

follows:—This line commencing west, runs east—after crossing the Saint Lawrence and Lake Champlain in the 45th degree of latitude, it passes along the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the Sea, evidently intending (as the Committee contend) to divide the rivers running north which all empty themselves into the Saint Lawrence, from those which run south to the Sea.

This line has been often recognised, by the acts both of the crown and the Parliament of Great Britain. The same boundary is described in the commissions of two other Governors of Nova Scotia, one dated in 1767, and the other in 1771.

The proclamation of 1763 was confirmed by an Act of Parliament, and the same line recognised as the boundary between the Government of Quebec and that of the Maine (then belonging to Massachusetts) and of Nova Scotia.

By an act of Parliament in 1771, the Province of Quebec is bounded on the south "by a line from the Bay of Chaleur, along the highlands which divide the rivers which empty themselves into the river St. Lawrence, from those which fall into the Sea," and is then extended westerly.

When the question as to the St. Croix was pending before the Commissioners, the British Agent expressly admitted that the line from the northern source of the St. Croix to the highlands, must cross the St. John and find its terminus between the waters of the St. John and the St. Lawrence.

The question as to this line was brought up incidentally while the negotiations were pending, which resulted in the Treaty of Ghent. At that time the Commissioners of Great Britain demanded a cessation of that portion of the then District of Maine; "which intervenes between New Brunswick and Quebec, and prevents their direct communication." (It must be recollected that New-Brunswick at the time when the treaty of 1783 was made was a part of Nova Scotia, from which it was afterwards separated and established as a distinct Province.) The American Commissioners having replied that they were not authorized to consent to any cession of territory whatever and however insignificant, and therefore nothing could be granted under a revision of the line as proposed by the British Commissioners—they reply that their proposal left it open for the Americans to demand an equivalent for such cession in territory, or others.

Here is a very strong intimation that Great Britain was then willing to purchase what she now claims as her's of right.

The American Commissioners again replied, and denied their authority to cede any part of the State of Massachusetts) even for what might be considered as a fair equivalent.

In a communication dated October 8, 1814, the British Commissioners say "the British Government never required all that portion of Massachusetts intervening between the Provinces of New-Brunswick and Quebec should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, (there being much doubt whether it does not already belong to Great Britain.)"

This is the first intimation from Great Britain of her intention to claim this territory as her's of right. Commissioners were afterwards appointed by both Nations to ascertain and define this line.—As late as September, 1817, the British Agent in his arrangement submitted to the Commissioners admits, that "the northwest angle of Nova Scotia mentioned in the treaty as the commencing point in the boundary line of the United States, is the northwest angle of the said Province of Nova Scotia, designated in the grant to Sir William Alexander in 1621, subject only to such alteration as was occasioned by the erection of the Province of Quebec, 1763."

Such was the anxiety of Great Britain, stimulated no doubt by her subjects in the American Provinces, to obtain "this intervening territory" which interrupted the communication between New Brunswick and Quebec, that failing to acquire it by cession or purchase, she undertook to establish the position that Mars Hill was the highlands intended by the Treaty of 1783, and of course that the northwest angle of Nova-Scotia was contiguous—saying in effect this territory is far more valuable and convenient to you—therefore if you play the part of the dog in the manger, and neither cede it or sell it—we will take it.

This is the statement of the claim of each Nation so far as I have been able to understand it.

The United States claim from the highlands dividing the waters of the St. Lawrence from those flowing south from the Atlantic, and contend that the Bay of Fundy is a part of the Atlantic Ocean, and that such was the understanding of the Commissioners who made the Treaty of 1783, and that the line must be extended to the north of the river Saint John, to find the northwest angle of Nova-Scotia.

