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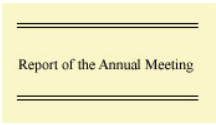

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THE ASHBURTON-WEBSTER BOUNDARY SETTLEMENT

By J. R. BALDWIN

The incessant antagonism between aristocratic monarchy and equalitarian democracy found an outlet in Britain and the United States during the first part of the nineteenth century in constant bickering over opposed interests, contested rights, and varying customs. Even at Harvard, the lectures of Jared Sparks were not entirely fair to Britain, while British travellers such as Captain Marryat and Frances Trollope brought from America accounts at once supercilious and pitying.[1] The situation neared the breaking-point when in 1837 the Canadian parallel to Jacksonian democracy brought forth a series of local revolts, and American frontier societies, all too frequently controlled by Irishmen whose memories of Britain were scarcely kind, embarrassed Anglo-American relations by their fervid support of the hopeless rebel cause, harbouring Canadian refugees and arming Canadian malcontents from American arsenals. President Van Buren's belated but firm measures aided by the severe punishments dealt out by the Canadian courts checked external aid, but the injury had been effected, for in the British House of Commons, the prime minister, Lord Melbourne, and the leader of the opposition, Sir Robert Peel, were outspoken in their criticism of American "hostile interference" in Canada.[2]

Peace was maintained, but prospects for the future did not improve. The burning of the *Caroline* rankled in American minds, while the aged John Quincy Adams rudely noted at the accession of Queen Victoria, that Britain had "Youth at the prow and Pleasure at the helm".[3] British statesmen regarded their late colony as a hostile and uncontrolled community, and their suspicions increased when, owing to bad crops in the United States and a drop on the London Exchange, the extreme credit expansion of America was upset and a severe depression set in, endangering heavy British investments in state stocks, and making it impossible for certain states to maintain payments. The witty British cleric, Sydney Smith, whose pocket-book was little less sensitive than his heart, announced in a fury that American defaulters had "no more right to eat with honest men than a leper has to eat with clean men".[4]

Both pocket-books and prestige suffered when American coastal slavers were driven involuntarily into British West Indian ports, and the British authorities set free the slaves on board. A series of such incidents culminated in the great *Creole* case in 1841 and 1842, just after the troublesome McLeod trial had almost brought a complete severance of Anglo-American relations.

Although conflicts of national honour were complicated by economic difficulties, each country was still the other's best customer, and merchant traders of both strove to keep relations on an even footing. To their efforts were added those of sane national figures. In Paris, the promising young American lawyer, Charles Sumner, and the old British statesman, Lord Brougham, talked sympathetically of the differences between their

[1] *New York Herald,* Dec. 12, 1841.

[2] *British Parliamentary Debates* (hereafter cited as *Hansard*), 1838-9, XL, 664-85; XLV, 100-3.

[3] *Memoirs of John Quincy Adams, 1795-1848* (Philadelphia, 1874-77), IX, 368.

[4] Sidney Smith, *Letters on American Debts* (London, 1844).

countries, while in Washington President Van Buren toyed with the idea of a special mission to Britain, and his political opponent, Daniel Webster, angled for the leadership of the mission.[5] The plan came to nothing, but Webster visited England privately in 1839, urged on and apparently financed by American and British banking and trading concerns, which were anxious to restore British confidence in American development; for curtailment of British investment had been a severe blow to them.[6] British banking houses, particularly that of Barings, long noted as a sound conservative firm, had lost ground with the public by recommending American investments, and so wished for some promising declaration to reach the British public from an apparently authoritative source.

Webster gave the desired assurance in England, letting it be known that state finances were quite safe in spite of temporary embarrassments, and possibly even hinting at federal assumption of state debts. Certainly he managed to loosen the British purse strings, for he sold in England, Massachusetts' stock worth about forty thousand pounds and evidently boosted the sale of western American lands as well.[7] Since Barings were such strong supporters of Webster's trip, (it was rumoured he got $5,000 from them for his utterance about state debts), Webster as a matter of course encountered old Lord Ashburton who had been head of Barings until 1828, and the two men became fast friends. Moreover, Webster returned to the United States with the conviction that Anglo-American difficulties were by no means insoluble but were really fostered by the misdemeanours of a few hotheads whose delight was confusion.

One of the oldest and bitterest problems was the boundary between Maine and New Brunswick, where a difference over wild and rocky uplands, arising from the prestige of two nations but recently emerged from the American War of Independence, was prolonged and aggravated by inadequate maps and ignorance of topography. Various commissions had attempted in vain to mark out a boundary in accordance with a treaty founded on erroneous geographic information. The islands of Passamaquoddy Bay were divided, and the boundary was run from the Atlantic up to the source of the St. Croix River, but from there to the intersection of the Connecticut River and the forty-fifth parallel of latitude, farther west, it seemed impossible to come to any agreement. Britain claimed a line following a watershed some distance south of the St. John River, while the United States asserted her right to territory north of the St. John, up to the range of hills along the south shore of the St. Lawrence.

