BOUNDARY LINE.

From the Courier of Saturday.

THE NORTH EASTERN BOUNDARY.—We are indebted to the attention of the Honorable the Speaker of the House of Assembly for a copy of the Report of the Exploration and Survey of the Disputed Territory, made last autumn by G. W. Featherstonhaugh, Esq. and Colonel Mudge, the Commissioners appointed by Her Majesty's Government for that purpose, and have made lengthy extracts therefrom to-day. The first is from that division of the Report which forms the "Review of the Documentary and other evidence bearing on the question of Ancient Boundaries, previously to the Treaty of 1783", concluding with the remarks upon the Commission of 1794, for ascertaining the true St. Croix. Our next extract comprises the whole of the concluding part of the Report, which embodies a recapitulation of the opinions and conclusions of the Commissioners, after an examination of the Treaties, Grants, and other documentary evidence bearing on the important subject, as well as after a personal exploration and survey of the Highlands and other points of the territory, about which the British and American Governments have hitherto been in dispute. And we must confess that it affords us much satisfaction to find that the Commissioners have, without hesitation, expressed their *conscientious belief that the claims of Great Britain to the whole of the Disputed Territory are founded in justice, and are in plain accordance with the second article of the Treaty of 1783, and with the physical geography of the country.* After such evidence of our title, we think our Western neighbours must cease their blustering and bravado, and withdraw their ill-founded pretensions to what, in fairness, they have no claim. We are glad to find that our government have another exploring and surveying party on the ground to make further investigations, and that the American Government have also appointed Commissioners to examine the country in dispute. Had these measures been adopted years ago, much trouble, expense and bad feeling would have been saved to both parties.

The Report, from which we have made our extracts, and the accompanying Appendix and Maps, have been left in the News Room.

EXTRACTS

From the Report of the Commissioners appointed by the British Government, July 9th, 1839, to Explore and Survey the Territory in Dispute between the Governments of Great Britain and the United States of America, under the second Article of the Treaty of 1783.

SOURCE OF THE ST. CROIX—*Error of the Commission of 1794.*

Disregarding the obvious propriety of choosing the most western source of the river, they fixed upon the north branch; and this in the face of the most extraordinary evidence against their proceeding. For the Scoodeag, which is the known Indian name of the St. Croix, runs from its most western source to its mouth, under the same name of Scoodeag, whilst its northern branch, which comes in at the upper falls, bears the separate name of *Chequnaticook.* The westernmost sources of the Scoodeag are in a low, flat, lake country, consisting of many lakes running into each other, and hence the Indian name given to that part of the country and to the river; for *Scoodeag* means *low, swamp meadow.* Now the very continuity of its name should have convinced the Commissioners of the impropriety of deviating from that line. But the British Commissioner was overruled. He had, in conjunction with the American Commissioner, chosen an American gentleman, upon whose intelligence and integrity he relied, for the third Commissioner. This gentleman was, in point of fact, an umpire to decide all differences which might arise; and the American Commissioner having claimed a stream called *Magaguadavic*, lying still further to the east than the Cheputnaticook, to be the true St. Croix, the British Commissioner consented to a compromise, the result of which was, that although they made a correct decision as to the identity of the St. Croix, they practically decided to adopt the north source, as if it had been the most western source. That these gentlemen went out of the line of their duty, as prescribed in the Treaty of 1794, is evident; and much future expense and misunderstanding would have been saved, if their report had been restricted to the identification of the river. This will be seen by looking to the map.

The Saint John, like all other large rivers, occupies the lowest level of the country through which it flows, and holds its course through a valley of considerable breadth, which below Mars' Hill extends, in a modified manner, some distance to the westward of the bed of the river. The nearer a *due North Line* could be brought to the St. John, the better the chance was that it would run up that valley, whilst the further it lay to the west, the greater was the certainty of its missing that valley and of its more speedily meeting the highlands of the country. And this has in practice proved to be the case; for the exploratory north line drawn from the monument, reached no Highlands until it came to Mars' Hill; whilst if the line had started from its true point, the westernmost waters of the Scoodeag, it would have reached the "Highlands" at out twenty-five miles south of Mars' Hill, near to the point where they separate the St. Croix (a tributary of the Roostuc) from the waters of the Meduxnekeag, which flows into the Saint John.—These Highlands are distinctly visible from the American post at Houlton, and are about fifteen miles, magnetic west, from that post. This deviation of the Commissioners from their duty, which has had a most unfortunate influence upon the settlement of this great question, was besides highly prejudicial in another respect to the British rights. If it should be ultimately assented to, it will lose to Great Britain more than one million of acres of land.

In 1798, an explanatory Article was added to the Treaty of Amity of 1794, releasing the Commissioners from their obligation to conform to the provisions of the VIth Article of the Treaty, in respect to particularizing the *latitude and longitude* of the *source of the River St. Croix*; and declaring, amongst other things, that the decision of the said Commissioners "respecting the place" ascertained and described to be the source of the said River St. Croix shall be permanently binding on "His Majesty and the United States."

