinions heretofore stated by him in his public communications. The decided concurrence of the excellent chief magistrate of our original Commonwealth, in the importance of vindicating the respective rights of Soil and Sovereignty, appertaining to the two Sister States, and which are holden under the ancient charter of Massachusetts, recognized, confirmed, and established by the Treaty of 1783, is a circumstance of the most gratifying kind; and the obligation of requiring a recognition of the just demand of the United States, as well as the States of Massachusetts and Maine conjointly, and of the latter state in the most peculiar and emphatic manner, to the establishment of the Boundary by the description in that Treaty, is stated in terms worthy of the character of Massachusetts. The importance of maintaining the integrity of an actual possession by the exercise of an effectual Sovereignty, and of removing by a clear and distinct designation of monuments all cause of challenge and controversy with a foreign government, is strikingly illustrated by transactions which have lately taken place not merely on our border, but within the body of Penobscot. It is grateful to be assured, of the sympathy of Massachusetts in the sufferings occasioned to individuals by acts of injustice and outrage committed upon the property and persons of individuals, and in the injuries arising to the State from the violation and invasion of its territory and the obstructions interposed from abroad to its settlement, improvement, and prosperity. It will become my duty,

so far as may be in my power to aid M^r Barrell in acquiring precise information in regard to the character and extent of the recent transactions that have been committed in the neighborhood of Madawaska and elsewhere, within the State of Maine, under the pretext of power from the British government of New Brunswick, demanding the allegiance of some as its subjects, who are tenants of the soil and settlers under this State and acting on American citizens as aliens, who hold the lands they live on by actual title of grant from Massachusetts and Maine. It is happy for them, and well as for us, that we are authorized by a community of interests and injuries to rely with confidence on a voluntary and cheerful participation in all legitimate means to obtain security and redress; and that no consideration will be wanting to the proper understanding of the true honour and interest of the Commonwealth over which His Excellency has the honour to preside and which he does not decline the responsibility for this purpose to represent. The remark that the Treaty of Ghent referred the question concerning the north-eastern angle of Maine only to a qualified arbitrament, not for the surrender or compromise of rights, but for the determination of them, as they pre-existed, is founded on eternal principles of truth and justice. Maine and Massachusetts are bound to protest before God and all good men, against any execution of the article of the Treaty of Ghent except according to the terms of the Treaty of Peace and Limits.

While the Letter of M^r Clay to your Excellency affords reasons to rely that any cause for regret on account of the refusal of confidence on the part of the federal government toward the State of Maine, will hereafter be removed, it contains also the direct and full recognition of the unquestionable validity of our title to

the territory in demand; and while the alternative that is holden out to an acquiescence in the submission to a Sovereign Arbitrator is of an extremely melancholy character, as implying that Great Britain resolved to effect by force an object she may not otherwise be able to accomplish;— and while we voluntarily yield an extensive yet qualified controul to be exerted over the subject in question, by the federal government, it is our happiness to be encouraged to appeal to the guardian wisdom and protecting power, to which we are entitled. The public information that the basis of an umpirage has been arranged renders it exceedingly desireable to ascertain the rules and principles, on which it is to be instituted; and to be informed how far the rights of Maine are liable to be affected without her accession to the articles of agreement. This is quite important to the value of our reliance upon the clearness of our title before an absolute arbiter.

The Statement of the President, that the compact between the two great parties to the Treaty of Ghent, subsequent to the disagreement of the commissioners, which has been extended to exclude us from occupying the territory, went no further than to avoid any effect upon the naked question of right from any new exercise of authority, which it was hardly necessary to agree, reduces the pretense that has been asserted to defend the recent usurpation of territory, within very moderate limits. The remark of M^r Clay in his letter to M^r Vaughan, in regard the character of some of these fresh applications of foreign power, that they could only be vindicated as exercises of the most incontestable authority, is extremely just and pertinent.

I have been permitted by the sheriff of this county, in a very civil manner, to see M^r Baker in prison. Concerning the particulars of his confinement I shall beg

leave to refer entirely to M^r Barrell, who has also had the privilege of seeing him, and who can consider the subject perhaps free from the same bias, which, I am sensible, may influence me. M^r Baker appears to be in tolerable health, and he writes to me that he finds he has to content himself at present in rigid confinement; and that he shall wait his deliverance from "the States."

I have ascertained the particulars of M^r Baker's arrest. Permit me to say, also, that he has never enjoyed the title of General, until since that period. He was seized in his bed, at day light, under process from New Brunswick, by armed persons, on the land he holds under grant from Massachusetts and Maine. He is not actually accused of stopping, but of threatening the mail to Canada. The offense with which he is charged in that particular did not take place upon his land, but in a canoe, upon the St Johns, a short distance below the mouth of the Madawaska, and above where our line crosses the St. Johns; -- which I have not learned to have been navigated by the subjects of His Britannic Majesty exclusively, I mean above that line. M^r Baker denies the offense with which he is charged, and which I understand to be supported by the affidavit of the mail carrier, who is of French extraction, taken ex parte before a magistrate of New Brunswick, by the name of Morehouse, and who testifies positively as I am told, to the menaces of Baker. Baker on the contrary declares that he had no wish to stop the mail; but that on the other hand he felt an interest in having it pass by his property. He says he had heard a report from Madawaska, which by the way is over a hundred miles above Woodstock, which M^r Vaughan speaks of, that the mail had orders not to go the old route; and that he paddled along by the side of the postman, who was polling up the stream, simply to inquire and ascertain the fact. He

thinks it possible, that his question whether the mail had, as he understood, orders to stop on that course, might have been misunderstood by the Frenchman, by a very easy transition, as an observation that the mail was so ordered,—and conscious that it was important for him to be careful in his conduct, he says he added that he should be sorry to have it stopped: And entered into general conversation with another Frenchman, who sat in the bow of the mail carrier's canoe, and who had recently been in Canada, and could better converse in English, keeping company a few minutes in his own canoe. On his return to his raft, he informed the man he left upon it, that it was a mistake for the mail was actually passing; and on his return by Madawaska, he paid two dollars to the mail contractor for a Quebec paper which he concluded to take, as the mail route was not changed.— This is his statement. On the other hand there are a great many suggestions to his disparagement and injurious to his fame and his family. But I can learn nothing distinctly that derogates from his right to be considered an American citizen, or to his claims for indemnity from the States of Maine and Massachusetts.

