

Great Britain.

HER MAJESTY'S SPEECH AT THE OPENING OF THE IMPERIAL PARLIAMENT.

5TH FEBRUARY, 1839.

My Lords and Gentlemen,

I rejoice to meet you again in Parliament. I am particularly desirous of recurring to your advice and assistance at a period when many matters of great importance demand your serious and deliberate attention.

I continue to receive from foreign powers gratifying assurances of their desire to maintain with me the most friendly relations.

I have concluded with the Emperor of Austria a treaty of commerce, which I trust will extend and improve the intercourse between my subjects and those of the emperor.

I have also concluded a treaty of the same kind with the Sultan, calculated to place the commercial relations between my dominions and the Turkish empire upon a better and more secure footing.

I have directed copies of these treaties to be laid before you.

I have been engaged in concert with Austria, France, Prussia and Russia, in negotiations, with a final view to the settlement of the differences between Holland and Belgium.

A definitive treaty of peace, founded upon anterior arrangements, which have been acceded to by both parties, has, in consequence, been proposed to the Dutch and Belgian Governments. I have the satisfaction to inform you that the Dutch Government has already signified to the Conference its acceptance of the treaty, and I trust that a similar announcement from the Belgian Government will put an end to that disquietude which the present unsettled state of these affairs has necessarily produced.

The unanimity of the five Allied Powers affords satisfactory security for the preservation of peace.

I lament the continuance of the civil war in Spain, which engages my anxious and undiminished attention.

Differences which have arisen have occasioned the retirement of my Minister from the Court of Teheran. I indulge, however, in the hope of learning that a satisfactory adjustment of these differences will allow of the re-establishment of my relations with Persia upon their former footing of friendship.

Events connected with the same differences have induced the Governor General of India to take measures for protecting British interests in that quarter of the world, and to enter into engagements, the fulfilment of which may render military operations necessary. For this purpose such preparations have been made as may be sufficient to resist aggression from any quarter, and to maintain the integrity of my Eastern Dominion.

The reform and amendment of the Municipal Corporations of Ireland are essential to the interests of that part of my dominions.

It is also urgent that you should apply yourselves to the prosecution and completion of those measures which have been recommended by the Ecclesiastical Commissioners of England for the purpose of increasing the efficiency of the Established Church, and of confirming its hold upon the affections and respect of my people.

The better enforcement of the law and the more speedy administration of justice are of the first importance to the welfare of the community, and I feel assured that you will be anxious to devote yourselves to the examination of the measures which will be submitted to you for the purpose of attaining these beneficial results.

Gentlemen of the House of Commons—

I have directed the Annual Estimates to be prepared and laid before you.

Adhering to the principles of economy, which it is my duty to enforce in every department of the State, I feel it my duty to recommend that adequate provision be made for the exigencies of the public service. I fully rely on your loyalty and patriotism to maintain the efficiency of these establishments which are essential to the strength and security of the country.

My Lords and Gentlemen—

It is with great satisfaction that I am enabled to inform you that throughout the whole of my West Indian possessions, the period fixed by law for the final and complete emancipation of the negroes has been anticipated by acts of the Colonial Legislatures, and that the transition from the temporary system of apprenticeship to entire freedom, has taken place without any disturbance of public order and tranquillity. Any measures which may be necessary in order to give full effect to this great and beneficial change, will, I have no doubt, receive your careful attention.

I have to acquaint you with deep concern that the Province of Lower Canada has again been disturbed by insurrection, and that hostile incursions have been made into Upper Canada by certain lawless inhabitants of the United States of North America. These violations of the public peace have been promptly suppressed by the valor of my forces, and the loyalty of my Canadian subjects. The President of the United States has called upon the citizens of the Union to abstain from proceedings so incompatible with the friendly relations which subsist between Great Britain and the United States.

I have directed full information upon all these matters to be laid before you, and I recommend the present state of these Provinces to your serious consideration. I rely upon you to support my firm determination to maintain the authority of my Crown, and I trust that your wisdom will adopt such measures as will secure to those parts of my Empire the benefit of internal tranquillity, and the full advantage of their own great natural resources.

I have observed with pain the persevering efforts which have been made in some parts of the country to excite my subjects to disobedience and resistance to the law, and to

recommend dangerous and illegal practices. For the counteraction of all such designs, I depend upon the efficacy of the law, which it will be my duty to enforce—upon the good sense and right disposition of my people—upon their attachment to the principles of justice, and their abhorrence of violence and disorder.

I confidently commit all these great interests to your wisdom, and I implore Almighty God to assist and prosper your counsels.

