

# United States.

## STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Monday, February 18.

The Secretary of State came in and presented a written message from the Governor, accompanied by documents in relation to the N. E. Boundary, referred to in the message.

### MESSAGE.

To the Senate and House of Representatives:

Since my last communication to you upon the subject of the trespassers upon the Public Lands, there has been forwarded to me a Proclamation purporting to have been issued by the Lt. Governor of the Province of New Brunswick, which I deem it my duty to communicate to you, with a statement of my proceedings consequent thereon.

By this Proclamation, it seems, that while the Lt. Governor disavows any authority from his Government for the seizure of the Land Agent, he yet speaks of the attempt of the civil authorities of this State to drive a band of armed trespassers from our public lands, as "an outrage" and an invasion of the territory of the Province of New Brunswick; and avows the fact of having ordered "a sufficient military force" to repair to the place where the Land Agent's party are endeavouring to execute your Resolve of 24th of January, and to repel what he thus regards as an invasion of the Province of New Brunswick.

Immediately upon the receipt of this extraordinary document, I took measures to hasten the departure of the reinforcement of the Land Agent's party, understood to have been assembled at Bangor, awaiting orders, and numbering between four and five hundred men—and also issued an order to Major General Isaac Hodson, of the 3d Division, to detach one thousand men by draft or otherwise, properly officered and equipped; who were to rendezvous at Bangor, and then proceed at the earliest possible moment to the place occupied by the Land Agent's party, on or near the Aroostook river, there to render such aid as would enable the Land Agent to carry into effect the Resolve of the 24th of January.

I also despatched a special messenger, with a communication to Major Kenly of U. S. Artillery, commanding at Hancock Barracks, Houlton, informing him of the facts and asking his co-operation, with the troops under his command, with the forces of this State, in repelling an invasion of our territory, and sustaining our citizens in the lawful and authorized protection, they are endeavouring to extend over a portion of the property of this State.

If these proceedings on my part meet the approbation of the Legislature, and an appropriation be made for that purpose, I shall feel it to be my duty to proceed forthwith to order a draft from the militia of at least ten thousand men, who will hold themselves in instant readiness to march to the frontier, should circumstances require it.

I have not yet called upon the President of the United States for aid in repelling the invasion of our territory by foreign troops, deeming it proper to postpone that step until the return of Col. Rogers from his special mission to Fredericton, or at least until some further information should be received from him which will probably be as early as the 20th or 21st instant. If however, you should think otherwise, and that no delay should be allowed for this purpose, an intimation to that effect, will be promptly obeyed.

If I have not entirely misconceived the circumstances of the case, presented for your consideration, it is one calculated to excite the deepest feeling in the breast of our citizens, and calls for the most prompt and determined action on the part of this Government. What is the case? You were informed that a large number of armed and desperate men from a Province, had forced themselves into the territory of this State, with a fixed purpose of cutting a vast amount of timber, and of resisting unto blood any attempt to arrest them in the prosecution of their unhallowed object. Deeming it your duty to make an effort to protect the interests of those who had confided them to your care, you instructed the Land Agent to proceed to the scene of devastation and plunder, with a sufficient force to arrest those who were engaged in it, and to break up their daring and wicked enterprise. While in the act of executing this order, the Land Agent was seized, transported beyond the bounds of the State, and finally carried upon a sled, like a felon, and under the guard of Provincial troops, to the capital of New Brunswick for trial. Could a greater indignity be offered to a people, having a particle of sensibility to its honor, or to the sacredness of the personal liberty of its citizens? It is true that the Lt. Governor denies that the original seizure was by authority. But at Woodstock the magistrates took cognizance of the affair—sanctioned the proceedings by issuing a warrant (acting undoubtedly under the authority of the Proclamation) and sending our citizens under an ignominious escort to Fredericton. Really, if there be any apology, or justification for this treatment of our citizens, it is not to be found in any code of international honor or comity, with which I have been acquainted.

Not only this, but it seems that a military force is sent into a part of the territory of this State to expel from it a civil force sent there by this government for the protection of its property. How long are we thus to be trampled upon—our rights and claims derided—our power contemned—and the State degraded? If there ever was a time when the assert of independence and self respect should assert itself, that time is the present. We cannot tamely submit to be driven from our territory, while engaged in the civil employment of looking after and protecting our property, without incurring a large measure of ignominy and disgrace.

No palliating circumstances for this outrage can be found in even a pretence, that the place where it was committed is within the concurrent jurisdiction of the two Governments, much less that the British Government have had exclusive jurisdiction. Lands even higher up and beyond that were surveyed and granted by the State of Massachusetts more than thirty years ago. And Massachusetts and Maine

have long been in the habit of granting permits to cut timber upon the Aroostook lands, without being to my knowledge molested from any quarter, to say nothing of the sale and actual occupation of the land itself.

