

# United States.

We transcribe from the Message of Governor Fairfield to the Legislature of Maine, the subjoined paragraphs on the subject of the Boundary question, with the official documents therein referred to:—

## LEGISLATURE OF MAINE.

1st January, 1840.

"The long pending question in relation to our Northeastern boundary is still open and undisturbed, though we have reason, perhaps, for believing, that it has made some advances during the past year. We have had a renewed expression of opinion on the part of the General Government, that the territory in dispute is a part of the State of Maine—an indication of a determination to discharge, in good faith, the duty of that government to this State of maintaining the integrity of its territory—and a national sanction of the military demonstrations made by this State in February and March last. It is also well understood now by all parties, that however patient and forbearing Maine will be while honest and earnest attempts are being made to run the line and definitively settle the question, she will not submit longer to be deprived of her territory by such a system of vexatious and unjustifiable procrastination as has heretofore been practised; and that the question must be settled speedily, in some way or other, if hostilities would be avoided. This is gaining something. When parties are fully aware of the precise position they occupy, the next step taken by them will be taken understandingly, whatever else may be said of it. Again, the occurrences of last winter served to awaken the attention of the country to the momentous importance of the question, and to induce such an examination of it as to result in a strong and universal conviction, that the pretence of claim set up by Great Britain to the disputed territory is palpably unfounded and unjust, and can be persevered in, only through an utter disregard of the plain and unambiguous terms of the treaty of 1783.

"Soon after the termination of your session in March last, a proposition was made by the British Government to the Government at Washington for establishing a commission for the purpose of exploration and survey, but it was connected with such limitations and conditions, as it is understood, caused an immediate rejection of it by the President. After which, and believed to be as early as July last, a counter project was submitted to the British Government, to which, as we learn by the late message of the President no reply has yet been received.

"Pending this negotiation, it seems, the British Government has deemed it expedient to make an exploration of the disputed territory by commissioners sent out for that purpose—the alleged object being, to obtain topographical information &c., as a means of promoting an early and just determination of the question in dispute. These commissioners have completed the exploration and returned to England to report to their government. What that report is to be, or what is to be the effect of it remains to be seen. The courtesy due from one government to another requires us, perhaps, to believe, that the real and avowed design are the same, and that this survey has been undertaken really for the acquisition of information and not for mere purposes of delay. At all events, a short time will determine. As the commissioners may be expected to have reached England about the first January, there will be ample time before the termination of your present session, supposing it to be of the usual length, for the British Government to avail itself of its additional information and to communicate with the government of the United States, in reply to the counter proposition submitted many months ago. If such communication should not be made within the time anticipated, I think you may fairly regard the British Government as having returned to its old practice of procrastination, and will be justified in adopting more vigorous and determined measures than have ever heretofore been adopted, to secure to this State both her property and jurisdiction in her lawful territory; unless the necessity for such a course should be obviated by the action of the General Government. What those measures should be, may properly be left to future consideration. I need not say, that, in all your efforts to secure to Maine her just rights, you may depend upon my hearty co-operation.

"In giving you information of the doings of this Government, in relation to the disputed territory since the adjournment of the Legislature in March last, permit me to refer to certain Resolves passed the 23d of that month. In one of them it is resolved as follows, to wit: that, when he [the Governor] shall be satisfied either by the declarations of the Lieutenant Governor of New Brunswick or otherwise, that the latter has abandoned all intention of occupying the territory with a military force, and of attempting the expulsion of our party—that then the exigency which called forth the militia having ceased, the Governor be, and he hereby is authorized to withdraw the same, leaving the Land Agent with a sufficient posse, armed or unarmed as the case may require, to carry said resolve into effect."

"Soon after the adoption of this resolution I received the written assent of the Lieutenant Governor of New Brunswick to the following proposition made to him by Major General Scott, to wit: 'it is not the intention of the Lieutenant Governor of Her Britannic Majesty's Province of New Brunswick, under the expected renewal of negotiations between the cabinets of London and Washington on the subject of the said disputed territory, without renewed instructions to that effect from his government, to seek to take military possession of that territory, or to seek military force to expel the armed civil posse or the troops of Maine.'