Upon this, we beg to remark, that it has been made sufficiently manifest, that the Treaty of 1783 intended that the point of departure of the due north line should be at the westernmost source of the St. Croix, the description of the western limits of Nova-Scotia having been regularly maintained unaltered in all the documents from the grant of 1621. The proceedings of Congress, also, as found in the secret journals, always speak of "*the Boundary settled between Massachuseits and Nova Scotia,*" and of the line being to be settled "agreeably *to their respective rights.*"

To all these considerations, we add the important fact, that in the VIth Article of the Treaty of Ghent, it is stipulated that the ascertainment of the north-west angle of Nova Scotia is to be made "in conformity with the provisions of the said Treaty of Peace of one thousand seven hundred and eighty three." A fact which further confirms the general obligation to consider the most western waters of the St. Croix as the true Boundary of Nova Scotia.

The irresistible conclusion then presents itself, that it is indispensable to the faithful execution of the IId Article of the Treaty of Peace of 1783, that the commencement of the *due north line* be drawn from the north-westernmost source of the Saint Croix; and that whatever mistake may have hitherto crept in, during the attempt to settle this question, the two Powers, in order to execute the Treaty, must at last go back to that point. It is true that Her Majesty's Government may be considered, looking to the explanatory Article, as pledged to abide by the decision of the Commissioners under the Treaty of 1794, yet this pledge was given before the proceedings of those Commissioners were known to be in violation of the Treaty of 1783, and when the nature of their compromise was not understood. That compromise was one-sided in every respect. The acknowledgment that the river decided upon was the true St. Croix, could not have been avoided. The ample means of identifying it have long been public. But in return for that acknowledgment, Great Britain is asked, by the selection of a wrong point for the source of that river, to lose a territory of more than one million of acres of land, and has been subjected, in consequence of that erroneous decision, to much expense and trouble, by the delay in the execution of the Treaty of 1783.

If, then, the United States had ground for refusing to be bound by the adjudication of the King of the Netherlands, under the Convention of the 29th of September, 1827, which by Article VII. of the Convention was to be taken as "final and conclusive," because his adjudication was a compromise, and not a decision upon points submitted to him, and was not conformable to the conditions required by the Treaty of 1783, how much better ground has Great Britain to refuse its sanction to the proceedings of the Commissioners of 1794, now that they are discovered to be in violation of the Treaty of 1783, at the same time that they are the main cause of the difficulties which have lain in the way of the execution of that Treaty!

* * * * * *

We have endeavoured in the preceding pages to explain how, from very inadequate causes, the public in the United States have been led to entertain such strong but erroneous opinions of the right of that country to the disputed territory.

In regard to the ancient occupation of the country, we have shown that the concessions made by the government of France in 1681, of lands lying north of the 46th degree of north latitude, were ordered to be bounded by the Governor of Quebec.

But the Fief of Madawaska * was granted by the French Government in 1683, one year before this last period, and *eight years before the Charter of William and Mary was granted to the colony of Massachusetts in* 1691; and although that Fief is held under its original title to this day, the United States nevertheless claim it as lying within the disputed territory.—Other concessions of a similar character exist; and it could be proved that Canadian and New-Brunswick jurisdiction obtained uninterruptedly in the disputed territory up to the year 1814, without any adverse claim having been put in by the United States.

With respect to the North Line, which was run in 1817 and 1818, and which we have traced on the Map, a very general misunderstanding obtains respecting it. The line never was intended to have any validity as a practical execution of the Treaty, or to be any thing but an experimental and exploratory line, to aid in the examination of the country for discovering the "Highlands" of the Treaty. The joint commissioners, indeed, did, as we have already stated, authorise "an actual survey" of a due North Line from the source of the St. Croix, and that survey was undertaken; but it was almost immediately afterwards abandoned, in consequence of the imperfection of the method adopted, and on account of the disagreement of the surveyors. As respects the due North Line, then, nothing has been accomplished by the two Governments. Nevertheless the United States, acting as though the due North Line had been surveyed, and agreed upon by both parties, and as though any part of the disputed territory adjacent to it had been formally ceded to them by Great Britain, have already taken possession of the country to within twelve miles of the town of Woodstock in New-Brunswick, and have erected a strong military post and barracks at a place called Houlton, which has been for some time garrisoned by a detachment of the United States army.

There is yet another point to which we desire to draw the attention of your Lordship.

Had the award of the King of the Netherlands been accepted by both countries, the Treaty, nevertheless, could not have been executed; for when the line along the "*thalweg*" of the Saint John had got to its termination up the St. Francis, and had taken its western departure from thence, according to that award, it never would, as we have heretofore shewn, have come within forty to fifty miles of the "northwesternmost source of the *Connecticut River,*" where the award of the King of the Netherlands directs it to go.

