

UNITED STATES.

REPORT

Of S. B. BARRELL, Esq., Agent of the United States, to inquire respecting the alleged aggressions on the rights of American Citizens, by the authorities of New-Brunswick, on the territory in dispute between Great Britain and the United States.

The undersigned has the honor to report, that in pursuance of the instructions which he received from the Department of State, on the 19th day of November last, he proceeded to Portland, in the State of Maine, and explained to His Excellency Esch Lincoln, the Governor of that State, the object of his commission, and requested of him such assistance and information in the execution of it, as he was able and might think proper to render. His Excellency expressed his ready compliance with the request of the undersigned, and in reply to a letter addressed to him, the undersigned received the letter from His Excellency, with its accompanying document, herewith presented, and marked A and B.

From Portland, the undersigned proceeded to Fredericton, the capital of New-Brunswick, and the residence of Sir Howard Douglas, the Lieutenant-Governor of that Province, to whom he transmitted, upon his arrival, a letter of introduction from the Minister of His Britannic Majesty near the United States, a copy of which is herewith presented, marked C.

In consequence of severe bodily indisposition, Sir Howard Douglas was unable to give the undersigned a personal interview; but he was without delay informed, by other members of the government of New-Brunswick, that he was fully accredited, as the representative of his government; and that any information, documentary or otherwise, relating to his mission, which he desired, should be promptly furnished.

Soon after his arrival at Fredericton, the undersigned received a letter from the Attorney General of the Province, under date of December 23d, which, together with a copy of his letter in reply, are herewith presented, marked D and E.

On the 23d December, the Attorney-General transmitted to the undersigned the letter herewith presented, and marked F, together with sundry documents, which are also herewith presented, and numbered from 1, to 6, inclusive. And on the 25th December, the undersigned received from the Attorney General his letter of that date marked C, and which, with the accompanying documents, numbered from 7, to 10, inclusive, are also herewith presented.

The undersigned, while at Fredericton, had repeated interviews with Mr. John Baker, whom he found confined in prison at that place. In conformity with his instructions, he applied for permission to see Mr. Baker in prison, in order that he might ascertain the circumstances of his situation, and an opportunity was readily afforded him for that purpose. The apartment of the prison in which Mr. Baker is confined, is of a description that precludes the possibility of rendering its tenements comfortable. But the prison affords none better, and it is appropriated to prisoners in confinement for debt. The undersigned found in the same apartment with Mr. Baker, an individual who was imprisoned at the suit of a creditor. It is but justice to add, that the undersigned was informed by Mr. Baker, that both the High Sheriff of the County and the keeper of the prison, had done all which, consistently with their duty they could do, to alleviate his situation and to render him as comfortable as circumstances would authorize. The undersigned was informed at Fredericton, that the prison had been recently presented by the Grand jury of the County as a public nuisance.

It will be found from an examination of the document (No. 5) accompanying the letter from the Attorney-General of New-Brunswick to the undersigned, under the date of December 23d, that the offences with which Mr. Baker stands charged, and for which he is to be tried at Fredericton, are for exciting sedition among the French settlers at Madawaska, and endeavouring to obstruct the passage of the British Mail upon the river St. John. Mr. Baker is also imprisoned on civil process at the suit of Robert Shear, residing in Lower Canada. He confessed a judgment to Shear at Quebec, for about two hundred and thirty pounds, in the year 1815, and upon this judgment the present suit is founded. On the criminal suit he was required to find bail for his appearance, in the sum of one hundred pounds, which he informed the undersigned he could readily obtain if he could be discharged from the civil process.

The undersigned proceeded from Fredericton to Houlton Plantation, a settlement within the acknowledged bounds of the State of Maine, and about twelve miles distant from Woodstock upon the river St. John. At this place he met with several of the settlers upon the Aroostook river, from whom he received all the information he sought respecting the first settlements upon that river, and the cause of recent disturbances among the settlers.

The earliest settlement upon the Aroostook was made about six years since. The settlers are

