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# The Standard.

## NEW-BRUNSWICK.

Volume 5.

SAINT ANDREWS, SATURDAY, SEPTEMBER 22, 1838. Number 97.

### MONTHLY ALMANAC

1838.	First week	Second week	Third week	Fourth week	Old days
July	1	8	15	22	29
Saturday	2	9	16	23	30
Sunday	3	10	17	24	31
Monday	4	11	18	25	
Tuesday	5	12	19	26	
Wednesday	6	13	20	27	
Thursday	7	14	21	28	
Friday					

USEFUL MEMORANDA.  
Average time of Sun rise this day, 6m. after  
Do. Sun set 6m. before  
Moon's First Quarter, on the 3d at 58m. after  
Do. Full 10th—10m. before  
Do. Last Quarter 15th—10m. before  
Do. New 22nd—7m. after  
High Water at Full Moon—5m. after

REMARKS  
On the Disputed North-Western Boundary  
of New Brunswick, bordering on the  
United States of North America by Captain  
P. YULE, Royal Engineers.  
(Continued.)

First they persuade our Commissioners, in the year 1798, to yield only a branch of an insignificant river—a trifling to our magnanimous nation; then they make no immediate objection to our Commissioners making Mars hill the termination of the North line, but receive it as a point to be discussed, although sensible of its incompatibility with the conditions of the Treaty, so that any future and suitable time its absurdity could be rendered available in argument by the easy proof of its weak character.

One untenable point being argued on, its necessary abandonment by us weakens the whole cause, and renders the opposite view of it more popular with our antagonists, who may thus, with good show of reason, complain of the spirit shown by us towards the fulfilment of the Treaty.

It may be asserted, that, if a nation shall find itself convicted of having advantageously yielded certain advantages, it is bound to adhere to the decisions of its authorized agents, with all their defects; but, on the other hand, if a foreign people rigidly exact mistaken concessions to the letter, they should no longer be considered as entitled to share such privileges as are usually granted to the most favoured nations, bound by ties of mutual interest.

We are ready to admit, that the letter of the Treaty of 1783, is not clearly against the claim of the United States; of its spirit, as an American, we conceive can doubt.

In all transactions between parties, their obvious meaning and intention must be considered; and by this test, no one can suppose that Great Britain conceded such an advantage as is given by this claim on the part of the United States.

A contract which might at first operate against one party may eventually become so changed in its effect, neither party conceiving that it lost any advantage as compared with the other, that both would be willing to leave it untouched; but this Treaty, which is not yet fulfilled, and of which the terms are doubtful in expression, though sure in their meaning, was always against us, and ever must be so.

Nothing can change its erroneous, unquitable nature; as would be the case, for instance, in a matter of compromise with respect to an estate, of which the smaller portion might be equivalent by containing valuable timber, soil, or mines.

But the American claim grasps at the whole, yet any portion yielded to them north of St. John would neutralize the benefit to Great Britain of any compromise.

It was evidently the true intent of the Treaty of 1783 to secure to the respective parties the whole courses of those rivers and their tributaries, the mouths of which were mutually known and acknowledged as belonging to the respective parties, the sources of these were to serve as starting points from which at any time, and for ever, while water flows, as each successive tributary was ascended to its source, every inhabitant of the country could point out the frontier line.

Nothing more simple than such a boundary as nature points out; to determine it neither commissioners, nor men of science need be summoned to the assistance of two Governments willing to agree.

In a Court of Equity such a case as this, on a glance at the relative situation of the two countries as to their frontier, would at once be decided in favour of Great Britain.

We appear always to have got tired of their impertinence, and got rid of it by yielding. Yet, if we now blame our Commissioners in 1793 and 1798, the United States people may say that we only yielded points of little value, and must not make a merit of such concessions when the struggle of important interests begins.

The argument would be excellent for them now that they have got nearly every thing, and would serve as the ordinary proof derived from every experience how vain it is to expect from them or any other people that a spirit of conciliation, unless it is not on the contrary very injurious to the yielding party, by encouraging a spirit of perseverance in encroachment on the other.