I beg your Excellency to overlook or correct any inaccuracy, in this letter, which may require your indulgence, as M^r Barrell and myself are on the point of setting off for Houlton tomorrow morning. M^r Barrell has the advantage of a letter from M^r Vaughan and been furnished with every facility by the government here. Although it was an occasion of regret to me on some accounts, it was perhaps a happy circumstance, upon the whole, that I was detained until the arrival of M^r Barrell. I find him a friend, as well as a companion, and unless I receive your Excellency's directions to return

from Houlton, I think it more than probable I shall attend him to Madawaska.

I have the honour to be with the greatest respect,
Your Excellency's obliged & faithful humble servant—
C. S. DAVIES

P. S. I ought not to omit to state to you, that I have enjoyed every attention and favour in this place, more especially from the gentlemen connected with the government; that it is possible to bestow on a stranger—and that I conceive I am much indebted in this respect to the obliging consideration of Sir Howard Douglas—

Fredericton N. B. December 11th 1827—

Sir

In obedience to your Excellency's commands I have had the honour to communicate to your Excellency the authority which I bear on behalf of the State of Maine from the Governor of the State for the reclaim of John Baker, a citizen thereof, forcibly seized, as has been made known to its Supreme Executive, while residing on its territory, by persons belonging to this province, and conveyed to goal in New Brunswick.— And my commission extends, of consequence, to enable me to invoke the aid of your Excellency in causing the persons, who may have been active in such violation of the Laws of Maine, to be subjected to the operation of its justice.—

It cannot be supposed, that such act will receive the sanction of your Excellency's Government.

It is such an insult to an independent State, such an aggression upon an established government, is so incompatible with that spirit of amity and respect, which it is so important to preserve between adjoining governments, and has hitherto subsisted with so much happiness between the neighbouring States of the union and

dominions of his Britannic Majesty in North America, that the Governor of Maine persuades himself it is only necessary to be presented to Your Excellency's knowledge to ensure its prompt and just rebuke.--

Desirous to combine the performance of my immediate duty with an observance of the due regard belonging to your Excellency's government; I abstain from further remarking on the character of a transaction, so exceedingly at variance with the friendly relations which have heretofore prevailed between Maine and New Brunswick. And I appeal to the high elevation of your Excellency's station and sentiments for an exercise of that authority, which exerts itself to respect the rights of others with the same virtue and moderation that it watches its own-- I can assure your Excellency, that I solicit no interposition on this occasion, which would not, on like occasion, be most anxiously accorded by the Chief Magistrate of Maine.

Although Maine may not be able to claim the observance of a sovereign power, she is nevertheless subject to the duties of an independent state.—Permit me to add, that the rights of the citizen are so essentially involved in the constitution of the state, are so intimately interwoven with the ties of the national compact, that a deep sensibility, on this subject pervades the whole community.--

It needs scarcely to be observed, that the absolute obligation of a free government to protect its citizens from foreign violence loses none of its force in consequence of their accidental distance from the seat of government;-- and is by no means impaired by the consideration of their remote and defenseless exposure to the precarious perils of a frontier position. The authority of Self-government exists in as full vigour at the circumference, as at the centre:-- and notwith-

standing the circulation may be impeded, its vital principles extend to the extremities.— The failure of the ordinary security of the laws on this occasion makes it necessary to resort of your Excellency, to assist in erecting a higher moral, virtual barrier, against the future.—

Confiding, therefore, in the universal and inviolable principles of public law, and referring to your Excellency's authority for the terms and measures of the atonement, which may be required from any persons, who may be lawful subjects of this government and who may prove to have been concerned in this act of unlawful violence— in accordance with the above well established principles, I content myself in the first place, with preferring my most respectful application to your Excellency for the release of the citizen before named in prison.

In connexion with this application to your Excellency, I beg leave to communicate open to your Excellency, a letter from his Excellency the Earl of Dalhousie, Captain General and Governor in Chief of the Canadas, addressed to the Honourable Albion Keith Parris lately Governor of Maine, and which I can assure your Excellency, was received with the most respectful attention.

Your Excellency, permit me to say, is already apprised of the general purposes of my appointment by the Governor of Maine, and made fully aware, I may trust, of the respectful sentiments and amicable dispositions which it is intended to foster and promote.

I beg leave to express the very high consideration and respect with which I have the honour to be

Your Excellency's

Most Obedient, humble Servant

C. S. Davies

His Excellency

Sir Howard Douglas, Bar^t

Lieutenant Governor & Commander in
Chief of the Province of New Brunswick.