It is also to be remarked, that a fluctuating state of things, such as existed in former times in that part of North America, of which the territory now in dispute with the United States forms a portion, could not fail to produce, at different periods, numerous maps, where the lines of demarcation between parties claiming adversely to each other, would be laid down in such a manner as to enforce, as much as possible, the claims of parties interested in the establishment of these several lines. Previously to the war with France in 1756, when the great conflict for power in North America began between the nations, many maps of North America were produced in England, in which the British claims were extended by lines of demarcation to the River St. Lawrence. These grew out of the war titles which have been spoken of; and new editions of such maps appeared, even after the grants made by the British crown had been virtually revoked by the various Treaties of Peace which have been enumerated.—The British Colonies in North America were especially interested in keeping the French to the left bank of the St. Lawrence: and it was probably more with a view to the protection of those Colonies, than for the sake of mere dominion, that the British Government claimed all the country east of the Kennebec, and north to the St. Lawrence. The claims of Great Britain, to that extent, are recorded upon various maps; but, nevertheless, we do not find that, either previously to the expulsion of French power from North America, when the whole country fell under the rule of the King of Great Britain, or subsequently to the Peace of 1763, the Northern Boundary of Massachusetts was ever settled. This being the case, the existence of maps published in England from the Peace of Utrecht in 1713, down to the present times, exhibiting the claims of Great Britain carried out to the River St. Lawrence, or even representing *a due North Line*, reaching to suppositious "Highlands" near to the St. Lawrence, would furnish no evidence in support of the claim of Massachusetts to extend its territory to such Highlands; even if such Highlands existed at all, or if they could be traced to the north-westernmost Head of Connecticut River, whither they are required by the Treaty to go.

By the Treaty of Utrecht in 1713, Great Britain acquired by cession from France "all Acadia according to its ancient limits." These limits extended to the forty-sixth degree of north latitude. By the Peace of 1763, France ceded to England the whole of her possessions north of the forty-sixth degree, to the River St. Lawrence. The title of England had then, therefore, become clearly established to the whole of that country, whilst no evidence appears of the right of Massachusetts to any part of it.

The Boundary of Massachusetts had never been settled previously to the Peace of 1783; and nothing passed upon that occasion which could give to Massachusetts any reason to suppose that her Boundary would then be enlarged beyond her charter limits.—The policy of England necessarily changed with the acknowledgment of the independence of her old Colonies, and her protection was now peculiarly due to others rather than to those who had voluntarily estranged themselves from her connexion.

Yet the people of the United States, asserting claims so directly injurious to British Colonial interests, have not scrupled, by their Legislative authorities, to use the most violent language upon this subject, calling into question the integrity of Great Britain, and representing the just assertion of her right to the territory in dispute, as an act which dishonored her.† Imputations to this effect, accompanying statements of the American claims, founded upon such objectionable grounds as we have exposed in this Report, have been diligently circulated throughout the United States, and in all the Capitals of Europe.

All the material arguments and facts which have occurred to us, being thus brought under the notice of your Lordship, we proceed to close our Report with a summary of the foregoing pages.

I.—We have in the first place endeavoured to shew that we should have been acting inconsistently with the information which we possess, and with the facts which we have to report, if we had adopted the ground which the official British agents who have preceded us in the investigation of this Boundary Question relied upon as essential to the maintenance of the British view of the Question; namely—that the Boundary intended to be established by the second Article of the Treaty of 1783, was to be a line distinct from the southern Boundary of the Province of Quebec as established by the Royal Proclamation of 1763. In opposition to that erroneous impression, we have felt it our duty to shew that those lines were one and the same thing. Indeed the very definition of the point in the Treaty, viz. the coincidence of the due North Line with the Highlands, proves that the Commissioners for negociating the Treaty of 1783, considered the "Highlands" of the Treaty to be one and the same thing with the southern Boundary of the Province of Quebec, for if Nova-Scotia had extended further to the north, or to the west, than the point where the due North Line was to intersect the Highlands, that point would have been the north-east angle of the State of Maine, but could not have been the north-west angle of Nova-Scotia. For the true north-west angle would have been still further to the north or to the west, at whatever point the western boundary of Nova-Scotia touched the southern boundary of the Province of Quebec.

II.—We have given some historical notice of the periods when the land on the River St. Lawrence and on the Bay of Fundy were first discovered and settled by the French, with a view to show that it was long posterior to the settlements thus made by the French, that any part of those countries came into the occupation of the English; that every such occupation was incidental to a state of war; and that, invariably, on the restoration of peace, every part of those countries so occupied, *was restored* to France, down to the peace of Utrecht in 1713.

III.—We have shown that, in 1603, the Sieur de Monts received letters patent from his Sovereign, granting him the country now called Maine and New-Brunswick, to the 46th degree of north latitude; in which letters patent the word "*Acadie*" was first used as the name of the country; and that at the peace of Utrecht in 1713, France made her first cession to England of any of her possessions in that part of North America, ceding forever, to the British crown "*all Acadie according to its ancient limits.*"

IV.—We have endeavoured to show by various concessions granted by the French Government to its subjects, north of, and adjoining to, the 46° parallel of north latitude, that the Government of Quebec, when possessed by France, had jurisdiction as far south as that parallel.