The continual confusion was aroused by more than national patriotism and mutual suspicion; the psychology of boundary disputes is complex in its nature as well as persistent in its after-effects, and land hunger, international bargaining, and strategic considerations were of consequence. But whereas these were of general interest to both countries, particular matters

[5]E. L. Pierce, *Memoir and Letters of Charles Sumner* (London, 1878), II, 87-9.

[6]Public Archives of Canada, *Baring Papers*, XVIII, XXII: Thomas Ward (American agent for Barings) to Barings, July 27, 1835; April 29, May 4 and 13, 1839. *Cf.* also, *Washington Globe*, Oct. 13, 1840, and *The Private Correspondence of Daniel Webster* (Boston, 1857), 45.

[7]R. C. McGrane, *Foreign Bondholders and American State Debts* (New York, 1935), 22-3. D. S. Muzzey, *The American Adventure* (New York, 1927), I, 410. R. G. Wellington, *The Political and Sectional Influence of the Public Lands, 1828-42* (New York, 1914), 77.

swayed the localities concerned, New Brunswick and Maine. The latter, a new state with three times the population of New Brunswick and more progressive economically, pushed steadily northward into the disputed territory, usually in pursuit of lumber, at a pace which New Brunswick could not meet. Local rivalries flourished, reaching a peak in the bloodless Aroostook war of 1838 which might so easily have developed into something much more serious.

Meanwhile, fear of war proved a fountain of friendship, and national leaders turned to the idea of a settlement by compromise, a plan proposed vainly by the King of the Netherlands in an attempted arbitration in 1831. President Livingstone in 1833 offered, without success, a conventional line to the somewhat suspicious Palmerston, who nevertheless himself suggested a compromise two years later. British officials began to sound the temper of inhabitants of New Brunswick and Nova Scotia with regard to some such scheme, and American federal authorities fruitlessly made similar inquiries in Maine.[8] By 1839 Americans of the calibre of Gallatin, Calhoun, and Webster were speaking of equal exchanges of territory, while in the British House of Commons, Sir Charles Grey matched their statements.[9] The press became active in the cause of settlement. Charles Buller, in the *Westminster Review* of June, 1840, advanced a new plan of compromise, and on the other side of the Atlantic, New York journals censured the blustering attitude adopted by Maine; yet nothing came of this growing movement for the moment. Maine's restlessness increased, and British regulars were compelled to enter the disputed area, while Palmerston lost himself in a maze of intricate proposals. Van Buren, with an election in the offing, sent no mission to Britain. Maine, however, benefited from the dallying, for her gradual penetration of the region was faster and more continual than that of New Brunswick, a situation which brought home to the British authorities the advisability of a speedy settlement.[10]

The stage was cleared during 1841 when the Whigs came to power in the United States, and Webster became secretary of state. He lost no time in making informal overtures to Fox, the British ambassador, suggesting that when Fox as doyen of the diplomatic corps made the official speech of welcome to President Harrison, he might mention the troubles between Britain and the United States so that the President in reply could make known his desire for a peaceful understanding.[11] In England, F. C. Gray, a friend of Webster, socially aided by the Barings, explained the revived hopes for agreement to important personages.[12] The impetuous southerner, Stevenson, American ambassador to Britain, was replaced by

[8]Public Record Office, London; Archives of the British Foreign Office (hereafter cited as *F.O.*), ser. 97, vol. 18, containing various letters of Fox, the British ambassador to the United States. I. Washburn, "The North-Eastern Boundary" (*Maine Historical Society Collections,* ser. I, vol. 8, Portland, 1881, 67-8).

[9]*The Writings of Albert Gallatin* (Philadelphia, 1879), II, 544-7. "Correspondence of John C. Calhoun" (*American Historical Association Report,* vol. II, 1899, 425). C. H. Van Tyne, *Letters of Daniel Webster* (New York, 1902), 215-8. *Hansard,* XLVI, 1226-7.

[10]G. P. Scrope, *Memoir of the Life of Charles Lord Sydenham* (London, 1844), appendix I, 299-300: Sydenham to Palmerston, Nov. 25, Dec. 26, 1840.

[11]*F.O. 5,* 359: Fox to Palmerston, Mar. 9, 1841.

[12]*Private Correspondence of Webster,* 102-3: Webster to Gray, May 11, 1841. *Baring Papers,* V: Joshua Bates (American member of Barings) to Barings, May 1 and 6, 1841.

one of Webster's intimates, Everett, a New Englander of balanced judgment whose appointment pleased Maine and Massachusetts.