It must be gratifying to all who have a true sense of the honor and interests of the State, to perceive that upon this subject, the din of party warfare is hushed,—and that an unanimity has prevailed, alike honorable and patriotic.—No interruption to this commendable spirit, I trust, will be suffered. Union and good feeling, no less than prudence and energy, are absolutely necessary in this extraordinary emergency.

JOHN FAIRFIELD.

Council Chamber,

Feb. 18, 1839.

Since writing the foregoing, I have received a communication from the Lieut. Governor of the Province of New Brunswick, in which he sets up an alleged agreement that the British Government shall have exclusive jurisdiction and possession of the disputed territory, until the question be settled—and informing us that he is instructed not to suffer any interference with that possession and jurisdiction. He entreats us to withdraw the Land Agent's party, and adds that he has directed a strong 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 regard of all this, I have only to say that, for one, I see no reason to doubt the entire correctness of the course we have thus far pursued, and that with the blessing of God, I trust we shall persevere.

No such agreement as that alluded to by the Lieutenant Governor, can be recognized by us—and it is an entire misapprehension, to say the least of it, that such an agreement has ever been made.

The letter having been written before Mr. McIntire reached Fredericton, no official communication is made as to the course intended to be pursued in regard to him and those arrested with him. I learn, however, indirectly they are to be retained.

I am informed that the Land Agent's party have stationed themselves for the present at the termination of the Aroostook road. While there Mr. MacLachlan, the Provincial Land Agent, presented himself, and in the name of Her Majesty, warned our party to disperse. Mr. MacLachlan, and his two assistants, were thereupon taken into custody, and the Agent with one assistant, immediately sent to Bangor, where they are now detained.

Copies of the Proclamation and the letter of the Lieut. Governor of New Brunswick, are herewith communicated.

JOHN FAIRFIELD.

(COPY.)

Letter from the Lieut. Governor of New Brunswick, to the Governor of Maine.

Government House, Fredericton, N. B. Feb. 13, 1839.

SIR,—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 now in dispute between Great Britain and the United States, and which it has been agreed between the two General Governments, shall remain in the exclusive possession and jurisdiction of England, until that claim shall be determined.

It has been my duty, on more than one occasion to apprise the Executive Government of Maine, that my instructions do not permit me to suffer any interference with that possession and jurisdiction, until the question of right shall have been finally decided in discussion between the two General Governments. With the knowledge of these instructions thus explicitly made known, I cannot but repeat the expression of the deep regret which I feel, that instead of seeking their recall or modification through the Presidential Government, the State of Maine should thus have forced, upon a subordinate officer, the alternative of either failing in his duty by abstaining from the fulfilment of the commands of his Sovereign, or, by acting up to them, placing the two countries in a state of border collision, if not the two nations in immediate and active hostilities.

Such nevertheless, is the position in which I find myself placed, by this overt act on the part of the State of Maine, one from which I do not hesitate in intreating your Excellency to relieve me, by ordering the immediate recall of a force, whose presence within the precincts of the territory as claimed by England, it is contrary to my instructions to permit—and it is proper that I should acquaint your Excellency that I have directed a strong 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.

With regard to any plea for these proceedings on the part of the State of Maine, connected with timber spoliations on that territory, I have to inform your Excellency that I have given directions for a boom to be placed across the mouth of the Aroostook, where the seizing officer, protected by a sufficient guard, will be able to prevent the passage of any timber into the St. John in the Spring, or to seize it and expose it to public sale, for the benefit of the "disputed territory fund." Similar precautions will be adopted in regard to any timber cut upon the upper St. John, or the tributary streams falling into it.

Anxiously awaiting your Excellency's reply to this communication,

I have the honor to be, your Excellency's Most obedient and humble servant.

J. HARVEY.

On motion of Mr. Cushman of Dexter, the message and accompanying documents were referred to the Committee on the N. E. Boundary.

Mr. Allen of Bangor, by leave, introduced the following Resolve—

Resolved, for the protection of the Public Lands, that the honor and interest of this State demand, that a sufficient military force be forthwith stationed on the Restook river, west of the boundary line of the State, as established by the treaty of 1783, and on the river St. John, if found practical, at such points as may be best adapted to the object, to prevent further depredations on the public lands, and to protect and preserve the timber and other lumber already cut there by trespassers, and to prevent its removal without the limits of this State.

Mr. A. moved a suspension of the Rules, which prevailed, unanimously; and the Resolve was read a first and second time.