"It appearing to me that the precise contingency contemplated by the Legislature had occurred, I could not hesitate to recall the troops. Any other course it seemed to me, would be not only incurring needless expense, but disregarding the express directions of the Legislature. Nor was the step taken with any reluctance, as one, in the slightest degree derogatory to the honor of the State. We had never attempted or professed to take military possession of the territory. A recurrence to the Resolves of the 24th of January and the 20th of February will show, that the object was to arrest trespassers and protect our property from devastation; and of the last particularly, to resist a threat of expulsion from the territory by the Lieutenant Governor of the Province of New Brunswick. The withdrawing the troops therefore, was, in no sense, an abandonment of any position taken by this State. The troops maintained their ground, while the exigency which called them out remained—when that ceased, they retired. For a more detailed account of military operations I refer you to the accompanying Report of the Adjutant General. I cannot, however, permit this opportunity to pass without saying that the militia called into service, both officers and privates, with but few exceptions, conducted in a manner, in the highest degree creditable to themselves and to the State.

"In further compliance with the Resolve of the 23d of March, the Land Agent, with a sufficient armed posse remained in the territory after the withdrawal of the troops. For a particular account of his proceedings I must refer you to his Report herewith transmitted. It seems that during most of the time, he has had in the service about two hundred men. That they have not been idle, will appear, I think, by looking at what they have accomplished. In addition to the labor expended in finishing tolerably substantial fortifications erected upon the Aroostook, with two large block houses and similar buildings at the mouth of Fish river, they have made over one hundred miles of road through the heart of the wilderness—all of it being suitable for travelling with carriages and for the transportation of heavy loads. Booms have also been extended across the Aroostook and Fish rivers, of the most substantial character, and much valuable timber thereby saved. On the whole though the expenses have been necessarily great, it is believed, that the true interests of the State have been promoted by the course pursued by the Land Agent and those who have been associated with him.

"Early in the fall a complaint was made to me that the Land Agent of Massachusetts was granting permits to persons residing in the Province of New Brunswick and others, to cut timber upon lands contiguous to, and lying upon both sides of the Aroostook river. And it was represented that if such practice was to be persevered in, it would be impossible to execute the laws and resolves of the state in relation to the prevention of trespassers upon the public lands. The evils before experienced from this cause, and those apprehended were represented as numerous; and among others, that these permits were used by many as a mere cover for depredations upon the lands of this state. Under these circumstances I felt constrained to address the Land Agent of this State, advising that the utmost rightful power should be exerted on his part, to counteract the designs of these persons; and that he notify them, that if they persevered in their attempts, the Legislature would probably adopt some regulations in regard to the use of our public streams which would render the lumbering operations of but little avail to those engaged in them. The Land Agent conformed to this advice, and I am happy to state my belief, that no more permits were subsequently granted, and that most of the persons who had previously obtained permits, abandoned the design of operating under them. A few, however, did not, and whether any measures should be adopted in relation to them, carrying out the suggestion before made, it is for you to judge.

"The views which I have presented in this communication upon the subject of the boundary, were those entertained independently of what is now an ascertained fact, to wit: that our territory is actually invaded, and of course are to be modified by that circumstance. Official information of that fact was received by me a few days since while on my way to this place, in a reply of the Lieutenant Governor of New Brunswick to a letter of inquiry addressed to him by myself in relation to this subject. It is admitted that one or two companies of British troops have been stationed at Temiscouata Lake, but it is alleged by the Lieutenant Governor to have been done, not by his own orders, but by the authorities of Lower Canada. This movement, I cannot but regard, under whatever pretence, it may have been made, not only as a violation of the spirit of the arrangement agreed upon in March last, but as clearly an invasion of our territory. Under these circumstances I deemed it to be my duty immediately to communicate the facts to the President of the United States, with other, though less official information received of the building of barracks by the British Government on both sides of the St. John, near the mouth of the Madawaska river, which I did, calling officially, for that action on the part of the General Government which the case required, and the Constitution and laws of the United States clearly enjoined.

"A copy of this communication to the President and of the correspondence between the Lieutenant Governor of New Brunswick and myself, are herewith laid before you."

## CORRESPONDENCE,

[Accompanying the Governor's Message.]

From Governor Fairfield to Sir John Harvey.

[COPY.]

EXECUTIVE DEPARTMENT,

Saco, Dec. 12, 1839.

His Excellency Major General Sir JOHN HARVEY, Lt. Gov. Province of N. B.

Sir,—Having seen in the public prints, extracts from some of the Provincial papers, stating that two Regiments of British Troops had been stationed at Temiscouata Lake in the disputed territory, I was induced to inquire of your Excellency whether there be any foundation for these reports. A movement so clearly in violation of the agreement entered into through the mediation of Gen. Scott, I shall not permit myself to believe your Excellency would make, without stronger evidence than a newspaper paragraph. The extreme sensitiveness of the public mind upon this subject, I trust your Excellency will

perceive, affords additional reasons for an early explanation.

