

# THE SENTINEL.

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### THE SENTINEL.

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### UNTO THE RIGHT HONORABLE THE MARQUIS OF NORMANBY.

The Memorial of the Committee of the General Assembly of the Church of Scotland, for promoting the religious interests of Scottish Presbyterians in the British Colonies.

The Committee of the General Assembly of the Church of Scotland, for promoting the religious interests of Scottish Presbyterians in the British Colonies, have observed, with the deepest interest, the notice which has been given on the part of Her Majesty's Government, respecting the introduction into Parliament of measures, to make provision for the Government of the Colonies; and as these measures must necessarily have respect to the religious as well as the civil condition of these Colonies, the Committee feel that they would be guilty of a dereliction of their bounden duty, if they neglected the present opportunity of bringing under your Lordship's consideration, the claims of the Members of the Scottish Church, for the protection of their ecclesiastical rights in any legislative enactments that may be proposed for adoption. The solemn trust committed to your Memorialists by the General Assembly, may free them, they trust, from the charge of presumption in intruding themselves upon your Lordship's notice; and the frequent and earnest appeals which have been made to them by their brethren in Canada, for assistance in asserting their just rights, will be considered by your Lordship, as your Memorialists cannot but hope, an additional excuse for the demand that they presume to make upon your Lordship's attention. The mistaken notions that prevail in many quarters, respecting the legal position of the members of the Scottish Church in the British Colonies generally; the little practical effect that has hitherto been given in Canada, to the just views that have recently been expressed by Her Majesty's Government upon the subject—the erroneous statements that have been made respecting the relative amount of the Presbyterian population in the Province; and the entire omission in various documents and publications, to which much importance is attached as bearing upon the legislation necessary for Canada, of elements that cannot be overlooked without extreme danger, in adjusting the interests of contending parties, render it the more indispensable, that your memorialists should not, at a crisis like the present, allow the claims of their brethren to be in any degree endangered, for want of an appeal to the justice of Her Majesty's Government.

The unequivocal and most satisfactory declarations on the part of Her Majesty's Government in the letter of Sir G. Grey to Principal Macfarlan and in the despatches to Sir Francis Bond Head respecting the rights of the members of the Church of Scotland, as fully entitled to be put upon an equality, with the Members of the Church of England in the British Colonies, renders it happily unnecessary for your Memorialists to enter at length upon this subject.—Your Memorialists consider it to be of importance, however, to advert to the grounds, upon which they conceive the rights of their brethren in the Colonies to be founded.

By the Treaty of Union it is solemnly provided that there shall be a "communication of all rights, privileges and advantages, which do or may belong to the Kingdom, except where it is otherwise expressly agreed in the articles." By the same treaty; the true Protestant religion and Presbyterian church government are secured, within the Kingdom of Scotland; and the true Protestant religion, &c. are secured within the Kingdoms of England and Ireland, the dominion of Wales, and town of Berwick-upon-Tweed, and territories thereunto belonging. The Colonies which have been acquired since the union, assuredly are not territories belonging to the Kingdoms of England and Ireland, &c. to the exclusion of Scotland. And, if there was any meaning in the phrase; "a communication of all rights, &c. which do or may belong to the subjects of either Kingdom," it follows, that the adherents of both churches, are entitled to equal rights and privileges and

advantages in every British colony. The members of the church of Scotland in the colonies may justly complain, of a violation of the terms of the great national compact, if they are not put upon a footing of perfect equality, with the members of the church of England in regard to all religious, as well as civil rights and privileges.

In the case of Canada, as your Lordship is well aware, provision is made by special statute, (31st Geo. III. c. 31) for the support of a protestant clergy. An attempt has indeed been made to restrict the import of the Act, as if the clergy of the church of England alone, were to be understood by the "protestant clergy;" and practically, no doubt, this interpretation was for a long period acted upon. But if this had been the true import of the statute, it must have been in contravention of the articles of the treaty of union, and the inhabitants of Scotland, regarding it as a breach of national faith, would be warranted in using every lawful means, for having such an evasion of their religious privileges expunged from the statute book. In reality, however, the members of the church of Scotland have not this cause of complaint; and it clearly appears that the support of the clergy of the Scottish church was contemplated, in the Act referred to as well as those of the church of England. In the definition of the expression "a protestant clergy," it must be taken into account that in the treaty of union already referred to, the religion of the church of Scotland, is described as the "protestant religion," or "the true protestant religion." And the spirit of the statute of 1791, the tenor of the debates which took place while it was under consideration, and the express testimony of the Earl of Harrowby (Debates in the House of Lords in 1823) as to the intentions of the framers of the bill (Lord Grenville and Mr. Pitt.) leave no doubt at all, that Presbyterian as well as Episcopalian clergy were comprised under the description given in the act. Your memorialists are convinced, from the message in the 3d William IV. to the House of Assembly, and from the despatch of Lord Glenelg to Sir F. Head, that your Lordship will not require these positions to be strengthened by a weight of authority, otherwise they might refer to the opinion of the crown lawyers in 1819, concurred in by a committee of the House of Commons in 1823,—that "the provisions of the 31st George III. are not confined solely to the clergy of the church of Scotland."

