

MAINE STATE LEGISLATURE

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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

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1841.

TWENTY-FIRST LEGISLATURE.

NO. 2.

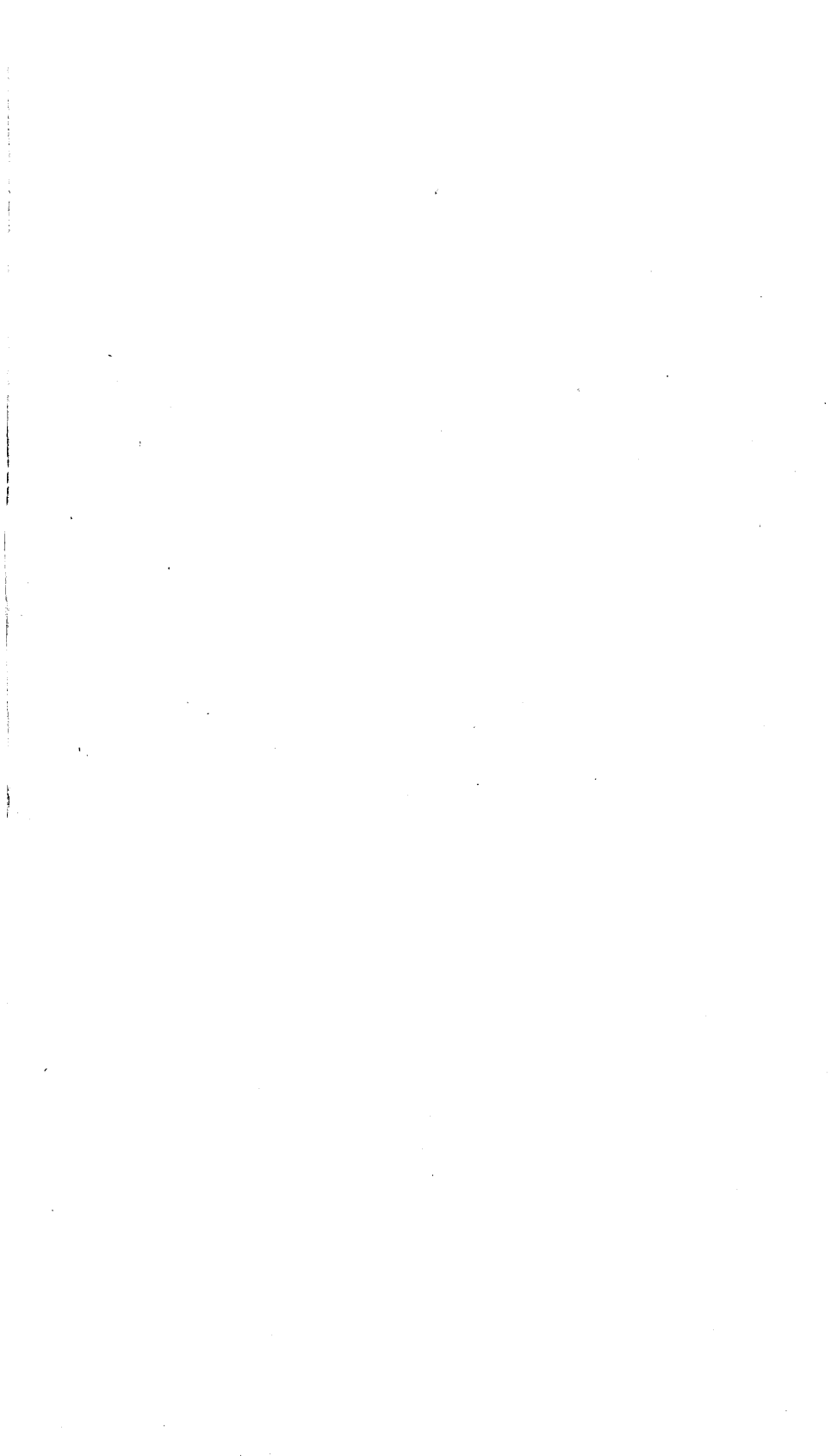
SENATE.