Nevertheless we are inclined to do justice to the sincerity of the United States Government for some years past in the negotiation of this matter. It is the popular feeling against which, by the former mode of conducting it, that Government and ours have now to contend; for by not settling it sooner time has been allowed for a new generation to spring up in the United States, who from their earliest years have imbibed the conviction that we withheld from them a portion of their territory.

The following is an instance of their usual

"Les deux pendantes." Mem. Edig. et Fr. Com. des 1795, p. 164. This rule was followed at the Treaty of Pines between France and Spain, also in the discussions under the Treaty of Utrecht on the boundaries of Nova Scotia or Acadia.

mode of treating this question:—In one of their recent official documents above mentioned, it is stated that we requested at the Treaty of Ghent "such a variation of the line of frontier as might secure a direct communication between Quebec and Halifax." It is probable enough that in the course of discussion, allusion might have been made by us to such an arrangement as might meet the case of a decision being made against us, but was the change of this occurrence to be considered as an admission on our side of doubt of the justice of our claim? Certainly not; it arose merely in the course of the wide range which such discussions may be expected to take. Where is the formal proposal by us to obtain the variation of our acknowledged line?

"Resort was then had to ingenuity," continues the document; and the proof adduced is, "that there was much doubt whether it does not already belong to Great Britain," but there is nothing to imply either our concession or such a doubt as could be entertained by any person who examines the subject, unless it be that which has been virtually afforded by too prolonged a discussion.

The United States writers quote our Commissioners to Governors, in which are given a description of the limits of their separate jurisdiction, to prove what they assert to be our former interpretation of boundaries within our Colonies. What right, it may be asked, have they to found a claim on the words of a document, which is private as regards time, place, and where did they obtain it? Besides, a commission of such a nature is drawn up with little care as regards the definition of a boundary, common to another Province under the same Government, since any question between them could be settled by the order of the Secretary of State for the Colonies.

Our of their Committees reports: "It is time indeed for us to begin to search, and in the right places, too, in order to put a stop to those perpetual encroachments upon our territory and rights. Our first object should be to ascertain and trace the North Boundary of Nova Scotia, which is the South Boundary of the Province of Quebec, and see if Canada comes as far down as Mars Hill." There are no objections to giving the United States agents every facility to examine the country on the disputed line between New Brunswick and them, but as to the line between Canada and Nova Scotia, which is common to those two Provinces only, the local authorities must look to the encroachment and stop the intruders.

The United States have a very convenient mode of negotiating with a foreign power. If it is any object which they claim,—the indemnification\* by France for a recent instance,—they are unanimous: their national honour is touched; but when they are asked to yield then we hear of "State rights." You must understand our Constitution. We do not insist that the United States to limit or change the boundary of a state or cede part of its territory without its consent.

The general Government calls these "constitutional difficulties insuperable," and the individual State "never will concede the principle that its territory can be transferred; will allow of no award, and declares for the whole claim and no modification of it."

With the bravado of any separate State, the British Government have nothing to do; it may, however, be considered as a species of feint, which can be disclaimed, according to circumstances, by the general Government.

In the late negotiations, a proposal was made by the Secretary of State of the United States, to Sir Charles Vaughan (letter of April 30th, 1833) that, if after more accurate surveys shall have been made, it should be found that the North course, from the head of St. Croix, should not reach the Highlands, which answer the description of those designated in the Treaty of 1783, then, a direct line from the head of the St. Croix, whatever may be its direction to such Highlands, ought to be adopted, and the line would still be conformable to the Treaty.

But Sir Charles Vaughan, in his letter of December 8, 1834, remarks, "that the operations of surveying Commissioners can lead to no practical result, unless it be settled beforehand, which are the rivers that fall into the St. Lawrence, and which are those that fall into the Atlantic Ocean," and the question is, whether the term, "Bay of Fundy" is synonymous with "Atlantic Ocean," or is a geographical feature per se. We contend that it is, but the Americans maintain not only that the Bay of Fundy is a part of the Atlantic Ocean, but the gulph of St. Lawrence too, and even the Bay of Chaleur within it! Sir Charles Vaughan points out very clearly the distinction between those two terms, for which the United States

\*Indemnification for losses suffered by American citizens during the last war.