There were changes in Britain as well. Palmerston, who in spite of a very temperate attitude towards the United States was associated in American minds with domineering aggressiveness, fell with Melbourne's weakened Whig cabinet, and Lord Aberdeen, who had learned to hate war in the wake of Napoleon's army some twenty-five years earlier, became foreign secretary. Then in Canada a riding accident removed Lord Sydenham, whose unfriendly suspicions of the American people had been a hindrance to amicable agreement. Sir Charles Bagot, a former British ambassador to Washington and highly esteemed by the people of the United States, took his place.

The occasion was almost ripe, for Webster during some months had been laying the foundation for a compromise. A sudden proposal would not have impressed Britain unless American opinion showed some change, so Webster exerted all his influence in Maine and Massachusetts early in 1841, until Massachusetts, on his advice, adopted resolutions re-affirming the justice of the American claims, but avoiding any demands for independent provocative action such as had characterized certain earlier resolutions in more than one state.[13] Maine's rash ardour diminished too, since the Whigs had come into office, and Governor Kent, a friend of Webster, announced that "Maine for the sake of the peace and quiet of the country . . . might forbear to enforce her extreme rights pending negotiations". Resolutions brought forward in the legislature lacked the eager truculence of earlier days, while the annual report of the land agent frankly recommended some exchange of territory. The Governor and his council even discussed the terms Maine should expect in any compromise. In return Webster allowed that Maine would be consulted in any negotiation, and her consent obtained before any settlement was approved.[14]

Local suspicions were by no means wiped out as the Bangor *Democrat* charged that Webster's hands were "defiled by the touch of British gold", while the Halifax *Morning Post* asserted that the British authorities were "sunk in apathy and blinded by the soft sawder of Uncle Sam".[15] Yet these attacks, previously aimed at the opponents in the dispute, were now focused upon the home authorities and were part of a general outburst demanding a prompt conclusion, which made Webster realize that it was not enough to deal with a few temperate leaders, and that popular opinion in New England needed to be modified. Tyler had placed the secret service funds at his disposal, and out of them a private agent, Francis Smith, was employed to circulate in Maine where he quietly advocated plans for compromise, and in addition to using his personal influence, prepared articles in favour of a conventional line, which were printed in the *Christian Mirror*, a journal neutral in politics, so that the writings could not meet with

[13]Van Tyne, *Webster Letters*, 228-30: C. F. Adams (of Maine) to Webster, Jan. 26, 1841; Webster to C. F. Adams, Jan. 30, 1841. *British Parliamentary Papers*, 1843, LXI, 192 (Massachusetts Resolutions).

[14]*Portland Advertiser*, Jan. 16, 1841. *F.O. 5*, 379: Ashburton to Aberdeen, Apr. 28, 1842. *Resolutions of the State of Maine*, 1841, nos. 637-9. *F.O. 5*, 365: Sherwood (British consul in Portland) to Bidwell, Dec. 28, 1841. Van Tyne, *Webster Letters*, 248-9: Webster to Kent, Dec. 21, 1841.

[15]*Democrat*, Feb. 9, June 15, July 27, 1841. *Morning Post*, extraordinary edition, Nov. 18, 1841.

partisan opposition.[16] The first results appeared when Colebrooke, the new Governor of New Brunswick, suggested to his superiors in the summer of 1841, a project for settlement by separate negotiation between Maine and New Brunswick, at the same time that Smith was recommending a similar scheme to the federal authorities in Washington. Possibly there had been private communication across the frontier; in any case the plan was not new, for Smith who expected to profit financially had suggested it to Van Buren earlier without success.[17]

Webster had been doing the important work backstage, but the first formal mention of a compromise that year came when Palmerston in a lengthy dispatch to Washington stated, almost as an afterthought, that Britain was ready if necessary to accept a conventional line.[18] Before Webster had time to reply Palmerston had given place to Aberdeen. Thus, with Palmerston must rest the credit for the first official diplomatic mention of the scheme, while with Webster remains the greater credit for having inspired the preparatory steps behind the scenes, not in America alone, but in Britain as well.

Changes of personnel and of opinion were not sufficient; someone had to make the overtures for a settlement. It was clear to American merchants that the American ports of New York and New England, the bottle-neck through which the commerce of the United States flowed, were quite undefended, and that ruin awaited their trade on the seas in a war with Britain. Commercial interests, unable to float any American loans in Britain because of suspicions about the credit of the United States, realized that a complete sponging of the slate might restore confidence. Barings in particular were concerned not merely over their investments in America but about their prestige at home, as during 1841 it became apparent that a number of states might be unable to meet their obligations in 1842. The ball started to roll when in the autumn of 1841, pressure inspired by Webster was brought to bear on the firm of Barings by American representatives, and in turn the Barings through Lord Ashburton sought to influence the British government. Thomas Ward, their agent in the United States, pressed insistently for some speedy Anglo-American settlement. Webster wrote an informal exploratory letter to Joshua Bates, an American who had become a partner in Barings; this letter found its way into the hands of Ashburton who forwarded copies of it to Peel and Aberdeen, personally urging on more than one occasion that there be an immediate conclusion of the disputes with the United States.[19] Other information followed to support this emphasis, from the British consul in New York and from Christopher Hughes, the American chargé to Stockholm, who privately called upon Aberdeen in London.[20]

[16] *Frances O. J. Smith Letters*, Archives of the Maine Historical Society, Portland: Smith to Webster, July 2, 1841. *Christian Mirror*, Nov. 18, Dec. 2, 1841; Feb. 3, 1842.

