

In respect to the application of Mr. Coombs, I cannot at all recognize the transaction between himself and the American land-agent. If the timber is the property of British settlers, it would be admissable only on the terms and conditions of the licence from this Government, and not in virtue of any authority to cut it by the American land-agent; and if obtained otherwise than by authority from hence, it is liable to seizure under the special commission granted to you.

You will not fail to report to me by an express messenger, any occurrence of importance at the Madawaska, giving me immediate intimation of the arrival of any troops at the block-house, and of the relief of the armed posse.

I have, &c.,  
(Signed) W. M. G. COLEBROOKE.

Inclosure 17 in No. 28.

*Mr. Peters to Sir W. Colebrooke.*

May it please your Excellency,

*Fredericton, June 9, 1841.*

I HAVE the honour to return the inclosed papers.

With respect to that part of Captain Lauchlan's letter which relates to the timber claimed by Mr. Coombs, and for which he (Mr. Coombs) states he has paid what he calls "stumpage" to the American deputy land-agent, (by which term I understand him to mean, licence to cut the same within the Disputed Territory), it does appear to me that under existing circumstances, the fact that the timber was cut under such licence, must of itself prevent the Government from allowing it to pass; as the doing so would be considered as a sanction to the American claim to the Disputed Territory in question. The occupation of the same by the armed posse, wrongful as it is, was professed to be solely to prevent trespassers, and to save the territory from devastation, until the final settlement of the question in dispute, and not to give them permission to give licences which this Government withholds.

If Mr. Coombs' case had been simply the purchase of timber cut under the order of the Governor and Council in March last, there would be no difficulty; but when, from his own showing, the said timber (or some part at least) was cut by authority of the State of Maine, and beyond what was intended by that order, and which, I presume, is now so intermixed as to prevent a distinct separation, I do not see how it can be allowed to pass free.

I also consider that any of the timber in question, which was not cut under the licence in March last, was illegally cut, and, as such, the right of property therein is not legally vested in the trespasser.

Captain Mc Lauchlan has no power, as Warden of the Disputed Territory, to seize the timber; but he holds a commission under the Great Seal of the province, giving him such an authority.

The communication from the assessors at Madawaska did not state for what purpose the assessment was ordered. It was stated to be for parish rates, and, therefore, I am unable to refer your Excellency to the particular provincial statute. The Court of Sessions have power to assess the inhabitants in different counties, "for money to support the poor, to pay county contingencies, to build jails, and court-houses, and buildings for the safe-keeping of the county records," and, occasionally, for other county purposes; and it would require that I should be furnished with a copy of the assess warrant, before I could point out the particular Act to your Excellency.

I have, &c.,  
(Signed) CHARLES J. PETERS,  
*Attorney-General.*