Mr. Delesdernier of Baileyville moved to amend, by adding the following additional Resolve.

Resolved, That the sum of eight hundred thousand dollars be and hereby is appropriated for the purpose of enabling the Executive to carry out the purposes of the foregoing Resolve and the Resolve passed January 24, 1839, and that the Governor be and hereby is authorized, with the advice of Council, to draw his warrant for the same, from time to time, as it may be needed for that purpose.

Mr. D. said it would be perceived that his amendment did not propose to change the intent of the Resolve, but went to carry into effect the declarations contained in it.

The amendment was adopted by a unanimous vote.

The Resolve was supported by spirited remarks from Messrs. Allen of Bangor, Delesdernier of Baileyville, Andrews of Turner, French of Nobleborough, Sprout of Waldoborough, Sheldon of Gardiner, Bradbury of New Gloucester, Moor of Waterville, and Cushman of Dexter.

Mr. Otis of Hallowell took some constitutional objections to the Resolve, and moved to commit the same to the N. E. Boundary Committee, and said he would at the proper time offer an order directing the Governor to despatch a special messenger to Washington, to inform the Executive of the United States of the matter and requesting his interposition.

Without taking any question the House, on motion of Mr. Allen of Bangor, adjourned to half past two o'clock this afternoon.

### AFTERNOON.

The Resolve of Mr. Allen, came up in order. Mr. Otis of Hallowell alluded to his remarks in the forenoon, and made some explanations in relation to the same. He then withdrew his motion and all opposition to the Resolve, and expressed a willingness to co-operate in any measures deemed proper by a majority of the House, to be adopted.

Some further remarks in relation to the subject embraced in the Resolve, were made by Messrs. Delesdernier, Allen of Bangor, Levensaler of Thomaston, and Hanscombs of Elliot.

The yeas and nays having been ordered, the question on passing the Resolve to be engrossed as amended, was unanimously decided in the affirmative, as follows—Yeas 150, Nays none.

Mr. Vose of Augusta presented the following order.

Ordered, That the Governor be requested to communicate forthwith to the Executive of Massachusetts, any information in his possession relating to trespassers on the Disputed Territory, and to request her aid in the measures taken by this State.

Mr. Vose said that he offered the above in order that Massachusetts might be apprized of our situation—that she had often declared her readiness, if it ever became necessary, to lend us her hearty co-operation in the defence of the territory in question. He had no doubt she would do so.

The order then unanimously passed.

Mr. Sheldon of Gardiner, by leave, introduced the following Resolve:—

Resolved additional relating to trespassers on the Public Lands.

Resolved, That the Governor be requested forthwith to communicate to the President of the United States, the measures recently adopted by the State of Maine in relation to the trespassers on the public lands of the State; and also copies of the correspondence between the Governor of New Brunswick, and the Executive of Maine, in relation to those measures; together with any information in his possession relative to this subject; and to request the aid of the General Government in support of the rights of the State of Maine.

Mr. S. moved for a suspension of the Rules, which prevailed;—and the Resolve was read a first and second time. Mr. Sheldon said it would be seen that this Resolve contemplated one object in the order just passed. If a messenger had already been sent to Washington, the passage of this Resolve would go to sanction the proceedings of the Governor. After a few remarks by Mr. Delesdernier, and Allen of Alfred, the Resolve passed to be engrossed—yeas 147, nays none.

Mr. Andrews of Turner, by leave, laid on the table a Bill providing for the appointment of a Quarter Master General. Adj.

Resolve relating to trespassers upon the Public Lands, first passed, and upon which the Land Agent acted, previous to his detention.

RESOLVED, That the Land Agent be and is hereby authorized and required to employ forthwith sufficient force to arrest, detain and imprison all persons found trespassing on the territory of this State, as bounded and established by the treaty of 1783, and that the Land Agent be and is hereby empowered to dispose of all the teams, lumber and other materials in the hands and possession of said trespassers in such way and manner as he may deem necessary and expedient at the time, by destroying the same or otherwise. And that the sum of ten thousand dollars be and hereby is appropriated for the purpose of carrying this resolve into effect, and that the Governor with the advice of the Council be and is hereby authorized to draw his warrant from time to time, for such sums as may be required for the purposes aforesaid.

January 24, 1839—Approved.

JOHN FAIRFIELD.

BANGOR, Feb. 19.

Capture of Mr. MacLachlan, the Warden of the Disputed Territory.—Mr. MacLachlan, the Warden of the Public Lands in New Brunswick, and Captain Tibbets, of the Tobique settlement, have just been brought into the city, prisoners.