[17] *F.O. 5*, 375: Stephen (British Colonial Office) to Colebrooke, Nov. 13, 1841; Smith to Webster, June 7, 1841; *Smith Letters*: Smith to G. Curtis, Mar., 1869.

[18] *F.O. 5*, 358: Palmerston to Fox, Aug. 24, 1841.

[19] *Baring Papers*, XXI, XXIV: Ward to Barings, Jan. 29, Feb. 15 and 17, Oct. 15, 1841. *British Museum Additional Manuscripts* (hereafter cited as *Add. Mss.*), 40486, 40492 (Peel Papers): Ashburton to Peel. Aug. 29, Oct. 22, 1841; 43123 (*Aberdeen Papers*): Ashburton to Aberdeen, Sept. n.d., 1841.

[20] *Add. Mss.*, 40486: Planta to Peel, Aug. 19, 1841. *Writings and Speeches of Daniel Webster* (Boston, 1903), VIII: Hughes to Webster, Sept. 18, 1841.

The British government required little convincing. Since the American ministry was anxious to have any discussions take place at home where they could be more easily controlled, it remained for Britain to display her readiness to negotiate in Washington. Fox, the British ambassador there, was not lacking in ability, but because his curious personal habits had aroused suspicion among the Americans, it was decided to send a special envoy to the United States. Who could be chosen more fitting than Lord Ashburton, who had already recommended some agreement, who was a Tory, and an ex-minister, who was well-known to Webster, and who, as the husband of an American woman, as a Baring, and as an owner of American property, was deeply interested in the United States? Even Lord John Russell, leader of the Whig opposition, mentioned Ashburton as a possible choice.[21]

Late in 1841 Ashburton was approached by Croker, on behalf of Aberdeen and Peel. To the old merchant age and health were serious deterrents, yet his concern in the situation was genuine, and he felt that a successful agreement attained by himself would be a fitting climax to a worthy career. Three days before Christmas he accepted the mission on the understanding that the British government was sincerely anxious for some compact and ready to make considerable concessions if necessary.[22]

His fellow-negotiator obviously could be none other than Webster, who was then at the height of his career, not yet giving signs of the pompous irritability that was later more apparent. Webster had cultivated English acquaintances and correspondents, and intent upon cleaning up the troubles with Britain had remained in President Tyler's cabinet when it split. True, he had apparently received financial aid from merchant concerns interested in peace, even from British sources, yet such obligations proved no hindrance. Indeed the balance appeared weighted in favour of America, as Webster, coldly logical, with immense powers of concentration, and with a terrific weight of intellect, seemed to overshadow the aged but genial Ashburton whose diplomatic experience was slight.

Ashburton, in a nation of traders, had gained for himself the position of a prince among merchants, and in later years had played an important although scarcely prominent part in Parliament. He was very acceptable to the United States; yet the qualities which made him suitable might prove his undoing, for while personal financial interests could not sway him, his desire for an amicable understanding was so great that he was ready to go almost too far in the path of conciliation. He possessed an enviable impartiality of mind, but such a characteristic in a negotiator may be dangerous when added to a natural and very strong desire for settlement. His wife, whose outlook was usually his own, could write "I have no patriotism and I do not believe in the existence of such a feeling. It is a word invented to conceal ambition and vanity".[23] There was danger in sending such a man to settle colonial boundaries. Apparently he considered peace with the United States more important than the maintenance of an overseas empire, for it was not long since he had told the House of Lords,

[21] *Add. Mss.*, 43189: Aberdeen to Clarendon, Nov. 5, 1854.

[22] *Croker Papers*, XXVI, Clements Library, Ann Arbor, Michigan: Ashburton to Croker, Dec. n.d., 1841. *Add Mss.*, 40453, 43123: Aberdeen to Peel, Dec. 23, 1841; Ashburton to Aberdeen, Apr. 26, 1842.

[23] *Croker Papers*, I: Lady Ashburton to Croker, Feb. n.d., 1842.