V.—By our Map A, we show that a line drawn along that parallel, connects the head waters of the Chaudiere River, with a point not more than five miles north of that branch of the St. Croix River, where a monument has been erroneously placed, and with a point not more than forty-two miles north from the most western waters of the St. Croix.

VI.—We have endeavoured to show that the claims of the Colony of Massachusetts Bay to extend its territory to the St. Lawrence, in virtue of the grant of the Sagadahoc country by Charles II. to the Duke of York in 1664; in virtue of the renewal of that Charter in 1674; and in virtue of the Charter granted by William and Mary in 1691, are without weight; seeing that the grant of 1664 was revoked at the treaty of Breda in 1667; and that the title to the Sagadahoc country accruing by the renewal of the grant in 1674, as well as the title to Nova Soctia, both of which countries were annexed to the colony of Massachusetts Bay in the grant of 1691,—were revoked by the Treaty of Ryswick in 1697, *which restored to France all she had possessed before the declaration of war.*

VII.—It is shown that the Charter of William and Mary of 1691 does not extend the grant of the Sagadahoc country to the St. Lawrence, but only grants the lands "between the said country or territory of Nova Scotia and the said River of Sagadahoc, or any part thereof," so that the extreme interpretation of this grant would require for the northern limit, a line passing between the head water of the St. Croix River and the source of the Sagadahoc or Kennebec River, which would nearly coincide with a line passing between the western waters of the St. Croix and the Highlands which divide the Kennebec from the Chaudiere.

VIII.—We show that the northern boundary of the colony of Massachusetts Bay had never been settled; that the right of that colony to go to the St. Lawrence was denied by the British Government soon after the peace of Utrecht in 1713, and has never since been admitted; that as late as 1764, a question was entertained by the Lords of the Board of Trade, whether Massachusetts had any right whatever to the lands in the Sagadahoc territory; and that at the peace of 1783, that question had not been settled.

We also adduce the opinions of some distinguished Americans that Massachusetts had no claim to go to the St. Lawrence.

IX.—It is shown that there is no evidence of any expectation having been entertained on the part of the revolted colonies, that they would be permitted, at the restoration of peace, to have their boundary extended north of the River St. John; that on the contrary, the Congress, in 1782, instructed the negociators to have, if possible, the north-west angle of Nova-Scotia established at the western source of the St. John River; and to propose that river, from its source to its mouth, as the boundary between the two countries; and that upon the Government of Great Britain refusing to admit their proposition, they abandoned it, and agreed "*to adhere to the Charter of Massachusetts Bay and to the St. Croix River mentioned in it.*"

X.—It will appear that the phraseology used in those Instructions of Congress to their negociators, in which the north-west angle of Nova-Scotia is stated to be at the source of the St. John, has been transferred to the second article of the Treaty of 1783; the only difference being, that, in the latter, the River St. Croix is substituted for the River St. John, and that the Highlands are directed to be reached from the St. Croix by a *due North Line.*

XI.—We show that the "Highlands" of the Treaty had been as early as 1755, described by Governor Pownall; and that he describes them as dividing the St. Francis and the Chaudiere, from the Kennebec, and from *all the branches of the Penobscot.*

We also show that he states the different branches of the Penobscot to extend from west to east along the southern point of the country now called the disputed territory.

That the topographical description of the southern boundary of Quebec, contained in the Royal Proclamation of 1763, and the description of the boundary of Nova Scotia, contained in the commissions of some Royal Governors, were taken from Governor Pownall's paper;

And that the language used in the Boundary descriptions, quoted from the Secret Journals of Congress, and the language used in the second article of the Treaty of 1783, was but a copy of that which is to be found in the documents last mentioned.

XII.—We have drawn the just inference, that the "Highlands" which Governor Pownall speaks of as throwing down both the western and eastern branches of the Penobscot, are the Highlands intended by the Treaty; and we have adduced the contract of Jackson and Flint with the State of Massachusetts in 1792, to show that the land then granted was bounded on the north by the Highlands thus heading all the branches of the Penobscot; and that these "Highlands" were then understood by the Government of the State of Massachusetts to be the Highlands intended by the treaty of 1783.

XIII.—It is seen that the second article of the treaty of 1783 *can never be executed*, until the two Governments first agree which is the line of Highlands that is to be intersected by the due North Line, since the Treaty directs the execution of the article to begin at a point which can have no existence, until the due North Line has intersected Highlands acknowledged by both Governments to be those of the Treaty.

XIV.—We have discovered by a critical examination of the grant of Nova-Scotia of 1621, in the original Latin, that the passage which describes the Western Boundary of the territory included in that grant, and which boundary was agreed, at the time of the Treaty of 1783, to be the eastern boundary of Massachusetts in conformity with the provision contained in the Charter of Massachusetts of 1691, is susceptible of a new interpretation varying in important particulars from the received one; and we show by a literal translation of the Latin, that the boundary was intended to run from the most western waters of the St. Croix to the sources of the Chaudiere; a line, which it has been seen, coincides in a most striking manner with the boundary in the Sieur De Mont's Grant of 1603.

