

of New Brunswick, and many without title. The lower limit of these settlements, as they existed in March, 1839, may be stated to be the Great Falls, and the upper limit the River St. Francis; and the settlements are made on both banks of the river (that is the Main River St. John) without distinction, and are not confined to the north side of it. For some distance below the confluence of this river, quite up to the St. Francis, although the population is not so dense as it is below, yet there is such a continuity of settlements on one bank or the other, that it may be stated as the general fact, that a traveller on the river is always in sight of a dwelling or a clearing. A reference to Mr. Wilkinson's sketch, which accompanies these remarks, will show this to be the case, and also shows the chapel for the upper settlements on the southern bank of the river, about nine miles above the confluence of the Madawaska. The French settlers throughout this tract of country, without any distinction between those in the upper and those in the lower parts of it, are known in New Brunswick by the common appellation of the "Madawaska settlers," and owe a common allegiance to the Crown of Great Britain. The authorities of this province have always deemed their jurisdiction to extend alike to all parts of these settlements, and there are many instances of the exercise of this jurisdiction on record. The most remarkable instance is that of the case of John Baker, who was tried and convicted in the Supreme Court at Frederickton, in the month of May, 1825, for acts in resistance to British laws and authority, committed on the lot upon which he then resided, and still continues to reside, at the mouth of the Merumticook River, about five miles below the Fish River; which lot, when he first went upon it, about 1823, Baker considered as being within the Province of New Brunswick, and subject to its laws, and he received a provincial bounty for grain raised upon this land. In this case it was proved and held by the Court, that in point of fact, the possession and jurisdiction of the Province of New Brunswick existed throughout the Madawaska settlements, in their whole extent upwards and downwards, and that there was no line of division, in this respect, between the several parts of the whole settlement, nor any principle known to the Court, upon which any such line of division could be formed. This case was one of notoriety, and a subject of discussion between the Governments of Great Britain and the United States. A report of it was among the documents laid before the King of the Netherlands on the Boundary arbitration, and will be found in the Appendix to the Boundary Pamphlet, published at St. John, in 1839. A copy of this pamphlet accompanies these remarks, in which are marked the several passages in the trial of Baker, which are particularly applicable to the limits of the Madawaska settlements.

Thus Mr. Forsyth's reasons for not considering the territory contiguous to the mouth of the Fish River as included in the Madawaska settlement, viz. "That it is distant some twenty-five miles above it, and the two points are not connected by any continuous occupation or settlement of the country," fall to the ground.

No. 36.

*Mr. Fox to Viscount Palmerston.—(Received June 17, 1840.)*

(Extract.)

*Washington, May 28, 1840.*

I HAVE had the honour to receive your Lordship's despatch upon the subject of the Maine boundary negotiation of the 30th of April, delivered to me by the Earl of Mulgrave. I have duly communicated the substance thereof to the Government of the United States. No further proceedings have been had in Congress with reference to the boundary negotiation, or to the affairs of the disputed territory, since the date of my last despatch to your Lordship.