In the Supreme Court

Exchequer Side

York to wit, Be it remembered that Thomas Wetmore Esquire, Attorney General of our Sovereign Lord the King for this His Majesty's Province of New Brunswick, who prosecutes for our said Lord the King comes in his own proper person into the Court of our said Lord the King before the justices of our said Lord the King at Fredericton on the seventeenth day of September in the eighth year of the Reign of our Sovereign Lord the now King, and for our said Lord the King gives the Court here to understand and be informed.—THAT WHEREAS, a certain Tract or Parcel of Land situate in the Parish of Kent in the county of York in the said Province and lying on both sides of the River Saint John between the Mouth of the Madawaska River and the River Saint Francis and containing in the whole fifty thousand acres, in the hands and possession of our said Lord the King, on the first day of February in the first year of his Reign, and before and continually after was and of Right ought to be, and yet ought to be in the Right of his Imperial Crown of the United Kingdom of Great Britain and Ireland, and as part of the Dominions of our said Lord the King in this Province; and for so long a time as there is no remembrance of any Man to the contrary has been in the possession of the said Lord the King, and his Predecessors the Kings and Queens of Great Britain and Ireland and a part of

the Dominions of the said Crown – Nevertheless one John Baker of the Parish aforesaid in the county aforesaid Farmer the Laws of the said Lord the King in no wise regarding, but intending the disherison of the said Lord the King in the Premises in the first day of February in the second year of the Reign of our said present Sovereign Lord the King and on divers days and times before and since with force and arms and without any lawful authority in and upon the possession of the said Lord the King of a part of His said Lands, to wit the hundred acres thereof lying on the Westerly side of the Land— Turtle or Marcumpticook River, a branch of the said River Saint John at the Parish aforesaid in the County aforesaid intruded and entered and erected and built thereon a certain House and other Edifices and cut and felled divers, to wit, five hundred timber and other Trees thereon Standing and growing of the value together of one hundred pounds and took and carried away the Timber and wood arising from the said Trees, and of his own will disposed thereof, and the issues and profits of the same Lands moving, received and had and yet doth receive and have to his own use: and still holds and Keeps possession of the same Lands; and the said Trespass aforesaid hitherto and yet continuing to the great annoyance of our said Lord the King and contrary to His Laws, in contempt of our said Lord the King, and against the Peace of our said Lord the King—

Whereupon the said Attorney General of our said Lord the King for the said Lord the King prays the advice of the Court here in the premises, and that the aforesaid John Baker come here to answer the said Lord the King in the Premises

(signed) T Wetmore
Att^y General.

Indorsed

I M Bliss.

Examined by me and certified to be a true Copy

T R Wetmore
Clerk to the Att^y General—
28th November 1827.

Fredericktown Jail Nov^r 29th 1827

Charles S. Davis Esq^r

Sir,

I wish to inform you immediately after my arrival from Portland to home I was arrested by some of H. M^s Officers Conveyed and Committed to Fredericktown Jail in which place I made out a report to the governor of the State of Main having not rec^d instructions I remain here in great anxiety waiting patiently what Method to adopt & hope measures will be taken as quick as possible to extricate me from this prison I am now placed in a very uncomfortable situation leaving a wife & family to lament me & would feel grateful to you if you would forward a note by some trusted person to inform me what to do— & would thank you to visit me if it is Consistant & by so doing you would much oblige

Your H Serv^t Jn^o Baker

Sir,

I make a remark on the statement I saw in the Fredericktown gazette Stating that the British government has not sufferd any Squaters to settle on the disputed of Territory it is well known that there is many settled in Metewescher because if the are not Considered as British Subjects the must be Considered as Americans it appears the have appointed Millitary Officers over

them and established Companies Principally over the late settlers-- -- --

Dec^r 6th 1827

Charles S. Davis Esq^r, Ag^t for the State of Main

Sir,

I have to state on the 25th of Sept^r last I was arrested at the dawn of day while in my bed, by some of H. M. Officers-- Accompanied with armed men, and conveyed to Fredricktown jail for the Alleged offence for not being Emeneble to the English Government, & for Pretended offences of Interrupting the mail, and on an action of Debt-- and have further to observe that the rejected me from my land granted me by the legislature of the state, and that the Attorney general has proceeded against me in an Action of Trespass for cutting down trees on said land- and have been brought before the Court & have plead not guilty wherein the Court could not proceed to Trial- & having the Privilege of bail for my appearance at the nixt session for the penal sum of £100 & being as aforesaid embaressed still remains in jail with respect

I remain Your Obed^t—

Serv^t John Baker

P. S. I have given the above statement having learned that the one I forwarded to the government had not been rec^d--

Dec^r 6th 1827 Fredricktown

Charles S. Davis Esq^r,

Sir,

having made an application to Government of the state of Main for Protection- and the Governor by

his Proclamation having Claimed me as Citizen I should wish to know if I am under the necessity of answering to H. M. Court in any Case Criminal Or Civil, and would be obliged to you if you would give me Instruction as I am requested by the Kings Attorney to lay before the court my plea—

With

Respect Sir

I am Your Obed^t Serv^t

John Baker—

P. S.

Any Note you forward me for my instruction you may depend shall not be made public unless by your request

Frederickton Dec^r 12th 1827—

Char^{ls} S. Davis Esq^r

Sir,

has been much said in this Section of the country concerning the mail I have to state there was a report circulating in Matawascah that the mail had rec^d orders to stop going in that direction. I was a few day afterwards going down the river in a canoe with a raft saw a man whom I supposed carried the mail and asked him if he did and I further observed that I heard the mail had rec^d orders to stop. by way of question he not giving me a correct answer, I found he did not well understand the English language & then observed I should be sorry to have the mail stop then turned my discourse to a man by the name of Moorey on other subjects without the least discord the post man still continuing his Journey— and also a man with me by the name of Siras Cannon by whom the said Statement can be proved, that

was the only time that I recollect conversing with the Post man on that Subject

I remain with respect
Sir, Your Obed^t humble Serv^t
Jn^o Baker

Frederickton Jail 23rd Dec^r 1827

C. S Davis Esq^r

Sir,

I find that I have to content myself at present in ridgd confinement and shall untill I receive Assistance from the states

I wish when you return from Matawasha that you would inform me what may occur, give me information as may be necessary, and you would much