XV.—With reference to the great errors in Mitchell's map in latitude and longitude, we have suggested some remarkable considerations resulting therefrom. We have observed that if a line were protracted upon that Map between the most western sources of the St. Croix and the western termination of the Bay of Chaleurs, and were accepted as the Boundary between the two countries, the river St. John would fall to the south of that line, and be within the United States. Whereas by a line protracted between the above-mentioned points, *properly adjusted as to the latitude and longitude* as they exist on our map, the river St. John would be left on the British side, and to the north of the Boundary between the two countries. But though we have referred to Mitchell's map for the purpose of showing how the mistakes in that map may have contributed to account for the erroneous opinions prevailing in the United States about the Boundary Question, we are quite aware that Mitchell's map is not, and cannot be, any authority on this question; inasmuch as it is not mentioned or referred to, in any manner, in the Treaty. The Boundary must be determined by applying the words of the Treaty to the natural features of the country itself, and not by applying those words to any map.

XVI.—It appears that in the discussions which have been hitherto had on the subject of the Grant of Nova Scotia in 1621, reference has always been had to an American translation of that Grant which was defective; and that all the omissions and inaccuracies in that defective translation singularly concur to obscure the nature of the claim which Her Majesty's Government is interested to maintain

XVII.—We have shown that the terms *due North Line*, which were originally used in the Commission of Montague Wilmot, Esq. in 1763, were inserted in that instrument, because the sources of the St. Croix River being to the south of those of the Penobscot, it was necessary to direct a *due North Line* to be drawn from those sources as far as the Southern Boundary of the Colony of Quebec: a fact which goes far to identify that Boundary with the Highlands of the Treaty of 1783.

XVIII.—In adverting to the proceedings of the Commissioners appointed under the Treaty of 1794, to identify the St. Croix River, we remark upon the erroneous establishment of the point of departure for the due North Line, which has had a disturbing influence upon all attempts subsequently made to execute the Treaty.—Had the point of departure of the due North Line been established at the most western waters of the St. Croix, agreeably to a just construction of the Treaty of 1783, it would have intersected Highlands *south* of the Roostic River: and any further protraction of the *due North Line* from that point of intersection could not have been proposed, the Treaty directing the *due North Line* to go TO the Highlands, and not to any further point.

XIX.—In that branch of the Report entitled "The Physical Geography of the Country" we have shown that the line of "Highlands" claimed by the United States to be the Highlands of the Treaty of 1783, even if it were continuous, which it is not, and if it divided the waters flowing in opposite directions, which it does not, passes at least fifty miles to the North of the "*North-Westernmost Head of Connecticut River,*" and therefore could not by any reasoning be shown to be the "Highlands" of the Treaty of 1783; those highlands being required by that Treaty to go *to* the north westernmost head of Connecticut River.

XX.—We have shown that the assumption on the part of some of the official agents of the United States, both in relation to the continuity and to the dividing character of their "Highlands," and to the elevation above the sea of the point they have stated to be the north-west angle of Nova Scotia of the Treaty of 1783, are altogether unfounded in fact. That the conclusions upon which they have rested the American case, instead of being the legitimate results of practical investigation, are unsubstantial inventions brought forward in the absence of all real investigation; conveying erroneous ideas of the nature of the country; and calculated to mislead, not only their own authorities, but public opinion in the United States and in Europe, as to the merits of this question.

CONCLUSION.

In concluding this Report, we have to ask the indulgence of your Lordship, if it should appear to be less complete than the importance of the subject required, or would have admitted of. The very short period allotted for our personal examinations of the disputed territory, was diligently employed by us, as long as the season permitted us to continue our investigations; nor were they discontinued until we had made ourselves acquainted with the natural features of the country, to the extent required by the important end contemplated in our instructions.

We are also aware that the somewhat complicated history of this controversy might, in more able hands, have been treated with greater ability, yet we venture to ask your Lordship to rely upon the fidelity of all our statements. If we may be thought to have occasionally exceeded the precise line of our instructions, we rest our justification on the great anxiety we have felt to vindicate our Country and our Government from imputations as offensive as they are unfounded. Intimately allied as Great Britain and the United States are, we have thought it due to a question which has somewhat endangered the peace happily subsisting between them, that we should frankly explain some of the causes why the two Governments have hitherto been defeated in their earnest attempt to bring the dispute to an equitable and amicable arrangement. If our strictures upon the conduct of some of the agents of the two Governments heretofore employed in ineffectual attempts to settle the Boundary Question, should give pain in any quarter, we can only say that the maintenance of British rights and the preservation of peace did not appear to us to admit of being compromised by personal considerations. We have, therefore, stated things as we found them to be, and have been impartial in the application of our remarks. Above all, we desire to say that we have not intended to insinuate a doubt as to the good faith of the Government of the United States in the progress of this matter. On the contrary, we have regretted to see that those irregularities on the part of some of its agents which it has been our duty to expose, could not fail to mislead that intelligent Government whose conduct during the negociations has been uniformly marked by fairness. Notwithstanding the assertions which during so long a period have been confidently urged, that the United States alone can rightfully claim the territory in question, we hope to have proved that the claim of Great Britain does not, as has been alleged, rest upon vague and indefensible grounds, but that she has always had a clear and indefensible title, by right and by possession, to the whole of the disputed territory; a title, it is true, which has hitherto been somewhat obscured by its rather complicated history, and by want of that interest which countries in a state of wilderness, and remote from the Mother Country, sometimes fail to inspire.