United States.

[From the New York Albion, Feb. 23.]

NORTHEASTERN BOUNDARY—WAR.

The people of Maine are about carrying their threat into execution, of seizing the disputed territory on their border, and converting it to their own use. By a distinct and positive agreement between the Governments of Great Britain and the United States, the former is to retain the occupancy of the tract until the question be entirely settled; yet, in defiance of this compact and of all remonstrance, the State of Maine proceeds to acts of sovereignty and usurpation, which threaten to end in blood.

It would appear that the tract in dispute is covered in many parts with timber of a very superior quality, more especially on the waters of the Aroostook, which flows into the Saint John. This tempts the cupidity of the Lumberers, who clandestinely proceed into the forests, cut the timber and bring it into the Saint John, where it becomes mixed and confounded with timber from other parts of the Province, and the "enterprising adventurers" have thus an opportunity of selling it to their own advantage, and making a profitable speculation. By another agreement between the two Governments it is stipulated, that neither party shall be allowed to cut this timber at all, as it tends to lessen the value of the lands, and thereby injure the party to whom they may be ultimately awarded. It is, therefore, as much the interest of Great Britain as it is of the United States to preserve the tract from depredation; and as the former power is left in possession of it, and is answerable for its safe custody, it has not been unmindful of its charge. Great Britain has therefore appointed a Warden with numerous assistants, who have always been most active in dispersing or seizing all depredators, and taking from them their wooden booty. This Warden is Mr. MacLachlan, a most zealous and active officer, who has been seized in the execution of his duties by the illegal force sent from Maine, and conveyed a prisoner to Bangor.

The trespassers consist of Americans as well as British subjects, and such is the depth and intensity of the forest, and such the value of the timber when procured, that it is difficult to prevent them from committing some depredations; but for the most part a large portion of the timber is seized in its descent to St. John, and sold; the proceeds of the sales are carefully retained and form a fund, subject to the disposal of the two governments when the question of right to the soil shall be finally settled. Such is the honesty and good faith which England has observed in this matter.

But not content with this, the people of Maine say, we will drive off the trespassers ourselves, and take the country into our own keeping; and forthwith they illegally and unconstitutionally, send an armed force into the disputed territory for that purpose. A part of this armed force, headed by a Mr. McIntyre, is surprised in the night and seized by a party of the British inhabitants, and sent to Fredericton, to be dealt with according to law. Upon hearing this, the Governor of Maine communicates with his Legislature—great wrath and indignation is manifested, 8000 militia are ordered out, and a vote for 800,000 dollars passes to equip and support them! This force we are told is to march immediately to the territory in dispute and take the law into its own hands! In the meanwhile Sir John Harvey, the Governor of New Brunswick, sends a message to the Governor of Maine, assuring him that he intends to keep possession himself, the 8000 men, and the 800,000 dollars to the contrary notwithstanding. Thus are the people of the border brought to the verge of war by the folly and impetuosity of a few silly persons, who do not appear to be aware of the extent of the mischief they are doing.

It is most gratifying however to observe that the matter is fully understood, in this quarter, and that the New York press with a candour that does it infinite honor, places it in the proper light and condemns the proceedings of the eastern warriors in toto. We cannot bring ourselves to apprehend any ill consequences from this matter; yet the two governments will take care to have a proper understanding upon the subject, and no blood, we trust, will be shed.

In conclusion, we ask the people of Maine, whether they suppose that Great Britain and the United States are silly enough to be brought into a cruel, unnecessary and bloody war for the sake of a few acres of pine timber land? What would the world say, if two nations which proclaim themselves to be the most enlightened and civilized on the face of the earth, should be guilty of so much folly and wickedness.

The wisdom of Governor Everett, of Massachusetts, is much to be commended; in a communication to the Legislature of the State, his Excellency says, that, should the General Government call on Massachusetts for aid, the call shall be promptly responded to. This leaves all the honor of carrying on "the war" to Maine.

[From the Boston Daily Advertiser, Feb. 21.] As has been apprehended, the danger of actual collision by arms, has become imminent unless prevented by the timely interference of the National Government. The parties on the spot are apparently ready to rush to immediate conflict. But there is no necessity for such a result, if the national Government do their duty, which we trust they will. They must

perceive that the real controversy is not to be settled in this summary way, and they will take immediate measures to restore affairs, as far as possible, to the position in which they were before the quarrel began. We are surprised at the omission of Governor Fairfield to inform the Executive of the United States of so important a crisis of affairs, requiring his immediate interference.

[From the N. Y. Commercial Advertiser, Feb. 21.]