"I do not attach that value to these possessions which is so generally ascribed to them . . . separation, which is at no distant period inevitable, should be made amicably".[24] Finally, Lord Ashburton, old, frail, and not at all anxious to leave his lady, attempted to hurry negotiations, informing Webster within a few days of his arrival that he did not wish to stay more than four months in America.[25]

News of the special mission was received favourably although there was some criticism in England over Ashburton's appointment. Investment houses, in particular, were pleased at the prospect of a restoration of American credit abroad.[26] In Britain Ashburton prepared to depart at once, yet over three months elapsed before he landed in New York, and not until early April, 1842, did he reach Washington. There he found that the obstructions would largely come from the United States, and from Maine above all. The negotiations had been entered upon with the idea of marking out a conventional line by compromise, but Maine seemed not to understand the meaning of compromise, which was not at all the same thing as an exchange of territory. Compromise implied the abandonment of disputed rights and the substitution of a plan for fair and equal division of the region in dispute, in which legality of claim, so long bitterly argued, would have no share. Special concession on one side, apart from the first general basis of division, would have to be matched by special concession on the other.

Maine, however, had heard the phrase "exchange of territory" and took the attitude that any land whatsoever given to Britain from the disputed area must be met by some concession from Britain elsewhere; in other words she assumed her right to all the territory and demanded payment for the surrender of any portion thereof. Webster made the mistake of seeming to agree with this attitude, by allowing Smith to discuss terms of settlement on such a basis.[27] In addition, Maine was very reluctant to sacrifice anything in the negotiations for the sake of the country as a whole. A fair boundary might be one in which Maine's losses were balanced by American gains elsewhere, in Vermont or New Hampshire; in a federal negotiation this was a just approach, but Maine would not acknowledge any such possibility.

Webster had promised that the approval of Maine would be an obligatory concomitant of any agreement on the boundary, and the surest method of obtaining her consent was to associate representatives from Maine directly with the discussions. When he made it known that he desired both Maine and Massachusetts, her parent state, to send commissioners to Washington, Massachusetts offered no difficulties, but Maine, in which an intransigent Democrat, Governor Fairfield, was again in office and party hatred accentuated local greed, refused to deal with Webster's request until Ashburton arrived with the assurance that he had full powers to negotiate a conventional line. Thus valuable weeks were lost after Ashburton reached Washington, while the Maine legislature met to consider the federal invitation.

[24] *Hansard,* LXXXVI, 1386.

[25] *Webster Writings,* XI, 272-5: Webster to Fairfield (Governor of Maine), Apr. 11, 1842.

[26] Various letters in *Baring Papers,* V, LVI, LXI.

[27] *Smith Letters*: Smith, J. Hodgkin (of Maine), June 12, 1841; Hodgkin to Smith, June 17, 1841.

Eventually her consent was obtained by two means of persuasion. Webster had not placed a great deal of stock in the dubious red-line map, of which he had learned very recently. This map, discovered in Paris by Jared Sparks, favoured the British claims, and although there was no proof of its authentic connection with Franklin, the supposed original owner, Webster had no compunction in using it to influence Maine, by sending Sparks and Sprague, a sympathetic New England judge, to Augusta, the capital of Maine, with the map, where it was shown to a few of the legislative leaders as a fairly conclusive proof of the correctness of the British claim.[28]

In addition, Webster, without any justification, vaguely made certain promises to Maine. The state was led to believe that she would get some financial assistance, that she would be allowed by Britain to send lumber down the St. John free of duty, and that she would probably obtain the fertile strip of territory west of the St. John, which was outside the disputed area, and admittedly belonged to New Brunswick. There were even hints of handing the islands of Grand Menan and Campo Bello over to the United States. As a result, the resolutions of the legislature approving the appointment of commissioners, asserted that Britain must pay for any part of the disputed territory by granting land entirely outside that area to Maine.[29]

Here again the balance seemed weighted against Britain. Webster had conquered the first obstacle, but the conditions of victory did not augur well for the future, for there were strong possibilities of obstinacy among the commissioners should they find that Webster had promised more than he could give, and of difficulties over the British instructions, which might not accord with Webster's assurances.

Britain was handicapped in the drafting of Ashburton's instructions, for a decade earlier she had accepted the Dutch award of 1831, and it was natural that the United States should expect that line to be accepted as the basis for a compromise. Yet it was scarcely a fair starting-point, for it gave to the United States considerably more territory than to Britain; nevertheless, Aberdeen, ever conciliatory, informed Ashburton that Britain would, if necessary, albeit unwillingly, accept the boundary suggested in 1831. In order to speed Ashburton's departure, only Peel was shown the instructions; as soon as the remainder of the cabinet learned their gist, protests were forthcoming from Stanley at the Colonial Office, from Graham at the Home Office, and in particular from the old but doughty Wellington. A cabinet meeting decided that expert opinion should be consulted on the strategic needs of British North America, so Aberdeen referred the matter to four army leaders who were well acquainted with the problem: Sir James Kempt, Sir Howard Douglas, Lord Seaton, and Sir George Murray.[30]

The general tenor of their comments confirmed cabinet criticism. The

[28]G. T. Curtis, *Life of Daniel Webster* (New York, 1870), II, 100-2. Van Tyne, *Webster Letters*, 287: Sparks to Webster, May 19, 1842; Webster to Sparks, May 18, 1843.

