

**MR. WEBSTER'S VINDICATION OF THE
TREATY OF WASHINGTON OF 1842;
IN A SPEECH DELIVERED IN THE
SENATE OF THE UNITED STATES, ON
THE 6TH AND 7TH OF APRIL, 1846**

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1846.

THE TREATY OF WASHINGTON.

Mr. WEBSTER rose and said: It is altogether unexpected to me, Mr. President, to find it to be my duty, here, and at this time, to defend the treaty of Washington of 1842, and the correspondence accompanying the negotiation of that treaty. It is a past transaction. Four years have almost elapsed since the treaty received the sanction of the Senate, and became the law of the land. While before the Senate, it was discussed with much earnestness and very great ability. For its ratification, it received the votes of five-sixths of the whole Senate—a greater majority, I believe I may say, than was ever before found for any disputed treaty. From that day to this—although I had had a hand in the negotiation of the treaty, and felt it to be a transaction with which my own reputation was intimately connected, I have been willing to leave it to the judgment of the nation. There were, it is true, sir, some things of which I have not complained, and do not complain, but which, nevertheless, were subjects of regret. The papers accompanying the treaty were voluminous. Their publication was long delayed, waiting for the exchange of ratifications; and, when finally published, they were not distributed to any great extent, or in large numbers. The treaty, meantime, got before the public surreptitiously, and, with the documents, came out by piece-meal. We know that it is unhappily true, that away from the large commercial cities of the Atlantic coast, there are few of the public prints of the country which publish official papers on such an occasion at large. I might have felt a natural desire, that the treaty and the correspondence could have been known and read by every one of my fellow-citizens, from East to West, and from North to South. But it was impossible. Nevertheless, in returning to the Senate again, nothing was farther from my purpose than to renew the discussion of any of the topics discussed and settled at that time; and

nothing farther from my expectation than to be called upon by any sense of duty to my own reputation, and to truth, to make, now, any observations upon the treaty, or the correspondence.

But it has so happened that, in the debate on the Oregon question, the treaty, and, I believe, every article of it, and the correspondence accompanying the negotiation of that treaty, and, I believe, every part of it, have been the subject of disparaging, disapproving, sometimes contumelious remarks, in one or the other of the Houses of Congress. Now, with all my indisposition to revive past transactions and make them the subjects of debate here, and satisfied, and indeed highly gratified with the approbation so very generally expressed by the country, at the time and ever since, I suppose that it could hardly have been expected, nevertheless, by any body, that I should sit here from day to day, through the debate, and through the session, hearing statements, entirely erroneous as to matters of fact, and deductions from these supposed facts quite as erroneous, all tending to produce unfavorable impressions respecting the treaty, and the correspondence, and every body who had a hand in it—I say, it could hardly have been expected by any body that I should sit here and hear all this, and keep my peace. The country knows that I am here. It knows what I have heard, again and again, from day to day; and if statements of fact, wholly incorrect, are made here, in my hearing, and in my presence, without reply or answer from me, why, shall we not hear in all the contests of party and elections hereafter, that this is a fact, and that is a fact, because it has been stated where and when an answer could be given, and no answer was given? It is my purpose, therefore, to give an answer here, and now, to whatever has been alleged against the treaty, or the correspondence.

Mr. President, in the negotiation of 1842, and in the correspondence, I acted as Secretary of State under the direction, of course, of the President of the United States. But, sir, in matters of high importance, I shrink not from the responsibility of any thing I have ever done under any man's direction. Wherever my name stands I am ready to answer it, and to defend that with which it is connected. I am here to-day to take upon myself—without disrespect to the Chief Magistrate under whose direction I acted—and for the purposes of this discussion, the whole responsibility of every thing that has my name connected with it, in the negotiation and correspondence. Sir, the treaty

of Washington was not entered into to settle any—or altogether for the purpose of settling any—new, arising questions. The matters embraced in that treaty, and in the correspondence accompanying it, had been interesting subjects in our foreign relations for fifty years—unsettled for fifty years—agitating and annoying the councils of the country, and threatening to disturb its peace for fifty years. And my first duty, then, in entering upon such remarks as I think the occasion calls for in regard to one and all of these topics, will be, to treat the subjects in the first place, historically—to show when each arose—what has been its progress in the diplomatic history of the country; and especially to show in what posture each of those important subjects stood at the time when William Henry Harrison acceded to the office of President of the United States. This is my purpose. I do not intend to enter upon any crimination of gentlemen who have filled important situations in the executive government in the earlier, or in the more recent, history of the country. But I intend to show, in the progress of this discussion, the actual position in which things were left in regard to the topics embraced by the treaty, and the correspondence attending the negotiation of it, when the executive government devolved upon General Harrison, and his immediate successor, Mr. Tyler.