Great Britain contends that Mars Hill far to the south of the Saint John's is the highlands intended by the treaty of 1783 and claims a large territory north and west of that point, which claim includes grants made by Massachusetts, on the Aroostock as early as 1806. Mr. Gallatin, our Minister, at the Court of St. James' was authorized to negotiate as to the establishment of this boundary. This gentleman appears to have been singularly unfortunate in all his attempts to negotiate with Great Britain. He was however, exceedingly averse to calling in the aid of a Sovereign Umpire, and discovers much shrewdness as I think in a remark in one of his communications to his own government. An Umpire (says he) whether a king or a farmer, rarely decides on strict principles of law—he has always a bias to try if possible, to split the difference.

In the mean time many acts of violence

were committed on this frontier within the disputed territory. The British Mail was impeded while on its passage to Quebec. An American citizen was seized and imprisoned. Alien taxes and militia services were required from some who held their lands by grant from Massachusetts and Maine.

At last, the Governments of the two Nations, in pursuance of an article in the Treaty of Ghent, selected their common Umpire; and the selection, unfortunately for the United States, fell on the King of the Netherlands.

[Here Mr. Brooks of Bernardston, called Mr. Baylies to order. Mr. Brooks said that he did not know what this history had to do with the question, which was on the acceptance of the Report.]

The Speaker having decided that Mr. Baylies was in order, he resumed.

The history Mr. Speaker, which troubles the gentleman from Bernardston, is the history of the title of the United States to territory contiguous to their North-eastern boundary and of the proceedings with respect to that boundary. This subject was a prominent topic in the Governor's Speech, and that part of the speech which related to this boundary was committed to a special Committee, whose report is now before you. A gentleman calls upon the Committee for explanation. How is that explanation to be made. The object of the explanation is to show what are, or what were the rights of the United States and of Maine and Massachusetts, so that the House may decide upon the most expedient course with a full understanding of all the circumstances. As it is the duty of a Committee to ascertain all the necessary facts in relation to any subject referred to them, so it is their duty to communicate those facts when they are called for. I well know, Sir, that this is a dry discussion and not very interesting, as every one knows who has attended in Courts of Law, when cases of disputed boundaries have been contested, and this is a question pretty much like those in the Courts. I know sir, that their case presents no entertainment to a mind as lofty, as imaginative and as political as that of the gentleman from Bernardston, yet nevertheless explanation is necessary, however irksome it may be to those who hear it.

The Government of Maine did every thing which they could do with propriety to prevent the submission of this question as to their boundary to the decision of an umpire.

The late Governor Lincoln, a man of much simplicity of character, and of the purest integrity, convinced of the unquestionable right of Maine to the jurisdiction of the territory in dispute, opened a correspondence with the Secretary of State, Mr. Clay, in which his opinions were expressed with a warmth correspondent to the strength of his convictions. The Secretary chose to diplomatically answer the Governor dryly. He was not informed even of the extent of the British claim. The Governor then addressed the President directly. "It would (said he) be unsuitable to comment on the dispositions or talents of foreign Sovereigns or States, but it is not in cold blood that I can anticipate the committing of the destinies of Maine to an irresponsible arbitrator to be found in a distant land, and necessarily unqualified to act in the case."

In a subsequent communication he again protests against this reference.

In a letter dated 16th November, 1827, he expresses himself in these words:—

"I have also this day received your communication of the date of the 10th instant. From its contents I am made sensible that the objections I have had the honor to urge against the submission to a foreign umpire of the territorial and jurisdictional rights of Maine, without consulting or advising her as to the conditions have not been deemed available. If any injury shall result to her, the appeal will be made to the people of this country and to posterity. It has not seemed arrogant or presumptuous to have expected a recognition of her rights and to have asked that if she is to be made a sacrifice, she might not be devoted without some consideration on her part of the terms."

Again—

"When you cautioned us against suggestions of compromise and acts of precaution, it was not believed that it was, that you might the more easily throw us within the power of an umpire, but that you intended to intimate that the powerful arm of the Federal Government was holding its ample shield before us. At last we learn that our strength, security and wealth are to be subjected to the mercy of a foreign individual, who, it has been said by your Minister, rarely decides upon strict principles of law, and has always a bias to try if possible to split the difference. I cannot but yield to the impulse of saying most respectfully, that Maine has not been treated as she has endeavoured to deserve."