[29]Washburn, "The North-Eastern Boundary", 89. *Add. Mss.*, 43123: Webster to Everett, Apr. 28, 1842.

[30]*F.O. 5*, 378: Aberdeen to Ashburton, Feb. 8, 1842. Memorandum initialled by Aberdeen, Feb. 14, 1842. *Add. Mss.*, 43123: Wellington to Aberdeen, Feb. 8, 1842; Stanley to Aberdeen, Feb. 11, 1842; Graham to Aberdeen, Feb. 12, 1842. *Add. Mss.*, 43060, 43072, 43190.

Dutch award was described as dangerous and unsatisfactory for two reasons; in the first place, it left the United States in possession of a part of the highlands along the St. Lawrence, threatening that river, and the city of Quebec; in the second place, while the only British line of communication in winter, the overland route from Halifax to Quebec, was located entirely in British territory, yet for some distance it would run directly along the frontier, quite exposed to attack.[31] Thus, the strategic needs which Lord Dorchester had foreseen over fifty years earlier, and which had caused Britain after the War of 1812 to re-awaken the whole boundary controversy, required Aberdeen to draft new orders for Ashburton. These still admitted that negotiation might start from the line of 1831, but said that certain changes in it would be necessary to safeguard Canada. British militarists were concerned chiefly with the control of the highlands over the St. Lawrence, but Aberdeen mentioned the safety of the British line of communication thereby unfortunately fostering a belief which already existed in the United States, that the road to Quebec was Britain's main anxiety.[32] Although America was willing to appease British fear on this score, she failed at first to comprehend the English desire for a border south of the most northerly watershed.

Not only did the new instructions cause misunderstanding but they placed restrictions upon Ashburton as well. Aberdeen was disgruntled at this insistence in a "cause so preposterous and absurd as the possession of a few miles of pine swamp". Ashburton was even more annoyed, privately writing to Aberdeen, "If you had read to me your present instructions before I left London, I should have ventured under such circumstances to give an opinion that it was inexpedient to send this mission".[33] Yet because of all the publicity attendant upon the discussions in Washington, Ashburton dared not put by his task; some agreement was necessary once the negotiations had been started, for failure would have left relations in a more dubious condition than before.

It was June by the time the state commissioners reached Washington, and the informal conversations of Ashburton and Webster became formal dealings. With an almost naïve frankness Ashburton speedily laid all his cards upon the table, offering sizeable concessions. Maine had hoped for money and Britain was ready to pay, but Maine did not wish to appear bought off, so monetary assistance was left to Washington. Likewise there was no difficulty over Maine's desire to send her lumber down the St. John through British territory, although Britain was not ready to concede complete navigation rights. Farther to the west Ashburton was willing to grant to the United States an additional strip of territory along the forty-fifth parallel, in Vermont and New Hampshire, a strip which legally belonged to Britain but which, owing to an earlier inaccurate survey, had been considered American, and whose inhabitants were American in sympathy. This section contained the important strategic post, Rouse's Point, at the top of Lake Champlain, valuable to the United States for defensive reasons. Lastly, Britain was ready to hand over a small and unimportant district at

[31] *Add. Mss.*, 43123: Aberdeen correspondence with the four, Feb.-March, 1842.
[32] *F.O. 5, 378*: Aberdeen to Ashburton, Mar. 31, 1842.
[33] Lady F. Balfour, *Life of George, Fourth Earl of Aberdeen* (London, n.d.), II, 137: Aberdeen to Gurney, Feb. 20, 1842. *Add. Mss.*, 43123: Ashburton to Aberdeen, Apr. 26, 1842.

the head of the Connecticut River, by acceding to the American claims in regard to the correct source of that river. Both these areas had been given to Britain by the Dutch award.[34]

Maine discounted these territorial offers which were of no direct interest to her; nor did she pay much heed to the other benefits tendered her; possibly Ashburton by his extreme readiness to make concessions had made her feel that it would be a simple matter to gain more. In accordance with her earlier attitude she unreasonably asked for territory entirely outside the disputed area, notably the British territory just west of the lower St. John. Aberdeen and Ashburton were at first ready to accede to the demand, but when it became apparent that the land sought was a fertile region held by active loyal British settlers, and that it was of military value in keeping the British line of communication away from the frontier, Aberdeen refused to hear of its cession to Maine; neither would he consider the transfer of Campo Bello or Grand Menan to Maine.[35]

In return, Maine proved obstinate. Apparently undervaluing Ashburton's concessions, she did not consider coming down from the St. Lawrence highlands where she had been placed by the Dutch award, and proffered merely the north-western corner of the disputed territory, to give Britain a more direct line of communication with Quebec. Webster had felt that if Maine gained the narrow strip west of the St. John, she would cede to Britain the Madawaska area south of the St. John given to the United States by the Dutch award, a valuable buffer for the land route to Quebec; but the transfer became out of the question when Britain refused to relinquish purely British regions.[36]