We agree with several of our cotemporaries in regretting these recent occurrences, although we entertain a strong hope that by more prudent counsels hereafter, the mischiefs they portend may be averted. We think the Government of Maine was wrong in taking measures of force against the trespassers. The duty assumed by that State belonging to the General Government, and to the General Government it should have been left. It is very questionable, also, whether the Government of Maine or that of the United States, had any right to send a force into the disputed territory,—at least without the concurrence and co-operation of New Brunswick or Great Britain. It was the interest of both parties to prevent depredations and trespasses on the timber; and we cannot but think that it would have been more courteous, as well as more politic, in the Government of Maine, before resorting to force, to communicate with the authorities of New Brunswick in the matter.

[From the same, Feb. 22.]

The more we reflect upon this matter, the more we are convinced that the proceedings of Governor Fairfield are very absurd and very wrong. Wrong, because he had no authority to stir in the matter without the sanction of the general government because in exercising jurisdiction in the disputed territory he violates an agreement which the United States had entered into, with full right and power to do so—and because, in any event, his proceedings against the trespassers, if justifiable at all could only be justified by the concurrence of the Government of New Brunswick, which should first have been applied for and obtained.

His course is absurd, because the expense, even supposing that no serious difficulty arises between us and Great Britain, will infinitely exceed the worth of the whole territory about which he is putting himself in such a pucker. The expense to his own State will be enormous. And, by and by, when the fuss is over, we shall have the national Congress besieged with shoals of petitions for pay to the Maine Militia, which will be debated for weeks, at a cost of some 5000 dollars per diem—to say nothing of the waste of time and temper.

But after all we do not apprehend any very formidable issue to all this nonsense. The accounts we get are obviously exaggerated; and we shall not be at all surprised to find, at last, that all this noise has been made about the blustering and bravado of some 50 or 100 loafing lumberers. We place our trust in the good sense of the people of Maine, the Moderation of Sir John Harvey, and the prompt and judicious action of the General Government. Even Governor Fairfield himself, we suspect, will look about him and do a little more thinking, when he finds that if he persists in going to war on his own hook, he will have to do it unassisted by any other state, or by the United States.

LETTER FROM GOVERNOR FAIRFIELD TO SIR JOHN HARVEY.

EXECUTIVE DEPARTMENT,
Augusta, February 19, 1839.
His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick:

Sir:—I have the honor to acknowledge the receipt of your Excellency's letter of the 13th inst. by express, and avail myself of the return of your messenger, R. ENGLISH, Esq. to make a reply.

You say "I have just heard, with the utmost surprise and regret, that without the courtesy of any previous intimation whatever to this Government, an armed force from the State of Maine has entered the territory, the claim of which is in dispute," &c.

In reply, I cannot but regret that your Excellency should have thought the use of such language suitable to be employed upon this occasion. If I am amenable to charge of want of "courtesy" in any thing I have heretofore done, I will endeavour to manifest enough of that accomplishment in this reply, not to bandy epithets with one, of whom I had formed so high an opinion of as your Excellency—and will only say further, that, while I have the honor to hold the place I now occupy, I trust a sense of duty to my State and her interests will always predominate over a more blind regard to the artificial rules of etiquette. I think, however, that your Excellency would not have used that term, if you had considered for a moment, that the proceedings of our Land Agent were in execution of a Resolve of the Legislature of this State, adopted in secret session, and that no notice of their proceedings could have been given without an unqualified breach of faith and duty.

In speaking of the disputed territory, your Excellency says "the claim to which is in dispute betwixt Great Britain and the United States, and which it has been agreed betwixt the two General Governments, shall remain in the exclusive possession and jurisdiction of England until that claim shall be determined."

Now, Sir, I cannot hesitate to say that, in my opinion, your Excellency is labouring under an entire misapprehension in regard to the facts. No such agreement, I am persuaded, has ever been made between the two governments. I have looked in vain for it among the numerous documents which have grown out of this question, and have never heard of any recognition of it, verbal or otherwise, on the part of the officers of the General Government. If, however, such an agreement exists, your Excellency can undoubtedly point it out. At all events, such an agreement can never be recognized by this State. A decent self respect will ever forbid it, if there were no other considerations in the way.

Your Excellency entreats me immediately to recall the force now upon the territory, and adds—"it is proper that I should acquaint

your Excellency that I have directed a strong military force of Her Majesty's troops to be in readiness to support Her Majesty's authority, and protect Her Majesty's subjects in the disputed territory in the event of this request not being immediately complied with."