Oblige Your Obed^t Serv^t
John Baker

That we, George W. Coffin Agent for the Commonwealth of Massachusetts, and James Irish Agent for the State of Maine, upon the subject of the Public Lands in said State, by virtue of powers vested in us by resolves of the said Commonwealth, dated 11th June 1825, and by resolves of said State dated 26th February 1825, and in consideration of the sum of Ten dollars to us paid by John Baker of a plantation called and known by the name of the Madawaska settlement in the County of Penobscot and State aforesaid, situate upon the river Saint John, Yeoman for the use of said Commonwealth and State, the receipt whereot we do hereby acknowledge, do by these presents in behalf of the Commonwealth and State aforesaid, give, grant, bargain, sell and convey to said John Baker his heirs and assigns forever, the follow-

ing parcel of land, viz. :-- Beginning at Maryumticook Stream or point on the S^t John's river, thence running west by said river sixty three rods to a stone marked N^o 1. S. W. thence north three hundred and twenty rods, thence east fifty rods, thence south three hundred and eleven rods and one half a rod to a stake standing on the south side of said stream, thence by said stream south thirty eight and one half degrees east fifteen rods & seventeen links to the bounds first mentioned, containing One hundred Acres, be the same more or less.

To have and to hold the same, with all the privileges and appurtenances thereof, to the said John Baker his heirs and assigns to his and their use and behoof forever.

IN TESTIMONY WHEREOF, We the said Agents, in behalf of said Commonwealth and said State, have hereunto subscribed our names and affixed our seals, this third day of Oct^r 1825—

Signed, Sealed and Delivered Geo. W. Coffin (L. S.)
in presence James Irish (L. S.)
of us. Walter Powers
attest Hiram Baker

New Brunswick { Michaelmas Term in the eighth
Supreme Court. } year of the Reign of King George
the Fourth.

York, to Wit, Be it remembered that Thomas Whetmore Esquire Attorney General of our Sovereign Lord the now King for this His Majesty's Province of New Brunswick, who for our said Lord the King prosecutes, in this behalf in his own proper person comes here into the Court of our said Lord the King before the King himself at Fredericton in the county of York, on Saturday next after the second Tuesday in October in

this same Term, and for our said Lord the King gives the court here to understand and be informed That John Baker of the Parish of Kent in the county of York Labourer being a person greatly disaffected to our said Lord the now King and his Government within this His Majesty's Province of New Brunswick, and contriving, endeavouring and unlawfully maliciously, factiously and seditiously intending to vex molest and disturb the peace and common tranquillity of this Province, and to bring into hatred and contempt our most Serene Lord the now King and his Government, and for creating false opinions and suspicions in the people and subjects of our said Lord the King of and concerning the Government and administration of our said Lord the King and of the Royal power and undisputed prerogative of our said Lord the King within this Province he the said John Baker for performing perfecting and effecting his said most wicked contrivances and intentions on the fifteenth day of July in the eighth year of the Reign of our Sovereign Lord King George the Fourth at the Parish of Kent aforesaid in the county aforesaid with force and arms contemptuously maliciously factiously applied to one Peter Markee being one of the Subjects of our said Lord the King residing and inhabiting within the said Parish and then and there endeavored to persuade and seduce the said Peter Markee to depart from and violate the allegiance which he owed to our said Lord the King and did then and there present to the said Peter Markee a written paper then and there requesting and persuading him the said Peter Markee to subscribe his name thereto then and there stating to the said Peter Markee that the same paper was drawn up by him the said John Baker and others residing in the Madawaska Settlement in the Parish aforesaid and County aforesaid, with an intent thereby to bind those who subscribed the same

paper to defend one another against any act of a British Officer civil or military and not to allow the British Laws to be put in force among them in the said Madawaska Settlement aforesaid (to wit in the Parish aforesaid and county aforesaid) he the said John Baker then and there declaring that the British Government, meaning the Government of our said Lord the King had no right to exercise any authority over the Inhabitants of the said settlement and that the government of the United States of America would protect him the said John Baker and others his confederates as aforesaid in what they were then doing. And that he the said John Baker in order further to perform, perfect and effect his malicious practices and seditious intentions and designs aforesaid afterwards, to wit, on the eighteenth day of the same month of July in the year aforesaid, at the Parish aforesaid in the county aforesaid endeavored to oppose and obstruct the Postman then and there having the custody and carriage of His Majesty's Mail to Canada in the prosecution of his Journey with the same mail he the said John Baker then and there declaring with a loud voice in presence and hearing of divers of the subjects of our said Lord the King that England had no right to send her mails by that rout meaning through that part of the Parish of Kent, and that the said John Baker had received orders from the said government of the United States to stop the conveyance of the said mails through the same to the derogation great damage, diminution and prejudice of our said Lord the King and his Laws, to the evil example of all others in the like case offending and against the Peace of our said Lord the King his Crown and Dignity.

Whereupon the said Attorney General of our said Lord the King who for our said Lord the King in this behalf prosecutes, for our said Lord the King prays the

consideration of the Court here in the premises, and that due process in law may be awarded against the said John Baker in this behalf to make him answer to our said Lord the King tending and concerning the premises aforesaid.

Signed

T Wetmore

Dom: Reg. Gen^l

Examined by me and certified to be a true copy.