His statement is, "that the framers of the Treaty of 1783, when they used in the second Article, the words 'rivers which fall into the Atlantic Ocean,' could not possibly have meant any rivers, whose mouths were situated to the eastward of the river St. Croix, which falls into the Bay of Fundy. It is enough sufficient, on the present occasion, to advert, in support of this construction of the words of

Secretary of State, in his letter of April 28th, 1835, briefly remarks that, "he is not apprised of any thing new, either of fact or argument, that has now, for the first time, been brought forward. The inability of renewing the discussion on this point is so obvious, that the undersigned deems it necessary merely to suggest that, however convincing and satisfactory the argument of the British Government is to itself, it has been ever considered by the United States as altogether inconclusive." We look upon this reply as insinuating to the gravity of diplomatic correspondence, and as an obvious symptom of what occurs in ordinary argument, when a person, feeling the weakness of his cause, affects to despise anything new that his antagonist can advance.

We fully agree with Sir Charles Vaughan, that, under all present circumstances, farther surveys would be useless. Any line, whether due north, or to the west of it, must soon strike the tributaries either of the Penobscot or the St. John; we have stated above, that it should never cross a running stream, as before reaching it from the St. Croix, "Highlands," i. e. the ridge dividing streams, must be reached.

It is also to be observed, that even if the St. John were allowed by us to be an Atlantic river, and supposing that the north line, or the lately proposed line, west of the north line, had reached any one of its tributaries, it could not consistently with the terms of the Treaty, quit that tributary to go on the main branch, when the sources of streams, i. e. the ridge dividing running waters were the very objects serving to direct the course of the boundary line; and it would be a still greater anomaly by going north to pass the principal, i. e. the St. John, and then be guided by the tributary; tributaries having been passed over before.

No line can be drawn in any direction so as to reach Highlands dividing running waters, according to conditions in which both nations agree, unless it proceeds straight to the source of the Kennebec, and the Mettarmette,\* and as this would give more than we claim, it cannot be the line intended by the United States Government by their proposal of April 30, 1833; the effect of which, therefore, is only to delay the final decision. Yet such a line would be only in conformity with the rule proposed by themselves, viz. first, to find the natural object, (of which there can be no doubt,) then to proceed to it straight from any other given point.

In this point the conduct of the Americans forms a striking contrast with the frank and friendly spirit evinced by the British Government relative to this affair.

After the award of the King of Holland in 1831, we did not cease, during a period of three years to express our readiness to abide by it, notwithstanding its very disadvantageous nature to us, although the Americans at once assumed a disposition not to do the same.

At length, seeing the inability of waiting until the United States would become actuated by a like conciliating spirit, we reluctantly abandoned the hope of having this question terminated, as of right it ought to have been, as the result of the mediation of the King of Holland.

With respect to the territory itself, its possession is to be regarded in several points of view; either as a means of attack and defence; as a matter of national honour; or one of mere marketable value.

It is obvious that any war carried on in North America, must be purely defensive on our side, and while we should be weakened by the loss of this ground, the position of the United States would not, by possessing it, be affected as to the power of defence, but would be greatly enhanced in its means of attack.

As to the point of national honour, neither the Treaty, to the striking fact that, whilst the river St. Mary, which was to form the southern boundary of the United States, is described in the second Article of the Treaty, as falling into the Atlantic Ocean, the river St. Croix, which was to form the eastern boundary, not merely in the same article of the Treaty, but in the very next member of the sentence, is described as falling into the Bay of Fundy, while a little further on in the same article, the eastern line of boundary, where it terminates at the mouth of the river St. Croix, and the southern line of boundary, where it terminates at the mouth of the river St. Mary, are described as respectively touching the Bay of Fundy and the "Atlantic Ocean."

Can it be seriously maintained that, in a Treaty for settling a question of vast importance as a boundary between two contiguous states, a matter which, of all others, imperiously requires precision of expression, the terms "Bay of Fundy," and "Atlantic Ocean," should have been thus set, not once only, but twice in the same article, in pointed opposition to each other, and yet that no real distinction should have been intended to be drawn between them; but these terms should have been carelessly used as synonymous and convertible expressions? His Majesty's Government conceive that no reasonable doubt can be entertained that, where the St. Croix, the eastern limit of the United States, is described, in contradistinction to the other rivers which are mentioned in the same article, as flowing into the Atlantic Ocean.

