

On a recent occasion of the annual assemblage of the militia, the Acadian and English settlers from the Upper Madawaska turned out, whilst the French and American settlers disregarded the summons,—a result which is the natural consequence of a disputed jurisdiction; and I concur with Mr. McLauchlan in opinion, that an attempt to levy the county rate in that quarter, while it would be resisted by some, would bring on a collision with the Authorities of the State of Maine.

To be assured of this, it may be sufficient to refer to the letter of the Governor of Maine above-mentioned, and to the report of their Legislature in the month of March last, wherein it is stated, that “the territory contiguous to the mouth of the Fish River, on both sides of the St. John, is not considered in any proper sense as included in the Madawaska settlement, which is confined to the immediate vicinity of that river, and does not extend even to the mouth of the Merumpticook; and although obliged to yield to the continuance of the illegal occupation at the proper original settlement of the Madawaska, they cannot allow its being extended to the Fish River, or upon the south bank of the St. John, above the western bend, up to which Maine has at least regained and made good her ground*.”

By this assumption, so far as it has been partially acquiesced in, the interests of some of Her Majesty's subjects are involved, in the same manner that occurred in the case of the British settlers on the Restook in 1839.

By the separate proceedings of the British and American surveyors, the questions at issue have only hitherto been further complicated; and by the recent connexion of the north line by the American surveyors, the granted lands of several British settlers which were considered to be within that line, are now declared to be excluded.

I adduce these facts, in order to exemplify to your Lordship the consequences of delay in the definitive settlement of the Boundary by the two Governments; and important as may be the question as to the preservation of a line of communication between the British provinces, it is even more important as affecting the rights of Her Majesty's subjects, who claim the protection of the laws; for it must be obvious that the consequences which would result either from the enforcement of the laws, or from their suspension, where the jurisdiction may be disputed, are alike serious.

It is therefore that I would earnestly impress on your Lordship, that if the territorial claims of the two countries cannot be definitively adjusted, a convenient line should be drawn, which would at least define the extent of the jurisdiction of the respective Governments.

By the Report of the Legislature of Maine, above referred to, it would appear that the temporary arrangement of 1839, in itself imperfect, was never fully recognized in that State; and that the reservation of the Governor of Maine, in his agreement of the 25th March, 1839, coupled with the declaration of that Legislature in the present year, has practically superseded it.

This would undoubtedly be quoted in the event of any complaint of the infraction of the agreement by the Americans. I cannot doubt that the two Governments must be conscious of the danger of leaving an intermediate territory subject to a disputed jurisdiction, and the subjects of both under doubtful allegiance to either, the effect of which could only be to induce the settlement of such territory, which is too inviting to be neglected by outlaws from both countries, instead of the more respectable inhabitants of each, leading to border aggressions and to collisions which might involve the nations in hostilities.

When the jurisdiction is defined, the course would be to enforce the laws of either country within the respective limits, and to demand the restoration of offenders who may take refuge beyond them; a course from which both parties are withheld where the civil jurisdiction is in dispute, from the risk of recognizing a right or producing a collision.

* See Report of Committee No. 19, on the South-Eastern Boundary, pages 51 and 72. *Maine*, March, 1841.