I have the honor to be,

With high respect,

Your Excellency's ob't. serv't.

JOHN FAIRFIELD,

Governor of Maine.

From Sir John Harvey to Governor Fairfield.

[COPY.]

GOVERNMENT HOUSE, Fredericton, N. B.

December 19, 1839.

Sir,—I have the honor to acknowledge the receipt of this day, of your Excellency's letter of the 12th instant.

Whatever movements of troops may have taken place on the side of Lower Canada, have been made by authority superior to mine—but I apprehend they have consisted, not of two Regiments, but of one or two Companies, [as small a detachment as can well be made to so great a distance, consistently with the maintenance of a due degree of discipline,] for the protection of certain buildings which have been constructed for the better accommodation of Her Majesty's troops on their march between the Lower and Upper Provinces, and of the provisions, stores and other public property therein deposited.

A copy of your Excellency's letter shall be transmitted by me to the authorities in Canada, who, I can assure your Excellency, are as anxious as I am, that the spirit as well as the letter of the agreement entered into between your Excellency and myself, under the mediation of Gen. Scott in March last, should be scrupulously observed on our part.

I have the honor to be,

With high respect,

Your Excellency's most ob't.

Humble servant,

J. HARVEY.

M. General, Lt. Gov. of New Brunswick.

From Gov. Fairfield to President Van Buren.

[COPY.]

EXECUTIVE DEPARTMENT,

Augusta, Dec. 23, 1839.

His Excellency M. VAN BUREN, President of the United States.

Sir,—It having been reported to me that a large number of British Troops had been stationed at Temiscouata Lake, in the disputed territory, and seeing extracts from the Provincial papers, confirmatory of these reports, I deemed it proper to apply directly to the Lieut. Governor of the Province of New Brunswick, which I did by letter on the 12th instant, to ascertain whether these reports were well founded or not. His answer under date of December 19th. I received yesterday while on my way to this place. My letter and the reply are both herewith enclosed. It will be perceived that two companies of British Troops have actually been marched into the disputed territory and stationed on the Temiscouata Lake, where it is well known extensive barracks had been previously erected. This is clearly a violation of the spirit of the arrangement entered into between the Lieutenant Governor of New Brunswick and myself in March last, though the orders have been issued by the Governor of Lower Canada. I submit also whether the contingency contemplated by the Act of Congress of March 3, 1839, has not occurred; whether the facts do not clearly show an invasion of the State of Maine, which the Executive Government of the United States, under the directions of the Act aforesaid, as well as under the obligations of the Constitution, is bound to repel.

I may add, that, I am well informed that the British Government is also erecting barracks upon both sides of the St. John, near the mouth of the Madawaska River, and that troops are concentrating at Grand Falls. Under all these circumstances, I deem it to be my duty to call upon the government of the United States for that protection of this State from invasion guaranteed to her in the Constitution.

With the highest respect, I am, Sir,

Your most obedient servant,

JOHN FAIRFIELD,

Governor of Maine.

## Upper Canada.

[From the Toronto Herald.]

Message of His Excellency the Governor General, in answer to an Address of the House of Assembly for information in relation to the contemplated Union of the Province.

CHARLES POULETT THOMSON,

In answer to the Address of the House of Assembly on the 11th instant, the Governor General has to state, that by his Message to both Houses of the Provincial Legislature, he has already explained the principles upon which Her Majesty's Government desire to effect the Re-union of this Province with Lower Canada, and the terms upon which it can, in his opinion, be established.

In accordance with the wish of the House of Assembly, the Governor General transmits a copy of the Bill introduced in Parliament last Session by Her Majesty's Government, and which was afterwards withdrawn; but he must at the same time state to the House of Assembly, that as one of the principal objects of his Mission was to procure information upon which to enable Her Majesty's Government to submit a new measure to Parliament better calculated to effect the object of good Government in these Provinces, this Bill cannot be considered as embodying the provisions which may hereafter be adopted.

It will be the duty of the Governor General, acting upon the information which he shall have acquired, to make many important suggestions for that purpose in conformity to the principles and terms laid down in the Message, and he is already prepared to state, that it is his intention to recommend to Her Majesty's Government, in the new measure which must be introduced, to adhere as much as possible to existing Territorial divisions for Electoral purposes, and to maintain the principle of the Constitutional Act of 1791, with regard to the tenure of seats in the Legislative Council.