But, if the St. Croix, whose mouth is situated at the very entrance of the Bay of Fundy, is not an Atlantic river in the meaning of the Treaty, none of the rivers which discharge themselves to the eastward of St. Croix, and higher up in the Bay, can possibly be considered as such.

\* A line from A to C.

party is touched; it has been hitherto treated only as a matter of local interest.

Whatever confidence we may have in the justice of our claim, yet since it has been so long considered as a matter of doubt and negotiation, which never would have been the case had we known the country as it was our bounden duty to do, and schemes of enterprise having been directed towards this territory south of the river St. John, more by the American people than by us, it has been suggested, in order to assist the general Government of the United States, to indemnify the State of Maine for the loss of that which was looked upon as more than a prospective gain, and which, (however in a public point of view unfounded,) may be so considered with respect to individuals—that a sum of money amounting to the value of land in the adjoining part of the State of Maine at this time, should be advanced for the purpose of contributing towards the purchase of lands for that State in the Western Territory.

It has been asserted, by high authority in the United States, that the territory in dispute is of no use to them. As a mere matter of opinion, from such a quarter, it is of importance.

But it is of value to us. Where, then, would be the spirit of the Treaty inculcating it, the duty of the two countries, to establish such an intercourse as may secure to both perpetual peace and harmony? Would it be shown, in their insisting on acquiring a tract of country which has always been under British jurisdiction, and in retaining which, we are entitled to consider ourselves secure from the possibility of imputation of being influenced merely "by a desire to acquire territory;" the belief of which, however, is disclaimed by the United States Government—(Mr. Forsyth's letter to Mr. Bankhead; Washington, Feb. 29, 1836).—the said tract affording to the United States no additional defence in war, the yielding of the claim to which affects no national feelings; while, on the other hand, their possession of it would cut off the intercourse between our Provinces during peace,—in war, would deprive us of barely the means of defence, but none of attack.

On our side the object is peaceable; it is security against attack, which every nation has a right to insist on its negotiations during peace; on the other side, the object of its possession by the United States is hostile, ambitious,—holding over us the power, not merely to invade, but to stop our intercourse with the Canadas at the very commencement of hostilities, before they might be even known in England.

This could be shown in detail, by pointing out the nature of the country, so as to be obvious even to those unaccustomed to such inquiries; but a discussion of this nature would be out of place here.

In concluding, then, we have merely to call attention to the lines in the accompanying sketch, which, whether proceeding from G, the source of the true main branch established by the boundary by convention, are traced on the principle of following up the ridge dividing British waters falling into the Bay of Fundy on one hand, from the Penobscot or American waters falling into the Atlantic Ocean on the other, until we arrive, without having crossed any stream whatever, at the point C, where the line falls on the ridge, which in a similar manner divides the Mettarmette, a branch of the Chaudiere, or British waters on the one hand, from the Kennebec or American waters on the other hand; and this ridge continued until it reaches the parallel of latitude 45°, completes the range of Highlands fulfilling, as we conceive, the terms of the Treaty.

Montreal, Sept. 6.

In turning our attention from the calm, we hope not delusive, in which Lower Canada at present reposes, to the Upper Province, the conviction is forced upon us, that there are elements at work in the latter which, if not speedily removed, portend no good to the welfare of its inhabitants. We evidently live in times, perhaps the most critical to these fine colonies, that they have ever experienced, and no slurring over, or tampering with, their causes of complaint should be tolerated. We shall, at present, endeavour to lay before our readers as correct a view of the political state of the Upper Province as our means of information will enable us to give.