T R Wetmore

clerk to the Atty General

28th Nov^r 1827--

I Asael Baker, aged twenty one years, declare and say I resided as a labourer in the family of John Baker, near the mouth of the River Mariumticook at the time he returned from a journey in September last. The family of said Baker consisted of his wife, and four daughters and one son of hers by her former husband, and two daughters of said Baker, the youngest about a year old.--

Baker and his wife with the child slept in a room adjoining the kitchen. Three days after his return I was sleeping in the kitchen and about daylight, was awaked by the noise of persons entering violently from without into the outer room where I was. The first I saw was two persons entering about abreast, followed by several others with arms in their hands. I afterwards knew one of the two first who entered to be M^r Miller, a sheriff of New Brunswick-- I was startened and alarmed and sprung into the bedroom where Baker and his wife were sleeping, and was instantly followed by the forward persons, who had entered the kitchen. Two of the persons that went into the bed room had arms--

One by the name of Rice, an Irishman, represented to be an Adjutant of militia, who carried a pistol, and another bore a musket. Baker lay on the back side of the bed, and did not immediately awake. They first took hold of Mrs. Baker, who was frightened, and cried out to them not to kill the child, and begged them to spare her. The principal person M^r Miller told her to be civil, and he should not hurt her nor her husband, M^r Baker. — M^r Baker being awakened, and made sensible, rose out of bed, and they were removing him from the apartment, but his wife first and then he himself requested them to suffer him to put on his clothes, — which was allowed to be done. The principal person told him he was the one that had caused him so much trouble, as to make him come two hundred miles, This was before Baker got out of bed. As I was going towards the outer door the person, who carried the pistol, presented it at me and threatened to shoot me, if I moved. There were a considerable number of persons who followed into the house, some of whom had remained at first without — and I heard M^r Miller order them to enter.

I should say there were in all as many as a dozen. I saw as many as half a dozen muskets. There were two other persons in the house in the same manner as myself, by the names of Walter Powers and John Scudder. — When M^r Baker was seized, he said he had writings from the states, which they should see if they would. He was answered, that was nothing to them, — that he must submit and follow — that he had better be as easy as possible, as he did not know which side he should fall upon. — M^r Baker proposed to take breakfast and requested time to get some money. The principal person refused the permission and hurried him away, telling him he should fare as well as he did himself — I should judge it was not more than ten minutes from the

time the party entered the house until they went away with Baker. M^r Baker gave me some general and hasty directions about his affairs; and his wife in about half an hour after followed to have an interview with him on the road. I never heard him called General Baker until since this affair— I have since seen the person, who presented the pistol at me, and he declared that he was so ordered— I have very recently seen another person of the party who seized Baker, whom I recognized, and asked if he was one of the men that took M^r Baker also whether he was in the house. He said he was. His name I understand is West. He asked me if I was the one that slept on the floor, and he said he saw me run. He also said it was the King's Express to take Baker dead or alive— I named to this person the circumstance that Rice presented the pistol at me, and I further said that Rice presented it at Powers.— West said, he guessed not— and added that Powers came down from the chamber and took up a chair and struck one of the fuses, that the men held, and broke the breech; that this man, whose name was Battis Misshu, called out for help, and that thereupon he (West) went to Powers and drew the pistol, and told Powers he had better be civil and behave, otherwise he should be obliged to put the law in force. I had this conversation with this West, the 13th of December.— I know the person called Battis Misshu. He lives at the Grand Falls. I saw him that morning, when Baker was seized.—I do not recollect him in the house. The door was guarded outside, and Rice, stood guard at the door inside— and when I attempted to go out M^r Miller spoke to the guard in this manner,— “men, stop that man from going out.—” Thereupon Rice presented the pistol to me, and I stopped, and told him to fire if he liked— that I was not afraid of him a hair.— After M^r Miller and his party had conveyed M^r Baker

out of the house, and carried him down to the shore we had liberty to come out and I saw Battis Misshu, who was carrying a musket and was the last of the guard that remained. He shook hands with me at going away and said I must not blame him for he was obliged to do as he did.— Battis Misshu told me that one of Mrs. Baker's daughters got out of the window, and that another got out of the door and that two men took her and carried her into the house again, He said one of the girls was crying and asked what they were going to do to M^r Baker— He answered they were not going to hurt him.— I understood that these were the two eldest daughters, Amanda & Liser aged about eighteen & sixteen — I also heard another daughter, Sophronia, about twelve years of age, declare that she got out of the door and was brought back.— I saw the oldest daughter, Amander aged eighteen years after M^r Baker was seized in the same room where he was— I understood, but do not know, that she attempted to get out at the door, and afterwards got out of the window, and afterwards came back, I saw her after that time again in the house before M^r Baker was removed.— I understood that Scudder passed out at the door, and was brought in again by the guard. Powers and myself were kept the first part of the time in the bedroom with Baker, and three persons were stationed in a small passage way into the kitchen to prevent our getting out.—After I was allowed to go into the kitchen I saw Cyrus Cannon, who lived in the neighborhood come into the house and went into the room where Baker was confined.— I also saw two other friendly persons belonging to the neighborhood standing without namely Miles Emery who has a lot at the mouth of Fish river, and another Matthias Acorn who is settled on the second lot above Baker. M^r Baker offered no resistance at any time, nor did he

encourage any to my knowledge.— Of the other persons with M^r Miller, one was William Dibble, who lives below the Grand Falls,— another named Soffysaw, who undertakes to act as a constable at Matawasca settlement under the direction of persons residing in New Brunswick— another was a M^r Tibbets of Tobique.— I saw another named Joseph Deba— Another called Wezaw Nedder— both whom I knew belonging to the settlement of Madawasca—Another named John Battis D Aigle was of the party, and was stationed, as a guard at the canoes.— Another brother to Nedder— but I do not know his christian name.

Several of the persons of the party belong to the settlement from the Grand Falls along up to the Madawasca, and individuals of French extraction in the vicinity, who are required to bear arms and train in the militia of the Province of New Brunswick. Rice acts as Adjutant of this militia, and lives near the mouth of the Madawasca River.— West said to me, at the same time I have before mentioned, that they had but—five muskets,—and he also said they had several pistols.

