

THE PAST AND PRESENT

A HISTORY OF THE BORDER DIFFICULTIES OF 1839.

How the Men of New Brunswick and the Sons of Maine Rushed to Arms Over a Trivial Matter That was Afterwards Settled by Diplomacy.

By G. E. FENETY.

The following article it seems to us most timely, as showing the state of feelings between the United States and Canada, sixty years ago, compared with the present disposition of both countries to settle their difference by diplomacy instead of the barbarous sword.

In the winter of 1839, our Provincial Militia were called out and put to the test for courage. On this occasion, the probabilities of a war between England and the United States amounted almost to a certainty. For several months both nations stood in the attitude of two persons crossing swords—both ready for a thrust, from either side, at any moment. The Trent affair in 1863, however exciting that was, furnished no such cause for uneasiness.

From the year 1783, the boundary line between New Brunswick and the State of Maine, was a matter of continual dispute; and the immediate settlers, on both sides of the line, were anything but neighbourly in their conduct towards each other. Each nation asserted its claim to a certain parallel line; and each as stoutly denied the right of the other to trench beyond. This attitude, and the border quarrels growing out of it, had been fostered for 60 years—and the longer the matter stood open, the probabilities of a general rupture grew day by day more apparent.

In February, 1839, these petty disputes were brought to a crisis. A posse of 150 armed men, from the State of Maine, seized a quantity of lumber that had been cut by our own people on the disputed territory; or rather on that part of it to which we as well as our neighbours laid claim, although our lumbermen had been getting lumber here for years. This unusual uncivil demonstration was regarded in New Brunswick as a semi-official declaration of war, and the ire of the inhabitants was aroused accordingly. The whole Province as well as the other Provinces, at once set about devising means for meeting and repelling the enemy. The Counties of York, Carleton and Saint John, more immediately concerned, were suddenly converted into so many great hostile camps. Sir John Harvey (then Lieut. Governor) issued a proclamation, in which he stated the aggravating circumstances, and called upon the volunteers to prepare for active service. The 36th Regiment was then stationed in Fredericton, under Colonel Maxwell and 90 men were at once forwarded on sleds to Woodstock. Orders were issued to put the whole upper country in a state of defence. The land agent and two others from Maine were seized and imprisoned by British orders. This was the first retaliatory step on our side, which of course tended to aggravate the difficulties and make our neighbours more determined than ever to have the whole of the territory. Our lumbermen, some 600, rushed from the woods in all directions; and so anxious were they to commence hostile operations, that their conduct partook somewhat of a lawless turn. They forced open the Government Arsenals and helped themselves to arms and ammunition without leave or license. The excitement and the motive, however, being understood by the authorities from all parts was soon smoothed over.

The volunteers from all parts flew to arms with the alacrity of men anxious to render service in the field—to put in practice the lessons they had received on the parade-ground. Colonel Maxwell in his address to the Militia of the County of Carleton, remarked—"You will again prove what I have so often heard of the New Brunswickers—that they have bodies of adamant and souls of fire, and they have the material within them for making the best soldiers in the known world." No doubt the Colonel had in his mind the deeds performed by the 104th, in the War of 1812. In the same address, Colonel Maxwell spoke of the zeal with which the young men came forward, without waiting to be regularly drafted.

In Saint John, the Highland company (50 men strong) under command of Captain Robertson (afterwards Hon. John Robertson), was the first to volunteer. Alexander Robertson was 1st Lieutenant. This company together with the Militia were marched into Barracks, and received the pay of regular troops, and were subject to the same rules of discipline in all respects. The Militia consisted of one company from the "City Light Infantry," and one from the "Rifle Battalion." They marched into Barracks on the 7th day of March, and did duty for 37 days. There were also three gun detachments of Militia Artillery ordered out. The names of the officers who figured on occasion, in addition to those already

mentioned, were—Captain Charles Drury (afterwards Lieut. Colonel), who was commander; Thos. B. Millidge was Captain; Thos. W. Peters (afterwards Lieut. Colonel Peters) was Adjutant.

First Lieutenants, Charles Johnston (afterwards Sheriff Johnston); also Thomas Nesbit. Second Lieutenants, George J. Wilmot, John H. Gray, (afterwards Judge Gray, British Columbia).

The Artillery was under command of Lieut. S. K. Foster, afterwards Lieut. Colonel, commanding the same artillery regiment in St. John. The first Volunteer who mounted guard on this occasion, and since the war of 1812, was Mr. James Robertson.