about forty in number—nine of whom are citizens of the United States, and the residue are British Subjects. No one of them has a grant of land either from the Government of the Province of New-Brunswick, or that of the States of Massachusetts or Maine; nor any other title to the land occupied, than that which accrues from possession. Lewis Johnston and Charles Johnston, born in the British Province of Nova-Scotia, and Wm. M'Crea, born in Ireland, were the earliest settlers. The disturbances which have taken place, have been confined almost exclusively to what is termed the Upper settlement upon the Aroostook, about thirty miles from the mouth of the river. The settlers, generally, are composed of individuals who have fled from the British Provinces, involved in debt, and probably with a view of avoiding their creditors, and who settled themselves upon the Aroostook under an impression, as they state, that they were going upon American ground, and doubting under the expectation that they should find themselves beyond the reach of the Laws of Great-Britain. Of this description, as the undersigned was informed, was William Dalton, the individual whose statement under oath, was transmitted to the Department of State, in November last, and which has been productive of such excitement in all parts of the United States, and more especially in the State of Maine. Dalton was born in the State of Maine; but for some years before he settled upon the Aroostook, he resided in the Province of New-Brunswick, and at different places upon the river St. John, where he was engaged in the business of lumbering. It is said that he failed in business, and left the Province of New-Brunswick deeply involved in debt, and took up his residence upon the Aroostook river, where the undersigned has reason to believe he would have remained to the present time if he had found himself without the reach of his British creditors. From information derived from other settlers upon the Aroostook, the undersigned is himself satisfied, and feels it to be his duty to report to the Government, that the statement of Mr. Dalton, above alluded to, is substantially, and in every material point, absolutely false. The facts respecting the taking away of Joseph Arnold's cow, as represented by James Armstrong, one of the settlers, as well as by Arnold himself, are briefly these: Arnold had exchanged a cow belonging to him for another in possession of one Wm. M'Crea, and which the latter claimed as his property.—The cow received from M'Crea by Arnold, was subsequently taken from the latter by the due process of law, by one John Bradley, who claimed to be the owner of the cow, and who stated that he had sold the cow to M'Crea, only conditionally, and that as M'Crea had not complied with the terms of the contract, he (Bradley) was entitled to his cow again. Arnold applied for relief to the magistrate by whom the writ of replevin had been issued, under which the cow had been received from M'Crea had been taken from him; but failing to procure redress, he returned home, and sold M'Crea that he must either furnish him with legal evidence of his ownership in the cow which he had received from him, or return to him the cow which he had given in exchange for that which Bradley had taken from him. M'Crea refused to deliver up the cow, but consented to leave the matter to be settled by referees.—Referees were agreed upon by the parties who decided that if M'Crea, within a certain specified period, should not furnish Arnold with proof of his being the owner of the cow which he had exchanged for that of Arnold, that he should restore to Arnold the cow he had received from him.—The time prescribed having elapsed, and M'Crea having neglected to furnish the proof required, and the cow received from Arnold being yet in M'Crea's possession, Arnold took the cow from M'Crea, and carried her to his own house; thus exercising a summary act of justice not unusual, it is believed, in communities like that at the Aroostook. M'Crea pretended that he had sold Arnold's cow to one Michael Cummings, whom he accompanied to the residence of Mr. Justice Morehouse, and procured in his behalf a writ of replevin for the return of the animal. It was the service of this writ that was successfully resisted by the settlers, (as stated in document No. 9, furnished by the Attorney-General of New-Brunswick,) and the cow has since remained in the possession of Arnold. According to Dalton's statement, the cow was taken away from Arnold, and the public are led to infer, was restored to M'Crea. That part of Dalton's statement relative to the loss he sustained, in removing from the Aroostook, was represented to the undersigned as exaggerated. Armstrong states that his property was but of the value he represents it, and was disposed of by him for a larger amount than he acknowledges to have received. The concluding and most material part of his statement, that "for the last seven weeks the inhabitants of Aroostook settlement have been unwilling and afraid to sleep in their own houses, and have retired to the lower part of the settlement, and spent the night on the banks of river, and in the woods, and kept watch night and day as in an Indian war," is stated by others of the settlers to be absolutely false; and the fact is said to be that for two nights only, and when a force was expected to arrive at the settlement from Fredericton, sent thither by the government for the purpose of apprehending those who were concerned in the rescue of Arnold's cow from the constable, some of the settlers, to use their own term "mastered together," and lodged one night in a barn, and one night in a house belonging to one of them.

The undersigned deems it proper in this place to remark upon the testimony of Jonathan Wilson, whose statement was taken under oath, and transmitted to the government at the same time with that of Dalton's, that his statement is founded upon hearsay testimony, which upon investigation has been ascertained, in every material respect, to be entirely unfounded.

Civil process has been occasionally issued against the settlers upon the Aroostook by British magistrates for three or four years past, and during the last summer, process for trespass and intrusion was issued at the instance of the Attorney General of the Province of New-Brunswick, against the settlers generally, who were compelled to go to Fredericton and employ counsel in their defence. These suits are still pending.

It was the intention of the undersigned in conformity with his instructions, to have gone from Houlton Plantation to the settlement upon the river Aroostook; but he was informed that a journey to that settlement was at that time hazardous and almost impracticable, and would have necessarily produced in his progress great delay; and as he had seen at Houlton some of the settlers who appeared to be men of intelligence, and had received from them the information which it would have been the principal object of his journey there to procure, he deemed it inexpedient to do so, and proceeded directly to the Madawaska settlement.