The negotiations proceeded somewhat uncomfortably in the growing summer heat of dusty Washington. Ashburton made himself agreeable to men of all parties even cultivating the friendship of some of Webster's opponents, while frequent dinners provided the conviviality which is so great a softener of political asperities. Ashburton's special French chef and Webster's cellar, well-stocked with brandy and muscatel, were no mean feature in the settlement. Grattan, the British consul in Boston, and a friend of a number of the commissioners, came to Washington and acted as an informal intermediary. Bagot, who had been at the Hague in 1831, forwarded advice from Canada, while Colebrooke supplied Ashburton with experts from New Brunswick, a civil servant, a merchant from the city of St. John, and a lumberman.[37]

Little progress was apparent as June passed into July. Checked by Aberdeen, troubled by the heat, and aggravated by the state commissioners whom he termed "tormentors of the worst order", Ashburton even thought of giving up his task and retreating to Britain but was restrained by the friendly offices of Tyler.[38] Yet Ashburton himself had made the mistake of introducing the topic of legal rights in his earliest formal communication

[34]Curtis, *Life of Webster*, II, 100-2. *Add. Mss.*, 43123: Ashburton to Aberdeen, Apr. 1, May 12, 1842. *F.O. 5*, 379: Apr. 28, 1842. *F.O. 5*, 378: Aberdeen to Ashburton, Mar. 31, 1842.

[35]*F.O. 5*, 380: Maine Commissioners to Webster, June 29, 1842, in Ashburton to Aberdeen, July 13, 1842. *F.O. 5*, 379: Ashburton to Aberdeen, Apr. 28, May 29, 1842. *F.O. 5*, 378: Aberdeen to Ashburton, May 26, 1842.

[36]*Webster Writings*, XIV, 392-402: Webster to Ashburton, July 8, 1842.

[37]T. C. Grattan, *Civilized America* (London, 1859), I, 365-75.

[38]L. G. Tyler, *Letters and Times of the Tylers* (Richmond, Va., 1884), II, 217-8.

on the boundary, thus opening the way for an argument at times rather bitter, which gave Preble, a Democrat and the most stubborn commissioner from Maine, an opportunity to make some rather severe remarks, typical of the bearing of the state representatives, whom Webster seemed unable to repress.

Ashburton had been asking for the Madawaska territory south of the St. John, possibly because he felt it would be the easiest concession to obtain, but the British government turned his attention to the more important problem of removing the boundary from the St. Lawrence highlands. Webster was easily convinced of the necessity for such a shift, once Ashburton had given up his requests for territory south of the St. John, but the men from Maine were harder to handle; Ashburton took the unusual step of dealing directly with them, since Webster seemed so impotent. Headed by Preble, they were not only anxious to uphold Maine's extreme demands, but seemed for party reasons, to wish to delay settlement until Congress had adjourned so that there might be no ratification that year.[39]

Again Webster's concealed weapon, the red-line map, was brought into play. The commissioners had not known of it before though possibly rumours of its existence had reached their ears. Knowledge of the map combined with fear of the odium which they must incur if they wrecked negotiations finally won them, and in a spirit of injured martyrdom they gave in; but realizing they had not obtained all that the state expected, and anxious to avoid responsibility, they agreed to accept the boundary mapped out by Ashburton and Webster only on condition that it be approved by the Senate.[40]

Just before signature of the treaty, early in August, Webster informed Ashburton of the existence of the red-line map, probably in order to avoid charges of deception and trickery. Yet Webster had already acted somewhat unethically: if the map were genuine, concealment from Britain for so long was deceitful; if the map were dubious as seems to have been the case, Webster misinterpreted or at least exaggerated its importance in his dealings with Maine. The fault does not lie entirely on Webster's side, for Ashburton, when informed of the map, professed surprise, but early in June he had picked up rumours of secret evidence favourable to Britain in Webster's hands, and had even paid almost three thousand pounds of British secret service money in connection with a mysterious and secret plan, apparently of Webster's, for bringing pressure to bear on Maine. Yet Ashburton at no time tried to unearth the nature of this new evidence.[41]

Webster had out-distanced Ashburton; the latter's frank method of approach and highly conciliatory attitude, all too obvious to the Americans, had met the unyielding opposition of a Maine bolstered by the broad promises of Webster, who had the advantage of working in his own environment, in Washington. In spite of this, the new boundary was by no means bad. As Webster himself put it, "The boundary was settling; individual rights were getting into collision, it was impossible to prevent

[39] *F.O. 5,* 380: Ashburton to Aberdeen, July 28, 1842; and same date, *Add. Mss.,* 43123. *Croker Papers,* XXVI: Ashburton to Croker, Feb. 13, 1843.