If, as the Governor General confidently hopes, the House of Assembly should think proper to assent to the terms proposed by him in his Message, and should hereafter offer any recommendations upon matters connected with the measure, it will be his duty to transmit

them for the consideration of the Government and of the Imperial parliament; and he begs to assure the House of Assembly, that they will receive the most respectful attention.

Toronto, 17th Dec., 1839.

[From the Toronto Patriot, Dec., 24.] On Thursday last the question "UNION" or "No Union" was finally tested and decided. On bringing up the Report of the Committee of the whole House on the Governor General's proposition, Mr. Robinson seconded by Mr. Murney, moved in amendment, "That all after the word 'Resolved,' be expunged, and the following inserted:—

"That while this House feels truly grateful to Her Majesty for causing the subject of the re-union of Upper Canada to be submitted to the representatives of Her Majesty's loyal subjects in this Province for their consideration before finally adopting a measure calculated so materially to change their social and political situation, it cannot after mature deliberation give its sanction to any proposition having for its object the re-union of these Provinces; which they humbly submit will, if carried into effect, have no other result than to render the difficulties in Lower Canada in a short time more formidable, while it would endanger the security and advantages which Upper Canada has hitherto enjoyed."

YEAS—Messrs. Attorney General, Boulton, Caldwell, Cartwright, Elliott, Gamble, Jarvis, McCral, Murney, Robinson—10.

NAYS—Messrs. Aikman, Armstrong, Bockus, Burrit, Burwell, Chisholm of Hudson, Chisholm of Glenora, Cook, Deltor, Concombe, Dunlop, Ferrie, Gowan, Hotham, Hunter, Kearnes, Lewis, Malloch, Manahan, Marks, McCargar, McDonell of Glenora, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, McLean, McMicking, Merritt, Moore, Morris, Park, Powell, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor General, Small, Thomson, Thorburn, Wickens, Woodruff—45. Lost, majority 35.

Upon this occasion the Attorney General, who had frequently before declared his opposition to the whole measure, in a speech of more than usual force, which was silently and attentively listened to by the House, and which appeared to produce a powerful effect on the minds of his hearers, pointed out the dangers that in his opinion would follow its adoption. It will be seen however from the division that it failed to produce the desired conviction—ten only rising in support of the amendment, Mr. Cartwright being the only Member who had previously given a qualified assent to the Union, that voted in favour of it.

We must be permitted to express our surprise at this, as all the conditions proposed by different Members, independently of these submitted by the Solicitor General on the part of the Government, had been previously put and lost in Committee, and there was evidently no chance of their being carried in the House. A division afterwards took place on the question for communicating the resolutions to the Governor General, a proceeding which one would suppose would be adopted as a matter of course; and against this address several Members who had been disappointed in carrying their conditions voted; it was carried however by a large majority.

We have heard it said that *The Attorney General*, if he had joined with the conditional Unionists, would have defeated the measure. We feel satisfied from the votes that have been taken that this would not have been the case, and here we take leave to say that we cannot exactly see the drift of those who so argue.

Mr. Hagerman, at the very commencement of the debate, distinctly stated, that he would not resort to any factious or dishonest course of proceeding—that his opposition would be to the Union on any terms. Being asked whether if the Union were resolved upon, he would object to equal representations, a permanent civil list, and the charging the debt of this Province upon the Revenues of the two Provinces, he answered that he would not, and voted accordingly—retaining the determination, however, to vote against the measure altogether, which, it will be seen, he has done.

## RESOLUTIONS

Moved by Solicitor General Draper, and adopted by the House of Assembly.

RESOLVED, That the House of Assembly, at its last Session declared that in their opinion a united Legislature for the Canadas, on certain terms, was indispensable, and that further delay must prove ruinous to their best interests, and that His Excellency the Governor General by his Message to the House has announced that with a view to remove the difficulties of these Provinces—to relieve the financial embarrassments of Upper Canada—to enable her to complete her public works, and develop her Agricultural capabilities—to restore Constitutional Government to Lower Canada—to establish a firm, impartial and vigorous Government for both—and to unite the people within them in one common feeling of attachment to British Institutions and British connexion—the Legislative Union of Upper and Lower Canada has been recommended by Her Majesty to the Imperial Parliament; and His Excellency the Governor General has invited the assent of the House to certain specified terms upon which the Union may be established. It therefore becomes the duty of the Representatives of the people of this Province carefully to consider the provisions by which this measure may be carried into effect with the greatest security to their future peace, welfare, and good government, and the permanent connexion of these Colonies with the British Empire.