But, though the rights of Scottish settlers in the colonies have been thus clearly defined by statute, the Presbyterians in Canada have hitherto been excluded from the benefit of these statutes. For more than thirty years after the act of 1791, no legal provision whatever was made for Scottish clergy—no assistance even, with the exception of two brief grants of £50 each, was given by government to any clergyman belonging to the Scottish church. And though conquered under the British flag, by Scottish as well as English blood, and settled long after the treaty, by which equal rights were secured for the members of the Presbyterian and Episcopalian churches, the Province has up to the present hour, been taught to regard the church of England as the dominant church, while the Presbyterian inhabitants have been treated in every respect as dissenters. Of all the vast tracts that were so wisely reserved by the act of 1791 for the support of a protestant clergy, no portion your memorialists are informed, has been granted to the church of Scotland. The applications that time after time have been made by them, have all met with an unfavourable reception,—and while thousands of acres have been attached to the church of England—and thousands more rendered available in various other forms, there are few cases indeed, in which the ministers of the Scottish church can boast of a single acre of glebe land. In like manner while pecuniary grants to the amount of many thousands annually, have been made to the church of England from year to year, it was not till 1817 that any assistance whatever, was afforded to the church of Scotland. Even then it was given in a form that subjected the members of that church to the humiliation of being treated as having no legal claim for what was received,—the continuance of what is given is altogether precarious, and it has never amounted to more than an annual grant of £1350 in the Upper Province, and to £500 in the Lower Province.

(To be Concluded next week.)

### PERSIA.

Intelligence of a very important nature from Persia reached London via St. Petersburg. Although Her Majesty's government had not then received information of the fact, yet we believe there is no doubt that the Shah of Persia has acceded to all the demands of the British Government. Diplomatic relations will, of course, be resumed as soon as our mission can return, and we have reason to believe that the conclusion of a commercial treaty will be one of the first fruits of the termination of the differences between the two courts.

Of course, the British Government upon its part cannot hesitate to evacuate Karak—the occupation of that island being the result of the menacing position assumed by the Shah.

There can be little doubt, as the Morning Chronicle justly observes, that we are indebted to the success of Lord Auckland's policy for this important change in our relations with Persia. And it is certainly a most valuable compliment to the triumph of our arms. It is not the relief which will be afforded to our commerce in that quarter of the world, extensive as that unquestionably is, so much as the security which is afforded to our Indian empire, by the creation of alliances in Persia and the States of Central Asia. One great source is removed too, of jealousy and distrust between England and Russia, which cannot fail to produce a salutary effect upon the settlement of the eastern question.

Swift has somewhere said "money is liberty," and a poet, who was by no means cynical has added, that money is also friendship, and society and almost every external blessing;—at the same time remarking that it is a great, though an ill natured comfort, to see a goodly number of those who possess it in abundance, without pleasure, without liberty, and without friends. The remark of Swift may seem to be true, but is really false. The rich are often the veriest slaves on earth. They toil, and labor, and calculate, and are filled with anxie-

ty all their days—and all they get in return is a simple substance—a coffin and a winding sheet—and a few pretended mourners when they die, who think less of them than of their estate.

### NORTH EASTERN BOUNDARY.

Extracts of Correspondence laid before Congress on the Maine Boundary Question.

Mr. Fox to Mr. Forsyth.

WASHINGTON, Nov. 2, 1839.

Information which has been reported to her Britannic Majesty's Government in England, and more recent intelligence which has been conveyed to the undersigned by the British authorities in the Province of New Brunswick, makes it the duty of the undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, to call the immediate and serious attention of the Government of the United States to the extensive and unscrupulous (although it is to be hoped and believed the unauthorised) acts of encroachment which continue to be carried on by the people of the State of Maine, within line of the disputed territory.