We learn from a gentleman who has had an interview with Mr. M.L. that he states that he had been looking after trespassers, on the Madawaska settlement, and on his return to the mouth of the Aroostook, he first learnt what had taken place here, and he there met a Message from Sir John Harvey, directing him to make inquiry into the proceedings on or near the Aroostook, and report to him—that he immediately went up to the Aroostook, in company with Capt. Tibbets, to see what was going on, and to have an interview with the commander of the American force, which he was informed was about 500 strong, and to learn what their intentions were. He did not entertain the slightest apprehension of being detained a prisoner, as his object was, if possible, to reconcile past differences, and bring about a good understanding.

With these views he proceeded up the river until he fell in with Capt. Rines and then made known his business. Capt. Rines after consulting with his officers informed him that by way of reprisal for Mr. McIntire, he must make him a prisoner, and he must immediately leave for Bangor, which he did on Friday afternoon.

Mr. MacLachlan further states that there was no armed force at the mouth of the Aroostook, or near there, when he left, and the only force that had been assembled there was about thirty trespassers who had been driven down the Aroostook,—and that the civil authorities or the settlers on the Tobique settlement, had nothing to do with this outbreak.

We are glad to see that Gov. Fairfield has at last responded to the wish of the community in ordering Gen. Hodson to the scene of action.—In this Gov. Fairfield has done rightly. He will be sustained by the unanimous opinion of his fellow citizens. We speak not without knowledge when we say the universal sentiment of the community is that not only a few poor trespassers should be expelled from the public domain, but that in addition, the Aroostook country should be occupied by a military force, and the jurisdiction of the State be extended throughout her borders. We have had enough of diplomacy, enough of negotiation—the British Government have trampled us under foot long enough. The time has come for action. Gov. Fairfield may rest assured, that the whigs, forgetting the abuse that has been heaped upon Gov. Kent for his patriotic exertions, on this question, will rally around him, and give him a hearty and efficient support. Only 1000 men, have been ordered out, but we presume the Governor will call out enough to meet the emergency.—We conjure Gov. Fairfield to take council only of his duty, and listen only to the voice of the people.

AGUSTA, Feb. 19.

The rapidity with which the negotiations progress between the United States and Great Britain, on the subject of the boundary is truly gratifying! The President states no official communication whatever has passed between the two governments on the subject, since the 3d December last! The truth is that the British Government are determined to delay all effective negotiation on the subject, as long as possible; and then to get the territory north and east of St. John, if they can. The question can never be settled by negotiation, consistently with the rights of Maine and the integrity of our territory.

### LAND FOR SALE.

THE FARM belonging to the late EDWARD GARDNER, situate in the Parish of Dumfries, in the County of York, possession given on the first day of May next.

Terms of Sale may be known by applying to JAMES TAYLOR, Esquire, of Fredericton, or to the Subscriber at Woodstock.

A. NELSON GARDEN.

Woodstock, 2d January, 1839.—4w.

### FLOUR, PORK, FISH, &c.

PICKLED FISH.  
BREL. No. 1 Pickled Herrings, Gibb'd, do. Pickled Cod Fish, do. Pickled Halibut's, Naps and Fins; do. Pickled Round Mackerel.  
DRY FISH.  
Large Table Cod Fish, Common size do. do. Superior lot of Pollock Fish.

FRESH GROUND WHEAT FLOUR, in barrels, half barrels, and quarter ditto.  
Barrels CORN MEAL; round and yellow Corn. A quantity of Hamburg, Canada, and P. E. Island PORK.

Franklin Stoves; Cooking Stoves of the most approved patterns, which have given general satisfaction to purchasers this present winter. Close Stoves, from 18 to 36 inches, with Dumb Stoves, Stove Pipe and Elbows to match; Sheet Iron; Hand Irons; Coal Scuttles, and Fire FURNITURE.

Chairs of various kinds and qualities; Toilette Tables; Wash Stands; Looking Glasses; Door Mats.

ORNAMENTAL GLASS WARE.  
Glass Dishes, ditto Plates, ditto Lamps for burning Oil, Carriage Lanterns, Stable ditto, Hand Oil, with Oil Burners.

Lamp OIL and Wick, with the whole of an extensive Stock, and very general assortment of British and American GOODS, will be sold at the lowest possible rates for Cash by

ROBERT CHESTNUT.  
N. B. PLASTER PARIS, in rock by the Ton, and in floor by the Bushel.  
Fredericton, January 8, 1839.