Now, sir, the first of these topics is the question of the Northeastern Boundary of the United States. The general history of that question, from the peace of 1783 to this time, is known to all public men, of course, and pretty well understood by the great mass of well informed persons throughout the country. I shall state it briefly.

In the Treaty of Peace of September, 1783, the northern and eastern, or, perhaps, more properly speaking, the northeastern boundary of the United States, is thus described, viz:

“From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands, which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, along the middle of that river to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy, to its source, and from its source directly north to the aforesaid highlands.”

Such is the description of the northeastern boundary of the United States, according to the Treaty of Peace of 1783. And it is quite

remarkable that so many embarrassing questions should have arisen from these few lines, and have been matters of controversy for more than half a century.

The first disputed question was, "Which, of the several rivers running into the Bay of Fundy, is the St. Croix, mentioned in the treaty." It is singular that this should be matter of dispute, but so it was. England insisted that the true St. Croix was one river; the United States insisted it was another.

The second controverted question was, "Where is the northwest angle of Nova Scotia to be found?"

The third, "What and where are the highlands, along which the line is to run, from the northwest angle of Nova Scotia to the northwesternmost head of Connecticut river?"

The fourth, "Of the several streams which, flowing together, make up Connecticut river, which is that stream, which ought to be regarded as its northwesternmost head?"

The fifth was, "Are the rivers which discharge their waters into the Bay of Fundy, rivers 'which fall into the Atlantic ocean,' in the sense of the terms used in the treaty?"

The 5th article of the treaty between the United States and Great Britain, of the 19th of November, 1794, after reciting, that "doubts had arisen what river was truly intended under the name of the river St. Croix," proceeded to provide for the decision of that question, by three commissioners, one to be appointed by each Government, and these two to choose a third; or, if they could not agree, then each to make his nomination, and decide the choice by lot. The two commissioners agreed on a third; the three executed the duty assigned them, decided what river was the true St. Croix, traced it to its source, and there established a monument. So much, then, on the eastern line was settled; and all the other questions remained wholly unsettled down to the year 1842.

But the two Governments continued to pursue the important and necessary purpose of adjusting boundary difficulties; and a convention was negotiated in London by Mr. Rufus King and Lord Hawkesbury, and signed on the 12th day of May, 1803, by the 2nd and 3d articles of which it was agreed, that a commission should be appointed, in the same manner as that provided for under the treaty of 1794, to wit: *one* commissioner to be appointed by England, and one by the United

States, and these two to make choice of a third; or, if they could not agree, each to name the person he proposed, and the choice to be decided by lot; this third commissioner, whether appointed by choice or by lot, would, of course, be umpire or ultimate arbiter.

Governments, at that day, in disputes concerning territorial boundaries, did not set out each with the declaration that the whole of its own claim was clear and indisputable; whatever was seriously disputed they regarded, as in some degree, at least, doubtful or disputable; and, when they could not agree, they saw no indignity or impropriety in referring the dispute to arbitration, even though the arbitrator were to be appointed by chance, between respectable persons, named, severally, by the parties.

The commission thus constituted was authorized to ascertain and determine the northwest angle of Nova Scotia; to run and mark the line from the monument, at the source of St. Croix, to that northwest angle of Nova Scotia; and also to determine the northwesternmost head of Connecticut river; and then to run and mark the boundary line between the northwest angle of Nova Scotia and the said northwesternmost head of Connecticut river; and the decision and proceedings of the said commissioners, or a majority of them, was to be final and conclusive.

No objection was made by either Government to this agreement and stipulation; but an incident arose to prevent the final ratification of this treaty, and it arose in this way. Its fifth article contained an agreement between the parties settling the line of boundary between them beyond the Lake of the Woods. In coming to this agreement they proceeded, exclusively, on the grounds of their respective rights under the treaty of 1783; but it so happened that, twelve days before the convention was signed in London, France, by a treaty signed in Paris, had ceded Louisiana to the United States. This cession was at once regarded as giving to the United States new rights, or new limits, in this part of the continent. The Senate, therefore, struck this 5th article out of the convention; and as England did not incline to agree to this alteration, the whole convention fell.

Here, sir, the whole matter rested till it was revived by the Treaty of Ghent, in the year 1814. And by the 5th article of that treaty it was provided, that each party should appoint a commissioner, and those two should have power to ascertain and determine the boundary