If it should be urged that the British agents, in whose hands this question has hitherto been, have sometimes taken different views of the subject, and consequently expressed themselves in a manner inconsistent with the reasonings which we have used, we may fairly attribute it to the want of that more accurate information which we possess at this time. But it becomes less surprising that they should have so acted under the disadvantageous circumstances we have alluded to, when we see that the people of Maine, whose legitimate home is conterminous with the country in dispute, have not to this day examined the territory, as they might have done, with an accuracy that admitted of an impartial judgment being formed, whether their claim, as they have hitherto preferred it, was or was not truly in accordance with the language or intentions of the Treaty of 1783. It is not to be concealed, that they who were so much interested in the decision of the question, and who, as it were, live upon the spot, have contributed little or nothing to clear up the difficulties attending upon the subject. Their acts seem principally to have been confined to surveying the land into townships, to be settled by their own citizens, and leaving it to the next generation to assert the proprietorship of them. Time will prove or disprove our statements. We have had truth at all times for our guide, and now confidently declare, that if, upon concluding our investigations, we had found reason to believe that the claim of Great Britain was, in our judgment, a doubtful one, we should have reported the fact to your Lordship.

When this question shall receive a more calm and a more careful examination in the United States, we believe the American people, who are eminently capable of forming a deliberate and sound judgment upon this grave question, will be anxious that it shall be decided according to the principles of strict justice, and consistently with the reverence due to that treaty whence is dated the independence of their government.

Finally, it gives us great satisfaction to be able to state to your Lordship, that we have carefully examined every branch of this important subject as it has come under our consideration; and that conscientiously believing that the claims of Great Britian to the whole of the disputed territory are founded in justice, and are in plain accordance with the second article of the Treaty of 1783, and with the physical geography of the country;

We Report,

That we have found a line of Highlands, agreeing with the language of the second article of the Treaty of 1783, extending from the north-westernmost Head of the Connecticut River, to the sources of the Chaudiere, and passing from thence, in a northwesterly direction, *south of the Roostuc*, to the Bay of Chaleurs. The course of that line is traced out on the map A, accompanying our Report. Upon the left margin of this Map we have placed a section of the country along the line as far as the Lake Keeaquawgam; and upon the right margin a perpendicular section along the exploratory due north line, accompanying them both with barometrical elevations.

We further Report that there does not exist, in the disputed territory, any other Line of Highlands which is in accordance with the second article of the Treaty of 1783; and that the line which is claimed on the part of the United States, as the Line of Highlands of the Treaty of 1783, does not pass nearer than from forty to fifty miles of the north-westernmost head of Connecticut River, and therefore has no pretension to be put forward as the Line intended by the Treaty of 1783.

We have the honour to remain, my Lord, your Lordship's most obedient humble servants,

G. W. FEATHERSTONHAUGH,
RICH. Z. MUDGE,
Commissioners.

* The Fief of Madawaska is a tract of land entirely distinct, and some distance from the settlement of Madawaska. These last are constituted by a continuous succession of small farms *on each bank* of the River St. John, extending from within five miles of the Great Falls of the St. John to even the vicinity of the mouth of the St. Francis. * * * *

† We have spoken in strong terms in our Report of the popular opinion which obtains in the United States, as to the right of that country to the territory in dispute; but the positiveness of that opinion cannot surprise us when we consider the tone of many of the official documents which have emanated from some of their legislative bodies upon this subject, and the language held by the press in that country.

[Here several extracts are made from the annual messages of the Governors of Maine, and other exciting documents, which have from time to time appeared in this paper.]—*Observer.*

GREAT MEETING ON KINGSTON HEIGHTS TO REBUILD GEN. BROCK'S MONUMENT.

From the Kingston Chronicle.

We have barely time to mention to-day, that this great meeting went off with the highest degree of unanimity and enthusiasm.

When we have in sight of Niagara on Thursday, on board that noble servant of the public, the *Great Britain*, a very beautiful spectacle presented itself to the eye—ten British steamers were seen approaching from various directions, making for the mouth of the Niagara River. The day being calm and clear, and the vessels decorated in holiday attire, the effect was singularly striking and animating. This gallant fleet collected at Niagara, and proceeded up the river to the village of Queenston. His Excellency Sir George Arthur landed from H. M. Steamer *Traveller* about one o'clock under a salute from the Heights, and proceeded through long lines of Militia Officers to the hustings, erected for the occasion, upon the hill side just in rear of the Monument. Here about 5,000 souls were assembled, exclusive of the troops, consisting of the Dragoon Guards and the flank companies of the 93d Highlanders.