To the Senate and House of Representatives:

I herewith lay before you copies of correspondence with the Lieut. Governor of the Province of New Brunswick, and of my communication to the President of the United States, in relation to the occupation of the Madawaska settlement by a detachment of British troops. An official report of the transactions alluded to by Lieut. Governor Harvey has not yet been received by me.

JOHN FAIRFIELD.

COUNCIL CHAMBER, }
JANUARY 6, 1841. }



CORRESPONDENCE.

[*Lieut. Governor Harvey to Governor Fairfield.*]

[COPY.]

GOVERNMENT HOUSE, FREDERICTON, N. B., }
December 10th, 1840. }

SIR:—As your Excellency will doubtless be informed that a detachment of Her Majesty's troops has lately arrived in the Madawaska settlement, I deem it to consist with that frankness by which I trust my intercourse with the authorities of Maine has always been characterized, to acquaint you that the movement in question, made by the orders of the Governor General of these Provinces, has no other object than to give support to the civil authorities of that settlement, one of whose magistrates, Francis Rice, Esq., has been grossly insulted, threatened with personal violence, and obstructed in the discharge of his duty, by persons professing themselves to be citizens of the State of Maine; and another, James McLaughlan, Esq., also a magistrate of this Province, and holding the office of "Warden of the Disputed Territory," has been threatened, by the person in charge of the armed posse stationed at "Fish River," with being arrested and sent as a prisoner to Augusta, in the event of his persevering in the performance of the duties imposed upon him by the Government of the Queen and that of this Province.

Whether the assertion made, as I am assured, by this person, that, in holding this language, he is only acting in accordance with his instructions, be correct or otherwise, your Excellency will best know. But refusing, as I have done, to

believe that he can have received any authority for a proceeding which I must regard as inconsistent with existing engagements, I have not hesitated in expressing to the Governor General my conviction that an armed civil posse, corresponding in amount and description with that maintained by Maine, will be found quite adequate to effect the object in view, viz. the prevention of acts of *unauthorized* aggression or interference, as regards the inhabitants or authorities of the Madawaska settlements. And I have, accordingly, no reason to doubt that, acting upon this suggestion, his Excellency will forthwith give directions for the troops to be withdrawn to their former stations.

I have the honor to be,

With great consideration and respect,

Your Excellency's most obedient servant,

J. HARVEY.

His Excellency,

The Governor of the State of Maine.

[*Governor Fairfield to Lieut. Governor Harvey.*]

[COPY.]

EXECUTIVE DEPARTMENT, }
SACO, DEC. 15, 1840. }

SIR,—I have the honor to acknowledge the receipt of your Excellency's communication of the 10th instant, containing an explanation of a late movement on the part of the Governor General of the Provinces, in ordering a detachment of troops to the Madawaska settlement. Your Excellency says it "has
"no other object than to give support to the civil authorities
"of that settlement—one of whose magistrates, Francis Rice,
"Esq., has been grossly insulted, threatened with personal
"violence and obstructed in the discharge of his duty by per-
"sons professing themselves to be citizens of the State of
"Maine—and another—James McLaughlan, Esq., also a

“magistrate of this Province, and holding the office of Warden of the disputed territory has been threatened by the person in charge of the armed posse stationed at Fish River with being arrested and sent as a prisoner to Augusta, in the event of his persevering in the performance of the duties imposed upon him by the Government of the Queen and that of this Province.”