Baker has one saw mill with two saws and a gristmill. He was also building him a two story house, the present habitation he lives in not being sufficiently commodious and tenantable for the winter. He had engaged two carpenters to finish the house, and a brick layer to complete the chimney this season— The house remains unfinished and the work is stopped.— It is boarded, and the window cases and one door case is in,— one side of the roof is shingled,— this piece of shingling is all that has been done since M^r Baker's absence,— His family remain together in the old house— His business is now all at a stand. His wife and family are left in a lonesome situ-

ation and M^{rs} Baker is very anxious and at times exceedingly distressed, and agitated.

Asahel Baker.

I further declare and say, that after the seizure of John Baker the American citizens in that vicinity became considerable uneasy and alarmed, James Bacon said he did not know what was to be done, and that he did not know but the English would come up and take them all away, and appeared to be disheartened and discouraged— for a short time. It was noticed and talked of among us, although we thought M^r Bacon did not wish to show it.— M^r Stutson, one of the settlers was also inquiring what was to be done— and I observed to him, that I thought he was afraid, He answered that he was afraid, that he was almost scared to death, and did not know what to do— I was absent immediately after this on a journey to Kennebeck, and when I returned Stutson had sold out and was gone, having moved, I understood, into Houlton.

Stutson was a blacksmith and had a shop and a family, consisting of a wife and two children, and about fifteen acres under improvement.—Jacob Goldthwaite had a place where he had been chopping on five or six acres, and had some stock, a horse and yoke of oxen. He said very little at first — and when it was intimated to him that he was alarmed, his answer was that those who talked about it most, were most afraid — when I returned from the westward, in about six weeks Goldthwaite had left his place and was gone— Charles Smart had also stock, and was present with Goldthwaite when he made the above remark— and declared that he would not make any resistance, or get himself into any scrape— On my return he also had departed,— Neither of those persons have returned— I heard Stephen Grover, say after my return, that as the state of things were and had been for

some time, it might be a year, before it was settled and perhaps more and perhaps never.-- And that it was impossible to live so, while the English were coming up to harrass us- and we did not know whether we could rely on the States- and had better move off and live some where else -and that if nothing should be done for them, he had determined to move off next summer. I heard Randall Harford say, that he meant to stay as long as he could -that he had a years provisions- that if it came on too hard, he would live on that, and then clear out. A very great and general alarm has prevailed among the people of our state in that quarter, in consequence on the proceedings they have experienced and the uncertainty of their dependence upon government- During my absence, as I was informed after my return some person had been at Baker's and also called on several other persons to demand the alien tax, on what they call the Bear Tax- The same person I was also informed went up to St Francis to call for it of Americans there.- And he is expected again this winter. I was also informed that an officer had been up with warrants to serve on a number of Americans holding lands there, to answer for Trespass and intrusions on Crown Lands under penalty of a hundred pounds. I saw copies that had been served on John Harford, Samuel Harford, Randall Harford, and Daniel Savage, and have also understood that there were several others. Fears have been entertained and expressed that when the winter-going became good the officers would be up there again and all carried down to Fredericton.

Asahel Baker.

I Charles Stetson, aged thirty four years, was born in Bristol, State of Maine- Lived in Eastport about eight

years— and moved from there above the river Madawaska five years ago last July. I settled within about a hundred rods of the mouth of the Mariumticook, where John Baker was carrying on business at his mills there situated. It is generally called the Madawaska up as high as we live, but I do not know whether the Madawaska settlement, properly so called, extends above the river Madawaska. It is not properly Madawaska above the Madawaska river, but we generally call it by that name. There was no settler for several miles above the mouth of Madawaska on the north side of the main river up to Joseph Misshu's—but one at a place called the half way house for about some space of six miles up on the opposite side. There were several French Settlers on either side of the St Johns, between that vacancy and the place where we live,— and the French call at Chattiqua.— On the north side of the river from the mouth of the Madawaska towards the Mariumticook where we are, there have come on since I went there about twenty French settlers, chiefly from Canada— and a good part of them have filled in the space above the Madawaska. They are about establishing a new Roman Catholic church at the settlement.—

My business is a blacksmith. I settled with my family next below James Bacon— There were none but French settlers below me. The nearest to me lived on an island next below a smaller island near the mouth of the Mariumticook.— The small island is nearly opposite my house,— It was Larrison D'Aigle. He was born in the settlement below where his father lives, and had been there I understood, three or four years, but I do not know exactly how long— The small island contains ten or twelve acres— There was no settler on it. There were none but settlers of French extraction at the mouth of the Madawasca. There was no French settler above

us— One came on last summer from Canada and settled on the south side of the St Johns above the mouth of the Mariumticook— and he has also a neighbor lately moved from the Madawasca settlement below— There are two or three English and Irish families settled four or five miles up the Madawaska river— and one Irishman lives a little opposite the mouth of that river in a French House.

John Harford and his son John were settled with their families about fifteen miles above the Mariumticook on the Main River and about five miles below the mouth of the St Francis.— There were no settlers of any description between us and the Harfords— Several persons have been employed in teaming, hauling and sawing at Bakers mill.— Matthias Acorn, an American came last winter and settled next above Bacon, I saw four or five rafts of boards and shingles belonging to Baker passing down the river, and understood they were afterwards seized and confiscated by the government of New Brunswick. Two years ago Baker, Bacon, and myself were called upon to pay the alien tax by a person having orders he said from a colonel or major of Militia. There has been a new military company formed of late among the settlers, Some of the new comers among the French set above the Madawaska river and above Joseph Misshu's— those near us have had to pay fines for not training. The objection they made, as I understood, was that they considered themselves under American government,— There has been some suing from Tobique among the French at Madawascar from Esquire Morehouse. There is no civil magistrate any nearer. No civil process has been attempted to be served at the Mariumticook until the present year. I was not present but understood that Saufaon a constable came from Madawascar with a writ from George Morehouse Esq to serve on Bacon. I

understood that an arrest was attempted and repelled by the aid of Baker and some of his hired men— that the constable was driven off and the debt afterwards settled. I am not acquainted with the facts. I do not know that Bacon made any resistance— An American by the name of Owen Fitzgerald working at Fish River Mills was arrested about two years ago on a warrant from Justice Morehouse, on a complaint for stealing money from Bacon— He was arrested on the point below the mills at my shop where I was present. No force was used— and no resistance made. He was carried to Fredericton and acquitted. It afterwards appeared that the money was taken by another person.