His Excellency having taken the chair—the banners of the various Regiments of Militia being placed on either hand—opened the business of the day in a manly and feeling speech, which was enthusiastically received. Several resolutions were then proposed and carried by acclamation. These were introduced and seconded by speeches, principally from the following gentlemen: Col. the Hon. Sir Allan N. M'Nab, David Thorburn, Esq., M.P.P., Hon. William Morris, Col. Fraser, His Honor Justice Macaulay, Col. J. Clark, W. H. Merritt, Esq., M.P.P., Col. Askin, Col. H. Sherwood, Col. Stanton, the Hon the Chief Justice, Col. the Hon. James Kerby, Col. the Hon. W. H. Draper, Hon. R. B. Sullivan, Col. Cartwright, Col. McDonell, (Glengarry,) His Honor Mr. Justice Hagerman, Col. Ruttan, Col. Kirkpatrick, &c. &c. From the names mentioned and the animating remembrances continually called to mind by the scene around, our readers will believe that the numerous auditory enjoyed a rich treat of eloquence, perhaps never before afforded in the history of Upper Canada. Some of the allusions were very felicitous, and received additional interest from the presence of many who had taken part in the battle, and witnessed the death of their hero and chivalrous General. The speeches were probably reported, and with the resolutions will no doubt be immediately published, when we shall lay them before our readers. One feeling seemed to pervade the vast assemblage, that of the deepest indignation at the infamous authors of the outrage to the departed Hero, and the warmest desire to honor and cherish his beloved memory.

It was decided by the meeting, that the Monument should be re-built, and the militia of every rank should give one day's pay towards the fund. Other donations will also be thankfully received. Thanks were voted to His Excellency the Governor General for his liberal donation of £50; to Sir Richard D. Jackson for L20; to Sir John Harvey for a like sum; and to Sir George Arthur for L25. Before the close of the meeting, an address was read by Sir A. N. M'Nab, which he proposed should be presented to Her Majesty, congratulating her on her recent providential escape from assassination, which was unanimously adopted and is to be signed by the Chairman and Secretary on behalf of the meeting. Shortly after five o'clock the business of the meeting being over, it was moved that his Excellency leave the chair; the Chief Justice being called thereon, the cordial thanks of the meeting were given to Sir George Arthur for his obliging and dignified conduct in the chair. The meeting was then closed with three times three cheers for the Queen; 3 for Sir George Arthur; 3 for the Governor General; three for Sir John Harvey, the Hero of Stoney Creek; three cheers and one more for Sir Francis Bond Head; three for Sir John Colborne, and three for the spirited citizens of Montreal.

The meeting then broke up, when about 700 retired to a large pavilion close by, where an excellent dinner was served up. The Hon. Chief Justice Robinson in the chair.

THE OBSERVER.

ST. JOHN, TUESDAY, AUGUST 18, 1840.

THE GREAT WESTERN.

The news by the Great Western was received in this city on Wednesday evening, per steamer North America from Boston. We subjoin a summary of the principal intelligence, extracted from Boston and New-York papers.

TWENTY DAYS LATER NEWS FROM LONDON.—The steam ship Great Western, which left Bristol July 25, arrived at New York on Sunday morning, at ten o'clock, having made the passage in fourteen days and twenty hours. She brought out about 100 passengers.

The Great Western made her late pass age out to Bristol in thirteen and a half days.

Lord Hardwicke's motion for *burking* the Canada Bill was lost by a large majority—only ten voted for it. The Bill underwent sundry amendments in the Lords, all which were adopted by the Commons, when it passed and received the *Royal Assent* on the 23d of July. Thus have our predictions been fully realized. The Governor General has the option of postponing the operation of the Bill from six to fifteen months. He will probably adopt the shorter period.

The Clergy Reserves Bill has undergone much discussion, but it will ultimately pass. It has gone through the Committee in the House of Commons, and the third reading was fixed for the 28th July.

The late attempt on the Queen's life is proved to have been the work of a poor insane youth and wholly unconnected with any treasonable society, as at first anticipated. The trial of Oxford occupied several days, and an immense mass of evidence was adduced in support of his insanity. The jury returned a verdict to the effect of his being insane, and he will be confined in Bedlam for the remainder of his life.

A Regency Bill providing for any untoward occurrence during Her Majesty's accouchment, is now progressing through Parliament. Prince Albert is to be appointed sole Regent, and this has caused great vexations to the Duke of Sussex, who delivered himself of a long and foolish speech in reference to the matter.

All kinds of trade continue in the same depressed state as at our last dates, and there is a prospect of a general falling off in the crops, on account of a long spell of cold, rainy weather. Money, however, is plenty, and could be had at low rates of interest.

Colonel Thornton, who went to London for the purpose of negotiating a loan for the state of Illinois, of one million of dollars, met with no difficulty in immediately succeeding in the object of his mission, and has returned in the Great Western.