In reply I have to say, that the territory bordering upon the Aroostook River has always been, as I regard the facts, in the possession and under the jurisdiction of Massachusetts and Maine—that more than thirty years ago Massachusetts surveyed and granted large tracts of it, which have ever been in some way possessed by the grantees and those claiming under them—that the rest of it was surveyed by, and some of it divided between Massachusetts and Maine, soon after the latter became an independent State—that both States have been in the habit of granting permits to cut timber there without being molested from any quarter—that many persons have purchased these lands of Maine and entered into their actual occupation—and that in various other ways Maine has exercised her jurisdiction which may be fairly regarded as exclusive, over this territory. Under these circumstances, information was received that a body of armed men had gone into this territory and were cutting vast quantities of the timber, defying the power of this State to prevent them. On these facts being communicated to the Legislature, the two branches immediately directed the Land Agent to take with him a sufficient force to arrest these depredators, and to break up their enterprise.

The party of the Land Agent is now on the territory engaged in executing the trust with which it was charged, and with my consent will never leave it while the protection of the State from plunderers render it necessary for them to remain. If your Excellency chooses to send an armed force to attempt their expulsion, I will only say that this State will endeavour to meet such an attempt as it will deserve.

I have no threats to make or boasts to indulge in. If Maine does her duty as I trust in God she will, nothing that I could say in advance would add to the glory of her career. If she proves recreant to her duty and tamely submits to be expelled from her territory, by a force that she could effectually resist, nothing that I could say would tend to diminish the measure of her ignominy and disgrace.

I have the honor to be with high respect, Your Excellency's obed't servant,

JOHN FAIRFIELD,
Governor of Maine.

Message of the Governor of Maine to the Legislature.

To the House of Representatives:—

Under the order of the House of Representatives of the 19th instant, I herewith lay before you certain correspondence since had with the Lieutenant Governor of New Brunswick and the Correspondence between G. F. Street, Esq. Solicitor General of the Province of New Brunswick and Charles Jarvis, Esquire, Provisional Land Agent of this State.

The reply of Mr. Jarvis to the inadmissible and preposterous claims and pretensions of Her Majesty's Solicitor General for the Province of New Brunswick, must, I think command the unqualified approbation of every one having a just regard for the honor of his State. It is in the true spirit.—And I have every reason to believe that the same spirit animates the whole body of our citizens.—While it prevails, though success will be deserved, defeat can bring no disgrace.

You will see by the accompanying papers, and I took great pleasure in communicating the fact, that Mr. McIntyre and his assistant have been released. It was however upon their parole of honor to return when thereto required by the Government of that Province immediately upon the receipt of this information. I advised the release of James MacLachlan, Esquire, Provincial Land Agent and his assistant, upon the same terms.

Since my last communication, the Land Agent's forces at the Aroostook have been reinforced by about 600 good and effective men, making the whole force now about 750. I had a letter from Mr. Jarvis dated the 15th, before the reinforcement had arrived, and when his company consisted of only about 100 men.—He says he "found the men in good spirits, and that they had been active in making temporary, but most effectual defences of logs," &c.

After describing his defences, he says: "by to-morrow noon, a force of 100 men would make good our position against 500. Retreating therefore is out of the question; we shall make good our stand against any force which we can reasonably expect would be brought against us." He says further: "I take pleasure in saying to you that a finer looking set of men I never saw than those now with me, and the honour of our State so far as they are concerned, is in safe keeping."

The draft of 1000 men from the Third Division has been made with great dispatch, the troops I understand arrived promptly at the place of rendezvous at the time appointed, in good spirits, and anxious for their orders to march to the frontier. The detachment from the second division will be ordered to march at the earliest convenient day, probably on Monday next. Other military movements will be made which it is unnecessary to communicate to you at this time.

The mission of Col. Rogers to the Lieutenant Governor of New Brunswick, has resulted successfully, so far as relates to the reclaim of the Land Agent, and his assistant, and has been conducted in a manner highly satisfactory.

JOHN FAIRFIELD.
Council Chamber, Feb. 21, 1839.

SIR JOHN HARVEY'S LETTER TO GOVERNOR FAIRFIELD.

Government House, Fredericton, N. B.
18th February, 1839.