It is unnecessary here to recapitulate the terms of the several agreements which were entered into in the months of February and March last, first between the Secretary of State of the United States and the undersigned, at Washington, and afterwards between the Lieutenant Governor of New Brunswick, the Governor of Maine and Major General Scott, of the United States army, for the purpose of averting the danger of local collision upon the frontier, pending the final settlement of the boundary question between the Governments of Great Britain and the United States.—The terms of those agreements, and their true intent and meaning, are sufficiently well known. Her Majesty's authorities have, on their part, not only scrupulously adhered to the letter and spirit of the engagements referred to, but they have been desirous upon every occasion of interpreting in the most frank and liberal manner any point on which a doubt of caval could arise.

The undersigned, however, regrets to say that the same correct and scrupulous observance has not marked the conduct of the people of Maine, or that of the subordinate officers employed by the government of the State.

The armed posse from the State of Maine, which it was agreed upon should be allowed to remain in the disputed territory, within certain limits, for the purpose of guarding the timber upon the disputed lands from waste and spoilage, has already advanced, it appears, far beyond those limits, extending its operations, and its armed occupation of the country, along the whole way from the valley of the Restook to the mouth of the Fish River, into the valley of the upper St. Johns, and thus into a portion of the Madawaska settlements. All this is clearly at variance with the terms and spirit of the engagements signed by the Governor of Maine, under the sanction and guarantee of Gen. Scott.

The establishments, also, which have been formed by the persons composing the armed parties, on the banks both of the Restook and of the Fish river, have assumed an aspect and character more decidedly military, and more resembling a permanent national possession of the country, than can be either required or justified in the civil posse of a land agent, holding for the sole purpose of preventing trespasses, the temporary occupation of a district which is claimed by two parties, and the title to which is not yet settled between them. These establishments or stations are fortified with entrenchments and with cannon; and the number of armed men composing their garrisons is far greater than the occasion can warrant. A permanent State road is also being constructed from the frontier of Maine into the valley of the Restook, and from thence on the south side of St. Johns to the Fish river, the object of which road is to connect those portions of the disputed territory with the towns of Augusta and Bangor, and other acknowledged parts of the State of Maine.

It moreover appears that land surveyors, acting under the authority of the State of Maine, are employed in marking out lots and townships within the aforesaid portions of the disputed territory; and that rules of lands are being made, with deeds regularly drawn under the authority of the State, as if those lands, lying within a region which her Majesty's Government confidently claims to be a rightful possession of the British crown, formed, on the contrary, a recognised part of the public domain of the State of Maine.

It is true that the present course of encroachment, and the wrongful occupation of the land by the citizens of Maine, whether acting as unauthorised individuals, or with the sanction of the authorities of the State, cannot in any way place in jeopardy the eventual rights of Great Britain, for whatever shall be the line of boundary between her Majesty's possessions and the Republic of the United States, definitely recognized and decided upon by the two Governments, either through the attainment of the true line of the treaty of 1783, or through the adoption of a conventional line, her Majesty's Government will have to rely upon the Federal Government of the United States, in conjunction with the government of her Majesty, to assert and carry out the decision, whatever may be the views and pretensions of the inhabitants of the State of Maine notwithstanding.

But it is evident that the establishment, in the mean time, of new interests, and the growing up, as it were, of new proprietary claims upon the lands which are yet in dispute, may end by embarrassing the action of both Governments; of the Government to whom the district shall be finally allotted, and of the Government which will be called upon definitely to relinquish it.

The same argument has been held, and the same principle has been contended for, by the Government of the United States, no less than by the Government of the Great Britain. It will be in the immediate recollection of the Government of the United States, that when, in the year 1836, an alleged act or design rather, of encroachment, of a far less direct or objectionable character than the operations referred to in the present note, namely, the survey of a projected line of railroad from Quebec to St. Andrews, passing through a part of the disputed territory, was complained of and remonstrated against by the President, her Majesty's Government immediately consented to order that survey to be relinquished. The undersigned cannot doubt that the Government of the United States will now, on their part, be guided by a similar and reciprocal disposition.

The undersigned, therefore, while protesting,

in the first place, formally, in the name of his Government, against the acts of encroachment to be desisted from, in order that whenever a practical adjustment of the line of boundary shall be obtained, no minor or incidental occasions of dispute may remain to obstruct that final and friendly settlement of the controversy, which the undersigned feels persuaded it is the equally earnest desire of both Governments to accomplish.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States, the assurance of his distinguished consideration.