[40] Grattan, *Civilized America,* I, 395. H. B. Adams, *Life and Writings of Jared Sparks* (Boston, 1893), II, 403.

[41] *Add. Mss., 43123*: Ashburton to Aberdeen, June 14, July 28, Aug. 9; Aberdeen to Ashburton, July 2, 1842. Public Record Office, *Declared Accounts of Adult Office,* L, 282.

disputes and disturbances; every consideration required that whatever was to be done should be done quickly".[42] While it was unfortunate that the line described by the King of the Netherlands was the starting-point, for that gave the United States not only the most of the disputed territory, but the only fertile regions in it, yet assuming that line as a necessary basis, judging the boundary in relation to deviations, and balancing concessions, the treaty was not unfair. Moreover, it is wise to remember that later judgment has given to the United States the better legal claims in the quarrel; perhaps Britain acted wisely in discarding legality for the sake of compromise.[43]

Britain satisfied her strategic needs, for the boundary, with marked improvement upon the line of 1831, was placed midway between the St. Lawrence highlands and the upper St. John, and thus Quebec was no longer threatened. Britain also acquired the territory north of the St. John between the Madawaska and St. Francis Rivers to serve as a buffer west of her road to Quebec, another advance over the award of 1831. In return the United States gained the strip so much desired along the forty-fifth parallel including Rouse's Point; she also obtained the area at the head of the Connecticut River, while Britain gave to Maine a special concession, the right to send raw produce and lumber down the St. John, subject only to the duties levied on internal produce. Then since the territorial concessions made by Britain did not benefit Maine, the federal government promised financial assistance.

The special territories lost by each side were of comparatively little consequence to the original owner but were of great importance to the acquiring nation. Britain was thinking chiefly of military considerations and of these she took adequate care, but her sight was not long enough to understand the value of commercial communications and the possibility of a united federal British North America; hence she thought little of the bothersome wedge being interposed in her territories, an obstruction forcing direct Canadian rail lines to cross American territory. Many British statesmen accepted the colonies as a necessary but merely temporary burden to be endured by Britain until separation could be arranged, and Peel himself, during the negotiations wrote to Aberdeen in disgust over Bagot's troubles in Canada, "Let us have a friendly separation while there is yet time", frankly stating that to him the line of communication with the Canadas was a small thing compared to the prospect of an agreement with the United States. Palmerston was almost alone in foreseeing the dangers in so dividing the Maritimes from the rest of British North America that henceforth they would look almost entirely to New England as their centre of attraction.[44]

The settlement was received with fairly general approval, if not hearty welcome, although Maine and New Brunswick did not follow the general line of passive acquiescence. Official organs of necessity expressed approval, but their enthusiasm was weak. In Augusta, Fairfield spoke of the "unyielding and grasping spirit" of Britain; in Fredericton, Colebrooke

[42] *Webster Writings*, IX, 94 (Speech of April, 1846).

[43] This is ably demonstrated in W. F. Ganong, "Monograph on the Evolution of the Boundaries of the Province of New Brunswick" (Proceedings and Transactions of the Royal Society of Canada, 1901).

[44] *Add. Mss.*, 40453: Peel to Aberdeen, May 16, 1842. *Hansard*, LXVII, 1189-9.

wrote no formal letter of congratulation to the Colonial Office, while the Assembly expressed its regret over loss of territory.[45] Such an attitude, overlooked the military needs of British North America, yet it foreshadowed a whole school of writers in Canada, exemplified by Bourinot, Roberts, and Fleming, who vigorously condemned Britain's so-called betrayal of Canada. At the time, however, the two Canadas did not display a great deal of interest.

In conclusion, it may be said that the treaty was accepted not because it was a good treaty but because it was a settlement of Anglo-American difficulties. In view of the temperament of Ashburton and his method of approach, in view of the obstinacy of Maine and Webster's weak political situation, there is room for gratitude that the ending was not worse.

Discussion. Mr. Trotter thought that Mr. Baldwin might have given the impression that Ashburton had not been altogether successful, whereas he felt that Ashburton obtained better results than might have been expected under the circumstances.

Mr. Baldwin agreed that, considering the position, the settlement was a favourable one; but opinion in the Maritime Provinces was that the British government had failed. Although the British case was weak, negotiations were conducted on a principle of compromise, with the legal background left aside. In view of this, can it be said that the British did so well?

Mr. Harvey pointed out that the British were embarrassed by having earlier supported the New England claim as against Acadia.

Mr. Sage suggested that Canadian historians have taken the Maritime point of view that the British betrayed us, and asked how this attitude arose.

Mr. Baldwin said that there was a similar attitude in Maine, where the treaty was attacked as a federal betrayal of state interests.

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[45] *Niles Register,* Feb. 11, 1843. *Journals of the New Brunswick Assembly,* 1843, pp. 21, 506.