Sir, I have the honor to acknowledge the receipt by the hands of the Honorable Mr. Rogers, of your Excellency's Letter of the 15th inst. Mr. McIntyre and the gentlemen with him, have been subjected to an examination before Her Majesty's Attorney General of this Province, who has reported to me that the offence of

which they stand charged is one rather against the law of nations, and of Treaties, than against those of this Province.—They must accordingly be regarded as "State offenders." In this view their disposal rests exclusively with Her Majesty's Government, to which I shall accordingly report the case—in the meantime I have had the pleasure in directing that they shall immediately be allowed to return to the State of Maine, upon pledging their parole of honor to present themselves to the Government of this Province, whenever Her Majesty's decision may be received, or when required to do so. The high respectability of their characters and situations, and my desire to act in all matters relating to the disputed territory in such a manner as may evince the utmost forbearance consistent with the fulfilment of my instructions, have influenced me in my conduct towards these gentlemen,—but it is necessary that I should upon this occasion distinctly state to your Excellency.

1st. That if it be the desire of the State of Maine that the friendly relations between Great Britain and the United States should not be disturbed, it is indispensable that the armed force from the State now understood to be within the territory in dispute, be immediately withdrawn, as otherwise, I have no alternative but to take military occupation of that Territory, with a view to protect Her Majesty's subjects and to support the civil authorities in apprehending all persons claiming to exercise jurisdiction within it.

2d. That it is my duty to require that all persons subjects of Her Majesty who may have been arrested in the commission of acts of trespass, within the disputed territory, be given up to the tribunals of this Province, there to be proceeded against according to law.

3d. That in the event of the rumour which has just reached me relative to the arrest, detention, or interruption of James MacLachlan, Esq. the Warden of the disputed territory being correct, that that officer be enlarged and the grounds of his detention explained. Mr. Rogers takes charge of this letter, of which a duplicate will be placed in the hands of the Honorable Mr. McIntyre, with both of whom I have conversed, and communicated to them my views in regard to the actual position in which I shall be placed, and the measures which will be forced upon me, if the several demands contained in this letter be not complied with—and I have reason to believe that Mr. McIntyre leaves me fully impressed with the anxious desire which I feel to be spared the necessity of acting as the letter of my instructions would both warrant and prescribe.

With regard to trespassers upon the lands of the disputed territory, I beg to assure you that the extent to which those trespasses appear to have been carried, as brought to my knowledge by recent occurrences, will lead me to adopt without any delay the strongest and most effectual measures which may be in my power for putting a stop to and preventing the recurrence of such trespasses.

With high respect,
I have the honor to be,
Your Excellency's obed't sv't

JOHN HARVEY,
Maj. Gen. Lt. Governor.

MASSACHUSETTS LEGISLATURE.

Wednesday, Feb. 20.

The following Message was received from the Governor.

To the Senate and House of Representatives:—

I transmit to the two Houses copies of the several documents received from His Excellency the Governor of Maine, on the 18th and 19th instant. They relate to the trespassers committed on the Public Lands—the property of Maine and Massachusetts—by bands of plunderers associated in large bodies for the purpose of carrying on their operations without interruption. The measures taken by Maine to enable her land agent to put a stop to these depredations, and the purpose of resisting these measures by military force, announced by the Lieutenant Governor of the Province of New Brunswick, will appear from the paper communicated. The course adopted and menaced by the local authorities of New Brunswick, has led the Legislature of the State of Maine to the adoption of vigorous measures for the protection of the public property and the defence of the agents employed in removing the depredators.

Among the papers transmitted by Governor Fairfield, is a copy of a Resolve of the House of Representatives of Maine of the 18th inst. requesting the aid of Massachusetts in the numerous measures adopted by Maine, relative to the trespassers on the public lands. The opinions and feelings of Massachusetts on the great questions connected with the North Eastern Boundary, have been so often set forth in the public acts of her Legislature and executive, that they do not need to be repeated.—The land agent of the Commonwealth has at all times efficiently co-operated with the land agent of Maine, in all measures for the protection of public property, which fall within the scope of the ordinary duties of those officers.

I had the honor in my address to the Legislature at the beginning of the session, as on more than one former occasion of the same kind, to call the attention of the two Houses to the ruinous extent of the depredations committed on the public lands in that region. The rightful sovereignty and government of the Territory belonging exclusively to Maine, Massachusetts has no jurisdiction over it, and possesses only an interest in a moiety of the soil. For this reason, no further step on our part, has been deemed within the competence of Massachusetts, to maintain her right in the territory, which forms the subject of controversy so long protracted between the governments of the United States and Great Britain. Should a state of things unhappily arise in which the Government of the United States shall call upon Massachusetts for her assistance in asserting the rights so long and so injuriously withheld, I am persuaded that the call will receive a prompt response from the Legislature and the people.

(Signed) EDWARD EVERITT.
Council Chamber, Feb. 23, 1839.