Now, although it was not to be the fate of these officers and men to bear the whistling of the bullets, they nevertheless proved themselves to be of the right stamp—no cowards when their Queen and country called upon them for active service. The person who meets his adversary to fight a duel, certainly proves his courage (if there be any courage in duelling), even should the seconds interfere afterwards and prevent the combat. The duelist goes forth deliberately to risk his life; so did the officers and men to whom we have just referred, but in a more honorable way. Every man was positive in his own mind that war was inevitable, and that his life was to be staked upon the issue. Large supplies of stores and provisions were sent by the military authorities overland to Woodstock.

Two hundred young men in Saint John volunteered as a Home Guard, to perform, as it were, police service in the City in the meantime; and would be ready to march forward at the word of command, should their services be absolutely required on the battle-field. The Militia drafts in the three Counties were more quickly filled up, it was said, than possibly could have been done, if the men were merely called out to exercise in peaceful times. Now, there was an incentive to action—a chance of showing that they could be in earnest, and proving themselves worthy of their country. The Governor General of Canada in addressing Sir John Harvey, said that "under your guidance the gallant New Brunswickers will nobly maintain the honour of the Crown, if unhappily it should be found impossible, by any reasonable exercise of prudence, to avert the miseries of war."

The House of Assembly of Canada, through their Speaker, Sir Allan M. Nabb, said that "the House would be alike wanting in gratitude and patriotism were he to hesitate to assure the gallant New Brunswickers, that they have our sympathy and shall have our support."

The Corporation of Saint John voted one thousand pounds in aid of the families of such volunteers as should need assistance, during the absence of the men from home.

A Cavalry Regiment was raised in Fredericton, called "the York Cavalry," comprising between two and three hundred men; and their desire was to proceed at once to the scene of operations, without going through the routine of subjecting themselves to the instructions of the Drill Sergeant, thus inverting the order of things—to fight first and it spared perfect themselves in all exercises afterwards. There was also a "Rifle Corps" organized in Fredericton, all equally eager and impetuous for the fray. In the course of four weeks there were three thousand men, all told, under arms, ready for battle. Out of this number there were something like 500 regular troops—so that there were about 2,500 volunteers, and these from only three counties which was a very good commencement, and an indication of what could be done by the Province at large in an emergency.

The Legislature of Nova Scotia voted £100,000. (\$400,000), and the whole Militia force of the Province towards carrying on the war.

A detachment of the 69th Regiment was ordered from Halifax for St. John.

Sir John Colborne ordered the 11th regiment, also several batteries of artillery from Quebec for the "disputed territory," to take part in the struggle.

One thousand Canadian Indians (of the Mohawk tribe) tendered their services to the Governor General.

Our Legislature was then in session, and all the revenues of the Province were unanimously voted for the maintenance of our rights and the dignity of the Crown. The vote was received by Gallery, Lobby and the whole House—every member rising in his place and giving three times three cheers for the Queen; it was a spontaneous effusion—the rules of the House and all restraint, by tacit consent, were broken through in the ardour of the moment, and the welkin rang with the plaudits. Had her Majesty been present she would certainly have thought that her subjects in Fredericton were blessed with the possession of strong lungs, and they knew how to make good use of them. But

what were the Americans doing all this time? The war news had spread like a prairie fire all over the continent. Colonists and Americans were alike bitter and defiant in their attitude and expressions. There were no Cunard Steamers in those days; and the news could only be conveyed to England in a sailing packet—generally a gun brig—which would occupy probably forty days in the passage. So that had the war actually gone on, the Colonists, as in the war of 1812, would have had to stand the whole brunt of battle for a long time; for under the circumstances, it would have been impossible for the news to get to England and reinforcements arrive out in less than five or six months—by which time we should either have been pretty well cut up and lost ground; or the enemy would have been obliged to abandon his position and fall back; and make ready for a fresh assault.

In his Message to the Legislature of Maine, Governor Fairfield used strong, warlike language; nothing, in his opinion, but a bloody conflict could appease the National wrath, or atone for the insult which the Provincialists had cast upon their honour—referring to the seizing and imprisonment of the three American citizens. The sum of \$800,000 was voted by the Maine Representatives, and an army of ten thousand men was ordered to back up those who were already in the field. The next resolution of the Legislature was to be seized by force all the lands claimed by Maine since the treaty of the 1783. In other words, to settle matters by the arbitrament of the sword,—to cut short the tedious process of diplomacy, by the exercise of physical means, in defiance of moral obligations and the comity of Nations.