### Tobacco Mill Company.

AN Assessment of One Pound per share, on each and every Share of the Capital Stock of the Tobacco Mill Company, is ordered to be paid to the Treasurer of the said Company, at his Office in Fredericton, as follows: Ten Shillings on each and every Share, on or before the fifteenth day of February next, and Ten Shillings on each and every Share on or before the fifteenth day of March next; whereof notice is hereby given, and payment thereof required accordingly. Dated the eleventh day of January, 1839.

WM. JAS. BERTON, Secretary.

## ROYAL GAZETTE.

FREDERICTON, FEBRUARY 27, 1839.

### Central Bank of New Brunswick.

JOHN SIMPSON, President.  
ROBERT GOWAN, Cashier.  
Discount Days.....Tuesdays and Fridays.  
Director this week.....JAMES TAYLOR.  
Bills or Notes offered for discount must be left at the Bank, enclosed and directed to the Cashier before two o'clock on Mondays and Thursdays.

### Bank of Fredericton.

ASA COV, President.  
ARCHIBALD SCOTT, Cashier.  
Discount Days.....Mondays and Thursdays.  
Director this week.....B. WOLHAUTER.  
Notes or Bills for discount are to be left at the Bank, enclosed to the Cashier, before 3 o'clock on Saturdays and Wednesdays.

### Bank of British North America.

FREDERICTON BRANCH.  
ALFRED SMITHERS, Manager.  
Discount Days.....Wednesdays, and Saturdays.  
Director this week.....MON. THOMAS BAILLIE.  
Hours of business, from 10 to 3.  
Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days.

### Saving's Bank.

Trustee for next week.....JAMES TAYLOR.

### Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House opposite the Parade, (Sunday excepted,) from 11 to 2 o'clock.

### B. WOLHAUTER, President.

Committee for the present month.  
JOHN S. COV and THOMAS STEWART.

### Alms House and Work House.

Commissioner for the week commencing to-morrow.  
CHARLES P. WETMORE.



By Authority.

ANNO SECUNDO VICTORIÆ REGINÆ.

### AN ACT

To amend the Laws now in force relating to the Militia in this Province.

Passed 21st February, 1839.

1. WHEREAS it is expedient and necessary for the Militia service of this Province, that the Commander in Chief for the time being should have the power of forming the several Companies of Artillery and Sea Fencibles into separate and distinct Battalions, Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and immediately after the passing of this Act, the Lieutenant Governor and Commander in Chief for the time being in this Province, be and he is hereby authorized to form the said Companies of Artillery and Sea Fencibles into separate and distinct Battalions.

11. And be it further enacted, That the Non-Commissioned Officers and Privates of the said Corps respectively, and also the Non-Commissioned Officers and Privates of any uniformed Company of Dragoons or Riflemen, who shall submit their names through their respective Commanding Officers to the Commander in Chief for the time being, as Volunteers for actual service, shall be exempted from Draft by Ballot, and having so volunteered shall be liable to perform all duties required by the Commander in Chief, and shall be liable to all the pains and penalties imposed by Law on persons so drafted by Ballot; and when called out into such actual service, the said Corps, or such portions thereof as may be required, shall be under the command of Officers belonging to their respective Corps, and shall be formed into Companies separate and distinct from persons drafted by Ballot as aforesaid.

111. And be it further enacted, That in case any person belonging to either of the said Corps, whose name shall have been so submitted as aforesaid, shall refuse when called upon to perform any of the duties required of him, he shall be subject to a fine of ten pounds, and in case he neglect or refuse to pay the same, he shall be committed to the nearest County Gaol where he can be safely kept, by warrant under the hand of the Commanding Officer of the Battalion, Troop or Company to which he may belong, where he shall remain three Calendar months, or until he pay the said fine; and that after such refusal and payment of the said fine or suffering the said imprisonment, such person, in case of a Draft by Ballot, shall be liable and subject thereto, any thing in this Act to the contrary notwithstanding: Provided always, that nothing in this Act shall extend or be construed to extend to exempt any of the said Artillery, Sea Fencibles, Dragoons or Riflemen from the control and command of the Commanding Officer of the Regiment or Draft to which they may be attached.

IV. And be it enacted, That this Act may be altered, amended, or repealed, by any Act to be passed during the present Session of the General Assembly.

### CIVIL APPOINTMENTS.

John Robertson, Thomas Wyer, Harris Hatch and William Boyd Kinnear, Esquires, to be members of the Legislative Council, provisionally, until Her Majesty's pleasure shall be known.

### HEAD QUARTERS, FREDERICTON,

25th February, 1839.

### MILITIA GENERAL ORDERS.

Officers commanding the embodied Militia, are authorized and directed to accept of the services of able bodied Volunteers, who may be disposed to serve in the embodied Militia, in lieu of those already drafted.

By Command,

GEO. SHORE, A. G. M.