To this Mr. Clay replied on the 27th November, and contended with justice (as I think) that the national honor was pledged by treaty (in case there was a disagreement between the parties) that the question of boundary should be left to the decision of an umpire, therefore the reference could not be avoided, without a violation of national faith. Whether the provision respecting umpires in the Treaty of Ghent was wise or not, admits of much doubt; but the expediency of selecting the King of the Netherlands (in my opinion) is less doubtful. A King who for more than twenty years had been supported by the bounty of Great Britain, whose son and heir apparent was educated in the British army—who held his power by the friendship of Great Britain—

whose crown was placed on his head and kept there by the sword of a British Cabinet Minister, who, in Belgium, was Prince of Waterloo—whose dominions were enlarged to more than double the extent of those which were hereditary, by the intervention of Great Britain—was of all the umpires which could have been selected in Europe, the most improper.

As an individual (although such a selection in this cause would have been obviously improper) I should have preferred the Lord Chancellor of England, or the Law Judges generally—if the hearing could have been in public,—and if a full and faithful report of all the proceedings, arguments, evidence and opinions of the umpires could have been published; because such umpires would have been familiar with those principles of Law common to both nations; the question of boundary between nations must be decided nearly on the same principles of law which regulate the boundary between farmers. The English Judges are generally men of elevated characters, and have an elevated reputation to sustain. I think they might, when acting as common umpires, have settled this question on its true principles, with a due regard to justice. But Kings, Mr. Speaker, generally speaking, are no lawyers, and are not very sensitive as to reputation.

The King of the Netherlands has heard the parties and has made his award,—and a most extraordinary award it is. It appeared to me, sir, that he had only to select the line claimed by Great Britain or the line claimed by the United States. If he intended to decide this case on strict principle, he could have taken no middle ground—but he has selected a line claimed by neither party, and to complete the absurdity, he has made [if I may be permitted to make a bull] the bed of a river the dividing highlands. None but a dutchman could have done this, for in Holland the beds of rivers are frequently more elevated than the surrounding country. He has fulfilled Mr. Gallatin's prediction, and to please both parties he has undertaken "to split the difference," not giving to Great Britain, indeed, the whole of the territory which she claimed, but precisely that part which is valuable to her, as it secured the means of free communication between New Brunswick and Quebec, and then fearing perhaps that he had transcended the limits of strict and rigid justice to favour Great Britain in this quarter, he makes the equivalent to the United States at the other end of the line, and gives Rouse's Point and the works there to the State of New-York, to which, (as far as I understand) that State has no better claim than she has to Quebec. Now, Sir, I do not intend to say that there was sympathy in this case, but New-York is a Dutch State, and Dutchmen certainly are capable of sympathy. The equivalent for the wrong done to Massachusetts and Maine to favour Great Britain, is made up by wronging Great Britain to favour New-York.

I have now, Mr. Speaker reached the difficult part of this question. It has been proved that the decision of the umpire is unjust to Massachusetts and Maine, in what mode can the wrong be redressed? Maine has assumed strong ground, and denies the right of the General Government to cede even a square inch of the territory of a State. The Constitution gives to the General Government the treaty-making power—that power certainly includes the power of adjusting boundaries with foreign nations. If Massachusetts should by solemn resolution assert the doctrines maintained by Maine, might we not find ourselves somewhere near the borders of nullification? On the other hand, if we admit the unlimited power of the General Government to cede even a portion of the territory of a State, might we not yield to that Government an unlimited power over State rights and find ourselves in the neighborhood of another political heresy.