Charles Stetson

Last 4th of July we agreed to celebrate on Baker's proposal by raising a liberty pole, and hoisting the American Flag and having a dinner all at his home. We considered ourselves on American ground. The number of Americans present was fourteen. We hoisted the American flag before dinner, all of us Americans together. M^r Baker was the principal person. Two or three of the French were present; one of them Bellony Tarrio was the fiddler— and dined with us. I did not hear any invitation proposed to any of the French. Nobody interfered with us and we interfered with nobody. We drank toasts and spent the day together, and then went home— The next day Stephen Grover drew up a paper, purporting that we would settle our disputes among ourselves without having recourse to English laws for protection. Baker signed it first; and then thirteen others.— I was present when Miles Emery offered it to Peter Markee— Baker was not present— and I am positive not at home.

Three or four weeks afterwards I heard a story from the French settlers below that Baker had met the mail

carrier and asked what mail he had— He said it was the Province mail— and that Baker replied if it was the English mail he would take it away, but as it was the Province mail it might pass.— I heard this from one Mattocks— an American who was with us the 4th—and he got it from the French.

I heard that the Carrier complained to M^r Morehouse and told him he was threatened by Baker— and did not like to carry the mail any more. In August M^r Morehouse appeared at Baker's, as I understood from Bacon, and ordered Baker to take down the American flag which was flying and to cut down the staff. Baker told him he considered it on American land, and that he should not take it down until he had orders from the American government.— He did not take it down— and the flag Staff was standing when I came away in September last.

I was not present when Baker was arrested— I saw the canoes carrying him down, I think eight in number, with two or three persons in each. I never heard that the sheriff at that time had any precept against me.—

About a week after this I received a summons by Joseph Sawfacon, a constable, to appear at Fredericton— This was in September. It was left at my house. It was to appear at Fredericton under penalty of £100,— I brought my summons with me and shewed it here— but have mislaid or lost it. I cannot find it.—

I remained at Madawaska three or four days after I was summoned and then came away. My possession was one that I had purchased of Miles Emery, an American. It was then a small clearing of about an acre.— I had about twelve acres cleared. I had I should judge an hundred bushels of potatoes in the ground— and had raised 25 or 30 bushels of wheat and 30 bushels of oats the present year— I sold out to Barnabas Hunewell for

eighty dollars— principally paid— I should not have parted with my property but for the disturbance. I came away because I was afraid they would come upon me for the £100 penalty. I brought away my wife and children and blacksmith's tools— and remain at present in Houlton. I would not have taken less than £150 for my place, if I could have had a good title and been undisturbed— It was good land— I was within a hundred rods of a sawmill and gristmill— I had a good situation, near a thriving settlement.— and no other blacksmith within eighteen miles.

Charles Stetson.

Washington ss. Houlton Plantation. Dec 31, 1827
Personally appeared the aforesigned Charles Stetson and made oath that the foregoing statement by him signed is wholly true according to his best knowledge & belief before me James Houlton Justice Peace.

I Jacob Goldthwaite, aged thirty three years, was born in Stoughton, Massachusetts, went to Madawasca four years ago— The two first years I was concerned with John Baker in lumbering and Sawing and lived with him— — One year I have worked with Stutson as a blacksmith and lived in his house the last year I worked for Stutson & made my home there. I have no family. — I felled about three acres of trees this last summer. I laid to clear an hundred acres— I had one horse, two cows, an ox and heifer— and three young creatures besides. About a week after the arrest of John Baker I received a summons to appear at Fredericton— I did not like to attend,— and disposed of my personal property chiefly to M^r Barnabas Hunewell, an American from Kennebec river— I made a barter trade— I brought off one horse, one ox and a heifer.— I left the

land as it was. I sold Hunewell the principal part of fifteen tons of hay that I had cut. I did not get the value of the property that I disposed of by a hundred dollars— It would have made this difference to me, but for my situation. Some of the people appeared to be considerably alarmed— I was one of the party on the 4th of July.

Jacob Goldthwaite.

Washington ss. Houlton Plantation Dec 31. 1827
The aforesaid Jacob Goldthwaite personally appeared and made oath that the foregoing statement by him signed is wholly true before

me James Houlton Justice of the
Peace.

[L. S.] George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith &c. To Jacob Goldthwaite Greeting: We command you firmly enjoining that laying aside all excuses whatsoever you be in your proper person before our Justices of our Supreme Court of Judicature for our Province of New Brunswick at Fredericton, on the second Tuesday in October next, to answer to us of and concerning certain matters which on our behalf shall be then and there objected against you. And this you are by no means to omit under the penalty of one hundred pounds which we will cause to be levied on your Goods and Chattels Lands and Tenements to our use if you neglect to obey this our present command witness John Saunders Esquire our Chief Justice at Frederic-

[Copy]

ton the seventeenth day of September in the
eighth year of our Reign

By the Justices (signed)

Putnam.

[Indorsed]

At the suit of the Attorney General }
for Trespass and Intrusion on the }
Crown Lands. T Wetmore Atty: Gen: }

17th day of September 1827.

