

**OBSERVATIONS UPON THE
TREATY OF WASHINGTON,
SIGNED AUGUST 9, 1842:
WITH THE TREATY ANNEXED**

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Observations upon the Treaty of Washington, Signed August 9, 1842: With the Treaty Annexed
by George William Featherstonhaugh

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GEORGE WILLIAM FEATHERSTONHAUGH

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It will create surprise in some persons to find an inveterate opposition produced to the Treaty of Washington in the United States, that country which will benefit so much by its provisions; but in Treaties of delimitation betwixt independent States, it often happens that individuals suppose they can find just cause for dissatisfaction, both of a public and private nature; for being almost invariably founded upon a compromise of conflicting interests and jurisdictions, they can scarcely be closed without opening a door to the reproaches of interested and offended persons. Those who do not conceive their private interests to have been satisfactorily secured are generally loud and unceasing in the expression of their disapprobation, whilst those who feel that they have nothing left to desire, attribute their good fortune to

the justice of their claims, and are slow to praise, even when they owe it to the most painful and meritorious exertions of others. Thus Treaties, even when they are in every sense well timed and deserving of the public confidence, are frequently more vehemently assailed than they are defended.

But even the objections which are made to Treaties upon public grounds have sometimes their origin also in private feeling, for when a Treaty has been so judiciously made as to furnish no just ground of discontent to private individuals, and no substantial reasons for provoking the censure of public opinion, its very merits sometimes conjure up opponents, and it is arraigned, not from a sincere conviction of its demerits, but from a deep sense of disappointment at seeing others reap the glory of accomplishing an eminent service to their country, in the harvest of which circumstances had denied them any participation.

Now, although these remarks apply more particularly to the United States, where personal interests were mixed up in the Boundary question, and where the Treaty, like every other great measure, was exposed to strong political opposition, still it has not escaped animadversion in our own country. Happily, however, this has not been of an uncompro-

missing character, and has already given way to calmer views of those practical benefits, which all who are interested in the preservation of peace and friendship between Great Britain and America are glad to entertain.

The defence, therefore, of this important public act might, on the part of this country at least, have been safely left to its own operation, if the opposition to it had been confined to the people that were parties to it. This has not been the case. A writer* of ability in a neighbouring nation, appearing to be influenced by a jealous impatience at the prosperity and glory of England, and mistaking the motives and the conduct of her Government, has studiously engaged in misrepresenting both, and seems to wish, with perverse energy, to lower Great Britain in the eyes of the nations of Europe, from the high moral position she has taken.

And as a great majority of those who constitute public opinion in all countries have neither the time nor the means to form an accurate judgment of the real value of those controversial statements, assertions, and arguments which are advanced, it becomes the fit and natural duty of those who are differently situated, and indeed of

* *Revue des Deux Mondes. Diplomatie Etrangère. Du nouveau Traité entre l'Angleterre et les Etats Unis.—Paris, Octobre, 1842.*

every Englishman who is alive to the estimate which should be formed of the honour of his country abroad, to vindicate, according to his ability, those public acts of his Government which can be shown, by the test of truth and reason, to be founded in wisdom and justice.

The discussions which have taken place at home and abroad upon the merits of this Treaty, have not only suggested these reflections, but have prompted the author of these pages to endeavour to give a lucid and plain statement of the true meaning of the Treaty of Washington, for the purpose of correcting many misrepresentations respecting it that seem, for the most part, to have grown out of an imperfect acquaintance with the subject. He submits, therefore, to the public a short narrative of the circumstances which led to it, accompanied with a fair yet brief examination of its whole purport, having no apprehension of failing in his principal object, which is, to establish a general conviction that it is eminently consistent with the honour and interests of Great Britain.

It is a curious illustration of what has been stated, and may serve as a measure of the intrinsic value of this Treaty, that at its promulgation, it was simultaneously denounced both in Great Britain and in the United States of America, as an act by which Lord Ashburton

and Mr. Webster had tarnished the honour and surrendered the interests of their respective countries. The accusers of Lord Ashburton charged him with having so far failed in his duty, that he had in the way of compromise made concessions to America that wounded the honour of England; not attending to the fact, that his mission was produced by a critical and menacing state of things, and was altogether a measure of friendly compromise, necessary to the prosperous intercourse of the two greatest commercial countries in Christendom. In like manner, Mr. Webster was accused of abandoning the claim of the State of Maine, and of sacrificing the honour of his country; although he was especially authorized by the President of the United States to treat for a conventional line, that was not to correspond with that claim. The exhibition, however, of these partial discontents had not the effect of disturbing the calm action of the two Governments, which were no doubt both anxious to give effect to the peaceful arrangement that had been so happily accomplished; for the Senate of the United States immediately proceeded to ratify the Treaty upon its signature, by a majority of thirty-nine to nine: and Her Majesty's Government lost no time in giving it their sanction, and returning it to America at the earliest moment. Thus did a

vexatious question, which had frequently threatened the peaceful relations of England and America, become closed for ever upon terms consistent with the conviction each sincerely appeared to entertain of its rights, and the respect which was due to the peace of mankind.

As in attempting a vindication of the Treaty of Washington, it will be necessary to advert briefly to the state of our late territorial dispute with the United States at the period when Lord Ashburton entered upon his mission, a rapid sketch will now be given of the history of the controversy, referring the reader, who may be desirous of consulting its details, to the various publications in which they are to be found.

In the Second Article of the Treaty of Peace of 1783, the northern frontier of the United States is fully described as running along certain "Highlands" dividing rivers flowing into the St. Lawrence from rivers flowing into the Atlantic Ocean, and thence by a specified line westward to the river Mississippi.

This frontier, which in its whole distance was conterminous with the British dominions in Canada, extended about 2,300 miles, and the only portion of it of which the description could be considered so doubtful as to permit a question to be raised concerning the intentions of the negotiators respecting it, was the com-

mencement from the "Highlands" to the Connecticut river, a distance of about 200 miles.

Up to the year 1792, this part of the country was a wilderness of forests, lakes, and morasses, only known to a few Indians, who occasionally frequented it for the chase; but about that period, the citizens of the present State of Maine, which is the most eastern of the United States, began to survey and occupy portions of it, although it had never been considered to have been conceded to the new republic, and had always been believed to belong to the Crown. This encroachment was followed by their claiming as the Treaty boundary a line of "Highlands" that would have brought the United States, at certain points, within the distance of twenty miles from the St. Lawrence, that would have cut off from Great Britain the established military and post routes leading from the provinces of Nova Scotia and New Brunswick to Quebec, and would have given to the Americans various military positions overlooking the river St. Lawrence, and from whence they could have threatened the fortress of Quebec.

No person out of the United States believed that such an arrangement of the frontier was consistent with even the intentions of the Commissioners, who, on the part of America, nego-