It is asserted that the General Government is at liberty to refuse submission to the award of the King of Holland as he has transcended his powers, and arbitrated upon that which was not submitted to him. I am not yet perfectly sure that the General Government can honorably refuse to submit to the award. I know it is said that he has not decided as either nation expected, and that he could not on any just principle have decided otherwise than on the two lines as claimed by either nation, yet he certainly has kept himself within the limits of the debatable ground, and so far it may be said that he decided upon what was submitted to him. He has not awarded to either more than was claimed. As to this authority the House must judge. I will read an extract from that article of the Treaty of Ghent under which this umpirage was established. In case of disagreement between the Commissioners, "His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly sovereign or State to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in said report or reports. (Then follow some provisions in case one of the Commissioners should decline to report.) And his Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters so referred."

Now, Sir, although I would not for a mere technicality evade the spirit and true understanding of an agreement made between two nations—yet if the terms of the submission have not been substantially followed by the Umpire it would not be dishonorable for either nation to refuse a compliance with the award:—but this affair is in the hands of the General Government:—if they accede to the award, are we prepared to say that we will not?

The different situations of the Umpire at the time of the award, he having at the latter period lost the greater part of his dominions, has been adduced as an argument to show his incompetency, inasmuch as he, instead of being an independent, became a dependant sovereign. This objection would have had more force if our Minister, when Belgium revolted and disclaimed allegiance, had protested and refused to proceed. But he did not—he went on apparently without any doubt of the King's competency.—Had the award been in our favour should we not have charged Great Britain with want of faith, if she, on that ground, should refuse to comply?

These are the views which I have taken of this perplexing question. The special interest of Massachusetts is altogether of a pecuniary kind, and the worth of the territory at this day, in the market, cannot be very great to her. But to Maine, this is a question of vast importance. This Territory may add in time very much to the wealth, population and resources of that State. Its value to Maine however, is in its future capacity; not in its present worth.

In case of war, its possession by an enemy might be a serious annoyance to that state, she having a remote and defenceless frontier. For one, I am willing to let Maine go ahead—I have no doubt of the spirit and the sagacity of her people, and their interest being deeply involved in the issue of this question; I have no fears that they will lose, by neglect.

But as there is no necessity for the immediate action of Massachusetts, as an expression of the opinion of the Legislature at this time cannot affect the question, and might commit the State in a way which hereafter might be injurious to its interests, the committee, on a view of all the circumstances, have deemed it expedient to report in such a way, that there should be on this question no commitment and that the State should be left free to act hereafter, as she should think most advisable.

ROYAL GAZETTE.

FREDERICTON, JUNE 29, 1831.

ALMS HOUSE AND WORK HOUSE.
Commissioner for next week,
H. G. CLOPPER, Esquire.

Saving's Bank.
TRUSTEES NEXT WEEK.
HENRY G. CLOPPER, ESQ.
JAMES TAYLOR, ESQ.
MARK NEEDHAM, ESQ.



By Authority.
ANNO REGNI GEORGE IV. REGIS.
CAP. XXIV.

An Act to amend an Act of the Sixth Year of His late Majesty, to regulate the Trade of the British Possessions Abroad.

[22d April, 1831.]

WHEREAS by an Act passed in the Sixth Year of His late Majesty's Reign, intitled *An Act to regulate the Trade of the British Possessions Abroad*, and by subsequent Acts made and passed to alter and amend the said Act, certain Duties of Customs are imposed on Articles of Foreign Production when imported or brought into the British Possessions in America: And whereas it is expedient to repeal some of the said Duties, and to alter or vary others of them; be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth day of April, One thousand eight hundred and thirty one, so much of the said Acts as impose any Duty in any of the British Possessions in America, upon the Importation or bringing in of Corn or Grain unground, or of Meal or Flour not made of Wheat, or of Broad or Biscuit, or of Rice, or of Live Stock, shall be, and the same is hereby repealed.

II. And be it further enacted, That so much of any of the said Acts as imposes any Duty in the Provinces of Upper or Lower Canada upon the Importation or bringing in of Wheat Flour, or of Beef, Pork, Hams, or Bacon, or of Wood or Lumber, shall be, and the same is hereby repealed.