The Duke of Wellington had been again severely indisposed, but was better.

Viscount Melbourne, in answer to Lord Lyndhurst, said he had every reason to believe that the difference between England and the Neapolitan government, touching the Sulpher question, had been arranged, and that compensation would be given to the loosing parties.

Courvoisier, the murderer of Lord William Russell, was executed in pursuance of his sentence on the 9th July.

The British sloop of war Fly, on the 17th arrived at Portsmouth from Valparaiso, last from Rio Janeiro, having brought home one million seven hundred thousand dollars.

The cotton market at Liverpool was dull, and there was in some cases a fall of 1-8d. in consequence of the immense quantities received, and also the depressed state of the market for manufactured goods. There were imported from the 18th to the 24th, inclusive, 95,686 bags of cotton, of which 80,793 bags were from the United States, brought in 21 ships from Mobile, 16 from New Orleans, 7 from Apalachicola, 6 from Charleston, 6 from Savannah, 3 from New York, 1 from St. Joseph, 1 from St. Marks, 1 from Philadelphia. The sales for the week were 27,320 bales, of which 4400 bales were taken on speculation and for export.

The Princess Augusta was dangerously ill. She is in her 72d year.

On the 13th, Lord Melbourne announced a message from the Queen, proposing provision for the exercise of the royal authority in a certain contingency. This contingency is that of the death of the Queen, leaving a child in its minority. The message was introduced and read by the Lord Chancellor, as follows;

"Victoria R—The uncertainty of human life, and a deep sense of duty to my people, render it incumbent on me to recommend to your consideration a contingency that may hereafter take place, and to make such provision as may in any event secure the exercise of the Royal authority. I shall be prepared to concur with you in such measures as may appear best calculated to maintain, unimpaired, the power and dignity of the Throne, and thereby to strengthen those securities that protect the rights and liberties of my people."

The same message was presented and read in the House of Commons.

On the 16th ult. the Lord Chancellor introduced the Regency Bill into the House of Lords and explained the object of it. It is proposed that in the contingency of the crown devolving upon a minor, his Royal Highness Prince Albert shall be sole Regent, with only three restrictions on the exercise of the royal prerogatives. These are, that the Royal assent shall not be given to any Act for altering the succession to the throne; for interfering with the uniformity of doctrine and discipline at present existing in the Established Church; or for diminishing the legal privileges of the Church of Scotland.

The bill had its second reading on the 20th, and would doubtless pass without opposition. It was rumored that the Duke of Sussex had expected to be included in the regency, jointly with Prince Albert, or at least to be included, as regent by survivorship, in case of the death of Prince Albert. But the ministry did not deem it necessary to provide for this last contingency.

The Duke of Nemours, son of the King of France, with his bride, Princess of Saxe Coburgh, were on a visit in England, and occupied apartments in Buckingham Palace. Their suite consisted of one attendant each.

Customs Receipts at Liverpool.—The Customs revenue at this port amounted to upwards of £1,363,000 in the quarter recently ended, being an improvement of upwards of £230,000 on the corresponding period of the year 1839: whilst the receipts at London has receded for the same period.—*Liverpool Standard.*

The will of the most noble John Duke of Bedford has just been proved in the Prerogative Court of the Lord Archbishop of Canterbury in Doctors' Commons, by the most noble Francis Duke of Bedford, formerly the Marquis of Tavistock, son of the deceased. The personal property of the noble Duke is sworn under £250,000; Lord John Russell receives a legacy of £50,000. The late lamented Lord William Russell (who is also a legatee under the will), whose melancholy end by the hand of an assassin has created such an extraordinary sensation throughout the country, was one of the executors with Lord Geo. Wm. Russell, but the latter renounced his trust. The will is extremely long being contained in nearly 70 sheets of brief paper.—(Britannia.

LONDON, Friday, July 24.—The rapid improvement effected in naval architecture has at length placed, beyond the possibility of dispute, the practicability of navigating any part of the ocean by vessels propelled by steam. We shall soon have those gigantic machines surmounting all the perils of the "deep blue sea," and circumnavigating the globe in one unbroken line, with a degree of security, celerity and punctuality, inconceivable to our forefathers.—The West India and South American lines will soon be in operation.

The coronation of the King and Queen of Denmark took place on Sunday, June 28. After the ceremonies of coronation there was a grand Banquet for their Majesties, the Princes of the Blood, and the Officers of State; besides which fourteen dinner tables were set in other halls of the palace, for other persons who had been present at the ceremony of the coronation. In the evening, there was a grand illumination of the public buildings, and a splendid display of fireworks.

Don Carlos has again made a formal demand to be allowed his liberty, and the French Government are embarrassed to refuse it, having promised to grant this when the war should have terminated in Arragon and Catalonia. The French Government, anxious to keep its hold over the Spanish Regent, asks Don Carlos to sign an abandonment of his rights. This the Pretender refuses, unless his private property be restored, and the young Queen betrothed to his youngest son.

Charles Locock, Esq. has been appointed by the