H. S. FOX.

Hon. John Forsyth, &c. &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE, }  
Washington, Dec. 24, 1839. }

The undersigned, Secretary of State of the United States, having, in pursuance of directions from the President, requested the Governor of Maine to communicate to him such information as might be in his possession in relation to a complaint preferred by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, in a note dated the 2d ultimo, of alleged encroachments on the part of the State of Maine upon the territory in dispute on the Northeastern frontier of the United States, is enabled, by a recent communication from the Governor of the State, to lay before Mr. Fox, for the information of his Government, the following statement and observation:

With reference to the first ground of complaint, the undersigned is informed that, early last spring, the land agent of Maine despatched a small force, consisting of about twenty-five men, to Fish River, for the purpose of dispersing a band of trespassers, understood to have been operating at that place, in consequence of which the trespassers' camps were broken up, some of them driven off, and a few, with their teams, brought to the settlement on the Aroostook but subsequently released: that the land agent, in further pursuance of what he deemed his duty, again sent a party of about the same number of men to the mouth of Fish River, to extend a boom across it, in order to prevent the timber, which had been cut by the trespassers, from being driven into the St. Johns, and to hinder further depredations by cutting. The object of the expedition had been accomplished, and the party remained on the ground, at the date of the Governor's communication.

So far the undersigned is unable to perceive that any thing has been done by the people of Maine, in any way contravening the spirit of the agreement entered into with Mr. Fox, or that of the arrangement proposed by General Scott, and subscribed to by the authorities of Maine and New Brunswick. In the first place, the territory contiguous to the mouth of the Fish River, on either side of the St. Johns, can, in no proper sense, be considered as included in the Madawaska settlement. It is distant some twenty-five miles above it, and the two points are not connected by any continuous occupations or settlements of the country. But even if the point referred to formed part of the Madawaska settlement, the agreement of the 27th February stipulated that, in the event of necessity for dispersing notorious trespassers, or protecting public property from depredation, by armed force, the operation would be conducted jointly or separately, according to agreement between the Governments of Maine and New Brunswick. Under such an agreement, negotiated through the agency of General Scott, the Governor of Maine was to maintain within the disputed territory, under a land agent, a small civil posse, armed or unarmed, to protect the timber recently cut, and to prevent further depredations, without any sphere as to the limit of its operation within the bounds of the disputed territory. To the attainment of those ends, the action of the parties detached by the Maine land agent appears, so far as the undersigned is informed, to have been strictly confined.

As to the military aspect and character alleged by Mr. Fox to have been assumed by the parties on the Restook and Fish rivers, it appears that those despatched to the last mentioned points, composed, as stated, each of about twenty-five men, neither militia nor soldiers, but hired laborers, were, it is true, armed with muskets, and had extended a boom across the river, and erected a block house for its protection and their own against the numerous bands of lawless men, grown desperate by being deprived of their accustomed plunder, and over whom her Majesty's authorities appear to have exercised but little control. Such measures of precaution cannot but be regarded as dictated by prudential motives, if not by the necessity of the case, and the fitness and extent of the preparation, appear to the undersigned questions which could not understandingly be discussed away from the scene of action, and which, of necessity, can only be properly decided by those persons whose safety was to be secured.

Upon the Aroostook which has been the pivot of the operations of the land agent's posse, a large number of men has been employed. They have also extended a boom across the river, and erected near it a fortification of hewn timber, and a few other more temporary buildings. The twenty-five or thirty men stationed there are likewise armed with muskets, and it is believed have also two small pieces of artillery. The remainder, about one hundred and twenty-five, have for the most part, been engaged in opening roads for summer as well as for winter communications, and in preparing facilities for supplying the posse. Any preparations short of these would, it is stated have been insufficient to protect the public property; and the authorities of Maine cannot repress a sentiment of surprise, that these should now be made a subject of complaint, when but a short time since the establishment was assaulted by a party of fifty men, suitably equipped commanded by a captain of militia, and bearing the Queen's arms, in the repulsion of which the occupants displayed a spirit of forbearance and moderation sufficiently in harmony with the avowed and sole object of their occupation of the territory; and that surprise is in no way diminished by the fact that the agent of the British Government has just completed extensive and permanent barracks on the same territory north of the St. Johns, and are in the habit of transporting troops and munitions of war over it at their convenience.

The construction of the road leading into the valley of Aroostook, would not, it is apprehended, have been deemed at this time, a just cause of complaint, had Mr. Fox adverted to the fact that the work was commenced as long ago as 1826, under an appropriation by the Legislature

of the State of Maine, and that from that time it has steadily advanced, so that another year will probably see it completed, from near Mattawakeag Point, in the county of Penobscot, to the Aroostook river, and thence to the mouth of Fish river, on the St. Johns. It is, therefore, no new project, conflicting with any existing arrangement, nor with any understanding to which the State of Maine has become a party, but the exercise of a lawful right over a portion of the territory in dispute, of and over which it ever has had possession and jurisdiction. To say nothing of other advantages anticipated from the completion of the Road, it will afford great facilities for preventing trespasses upon the public land; and, indeed, it is considered that trespassing upon the streams emptying high up upon the St. Johns, cannot be prevented without such a road.