III. And be it further enacted, That so much of any of the said Acts as imposes any Duty, in New-Brunswick, Nova Scotia, or Prince Edward's Island, upon Wood or Lumber, shall be, and the same is hereby repealed.

IV. And be it further enacted, That so much of any of the said Acts as imposes any Duty, in the British Possessions on the Continent of South America or in the West Indies, or in the Bahama or Bermuda Islands, upon Wheat Flour, or upon Beef, Pork, Hams, or Bacon, or upon Wood or Lumber, when imported from any of the British Possessions in North America, shall be, and the same is hereby repealed.

V. And be it further enacted, That upon the Importation from any Foreign Country into the British Possessions on the Continent of South America or in the West Indies, or into the Bahama or Bermuda Islands, of the Articles mentioned in the following Table, there shall be raised, levied, collected, and paid unto His Majesty the several temporary additional Duties as the same are set forth in the said Table; (that is to say,)

TABLE OF ADDITIONAL DUTIES.		
Staves and Headings, until the First day of January 1834, - the 1000	on and from the First day of January 1834 to the First day of January 1836, - the 1000	0 11 3
White or Yellow Pine Lumber, until the First day of January 1834, - the 1000 Feet of One Inch thick	on and from the First day of January 1834 to the First day of January 1836, - the 1000 Feet of One Inch thick	0 7 3
White or Yellow Pine Lumber, until the First day of January 1834, - the 1000 Feet of One Inch thick	on and from the First day of January 1834 to the First day of January 1836, - the 1000 Feet of One Inch thick	0 7 6
White or Yellow Pine Lumber, until the First day of January 1834, - the 1000 Feet of One Inch thick	on and from the First day of January 1834 to the First day of January 1836, - the 1000 Feet of One Inch thick	0 5 0

VI. And be it further enacted, That the Duties imposed by this Act shall be raised, levied, collected, and paid unto His Majesty in like Manner as if such Duties had been imposed by the said first-mentioned Act, and had been set forth in the said Table.

COMMISSIONERS OF BYE ROADS.

COUNTY OF SAINT JOHN.

Noah Desbrow, to expend 15l for the road from Frog Pond to Cady's, Loch Lomond.

John Jordan, to expend 15l from Cady's, Loch Lomond, to the head of the Lake on Tyson's or Smith's farm.

James Moran, to expend 75l for the road from Van Horne's to Quaco.

Robert Ellis, to expend 10l for the road from the new Quaco Road to Ten Mile Creek.

James Buckley and J. Jones, to expend 30l for the road leading from the old Quaco Road to the Milliken settlement, and thence to Loch Lomond, on the line lately explored under the direction of the Corporation.

W. G. Cady, to expend 15l for the Road from Cady's to the Bloomsbury settlement.

Thomas Garnet, to expend 15l for the road from Bloomsbury settlement to the Black River settlement near the shore.

John Jordan and W. G. Cady, to expend 25l for the road from Cady's to the Caledonia settlement, through the Tisdale, to expend 20l for the road from Little River to Little River, across the Marsh.

Thomas Bain, to expend 15l for the road from Little River to Anthony's farm.

Henry Anthony, to expend 20l for the road from Anthony's farm to the Mispeck settlement.

Geo. Matthew, to expend 55l for the road from Little River to Black River.

Noah Desbrow, to expend 20l for the road from Little River to Loch Lomond.

John Gillies, to expend 25l for the road to Diplo Harbour and Mace's Bay.

James Cother, to expend 15l for the road leading from Tyson's to Barnes' Mill.

James Cother, to expend 25l for the road from Loch Lomond towards Smith's Mill, in King's County.

Buck, to expend 15l for the road leading from the old Westmorland road to Whooton's farm, for removing rocks.

James Cother, to expend 50l for the road from the head of the first Loch Lomond Lake to the head of the third Lake.

John Jordan and W. G. Cady, to expend 25l, 50 3d, from the Main road leading from Smith's farm to Cother's to the head of the second Lake, and for a bridge over the Thoroughfare.