This settlement derives its name from the river Madawaska, which empties itself into the river St. John, about thirty six miles above the Grand Falls, and about one hundred and sixty miles above Fredericton. The first settlers arrived soon after the treaty of 1783, and the first grant which was "of fifty one several lots or plantations of land," was made to Joseph Muzzeroli, and fifty one other French settlers in the month of October, 1790, by Thomas Carleton, Esq. the then Lieutenant-Governor of the Province of New-Brunswick. The land granted lay at intervals between the river Verte and the Madawaska rivers, nine miles distant from each other, and on both sides of the river St. John. The second grant was of five thousand two hundred and fifty-three acres of land, lying below the river Verte, and was made to Joseph Soucer and others, by Lieutenant-Governor Carleton, in August 1794. These are the only grants ever made by the British government within the settlement, excepting one to Lamo Hibert, of two hundred and fifty acres of land, opposite to and upon the river Madawaska, in May, 1825.

The laws of the Province of New-Brunswick appear to have been always in force since the origin of that settlement. The settlers have acquiesced in the exercise of British authority, both civil and military, among them, and have for many years had an organized militia in the settlement. In 1824 there were but two companies of militia in the settlement. In 1826, three new companies were organized, and the number of enrolled militia now exceeds four hundred. The population of Madawaska amounts to about two thousand, and is almost exclusively French. The French settlement commences a few miles above the Grand Falls, and extends to the Marigoumetook (or Mariumpicook) creek. There was one French settler within the distance of half a mile from the mouth of that creek at the period when the earliest of the American settlers went to reside there, and at the distance of about six miles further down the river St. John, there now resides Joseph Mishut, a Frenchman, the wife of whom informed the undersigned,

that her former husband settled upon the spot where they now reside, and built the house they now occupy, about thirty years ago.—The number of American settlers is about twenty-five.

The undersigned proceeded up the River St. John as far as the mouth of the Mariumpicook creek, which is about fifteen miles above the river Madawaska. At the mouth of this creek is the residence of several of the American settlers, and among others is that of Mr. John Baker. The undersigned had free and unreserved communications with all the American settlers upon the River St. John; and from information derived from them, corroborated in all material points from other sources, he is enabled to make the statement which follows, respecting the origin of the American settlement, and the causes of recent disturbances among the settlers.

Nathan Baker, John Hartford, and his son John Hartford, jr. were the first American citizens who settled upon the River St. John, within the territory mutually claimed by the United States and Great Britain. John Hartford and his son, came in June, 1817, and were followed, a few months afterwards, by Nathan Baker, and were all engaged in the lumbering business. In the summer of 1818, they removed their respective families from the Kennebec river. Baker established himself at the mouth of the Mariumpicook, and Hartford about 1 1/2 miles further up the River St. John.

The undersigned was informed by John Hartford, that Nathan Baker formed a connexion in business with Mr. Samuel Nevers, a merchant of St. John, and under Nevers, who had obtained licence from the government of New-Brunswick, to cut timber, he engaged in the lumbering business. In the summer of 1819, a subpoena was served upon John Hartford, (which is herewith presented, and marked H.) requiring him to appear at Fredericton, to answer to a suit for trespass and intrusion on Crown Lands, instituted by the Attorney-General.—Similar process was issued against his son, John Hartford, jr. and also against Nathan Baker. John Hartford states that he went to Fredericton in obedience to the summons, and that he, together with Nathan Baker, submitted to the authority of the Government of New-Brunswick, and were both permitted to return to their settlements.

John Baker, the brother of Nathan Baker, was born in Moscow, in the county of Somerset, in the then district of Maine, in the year 1787. In 1816 he left the United States, and took up his residence in the Province of New-Brunswick, where he remained about two years, and then left New-Brunswick for the province of Lower Canada, where he resided about the same length of time. During the whole of this period he was engaged in the lumbering business. In 1820, he left the British Provinces, and went to reside with his brother Nathan, at the Madawaska settlement, and engaged in the lumbering business with him, under Nevers. In 1821, Nathan Baker died, and John Baker continued to carry on the lumbering business under Nevers.

On the 4th of October, 1825, deeds were given by the agents of the States of Massachusetts and Maine, to John Baker and James Bacon, two of the American settlers. Each deed was for one hundred acres of land, of which the grantees were previously in possession; and on the tenth of the same month, Bacon was authorized by the same agents to grant licences to cut timber within the disputed territory, as appears from the document herewith presented,