That the body of its inhabitants are strongly attached to the continuance of the connection of this country with the land of their forefathers, and, to a large portion of them, the land of their birth, between which and them the ties are many and still fresh the events of last winter prove beyond a doubt. British connections, was in fact, the pivot on which the contest alluded to, turned, and was the principle which mainly brought the colony triumphantly out of its difficulties. But farther than this we go not. The steady fastness of its people in the day of trial, when the question was separation from, or connection with, the Parent Country, although they wisely decided for the latter, does not prove that they have no ground of discontent with their present form of Government or the mode in which it is administered.

tered,—as soon to be taken for granted by a certain class among them. On the contrary, the discontent which existed previous to the late attempt at revolution, and which was for a while submerged in the great consideration of British connection, has reappeared in more formidable strength. It is more general, less concealed than before, and is crowded by classes of the community, whose loyalty cannot be suspected. It is not possible then, shall we not say probable, that this feeling of wrong, and injustice from the Local Government or its servants, may, if not abated by the removal of its causes, increase to such a degree as to smother the attachment, that exists, to British rule? We must not forget the origin of the men who inhabit the country, who, we doubt not, could warmly respond to the lines of the poet.

We're the sons of sires that baffled  
Crown'd and mitred tyranny;  
They defied the field and scaffold  
For their birthrights—so will we.

There is another consideration which must not be overlooked. The very men who crushed internal revolt and nobly defended the shores of their country from the incursions of piratical invaders, are among the number of the discontented; and it cannot for a moment be supposed, that after having done their duty to the Government, they will be more patient on that account, in waiting till Government yields them the justice they demand. In this quarter we may find ample cause for the alarming increase of the dissatisfaction of the people of Upper Canada with the state of things among them.

It is high time, however, for us to offer some proof of the truth of what we have advanced; and as we cannot adduce to our readers a testimony, (which they may nevertheless easily obtain to any one who has lately travelled in the Upper Province, and whose judgement is worth a fig,) there will be wanting in their case a part of the evidence which has had great weight on our own judgment.

It cannot be denied that emigration to an unprecedented extent has taken place this summer from the Province to the United States. How is this to be accounted for? We do not allude to those who left their country for their country's good; but to farmers and others of respectability and property. Can we believe that it is dislike to the abstract idea of being under British rule that made these men sell their properties at a loss and leave the country they had for years regarded as their own, and go among strangers? It is impossible. They must have had some substantial grievances, not imaginary ones; and also little hope of their being speedily redressed.

On the occasion of His Excellency Sir GEORGE ARTHUR's visit to Prescott, a series of resolutions, passed at a public meeting, in opposition to an address privately got up, was presented to him by a deputation. In one of these resolutions, they state that they deemed it inexpedient to unite with the others in the presentation of their address, as, if that address were generally signed, it would convey the impression that the inhabitants of this place are contented with things as they are, whereas it is otherwise with a large proportion of them, as it is, also, we are well assured, with the majority of the Freeholders of the County of Grenville. The principal cause of complaint is, that in violation of the spirit of British institutions, power is continued in the hands of men not possessing the confidence of the country.

The manner in which the patronage of the Crown has been employed, almost exclusively for the benefit of an Oligarchy, and amongst its supporters, proceeding from this source, is also matter of deep complaint and heartburning. At the same time there is throughout the country, generally an abhorrence of ultraism—as well that spirit of ultra reform which has already led to rebellion, as that ultra Toryism which has threatened it.

The latter paragraph in this extract alludes to what has so long been the curse of Upper Canada, the dominance of the "Family Compact," which has managed to keep in leading-strings, most of the Governors of the Colony, and to gorge its members with all the leaves and boughs of the lowest as well as of the highest offices. A writer in the Toronto Palladium, quaintly enough describes its principle of policy, as "Posing for officers and not officers for Posts."

Another proof that all is not right, is the conviction, every day gaining ground, of the necessity of another General Election; and we would quote on this point, as meaning more than meets the eye, the words of the Lieutenant Governor in his reply to an address from the inhabitants of Cobourg. They are these:—

"There never was a period when the general support of the people of Upper Canada was more necessary in aid of the Local Government."

We intended to glance at the Recto is ex-  
clamation, which assuredly is no inefficient  
element of the dissatisfaction in question,  
but finding that our remarks have already ex-  
tended so far, we shall here conclude, by  
extracting a technical description of the