DESTRUCTIVE FIRE AND LOSS OF PROPERTY.

The alarm of fire was again given in this Town on Monday last, which was found to proceed from the interior of a new building owned and finishing by Mr. Joshua Dunn carpenter. After destroying this building and its contents with astonishing rapidity, the fire communicated to the dwelling house of Miss Mary Odell, and shortly afterwards the residence of the Rev. Archdeacon Coster, belonging to the estate of the late Jonathan Bliss, Esquire, and the premises adjoining, were enveloped in flames and burnt to the ground, scarcely affording sufficient time to empty the several buildings of their valuable contents. The heat which proceeded from the conflagration was intolerable in the extreme, and for a length of time threatened the destruction of the Houses in the opposite street. The Church and the dwelling houses of W. F. Odell and G. F. Street, Esquires, were almost miraculously saved. The former edifice caught fire in several places on the roof, but happily by the undaunted courage and perseverance of a few individuals, whose laudable exertions were much limited from the deficiency of a supply of water at that section of the fire, the building was preserved with very little damage. The latter buildings, although placed in the greatest jeopardy, resisted the effects of the fire from the successful method of covering the most exposed parts of the roofs with carpeting &c.—a preventive which is generally attended with much success on such occasions. The Firewards, Military and Fire Companies were early on the spot; but notwithstanding their combined efforts, assisted by numerous of the inhabitants, the damage sustained in the aggregate is very considerable, and may be estimated at nearly £2000. The property which has thus been destroyed, so far as we can learn, is not insured.

We also regret to say that the frames of the Pews, and Columns for the new Wesleyan Methodist Chapel erected in this Town, are totally consumed. Mr. Dunn was the contractor for the joiner work of the interior of the building, the whole of which was completed and in readiness to be conveyed to the Chapel.

This calamitous event is supposed to have originated from a fire which had been kindled by one of the carpenters to boil his glue pot, and by some means communicated to the shavings collected in the building, a practice which we are sorry to say is becoming too prevalent; and we trust from this circumstance that those persons whose occupation it is to be thus employed, will be made to comply with the easy task of removing such rubbish more frequently to a place of safety, so that the lives and property of the inhabitants may not be endangered for want of a little care and attention.

We are called upon, for ourselves, to notice the kind attention of those of our friends who assisted in preserving our premises, which at a certain stage of the fire we considered in eminent danger.

We refer our readers to a lengthy discussion in the American House of Representatives on the subject of the Boundary Question. The Committee to whom the consideration of the subject was referred have reported, that "it was not advisable at present to Legislative on it."

The Western mail which arrived yesterday furnishes us with Liverpool dates via Boston to the 17th of May. We and all will cordially unite in the general manifestation of joy which pervades the whole world from the success which continues to attend the Polish warriors in their brave struggle for emancipation from the Russian yoke. The Russians were retreating in all directions with a vigorous army at their heels, leaving it is said 10,000 sick at Sielidic. The particulars of the war will be found in the supplement to the Gazette.

A British squadron arrived off Lisbon for the purpose of demanding of the Portuguese Government, remuneration for British vessels and other property illegally confiscated, and the immediate dismissal of several public officers. It is hardly necessary for us to say that the conditions were instantly complied with and the fleet entered the Tagus.

A Coroner's Inquest was held on Wednesday last by Wm. Taylor, Esquire, on view of the body of ARON LANDERS, Verdict—That the deceased was found drowned and suffocated in Mr. Harley's well. There were no marks of violence on the body, and it is not known how or by what means he fell into the well.

Three Female Children, two of Seven, and one of four years old, to be bound out from the Alms House. Fredericton, 23th June, 1831.

A CARD.

MR. ODELL avails himself of this opportunity of returning his thanks to the Officers and Men of the Garrison, and to the inhabitants of Fredericton, for their exertions and assistance in the protection of his property during the fire of yesterday. Fredericton, 28th June, 1831.