While entertaining a just sense of the frankness and courtesy in which this explanation is made, I deem it my duty to say that I cannot regard the quartering of troops at the Madawaska settlement, at this time, by the British Government in any other light than as a direct and palpable infringement of the subsisting arrangement; and that the circumstances above detailed afford no sufficient excuse or justification of such an act. Nor is it the less aggravated by the circumstance, that it is the repetition of a similar movement made since the arrangement was entered into, and which was at the time the subject of complaint and remonstrance, not only on the part of the State authorities, but by the General Government. The first was sought to be justified on the ground of apprehensions that Maine *intended* to do the like. The latter, upon grounds which, if not less substantial, certainly afford no reasonable pretence that any military force was necessary, much less a force in addition to the two hundred troops already stationed at Tamiscouta Lake. In regard to this point, that is, the absence of all necessity for a *military* force, I am happy to perceive that we do not disagree, and I trust that your Excellency's suggestion to the Governor General touching its withdrawal will not be without effect.

In relation to the facts alleged, I am unable to say whether your Excellency has been misinformed or not, but I have taken measures to have them correctly ascertained and reported. I can assure your Excellency that you but do me justice in refusing to believe that I am disposed to authorize any acts “inconsistent with existing engagements.” If however the facts relate to a transaction of which I have casually heard, but

of which I have not been officially informed, I think your Excellency will find that the allegations require much qualification. It has been reported that when certain of the citizens of this State were assembled at the Fish River settlement, to give in their votes for Electors of President and Vice President, under a late law of this State authorizing it, a magistrate from the Madawaska settlement presented himself and attempted, in the exercise of his official authority, to disperse them. If such were the facts, instead of finding any cause for reprehension in the resisting his authority by the residents at that place, I can only wonder at their forbearance in not causing him to be arrested and subjected to trial and punishment, according to the laws of this State in such cases made and provided.

Of the threats, supposed to have been made to arrest James McLaughlan, Esqr., and send him to Augusta, I know nothing. But your Excellency, I suppose, is aware that the right of that gentleman to act as "Warden of the disputed territory" has never been recognized or sanctioned by the authorities of this State, and I would respectfully add, that so far as the present Executive is concerned, never will be, especially in regard to that portion of it in our exclusive possession and occupancy.

What particular movements of Mr. McLaughlan have induced the supposed threats, I am not apprised of. The facts, however, in this as well as the other case, I have taken measures to have correctly reported; when, I can assure your Excellency, no disposition shall be wanting on my part to do what a just regard for existing agreements as well as the honor and interests of the State may require.

I have the honor to be,

With high respect and regard,

Your Excellency's most ob't serv't.

JOHN FAIRFIELD,

Governor of Maine.

His Excellency,

Maj. Gen. Sir J. HARVEY,

Lt. Gov. Province of New Brunswick.

[*Governor Fairfield to President Van Buren.*]

[COPY.]

EXECUTIVE DEPARTMENT, }
SACO, DEC, 15, 1840. }

SIR:—I have the honor to enclose copies of a correspondence between Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, and myself, by which it will be perceived, that Maine is again subjected to the mortification of having foreign troops quartered upon her territory. The alleged causes for this renewed outrage, and the circumstances under which it has been committed, you will find stated in the letter of Sir John Harvey. That the alleged causes are entirely insufficient to justify so direct and palpable a breach of the subsisting agreement between the authorities of this State and the Lieut. Governor of the Province of New Brunswick, is clear. Indeed they hardly afford a decent pretext for adding another to the long catalogue of insults and injuries which the citizens of this State have been compelled to endure, at the hands of the British Government, for the last quarter of a century. I trust that the Executive Government of the United States will forthwith take measures to ensure the immediate withdrawal of these troops from our territory, or to expel them, should the candid and reasonable suggestion, which, it seems, has been made to the Governor General of the British Provinces by Sir John Harvey, prove unavailing.

I have the honor to be,

With the highest respect,

Your most obt. servant,

JOHN FAIRFIELD.

Governor of Maine.

His Excellency,

M. VAN BUREN,

President of the U. States.

STATE OF MAINE.

IN SENATE, January 9, 1841.

ORDERED, That 1000 copies of the foregoing message and accompanying documents be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST: DANIEL SANBORN, *Secretary.*