RESOLVED, That this House concur in the proposition that there be an equal representation of each Province in the United Legislature.

3. RESOLVED, That this House concur in the proposition that a sufficient Civil List be granted to Her Majesty for securing the independence of the Judges, and to the Executive Government that freedom of action which is necessary for the public good.

4. RESOLVED, That this House concur in the proposition that so much of the existing debt of Upper Canada, as has been contracted for public works of a general nature, should, after the Union, be charged on the joint revenue of the United Province.

## ROYAL GAZETTE.

FREDERICTON, JANUARY 15, 1840.

### Central Bank of New Brunswick.

WILLIAM J. BEDELL, President.

SAMUEL W. BABBIT, Cashier.

Discount Days.....Tuesdays and Fridays.

Director this week.....J. A. BECKWITH.

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.

### Commercial Bank of New Brunswick.

FREDERICTON BRANCH.

ASA COY, Chairman of Directors.

ARCHIBALD SCOTT, Cashier.

Discount Days.....Mondays and Thursdays.

Director this week.....F. E. BECKWITH.

Hours of business from 10 to 3.

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.....JOHN SIMPSON.

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.....ASA COY.

### 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. WOLHAUPTEN, President.

Committee for the present month.

C. M'PHERSON and C. FISHER.

### Alms House and Work House.

Commissioner for the week commencing to-morrow.

B. WOLHAUPTEN.



By Authority.

We understand that His Excellency the Chancellor of King's College, has appointed the Honble. NEVILLE PARKER, a Member of the College Council, and conferred the rank of a Professor on Dr. ROBE.

The following Warrants are payable on demand at the Province Treasury.

No.		
52.	Capt. Priestly,	£9 12 5
53.	Major Wilnot,	209 0 0
54.	M. Brammen,	25 0 0
55.	John Simpson,	275 0 0
56.	do.	125 0 0
57.	do.	676 17 6
58.	do.	161 15 6
59.	do.	474 10 0
60.	do.	153 9 5
61.	do.	150 0 0
62.	Deb. A. Lugin,	25 0 0
63.	George Lee, Jr.	75 0 0
64.	Rev. Geo. Coster,	25 0 0
65.	Sergt. at Arms Legislative Council,	68 0 0
66.	do. House of Assembly,	68 0 0
67.	Clerk of the Legislative Council,	200 0 0
68.	Chas. P. Wetmore, Esq.	200 0 0
69.	John Gregory,	100 0 0
70.	George Lee, Jr.	100 0 0
71.	Wm. Watts,	42 10 0
72.	Chas. Brannen,	42 10 0
73.	Wm. Payne,	42 10 0
74.	Jas. Brannen,	34 0 0
75.	Jas. Biggs, Jr.	34 0 0
76.	Peter Parker,	34 0 0
77.	Philip Brannen,	34 0 0

B. ROBINSON, Province Treasurer. Treasury, Saint John, 11th January, 1840.

To His Excellency the Chancellor of King's College.

Report of the late Examinations of the College and Collegiate School.

This Examination of the College took place on Monday the 16th December, and was conducted in the usual manner. Among the visitors who were fewer than on most former occasions, I observed the Master of the Rolls and the Hon. J. S. Saunders. Both of these Gentlemen have spoken very favourably of what they witnessed, and I cannot but regret that a greater number of competent and disinterested Judges of such matters were not present, to whom I might appeal as to the present state of an Institution which I fear is not valued as it deserves to be.

The lamented departure of Professor Gray immediately after the preceding Examination had put a stop of course to further progress in the branches which he had so ably and successfully taught, but in every other respect the progress which the students had made was very conspicuous. All acquitted themselves creditably, and there are several among them of whom, I persuade myself, that the College and the Province will one day have reason to be proud.

It was especially gratifying to me to hear that the conduct of all the students have been uniformly regular and correct, so that no punishment had been inflicted or required throughout the term.

I was informed that the Vice President had given three additional Lectures every week, which were attended by all the students. Two of them on the "Greek Testament," and the third on Composition, to supply the place of those which used to be given by Dr. Somerville; and that the subject of Dr. Robb's instructions had been the "Philosophy of Natural History," thus upon the whole a very useful course of