The Press of the United States, and the Provinces as well, were more bellicose than ever. Abusive trades against each Government respectively, were daily poured forth, all of which added fuel to the flame, and rendered an explosion more and more probable. Nor were the speeches made in Congress of a nature calculated to soothe the public mind, or throw oil upon the troubled waters. The voice of every speaker, with few exceptions, was for war—for clipping the claws of the British Lion that upheld the Crown upon the northern frontier.

But there was another agency at work during all this time, doing its utmost to avert the calamities of war. Sir John Harvey [afterwards famous as being considered the great Political Pacifist], had despatched a messenger to Washington, with a communication to Mr. Fox, the British Minister. Mr. Fox at once demanded the evacuation of the American forces, of the territory of which they had taken possession. General Scott [another man of peace and discretion] was at once ordered to the State of Maine, clothed with plenary powers, to act as became the emergency. A correspondence was opened between him and Sir John Harvey. Both entered into the negotiation predisposed to do what was right, no matter what or how great were the outside clamourings. In the course of the correspondence the most friendly personal feelings were expressed, the disposition being mutual that no blow should be struck, if the friendship which held the two Generals together could suggest a means of getting out of the difficulty and no compromise of the national dignity. There was a will, and there was a way. And here I would remark that Sir John Harvey's life was saved at the battle of Lundy's Lane in 1813, through the agency of General Scott, who was in the same engagement; so that after twenty-eight years of time, both generals were here brought face to face, as it were, for peaceful purposes,—both instruments under Providence to save two nations from imbruing their hands in each other's blood.

General Scott issued a proclamation in Maine, calling upon Governor Fairfield and the army that had advanced to the frontier by his bidding, to halt and remain in statu quo until further orders. From that moment, every body once more breathed freely. Up to that moment there was not an hour in the day that news of a deadly conflict had not been anticipated. Large numbers of both armies were at the front. Two lines of gleaming bayonets bristled in the winter's sun, in the hands of men on both sides eager for the fray, and within almost fighting distance. A sudden dash, or a pull of the trigger—the least surprise of any kind, would have precipitated a collision; and four thousand men would have been grappling in the work of death, like so many maniacs, the result of the stupendous blunder.

General Scott's next procedure was to draw up a Memorandum of Agreement, for signature by himself and Sir John Harvey, binding each Government, respectively, to withdraw its troops from the positions taken; that "the disputed territory" should still remain as it had been, an open

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question, for final adjustment thereafter. The agreement was signed on both sides; and war's dread alarms once more ceased within our borders. It was fortunate for both countries that two such men should have been on hand for the occasion. Had either been a Percy or a Hotspur, the chances were that a way would have ensued.

Lord Ashburton was sent out by the English government in the course of the following Summer, and his mission resulted in a final settlement of this long standing difficulty. In conjunction with Mr. Webster, the "Ashburton Treaty" was drawn up, signed and ratified, by means of which our American neighbours, it is said, got the lion's share of the territory in dispute—viz., the whole of that country now known as the Aroostook Valley, which is in a highly flourishing state.

On disbanding the Volunteers, Sir John Harvey issued a "General Order," signed by his Aid-de-Camp, Captain Tryon, in which he congratulated the volunteers of New Brunswick, for their zeal in coming forward for active service, their discipline, and ready submission to orders when under command. He also complimented the Officers and troops for the cheerfulness they displayed at the call of duty.

When the thousands of British troops landed in Saint John in the winter of 1862, owing to the Trent difficulty, they were greatly chagrined because after coming such a distance, there was no chance for a fight, the *casus belli* having been removed while they were on the passage. Instead of encountering cannon balls and Minnie bullets, they were assailed by the citizens of Saint John with roast turkeys, boiled hams, pies, doughnuts and coffee. It was a Purveyor's attack altogether—a gustatory endeavor to convince the soldier that he was as fit to be fed as to be shot at; and the ladies of Saint John were the principal providers.

But sad as was the disappointment of the troops that the laurels of the soldiers to be gathered in the field had all been nipped in the bud, we doubt if the manifestation of this feeling was more fervent than that expressed by the New Brunswick volunteers in 1839, when they found that Sir John Harvey and General Scott had interposed their offices and spoiled the fun they anticipated. They thought of having a chance to flesh their maiden swords, and proved to the world that the pluck of 1783 and 1812 was not dead in the New Brunswick boys of 1839.

That was all very well so far as it went,

but it is just as well that it went no farther.

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