The Governor of Maine considers, that, in carrying on the work referred to, the State has done no more than is consistent with the respective rights of the parties, than have the authorities of her Majesty's province, in constructing, and, recently, as it is understood, in thoroughly repairing a permanent mail road over a large portion of the territory north of the Saint Johns.

The last allegation in Mr. Fox's note, forming a cause of complaint against the State of Maine, relates to her management of the lands upon the Aroostook. In this particular, the undersigned is enabled to observe that the proceedings complained of differ, in no way, from those which Maine, since her separation from Massachusetts, and the last named State previous to it, have ever pursued in regard to the public lands. For the last thirty years the State has been occasionally surveying and letting these lands, granting them for literary, charitable, and religious purposes, and selling them in small lots to actual settlers. Of this right, so long exercised, Maine alleges that she has done nothing to divest herself, and that the discussions and negotiations upon the Maine question of boundary could not have had the effect of weakening her title to rights she had so long been in the habit of enjoying.

It is with no little surprise that, in the face of the complaints, which form the subject of Mr. Fox's note, the President has received intelligence of her Majesty's colonial authorities having recently stationed a regiment of regular troops, part at the north and part at the south end of Lake Temiscouata, and of Her Majesty's forces having commenced building barracks on both sides of the St. Johns, at its confluence with the Madawaska. Such proceedings on the part of the agents of the British Government would, if true, constitute such a flagrant contravention to the existing understanding between the parties, that the President cannot but hope that the report which has reached him of the occupation referred to, is founded upon incorrect information.

The undersigned requests that Mr. Fox will communicate to him such information, if any, as he may have in his possession in relation to the subject, and that he will, by such representations as the circumstances, if founded in fact, will obviously suggest, impress her Majesty's colonial authorities with a sense of the inexpediency and imprudence of such proceedings, and of the unhappy consequences likely to attend their persistence therein.

The undersigned avails himself of this occasion to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq. &c. &c. &c.

Mr. Fox to Mr. Forsyth,

Washington, Jan. 12, 1840.

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honour to acknowledge the receipt of the official note addressed to him by the Secretary of State of the United States, on the 24th of December, in reply to a previous note, which, by direction of his government, the undersigned had addressed to the Secretary of State on the 21st of November, in relation to various and continued acts of encroachment continued by the authorities and inhabitants of the State of Maine, within that tract of territory on the north eastern frontier of the United States, the true title to the possession of which, according to the terms of the treaty of 1787, is at present in dispute between the British and American Governments.

The undersigned has lost no time in transmitting to her Majesty's Government the official note of the Secretary of State. He has, in the mean time, to express his extreme regret that the explanations furnished by the authorities of the State of Maine, and communicated to the undersigned by the Secretary of State, in relation to the encroachments complained of, both as regards the construction of roads and public works, and the sale and alienation of lands, are of a character which must render them altogether unsatisfactory to the Government of Great Britain. It would appear, in fact, as if a reference by the General Government to the authorities of Maine, of the complaints preferred by Great Britain, had produced no other reply or explanation from the authorities of Maine, than a reiteration of their intention to persist in the commission of the acts complained of, whether in accordance with the obligations of international justice or not.

The undersigned does not permit himself to relinquish the hope that, through the wisdom and integrity of the General Government of the United States, in unison with the sincere endeavours of her Majesty's Government, it will still be found possible to bring the pending controversy of the disputed boundary to a satisfactory and amicable conclusion: but it is certain that the public acts, and public declarations of the authorities of Maine, are continually calculated, as far as in them lies, to render such amicable conclusion more difficult and more distant.

With reference to the concluding part of the official note of the Secretary of State, wherein observations are made upon certain reported movements of British troops in the vicinity of Lake Temiscouata, and at other points within that portion of the territory where, according to the provisional agreements entered into at the beginning of the last year, no interference was to be attempted, with the exercise of British authority, pending the negotiation of the boundary question, the undersigned can distinctly assure the Secretary of State that there exists no intention on the part of her Majesty's authorities to cancel or infringe the terms of those provisional engagements, so long as the same are observed with fidelity by the other party.

The particular motives, and the amount of the present movement of troops, have been explained in a frank and satisfactory manner to