I Charles Smart, aged twenty five years was born in Monmouth, county of Kennebec, went to the Madawaska country two years ago last October,— I was engaged at Fish River, logging and sawing at the Mills— I was hired by Owen Fitzgerald, and Witham Peters became responsible for my compensation— The first year— The next year I was employed by Daniel Savage and Nathaniel Bartlett— Savage, Bartlett and Fitzgerald are American citizens,— I had taken up an island at the mouth of St. Francis and cut the hay upon it two years— The first year I cut it for Savage and Bartlett— Last year I and Jacob Goldthwaite cut it— It is called Burnt Island— I had also taken up a lot at the mouth of the St. Francis— which I intended to have commenced clearing. I left that country in October in consequence of the disturbance. I understood that Savage and Bartlett at the Fish River, and the Harfords about six miles below the St Francis were summoned— and that the settlers at the Mariumticook were summoned, to appear at Fredericton.

I understood there were about fifteen American settlers, summoned. I came away at the same time with Goldthwaite and Stutson— I had signed the paper, drawn up, by Stephen Grover, as he informed me by

which the American settlers agreed to have questions among themselves settled by referees, chosen by ourselves, and without the English laws.— The paper was presented to me by M^r Stutson— This was some time about the tenth of July— I did not like to remain after M^r Baker was taken— did not know what might take place. I had no courage to get forward— and did not feel secure to do anything at all. I was as liable as any one there— and should not feel secure there now— I disposed of my little property— a yoke of oxen— one cow and a horse— and came away—

Charles Smart

Washington Dec 29th 1827 The above said Charles Smart personally appeared and made oath that the foregoing statement by him signed, is wholly true, according to the best of his knowledge and belief before me

James Houlton, Justice of Peace

I George Fields, fifty years of age, now of Houlton, was born in Pensacola, where I lost my father— My mother married again, and moved with me into New Brunswick— I continued there excepting two or three years in Canada, until about four years ago.— I then went to the Aroostook.— I expected when I went there that I was going into the Territory of the United States— William Piles, an American went on the same year with me. I found there the two Johnson's Lewis and Charles, and a man by the name of William M. Crea. I settled about twelve miles up the stream— about nine miles above the line— The first year a Deputy surveyor General by the name of West came up from Prince William, and seized all my timber on the Aroostook, and made me pay a duty of two shillings a ton. The next year James Sisson of Tobique Settlement got a license

to cut timber, and I with a number others cut under him and other people who had obtained licenses. -- and from whom we obtained our supplies-- Afterwards we worked for ourselves. Last March George Morehouse Esq came to the settlement with John Davison to mark timber to be seized and forbid the people from working or occupying any further. I was then preparing to come away.

Two years ago I was arrested by Daniel Craig a Deputy Sheriff of New Brunswick for a debt of £65, on the suit of William Hallet and carried down the river, almost to the St. Johns, a mile and a half below the lines-- where I met one of my sons who gave bail for me-- and I returned home-- and afterwards settled the debt by letting Hallet have a farm, belonging to me on the St. Johns, a few miles below the Aroostook-- of which I had a grant from the government of New Brunswick.

Early last March I was sued by Patrick Connelly before Justice Morehouse for three days work which was to be paid in work by me. The writ was served by Stephen M^c Neal a constable-- A yoke of oxen were also taken by the constable at the same time out of my shed on a warrant for a debt of three pounds against my son and driven on to the river and he returned and told me. I agreed to settle both demands and give my note for the amount, and promised to pay the costs to the justice. I went down the next day to pay the costs which I did and complained of being sued and came home again.--I thought the note was written payable in three months, which Connelly and I agreed upon.-- On a week after my return, the constable came with a writ from Esq. Moorhouse on the same note, and took my body, about sunrise, as I was going to mills and as I could not get bail, carried me before the justice, who directed me to attend the next friday-- and released me

on my promise so to do. On the Friday appointed I attended to stand trial, because I considered it was in the States, and they had no right to sue me there, and so told M^r Moorhouse, and talked hard to him about it. I ought not to have gone there— that I knew it was considered to belong to the States when I went there, and that William Piles and I (who are brother's in law) did it to get into the American government— He said it was a cage of unclean birds and he did not pity me— Also He said that I spoke disrespectfully of the government, and that if he had not known me from a boy he would have sent me to Fredericton, I told him he could not send me there— He said he could tie me neck and heels and send me there.—

The next day the constable came up with the execution and seized a yoke of oxen, five hogs, a couple of two year old bulls and my cow.— He got to my house before I returned from Tobique— I met him about three miles below driving them down— They were carried to Tobique and Sold— but for not enough to pay debt and costs, as I found afterwards. How much it was, I did not stop to ask and never knew— My son bought the cow at the sale and brought her back to me— I was afraid they would take me next. I then set out with my family to come away, and was on my way on the river with my wife and five children under ten years of age and the cow. — Nearly opposite Mr Morehouses I met the constable with a fresh execution for the balance of the costs— upon which he took the cow again. My wife cried and advised me to give the money we had, which was twenty shillings, to redeem the cow. M^r McNeal said he would take it and pay the rest himself— M^r McNeal was very civil to us and let me go.

All the property I have is some household furniture which I brought from Aroostook, with about £10. I

owed some debts upon the river— I had a horse that has gone to pay an honest debt— My sons are on the St. Johns— they are used to the river and do not like to leave it. I am afraid of returning to my sons on account of my creditors— I should have come away, if I had not owed a dollar. I left the Aroostook because they would not let me live there in peace. They took every thing away from me as fast as I got it. I have a very large family and not very good health— and if I got a little timber or anything to procure supplies they would seize it — I now live in Houlton

his

George X Fields

mark

Washington ss, Houlton Dec. 31, 1827— The above signed George Fields made oath that the foregoing facts by him stated are to his best knowledge & belief wholly true before me

James Houlton Justice of the Peace